

AMABWIRIZA RUSANGE
N°2310/2018 - 00013[614] YO KUWA
27/12/2018 YA BANKI NKURU Y' U
RWANDA YEREKEYE IBISABWA
MU KWEMERERA AMABANKI
GUKORA

REGULATION N° 2310/2018 - 00013[614] OF
27/12/2018 OF THE NATIONAL BANK OF
RWANDA ON LICENSING CONDITIONS OF
BANKS

REGLEMENT N° 2310/2018 - 00013[614]
DU 27/12/2018 DE LA BANQUE
NATIONALE DU RWANDA PORTANT
CONDITIONS D'AGREMENT DES
BANQUES

ISHAKIRO

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**AMABWIRIZA RUSANGE
N°2310/2018 - 00013[614] YO KU
WA 27/12/2018 YA BANKI NKURU
Y’ U RWANDA YEREKEYE
IBISABWA MU KWEMERERA
AMABANKI GUKORA**

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DU 27/12/2018 DE LA BANQUE
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CONDITIONS D’AGREMENT DES
BANQUES**

Ishingiye ku Itegeko N° 48/2017 ryo ku
wa 23/09/2017 rigenga Banki Nkuru y’u
Rwanda, cyane cyane mu ngingo zaryo,
iya 6, iya 8, iya 9, iya 10 n’iya 15;

Pursuant to Law N° 48/2017 of 23/09/2017
governing the National Bank of Rwanda especially
in its articles 6, 8, 9, 10 and 15;

Vu la Loi N° 48/2017 du 23/09/2017 régissant
la Banque Nationale du Rwanda, spécialement
en ses articles 6, 8, 10 et 15 ;

Ishingiye ku Itegeko N° 47/2017 ryo ku
wa 23 /09/2017 rigenga imitunganyirize
y’imirimo y’amabanki, cyane cyane mu
ngingo zaryo, iya 8, iya 9, iya 10, iya 11,
iya 12, iya 13, iya 14 n’iya 55;

Pursuant to Law N° 47/2017 of 23/9/2017
governing the organization of banking, especially in
articles 8,9, 10,11,12,13,14 n’iya 55;

Vu la Loi N° 47/2017 du 23/09/2017 portant
organisation de l’activité bancaire,
spécialement en ses articles 8, 9, 10, 11, 12, 13,
14 et 55 ;

Isubiye ku rusange N° 03/2008 yerekeye
ibisabwa mu kwemerera amabanki
gukora nk’uko yahinduwe kandi
akuzuzwa kugeza ubu ;

Having reviewed the regulation N° 03/2008 on
licensing conditions of banks as modified and
complimented to date;

Revu le règlement N° 03/2008 portant
conditions d’agrément des banques tel que
modifié et complété à ce jour ;

Banki Nkuru y’u Rwanda, mu ngingo
zikurikira yitwa « Banki Nkuru », itanze
amabwiriza rusange akurikira:

The National Bank of Rwanda, hereinafter referred
to as «Central Bank», decrees:

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

**UMUTWE WA MBERE: INGINGO
RUSANGE**

CHAPTER ONE: GENERAL PROVISIONS

**CHAPITRE PREMIER:
DISPOSITIONS GENERALES**

**Ingingo ya mbere: Impamvu y’aya
mabwiriza rusange**

Article One: Purpose of this regulation

Article Premier: Objet du présent règlement

Aya mabwiriza rusange ashiraho
ibisabwa n’uburyo bwo kubona

This regulation sets requirements and procedures to
applicants seeking a licence to conduct banking
activities.

Ce règlement définit des exigences et les
procédures à suivre par des requérants désireux

uruhushya rwo kwemererwa gukora umurimo w'amabanki.

Ashyiraho kandi ibisabwa kugirango hashingwe ibiro bihagarariye banki

It also sets requirements for the establishment of a representative office.

d'obtenir une licence pour exercer des activités bancaires.

Il définit également des conditions requises pour l'établissement d'un bureau de représentation.

Ingingo ya 2: Ibisobanuro by'amagambo

Article 2: Definitions

Article 2 : Définitions

Muri aya mabwiriza rusange, akurikira afite ibisobanuro bikurikira:

In this Regulation, the following shall mean:

Dans le présent règlement, les termes suivants signifient :

1° **Banki:** isosiyete ihamagarira rubanda kuyiguramo imigabane ifite uburyozwe bugarukira ku migabane cyangwa koperative yemerewe na Banki Nkuru gukora imirimo yo kwakira no kubika amafaranga no gutanga inguzanyo ku giti cyayo. Cyakora, banki z'iterambere ntizemerewe kwakira no kubika amafaranga ya rubanda;

1° **Bank:** public company limited by shares or a cooperative licensed by the Central Bank to undertake activities of accepting deposits and granting loans for its own account. However, development banks are prohibited to collect deposits from the public;

1° **Banque:** société publique à responsabilité limitée par action ou une coopérative agréée par la Banque Centrale pour effectuer des activités de recevoir des fonds pour dépôts et consentir des prêts pour son propre compte. Toutefois, des banques de développement ne sont pas autorisées à recevoir des dépôts du public ;

2° **Uruhare rugaragara:** amafaranga ashorwa mu migabane ya banki, ku buryo butaziguye cyangwa buziguye, ari yonyine cyangwa ari hamwe n'andi, ahwanye nibura n'atanu ku ijana (5%) y'imari shingiro

2° **Significant holding:** a shareholding in a bank that, directly or indirectly, alone or in conjunction with others, represents at least five percent (5%) of the equity capital or voting rights, or that makes it possible to exercise a significant influence over decisions related to the management of that bank;

2° **Participation significative:** participation dans une banque qui, directement ou indirectement, représente seule ou avec d'autres, au moins cinq pour cent (5%) de ses fonds propres ou de ses droits de vote ou qui permet d'exercer une influence significative dans la prise

yayo cyangwa
by'uburenganzira bwo gutora
bwa nyirayo cyangwa
amuhesha ububasha bwagira
ingaruka mu ifatwa
ry'ibyemezo mu micungire
y'iyo banki;

de décisions relatives à la gestion de
cette banque ;

3° **Umuyobozi Mukuru:**
umukozi uri mu buyobozi
bukuru uri ku rwego rwo
hejuru/cyangwa abakozi
b'ingenzi bashinzwe imirimo
ya banki. Muri bo harimo:

3° **Senior manager:** the management
personnel that are the high-level/key
executives of the bank. These are:

3° **Cadre dirigeant:** le personnel de
direction générale qui est le cadre
supérieur de la banque. Ceux-ci sont
:

- a) Umuyobozi Mukuru
(CEO/MD);
- b) Abakozi bo mu buyobozi
bukuru batanga raporo ku
Nama y'Ubutegetsi
cyangwa kuri Komite
z'Inama y'Ubutegetsi; na
- c) Abakozi bo mu buyobozi
bukuru batanga raporo ku
Muyobozi Mukuru
(CEO/MD).

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

- a) le CEO et/ou Directeur Général
(DG);
- b) les membres de la direction
générale répondant au Conseil
d'Administration ou aux
Comités du Conseil
d'Administration ;
- c) les membres de la direction
répondant au CEO et/ou au
Directeur général (DG).

UMUTWE WA II: IBISABWA MU KWEMERERWA

CHAPTER II: REQUIREMENTS

LICENCING

CHAPITRE II: DES EXIGENCES D'AGREEMENT

Ingingo ya 3: Ibyiciro by'amabanki hashingiwe ku mirimo yayo

Article 3: Categories of banks and their respective activities

Article 3: Catégories de banques et leurs activités respectives

Usaba kwemererwa gukora umurimo w'amabanki asaba kuwukora muri ibi byiciro:

The applicant may apply for a licence to conduct the banking activities in the following category:

Le requérant peut demander une licence pour exercer des activités bancaires dans l'une des catégories suivantes:

- 1° Banki y'ubucuruzi;
- 2° Banki y'iterambere;
- 3° Banki y'abanyamuryango;
- 4° Banki y'imiturire

- 1° Commercial Bank;
- 2° Development Bank;
- 3° Cooperative Bank;
- 4° Mortgage Bank;

- 1 ° Banque commerciale;
- 2 ° Banque de développement;
- 3 ° Banque coopérative;
- 4 ° Banque hypothécaire;

Imirimo yihariye ya buri cyiciro cy'amabanki iteganijwe ku mugereka wa 1 w'aya mabwiriza rusange.

The respective activities of each category of a bank are provided in the Appendix 1 of this regulation.

Les activités respectives de chaque catégorie de banque figurent à l'annexe 1 du présent règlement.

Banki Nkuru ishobora kugena amabwiriza n'amahame ngenderwaho n'ibindi bisabwa hashingiwe ku cyiciro cy'amabanki, sitati y'ayo n'imirimo ya bank.

The Central Bank may by a directive, establish prudential rules and other requirements applicable to banks based on their categories, legal status and activities.

La Banque Centrale peut, par une directive, établir des règles prudentielles et d'autres exigences applicables aux banques en fonction de leurs catégories, de leur statut juridique et de leurs activités.

Ingingo ya 4: Imari shingiro isabwa

Article 4: Required paid up capital

Article 4 : Capital libéré requis

Imari shingiro y'usaba uruhushya rwo kwemererwa gukora imirimo ya banki igomba kuba ihagije kugira ngo ibashe guhaza ubwinshi n'ubwoko bwa serivisi ziteganywa gutangwa mu ruhando rw'ipiganwa rihambaye.

The applicant's capital shall be adequate to support the projected volume and category of banking activities planned in a highly competitive environment.

Le capital du requérant doit être suffisant pour faire face au volume et au type de prestations bancaires prévues dans un environnement hautement concurrentiel.

Imari shingiro y'usaba gukora umurimo w'amabanki nka banki y'ubucuruzi

The applicant proposing to conduct banking activities as a commercial bank, shall have a

Le requérant qui souhaite exercer des activités bancaires en tant que banque commerciale doit

agomba kuba afite imari shingiro itari muni y'amafaranga y'u Rwanda miliyari makubiyabiri (20.000.000.000 FRW).

Imari shingiro y'usaba gukora umurimo w'amabanki nka banki y'iterambere agomba kuba afite imari shingiro itari muni y'amafaranga y'u Rwanda miliyari mirongo itanu (50.000.000.000 FRW).

Imari shingiro y'usaba gukora umurimo w'amabanki nka banki y'abanyamuryango agomba kuba afite imari shingiro itari muni y'amafaranga y'u Rwanda miliyari icumi (10.000.000.000 FRW).

Imari shingiro y'usaba gukora umurimo w'amabanki nka banki y'imiturire agomba kuba afite imari shingiro itari muni y'amafaranga y'u Rwanda miliyari icumi (10.000.000.000 FRW).

Umuntu usaba uruhushya rwo kwemererwa gukora agomba kugaragaza ubushobozi afite bwo guhorana imari idahungabanywa n'igihombo ku gipimo cyagenwe, idashobora kujya muni igihe cyose kandi akubahiriza icyitegererezo gihoraho cy'imari shingiro ihagije igenwa hakurikijwe amabwiriza rusange n'amabwiriza ya Banki Nkuru.

minimum paid up cash capital of not less twenty billion Rwanda Francs (FRW 20,000,000,000).

The applicant proposing to conduct banking activities as a development bank, shall have a paid up cash capital of not less than fifty billion Rwanda Francs (FRW 50,000,000,000).

The applicant proposing to conduct banking activities as a cooperative bank, shall have a paid up cash capital of not less than ten billion Rwanda Francs (FRW 10,000,000,000).

The applicant proposing to conduct banking activities as a mortgage bank, shall have a paid up cash capital of not less than ten billion Rwanda Francs (FRW 10,000,000,000).

The applicant for a licence shall demonstrate the ability to maintain its capital funds, unimpaired by losses at the prescribed minimum amount at all times and to comply with the ongoing capital adequacy ratios established in accordance with the Central Bank regulations and directives.

disposer d'un capital en numéraire libéré d'au moins vingt milliards de francs rwandais (20.000.000.000 FRW).

Le requérant souhaitant d'exercer des activités bancaires en tant que banque de développement doit disposer d'un capital en numéraire libéré d'au moins cinquante milliards de francs rwandais (50.000.000.000 FRW).

Le requérant souhaitant d'exercer des activités bancaires en tant que banque cooperative doit disposer d'un capital en numéraire libéré d'au moins dix milliards de francs rwandais (10.000.000.000 FRW).

Le requérant souhaitant d'exercer des activités bancaires en tant que banque hypothécaire doit disposer d'un capital en numéraire libéré d'au moins dix milliards de francs rwandais (10.000.000.000 FRW).

Le requérant d'agrément doit démontrer qu'il est capable de maintenir ses fonds propres sans subir de pertes du montant minimal prescrit en tout temps, et de respecter les ratios de fonds propres établis conformément aux règlements et directives de la Banque Centrale.

Ingingo ya 5: Imiterere y'imari shingiro

Mu miterere y'imigabane ya banki isaba kwemererwa gukora hagomba kugaragamo ugukorera mu mucyo guhagije kugira ngo byorohereze Banki Nkuru gusuzuma abashoye imigabane mu kigo, baba abayishoye ku buryo buziguye ndetse n'ubutaziguye, ndetse n'ibigo bigishamikiyeho.

Banki Nkuru isuzuma imirimo ya kera y'ubucuruzi yo mu rwego rwa banki n'iyi mu rwego rutari urwa banki, yakozwe n'abafite imigabane myinshi, ubudakemwa bwabo n'uburyo bahagaze mu rubuga rw'abacuruzi, n'ubushobozi mu by'imari abashoye imigabane myinshi bafite n'ubushobozi bafite bwo kongera gutanga indi nkunga y'imari, biramutse bikenewe.

Dosiye isaba kwemererwa gukora, ariko umwe mu bafite imigabane myinshi akaba atujuje ibisabwa mu bijyanye n'ubunyangamugayo n'ubushobozi nk'uko biteganywa mu mabwiriza rusange yerekeye imiyoborere y'amabanki, ntiyemererwa.

Inkomoko y'imari shingiro y'ibanze igomba gushorwa n'indi mari iteganywa gushorwa igomba kumenyeshwa Banki Nkuru, kimwe n'ijanisha ry'imigabane rya buri munyamigabane wese.

Article 5: Ownership structure

There shall be sufficient transparency in the ownership structure of the proposed bank so as to enable the Central Bank to evaluate the bank significant direct and indirect shareholders and their corporate affiliations.

The Central Bank shall review the significant shareholders' past banking and non-banking business ventures, their integrity and standing in the business community, as well as the financial strength and their ability to provide further financial support, should it be needed.

An application, in which one of the significant shareholders does not satisfy the fit and proper person criteria as defined in the regulation on corporate governance for banks, shall be rejected.

The source of the initial capital to be invested and that of any future funding, shall be disclosed to the Central Bank, as well as the percentage shareholding of each shareholder.

Article 5: Structure de l'actionnariat

La structure de l'actionnariat de la banque proposée doit être suffisamment transparente pour permettre à la Banque Centrale d'évaluer des actionnaires importants directs et indirects de la banque et leurs affiliations.

La Banque Centrale examine les activités antérieures des actionnaires importants, que ce soit dans le secteur bancaire ou non bancaire, leur intégrité et la réputation dont ils jouissent dans le domaine des affaires, ainsi que la solidité financière de tous les actionnaires importants et leur capacité à fournir un soutien financier additionnel, en cas de besoin.

Une demande dans laquelle l'un des actionnaires importants ne remplit pas les critères d'intégrité et de compétences comme prévue dans le règlement relatif à la gouvernance des banques, est rejetée.

La source du capital initial à investir et celle de tout financement futur sont communiquées à la Banque Centrale, ainsi que le pourcentage de participation de chaque actionnaire.

Buri munyamigabane yaba ari umuntu ku giti cyeye cyangwa ikigo, agomba gushyikiriza Banki Nkuru inyandiko iri ku mugereka wa 5 w'aya mabwiriza rusange yemeza ko umutungo wifuzwa gushorwa udaturuka mu bikorwa bitemewe n'amategeko, mu byaha no mu bikorwa bikemangwa.

Banki Nkuru ishobora gukora iperereza ku nkomo y'iyi muri kugira ngo yizere ko itakomotse mu bikorwa bitemewe n'amategeko, mu byaha no mu bikorwa bikemangwa.

Ingingo ya 6: Urwego rw'abayobozi bakuru muri banki

Usaba kwemererwa gukora agomba kugaragaza, ku buryo bunyuzwe Banki Nkuru, ko abayobozi bayo bujije ibisabwa mu byerekeye ubunyangamugayo n'ubushobozi nk'uko biteganywa mu mabwiriza rusange yerekeye imiyoborere y'amabanki.

Abari mu nama y'ubuyobozi n'abakozi bakuru bagomba kuba bafite ubumenyi buri ku rwego rutuma babasha gukora imirimo y'ubucuruzi banafite ubushobozi bwo gupigana n'ibindi bigo by'imari bihari.

Each proposed significant individual and institutional shareholder shall submit declaration provided in Appendix 5 of this regulation, a statement to the effect that the proposed capital of funding is not from illegal, criminal and suspicious activities.

The Central Bank may investigate the source of such funds to ensure funds are not derived from illegal, criminal and suspicious activities.

Article 6: Status of the bank's senior managers

The applicant shall prove, to the satisfaction of the Central Bank that the applicant's senior management satisfies the fit and proper criteria as defined in the regulation on corporate governance for banks.

The directors and senior managers shall have relevant qualifications (both academics and profession) and experience at a level, which shall enable them to conduct business competently and competitively with existing financial institutions.

Chaque actionnaire important individuel et institutionnel proposé doit soumettre une déclaration, fournie à l'annexe 5 du présent règlement, indiquant que le capital de financement proposé ne provient pas d'activités illégales, criminelles ou suspectes.

La Banque Centrale peut enquêter sur l'origine de ces fonds pour s'assurer que ceux-ci ne proviennent pas d'activités illégales, criminelles ou suspectes.

Article 6: Statut de cadres dirigeants de la banque

Le requérant doit prouver, à la satisfaction de la Banque Centrale, que sa direction générale satisfait aux critères de d'intégrité et de compétences tels que définis dans le règlement relatif à la gouvernance des banques.

Les administrateurs et les cadres supérieurs doivent posséder les qualifications (universitaires et professionnelles) et l'expérience requises pour pouvoir mener leurs activités de manière compétente et compétitive par rapport aux institutions financières existantes.

Ingingo ya 7: Impamyabushobozi n'uburambe bw'abakozi bakuru

Umuyobozi mukuru wa banki agomba kuba afite imwe mu mpabyabushobozi mu by'ibaruramari, icungamari, amabanki by'umwuga nka ACCA, CFA, CPA cyangwa biri ziri ku rwego rumwe; cyangwa icyiro cya gatatu cya kaminuza mu ibaruramari, icungamari, ubukungu, icungamutungo, ikoranabuhanga mu icunga mutungo, amategeko cyangwa bijya gusa n'imyaka byibura 5 y'uburambe mu miyoborere cyangwa ubuyobozi bukuru.

Umukozi mukuru ushinzwe imari n'ushinzwe ibikorwa ba banki bagomba kuba bafite imwe mu mpamyabushobozi za ACCA, CPA, CFA cyangwa izindi ziri ku rwego rumwe n'uburambe bw'imyaka byibura itatu mu buyobozi mu bigo by'imari, mu bigo by'ubugenzuzi bw'ibigo by'imari cyangwa ibigo bifitanye isano;

Umukozi mukuru ushinzwe igenzura ry'imbere cyangwa ukuriye uwo murimo agomba kuba afite imwe mu mpamyabushobozi mu igenzura ry'imbere, ACCA, CPA, CFA cyangwa indi iri ku rwego rumwe n'uburambe bw'imyaka itatu mu buyobozi mu bigo by'imari, ibigo by'ubugenzuzi bw'imari cyangwa ibigo bijya gusa na byo;

Article 7: Qualification and experience of Senior Managers

The Chief Executive Officer or Managing Director shall be a holder of one of a professional certificate in accounting, finance, banking like ACCA CPA, CFA or a Master's Degree in accounting, finance, economics, business administration, business information system, law or similar qualifications and at least 5 years of experience in leadership or senior Managerial positions.

The Chief Finance Officer and the Chief Operating Officer of a bank or heads of such functions shall be holders of one of a professional certificate like ACCA, CPA or CFA or similar certification with at least three years of experience in managerial positions in financial institution, auditing firms or related institutions;

The Chief Internal Auditor or Head of internal audit function shall be a holder one of a professional certificate in internal auditing, ACCA, CPA, CFA or similar certification and at least three years of experience in managerial positions in financial institution or auditing firms or related insitutions;

Article 7: Qualification et expérience des cadres dirigeants

Le directeur général doit être titulaire de l'un de certificat professionnel en comptabilité, en finance, en banque, comme l'ACCA, CPA ou CFA, ou d'une maîtrise en comptabilité, en finance, en économie, en administration des affaires, en système d'information d'entreprise, droit et au moins cinq ans d'expérience dans des postes de leadership ou de direction.

Le chef des finances et le chef des operations d'une banque ou le responsable de ces fonctions doivent être titulaires d'un de certificat professionnel tel que l'ACCA, le CPA ou le CFA ou une certification similaire et au moins trois ans d'expérience à des postes de direction dans une institution financière, un cabinet d'audit ou des institutions similaires.

Le chef d'audit interne ou le responsable de la fonction de l'audit interne doit être titulaire d'un de certificat professionnel en audit interne, ACCA, CPA, CFA ou d'une certification similaire et avoir au moins trois ans d'expérience à des postes de direction dans une institution financière, un cabinet d'audit ou une institution similaires.

Umukozi mukuru ushinzwe gucunga ingorane cyangwa uhagariye uwo murumo agomba kuba afite impamyabushobozi mu gucunga ingorane, ACCA, CFA, CPA cyangwa iri ku rwego rumwe n'uburambe bw'imyaka itatu mu buyobozi mu bigo by'imari, ibigo by'ubugenzuzi bw'imari cyangwa ibigo bifitanye isano na byo;

Umukozi mukuru ushinzwe ikoranabuhanga cyangwa uhagariye uwo murimo agomba kuba afite impamyabushobozi mu ikoranabuhanga mu itumanaho n'imyaka itatu y'uburambe mu buyobozi;

Abandi bakozi bakuru bagomba kuba bafite impamyabushobozi mu bijyanye n'amabanki cyangwa impamyabushobozi zihuye n'imirimo bashinzwe n'uburambe bw'imyaka itatu muri serivisi z'imari cyangwa serivisi bifitanye isano;

Ingingo ya 8: Ibyihariye Banki Nkuru yibandaho mu kwemerera banki gutangira imirimo

Uretse ibyitabwaho bisobanurwa mu ngingo kuva ku ya 4 kugeza ku ya 6 y'aya mabwiriza, Banki Nkuru yita no kuri ibi bikurikira mu gutanga cyangwa kutanga icyemezo cyo kwemererwa gukora;

The Chief Risk Officer or the head of the risk function shall be a holder of one of a professional certificate in risk management, ACCA, CFA, CPA or similar certification and at least three years of experience in managerial position in financial institution, auditing firms or related institutions;

The Chief Information Officer or the head of such function shall be a holder of a professional certificate in information technology and at least three years of experience in managerial position.

Other Senior Managers shall be holders of a professional certificate in banking or other relevant professional certification compatible with their positions and at least three years of experience in financial services or related field;

Article 8: Specific considerations by the Central Bank in licensing

In addition to the considerations specified in articles 4 to 6 of this regulation, the Central Bank shall further take into account the following as the basis of issuing or not issuing the licence:

Le Chef de risques ou le responsable de la fonction de risques doit être titulaire d'un certificat professionnel en gestion des risques, une certification ACCA, CFA, CPA ou une certification similaire, et au moins trois années d'expérience à des postes de direction dans une institution financière, un cabinet d'audit ou une institution apparentée.

Le chef du système d'information ou le responsable de cette fonction doit être titulaire d'un certificat professionnel en technologies de l'information et d'au moins trois ans d'expérience à des postes de direction.

Les autres cadres dirigeants doivent être titulaires d'un certificat professionnel en banque ou d'une autre certification professionnelle pertinente compatible avec leurs postes et d'au moins trois ans d'expérience dans les services financiers ou dans un domaine connexe.

Article 8: Considérations spécifiques de la Banque Centrale en matière d'agréments

Oltre les considérations énoncées aux articles 4 à 6 du présent règlement, la Banque Centrale prend en compte les éléments suivants pour accorder l'agrément ou non :

1° uruhare banki isaba kwemererwa gukora iteganya kugira mu gucyemura ibibazo byagaragajwe mu cyiciro cyangwa urwego runaka rw'ubukungu iyo banki ishaka kugiramo imishinga yifashishije ingamba zateguranywe ubushishozi ndeste n'uruhare mu bukungu by'u Rwanda;

2° ingamba rusange usaba kwemererwa ateganya kugira ngo agire amahirwe ku isoko zikubiye muri gahunda y'ibikorwa bifatika harimo n'isesengura ry'ibishobora gukorwa.

3° Ibicuruzwa cyangwa serivisi zihanga udushya ndetse n'umurongo w'ubucuruzi mushya ugereranije n'ibisanzwe ku isoko;

4° imiterere y'usaba mu bijyanye n'amategeko, ubuyobozi, imikorere n'imiterere y'imari shingiro ndeste n'itsinda usaba abarizwamo bitahungabanya ubugenzuzi bukwiye kuri banki cyangwa mu itsinda ibarizwamo;

1° the expected role for the proposed bank in meeting identified needs for a particular area or sector of the economy to be served by it through a carefully conceived strategy as well as the overall contribution to the Rwandan economy;

2° the overall strategy of the applicant for succeeding in the market expressed into a business plan to support a comprehensive performance and viability analysis;

3° innovative products or a new business model compared to existing on the market;

4° the proposed legal, managerial, operational and ownership structures of the applicant and its wider group will not hinder effective supervision on both a solo and a consolidated basis;

1° toute contribution envisagée par la banque en constitution à la satisfaction des besoins identifiés dans un domaine ou un secteur donné de l'économie dans lequel elle entend intervenir au moyen d'une stratégie mûrement conçue ainsi que de sa contribution globale à l'économie rwandaise;

2° la stratégie globale du requérant visant à réussir sur le marché, exprimée dans un plan d'entreprise visant à soutenir une analyse complète de la performance et de la viabilité;

3° des produits innovants ou un nouveau modèle d'affaire par rapport à ceux existant sur le marché;

4° les structures juridiques, managériales, de gestion, opérationnelles et actionariat proposées du requérant et de son groupe élargi ne faisant pas obstacle à une supervision efficace, tant sur une base individuelle que consolidée;

5° gusuzuma niba imiterere y'usaba kwemererwa itabangamira ishyirwa mu bikorwa ry'ingamba zikosora zafatwa.

5° determines, where appropriate, that the applicant structures will not hinder effective implementation of corrective measures in the future.

5° détermine, le cas échéant, que les structures du requérant n'empêcheront pas la mise en œuvre effective des mesures correctives à l'avenir.

Ingingo ya 9: Kutabangamira igenzura

Usaba agomba kugenzura ko nta mpamvu n'imwe ihari, nk'ibura ry'amakuru cyangwa ubucye bwayo no kudakorera mu mucyo, byabangamira amaperereza akorwa nyuma yo gutanga dosiye isaba kwemererwa cyangwa yabuza igenzura nyuma yo guhabwa uruhushya rwo gukora.

Ku byerekeye abasaba b'abanyamahanga, ni ngombwa ko habaho urwego rw'imikoranire hagati ya Banki Nkuru n'umugenzuzi wo mu gihugu usaba akomokamo kugira ngo habeho igenzura rihuriye hamwe.

UMUTWE WA III: UBURYO BUKORESHA MU KWEMERERA GUKORA

Ingingo ya 10: Gusaba kwemererwa gukora

Dosiye isaba uruhushya rwo kwemererwa gukora itegurwa nk'uko biteganijwe ku mugereka wa 2 w'aya mabwiriza rusange, kandi igaherekezwa n'inyandiko

Article 9: No hindrance to supervision

The applicant shall ensure that there is no factor, such as unavailability or inadequacy of information and lack of transparency, which may hinder the conduct of investigation after the submission of his or her application or inhibit effective supervision after the issuance of a licence.

With respect to foreign applicants, a level of cooperation between the Central Bank and the home country supervisor shall need to be established to permit the conduct of consolidated supervision.

CHAPTER III: LICENSING PROCEDURES

Article 10: Application for a license

An application for a licence shall be made in the form set out in Appendix 2 of this regulation, and shall be accompanied by the supporting documents specified in article 11 of this regulation.

Article 9: Non entrave à la supervision

Le requérant doit s'assurer qu'aucun facteur, tel que l'indisponibilité ou l'insuffisance d'information et le manque de transparence, n'entrave la conduite d'enquêtes après le dépôt de sa demande ou n'empêche une supervision efficace après la délivrance d'un agrément.

En ce qui concerne les requérants étrangers, un certain degré de coopération entre la Banque Centrale et l'organe de supervision du pays d'origine doit être établi pour favoriser la conduite d'une supervision consolidée.

CHAPITRE III : PROCEDURES D'AGREMENT

Article 10: Demande d'agrément

Toute demande d'agrément doit être formulée sous la forme décrite à l'Annexe 2 du présent règlement, et doit être accompagnée par les documents justificatifs spécifiés à l'article 11 du présent règlement.

zishyigikira isaba zivugwa mu ngingo ya 11 y'aya mabwiriza rusange.

Dosiye isaba uruhushya rwo kwemererwa gukora igomba gusobanura icyiciro cy'uruhushya gisabwa n'imirimo y'amabanki usaba ateganya gukora.

Buri dosiye isaba uruhushya rwo kwemererwa gukora iherekezwa n'amafaranga adasubizwa angana na miriyoni ebyiri y'amafaranga y'u Rwanda (2.000.000 FRW).

Ingingo ya 11: Amakuru n'inyandiko za ngombwa

Kugira ngo hubahirizwe ibisabwa mu itegeko rigena imitunganyirize y'imirimo y'amabanki, buri dosiye yose isaba uruhushya rwo kwemererwa gukora igomba guherekezwa n'inyandiko zikurikira:

- 1° ifishi iriho amakuru yerekeye usaba kwemererwa gukora n'aya buri wese mu bafite imigabane igaragara (iyo ari ikigo), n'ayerekeye amasosiyete usaba afitemo imigabane cyangwa amashami mu buryo busobanuwe ku Mugereka wa 3 ;

An application for a licence must specify the class of licence being applied and banking activities that the applicant intends to carry out.

A non-refundable application fee of Rwanda Francs one million (2,000,000 FRW) shall accompany each application for a licence.

Article 11: Information and supporting documents

To comply with the requirements provided in the law governing the organization of banking, each application for a licence shall be accompanied by the following supporting documents:

- 1° an information sheet for the applicant and for each of its significant shareholders (if corporate), subsidiaries or affiliates in the form set out in Appendix 3;

Toute demande d'agrément doit préciser la catégorie d'agrément qui est sollicitée et les activités bancaires que le requérant envisage d'exercer.

Chaque demande d'agrément doit être accompagnée des frais non remboursables de deux million de francs rwandais (2.000.000FRW).

Article 11: Information et documents d'appui

Afin de satisfaire aux exigences énoncées dans la loi portant organisation de l'activité bancaire, chaque demande d'agrément doit être accompagnée des documents suivants:

- 1° une fiche d'information pour le requérant et pour chacun de ses actionnaires importants (s'il s'agit de sociétés), ainsi que pour ses filiales ou sociétés affiliées dans la forme indiquée à l'Annexe 3 ;

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- | | | |
|--|--|---|
| 2° urupapuro rw'imenyekanisha rw'umuntu ku giti cye kuri buri wese mu bateganya gushyirwa mu nama y'ubuyobozi, abakozi bo mu myanya y'ubuyobozi n'abafite imigabane myinshi (iyo ari abantu ku giti cyabo) mu buryo busobanuwe ku Mugereka wa 4; | 2° a personal declaration form for each of the proposed significant shareholder (if natural person), directors and senior managers in the form set out in Appendix 4 ; | 2° une déclaration individuelle de chacun des futurs administrateurs, dirigeants et actionnaires importants (s'il s'agit de personnes physiques) dans la forme indiquée à l'Annexe 4 ; |
| 3° raporo y'umwenda y'usaba kwemererwa gukora, n'iza buri wese mu bafite imigabane igaragara, iz'abateganywa mu nama y'ubutegetsi n'abakozi bakuru bo mu myanya y'ubuyobozi zitanzwe na banki bakorana; | 3° individual credit report for the applicant and each of the significant shareholders, proposed directors and senior managers from a licensed credit bureau; | 3° le rapport de crédit individuelle du requérant et de chacun des actionnaires importants, des administrateurs proposés et de cadres supérieurs provenant d'un bureau de crédit agréé; |
| 4° imiterere y'imari shingiro iteganyijwe; | 4° a proposed capital structure; | 4° la structure de capital proposée; |
| 5° gahunda y'ibikorwa: | 5° a business plan that : | 5° un plan d'affaires qui : |
| a) ikubiyemo isengura ry'isoko, ibikorwa bizakorwa, uburyo ibikorwa bizagera ku bakiliya, ingorane zishobora kuvuka | a) include a detailed market analysis, proposed products, planned channels of delivery, attendant risks and mitigation strategies; | a) inclus une analyse de marché détaillée, les produits proposés, les canaux de distribution prévus, les risques associés et les stratégies d'atténuation; |

n'uburyo bwo
kuzigabanya;

b) kuba ikubiyemo
gahunda y'imari
iteganijwe mu gihe
cy'imyaka itanu;

c) kuba ikubiyemo
isesengura
ry'imyumvikanire
y'iyi gahunda ku
mihindukire
y'ibikorwa
biteganywa;

d) ikubiyemo amakuru
ahagije ku nkomoko
y'umutungo
y'abanyamigabane mu
gushora imari mu kigo;

e) yerekana uko imiterere
y'ikigo iteye n'uko
izagenzurwa;

f) ikubiyemo gahunda
ihamye mu gucungana
n'ingorane zaturuka
ku nguzanyo, ku
gipimo cy'amafaranga
abitse, cy'ivunjisha, ku
gipimo cy'inyungu, ku

b) include detailed financial
projections for at least five years ;

c) include assumptions underlying
the sensitivity analysis;

d) include sufficient information on
the financial resources of the
founders to support the institution;

e) describe how the institution is to be
organised and controlled
internally;

f) include a description of
comprehensive risk management
systems for credit, liquidity,
foreign exchange, interest rate,
operational and other risks;

b) inclus des projections financières
détaillées pour au moins cinq ans ;

c) inclus des hypothèses sous-tendant
et l'analyse de sensibilité ;

d) inclus des informations suffisantes
sur les ressources financières des
fondateurs pour soutenir
l'institution;

e) décrit comment l'institution doit
être organisée et contrôlée en
interne;

f) inclus une description des systèmes
complets de gestion des risques
pour les risques de crédit, de
liquidité, de change, de taux
d'intérêt, opérationnels et autres;

mikorere n'ibindi
bibazo;

g) kugaragaza politiki
usaba afite n'iyo
ateganya ku byerekeye
kwishyura inyungu
z'imigabane;

6° icyemezo cy'ishingwa rya
sosiye nka sosiye
ihamagarira rubanda
kuyiguramo imigabane;
Amasezerano n'Amategeko
Shingiro bya sosiye; icyemo
cyo gukora, amategeko
nshingiro na ngenga mikorere
kuri koperative;

7° kopi za rapori z'imari
zagenzuwe z'imyaka itatu
ishize kandi ziteguwe nk'uko
bisabwa n'amahame
y'ibaruramari mu gihe ari
ikigo cy'imari cyangwa
sosiye yari isanzwe ikora;

8° kopi y'umwazuro w'abagize
inama y'ubutegesti cyangwa
abanyamigabane yemeza

g) disclose the applicant's current and
contemplated future policy with
regard to the payment of dividends;

6° the Certificate of Incorporation as a public
limited company; the Memorandum and
Articles of Association for a company and
the Certificate of registration, statutes and
internal rules for a cooperative;

7° certified copies of audited financial
statements for the past three years and
prepared in accordance with generally
accepted accounting principles for the
existing financial institutions and
companies which have been engaged in
other businesses before applying to conduct
the banking activity;

8° a certified copy of the resolution of the
Board of Directors or shareholders
authorizing the preparation and submission
of the application;

g) divulguer la politique actuelle et
future envisagée du requérant en ce
qui concerne le paiement de
dividendes;

6° le certificat de constitution en tant
que société publique; l'acte
constitutif et les statuts d'une société
et le certificat d'enregistrement, les
statuts et le règlement d'ordre
intérieur pour les coopérative;

7° des copies certifiées des états
financiers audités pour les trois
derniers exercices et établis
conformément aux principes
comptables généralement admis,
pour les institutions financières et
entreprises existantes qui ont été
engagées dans d'autres activités
avant de solliciter l'autorisation
d'exercer l'activité bancaire ;

8° une copie certifiée de la résolution
du Conseil d'administration
autorisant la préparation et le dépôt
de la demande ;

gusaba kwemerewa gukora
umurimo w'amabanki;

9° icyemezo cy'ubwishyu
cy'amafaranga adasubizwa;

10° andi makuru agaragaza
ubushobozi bw'usaba n'andi
makuru usaba yabona ko
akenewe;

11° andi makuru Banki Nkuru
yabona ko ari ngombwa.

Gutanga amakuru atari yo cyangwa yo
kuyobya bituma usaba kwemererwa
gukora afatwa nk'utujuje ibisabwa kandi
biba impamvu zihagije zishingirwaho mu
kumuhakanira cyangwa kwamburwa
uruhushya rwo gukora, iyo rwatanzwe.

**Ingingo ya 12: Ibisabwa byihariye kuri
banki yabyawe na banki
y'inyamahanga yemererwe gukora**

Uretse ibiteganijwa mu ngingo ya 11
y'aya mabwiriza rusange, banki
y'inyamahanga yifuza gushinga banki
iyikomokaho igomba gutanga amakuru
akurikira:

1° inyandiko mvugo y'urwego
rw'ubugenzuzi rwo mu gihugu
akomokamo rwemera ko

9° a proof of payment of the nonrefundable
fee;

10° any other information relating to the
viability of the proposed institution or other
matters which the applicant may consider
relevant; and

11° any other information which the Central
Bank may request the applicant to provide.

The submission of any untrue or misleading
information shall render the applicant a person not
fit and proper and shall constitute sufficient grounds
for rejection of the application or revocation of the
licence, where a licence has been granted.

**Article 12: Specific required information for a
subsidiary of the foreign bank**

In addition to requirements provided in Article 11
of this regulation, a foreign bank wishing to
establish a banking subsidiary shall submit the
following information and supporting documents:

1° a letter of no objection from the home
supervisory authority recommending the

9° une preuve de paiement des frais
non remboursables ;

10° toute autre information concernant
la viabilité de l'institution à créer ou
tous autres éléments que le
requérant peut juger pertinents ;

11° toute autre information que la
Banque Centrale pourrait demander
au requérant de fournir.

La transmission d'informations fausses ou
trompeuses disqualifie le requérant et constitue
de motifs suffisants de rejet de la demande ou
de révocation de l'agrément, dans le cas où un
agrément aurait été accordé.

**Article 12: Informations spécifiques requises
pour une filiale de la banque étrangère**

Outre les exigences prévues à l'article 11 du
présent règlement, une banque étrangère qui
souhaite créer une filiale bancaire transmet les
informations et pièces justificatives suivantes:

1° une lettre de non-objection de
l'autorité de contrôle du pays
d'origine recommandant au

usaba yemerewe gukorera mu Rwanda;	applicant to establish subsidiary in Rwanda;	requérant d'établir une filiale au Rwanda;
2° inyandiko y'urwego rw'ubugenzuzi rwo mu gihugu akomokamo rwemeza ko akora igenzura rihujwe;	2° a confirmation from the home supervisor that he undertakes the consolidated supervision;	2° une confirmation de l'autorité de contrôle du pays d'origine qu'il exerce la surveillance consolidée;
3° inyandiko y'urwego rw'ubugenzuzi rwo mu gihugu akomokamo yerekana ko hari bushake bwo gukorana amasezerano y'ubwumvikane mu bijyanye no guhererekanya amkuru no gucinga ihungabana no kuririnda ;	3° a statement from the home supervisor that he is willing to enter into a memorandum of understanding with regard to exchange of information and crisis management and resolutions;	3° une déclaration de l'autorité de contrôle du pays d'origine indiquant qu'il est disposé à signer un protocole d'accord en matière d'échange d'informations, de gestion de crise et de résolutions;
4° andi makuru Banki Nkuru yabona ko akenewe mu gusesengura ubusabe.	4° any other information that the Central Bank deems necessary to assess the applicant.	4° toute autre information que la Banque Centrale jugera nécessaire pour évaluer le requérant.

Ingingo ya 13: Urwandiko rumenyekanisha

Nyuma yo kwakira dosiye isaba kwemererwa gukora n'inyandiko za ngombwa nk'uko biteganywa n'ingingo ya 11 n'ya 12 y'aya mabwiriza rusange, Banki Nkuru igomba, mu gihe cy'iminsi itarenze irindwi (10) y'akazi, koherereza usaba urwandiko rumumenyesha ko dosiye ye isaba kwemererwa gukora yuzuye cyangwa ko ituzuye.

Article 13: Letter of information

Upon receipt of an application form together with the requisite supporting documents as provided under articles 11 and 12 of this regulation, the Central Bank shall, within ten (10) working days, send the applicant a letter of information specifying that the file submitted for license is complete or not .

Article 13: Lettre d'information

Dès réception d'un formulaire de demande accompagné des frais requis et des documents d'appui prévus tel que prévu aux articles 11 et 12 du présent règlement, la Banque Centrale doit, dans un délai de dix (10) jours ouvrables, envoyer au requérant une lettre d'information lui notifiant que le dossier soumis pour agrément est complet ou non.

Iyo bigaragaye ko inyandiko zatanzwe zuzuye, imirimo yo kuzisuzuma ihita itangira.

If the documents submitted for license are found to be complete, the assessment or evaluation of the file will commence.

Si les documents soumis pour agrément sont jugés complets, l'évaluation doit commencer.

Mu gihe inyandiko zatanzwe zituzuye, urwandiko rumenyekanisha rugomba kugaragaza ibisabwa bitubahirijwe muri dosiye yatanzwe, igatanga igihe ntarengwa cyo kuzuza ibisabwa bitubahirijwe, kandi nta kindi cyemezo Banki Nkuru ishobora gufata keretse iyo ibisabwa kuzuzwa bimaze kuzura mu gihe ntarengwa cyagenwe.

Where the documents submitted are not complete, the letter of information shall outline deficiencies in the application, provides a deadline for rectification of the deficiencies, and no further action shall be taken by the Central Bank unless the deficiencies are rectified within the period prescribed.

Lorsque les documents soumis sont incomplets, la lettre d'information précise les insuffisances contenues dans la demande, indique un délai pour la rectification des insuffisances, et aucune autre action ne sera prise par la Banque Centrale à moins que ces insuffisances soient rectifiées dans le délai prescrit.

Ingingo ya 14: Isesengura ry'ubusabe

Article 14: Analysis of the application

Article 14: Analyse de la demande

Banki Nkuru isesengura ubusabe ishingiyeye ku makuru yatanzwe n'usaba cyangwa amakuru yakuye ahandi hizewe.

The Central Bank assess the application based on information provided by the applicant or information gathered from other reliable sources.

La Banque Centrale évalue la demande en fonction des informations fournies par le requérant ou informations recueillies auprès d'autres sources fiables.

Ingingo ya 15: Igihe cyo gusubiza uwasabye n'icyemezo cya Banki Nkuru

Article 15: Period to respond to the applicant and the Central Bank decision

Article 15: Délai pour répondre au requérant et la décision de la Banque Centrale

Mu gihe kitarenze ukwezi, nyuma yo kwakira dosiye yuzuye, Banki Nkuru itegura raporo y'isesengura ry'ubusabe kandi ikamenyesha usaba icyemezo cyafashwe.

The Central Bank shall, within one month after receipt of a complete application prepare a detailed assessment report in respect of the application and communicate the decision to the applicant.

La Banque Centrale doit prendre sa décision sur la demande d'agrément endéans un (1) mois à compter de la date à laquelle le dossier a satisfait à toutes les informations exigées.

Iyo nta gisubizo kibonetse mu gihe cyavuzwe haruguru, Banki Nkuru imenyesha usaba impamvu z'iryo tinda mu gihe kitarenze iminsi cumi n'itanu (15). Iyakora, uherye igihe Banki

If no decision is communicated within the period stated above, the Central Bank notifies the applicant of the reasons of delay within fifteen (15) days. However, following the date on which the Bank has

Si aucune décision n'est communiquée au cours de la période indiquée ci-dessus, la Banque Centrale informe le requérant des raisons du retard endéans quinze (15) jours. Toutefois, à compter de la date à laquelle elle a reçu la

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yaboneye idosiye yuzuye, itanga igisubizo cya burundu mu gihe kitarenze amezi atatu (3).

received the complete application, it communicates the final decision within three (3) months.

demande complète, la Banque donne sa décision définitive endéans trois (3) mois.

Iyo raporo yerekana icyemezo Banki Nkuru yafashe cyo:

The report shall indicate the decision of the Central Bank to:

Le rapport indique la décision de la Banque Centrale :

1° kuyemerera gukora, iyo isanga yujuje ibisabwa kwemererwa gukora;

1° grant the licence, if it is satisfied that the application satisfies the requirements for licensing;

1° d'accorder l'agrément, si selon son appréciation la demande satisfait aux conditions d'agrément ;

2° gutanga uburenganzira bwo gukora habanje kubahirizwa ibyangombwa bimwe na bimwe Banki Nkuru ibona ko ari ngombwa ;

2° grant the licence subject to the fulfilment of certain conditions that it may deem necessary;

2° d'accorder l'agrément sous réserve que soient remplies certaines conditions qu'elle juge nécessaires;

3° guha usaba uruhushya rwo gukora rureba gusa igice cy'imirimo y'amabanki afitiye ibisabwa byuzuye;

3° grant the applicant a limited licence covering only part of the bank business for which the applicant meets the requirements; or

3° d'accorder au requérant un agrément limité ne couvrant qu'une partie de l'activité bancaire pour laquelle elle remplit les conditions requises ; ou

4° kudatanga uruhushya rwo gukora ku mpamvu zisobanurwa mu nyandiko imenyekanisha icyemezo cyafashwe cyangwa mu rwandiko rwimana uruhushya.

4° refuse to grant the licence for reasons stated in the notice of decision or letter of refusal.

4° de refuser d'accorder l'agrément pour des motifs indiqués dans l'avis de décision ou la lettre de refus.

Ingingo ya 16: Kumenyeshwa icyemezo

Banki Nkuru igomba kumenyesha usaba mu nyandiko icyemezo cyo kumwemerera gukora imirimo y'amabanki cyangwa impamvu zo kutamwemerera.

Ingingo ya 17 : Ibindi bisabwa

Iyo Banki Nkuru ifashe icyemezo cyo gutanga uruhushya rwo gukora, igomba, mu nyandiko imenyesha icyemezo cyo gutanga uruhushya, gusaba ibi bikurikira:

- 1° icyemezo cy'amafaranga yabitswe ku izina ry'usaba kigaragaza ko yabikije umubare w'amafaranga utegetswe utari munsu y'imari shingiro yashyizwe kuri konti muri Banki Nkuru;
- 2° gushyikiriza Banki Nkuru inyandiko zuzuye zisobanura imikorere, zikubiyemo politiki n'uburyo bukoreshwa mu gutanga inguzanyo, gushora imari, kubitsa amafaranga, ivunjisha n'indi mirimo y'ingenzi ikorwa na banki;
- 3° gutanga inyandiko za politiki zijyanye no gucungana

Article 16: Notification of the decision

The Central Bank must notify in writing the applicant of its decision to grant a banking licence or reasons for refusal to grant a banking licence.

Article 17: Additional requirements

Where the Central Bank decides to grant a licence, it shall, in the notice communicating the decision to grant a licence, require the applicant to submit, the following:

- 1° a certificate of deposit in the name of the applicant indicating that it has deposited an amount not less than the required minimum paid-up capital to applicant account opened in the Central Bank;
- 2° provide the Central Bank with complete operating manuals, covering policies and procedures on loans, investments, deposits, foreign exchange and other major operations of the bank;
- 3° provide information regarding risk management policies and procedures

Article 16: Communication de la décision

La Banque Centrale informe le requérant, par écrit, de sa décision d'accorder ou les raisons du refus d'accorder l'agrément.

Article 17: Conditions supplémentaires

Lorsque la Banque Centrale décide d'accorder l'agrément, elle demande au requérant, dans l'avis faisant état de sa décision, de soumettre:

- 1° un certificat de dépôt au nom du requérant indiquant qu'il a déposé un montant au moins égal au capital libéré minimal requis pour le compte du requérant ouvert à la Banque Centrale;
- 2° fournir à la Banque Centrale des manuels des opérations complets couvrant les politiques et procédures relatives aux prêts, aux investissements, aux dépôts, aux opérations de change et aux autres opérations importantes de la banque;
- 3° fournir des informations sur les politiques et procédures de gestion

n'ikibazo cyaturuka ku nguzanyo, ku gipimo cy'amafaranga abitse, cy'ivunjisha, ku gipimo cy'inyungu, ku mikorere n'ibindi bibazo;

including credit, liquidity, interest rate, foreign exchange and operational risks;

des risques notamment les risques de crédit, de liquidité, de taux d'intérêt, de change et opérationnels;

4° gutanga amakuru ku bijyanye n'imirungire y'ikoranabuhanga, ingero zizakorehwa n'imigereka;

4° provide information regarding management information systems, description of sample forms, reports and appendix of the information technology;

4° fournir des informations sur la gestion de systèmes d'information, une description des exemples de formulaires, des rapports et des annexes de la technologie ;

5° kugaragaza amakuru ku bijyanye n'uburyo banki izifashisha undi muntu mu gukora imirimo yagira ingaruka zikomeye;

5° provide information related to material outsourcing services together with information on service providers;

5° fournir des informations relatives aux services qui seront externalisés et leurs prestataires;

6° kwishyura amafaranga y'ikiguzi cy'uruhushya;

6° pay the licence fee prescribed under this regulation;

6° payer les frais d'agrément prescrit en vertu du présent règlement;

7° gutanga izindi nyandiko cyangwa amakuru Banki Nkuru yabona ko ari ngombwa.

7° provide any other documents or information, which the Central Bank may require.

7° fournir tout autre document ou information que la Banque Centrale pourrait exiger.

Ingingo ya 18: Igenzura ry'aho banki izakorera

Hatitawe ku itangwa ry'uruhushya, nta banki yemerewe gutangiza imirimo itabanje kubyemererwa na Banki Nkuru

Article 18: Onsite visit of banking premises

Notwithstanding the issuance of a licence, no bank shall start its banking operations without prior clearance from the Central Bank, which shall

Article 18: Visite sur les lieux abritant l'activité

Nonobstant la délivrance d'un agrément, aucune banque ne peut démarrer ses activités sans l'autorisation préalable de la Banque

kuko ari yo ikora igenzura ribanziriza itangizwa ry'imirimo ya banki.

conduct a pre-opening inspection of the proposed banking premises.

Centrale qui procède à une inspection préalable des locaux de la banque.

Igenzura ribanziriza itangizwa ry'imirimo ya banki rigenzura aho iteganya gukorera mu rwego rwo kwemeza ko inyubako izakoreramo zibereye ugereranyije n'ibyo banki iteganya kuhakorera, ko ifite ibyumba by'umutamenwa n'uburyo bwo kubungabunga umutekano, ibyuma bikoresha ikoranabuhanga n'ibikorwa-remezo by'itumanaho biberanye n'urwego rwa banki igiye kuhakorera.

The pre- opening inspection is to confirm the adequacy of the premises for the proposed business, verify strong rooms and vault and the existence of a security system, electronic equipment and communication facilities suited to the type of bank concerned.

L'inspection préalable vise à confirmer l'adéquation des locaux à l'activité bancaire, vérifier des chambres fortes et des coffres et l'existence d'un système de sécurité, des équipements électroniques et des installations de communication adaptés à la catégorie de banque concernée.

UMUTWE WA IV: URUHUSHYA N'IKIGUZI CYARWO N'IBINDI BISABWA

CHAPTER IV: LICENCE, FEES AND OTHER REQUIREMENTS

CHAPITRE IV: AGREMENT, FRAIS ET D'AUTRES CONDITIONS

Ingingo ya 19: Ikiguzi cy'uruhushya rwo kwemererwa gukora n'icy'ibikorwa by'igenzura

Article 19: License and supervision fee

Article 19 : Frais de licence et de supervision

Banki nshyashya yishyura amafaranga y'ibanze y'ikiguzi cy'uruhushya rwo kwemererwa gukora angana na miriyoni eshanu z'amafaranga y'u Rwanda (5.000.000 FRW).

Any newly licensed bank shall pay to the Central Bank a licence fee of five millions (5,000,000) Rwandan francs not later than one month after notification of the decision granting the licence.

Une banque nouvellement agréée doit payer les frais de licence de cinq millions (5.000.000) de francs rwandais dans un délai ne dépassant pas un mois après la notification de la décision d'octroi de l'agrément.

Nyuma ya buri mwaka w'imari, buri banki ikorera mu Rwanda igomba kwishyura Banki Nkuru ikiguzi cy'ibikorwa by'igenzura kingana na 0.5% y'umusaruro mbumbe wa banki wabonetse mu mwaka w'imari ushize.

After each financial year, each bank operating in Rwanda shall pay to the Central Bank a supervision fee of 0.5% of the bank's gross income generated in the previous financial year. This amount shall be paid within four (4) months after the end of the foregoing financial year.

Après chaque année d'exercice financier, chaque banque opérant au Rwanda doit payer à la Banque Centrale les frais de supervision de 0,5% du revenu brut de la banque généré pendant l'exercice financier précédent. Ce montant est payable dans les quatre (4) mois qui

Ayo mafaranga yishyurwa mu gihe cy'amezi ane (4) akurikira impera z'umwaka w'imari umaze kuvugwa hejuru.

suivent la fin de l'exercice financier susmentionné.

Uko byagenda kose, ikiguzi cy'ibikorwa by'igenzura kigomba kwishyurwa na banki hakurikijwe igika kibanziriza iki ntigishobora kujya muni ya miliyoni eshanu (5.000.000) z'amafaranga y'u Rwanda.

In any case, the amount of the supervision fee payable under the preceding paragraph shall not be less than five million (5,000,000) Rwandan Francs.

Dans tous les cas, le montant des frais de supervision payable par la banque en vertu du paragraphe précédent ne doit pas être inférieur à cinq millions (5.000.000) de francs rwandais.

Kuri banki afite umusaruro mbumbe uri hejuru ya miliyari makumyabiri y'amafaranga y'u Rwanda (20.000.000.000FRW), ikiguzi cy'ibikorwa by'igenzura kibarwa ku ijanisha rya 0.5% kuri miliyari makumyabiri za mbere, na ho ijanisha rya 0.05% rigakoreshwa ku mafaranga arenga kuri miliyari makumyabiri za mbere.

For banks that have gross income which is above twenty billions (20,000,000,000) Rwandan Francs, the supervision fee shall be calculated by applying 0.5% on the first 20 billion and 0.05% on any additional amount above 20 billion.

Pour les banques dont le revenu brut est au-dessus de vingt milliard de francs Rwandais (20.000.000.000FRW), les frais de supervision sont calculés en appliquant le taux de 0,5% sur la première tranche de 20 milliards de Francs rwandais et le taux 0,05% sur toute somme supplémentaire au-dessus de 20 Milliards.

Muri iyi ngingo, umusaruro mbumbe ugizwe na:

For the purpose of this article, gross income include:

Aux fins du présent article, le revenu brut comprend :

1° Umusaruro nyawo uvanywemo inyungu (Umusaruro wose ukomoka ku nyungu hakuwemo inyungu zishyurwa);

1° Net interest Income (Gross Interest income minus Interest Expenses);

1° Revenu net d'intérêts (revenu brut d'intérêts moins les intérêts payés);

2° Umufuragiro;

2° Fees and commissions;

2° Frais et commissions;

3° Umusaruro ukomoka ku bikorwa byerekeranye n'amadevize;

3° Foreign Exchange income;

3° revenus sur les opérations de change;

4° izindi nyungu hatabariwemo
inyungu zidahoraho
(nk'amafaranga akomoka
kw'igurishwa ry'imitungo
itimukanwa n'aturuka ku
bikorwa by'ishoramari)
n'inyungu zidakomoka ku
bikorwa by'umwimerere wa
banki (nk'ubukode n'impano).

4° Any other income less non-
recurrent income (such as gains
on disposal of fixed asset or
investment) and non-banking
income (such as rental income
or grant received).

4° tout autre revenu moins les revenus
non récurrent (comme les gains
provenant à la disposition des biens
immobiliers ou provenant aux
investissements) et les revenus
provenant aux activités non
bancaires (comme les loyers et les
donations reçues).

**Ingingo ya 20: Igihe n'ishyirwa
ahagaragara ry'uruhushya rwo
gukora**

Article 20: Duration and display of license

Article 20 : Délai et affichage de la license

Uruhushya rutanzwe rugumana agaciro
karwo kugeza igihe Banki Nkuru
ivanyeho ako gaciro.

A licence granted shall remain valid unless revoked
by the Central Bank.

L'agrément accordé reste valable jusqu'à ce
qu'il soit révoqué par la Banque Centrale.

Uruhushya rutanzwe hakurikijwe aya
mabwiriza rusange rugomba, igihe cyose,
kumanikwa ahantu hagaragarira bose ku
cyicaro gikuru cya banki yaruhawe, kandi
kopi zarwo na zo zikamanikwa muri
ubwo buryo kuri buri biro by'amashami
yayo.

A licence granted shall, at all times, be displayed in
a conspicuous place at the head office of the
concerned bank, and copies of it shall be similarly
displayed at each of its branch offices.

Tout agrément accordé doit, en tout temps, être
affiché dans un endroit remarquable par le
public au siège de la banque concernée et des
copies de l'agrément doivent être affichées de
la même manière dans chacun des bureaux de
ses branches.

**UMUTWE WA V: IBIRO
BIHAGARARIYE BANKI
Y'INYAMAHANGA**

**CHAPTER V: REPRESENTATIVE OFFICE
OF A FOREIGN BANK**

**CHAPITRE V: DU BUREAU DE
REPRESENTATION D'UNE BANQUE
ETRANGERE**

**Ingingo ya 21: Ishingwa ry'ibiro
bihagariye banki**

**Article 21: Establishment of representative
office**

**Article 21: Etablissement d'un bureau de
représentation**

Banki y'inyamahanga ishobora gushinga
ibiro bihagariye banki mu Rwanda.

A foreign bank may establish a representation
office in Rwanda.

Une banque étrangère peut établir un bureau de
représentation au Rwanda.

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Kugira ngo, banki y'inyamahanga gushinga ibiro bihagariye banki mu Rwanda igomba kubisaba Banki Nkuru ikoresheje inyandiko isaba iri ku mugereka wa 2 w'aya mabwiriza rusange.

Ubusabe bugomba kuba bukubiyemo inyandiko zikurikira:

A foreign bank that seeks to establish a representative office in Rwanda shall apply for authorization to the Central Bank using an application form as found on Appendix 2 of this regulation.

Application shall include the following document:

Une banque étrangère qui souhaite d'établir un bureau de représentation au Rwanda doit demander une autorisation à la Banque Centrale en utilisant un formulaire de demande prévu à l'annexe 2 du présent règlement.

La demande doit inclure le document suivant:

1° icyemezo cy'ubwishyu bw'amafaranga adasubizwa angana n'ibihumbi magana atanu y'amafaranga y'u Rwanda (500.000 FRW);

2° Inyandiko yujuje nk'uko igaragara ku mugereka wa 3 w'aya mabwiriza rusange;

3° Inyandiko y'umuntu ku giti cye yujuwe n'uhagariye ibiro nk'uko bitegangwa ku mugereka wa 4 w'aya mabwiriza rusange;

4° umwanzuro w'abagize inama y'ubutegetsi yemeza gushinga ibiro;

5° inyandiko y'umugenzuzi wa banki y'inyamahanga yemera inshigwa y'ibiro;

1° a proof of payment of non-refundable application fee of FRW 500,000;

2° Filled information sheet as per Appendix 3 of this regulation;

3° Filled personal information sheet for the proposed country representative as per Appendix 4 of this regulation ;

4° A certified copy of the Board resolution of the applicant, to establish a representative office ;

5° no objection from the home supervisor accepting the establishment of a representative office;

1° une preuve de paiement des frais de dossier non remboursables de 500 000 FRW;

2° Formulaire rempli conformément à l'annexe 3 du présent règlement;

3° Une déclaration individuelle remplie par le représentant du bureau, conformément à l'annexe 4 du present règlement;

4° Une copie certifiée conforme de la résolution du conseil d'administration du requérant d'établir un bureau de représentation;

5° non objection de la part du superviseur d'origine acceptant l'établissement du bureau de représentation;

6° Aho banki y'inyamahanga ibarizwa n'uruhushya rwo gukora byibuze rumaze imyaka itanu;

7° Amategeko shingiro n'inyandiko y'ubwumvikane;

8° Izina ry'ibiro n'aho bizakorera mu Rwanda;

9° icyemezo cy'ishingwa rya biro gitangwa n'Umwanditsi Mukuru mu Rwanda;

10° andi makuru Banki Nkuru yasanga ari ngombwa.

6° foreign bank address and valid business certificate and licence evidencing its lawful existence for at least 5 years;

7° foreign bank's articles and memorandum of association;

8° intended name and location of the representative office in Rwanda;

9° Certificate of incorporation from office of Registrar General in Rwanda;

10° any other information that may be required by the Central Bank;

6° une adresse de banque étrangère, un certificat d'enregistrement valide et un agrément bancaire attestant son existence légale depuis au moins cinq (5) ans;

7° statuts et document de constitution de banque étrangère;

8° le nom et l'emplacement prévus du bureau de représentation au Rwanda;

9° Certificat de constitution du bureau du registraire général au Rwanda;

10° toute autre information pouvant être requise par la Banque Centrale;

Ingingo ya 22: Uburenganzira n'inshingano by'ibiro bihagariye banki

Uburenganzira n'inshingano bikomoka ku biro bihagariye banki, uko bibaho n'umutungo bikubiye muri banki y'inyamahanga.

Ingingo ya 23: Amategeko agenga ibiro bihagariye banki y'inyamahanga

Ibiro bihagarariye banki y'inyamahanga bigengwa n'amategeko y'u Rwanda.

Article 22: Rights and obligation of the representative office

The rights and obligations arising on representation office activities or resulting from its existence are included in the patrimony of the foreign bank.

Article 23: Law governing a representative office

The representative office for foreign bank is subject to the Rwanda laws.

Article 22: Droits et obligations du bureau de représentation

Les droits et obligations découlant des activités du bureau de représentation ou résultant de son existence sont inclus dans le patrimoine de la banque étrangère.

Article 23: Loi régissant le bureau de représentation

Le bureau de représentation de la banque étrangère est régi par le droit rwandais.

Ingingo ya 24: Ubunyanga mugayo n'ubushobozi bw'umuyobozi w'ibiro bihagarariye banki

Uhagarariye ibiro bihagarariye banki agomba kuzuba ibisabwa byerekeye ubunyangamugayo n'ubushobozi nk'uko biteganijwe mu mabwiriza rusange yerekeye imiyoborere y'amabanki.

Ingingo ya 25: Kwemererwa

Mu gihe usaba yujuje ibisabwa, Banki Nkuru ishobora kwemerera banki y'inyamahanga gushinga ibiro biyihagarariye mu Rwanda.

Mu gihe Banki Nkuru itemeye ishingwa rya biro bihagarariye banki, igomba kumenyesha impamvu z'icyo cyemezo.

Ingingo ya 26: Imirimo y'ibiro bihagarariye banki y'inyamahanga

Iburo bya banki y'inyamahanga bishobora gukora imirimo ikurikira:

- 1° guteza imbere serivisi mu Rwanda ibicishije mu kwamamaza no guhagarira banki y'inyamahanga;
- 2° guha icyicaro gikuru amakuru y'iterambere ry'ubukungu mu gihugu no mu karere;

Article 24: Fit and proper requirements of the country representative

The representative office's country representative must satisfy the requirements of fitness and propriety as required by the regulation on corporate governance for banks.

Article 25: Authorization

Upon satisfaction that the applicant, meet all the requirements, the Central Bank may grant the authorization to the foreign bank to establish a representative office in Rwanda.

If the Central Bank declines the establishment of the representative office, it shall inform the reasons to the applicant.

Article 26: Permissible activities of a representative office

A Representative Office may engage in the following activities:

- 1° promoting its services in Rwanda through marketing and liaison role;
- 2° providing its Head Office with information regarding the economic developments in the country and region;

Article 24: Exigences d'intégrité et de compétence du représentant du bureau de représentation

Le représentant du bureau de représentation doit satisfaire aux exigences d'intégrité de compétence comme requis par le règlement sur la gouvernance des banques.

Article 25: Autorisation

Une fois que le requérant a satisfait à toutes les exigences, la Banque Centrale peut accorder l'autorisation à la banque étrangère d'établir un bureau de représentation au Rwanda.

Si la Banque Centrale refuse l'établissement du bureau de représentation, elle en informe le requérant.

Article 26: Activités permises à un bureau de représentation

Un bureau de représentation peut exercer les activités suivantes:

- 1° promouvoir ses services au Rwanda par le marketing et la liaison;
- 2° fournir à son siège des informations sur l'évolution de la situation économique du pays et de la région;

- | | | |
|---|---|---|
| 3° guha abakiliya amakuru ajyanye n'isoko ryo mu gihugu; | 3° providing its customers with information regarding the local market; | 3° fournir à ses clients des informations sur le marché local; |
| 4° gutanga amakuru ku bashaka gushora mu gihugu banki y'inyamahanga ikoreramo; | 4° providing information to any local party which intends to develop its activities in countries where the foreign bank operates in; | 4° fournir des informations à toute partie locale qui entend développer ses activités dans les pays où la banque étrangère exerce ses activités; |
| 5° guha abakiriya serivisi za banki, iz'imari ndetse n'inama ariko atari ukwakira amafaranga ya rubanda; | 5° providing its customers with financial and other relevant advice but not deposit taking; | 5° fournir à ses clients des conseils financiers et autres, |
| 6° guha abakiriya inyandiko z'ingenzi za banki y'inyamahanga mu koroshya ibikorwa ndetse no kwemeza umwimerere w'inyandiko na serivisi; | 6° providing its customers with the requisite documentation as required by the foreign bank to facilitate transactions, as well as providing document authentication and validation services. | 6° fournir à ses clients la documentation requise à la demande de la banque étrangère pour faciliter les transactions, ainsi que des services d'authentification et de validation de documents. |

Ingingo ya 27: Ibikorwa ibiro bihagarariye banki bitemerewe gukora

Ibiro bihagarariye banki ntibyemerewe gukora ibi bikurikira:

- 1° imirimo idateganijwe n'ingingo ya 27 y'aya mabwiriza rusange;
- 2° kwakira amafaranga yarubanda mu buryo ubwo ari bwo bwose;

Article 27: Prohibited activities for the representative office

A Representative Office operating in the Rwanda is prohibited from:

- 1° conducting any business activities other than those mentioned in Article 27 of this regulation;
- 2° accepting deposits in any form whatsoever;

Article 27: Activités interdites au bureau de représentation

Un bureau de représentation opérant au Rwanda est interdit de :

- 1° exercer des activités commerciales autres que celles mentionnées à l'article 27 du présent règlement;
- 2° accepter des dépôts sous quelque forme que ce soit;

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3° kufungura konti z’abakiriya izo ari zo zose;

4° gutanga imyenda n’inguzanyo izo arizo zose;

5° gukora cyangwa kugira uruhare mu bikorwa bya banki nk’izizeza ingwate, gufunguza inyandiko zizeza ubwishyu mu izina ry’ibiro; no

6° gukora ibikorwa by’amadevisi n’imigabane.

3° opening accounts of any kind for clients;

4° extending loans or advances to any party whatsoever;

5° performing and/or participating in any other normal banking operations, such as issuing Letters of Guarantee, opening Letters of Credit, in its own name; and

6° dealing in foreign currencies and securities.

3° ouvrir des comptes de toutes sortes pour des clients;

4° consentir des prêts ou des avances à quelque partie que ce soit;

5° effectuer et / ou participer à toute autre opération bancaire ordinaire, telle que l’émission de lettres de garantie, l’ouverture de lettres de crédit, en son propre nom; et

6° vendre et acheter des devises et des valeurs mobilières.

Ingingo ya 28: Ikiguzi cy’ibikorwa by’igenzura ry’ibiro bihagarariye banki y’inyamahanga

Banki Nkuri igenzura ibiro bihagarariye banki y’inyamahanga kandi iyisaba amakuru ajyanye n’imirimo yayo.

Nyuma ya buri mwaka w’imari, buri biro bihagarariye banki ikorera mu Rwanda igomba kwishyura Banki Nkuru ikiguzi cy’ibikorwa by’igenzura kingana n’amafaranga miliyoni ebyiri y’u Rwanda (2.000.000 FRW. Ayo mafaranga yishyurwa mu gihe cy’amezi ane (4) akurikira impera z’umwaka w’imari umaze kuvugwa hejuru.

Article 28: Supervision and fee for the representative Office

The Central Bank performs the supervision of the representative office and requests the submission of relevant information with regard its activities.

After each financial year, each representative office operating in Rwanda shall pay to the Central Bank a supervision fee of 2 million FRW. This amount shall be paid within four (4) months after the end of the foregoing financial year.

Article 28: Supervision et frais pour l’office de représentation

La Banque Centrale exerce une supervision sur le bureau de représentation et demande la transmission d’informations pertinentes sur ses activités.

Après chaque exercice financier, chaque bureau de représentation opérant au Rwanda doit payer à la Banque Centrale les frais de supervision de 2 millions de FRW. Ce montant doit être payé dans les quatre (4) mois suivant la fin de l’exercice précédent.

**UMUTWE WA VI: INGINGO
ZINYURANYE N'IZISOZA**

**Ingingo ya 29: Kubahiriza imari
shingiro nshyashya**

Banki ifite uruhushya ariko idakwije ikigero cy'imari shingiro gishyashya gisabwa, igomba kuba yakigezeho mu bihe bigennye ku buryo bukurikira:

1° Miliyari 15 FRW mu gihe cy'imyaka itatu (3) ibarwa uhereye igihe aya mabwiriza rusange atangarijwe mu igazeti ya Leta;

2° Miliyari 20 FRW mu gihe cy'imyaka itanu (5) ibarwa uhereye igihe aya mabwiriza rusange atangarijwe mu igazeti ya Leta;

Banki z'imari iciriritse ihawe igihe cy'imyaka itanu (5) ibarwa uhereye igihe aya mabwiriza rusange atangarijwe mu igazeti ya Leta, kugira ngo ihindure imikorere yubahiriza amategeko agenga ibigo by'imari iciriritse cyangwa ikubahiriza ibikubiye muri aya mabwiriza.

Banki ifite uruhushya rwo gukora itujuje imari shingiro isabwa ku munsu aya mabwiriza rusange atangarijweho mu Igaze ya Leta asabwe gushyikiriza Banki

**CHAPTER VI: MISCELENEOUS AND FINAL
PROVISIONS**

**Article 29 : Compliance with the new minimum
paid up capital**

A lincensed bank that do not comply with the new required minimum paid up shall meet it as follows:

1° Within (3) years after the publication of the regulation FRW15 Billion;

2° Within (5) years after the publication of the regulation FRW 20 Billion.

Microfinance banks are also given a period of (5) years from the publication of this regulation to move to microfinance legal and regulatory framework or to comply with requirements of this regulation.

Existing licensed banks that do comply with the minimum paid up capital at the time of the publication of this regulation in the Official Gazette

**CHAPITRE VI: DISPOSITIONS
DIVERSES ET FINALES**

**Article 29: Conformité au nouveau niveau
du capital minimum libéré**

La banque agréée qui ne se conforment pas au nouveau niveau du capital minimum libéré requis doivent l'atteindre dans les délais prescrits comme suit:

1° Dans les trois (3) ans suivant la publication de ce règlement, quinze (15) milliards de FRW;

2° Dans les cinq (5) ans suivant la publication de ce règlement, 20 milliards de FRW.

Les banques de microfinance disposent également d'un délai de cinq (5) ans pour passer au cadre juridique et réglementaire de la microfinance ou pour se conformer aux exigences de ce règlement.

Les banques agréées qui ne se conforment pas au niveau du capital minimum libéré au moment de la publication du présent règlement au Journal officiel doivent soumettre à la

Nkuru, mu gihe cy'amezi atanu (6) nyuma y'itangazwa ry'aya mabwiriza mu igazeti ya Leta, gahunda y'izamura ry'imari shingiro.

Ingingingo ya 30: Kubahiriza ibisabwa byerekeye impamyabushobozi n'uburambe

Abakozi bakuru basanzwe mu mirimo bagomba kubahiriza ibisabwa byerekeye impamyabushobozi n'uburambe bisabwa muri aya amabwiriza mu gihe cy'imyaka itanu (5) kuva aya mabwiriza rusange atangarijwe mu igazeti ya Leta.

Ingingo ya 31: Gutanga amakuru agezweho

Buri banki ishyikiriza Banki Nkuru ifishi y'amakuru, urupapuro rw'imenyekanisha rw'umuntu ku giti cye kuri buri wese mu bafite imigabane igaragara yaba mu buryo buziguye cyangwa butaziguye, abari mu nama y'ubutegetsi, abayobozi bakuru mu gihe kitarenze ku itariki ya 31 Werurwe ya buri mwaka.

Ingingo ya 32: Kubahiriza amategeko n'amabwiriza

Banki yahawe uruhushya rwo gukora igomba kubahiriza amategeko, amabwiriza rusange, amabwiriza n'ibyemezo bigenga amabanki.

shall submit to the Central Bank the buildup capital plan within six (6) months after the publication of this regulation in the Official Gazette.

Article 30: Compliance with the minimum professional qualification and experience for senior managers

Existing senior managers that do not comply with the professional qualification and experience requirements provided in this regulation are given five (5) years to comply with them from the publication of this regulation in the Official Gazette.

Article 31: Update of information

Every bank shall submit to the Central Bank an updated information sheet, the personal information sheet for each direct and indirect significant shareholder, directors and senior managers not later than the 31st March of each year.

Article 32: Compliance with existing banking regulations and directive

After being licensed, a bank shall comply with all laws, regulations and directives applicable to banks.

Banque Centrale leur plan de constitution de capital dans les six mois suivant la publication du présent règlement au Journal officiel.

Article 30: Conformité des qualifications professionnelles et de l'expérience minimales des cadres dirigeants

Les cadres dirigeants existants qui ne se conforment pas aux exigences de qualification professionnelle et d'expérience prévues dans le présent règlement disposent d'un délai de cinq (5) ans pour s'y conformer à compter de la publication de ce règlement au Journal Officiel.

Article 31: Mise à jour des informations

Chaque banque soumet à la Banque Centrale, au plus tard le 31 Mars de chaque année, une fiche d'information à jour, la fiche d'informations personnelles de chaque actionnaire important direct et indirect, administrateurs et dirigeants.

Article 32: Conformité aux lois et réglementations bancaires en vigueur

Dès l'obtention de l'agrément, la banque doit se conformer à toutes les lois, réglementations et directives applicables aux banques.

Ingingo ya 33: Ivanwaho ry'ingingo zinyuranyije n'aya mabwiriza

Amabwiriza rusange N° 03/2008 yerekeye ibisabwa mu kwemerera amabanki gukora nk'uko yahinduwe kandi akuzuzwa kugeza ubu, n'izindi ingingo zose zayabanjirije kandi zinyuranye na yo bivanyweho.

Ingingo ya 34: Itegurwa, isuzumwa n'iyemezwa ry'aya mabwiriza rusange

Aya mabwiriza rusange yateguwe, asuzumwa kandi yemezwa mu rurimi rw'Icyongereza.

Ingingo ya 35: 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 27/12/2018

(sé)
RWANGOMBWA John
Guverineri

Article 33: Repealing provisions

The regulation N° 03/2008 on licensing conditions of banks as modified and complimented to date and all previous provisions contrary to this Regulation are hereby abrogated.

Article 34: Drafting and consideration of this Regulation

This Regulation was prepared, considered and approved in English

Article 35: Commencement

This regulation shall take effect on the date of its publication in the Official Gazette of the Republic of Rwanda.

Done at Kigali on 27/12/2018

(sé)
RWANGOMBWA John
Governor

Article 33: Provisions abrogatoires

Le règlement N° 03/2008 portant conditions d'agrément des banques tel que modifié et complété à ce jour et toute autre disposition contraires sont abrogés.

Article 34: De l'initiation, examen et approbation

Le présent règlement a été initié, examiné et approuvé en langue anglaise.

Article 35: 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 27/12/2018

(sé)
RWANGOMBWA John
Gouverneur

Appendix 1: Categories of banks and their respective activities

N°	Category	Permitted activities
1	Commercial Bank	• Activities provided in Article 3 of the banking law and other services and operations to the banking main business; • Other activities and operations approved by the Central Bank
2	Mortgage banks	• Receiving deposits of participation in mortgage loans and in special accounts; • Granting of loans for the acquisition, construction, enlargement, repair, improvement and maintenance of urban or rural real estate, and for the substitution of mortgages taken out for that purpose; • Giving of guarantees, bonds or other forms of collateral connected with the operations in which they may take part; • Obtaining of foreign loans and acting as intermediary in loans extended in local and foreign currency, having the previous authorization of the Central Bank for such loans exceeding a specified limit as prescribed by the Central Bank. • Other activities and operations approved by the Central Bank
3	Cooperative banks	• Activities provided in Article 3 of the banking law and other services and operations to the banking main business; • Only deals with its members and their related parties • Other activities approved by the Central Bank <u>Prohibitions:</u> • Not deal with general public in its business
4	Development banks	• Funds mobilization for development financing; • Financing (by way of grant, loan, equity, guarantee or otherwise) Development Projects and Programmes and infrastructures; • Grant Retail Loans in respect of Development Projects and Programmes; • Hold, manage, develop, let, hire, buy, subscribe for, or otherwise acquire, sell or otherwise dispose of, hypothecate or otherwise deal in, any immovable or moveable property in respect of the financing of Development Projects and Programmes (including stocks, shares, bonds, debentures, debt obligations, and securities of, or any other interest in, any company, government or other legal entity); • Guarantee any undertaking or obligation of any nature given by any person in relation to any Development Projects or Programmes; • Offer and provide trade finance; • Financing production value chain, offer and provide seasonal financing of coffee campaigns and other export promotion commodities;

	• Make, draw, accept or endorse negotiable instruments; • Invest funds in term deposits or other certificates of deposit in licenced banks; • Trade foreign exchange with regulated financial institutions; • Trade commodities; • Act as an agent or trustee, manager or secretary of any person, national or international private or public body and appoint any person to act on behalf of the Development Bank as a director or in any other capacity in relation to such person, private or public body; • Provide technical and other assistance and give advice, information and guidance, and, generally, enter into any contract or perform any act which may promote the attainment of any of the objects of the Development Bank or which is designed to directly or indirectly enhance the value of the services which the Development Bank can render; and/or • Undertake such other activities as may be prescribed or approved by the Central Bank from time to time. <u>Prohibitions</u> • Acceptance of demand, savings and time deposits, or any type of public deposits; • Acting as an intermediary on the Stock Exchange; • Save , granting of Retail Loans such as personal loans, salary advances (other than to its own members of staff to the extent permitted by applicable law), overdrafts etc; • Use of financial derivative instruments except as hedging instruments in the ordinary and usual course of the Development Bank's activities; and/or • Such other activities as shall not fall within the scope of the permitted activities
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Appendix 2: Application for a licence to establish a bank/representative office

The Governor,
Central Bank of Rwanda
P.O Box 531,
KIGALI

1. I, the undersigned, acting as principal/promoter/in the capacity of duly authorised agent, on behalf of, a Company incorporated under the company law, Laws of, hereby apply for a licence for conducting the banking activities as (category of bank) or establishing the representative office, pursuant to provisions of the law governing the organization of banking and the regulation on licensing conditions of banks.

2. I submit the documentation specified in the law governing the organization of banking activity and the Regulation on licensing conditions of banks.

Applicant's address/ Tel. Principal's address/Tel.

.....
.....

Certification and Undertaking

I, the undersigned, hereby certify that all information contained in and accompanying this application is complete and accurate to the best of my knowledge and belief.

I undertake to forthwith notify the Central Bank, of any material change in the particulars of this application.

Sworn at thisday of20.....

Signature of Deponent Principal/ Promoter/Agent
Deponent understands the contents of this declaration.

Before me,

NOTARY

APPENDIX 3: INFORMATION SHEET

**QUESTIONNAIRE (FOR APPLICANT AND HOLDER OF 5% OF SHARES IF CORPORATE)
EITHER DIRECTLY OR INDERECTLY**

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 Banking Activities.

.....
.....

5. Head/main office:

.....
.....

(a) Address:

.....
.....

(b) Telephone No:

.....
.....

(c) Telefax No:

.....
.....

6. Branches:

<i>Address:</i>	<i>Date approved and date opened</i>
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.....	
.....	

Subsidiaries & Affiliates:

<i>Name and type of Business</i>	<i>Amount of shares</i>	<i>% of shares held held to total</i>
--------------------------------------	-------------------------	---

.....		
.....		

7. Management:

(1) Board of Directors;

<i>Name:</i>	<i>Designation</i>	<i>Present term</i>	<i>No. of years as board member</i>
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.....			
.....			
.....			

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 we have read sections, chapter II of the law governing banking activity. We are aware that it is an offence under the terms of article 65 of the law governing banking activity knowingly or recklessly to provide to the Central Bank or any other person any information which is false or misleading in a material particular in connection with the application for a licence under this law or otherwise.

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 4: PERSONAL DECLARATION FORM

[For individuals who are, or are proposing to become directors, senior managers, significant shareholders of a bank and indirect owners of at least 5% of the bank]

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 affiliation i.e.

director, senior manager, share

holder with...% holdings

specified etc.

Inclusive date

(month and year)

from to

Nature of business

.....
.....

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.

Appendix 5:

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 bank 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: DECLARATION BY THE CHAIRPERSON OF A BOARD ON APPOINTMENT OF A NEW DIRECTOR

I, _____ the undersigned, (name) _____, being the Chairperson of the board of directors of _____, confirm that I have carefully studied all the information supplied in the personal declaration form and, after discussion with the deponent (name) _____ and all other members of the board, and after having taken into account any other information at my disposal or that has come to my attention, I am of the opinion that the deponent (name) _____ is a fit and proper person to take up office in this institution.

In the case of the appointment of a director I confirm that the appropriate conditions of the Articles of Association of the company have been complied with. Similarly, in the case of the appointment of a chief executive officer, I confirm that the company policy has been complied with.

NAME: _____

SIGNATURE: _____

DATE: _____