REPUBULIKA Y'U RWANDA

INYANDIKO NGENGAMIKORERE MU GUKEMURA AMAKIMBIRANE Y'UBUTAKA

Ugushyingo 2023

1. IRIBURIRO

Imicungire n'imikoreshereze y'ubutaka ni imwe mu nkingi z'iterambere ry'ubukungu n'imibereho myiza y'abaturage. Niyo mpamvu Leta y'u Rwanda yashyizeho gahunda rusange yo kwandika ubutaka kuva mu mwaka wa 2009 kugeza 2013. Imwe mu ntego ya gahunda yo kwandika ubutaka ni ugukumira no kugabanya amakimbirane ashingiye ku butaka. N'ubwo hakozwe byinshi kugira ngo amakimbirane ashingiye ku butaka agabanuke byagaragaye ko nyuma y'iyandikisha rusange ry'ubutaka inkiko zakomeje kwakira imanza nyinshi zishingiye ku butaka.

Hagamijwe kunoza uburyo bwo gukemura amakimbirane ashingiye ku butaka no kugabanya imanza mu nkiko, Leta y'u Rwanda yafashe umwanzuro wo gukoresha uburyo bwo gukemura ayo makimbirane bidaciye gusa mu nzira y'inkiko. Kugira ngo iyo gahunda ishyirwe mu bikorwa, Itegeko N° 27/2021 ryo ku wa 10/06/2021 rigenga ubutaka mu ngingo yaryo ya 73 ryahaye Akarere gafite ubuzima gatozi, Umujyi wa Kigali n'Ikigo cy'Igihugu Gishinzwe Ubutaka ububasha bwo gukemura amakimbirane ashingiye ku mbibi z'ubutaka n'iyandikisha rusange ryabwo. Ingingo ya 8 y'Iteka rya Perezida N° 030/01 ryo ku wa 06/05/2022 rishyiraho Ikigo cy'Igihugu Gishinzwe Ubutaka nayo igaragaza ko Ikigo gifite inshingano yo gukemura amakimbirane ashingiye ku butaka mbere y'uko ashyikirizwa inkiko.

Mu rwego rwo gushyira mu bikorwa ibiteganywa n'amategeko yavuzwe haruguru, Iteka rya Minisitiri N° 004/MoE/22 ryo ku wa 15/02/2022 ryashyizeho uburyo n' ibikurikizwa mu gukemura amakimbirane ashingiye ku mbibi z'ubutaka no ku iyandikisha rusange ryabwo.

Kugira ngo inzego zirebwa n'ikemurwa ry'amakimbirane ashingiye ku butaka yavuzwe haruguru zigire uburyo bw'imikorere imwe inoze, Ikigo cy'Igihugu Gishinzwe Ubutaka cyashyizeho inyandikongengamikorere izajya yifashishwa n'izo nzego.

Iyi nyandiko igamije gusobanura uburyo ubusabe bwo gukemurirwa amakimbirane bushyikirizwa urwego rufite ububasha bwo kuyakemura, uburyo urwego rwakiramo ubusabe, uko akanama kadahoraho ko gukemura amakimbirane gashyirwaho, uko akanama gasesengura ubusabe, uko abafitanye amakimbirane ndetse n'abatangabuhamya batumirwa kandi bumvwa, uko akanama gakora raporo ku makimbirane n'uko icyemezo gifatwa kinamenyeshwa abafitanye amakimbirane.

NISHIMWE Marie Grâce
Umuyobozi Mukuru w'Umusigire w'Ikigo cy'Igihugu Gishinzwe Ubutaka/Umubitsi Mukuru w'Inyandikompamo z'Ubutaka

1. ISUZUMWA RY'IBANZE RY'AMAKIMBIRANE KU RWEGO RW'UMURENGE

Mbere yo kohererereza Akarere gafite ubuzima gatozi cyangwa Umujyi wa Kigali ubusabe bwo gukemurirwa amakimbirane, usaba agomba gusaba umurenge w'aho ubutaka bufite ikibazo buherereye kugira ngo uyakemure.

Umurenge w'aho ubutaka buherereye usuzuma ikibazo, ugahamagara impande zombi kugira ngo uzumvikanishe. Iyo abafitanye amakimbirane batabashije kumvikana, Umurenge ukora raporo igaragaza ibi bikurikira:

- Imyirondoro y'abafitanye amakimbirane;
- Ubwoko bw'amakimbirane;
- Inomero y'ubutaka burebwa n'ikibazo iyo izwi n'aho buherereye (Intara, Akarere, Umurenge, Akagari n'Umudugudu);
- Inshamake y'ikibazo;
- Isesengura ry'ikibazo;
- Uko ubuyobozi bw'umurenge bubibona

2. KOHEREZA NO KWANDIKA UBUSABE BWO GUKEMURIRWA AMAKIMBIRANE

2.1. Aho ubusabe bwoherezwa

Ku rwego rwa mbere, ubusabe bwo gukemura amakimbirane bwohererezwa Akarere gafite ubuzima gatozi cyangwa Umujyi wa Kigali n'aho ku rwego rw'ubujurire bukohererezwa Ikigo cy'Igihugu Gishinzwe Ubutaka.

Usaba yuzuza inyandiko yabugenewe akayohereza kuri imeyili yihariye yagenwe n'urwego ikoreshwa mu kwakira ubusabe no kumenyesha ibyemezo. Emeyili ikoreshwa mu kohereza ubusabe bwo gukemura amakimbirane igomba kuba ari iya nyir'ubusabe cyangwa umuhagarariye byemewe n'amategeko. Nta busabe bwoherezwa ku yindi emeyili itandukanye n'iyatanzwe n'urwego rufite ububasha bwo gukemura amakimbirane. Iyo bibaye, umukozi wakiriye ubwo busabe agomba gusubiza uwohereje ubusabe amugaragariza aho akwiye kubwohereza.

Ubusabe kandi bushobora koherezwa mu buryo by'impapuro zicapye mu gihe uburyo bw'ikoranabuhanga bwagize ikibazo cyangwa hari indi mpamvu usaba yasobanuye yatuma atabasha gukoresha uburyo bw'ikoranabuhanga. Ubusabe bwakozwe mu buryo bw'impapuro zicapye bwakirwa gusa ku cyicaro gikuru cy'urwego rufite ububasha bwo gukemura amakimbirane.

Kohereza ubusabe bikorwa na nyir'ubwite cyangwa undi muntu yabihereye ububasha bwanditse (procuration) bwakorewe imbere ya noteri ubifitiye ububasha. Icyakora, ibi ntibisabwa mu gihe usaba ari umwe mu bashakanye akaba abikora mu izina ry'umurango we.

2.2. Kwandika ikibazo mu gitabo

Ikibazo cyashyikirijwe urwego haba kuri imeyili cyangwa mu buryo bw'inyandiko zicapye cyandikwa mu gitabo cyabugenewe kigahabwa inomero yihariye hakurikijwe uko ibibazo byinjira.

Iyo nomero niyo iranga dosiye kandi ikaba ari nayo ikoreshwa ku nyandiko zose no ku cyemezo kizafatwa.

Mu kwandika ikibazo mu gitabo cyabugenewe handikwa amakuru akurikira:

- Inomero y'ikibazo;
- Imyirondoro y'uwatanze ikibazo;
- Imyirondoro y'uwo bafitanye ikibazo;
- Ubwoko bw'amakimbirane;
- Inomero y'ubutaka[1] burebwa n'ikibazo n'aho buherereye (Intara, Akarere, Umurenge, Akagari n'Umudugudu);

3. GUSHYIRAHO AKANAMA KADAHORAHO

Umuyobozi w'Urwego rwakiriye ikibazo ashyiraho mu nyandiko akanama kadahoraho kazasesengura kakanakurikirana ikibazo byibura mu gihe cy'iminsi itatu (3) y'akazi ibarwa uhereye igihe ikibazo cyakiriwe.

Mu gihe bibaye ngombwa, akanama gashobora gusaba umuyobozi gutumiza impuguke kugafasha mu gusesengura ikibazo kashyikirijwe.

Abagize akanama bitoramo umuyobozi n'umwanditsi wako.

4. GUSUZUMA ISHINGIRO RY'IKIBAZO

Akanama kadahoraho kagenwe n'umuyobozi w'Urwego rwakiriye ubusabe bwo gukemura amakimbirane gasuzuma ubusabe kugira hemezwe ishingiro ryabwo.

Mu gusuzuma dosiye akanama kadahoraho kareba niba:

- nyir'ubusabe afite ubushobozi, ububasha n'inyungu bwo gutanga ikibazo;
- ikibazo kiri mu bubasha bw'urwego;
- usaba yarubahirije ibihe biteganywa n'amategeko;
- ubusabe bwubahirije inzira ziteganywa n'amategeko;
- dosiye yujuje ibindi byose bisabwa.

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[1] Iyo inomero y'ubutaka itazwi, usaba azana ifishi y'ibipimo by'ubutaka (Fiche Cadastrale) yemejwe n'umuyobozi w'ishami rifite ubutaka mu nshingano mu Karere na raporo y'ipimwa ry'ubutaka yashyizweho umukono na nyir'ubutaka n'umukozi wapimye ubutaka

Akanama kadahoraho kamaze gusuzuma ibyavuzwe haruguru gakora raporo ku miterere ya dosiye kakagaragaza igikwiye gukorwa.

Iyo akanama gasanze ubusabe bwujuje ibisabwa kugira ngo bwakirwe, akanama gashyikiriza Umubitsi w'Inyandikompamo z'Ubutaka dosiye kugira ngo ubutaka burebwa n'ikibazo bushyirweho itambamira.

Iyo ubusabe butujuje ibisabwa, akanama gakora raporo kakayishyikiriza umuyobozi w'urwego kugira ngo afate icyemezo. Icyo cyemezo kimenyeshwa abafitanye amakimbirane kandi akanama gatumira abafitanye amakimbirane kugira ngo kabumvikanishe bagirwe inama y'icyo bagomba gukora kugira ngo amakimbirane bafitanye akemuke.

5. UBUTUMIRE BW'ABAFITANYE AMAKIMBIRANE

Umuyobozi w'urwego rwashyikirijwe ikibazo butumira mu nyandiko abafitanye amakimbirane hagamijwe kubumva no kubumvikanisha. Ubutumire bwohererezwa abafitanye amakimbirane mu nyandiko kuri emeyili zabo cyangwa indi aderesi yatanze.

Ubutumire bugaragaza amazina y'utumiwe, impamvu y'ubutumire, umunsi, isaha n'aho kumva no kumvikanisha abafitanye amakimbirane bizabera.

Ubutumire butangwa mu minsi irindwi (7) mbere y'uko umunsi wo kumva impande zombi no kuzumvikanisha ugera.

Uwatanze ikibazo afite inshingano zo gushyikiriza ubutumire uwo bafitanye ikibazo abinyujije ku buyobozi bw'Akagari, ubw'Umurenge cyangwa ku muhesha w'inkiko kandi akagaragaza ikimenyetso ko uwo bafitanye ikibazo yamenyeshejwe.

Mu gihe cyo gushyikiriza uregwa inyandiko imutumira, uwatanze ikibazo kandi amushyirikiriza kopi ya dosiye yose yoherereje urwego yashyikirije ikibazo.

6. GUSESENGURA NO GUKEMURA AMAKIMBIRANE

6.1. Kumva no kumvikanisha abafitanye amakimbirane

Akanama kadahoraho gategura aho kumva impande zombi no kubumvikanisha bizabera. Kumva abafitanye ikibazo n'abatangabuhamya kandi bishobora gukorwa hakoreshejwe ikoranabuhanga iyo bibaye ngombwa.

Iyo akanama kadahoraho gakeneye ubufasha bw'inzego z'ibanze cyangwa urundi rwego rwa Leta, kamenyesha izo nzego umunsi n'isaha n'ubufasha gakeneye kuri urwo rwego. Icyakora,

umukozi w'urwego wagize uruhare mu gukurikirana ikibazo ku rwego rwa mbere ntagomba kugaruka mu ikemukarwa rw'ikibazo ku rwego rw'ubujurire.

Abagize akanama kadahoraho bagomba gushishikariza impande zombi gukemura amakimbirane yabo mu buryo bw'ubwumvikane.

Iyo umwe mu bafitanye amakimbirane atitabiriye ubutumire ariko yatanze impamvu ifite ishingiro kandi yemejwe n'Akanama, kumva abafitanye amakimbirane birasubikwa. Iryo subikwa ntiririnza inshuro imwe kuri buri ruhande. Icyakora, iyo umwe mu bafitanye amakimbirane atitabye ubutumire nta mpamvu yatanze cyangwa impamvu yatanze itemejwe n'Akanama, amakimbirane asuzumwa mu mizi kandi agakemurwa nk'aho utitabye ubutumire yari ahari.

Mu gihe akanama gasuzuma amakimbirane gakora inyandikomvugo y'ibyavuzwe n'abafitanye ikibazo n'abatangabuhamya n'ibyabonywe byose mu ikemurwa ry'ikibazo igashyirwaho umukono n'abagize akanama, impande zombi zifitanye ikibazo n'abahamya mu gihe bahari.

6.2. Kureka ubusabe n'ingaruka zabyo

Uwatanze ikibazo haba ku rwego rwa mbere cyangwa mu bujurire afite uburenganzira bwo kureka ubusabe bwe akabimenyesha uwo bari bafitanye ikibazo. Iyo aretse ubusabe, akanama gakora raporo kagatanga icyifuzonama, igashyikirizwa umuyobozi w'urwego kugira ngo afate icyemezo. Uwahagaritse ubusabe bwe ntashobora kongera gusaba gukemurirwa ayo amakimbirane mu gihe abo bafitanye ikibazo bakiri bamwe.

6.3. Ubwumvikane bw'abafitanye ikibazo

Abafitanye ikibazo bashobora kumvikana ubwabo cyangwa babifashijwemo n'akanama igihe cyose nta cyemezo kirafatwa n'urwego rwashyikirijwe ikibazo.

Iyo abari bafite ikibazo bumvikanye, abagize akanama bakora inyandikomvugo y'ubwumvikane igaragaza ibyo impande zombi zumvikanyeho igashyirwaho umukono n'abafitanye ikibazo n'abagize akanama.

Ubumvikane bw'impande zombi bushyira iherezo ku kibazo cyari cyarashyikirijwe urwego.

7. KWANDIKA NO GUTANGA RAPORO Y'AKANAMA KADAHORAHO

Mu gihe amakimbirane yakemutse mu buryo bw'ubwumvikane, abagize akanama bakora raporo igaragaza ibyo impande zombi zumvikanyeho. Iyo ari ngombwa gukosora

ibyangombwa by'ubutaka, abari bafitanye ikibazo babishyikiriza akanama kadahoraho kugira ngo amakuru akosorwe muri rejisitiri y'ubutaka.

Mu gihe nta bwumvikane bwabayeho, abagize akanama bakora raporo igaragaza iperereza ryakozwe, isesengura ry'imiterere y'amakimbirane, ibimenyetso, n'icyifuzonama.

Akanama gashyikirizwa umuyobozi w'urwego rwashyikirijwe ubusabe kugira ngo afate icyemezo.

8. GUFATA ICYEMEZO

Umuyobozi w'urwego rwashikirijwe ubusabe bwo gukemura amakimbirane afata icyemezo ashingiye kuri raporo y'akanama kadahoraho.

Mu gihe umuyobozi w'Urwego atemeje icyifuzonama cy'akanama kadahoraho, atumiza akanama kugira ngo hafatwe icyemezo cyumvikanyweho na bose. Iyo nama ikorerwa inyandikomvugo igaragaza ibyumvikanyweho.

Icyemezo gikorwa muri kopi eshatu, imwe ihabwa buri ruhande mu bafitanye ikibazo n'indi ibikwa n'urwego rwafashe icyemezo.

Icyemezo cyafashwe iyo kitajuririwe gishyirwaho kashi mpururuza n'urukiko kikarangizwa hakurikijwe imihango isanzwe yo kurangiza inyandikompesha.

Icyakora mu gihe Akarere cyangwa Umujyi wa Kigali batasuzumye ikibazo iminsi 30 kandi igihe cyo kujuririra cyararenze, akanama ko ku rwego rw' Ikigo cy'Igihugu Gishinzwe Ubutaka gatumira abafitanye ikibazo kakagerageza kubumvikanisha. Iyo abafitanye amakimbirane batabashije kumvikana, bagirwa inama yo kongera kwandikira Akarere cyangwa umujyi wa Kigali kugira ngo ikibazo kizasuzumwe bundi bushya.

9. KUMENYESHA ICYEMEZO ABAFITANYE AMAKIMBIRANE

Urwego rwashyikirijwe ubusabe bwo gukemura amakimbirane rumenyesha mu nyandiko abafitanye amakimbirane icyemezo cyafashwe.

Abafitanye ikibazo bagomba gushyira umukono mu gitabo cyabugenewe ko bakiriye inyandiko y'icyemezo cyafashwe. Mu gihe icyemezo cyamenyeshejwe abo bireba hakoreshejwe imeyili, byandikwa mu gitabo hakagararazwa itariki n'isaha icyo cyemezo cyoherejweho.

Mu gihe kibisabwe n'ubifitemo inyungu, Ikigo cy'Igihugu Gishinzwe Ubutaka cyemeza mu nyandiko ko icyemezo cyafashwe cyajuririwe cyangwa kitajuririwe.

10. KOHEREREZA IKIGO CY'IGIHUGU GISHINZWE UBUTAKA KOPI YA DOSIYE

Mu gihe kitaranze iminsi 3 kuva icyemezo gifashwe ku rwego rwa mbere, Akarere gafite ubuzima gatozi cyangwa Umujyi wa Kigali bashyikiriza Ikigo cy'Igihugu Gishinzwe Ubutaka dosiye yose irimo ibi bikurikira:

a) icyemezo cyafashwe;
b) raporo y'akanama;
c) n'izindi nyandiko zose zakoreshejwe mu gukurikirana no gukemura ikibazo.

Kopi ya dosiye yoherezwa kuri emeyili yihariye (ubujurire@lands.rw) inyuzwaho ubusabe no kumenyesha ibyemezo byafashwe n' Ikigo cy'Igihugu Gishinzwe Ubutaka.