

S T A T U T O R Y I N S T R U M E N T S

2018 No. 8.

**THE TIER 4 MICROFINANCE INSTITUTIONS AND MONEY LENDERS
(MONEY LENDERS) REGULATIONS, 2018.**

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S T A T U T O R Y I N S T R U M E N T S

2018 No. 8.

The Tier 4 Microfinance and Money Lenders (Money Lenders) Regulations, 2018.

IN EXERCISE of the powers conferred upon the Minister by section 112 of the Tier 4 Microfinance and Money Lenders Act, 2016 these Regulations are made this 28th day of February, 2018.

PART I—PRELIMINARY

1. Title.

These Regulations may be cited as the Tier 4 Microfinance and Money Lenders (Money Lenders) Regulations, 2018.

2. Interpretation.

In these Regulations, unless the context otherwise requires—

“Act” means the Tier 4 Microfinance Institutions and Money Lenders Act, 2016;

“Authority” means the Uganda Microfinance Regulatory Authority established by section 6 of the Act;

“licence” means a money lending licence referred to in section 79 of the Act;

“money lender” means a company licensed under section 79 of the Act;

“collateral” means movable or immovable property given as collateral or mortgage to secure the payment of a loan or money advance.

3. Application for licence.

(1) A person who intends to carry on the business of money lending shall apply to the Authority in writing in accordance with section 78 (3) of the Act for a licence.

(2) An application under sub regulation (1) shall be accompanied by—

- (a) a certificate of incorporation;
- (b) forms of particulars of directors and secretary;
- (c) particulars of the address;
- (d) copies of national identity cards for directors and the secretary; and
- (e) evidence of payment of the fees prescribed in schedule 1 to these Regulations.

(3) The application for a licence shall be in Form 1 prescribed in Schedule 2 to these Regulations.

4. Consideration of application.

(1) The Authority shall consider an application and inform the applicant of its decision within three months after the application has been lodged with it; except that where the Authority requests for more information, the period of three months shall be calculated from the time that the additional information is submitted to the Authority.

(2) The Authority may, on an application duly made and after being furnished with all information as it may require, grant a license or reject the application.

(3) In determining whether to grant a licence or reject an application the Authority may take into account the fitness and propriety of any person who is or will be employed by or associated with the applicant for the purposes of carrying on the money lending business.

5. Rejection of application.

(1) The Authority may reject an application for a money lending licence in accordance with section 80 of the Act.

(2) The Authority shall serve on the applicant, a notice of rejection to grant a licence within thirty days after making a decision and that notice shall be in Form 2 set out in Schedule 2 to these Regulations.

6. Grant of licence.

(1) The Authority shall grant a licence if it is satisfied with the information furnished by the applicant and having regard to any other information in its possession that the applicant is fit to carry on the business of money lending.

(2) A licence granted by the Authority shall be in Form 3 set in in Schedule 2 to these Regulations.

7. General conditions.

(1) It shall be a condition of every licence that—

- (a) the licence shall be personal to the applicant and shall not be transferable or assignable;
- (b) a licensee shall give written notice to the Authority on the occurrence or alteration of any event which affects or may affect in any material respect, any matter in respect of which the licensee has supplied or was required to supply information to the Authority in the course of his or her application for the licence;
- (c) a licensee shall give written notice to the Authority of any intended change in the directors and other management staff of the company prior to the change;
- (d) a licensee shall communicate to the Authority notices which are required by the Act, in the forms as may be prescribed by the Authority.

(2) The Authority may, on its own volition or on the application of a licensee, vary any conditions specified in a license.

8. Change in management.

(1) A money lender shall not change its management except with the written authorisation of the Authority.

(2) Where the Authority receives notice under regulation 7(c) the Authority shall carry out due diligence on the directors and other persons to be involved in the management of the business and shall—

- (a) if satisfied that the new directors and the management of the money lender are fit to carry on the business of money lending, issue a notice of no objection to the change in management and directors;
- (b) if not satisfied that the new directors and the management of the money lender are fit to carry on the business of money lending, issue a notice of objection to the change in management and directors.

(3) The notice referred to in sub regulation (2) shall be in Form 4 set out in Schedule 2 to these Regulations.

9. Replacement of licence.

(1) A licensee may apply to the Authority for the replacement of a licence where the licence is lost, destroyed, obliterated or defaced.

(2) An application in sub regulation (1) shall be accompanied by evidence of payment of the fee prescribed in Schedule 1 to these Regulations.

(3) Where the Authority is satisfied that a licence has been lost, destroyed, obliterated or defaced, the Authority shall issue a licence to replace the lost, destroyed, obliterated or defaced licence.

10. Display of licence.

(1) Every licensee shall display his or her licence at all premises in which he or she transacts money lending business.

(2) The requirement in sub regulation (1) shall not be taken to be satisfied unless the licence is displayed in such a manner as to be readily visible to the public.

11. Renewal and validity of licence.

(1) A licence shall expire on the 31st of December in every year and may be renewed annually upon application to the Authority.

(2) A money lender may apply in writing to the Authority for renewal of a moneylending licence at least three months before the expiry of the licence.

(3) The application for renewal of a licence shall be accompanied by evidence of payment of the fee specified in Schedule 1 and shall be in Form 5 set out in Schedule 2.

(4) The Authority may require additional information to be provided by the applicant for renewal of a money lending licence.

(5) The Authority shall, before renewing a money lending licence, have regard to the extent to which the money lender complied with the Act and the conditions set in the earlier licence, if any.

(6) The Authority may refuse to renew a money lending licence if satisfied that the money lender failed to comply with the provisions of the Act, the terms and conditions set in the licence sought to be renewed or these Regulations.

(7) Where the Authority refuses to renew a licence, it shall give written notice to the applicant within three months after receiving the application, stating the reasons for refusal.

12. Revocation of a licence.

(1) Where the Authority intends to revoke a licence under section 83 of the Act, the Authority shall issue to the licensee a notice of intention to revoke a licence, in Form 6 set out in Schedule 2 to these Regulations.

(2) The licensee shall, within 14 days after receiving a notice referred to in sub regulation (1), show cause in writing to the Authority why the licence should not be revoked.

(3) The Authority shall examine the reasons submitted by the licensee in sub regulation (2) and—

- (a) where the Authority is satisfied with the explanation, in writing withdraw the notice referred to in sub regulation (1); or
- (b) where the Authority is not satisfied with the written explanation referred to in sub regulation (1), invite the licensee for an oral interface within five days after receiving the explanation referred to in sub regulation (2).

(4) Where the Authority is not satisfied with the explanation after an oral interface with the licensee, the Authority shall—

- (a) issue a notice of revocation to the licensee;
- (b) require the licensee to deliver to the Authority the licence within fourteen days after receiving the notice of revocation of licence; and
- (c) endorse on the licence, the words “**REVOKED**”.

(5) The notice of revocation shall be in Form 7 set out in Schedule 2 to these Regulations.

(6) A person who fails to surrender a revoked licence commits an offence and is liable on conviction to pay a fine not exceeding forty eight currency points or an imprisonment for a term not exceeding two years or both.

(7) Where the Authority revokes a licence, the Authority shall cause notice of revocation to be published in the Gazette or a newspaper of wide circulation at least within thirty days after the revocation.

13. Suspension of licence.

(1) The Authority may, suspend a license instead of revoking that licence if the Authority is not satisfied with the explanation referred to in Regulation (12) (3).

(2) The suspension of a license may be—

- (a) for a specified period;
- (b) until the occurrence of a specified event; or
- (c) until specified conditions are complied with.

(3) A notice of suspension of licence shall be in Form 7 set out in Schedule 2 to these Regulations.

14. Effect of revocation or suspension of licence.

A person whose licence is revoked or suspended shall be taken not to be licensed unless the Authority withdraws the suspension, in the case of suspension of a license.

15. Withdrawal of suspension of licence.

(1) A person whose licence was suspended may apply to the Authority in writing for withdraw of the suspension.

(2) The application shall state the grounds on which the applicant intend to rely on to seek the suspension to be withdrawn, stating clearly the remedies for the reasons that led to suspension.

(3) Where the Authority is satisfied with the reasons furnished in sub regulation (2), the Authority shall withdraw the suspension in writing.

16. Register of money lenders.

(1) The Authority shall keep and maintain a register of money lenders.

(2) The register of money lenders shall contain—

- (a) the name and address of the money lender;
- (b) the particulars of the directors and secretary of the money lender;
- (c) the date of issue of the money lending licence;
- (d) the date of renewal of the licence, if any;
- (e) the terms or conditions attached to a money lending licence, if any;
- (f) in case of revocation or suspension of the licence, the particulars of the revocation or suspension of the money lending licence, as the case may be; and
- (g) any alterations to the particulars referred to in paragraphs (a) or (c).

(3) A person may search and inspect the register of money lenders under subsection (1) upon payment of a fee prescribed in Schedule 1.

PART III—MONEY LENDING BUSINESS

17. Duties of money lender.

(1) A money lender shall be under a duty to—

- (a) furnish the borrower with a copy of the loan agreement; including all annexures;
- (b) display interest rate charges at all times in a conspicuous place at the premises where the money lending business is conducted;

- (c) keep and maintain records including proper books of accounts, a cash book, ledger, register of securities, register of debtors and such other books of accounts in such form and in such manner as the Authority may require;
- (d) maintain a physical address and notify the Authority of any change in address within seven days after the change;
- (e) maintain and retain records relating to the money lending business for a period of ten years;
- (f) provide records on request by the Authority.

(2) A money lender who intends to conduct his or her business in more than one physical place of business shall notify the Authority of such other additional places and shall pay the fees for inspection and registration of additional places as prescribed in Schedule 1 to these Regulations.

(3) A money lender shall make a determination of a borrower's creditworthiness and capacity to repay using industry best practices prior to advancing money to the borrower.

18. Collateral for money advanced.

(1) A money lender shall not demand or accept the following as collateral for any money advanced to a borrower as a loan—

- (a) a national identity card, passport, warrant card, or other document establishing the identity or nationality of the holder;
- (b) bank savings, ATM cards and security codes for the ATM cards or deposit account books; or
- (c) an instrument of transfer of any property or assets signed prior to the disbursement of the loan.

(2) Where it is proved to the satisfaction of court that a transaction for money lending is disguised as a sale or transfer of property, the court may—

- (a) nullify the transaction;
- (b) order the borrower to refund the money borrowed without interest;
- (c) revoke the licence; or
- (d) make other such orders as it may deem fit.

(3) A money lender shall not dispose of any collateral given by a debtor as a sale, pledge or collateral for the loan advanced to him, unless 60 days have passed since a written demand notice has been issued to the debtor requiring him or her to pay any outstanding monies on the money advanced.

(4) A money lender may dispose of the collateral given by the debtor by way of public auction or private treaty without recourse to a court of law.

(5) A money lender may, before carrying out a sale of collateral by public auction or private treaty, undertake a valuation and obtain a forced sale value of the collateral to determine the market value of the property.

(6) The money lender may not sell the collateral for less than the forced sale value in the initial two auctions and where the collateral does not sell in the first two attempts, the money lender may sell the collateral at a value less than the forced value.

(7) The proceeds from the sale of collateral shall be applied as follows—

- (a) pay all monies outstanding on the loan;
- (b) costs and expenses properly incurred and incidental to the sale;
- (c) the balance, if any, shall be paid to the borrower.

(8) A borrower shall retain the right to pay any outstanding monies and costs to redeem the collateral before it is disposed of.

19. Borrower may deposit money with the Authority.

(1) Where a money lender refuses to accept any sum in repayment or where it becomes impracticable for the borrower to find the money lender and make a payment, the borrower may deposit the sum with the Authority.

(2) Where the borrower deposits money with the Authority, a receipt of the money received shall be issued to the borrower as evidence of payment.

(3) The Authority shall, upon receiving money under sub regulation (1) cause a written notice of the deposit to be served on the money lender, and require the money lender—

- (a) to appear before the Authority and receive the monies deposited; and
- (b) to reconcile the accounts of the borrower to reflect the money deposited as money duly paid.

20. Lost, damaged or destroyed collateral.

(1) Where a money lender takes possession of collateral under a money lending agreement, he or she is under a duty to exercise the same care and diligence over the collateral in his or her custody as would a prudent owner do with the property.

(2) Where a collateral in possession of a money lender is lost, damaged or destroyed, the money lender shall be liable to pay the value of the collateral, or the replacement value of the collateral, after deducting the amount of the principal and interest if any, outstanding, within a reasonable time.

(3) Where a money lender fails to pay the value of the collateral, or the replacement cost of the value of that collateral within a reasonable time, the borrower may require the money lender to pay compensation for any loss suffered as result in addition to the value of the collateral.

21. Computation of interest.

(1) The interest charged on a loan by a money lender shall be computed on the monthly outstanding balance of the principal remaining after deducting from the original principal the total payments made by or on behalf of the borrower which are appropriated to the principal.

(2) The money lender shall disclose to the borrower the method of calculating the interest rate.

22. Money lender to publish charges.

A money lender must publish and disclose to the borrower in a clear and conspicuous manner prior to entering into the money lending agreement, the charges and transaction fees incurred under the lending transaction.

23. Money lending contract.

(1) Subject to section 85 of the Act a money lending agreement shall include the following—

- (a) the interest computed on the monthly outstanding balance of the principal;
- (b) the date on which the interest on the principal is payable;
- (c) the frequency of installments to be paid;
- (d) the right to redeem the collateral before it is disposed of;
- (e) the chargeable fees for the loan transaction;
- (f) charges for late repayment; and
- (g) the conditions under which collateral for the loan may be sold, subject to regulation 18.

(2) Subject to section 85 of the Act, a money lending agreement may be made in electronic form.

24. Confidentiality and nondisclosure.

(1) A money lender shall keep confidential the information furnished by the borrower in a money lending transaction and shall not disclose the information to a third party without, the written consent of the borrower.

(2) Subject to sub regulation (1) a money lender may disclose information to a third party without the consent of the borrower, for purposes of crime prevention or detection.

25. Access to information.

(1) A borrower may, at any time, upon request made in writing to the money lender, access information from the money lender on the money lending transaction between the borrower and the money lender.

(2) The money lender shall on request by the borrower furnish the borrower with all the necessary information relating to the loan transactions which may include—

- (a) the outstanding amounts on the principal;
- (b) the interest payable; and
- (c) the payments received by the money lender in respect of the loan and the dates on which they were received.

26. Procedure for reopening transactions.

An application to reopen a money lending transaction under section 88 and 89 of the Act shall be by way of notice of motion filed in accordance with the Civil Procedure Act, and the Civil Procedure Rules.

27. Money lender to give notice of assignment.

(1) Where a money lender makes an assignment under section 93 of the Act, the money lender shall give notice to the borrower within 5 days from the date of assignment.

(2) The notice in sub regulation (1) shall be in Form 8 set out in Schedule 2 to these Regulations and shall state the names and physical address of the assignee.

SCHEDULES

SCHEDULE I – FEES

ITEM	MATTER	FEES (Ug Shillings)
1	Application for license and renewal of licence	50,000/=
2	Annual license	500,000/=
3	Application for replacement of license	50,000/=
3	Registration of notice of change (directors, secretaries or physical address)	100,000/=
4	Application for a search of the register	25,000/=
5	Certification	20,000/= per copy
6	Inspection and registration of additional places	300,000

SCHEDULE 2 – FORMS

FORM – 1

reg 3(3)

THE REPUBLIC OF UGANDA

**THE TIER 4 MICROFINANCE INSTITUTIONS AND MONEY
LENDERS ACT, 2016**

APPLICATION FOR A LICENCE

(To be completed in Triplicate)

1. Name of applicant
2. Date of incorporation
3. Company registration number.....
4. Registered physical and postal address of the applicant
.....
.....
.....
5. Proposed area where money lending business will be carried out
6. Particulars of directors and physical address (postal address, phone number, email.)
.....
.....
.....
7. Particulars of Secretary (if any) and physical address (postal address, phone number, email.)
.....
.....
8. Principal office of the money lending business.
 - (a) Physical address
 - (b) Postal address.....
 - (c) Email.....
 - (d) Telephone number.....

9. Please attach the following certified documents—
- (a) Certificate of Incorporation
 - (b) Forms of particulars of directors and company Secretary
 - (c) Registered address
 - (d) National Identity Cards for all the directors and company secretary
 - (e) Proof of payment of fees for application of the licence.
 - (f) A copy of the interests rates according to the categories of loans products offered.

DECLARATION

I/We, the undersigned being the directors of the company, declare that to the best of our knowledge and belief, the information obtained herein is complete and accurate.

1. Name.....
 Designation.....
 SignatureDate.....
2. Name
 Designation.....
 Signature (Date).....

Note: This application form must be accompanied by all relevant documents and requirements prescribed in the Act and the Regulations.

FORM 2

reg, 5(2)

THE REPUBLIC OF UGANDA

THE TIER 4 MICROFINANCE INSTITUTIONS AND
MONEY LENDERS ACT, 2016

NOTICE OF REJECTION OF APPLICATION FOR A LICENCE

TAKE NOTICE that application number dated this
.....of.....20.....of.....
.....by..... *(state full name and
address of the applicant)* for a licence to operate money lending business, has
been rejected on the following grounds.....
.....
.....
.....
.....
.....

Dated this _____ day of _____, 20 _____

.....
Chairperson of the Board *Secretary to the Board/
Executive Director*

FORM - 3

reg, 6(2)

THE REPUBLIC OF UGANDA

**THE TIER 4 MICROFINANCE INSTITUTIONS AND
MONEY LENDERS ACT, 2016**

MONEY LENDING LICENCE

Licence No.....

This License is granted to
to carry on money lending business.

This licence is subject to the following Conditions—

- (1) This Licence shall expire on the 31st December of 20.....
- (2) This Licence is not transferable;
- (3) The Licensee shall not carry on the money lending business under more than one name;
- (4) Licensee shall surrender the licence where requested by the Authority;

Dated thisday of20.....

.....
Chairperson of the Board

.....
*Secretary to the Board/
Executive Director.*

FORM - 4

THE REPUBLIC OF UGANDA

**THE TIER 4 MICROFINANCE INSTITUTIONS AND
MONEY LENDERS ACT, 2016**

**NOTICE OF CHANGE IN PARTICULARS OF DIRECTORS OF
LICENSED MONEY LENDING BUSINESS**

TO THE EXECUTIVE DIRECTOR

TAKE NOTICE that effective this day of,
20..... the company(*Insert in the name of the
company*) intends to appoint the following as the directors of the company—

	NAME AND ADDRESS OF FORMER DIRECTORS OR MANAGEMENT STAFF	NAME AND ADDRESS OF NEW DIRECTORS OR MANAGEMENT STAFF
1		
2		
3		
4		

DATED atthis day of....., 20.....

.....
Director/Secretary

FORM - 5

Reg, 11(3)

THE REPUBLIC OF UGANDA

**THE TIER 4 MICROFINANCE INSTITUTIONS AND
MONEY LENDERS ACT, 2016**

APPLICATION FOR RENEWAL OF MONEY LENDING LICENCE
(To be completed in Triplicate)

Application is hereby made to the Authority for the renewal of Licence No.
.....granted on under Section 82 of the
Tier 4 Microfinance Institutions and Money Lenders Act, 2016

The name of the money lenders company

.....
Address of its registered office (Physical address, Postal and Telephone No.)

.....
Address and telephone number of each place at or from which business as a
money lender is carried on

.....
Particulars of current directors of the company

Name.....

Address.....

Telephone number.....

National Identification Number.....

Has there been any change in the principal shareholders of the company or in
the details thereof since the issue or last renewal of the licence? (Answer “yes”
or “no”).

.....
If yes, give details

Please attach the following certified documents

- (a) Registered address if it has changed
- (b) Proof of payment of annual fees.
- (c) A copy of the interests rates according to the categories of loans products offered.

I declare that all the information given by me in this application is true and correct.

Dated thisday of, 20.....

Signature of Applicant

Signed by the person authorized in this behalf by the company [Note: evidence of authorization should be produced together with the fee payable on application and should be delivered to the Authority.

WARNING

Section 84 (b) of the Tier 4 Microfinance Institutions and Money lenders Act, 2016 makes it an offence punishable by a fine of two hundred currency points for a person to carry on business in a name or at any place other than the name or address specified in the money lending licence or to furnish false or misleading information in connection with any application for the renewal of a licence.

FORM 6

Reg. 12(1),

THE REPUBLIC OF UGANDA

**THE TIER 4 MICROFINANCE INSTITUTIONS AND
MONEY LENDERS ACT, 2016**

**NOTICE OF INTENTION TO REVOKE OR SUSPEND MONEY
LENDING LICENCE**

To: Money lender,

TAKE NOTICE that the Authority intends to revoke or suspend Licence No.
..... issued to you on the day of
.....20..... The grounds for revocation or suspension are as
follows—

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

You are hereby directed to provide an explanation in writing in relation to the
above grounds within 14 days from the date of receiving this notice.

Dated thisday of, 20.....

.....
Secretary to the Board/Executive Director.

FORM 7

Reg, 12(5), 13(3)

THE REPUBLIC OF UGANDA

**THE TIER 4 MICROFINANCE INSTITUTIONS AND
MONEY LENDERS ACT, 2016**

**NOTICE OF REVOCATION OR SUSPENSION OF
MONEY LENDING LICENCE**

TO: MONEY LENDER

TAKE NOTICE that Licence No.....issued to you is revoked/suspended effective/....., 20..... You are required to surrender the licence to the Authority within fourteen days of receiving this notice. You are hereby directed to cease carrying on money lending business with immediate effect.

Dated at this day of, 20.....

.....
Chairperson of the Board

.....
*Secretary to the Board/
Executive Director*

WARNING

Section 84 (b) of the the Tier 4 Microfinance Institutions and Money lenders Act, 2016 makes it an offence punishable by a fine of two hundred currency points for a person who carries business in a name or at any place other than the name or address specified in the money lending licence or who furnishes false or misleading information in connection with any application for the renewal of a licence.

FORM 8

Reg, 27(2)

THE REPUBLIC OF UGANDA

**THE TIER 4 MICROFINANCE INSTITUTIONS AND
MONEY LENDERS ACT, 2016**

NOTICE OF ASSIGNMENT

TAKE NOTICE that under section 93 of the Tier 4 Microfinance Institutions and Money lenders Act, 2016, I intend to make an assignment of the loan under the names*(insert in the names and address of the debtor)*

The balance on the principle of loan isUg Shillings. The accrued interest is Ug Shillings.

The interests and obligations of the loan agreement dated day of, 20..... in respect of the loan is assigned to *(insert the name of the assignee)* of *(insert address of the assignee)* with effect from the.....day of....., 20..... The assignee shall exercise all rights and the liabilities under Tier 4 Microfinance Institutions and Money Lenders Act, 2016 and the Regulations made under the Act.

Name and license Number of Money-lender.....

Signature of Money-lender

Address.....

Date.....

MATIA KASAIJA (MP),
Minister of Finance, Planning & Economic Development.