



## FIJI REVENUE AND CUSTOMS SERVICE

# TERTIARY SCHOLARSHIP AND LOANS ACT 2014

*Revised up to 1<sup>st</sup> August 2021*

### DISCLAIMER

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Tertiary Scholarship and Loans Act 2014 (No 2 of 2014)<sup>1</sup> commenced on 18 December 2013, as amended by:

<b>Amending Legislation</b>	<b>Date of Commencement</b>
Tertiary Scholarship and Loans (Amendment) Decree 2014 (No 5 of 2014)	18 December 2013
Tertiary Scholarship and Loans (Amendment) Act 2014 (No 4 of 2014)	19 December 2014
Tertiary Scholarship and Loans (Amendment) Act 2015 (No 31 of 2015)	26 November 2015
Public Service (Amendment) Act 2016 (No 2 of 2016)	16 February 2016
Tertiary Scholarship and Loans (Budget Amendment) Act 2017 (No 29 of 2017)	1 August 2017
Fiji Revenue and Customs Authority (Budget Amendment) Act 2017 (No 38 of 2017)	1 August 2017
Tertiary Scholarship and Loans (Budget Amendment) Act 2018 (No 25 of 2018)	1 August 2018
Tertiary Scholarship and Loans (Budget Amendment) Act 2019 (No 17 of 2019)	1 August 2019
Passports (Amendment) Act 2020 (No 36 of 2020)	

## **PART 1 PRELIMINARY**

### **(Sections 1 – 2)**

#### **[Section 1] Short title and commencement**

This Act may be cited as the Tertiary Scholarship and Loans Act 2014 and shall be deemed to have come into force on 18 December 2013.

#### **[Section 2] Interpretation**

In this Act, unless the context otherwise requires—

**Board** means the Tertiary Scholarship and Loans Board established under section 3;

**eligible institution** means an institution listed in Schedule 1 subject to conditions as determined by the Board;

[def am Act 17 of 2019 s 2, effective 1 August 2019]

**Minister** means the Minister responsible for education;

[def am Act 4 of 2014 s 2, effective 19 December 2014]

**Schemes** means the tertiary scholarship and loans schemes set out in Schedule 2; and

**Student** means any person who—

- a) has completed Year 13 or such equivalent studies as determined by the Board in 2011 or any year thereafter;
- b) is an existing student enrolled in an eligible institution;
- c) is a current scholarship holder;
- d) is an employee earning an annual income of not more than \$25,000 and seeks to attain academic qualification or upgrade existing qualifications at an eligible institution either as a part-time or fulltime student;
- e) is an employee working in the civil service and seeks to attain academic qualification or upgrade existing qualifications at an eligible institution; or
- f) has completed Year 12 in 2017 or any year thereafter, and applies for a programme or course approved by Government.

[def am Decree No 5 of 2014 s 2, effective 20 February 2014; Act 31 of 2015 s 2, effective 26 November 2015; Act 2 of 2016 s 20, effective 16 February 2016; Act 29 of 2017 s 2, effective 1 August 2017; Act 17 of 2019 s 2, effective 1 August 2019]

## **PART 2 - ESTABLISHMENT, FUNCTIONS AND POWERS**

### **[Sections 3–14]**

#### **[Section 3] Establishment of the Board**

- (1) This section establishes the Tertiary Scholarship and Loans Board.
- (2) The Board shall be a body corporate with perpetual succession and a common seal, and may—
  - a) sue and be sued;
  - b) acquire, hold, possess, dispose of or otherwise deal with any property;
  - c) enter into contracts; and
  - d) do all other acts that may be done in law by a body corporate.

#### **[Section 4] Composition of the Board**

- (1) The Board shall consist of 5 members appointed by the Minister responsible for finance in writing subject to the approval of the Prime Minister.
- (2) The Minister responsible for finance shall appoint a Board member as Chairperson.
- (3) A person who is a Board member immediately before 1 August 2019, continues in office on the terms on which he or she was appointed.

[s 4 subst Act 17 of 2019 s 3, effective 1 August 2019]

#### **[Section 4A] Remuneration of Board members**

A Board member is entitled to remuneration as approved by the Minister responsible for finance.

[s 4A insrt Act 17 of 2019 s 3, effective 1 August 2019]

#### **[Section 5] Functions of the Board**

The Board shall—

- a) process applications made for the schemes set out in Schedule 2;
- b) assess the academic aspects of continuing scholarship holders and report to the Ministry responsible for finance;
- c) develop processes for the eligible institutions to produce invoices to the Ministry responsible for finance for payments; and
- d) in agreement with the Minister, develop processes with the Fiji Revenue and Customs Service, the Immigration Department and other government agencies for the facilitation and enforcement of the schemes, loan repayments and any condition.

[s 5 am Act 38 of 2017 s 7, effective 1 August 2017; Act 25 of 2018 s 2, effective 1 August 2018]

### **[Section 5A] Eligible institution to provide required information**

(1) The Board may request information from an eligible institution to assist in the performance of its functions under section 5, including requests for enrolment and academic reports.

(2) An eligible institution, when submitting information requested under subsection (1), shall do so within the time specified in an approved form.

[s 5A insrt Act 25 of 2018 s 3, effective 1 August 2018]

### **[Section 6] Powers of the Board**

The Board shall have all such powers necessary for the performance of its functions, subject to the provisions of this Act.

### **[Section 7] Term of office**

A Board member may hold office for a term of 3 years and may be eligible for reappointment.

[s 7 am Act 17 of 2019 s 4, effective 1 August 2019]

### **[Section 8] Vacation of office**

The office of a Board member shall become vacant if that member—

- a) has been absent, without leave of the Board, from 3 consecutive Board meetings;
- b) becomes or has, in Fiji or elsewhere been declared bankrupt and has not been discharged;
- c) has, in Fiji or elsewhere, been convicted of an offence that carries an imprisonment term of more than one year; or
- d) has, in Fiji or elsewhere, been disqualified or suspended from practising his or her profession by any competent authority by reason of misconduct.

### **[Section 9] Resignation and removal**

(1) A Board member may resign by giving written notice to the Minister responsible for finance.

(2) The Minister responsible for finance may, subject to the approval of the Prime Minister, at any time and for any reason, remove a Board member by giving that Board member written notice of removal.

[s 9 subst Act 17 of 2019 s 5, effective 1 August 2019]

## **[Section 10] Meetings and proceedings**

(1) The Chairperson shall preside over all meetings of the Board and in his or her absence, a Board member appointed by the Board members present, shall preside over the meeting.

[subs (1) am Act 17 of 2019 s 6, effective 1 August 2019]

(2) The Secretary shall be appointed by the Board.

(3) The Chairperson shall be responsible for convening meetings as and when the Chairperson deems necessary.

(4) At all meetings of the Board, 3 members shall form a quorum.

(5) Any issue raised or to be decided shall be decided upon by a majority of the votes of the members present and voting, and in the event of equality of votes, the Chairperson, or in his or her absence, the person presiding, shall have a casting vote.

## **[Section 11] Board may invite others to meetings**

The Board may invite a person to attend a Board meeting for the purpose of advising it on any matter under discussion, but the person so attending shall have no vote at the meeting.

## **[Section 12] Disclosure of interest**

(1) A Board member shall immediately disclose any direct or indirect personal, pecuniary or other interest in any matter discussed or considered at any meeting of the Board.

(2) The Secretary shall record any disclosure under subsection (1) in the minutes of the Board meeting.

(3) A Board member who has made a disclosure under subsection (1) —

- a) shall not take part in nor be present during any discussion, deliberation or decision of the Board;  
or
- b) may be counted for the purpose of forming a quorum of the Board.

## **[Section 13] Appeals Committee**

(1) This section establishes the Appeals Committee which shall comprise the Solicitor-General and 2 other members as appointed by the Solicitor-General.

(2) Any person aggrieved by a decision of the Board, may appeal to the Appeals Committee provided however all decisions of the Board in relation to the awarding of scholarships and loans granted under this Act shall be final and shall not be subject to an appeal.

(3) An appeal made under this section shall be required to be in writing stating clearly the grounds for appeal and shall be made within 14 days of notification to the appellant, of the decision appealed against.

(4) The decision of the Appeals Committee on an appeal made under subsection (2) shall be final and there shall be no further appeal.

**[Section 14] Establishment of the Secretariat**

(1) This section establishes the Secretariat.

(2) Members of the Secretariat shall be appointed by the Board and shall include the Chief Executive Officer and such other members as the Board deems necessary.

## **PART 3 - SCHOLARSHIP AND LOANS SCHEMES**

### **[Sections 15–19]**

#### **[Section 15] Applications**

Any student wishing to apply for a loan or scholarship under this Act shall be required to make applications to the Board in the approved forms.

#### **[Section 16] Loan and bond agreements**

(1) A student under a loan scheme shall be required to enter a loan agreement with the Fiji Revenue and Customs Service.

[subs (1) am Act 29 of 2017 s 3, effective 1 August 2017; Act 38 of 2017 s 7, effective 1 August 2017]

(2) A student who has been awarded a scholarship under this Act shall be required to enter into a bond agreement with the Fiji Revenue and Customs Service.

[subs (2) am Act 29 of 2017 s 3, effective 1 August 2017; Act 38 of 2017 s 7, effective 1 August 2017]

(3) The loan or bond agreement under subsections (1) and (2) shall be *prima facie* evidence of a student's obligation to make loan repayments or fulfil bond conditions, which shall be deemed to be an obligation in law.

[subs (3) am Act 29 of 2017 s 3, effective 1 August 2017]

(4) A student or former student as the case may be, who is under a loan or bond agreement is required to provide a guarantor or guarantors in the event he or she intends to leave the country for any purpose during the term of his or her loan conditions or bond period.

[subs (4) insrt Act 29 of 2017 s 3, effective 1 August 2017]

#### **[Section 16A] Transitional**

(1) Except as provided under subsections (2) and (3), all guarantors under a bond or loan agreement prior to 1 August 2017 are deemed to have been expunged from all responsibilities and obligations under any such agreement.

(2) A person who is a guarantor for a student or former student who has left the country prior to 1 August 2017 continues as a guarantor for that person under this Act.

(3) A guarantor who is making loan repayments for a student or former student who has defaulted prior to 1 August 2017 continues his or her obligations as a guarantor under the loan or bond agreement.

(4) All loan and bond agreements entered into by a student or former student prior to 1 August 2017 are deemed to have been entered into with the Fiji Revenue and Customs Service.

[subs (4) am Act 38 of 2017 s 7, effective 1 August 2017]

[s 16A insrt Act 29 of 2017 s 9, effective 1 August 2017]

## **[Section 17] Existing scholarships and student loans**

(1) In this section—

**existing scholarship** means any PSC, Multi-Ethnic or iTaukei scholarship awarded to a student prior to 2014; and

**student loan** means any student loan granted to a student prior to 2014.

(2) Subject to subsection (3), any existing scholarship or student loan shall continue on the basis and conditions as when the scholarship was initially awarded or the student loan initially granted however, a guarantor is obliged to make loan repayments or fulfil bond conditions if the student or former student, as the case may be, leaves the country and defaults in loan repayment or fulfilment of bond conditions.

[subs (2) am Act 29 of 2017 s 4, effective 1 August 2017]

(3) The Fiji Revenue and Customs Service shall be responsible for the facilitation and enforcement of existing scholarships and student loans granted.

[subs (3) am Act 29 of 2017 s 4, effective 1 August 2017; Act 38 of 2017 s 7, effective 1 August 2017]

## **[Section 18] Fulfilment of loan or bond agreement**

(1) The Fiji Revenue and Customs Service shall take action on any student or guarantor of a student, who—

- a) fails to make loan repayments or partial payments thereof; or
- b) breaches or fails to fulfil any condition,

required by an agreement made under section 16(1) or (2).

[subs (1) am Act 29 of 2017 s 5, effective 1 August 2017; Act 38 of 2017 s 7, effective 1 August 2017]

(2) Pursuant to subsection (1), any action taken by the Fiji Revenue and Customs Service shall include—

- a) issuing a written notice or directive to the Director of Immigration to place a stop order on the person leaving the country;
- b) deduction from the person's salary;
- c) acquisition of property used as security in the loan or bond agreement;



- d) taking court action;
- e) reporting to international credit bureaus or agencies; or
- f) such other action as the Fiji Revenue and Customs Service deems necessary.

[subs (2) am Act 29 of 2017 s 5, effective 1 August 2017; Act 38 of 2017 s 7, effective 1 August 2017]

(3) Pursuant to subsection (2)(a), the Fiji Revenue and Customs Service shall issue a written notice or directive to the Director of Immigration for the prohibition or removal from prohibition, of any person under subsection (1), leaving the country.

[subs (3) am Act 29 of 2017 s 5, effective 1 August 2017; Act 38 of 2017 s 7, effective 1 August 2017]

## **[Section 19] Limitation Act**

The Limitation Act 1971 shall not apply to the provisions of this Act, for the recovery from any student or his or her guarantor of any repayment to the State or fulfilment of any condition, made pursuant to—

- a) an agreement under section 17(1) or (2); or
- b) terms and conditions of any existing scholarship or student loan agreement.

## **PART 4 - REPORTING AND ACCOUNTABILITY**

### **[Sections 20–23]**

#### **[Section 20] Funds**

The Funds of the Board shall consist of—

- a) any money appropriated by Government;
- b) fees or other charges received by or on behalf of the Board by virtue of this Act; and
- c) any other money received by or on behalf of the Board.

#### **[Section 21] Financial year**

The Board's financial year shall be the same as the financial year of Government.

[s 21 am Act 29 of 2017 s 6, effective 1 August 2017]

#### **[Section 22] Annual Report**

- (1) Within 3 months after the end of each financial year, the Board shall be required to prepare a report of its activities during that financial year.
- (2) The Board shall be required to submit a copy of the Annual Report to the Minister who shall cause it to be laid before Parliament.
- (3) The Annual Report required under subsection (1) shall contain—
  - a) an audited statement of accounts prepared in accordance with generally accepted accounting practice as determined by the Fiji Institute of Accountants;
  - b) a statement of financial performance, including a statement of the financial position of the Board;
  - c) a statement of cash flows;
  - d) a copy of the auditor's report; and
  - e) such other information required for the purposes of indicating the Board's financial affairs.

#### **[Section 23] Audit**

- (1) The Board shall be required to be audited at least once a year.
- (2) The audit under subsection (1) shall, as determined by the Minister, be carried out—
  - a) in accordance with the Audit Act 1969 and the Financial Management Act 2004;
  - b) by an independent auditor appointed by the Minister; or
  - c) by an independent auditor as so directed by the Minister responsible for finance.

(3) In this section “independent auditor” means a qualified accountant holding a current certificate of public practice issued by the Fiji Institute of Accountants.

## **PART 5 MISCELLANEOUS**

### **(Sections 24–26)**

#### **[Section 24] Exemption from liability**

The Board shall not be liable for any act done or decision made in good faith and without gross or wilful negligence in respect of the performance of any function or the exercise of any power by the Board under this Act.

#### **[Section 25] Regulations**

(1) The Minister may, upon recommendation from the Board, make Regulations to give effect to the provisions of this Act, including—

- a) operating procedures of the Board;
- b) operating procedures of the tertiary scholarship and loan schemes including—
  - i. approval for expenditure of funds;
  - ii. selection of students;
  - iii. study programmes;
  - iv. continuation of awards; and
  - v. termination of awards; and
- c) procedures for receiving and processing of applications.

(2) The Minister may, upon the recommendation from the Fiji Revenue and Customs Service, make regulations for the recovery of loans under loan schemes in this Act.

[subs (2) insrt Act 29 of 2017 s 7, effective 1 August 2017; am Act 38 of 2017 s 7, effective 1 August 2017]  
[s 25 am Act 29 of 2017 s 7, effective 1 August 2017]

#### **[Section 26] Minister may amend Schedules**

The Minister may by notice in the Gazette amend the Schedules to this Act upon recommendation from the Board or as and when he or she deems necessary.

[s 26 am Act 25 of 2018 s 4, effective 1 August 2018]

**SCHEDULES**  
**SCHEDULE 1**  
**(Section 2) - Eligible Institutions**

[Sch 1 am Act 4 of 2014 s 4, effective 19 December 2014; Act 25 of 2018 s 5, effective 1 August 2018]

1. Centre of Appropriate Technology Department
2. Corpus Christi Teachers College
3. Fulton College
4. Fiji National University
5. Sangam Institute of Nursing
6. University of Fiji
7. University of the South Pacific
8. Technical Colleges approved by the Minister
9. Pacific Flying School
10. Advance Aviation Training (Fiji) Ltd

## **SCHEDULE 2**

### **(Section 2) - Tertiary Scholarship And Loans Schemes**

[Sch 2 am Decree 5 of 2014 s 3, effective 20 February 2014; Act 31 of 2015 s 3, effective 26 November 2015; Act 2 of 2016 s 20, effective 16 February 2016; Act 29 of 2017 s 8, effective 1 August 2017; Act 25 of 2018 s 6, effective 1 August 2018; LN 65 of 2019, effective 1 August 2019]

#### **1.National Toppers Scheme (NTS)**

Full scholarships for the top 970 applicants from Year 13 or such equivalent studies as determined by the Board in the year preceding the current year, for priority areas established by Government.

#### **2.Tertiary Education Loans Scheme (TELS) for all other new students**

All other students who have completed Year 13 or equivalent studies in 2011 and any year thereafter subject to conditions set by the Board or Year 12 in 2017 and any year thereafter, and applies for a programme or course approved by Government can take low-interest loans (or interest-free loans in the case of students whose parental income is less than \$25,000 per annum) under this scheme to cover university tuition fees if students study on a full-time basis.

In the case of a Year 12 student, loans will be available for programmes or courses as approved by the Government.

Loans will be available as per the eligibility criteria.

#### **3.Tertiary Education Loans Scheme (TELS) for existing tertiary students**

This scheme shall apply to all students who were enrolled in tertiary institutions in the previous year and who need tuition funding for the completion of studies.

#### **4.Accommodation Support Scheme (ASS)**

This scheme is for full-time students who can borrow at nominal interest rates to support accommodation costs (hostel or rental), food expenses, stationery and other incidental expenses, and bus fares if travelling from home or rented premises.

Students must enrol at campuses within their locality to be eligible for allowance for bus fare and incidental expenses only (excluding food and rental allowance).

Students who prefer to study at the main campus regardless of their programme of study offered within their locality are eligible for allowance for bus fare and incidental expenses only (excluding food and rental allowance).

Students who are required to relocate because their programme of study is not offered within their locality, are eligible for allowance for accommodation (hostel or rental), food, stationery, bus fare and incidental expenses.

#### 5. Continuing Scholarships

This includes both local and overseas scholarships where existing continuing scholarship awards shall be on the basis and conditions as when the scholarship was initially offered.

#### 6. Overseas Scholarships

This scheme shall be for programmes that are facilitated by foreign governments and shall also deal with foreign scholarships awarded to Fijian students.

#### 7. Employees in the civil service

Scholarships for serving employees in the civil service.

#### 8. Scholarship Scheme for students with special needs

This scheme shall apply to students with special needs.

#### 9. Tertiary Education Loans Scheme (TELS) for Technical College students

This scheme shall apply to students enrolled in Technical Colleges.

#### 10. Tertiary Education Loans Scheme (TELS) for post-graduate and MBBS students

This scheme shall apply to students enrolled in post-graduate programmes in subject areas approved by Cabinet.

This scheme shall also apply to graduate students intending to upgrade to a Bachelor of Medicine and Bachelor of Surgery (MBBS) qualification.

#### 11. Post-graduate Scholarship — Local Awards Scheme

Full scholarships for students intending to upgrade to a Masters degree qualifications or PhD qualifications.