

# TERTIARY SCHOLARSHIPS AND LOANS SERVICE ACT 2014

Revised up to 1st August 2023

#### **DISCLAIMER**

The Tertiary Scholarships and Loans Service Act 2014 Revised to 1<sup>st</sup> August 2023 is produced for FRCS internal purpose only and is not intended to be reproduced or transmitted in any form or by any means other than this purpose. The Fiji Revenue & Customs Service expressly disclaims liability to any person in respect of anything done in reliance of the contents of this Act.

#### **Table of Amendments**

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

Amending Legislation	Date of Commencement
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

<sup>&</sup>lt;sup>1</sup> This was promulgated as Decree 2 of 2014. In accordance with section 3 of the Interpretation Act 1967, the word "Decree" used with reference to any such "Decree" in the title or provisions of any written law or in any document or legal proceeding may be replaced with the word "Act".

Tertiary Scholarship and Loans (Budget Amendment) Act 2019 (No 17 of 2019)	1 August 2019
Passports (Amendment) Act 2020 (No 36 of 2020) <sup>2</sup>	
Tertiary Scholarship and Loans (Budget Amendment) Act 2021 (No 20 of 2021)	1 August 2021
Tertiary Scholarships and Loans (Budget Amendment) Act 2022 (No. 35 of 2022)	1 August 2022
Tertiary Scholarships and Loans Service (Budget Amendment) Act 2023 (No. 14 of 2023)	1 August 2023

<sup>&</sup>lt;sup>2</sup> the Passports (Amendment) Act 2020 (No 36 of 2020) has not commenced and its amendments have not been incorporated.

#### TABLE OF CONTENT

#### **PART 1 PRELIMINARY**

[Section 1] Short title and commencement

[Section 2] Interpretation

#### PART 2 ESTABLISHMENT, FUNCTIONS AND POWERS

[Section 3] Establishment of the Service

[Section 4] Composition of the Service

[Section 4A] Remuneration of Service members

[Section 5] Functions of the Service

[Section 5A] Eligible institution to provide required information

[Section 6] Powers of the Service

[Section 6A] Delegation

[Section 7] Term of office

[Section 8] Vacation of office

[Section 9] Resignation and removal

[Section 10] Meetings and proceedings

[Section 11] Service may invite others to meetings

[Section 12] Disclosure of interest

[Section 13] Appeals Committee

[Section 13A] Appointment of Committees

[Section 14] Establishment of the Secretariat

[Section 14A] Employees of the Service

#### PART 3 SCHOLARSHIP AND LOANS SCHEMES

[Section 15] Applications

[Section 16] Loan and bond agreements

[Section 16A] Transitional

[Section 16B] Cancellation of debt under

loan agreement

[Section 17] Existing scholarships and student loans

[Section 18] Fulfilment of loan or bond agreement

[Section 19] Limitation Act

#### PART 4 REPORTING AND ACCOUNTABILITY

[Section 20] Funds

[Section 21] Financial year

[Section 22] Annual Report

[Section 23] Audit

#### **PART 5 MISCELLANEOUS**

[Section 24] Exemption from liability

[Section 25] Regulations

[Section 26] Minister may amend Schedules

#### **SCHEDULES**

<u>Schedule 1 - Eligible Institutions</u>

<u>Schedule 2 - Tertiary Scholarship and Loans Schemes</u>

# PART 1 - PRELIMINARY (Sections 1–2)

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

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

[s 1 am Act 20 of 2021 s 5, effective 1 August 2021]

#### [Section 2] Interpretation

In this Act, unless the context otherwise requires—

eligible institution means an institution listed in Schedule 1 subject to conditions as

determined by the Service;

[def am Act 17 of 2019 s 2, effective 1 August 2019; Act 20 of 2021 s 5, effective 1 August 2021]

**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

**Service** means the Tertiary Scholarships and Loans Service established

under section 3;

[def am Act 20 of 2021 s 5, effective 1 August 2021]

**student** means any person who—

- a) has completed Year 13 or such equivalent studies as determined by the Service 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; Act 20 of 2021 s 5, effective 1 August 2021]

# PART 2 - ESTABLISHMENT, FUNCTIONS AND POWERS (Sections 3 – 14)

#### [Section 3] Establishment of the Service

- (1) This section establishes the Tertiary Scholarships and Loans Service. [subs (1) am Act 20 of 2021 s 5, effective 1 August 2021]
- (2) The Service 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.

[subs (2) am Act 20 of 2021 s 5, effective 1 August 2021] [s 3 am Act 20 of 2021 s 5, effective 1 August 2021]

#### [Section 4] Composition of the Service

(1) The Service shall consist of 5 members appointed by the Minister responsible for finance in writing subject to the approval of the Prime Minister.

[subs (1) am Act 20 of 2021 s 5, effective 1 August 2021]

- (2) The Minister responsible for finance shall appoint a Service member as Chairperson. [subs (2) am Act 20 of 2021 s 5, effective 1 August 2021]
- (3) A person who is a Service member immediately before 1 August 2019, continues in office on the terms on which he or she was appointed.

[subs (3) am Act 20 of 2021 s 5, effective 1 August 2021]

[s 4 subst Act 17 of 2019 s 3, effective 1 August 2019; am Act 20 of 2021 s 5, effective 1 August 2021]

#### [Section 4A] Remuneration of Service members

A Service 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;~am~Act~20~of~2021~s~5,~effective~1~August~2021]

#### [Section 5] Functions of the Service

The Service shall—

- a) process applications made for the schemes set out in Schedule 2;
- 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; Act 20 of 2021 s 5, effective 1 August 2021]

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

- (1) The Service 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.

  [subs (1) am Act 20 of 2021 s 5, effective 1 August 2021]
- (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 Service

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

[s 6 am Act 20 of 2021 s 5, effective 1 August 2021]

#### [Section 6A] Delegation

(1) The Service may, in writing, delegate to the Chief Executive Officer any of its functions or powers under this Act other than this power of delegation.

[subs (1) am Act 20 of 2021 s 5, effective 1 August 2021]

- (2) A delegation may be made subject to conditions and limitations specified in the instrument of delegation.
- (3) A delegation is revocable at will by the Service and does not derogate or limit the Service's power to act in any matter.

[subs (3) am Act 20 of 2021 s 5, effective 1 August 2021]

[s 6A insrt Act 20 of 2021 s 2, effective 1 August 2021]

#### [Section 7] Term of office

A Service 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; Act 20 of 2021 s 5, effective 1 August 2021]

#### [Section 8] Vacation of office

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

- a) has been absent, without leave of the Service, from 3 consecutive Service meetings;
- b) becomes or has, in Fiji or elsewhere been declared bankrupt and has not been discharged;
- 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.

[s 8 am Act 20 of 2021 s 5, effective 1 August 2021]

#### [Section 9] Resignation and removal

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

[subs (1) am Act 20 of 2021 s 5, effective 1 August 2021]

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

[subs (2) am Act 20 of 2021 s 5, effective 1 August 2021]

[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 Service and in his or her absence, a Service member appointed by the Service members present, shall preside over the meeting. [subs (1) am Act 17 of 2019 s 6, effective 1 August 2019; Act 20 of 2021 s 5, effective 1 August 2021]
- (2) The Secretary shall be appointed by the Service. [subs (2) am Act 20 of 2021 s 5, effective 1 August 2021]
- (3) The Chairperson shall be responsible for convening meetings as and when the Chairperson deems necessary.
- (4) At all meetings of the Service, 3 members shall form a quorum. [subs (4) am Act 20 of 2021 s 5, effective 1 August 2021]
- (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.
- (6) The Service must keep minutes of all its meetings.
- (7) Any minutes, if duly signed by the Chairperson or a Service member presiding, must, in any legal proceedings, be admissible as evidence of the facts stated in them and a meeting of the Service in respect of which minutes have been so signed is deemed to have been duly convened and held and the members present at it to have been duly appointed to act.
- (8) Subject to this Act, the Service may regulate its own proceedings.

#### [Section 11] Service may invite others to meetings

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

[s 11 am Act 20 of 2021 s 5, effective 1 August 2021]

#### [Section 12] Disclosure of interest

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

  [subs (1) am Act 20 of 2021 s 5, effective 1 August 2021]
- (2) The Secretary shall record any disclosure under subsection (1) in the minutes of the Service meeting.

[subs (2) am Act 20 of 2021 s 5, effective 1 August 2021]

- (3) A Service 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 Service; or
- b) may be counted for the purpose of forming a quorum of the Service. [subs (3) am Act 20 of 2021 s 5, effective 1 August 2021]

#### [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 Service, may appeal to the Appeals Committee provided however all decisions of the Service in relation to the awarding of scholarships and loans granted under this Act shall be final and shall not be subject to an appeal.

  [Subs (2) am Act 20 of 2021 s 5, effective 1 August 2021]
- (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 13A] Appointment of Committees

- (1) The Service may establish committees as it considers necessary or expedient to assist in the performance of its functions under this Act.
- (2) The Service may appoint any person to be a member of any committee established under subsection (1), and a chairperson of the committee.

- (3) A committee established under this section may regulate its own procedures and, in the exercise of its functions under this subsection, such committee must act in accordance with any direction given to the committee by the Service.
- (4) A meeting of a committee established under this section must be held at such times and places as the chairperson of the committee may, subject to subsection (3), determine.
- (5) A committee may invite any person to attend any meeting of the committee to advise on any matter under discussion, and the person invited is not entitled to vote at any such meeting.
- (6) The members of a committee or any person invited to attend any meeting of a committee may be paid allowances as the Service may determine.

#### [Section 14] Chief Executive Officer

- (1) The Service may, after consultation with the Minister, appoint a suitably qualified person as the Chief Executive Officer of the Service in accordance with the terms and conditions as may be determined by the Service.
- (2) The Chief Executive Officer
  - a) is responsible to the Service for the administration and management of the functions and affairs of the Service;
  - b) may, with the approval of the Service, prepare internal policies and strategies addressing internal affairs important for the operation of the Service;
  - c) may, by instrument in writing, delegate to any employee all or any of the Chief Executive Officer's functions and powers, except the power of delegation under this section;
  - d) must perform any other function relating to this Act that the Service, in writing, confers on him or her; and
  - e) must report to the Service as required by the Service.

#### [Section 14A] Employees of the Service<sup>3</sup>

- (1) The Chief Executive Officer may appoint employees as it considers necessary to effectively deliver the Service's mandate.
- (2) The employees of the Service are to be paid such remuneration and employed on such terms and conditions of employment as may be determined by the Chief Executive Officer, subject to the approval of the Service

<sup>&</sup>lt;sup>3</sup> Numbered as Section 15 in Act 35 of 2022

# 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 Service in the approved forms.

[s 15 am Act 20 of 2021 s 5, effective 1 August 2021]

#### [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 primae 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]

#### [Section 16B] Cancellation of debt under loan agreement

- (1) Notwithstanding section 16, loan repayments under a loan agreement by a student or a former student prior to 1 August 2023, except for loan repayments under a loan agreement by a student or a former student who was under a loan scheme prior to 1 August 2023 while working in the private sector and is yet to fulfil his or her loan repayment, are deemed to have been cancelled.
- (2) Subject to subsection (1), all loan agreements entered into by a student or former student prior to 1 August 2023 are deemed to have been converted into bond agreements.
- (3) The terms and conditions of the bond agreements under subsection (2) will be determined by the Fiji Revenue and Customs Service.
- (4) A student or a former student who was under a loan scheme prior to 1 August 2023 must fulfil the bond conditions as set out in the bond agreement under subsection (3).
- (5) A student or a former student who was under a loan scheme prior to 1 August 2023 and has made partial repayments, must have the option of continuing the loan repayment or fulfilling the bond conditions set out in the bond agreement under subsection (3).
- (6) A student or a former student who was under a loan scheme prior to 1 August 2023 and is residing abroad, must continue to make loan repayments under his or her obligations under the loan agreement.
- (7) A guarantor for a student or former student who was under a loan scheme prior to 1 August 2023 is obliged to make loan repayments if the student or former student, as the case may be, has left the country prior to 1 August 2023 and defaults on loan repayments or fails to fulfil the bond agreement.
- (8) A student or a former student who was under a loan scheme prior to 1 August 2023 and intends to travel abroad for medical, vacation or temporary work purposes is required to provide nominated guarantors for travel clearance.
- (9) For the purposes of this section, the Service and the Fiji Revenue and Customs Service must act in good faith in accordance with the Act to resolve issues arising out of the enforcement of the schemes, loan repayments or bond conditions.
- (10) A student or former student who has paid his or her loan repayment or fulfilled his or bond conditions must be issued a clearance letter from the Fiji Revenue and Customs Service.

(11) A student or a former student who was under a loan scheme prior to 1 August 2023 and has fully or partially paid his or her loan repayment prior to 1 August 2023 will not be reimbursed. [amended Act 14 of 2023 s 16B, effective 1 August 2023]

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

(12) 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.

(13) 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]

(14) 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.

(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 Service shall consist of—

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

[s 20 am Act 20 of 2021 s 5, effective 1 August 2021]

#### [Section 21] Financial year

The Service'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; Act 20 of 2021 s 5, effective 1 August 2021]

#### [Section 22] Annual Report

(1) Within 3 months after the end of each financial year, the Service shall be required to prepare a report of its activities during that financial year.

[subs (1) am Act 20 of 2021 s 5, effective 1 August 2021]

(2) The Service shall be required to submit a copy of the Annual Report to the Minister who shall cause it to be laid before Parliament.

[subs (2) am Act 20 of 2021 s 5, effective 1 August 2021]

- (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 Service;
  - 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 Service's financial affairs.

[subs (3) am Act 20 of 2021 s 5, effective 1 August 2021]

#### [Section 23] Audit

(1) The Service shall be required to be audited at least once a year.

[subs (1) am Act 20 of 2021 s 5, effective 1 August 2021]

- (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

- (1) No proceedings, civil or criminal, lie against the Service for anything it may do or fail to do in the course of the exercise or intended exercise of its functions, unless it is shown that the Service did not act in good faith or with reasonable care.
- (2) No proceedings, civil or criminal, lie against any employee of the Service for anything done or said, or any failure to do or say anything in the course of the operation of the Service, unless it is shown that the employee did not act in good faith or with reasonable care.

#### [Section 25] Regulations

- (1) The Minister may, upon recommendation from the Service, make Regulations to give effect to the provisions of this Act, including
  - a) operating procedures of the Service;
  - 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.

[subs (1) am Act 20 of 2021 s 5, effective 1 August 2021]

(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 Service or as and when he or she deems necessary.

[s 26 am Act 25 of 2018 s 4, effective 1 August 2018; Act 20 of 2021 s 5, effective 1 August 2021]

#### **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; Act 20 of 2021 s 3, effective 1 August 2021; Act 14 of 2023, effective 1 August 2023]

- 1. Advance Aviation Training (PTE) Limited
- 2. Auckland University of Technology
- 3. Center for Applied Technology Development
- 4. Corpus Christi Teachers College
- 5. Fiji National University
- 6. Fulton Adventists University College
- 7. Keshals Business Education Institute
- 8. Massey University
- 9. Monash University
- 10. Monfort Boys Town
- 11. Navuso Agricultural Technical Institute
- 12. Pacific Flying School
- 13. Pacific Polytechnics
- 14. Pivot Point
- 15. Queensland University of Technology
- 16. Sangam Institute of Technology
- 17. Service Pro
- 18. SPA Academy Fiji
- 19. Swinburne University of Technology
- 20. The University of Auckland
- 21. The University of the South Pacific
- 22. University of Fiji
- 23. University of New South Wales
- 24. University of Newcastle
- 25. University of Sydney
- 26. Vishan Infotech
- 27. Western Sydney University

#### **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; Act 20 of 2021 ss 4–5, effective 1 August 2021; Act 14 of 2023, effective 1 August 2023]

#### **Tertiary Scholarship Schemes**

1. Masters and PhD by Research Scheme

Full scholarships for students intending to undertake a Masters or PhD qualifications by research. For the scheme assistance, a student must have his or her candidature confirmation at the time of application.

- 2. Merit Based Overseas Scheme
  - Full scholarships for national priority areas of studies not offered at a local university. The eligible students will be top ranked from Year 13 examination results or such equivalent studies as determined by the Service in the preceding year of the award.
- 3. Merit Based Higher Education Level 7 Local Scheme
  Full scholarships for national priority areas of studies offered at a local university.
  The eligible students will be top ranked from Year 13 examination results or such equivalent studies as determined by the Service in the preceding year of the award.
- 4. Merit Based Skills Qualification Scheme
  Full scholarships for national priority areas under skills qualification for Year 12 and

Year 13 or such equivalent as determined by the Service for students completing their studies in the preceding year of the award.

- 5. Scholarship for Students with Special Needs Scheme
  Full scholarship for students with an impairment or disability for studies at a local university.
- 6. Scholarship for In-Service Scheme Full scholarship for public sector employees to upgrade or attain a new qualification at a local university.
- 7. Scholarship for Higher Education Level 7 with Minimum Cut off Mark Scheme Scholarship for studies based on national priority areas with qualifying cut off mark. The student must have completed Year 13 in 2011 or foundation studies thereafter.
- 8. Scholarship for Skills Qualification Based on Offer Scheme

Scholarship for studies at a local institution in a skills qualification programme.

9. Tuition Only-Hardship Assistance Scheme Scholarship for higher education level 7 degree programmes for privately funded students to support their studies from Year 2 onwards. The student must have a cumulative GPA equivalent to 65% to be eligible.

#### **Loan Schemes**

Scheme for In- Service Students
 Tuition only support scheme for private sector employees to upgrade or attain a new qualification at a local university.