

**ACT NO. 12 OF 2024**

I assent.

W. M. KATONIVERE

President

[12 July 2024]

**AN ACT****TO AMEND THE TERTIARY SCHOLARSHIPS AND LOANS  
SERVICE ACT 2014**

ENACTED by the Parliament of the Republic of Fiji—

*Short title and commencement*

**1.**—(1) This Act may be cited as the Tertiary Scholarships and Loans Service (Budget Amendment) Act 2024.

(2) This Act comes into force on 1 August 2024.

(3) In this Act, the Tertiary Scholarships and Loans Service Act 2014 is referred to as the “Principal Act”.

*Section 2 amended*

**2.** Section 2 of the Principal Act is amended, before the definition of “eligible institution” by inserting the following new definition—

““at-risk student” means a student who is a recipient of a scheme of the Service and has been identified by an eligible institution as not meeting the expected academic requirements;”.

*Section 5 amended*

3. Section 5(d) of the Principal Act is amended by deleting “the Fiji Revenue and Customs Service,”.

*Section 16 amended*

4. Section 16 of the Principal Act is amended by deleting “Fiji Revenue and Customs” wherever it appears.

*Section 16A amended*

5. Section 16A of the Principal Act is amended after subsection (4), by inserting the following new subsection—

“(5) Notwithstanding subsection (4), all bond agreements under sections 16(1), 16(2) or 16B entered into by a student or former student prior to 1 August 2024 are deemed to have been entered into with the Service.”.

*Section 16B amended*

6. Section 16B of the Principal Act is amended by—

- (a) in subsection (3), deleting “Fiji Revenue and Customs”;
- (b) in subsection (9), deleting “and the Fiji Revenue and Customs Service”; and
- (c) in subsection (10), deleting “Fiji Revenue and Customs”.

*Section 17 amended*

7. Section 17(3) of the Principal Act is amended by deleting “Fiji Revenue and Customs”.

*Section 17A inserted*

8. The Principal Act is amended after section 17 by inserting the following new section—

*“Student employment record*

17A. A student or former student who is employed or self-employed, must provide the Service with his or her employment record—

- (a) within 6 months of being employed or self-employed; or
- (b) at any other time directed by the Service.”.

*Section 18 amended*

9. Section 18 of the Principal Act is amended by deleting “Fiji Revenue and Customs” wherever it appears.

*Sections 18A and 18B inserted*

10. The Principal Act is amended after section 18 by inserting the following new sections—

*“Further action taken by the Service*

18A.—(1) The Service may, in addition to the actions under section 18, require a student or a former student who is under a bond agreement or scholarship and who does not intend to complete the remainder of his or her bond period, to pay—

- (a) the sum calculated for the bond period or remaining bond period; and

(b) a penalty of 50% of the sum in paragraph (a).

(2) For the avoidance of doubt—

(a) a student or former student who is still serving his or her bond period under the bond agreement under section 16B(2), is required to pay the sum calculated in subsection (1);

(b) a student or former student who has opted to continue paying the loan repayment under section 16B(5) will not be required to pay the sum calculated in subsection (1);

(c) a student or former student who is residing abroad and was under a loan scheme under section 16B(6) and continues to make loan repayments, will not be required to pay the sum calculated in subsection (1); and

(d) a guarantor for a student or former student who was under a loan scheme under section 16B(7) and continues to make loan repayments, will not be required to pay the sum calculated in subsection (1).

(3) The Minister responsible for finance may, in consultation with the Chief Executive Officer of the Service, consider an application by a student for the reduction of the penalty in subsection 1(b).

*Tertiary education institution report*

18B.—(1) The Service may issue a written notice to an eligible institution that—

(a) provides a student with false or misleading information on the scholarship scheme; or

(b) fails to provide information on academic performance and learning intervention plan for an at-risk student.

(2) An action taken by the Service includes—

(a) issuance of a written notice or direction to the institution found to have provided false or misleading information to a student on a scholarship scheme; or

(b) issuance of a written notice or directive to the eligible institution to submit a list of at-risk students.”.

*Section 25 Amended*

11.—(1) Section 25 of the Principal Act is amended by—

(a) in subsection (1)(b)—

(i) in subparagraph (iv), deleting “and”; and

(ii) after subparagraph (v), inserting the following new subparagraph—

“(vi) resource and employability compliance checks with the institution and possible employers; and”; and

(b) in subsection (2), deleting “Fiji Revenue and Customs”.

*Transitional*

**12.** Any action, arbitration, proceeding or cause of action that, immediately before the commencement of the Tertiary Scholarships and Loans Service (Budget Amendment) Bill 2024, is pending or in favour of the Fiji Revenue and Customs Service, or to which the Fiji Revenue and Customs Service is a party, may be prosecuted and, without amendment to any writ, pleading or other document, continued and enforced against or in favour of the Service.

Passed by the Parliament of the Republic of Fiji this 12th day of July 2024.