

BILL NO. 15 OF 2021

A BILL

FOR AN ACT TO AMEND THE TERTIARY SCHOLARSHIP AND LOANS 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 Scholarship and Loans (Budget Amendment) Act 2021.

(2) This Act comes into force on 1 August 2021.

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

Section 6A inserted

2. The Principal Act is amended after section 6 by inserting the following new section—

“Delegation

6A.—(1) The Board may, in writing, delegate to the Secretariat any of its functions or powers under this Act other than this power of delegation.

(2) A delegation may be made subject to conditions and limitations specified in the instrument of delegation.

2 *Tertiary Scholarship and Loans (Budget Amendment)— of 2021*

(3) A delegation is revocable at will by the Board and does not derogate or limit the Board's power to act in any matter.”.

Schedule 1 amended

3. Schedule 1 to the Principal Act is amended by deleting paragraphs 8 to 10.

Schedule 2 amended

4. Schedule 2 to the Principal Act is amended by—

(a) in paragraph 1, deleting “970” and substituting “selected”;

(b) deleting paragraph 7 and substituting the following—

“7. In-Service Scholarship

This scheme applies to applicants with work experience in the public or private sector intending to upgrade their qualifications in priority areas established by the Government.”; and

(c) deleting paragraph 9 and substituting the following—

“9. Tertiary Education Loans Scheme (TELS) for Technical and Vocational Education and Training (TVET) at the Fiji National University

This scheme applies to a person who has completed Year 12 or Certificate Level I and II intending to attain or upgrade their qualification and applies for a TVET programme or course approved by the Government at the Fiji National University.”.

Consequential amendment

5.—(1) All written laws and State documents of any nature whatsoever are amended by deleting—

(a) “Tertiary Scholarship and Loans Board” wherever it appears and substituting “Tertiary Scholarships and Loans Service”, unless the context otherwise requires; and

(b) “Tertiary Scholarship and Loans Act 2014” and substituting “Tertiary Scholarships and Loans Act 2014”.

(2) All State documents of any nature whatsoever and all written laws and subsidiary legislation are amended by deleting “Board”, in reference to the Tertiary Scholarship and Loans Board, wherever it appears and substituting “Service”, unless the context otherwise requires.

(3) All written laws and State documents of any nature whatsoever are amended by deleting “TSLB” wherever it appears and substituting “TSLS”, unless the context otherwise requires.

July 2021

**TERTIARY SCHOLARSHIP AND LOANS (BUDGET AMENDMENT)
BILL 2021**
EXPLANATORY NOTE

(This note is not part of the Bill and is only intended to indicate its general effect)

1.0 BACKGROUND

- 1.1 The Tertiary Scholarship and Loans Act 2014 (**‘Act’**) establishes the Tertiary Scholarship and Loans Board (**‘Board’**) for the administration of scholarships and loans for tertiary education in Fiji.
- 1.2 Under the Act, the Board’s functions include the processing of applications made for schemes under the Act and the assessment of continuing scholarship holders. The Act also provides the Board with such powers necessary for the performance of its functions under the Act.
- 1.3 Section 14 of the Act establishes the Secretariat which comprises the Chief Executive Officer and other staff as the Board deems necessary but does not provide for the specific functions of the Secretariat in relation to the Board and the Act.
- 1.4 The Tertiary Scholarship and Loans (Budget Amendment) Bill 2021 (**‘Bill’**) therefore seeks to amend the Act to allow the Board to delegate its functions and powers to the Secretariat to enable the Secretariat to assist the Board in the administration of the provisions of the Act.
- 1.5 The Bill also makes adjustments to the eligible institutions and the available scholarship and tertiary education loan schemes under the Act. Furthermore, given the broad range of functions of the Board under the Act, the Bill also seeks to amend the Act to reflect a service approach by the Board. The Bill therefore changes all references to “Tertiary Scholarship and Loans Board” to “Tertiary Scholarships and Loans Service”.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on 1 August 2021.
- 2.2 Clause 2 of the Bill amends the Act by inserting section 6A which empowers the Board to delegate any of its functions and powers under the Act to the Secretariat of the Board.
- 2.3 Clause 3 of the Bill amends Schedule 1 to the Act by deleting paragraphs 8 to 10 to remove approved Technical Colleges, Pacific Flying School and Advance Aviation Training (Fiji) Limited as eligible institutions under the Act.
- 2.4 Clause 4 of the Bill amends Schedule 2 to the Act to cater for any change in the number of scholarships available under the National Toppers Scholarship Scheme. Clause 4 of the Bill also removes paragraphs 7 and 9 in Schedule 2 to the Act to align to the amendment made to Schedule 1 to the Act in relation to technical colleges and adds 2 new schemes to be administered under the Act, that is, the In-Service Scholarship and the Tertiary Education Loans Scheme for Technical and Vocational Education and Training (TVET) at Fiji National University.
- 2.5 Clause 5 of the Bill amends the Act to provide for consequential amendments across all written laws and official documents to reflect the change of name from “Tertiary Scholarship and Loans Board” to “Tertiary Scholarships and Loans Service” and related terms.

3.0 MINISTERIAL RESPONSIBILITY

- 3.1 The Act comes under the responsibility of the Minister responsible for education.

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Attorney-General