

# BILL NO. 20 OF 2025

## A BILL

### FOR 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 2025.

(2) This Act comes into force on 1 August 2025.

(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 by—

(a) after the definition of “at-risk student”, inserting the following new definition—

““Board” means the Tertiary Scholarships and Loans Service Board established under section 4;”.

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- (b) in the definition of “eligible institution”, deleting “Service” and substituting “Board”;

### *Section 4 amended*

#### 3. Section 4 of the Principal Act is amended by—

- (a) in the heading, deleting “*Composition of the Service*” and substituting “*The Board*”; and
- (b) deleting subsections (1) to (3) and substituting the following—

“(1) The affairs of the Service are conducted by the Board as the governing and executive body of the Service with the capacity to perform the functions and powers under this Act or any other written law.

(2) The Board must consist of 7 members appointed by the Minister responsible for finance in writing subject to the approval of the Prime Minister.

(3) The Minister responsible for finance must appoint a Board member as Chairperson.

(4) 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.”.

### *Section 4A amended*

#### 4. Section 4A of the Principal Act is amended by—

- (a) in the heading, deleting “Service” and substituting “Board”; and
- (b) deleting “Service” and substituting “Board”.

### *Section 5 amended*

#### 5. Section 5 of the Principal Act is amended by—

- (a) in paragraph (c), after “;” deleting “and”;
- (b) in paragraph (d), deleting “.” and substituting “; and”; and
- (c) after paragraph (d), inserting the following new paragraph—

“(e) carry out accountable administration of scholarships and bond monitoring.”.

### *Section 6A amended*

#### 6. Section 6A of the Principal Act is amended by—

- (a) in subsection (1), deleting “Service” and substituting “Board”; and
- (b) deleting subsection (3), and substituting the following—

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

*Section 7 amended*

**7.** Section 7 of the Principal Act is amended by deleting “Service” and substituting “Board”.

*Section 8 amended*

**8.** Section 8 of the Principal Act is amended by—

- (a) in the chapeau, deleting “Service” and substituting “Board”; and
- (b) in paragraph (a), deleting “Service” wherever it appears and substituting “Board”.

*Section 9 amended*

**9.** Section 9 of the Principal Act is amended by deleting “Service” wherever it appears and substituting “Board”.

*Section 10 amended*

**10.** Section 10 of the Principal Act is amended by—

- (a) in subsection (1), deleting “Service” wherever it appears and substituting “Board”;
- (b) in subsection (4), deleting “Service, 3” and substituting “Board, 4”;
- (c) in subsection (6), deleting “Service” and substituting “Board” ;
- (d) in subsection (7), deleting “Service” wherever it appears and substituting “Board”; and
- (e) in subsection (8), deleting “Service” and substituting “Board” .

*Section 11 amended*

**11.** Section 11 of the Principal Act is amended by—

- (a) in the heading, by deleting “Service” and substituting “Board” ; and
- (b) deleting “Service” wherever it appears and substituting “Board”.

*Section 12 amended*

**12.** Section 12 of the Principal Act is amended by deleting “Service” wherever it appears and substituting “Board”.

*Section 14 amended*

**13.** Section 14 of the Principal Act is amended by—

- (a) deleting subsection (1) and substituting the following—

“(1) The Board 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 Board.”.

- (b) in subsection (2), deleting paragraphs (a) to (e) and substituting the following—

“(a) is responsible to the Board for the administration and management of the functions and affairs of the Service;

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- (b) may, with the approval of the Board, 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 Board, in writing, confers on him or her; and
- (e) must report to the Service as required by the Board.”.

##### *Section 15 amended*

**14.** Section 15 of the Principal Act is amended in subsection (2) by deleting “subject to the approval of the Service” and substituting “subject to the approval of the Board”.

##### *Section 18 amended*

**15.** Section 18 of the Principal Act is amended after subsection (3) by inserting the following new subsection—

- “(4) A person must pay an administrative fee as determined by the Service if the person—
- (a) requests information of his or her guarantor on the Immigration Controversial List; or
  - (b) submits a request on travel and bond clearance within 24 hours of the intended travel.”.

June 2025

**TERTIARY SCHOLARSHIPS AND LOANS SERVICE (BUDGET  
AMENDMENT) BILL 2025**

**EXPLANATORY NOTE**

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

**1.0 BACKGROUND**

- 1.1 The Tertiary Scholarships and Loans Service Act 2014 (**‘Act’**) *inter alia* establishes the tertiary scholarships and loans service schemes for the administration of tertiary scholarships and loans in Fiji.
- 1.2 The Tertiary Scholarships and Loans Service (Budget Amendment) Bill 2025 (**‘Bill’**) seeks to amend the Act to provide clarity in the definition of the Board, administration of fees for bond enforcement, recovery and travel clearance, issuance of arrival alert & stop departures for defaulters and increase of Board composition.

**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 2025.
- 2.2 Clause 2 of the Bill amends section 2 by inserting the new definition of “Board”. The amendment is intended to distinguish between the “Service” as an institution established under Section 3 of the Act and the “Board” provided for under Section 4.
- 2.3 Clause 3 of the Bill amends section 4 of the Act by deleting the current heading and substituting with “The Board”. Additionally, sections (1) to (3) is deleted and substituted with 4 subsections wherein subsection (1) is the new insertion and establishes the existing board as the governing body of the Service.
- 2.4 Clause 4 of the Bill amends section 4A by updating the heading to “Remuneration of Board members”.

- 2.5 Clause 5 of the Bill amends section 5 to add to the Board's functions. The insertion of new paragraph (e), empowers the Board to carry out accountable administration of scholarships and bond monitoring.
- 2.6 Clause 6 of the Bill amends section 6A by deleting "Service" and substituting "Board". It also replaces subsection (3) to state that any delegation is revocable at will by the Service Board and does not limit the Board's power to act independently.
- 2.7 Clause 7 of the Bill amends section 7 by deleting "Service" and substituting "Board".
- 2.8 Clause 8 of the Bill amends section 8 by deleting "Service" and substituting "Board" in the chapeau and in paragraph (a).
- 2.9 Clause 9 of the Bill amends section 9 by deleting "Service" and substituting "Board" wherever it appears, maintaining uniformity in the Act's references to the governing body.
- 2.10 Clause 10 of the Bill. amends section 10 by deleting "Service" and substituting "Board" in subsections (1), (6), (7), and (8). It also amends subsection (4) to ensure consistency throughout the Act and also increasing the quorum number as a result of the change in the Service Board membership.
- 2.11 Clause 11 amends section 11by deleting "Service" and substituting "Board" in the heading and within the section.
- 2.12 Clause 12 amends section 12 by deleting "Service" and substituting "Board".
- 2.13 Clause 13 of the Bill amends section 14 of the Act by deleting subsection (1) and paragraphs (a) to (d) of subsection 2 and substituting with a new subsection (1) and paragraphs (a) to (e) to ensure consistency in the differentiation between "Service" an "Service Board" throughout the Act as well as adding paragraph (e) as an added responsibility to the Chief Executive Officer.
- 2.14 Clause 14 of the Bill amends section 15(2) by replacing "subject to the approval of the Service" with "subject to the approval of the Service Board" thereby ensuring the clear distinction of the functions of the "Service" with that of the "Service Board".
- 2.15 Clause 15 of the Bill amends section 18 to enhance enforcement mechanisms. Subsection 2(a) is replaced to authorise the Service Board to issue written notices or directives to the Director of Immigration concerning individuals who default on repayments, potentially resulting in arrival alerts or stop departure orders. Additionally, a new subsection (4) is inserted to address procedures for individuals requesting to check guarantors on the Immigration Controversial List and related matters.

### **3.0 MINISTERIAL RESPONSIBILITY**

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

S. D. TURAGA  
Acting Attorney-General