

CONSOLIDATION OF STUDENT FINANCIAL ASSISTANCE ACT
R.S.N.W.T. 1988,c.S-14

(Current to: July 16, 2010)

AS AMENDED BY NORTHWEST TERRITORIES STATUTES:

R.S.N.W.T. 1988,c.25(Supp.)

In force April 1, 1989

R.S.N.W.T. 1988,c.26(Supp.)

In force June 19, 1989: SI-028-89

R.S.N.W.T. 1988,c.61(Supp.)

S.N.W.T. 1991-92,c.32

S.N.W.T. 1993,c.15

S.N.W.T. 1994,c.35

S.N.W.T. 1997,c.6

S.N.W.T. 1998,c.17

S.N.W.T. 1998,c.25

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Territorial Printer
Legislation Division
Department of Justice
Government of Nunavut
P.O. Box 1000, Station 550
Iqaluit, NU X0A 0H0

Tel.: (867) 975-6305
Fax: (867) 975-6189
Email: Territorial.Printer@gov.nu.ca

GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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STUDENT FINANCIAL ASSISTANCE ACT

INTERPRETATION

Definitions

1. In this Act,

"Deputy Minister" means Deputy Minister of the department of the Government of the Northwest Territories that administers this Act; (*sous-ministre*)

"Fund" means the Students Loan Fund established under section 9(1); (*Fonds*)

"student financial assistance" means the financial assistance set out in section 2. (*aide financière aux étudiants*)

R.S.N.W.T. 1988,c.26(Supp.),s.2; S.N.W.T. 1993,c.15,s.2.

STUDENT FINANCIAL ASSISTANCE

Forms of assistance

2. Subject to and in accordance with this Act and the regulations, student financial assistance may be provided in the form of a grant, scholarship, loan or in any other form that is prescribed to a person who is eligible for student financial assistance.

3. **Repealed, R.S.N.W.T. 1988,c.26(Supp.),s.3.**

4. **Repealed, R.S.N.W.T. 1988,c.26(Supp.),s.3.**

Application

5. (1) Applications for student financial assistance must be submitted to the Deputy Minister.

Eligibility

(2) The Deputy Minister shall determine the eligibility of applicants for student financial assistance in accordance with this Act and the regulations.

Duties of Deputy Minister

(3) The Deputy Minister shall

- (a) award scholarships in accordance with this Act and the regulations to eligible applicants;
- (b) award grants in accordance with this Act and the regulations to eligible applicants; and
- (c) recommend to the Minister that loans be made to eligible applicants in accordance with this Act and the regulations.

R.S.N.W.T. 1988,c.26(Supp.),s.4.

Secretary

5.1. (1) The Minister shall appoint a Secretary.

Duties and powers

(2) The Secretary shall assist the Deputy Minister and shall perform the duties and exercise the powers assigned to the Secretary by the regulations.

Transitional

(3) Every decision, action or agreement made by the Secretary before June 19, 1989, shall be deemed to have been made by the Secretary appointed under subsection (1). R.S.N.W.T. 1988,c.26(Supp.),s.4.

6. Repealed, R.S.N.W.T. 1988,c.26(Supp.),s.4; S.N.W.T. 1993,c.15,s.3.

7. Repealed, R.S.N.W.T. 1988,c.26(Supp.),s.4; S.N.W.T. 1993,c.15,s.3.

Notice

8. The Deputy Minister shall, within 15 days after a decision being made to award or to refuse student financial assistance, send a notice to the applicant setting out that

- (a) student financial assistance is to be awarded to the applicant and the type, amount and terms of the assistance; or
- (b) the application for student financial assistance has been refused and the reason for the refusal.

R.S.N.W.T. 1988,c.26(Supp.),s.4.

Appeal

8.1. (1) An applicant who

- (a) is refused a grant or a loan on the ground that the applicant is considered ineligible, or
- (b) is subject to a decision to award a grant or a loan for a shorter period or for a smaller amount than that to which the applicant considers himself or herself eligible,

may appeal the decision to the Minister in the prescribed manner and within the prescribed period.

Grant

(2) On an appeal respecting a grant, the Minister may vary or affirm the decision respecting the grant.

Loan

(3) On an appeal respecting a loan, the Minister shall review his or her decision to recommend or not recommend the loan and may vary or affirm this decision.

No further appeal

(4) The decision of the Minister under subsection (2) or (3) is final.

Scholarship

(5) The decision of the Deputy Minister with respect to a scholarship is final.
R.S.N.W.T. 1988,c.26(Supp.),s.4.

LOANS

Fund

9. (1) A special account called the Students Loan Fund shall be established in the Consolidated Revenue Fund.

Amounts credited to Fund

(2) The following shall be credited to the Fund:

- (a) all repayments of principal on loans made under this Act;
- (b) the amount of all loans remitted under section 12;
- (c) the principal amount of all loans made under this Act that are written off under the *Financial Administration Act*.

Report

(3) The Minister shall report annually to the Legislative Assembly on the operation of the Fund during the previous fiscal year.

Loans

10. (1) The Commissioner, on the recommendation of the Minister, may make loans in accordance with this Act and the regulations for the purpose of providing financial assistance to post-secondary students.

Consolidated Revenue Fund

(2) Subject to subsection (3), the Commissioner may advance out of the Consolidated Revenue Fund the amounts that are required for the purpose of subsection (1).

Prohibition

(3) No loan shall be made under this Act that would cause the aggregate of the principal amounts outstanding in respect of

- (a) all loans made to one person who is a recipient of a grant, to exceed \$26,000;
- (b) all loans made to one person who is not a recipient of a grant, to exceed \$36,000; or
- (c) all loans made under this Act, to exceed the amounts in the Schedule for the fiscal years indicated in the Schedule.

R.S.N.W.T. 1988,c.61(Supp.),s.2.

11. Repealed, R.S.N.W.T. 1988,c.26(Supp.),s.5.

Remittance

12. Notwithstanding the *Financial Administration Act*, the Commissioner may, on the recommendation of the Minister, remit all or part of an outstanding loan made under this Act.

Funding

13. Except for the principal amount of loans made under this Act, the amount of all student financial assistance, including the provisions for loans to be remitted or written off, must be made out of funds appropriated for that purpose.

REGULATIONS

Regulations

14. (1) On the recommendation of the Minister, the Commissioner may make regulations that the Commissioner considers necessary to carry out the purposes of this Act and, without limiting the generality of this power to make regulations, may make regulations

- (a) **repealed, S.N.W.T. 1993,c.15,s.4.**
- (b) respecting the duties and powers of the Secretary in respect of student financial assistance;
- (c) **repealed, S.N.W.T. 1993,c.15,s.4.**
- (d) **repealed, S.N.W.T. 1993,c.15,s.4.**
- (e) respecting the procedures for dealing with applications for student financial assistance;
- (f) prescribing the terms and conditions on which student financial assistance is awarded;
- (g) prescribing other forms of student financial assistance in addition to scholarships, grants and loans;
- (h) prescribing the duties and powers of the Minister, the Deputy Minister, the Secretary and other persons in respect of the prescribed forms of student financial assistance;
- (h.1) respecting the appeal of decisions with respect to other forms of student financial assistance prescribed under paragraph (g);
- (i) prescribing categories of student financial assistance within any form of student financial assistance;
- (j) prescribing the monetary amount of assistance for every category or form of student financial assistance;
- (k) prescribing the matters to which the monetary amount of student financial assistance is referable, where appropriate;
- (l) prescribing the circumstances under which a grant shall be deemed to be a loan;
- (m) regarding the terms and conditions of repayment of loans, including the rate of interest and the date of commencement of calculation of interest;

- (n) prescribing
 - (i) the conditions on which and manner in which a loan may be remitted, and
 - (ii) the classes of persons whose loans may be remitted, in whole or in part;
- (o) prescribing that the Minister may limit the number of grants that may be awarded in any one year;
- (p) prescribing criteria for eligibility for any form or category of student financial assistance;
- (q) prescribing the duration of student financial assistance and varying the duration depending on the criteria referred to in paragraph (p);
- (r) restricting the time within which student financial assistance may be applied for or taken up;
- (s) providing for the termination of student financial assistance
 - (i) where the terms and conditions are breached,
 - (ii) where a person formerly eligible for student financial assistance ceases to be eligible, or
 - (iii) for other prescribed reasons;
- (t) prescribing reasons for which student financial assistance may be terminated;
- (u) prescribing the manner and time of paying student financial assistance;
- (v) prescribing the manner and time for communication with approved institutions with respect to student financial assistance;
- (w) providing for the manner of proof of registration at approved institutions;
- (x) respecting the proceedings in appeals under section 8.1; and
- (y) prescribing any matter or thing that by this Act may or is to be prescribed.

Eligibility

- (2) The criteria referred to in paragraph (1)(p) may include, but are not limited to,
 - (a) the extent and nature of the residence and schooling of the applicant in the Territories;
 - (b) the provision of an affirmative action program for the descendants of a tribe or race of aboriginal peoples that have historically inhabited the Territories;
 - (c) the academic qualifications of the applicant; and
 - (d) the extent and nature of the residency in the Territories of the persons who have lawful custody of the applicant.

Variations

- (3) Regulations made under subsection (1) may contain variations depending on
 - (a) the type and location of an approved institution; and

- (b) the ordinary place of residence of a student.
R.S.N.W.T. 1988,c.26(Supp.),s.6; S.N.W.T. 1993,c.15,s.4;
S.N.W.T. 1998,c.17, s.27.

TRANSITIONAL

Transitional

15. In evaluating the eligibility of a person for a grant, any period in respect of which the person received a grant under

- (a) the *Students Grants Ordinance*, R.S.N.W.T. 1974,c.S-11,
- (b) the *Student Grants and Bursaries Ordinance*,
S.N.W.T. 1979(1),c.7, or
- (c) subsection 13(1) of the *Student Financial Assistance Act*,
S.N.W.T. 1982(2),c.5,

shall be deducted from any period in respect of which the person may otherwise be eligible under this Act for a grant.

SCHEDULE (Paragraph 10(3)(c))

<u>Fiscal Year</u>	<u>Maximum Aggregate of Principal Amounts Outstanding in Respect of All Loans</u>
1. 1998-99 and subsequent fiscal years	\$22,000,000

R.S.N.W.T. 1988,c.25(Supp.),s.1;c.61(Supp.),s.3; S.N.W.T. 1991-92,c.32,s.1;
S.N.W.T. 1994,c.35,s.1; S.N.W.T. 1997,c.6,s.1; S.N.W.T. 1998,c. 25,s.1.

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