

The Student Assistance and Student Aid Fund Act, 1985

being

Chapter S-61.1 of the *Statutes of Saskatchewan, 1984-85-86* (effective April 26, 1985) as amended by the *Statutes of Saskatchewan, 1986, c.5; 1986-87-88, c.33; 1988-89, c.20, 42 and 56; 1995, c.33; 1997, c.T-22.2; 1998, c.C-45.2; 2000, c.28; 2001, c.42; 2014, c.E-13.1 and c.S-32.21; and 2018, c.42.*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER S-61.1

An Act to provide for Financial Assistance to Students for the Pursuit of their Studies

Short title

1 This Act may be cited as *The Student Assistance and Student Aid Fund Act, 1985*.

Interpretation

2 In this Act:

- (a) **“borrower”** means an individual who received financial assistance pursuant to this Act or any former *Student Assistance and Student Aid Fund Act*;
- (a.1) **“committee”** means the Scholarship, Bursary and Loan Committee continued pursuant to section 4;
- (b) **“department”** means the department over which the minister presides;
- (b.1) **“financial assistance”** means all or any of the following provided for or on behalf of students or borrowers:
 - (i) scholarships;
 - (ii) grants;
 - (iii) bursaries;
 - (iv) loans;
 - (v) guarantees;
 - (vi) interest subsidies;
 - (vii) any other forms of financial assistance that the minister considers appropriate;
- (c) **“fund”** means the Saskatchewan Student Aid Fund continued pursuant to section 5;
- (d) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (e) **“trustees”** means the Trustees of the Saskatchewan Student Aid Fund described in section 3.

1984-85-86, c.S-61.1, s.2; 2000, c.28, s.3.

Trustees

3(1) The Trustees of the Saskatchewan Student Aid Fund are continued as a body corporate and consist of:

- (a) the deputy minister of the department;

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- (b) the deputy minister of the Department of Finance; and
 - (c) one person appointed by the Lieutenant Governor in Council on the recommendation of the minister.
- (2) The trustees shall administer the fund in accordance with this Act and the regulations and, in the case of moneys held in the fund in trust or subject to any other conditions governing their use or distribution, in accordance with those conditions.

1984-85-86, c.S-61.1, s.3; 2000, c.28, s.4.

Scholarship, Bursary and Loan Committee

4(1) The Scholarship, Bursary and Loan Committee is continued and consists of:

- (a) the deputy minister of the department or a person designated by the deputy minister, who is to be the chairperson of the committee;
- (b) an officer of the department designated by the minister, who is to be the vice-chairperson of the committee;
- (c) the president of The University of Regina or a person designated by the president of The University of Regina;
- (d) the president of the University of Saskatchewan or a person designated by the president of the University of Saskatchewan; and
- (e) not more than 12 other members appointed by the minister.

(2) The members appointed pursuant to clause (1)(e) are to include one person representing each of:

- (a) the Department of Education;
- (b) the Students' Representative Council at The University of Saskatchewan;
- (c) the Students' Representative Council at The University of Regina;
- (d) the Saskatchewan Polytechnic;
- (e) the Students' Representative Council at each campus of the Saskatchewan Polytechnic;
- (f) to (h) **Repealed.** 1988-89, c.20, s.5.

(i) one person representing those departments of the Government of Saskatchewan, other than the Department of Education, for which awards are provided from the fund.

(3) The committee shall:

- (a) make recommendations to the minister concerning the development and administration of financial assistance under any program in which financial support is derived:
 - (i) from the fund;
 - (ii) from grants or payments from the Minister of Finance; or
 - (iii) pursuant to agreements between the Government of Saskatchewan and the Government of Canada or agencies of the Government of Canada;

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- (b) conduct studies concerning programs of financial assistance and for that purpose may receive representations from governments, institutions, organizations and interested persons; and
- (c) report annually to the minister and at any other times that the minister may require respecting the affairs of the committee.

1984-85-86, c.S-61.1, s.4; 1986-87-88, c.33, s.3;
 1988-89, c.20, s.5; 1988-89, c.42, s.101; 1988-89,
 c.56, s.3; 2000, c.28, s.5; 2014, c.S-32.21, s.36.

Fund

- 5(1) The Saskatchewan Student Aid Fund is continued.
- (2) The fund consists of the following:
 - (a) \$1,000,000 in securities or cash, or both, that was transferred or paid by the Minister of Finance to the trustees out of unappropriated moneys in the general revenue fund belonging to the Education Fund;
 - (b) the sum of \$2,000,000 transferred from the fund known as the School Lands Fund to the trustees;
 - (c) all moneys repaid on loans and all interest paid on loans made to students made or purchased under this Act or any former Act respecting student assistance by the Government of Saskatchewan pursuant to an agreement between the Government of Saskatchewan and the Government of Canada, where, pursuant to that agreement, the moneys and interest belong to fund;
 - (d) all moneys received by the Government of Saskatchewan from the Government of Canada pursuant to an agreement between those governments respecting awards by way of loans, bursaries or scholarships made to students or purchased under this Act or any former Act respecting student assistance;
 - (e) all moneys repaid on loans and interest paid on loans made to students made or purchased under this Act or any former Act respecting student assistance by the Government of Saskatchewan on its own account;
 - (f) all moneys repaid on loans and interest paid on loans granted pursuant to this Act;
 - (g) any moneys received by the trustees by way of gift, bequeath or other means;
 - (h) moneys received by the trustees pursuant to section 8;
 - (i) moneys received from the Minister of Finance for the purposes of the fund; and
 - (j) any other moneys that:
 - (i) are received by the Government of Saskatchewan for the purpose of providing financial assistance; and
 - (ii) are designated by the Minister of Finance.

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(3) All moneys mentioned in subsection (2) are to be paid into and form part of the fund.

(3.1) The fund may receive moneys pursuant to clause (2)(j), and the trustees may hold those moneys in the fund, whether or not those moneys are subject to trust conditions or other conditions governing their use or disbursement.

(4) The trustees shall from moneys remaining in the fund out of moneys appropriated by the Legislature for the purposes of this Act, other than moneys transferred or paid pursuant to clauses (2)(a) and (b), pay to the Minister of Finance for deposit in the general revenue fund any amounts that the Lieutenant Governor in Council may by order direct.

1984-85-86, c.S-61.1, s.5; 1986, c.5, s.13; 1986-87-88, c.33, s.4; 1988-89, c.42, s.101; 2000, c.28, s.6.

Advances and payments

5.1(1) The Minister of Finance may, on the request of the minister, advance moneys from the general revenue fund to the fund, subject to any terms and conditions with respect to repayment, including payment of interest, that the Treasury Board considers appropriate.

(2) The Minister of Finance may, on the request of the minister, make payments to the fund out of moneys appropriated by the Legislature for the purposes of this Act.

1986-87-88, c.33, s.5; 2000, c.28, s.6.

Investments

6 Notwithstanding that any moneys held in the fund are subject to trust conditions or other conditions governing their use or disbursement, the trustees may:

(a) invest the moneys in the fund in any class or classes of securities authorized for the investment of moneys in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and

(b) sell any securities in which moneys in the fund are invested and invest the proceeds in any class or classes of securities described in clause (a).

2000, c.28, s.8.

Minister may provide financial assistance

7(1) Subject to this Act and the regulations, the minister may provide financial assistance to or on behalf of:

(a) students who are ordinarily resident in Saskatchewan, or any other students or class of students that may be recommended by the committee, to assist them in pursuing their studies in any institution by which degrees are granted or in any other educational institution approved by the minister; and

(b) borrowers or classes of borrowers to enable them to repay any loans or other similar financial assistance they received while they were students.

(2) The minister may pay financial assistance provided pursuant to subsection (1) from:

- (a) the accumulated earnings of the fund and other moneys in the fund;
- (b) moneys that are held in the fund subject to trust conditions or to other terms and conditions governing their use or disbursement if that financial assistance is provided in accordance with those trust conditions or other terms and conditions, as the case may be; or
- (c) moneys appropriated by the Legislature for the purpose.

(3) The minister may pay all or a portion of any financial assistance provided pursuant to subsection (1) on behalf of a student to the institution mentioned in subsection (1) at which the student is attending, and the receipt of the institution for the payment of all or a portion of that financial assistance is a sufficient discharge to the trustees for the amount set out in the receipt with respect to the student's financial assistance.

(4) The minister may act as the agent for the Government of Canada, any agency of the Government of Canada or any other government or person in carrying out any program of financial assistance.

2000, c.28, s.8.

Moneys from fund for other awards, etc.

8(1) Notwithstanding anything in this Act, where:

- (a) a member of the Executive Council other than the minister; or
- (b) any other commission, board, agency, association or similar body whether incorporated or not, all the members of which or all members of the board of directors of which, are appointed by an Act or by the Lieutenant Governor in Council;

makes grants or awards pursuant to any Act in the form of scholarships, bursaries or loans, or any combination of them, the trustees may pay out of the fund the moneys for those scholarships, bursaries or loans.

(1.1) Where the trustees pay out of the fund moneys for scholarships, bursaries or loans pursuant to subsection (1), the minister or the commission, board, agency, association or other body who would otherwise have paid those scholarships, bursaries or loans paid by the trustees may, notwithstanding anything in any other Act, pay to the trustees for deposit in the fund all or any part of the moneys that were appropriated or available for the payment of those scholarships, bursaries or loans.

(2) Where:

- (a) a member of the Executive Council other than the minister; or
- (b) a commission, board, agency, association or body mentioned in clause (1)(b);

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makes grants or awards pursuant to any Act in the form of scholarships, bursaries or loans, or any combination of them, the trustees may, subject to the approval of the Lieutenant Governor in Council, pay out of the fund to the member, commission, board, agency, association or body the moneys that he or it may require with respect to those scholarships, bursaries or loans.

(3) Where moneys are paid by the trustees pursuant to subsection (2), the member of the Executive Council, commission, board, agency, association or body that received the moneys shall:

- (a) immediately on the request of the trustees, notify the trustees, in that detail and for that period of time that may be requested by the trustees, of the total of the payments made from the moneys and the purposes for which the payments were made; and
- (b) pay to the trustees for deposit in the fund any amount remaining unpaid of the moneys paid by the trustees pursuant to subsection (2).

1984-85-86, c.S-61.1, s.8; 1986-87-88, c.33, s.7.

Interpretation

8.1 In sections 8.2 to 8.7:

- (a) **Repealed.** 2000, c.28, s.9.
- (b) **Repealed.** 2000, c.28, s.9.
- (c) **“financial institution”** means:
 - (i) a bank;
 - (ii) a credit union incorporated or continued pursuant to *The Credit Union Act, 1998*;
 - (iii) a corporation licensed pursuant to *The Trust and Loan Corporations Act, 1997*;

that has entered into an agreement or a representative of which has entered into an agreement with the minister pursuant to section 8.3.

1986-87-88, c.33, s.8; 1997, c.T-22.2, s.90; 1998, c.C-45.2, s.476; 2000, c.28, s.9; 2018, c.42, s.57.

8.2 Repealed. 2000, c.28, s.10.

Agreements with financial institutions

8.3 Subject to the approval of the Minister of Finance, for the purposes of providing financial assistance for students or borrowers in accordance with this Act and the regulations, the minister may enter into any agreement that the minister considers necessary with any financial institution or group of financial institutions or any representative of any financial institution or group of financial institutions.

2000, c.28, s.11.

Assignment of loan to financial institution

8.4 The minister may assign any loan made or acquired pursuant to this Act to a financial institution on any terms and conditions that the minister may consider appropriate and may guarantee the repayment of any loan so assigned, including any interest or other charges thereon.

1986-87-88, c.33, s.8; 2000, c.28, s.12.

Purchase of loans

8.5 The minister may purchase any existing student loan which is in the nature of financial assistance granted by any department of the Government of Saskatchewan or any financial institution pursuant to the authority of any Act, and may pay the cost of such purchase out of the fund.

1986-87-88, c.33, s.8.

Offence

8.6 Every person who knowingly makes any misrepresentation or any false or misleading statement in an application for financial assistance or for approval for financial assistance is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000.

1986-87-88, c.33, s.8.

Consequences of breach

8.7(1) Where a student or borrower is convicted of an offence against the *Canada Student Loans Act* or the *Canada Student Financial Assistance Act*:

(a) no financial assistance is payable to the student or borrower or for the student's or borrower's benefit pursuant to this Act on and after the date of that conviction; and

(b) the minister may demand that the student or borrower repay to the minister all interest subsidies paid to or for the benefit of the student or the borrower pursuant to this Act relating to loans obtained pursuant to the *Canada Student Loans Act* or the *Canada Student Financial Assistance Act*.

(2) Where the minister determines that a student or borrower has contravened this Act or the regulations or breached any term of any agreement entered into by the student or borrower or provided any false or misleading information in connection with obtaining financial assistance pursuant to this Act:

(a) the minister may demand payment of all or any part of any loan made by the minister to that student or borrower in relation to which financial assistance has been provided or approved, other than loans obtained pursuant to the *Canada Student Loans Act* or the *Canada Student Financial Assistance Act*; and

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- (b) where payment is demanded pursuant to clause (a), the loan or part of the loan is due and payable, together with interest on the outstanding balance of the loan to be calculated, in accordance with subsection (3), from the date of the contravention, the breach or the provision of false or misleading information, as the case may be.
- (3) For the purposes of clause (2)(b), interest is to be calculated at the unsubsidized rate applicable to loans that:
- (a) are made or guaranteed pursuant to this Act; and
- (b) as at the date of the contravention, the breach or the provision of false or misleading information, as the case may be, are commencing to be due for repayment.
- (4) The provisions of this section do not affect the validity or enforceability of any guarantees provided to any financial institution.
- (5) If the minister makes any payment under a guarantee relating to a loan made to a student or borrower to whom subsection (2) applies, that student or borrower shall repay to the minister all amounts paid under that guarantee together with interest on the outstanding balance of the loan, to be calculated, in accordance with subsection (6), from the date that the minister made the payment on the guarantee.
- (6) For the purposes of subsection (5), interest is to be calculated at the unsubsidized rate applicable to loans that:
- (a) are made or guaranteed pursuant to this Act; and
- (b) as at the date of the minister's payment on the guarantee, are commencing to be due for repayment.

2000, c.28, s.13.

Annual report

- 9(1) The trustees shall, in accordance with section 13 of *The Executive Government Administration Act*, prepare and submit to the minister a report respecting the administration of the fund in each fiscal year, including statements respecting the portions of the fund used respectively for loans, bursaries and scholarships.
- (2) The minister shall lay the report mentioned in subsection (1) before the Legislative Assembly in accordance with section 13 of *The Executive Government Administration Act*.

1984-85-86, c.S-61.1, s.9; 2014, c.E-13.1, s.62.

Regulations

10 The minister may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or phrase used in this Act but not defined in this Act;
- (b) subject to clause 2(a), determining who are borrowers for the purposes of this Act and the regulations;
- (c) respecting the total amount of financial assistance that may be provided for or on behalf of a student or borrower pursuant to this Act;
- (d) respecting the terms and conditions on which financial assistance may be provided pursuant to this Act;
- (e) determining the eligibility criteria for financial assistance;
- (f) determining the period during which financial assistance is to be provided;
- (g) respecting applications for financial assistance;
- (h) respecting the information to be provided by students and borrowers in connection with obtaining financial assistance;
- (i) respecting the manner of calculation and the manner of payment of financial assistance pursuant to this Act;
- (j) respecting the rate of interest that is payable on loans and the terms and conditions of repayment of loans;
- (k) prescribing any other matter or thing that is required or authorized by this Act to be prescribed in the regulations;
- (l) respecting any other matter or thing that the minister considers necessary to carry out the intent of this Act.

2000, c.28, s.14.

Administration expenses

11(1) Subject to subsection (2), all expenses incurred in administering this Act are to be paid out of moneys appropriated by the Legislature for the purpose.

(2) If the minister enters into an agreement for a purpose related to carrying out any of the minister's powers or fulfilling any of the minister's responsibilities pursuant to this Act, the minister may designate that all or any of the expenses incurred by the minister pursuant to that agreement are to be paid out of the fund.

1995, c.33, s.2; 2001, c.42, s.2.

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Immunity

11.1 No action lies or shall be instituted against the Crown in right of Saskatchewan, the minister, the trustees, the committee or any member of the committee or any person designated by the minister to exercise any powers or fulfil any responsibilities pursuant to this Act for any loss or damage suffered by any person by reason of anything in good faith done, attempted to be done or omitted to be done, pursuant to or in the exercise or supposed exercise of any power, function or duty conferred or imposed by this Act or the regulations.

2000, c.28, s.15.

Audit

12 The Provincial Auditor shall audit the accounts and investments of the trustees.

1984-85-86, c.S-61.1, s.12.

R.S.S. 1978, c.S-61 repealed

13 *The Student Assistance and Student Aid Fund Act* is repealed.

1984-85-86, c.S-61.1, s.13.