



Province of Alberta

STUDENT FINANCIAL ASSISTANCE ACT

Statutes of Alberta, 2002
Chapter S-20.5

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Office Consolidation

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the *Student Financial Assistance Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	<i>Amendments</i>
Student Financial Assistance Act		
Student Financial Assistance.....	298/2002	246/2003, 79/2006, 196/2006, 278/2006, 29/2007, 149/2007, 68/2008, 153/2008, 244/2009, 31/2012, 103/2012, 79/2014, 111/2015

STUDENT FINANCIAL ASSISTANCE ACT

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Interpretation

1(1) In this statute,

- (a) “agreement” means an agreement entered into under this Act;
- (b) repealed 2017 c16 s9;
- (c) “eligible student” means a student who is eligible under section 12(1) for financial assistance;
- (d) “financial assistance” means monetary assistance, in all or any of its forms as the case may be, that has been or that may be provided under this Act;
- (e) “financing institution” means
 - (i) with respect to financial assistance other than a loan, the Government, and
 - (ii) with respect to a loan, the Government or a bank, treasury branch, credit union, loan corporation or trust corporation;
- (f) “lender” means a financing institution referred to in clause (e)(ii) and includes any other person or entity that has acquired the rights of the creditor under a loan;
- (g) “loan” means financial assistance involving the lending and borrowing of money;
- (h) repealed 2017 c16 s9;
- (i) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this statute;

- (j) “non-government financing institution” means a financing institution other than the Government;
 - (k) “prescribed” means prescribed or otherwise provided for by the regulations;
 - (l) “repealed legislation” means the *Students Finance Act*, the *Student Loan Act* and the regulations made under them, or any of those enactments, as the case may be;
 - (m) “student” means an individual who is enrolled in a program of study at an educational institution, both the program and the institution having been approved by the Minister for the purposes of this clause;
 - (n) “this Act” includes the regulations.
- (2) References in this statute to a federal Act include references to the regulations under that Act.
- (3) References in this statute to the issuing of a certificate refer to the issuing of a certificate of eligibility, or the authorization of a loan by any other means, under section 19(1), and “certificate” includes those means.
- (4) The Lieutenant Governor in Council may, for the purposes of this statute or specified provisions of this statute, by regulation define any expression used in this statute but not defined, and the expression has the meaning so defined.

2002 cS-20.5 s1;2017 c16 s9

Application

2(1) This Act does not apply with respect to scholarships within the meaning of the *Alberta Heritage Scholarship Act* or scholarships and awards under the *Queen Elizabeth II Golden Jubilee Recognition Act*.

(2) This Act binds the Government.

**Part 1
Administration****Minister’s general responsibilities**

3 The Minister is responsible for

- (a) the operation and administration of financial assistance programs and of programs under the *Canada Student Loans Act* (Canada) and the *Canada Student Financial Assistance*

Act (Canada) whose operation and administration have been assigned to the Minister or the Government, and

- (b) the apportionment and distribution of financial assistance and of monetary assistance under any such federal program.

4 to 7 Repealed 2017 c16 s9.

Part 2

Provisions Applicable to Financial Assistance Generally

Agreements with public or private entities

8 Subject to the *Government Organization Act*, the Minister may enter into agreements with any department, branch or agency of the Government or any other public or private organization or agency, including the government of Canada or of a province or any non-government financing institution, to establish, and to facilitate the administration, operation and enforcement of, financial assistance programs.

Agreements with other financing institutions

9 The Minister

- (a) may enter into an agreement with a non-government financing institution respecting the provision of financial assistance to eligible students, and
- (b) shall pay to that institution, in accordance with that agreement, any amount that is payable by the Government to the institution under the agreement.

Direct assistance from Government

10 The Minister may enter into agreements with eligible students under which the Government will provide financial assistance to them.

Agreements with service providers

11 The Minister may enter into an agreement with a corporation legally entitled to carry on business in Alberta respecting the administration and enforcement of any financial assistance and financial assistance programs.

Eligibility and terms and conditions for financial assistance

12(1) Financial assistance in any form may be provided only

- (a) to students who meet the eligibility criteria prescribed, and
- (b) on the terms and conditions prescribed,

for that form of financial assistance.

(2) Any agreement entered into with a view to providing financial assistance

- (a) must comply with the applicable criteria and terms and conditions referred to in subsection (1),
- (b) must contain any terms and conditions whose inclusion is prescribed as required, and
- (c) may contain any other terms and conditions considered appropriate.

(3) The Minister may in writing specify a maximum amount that any student may receive in any one academic year in the form of grants of the kind so specified.

Minority

13 Notwithstanding any other law, a minor is bound by the terms and conditions of financial assistance contracted by or on behalf of the minor, and this Act applies as if the minor were of full age at the time.

Limitation of actions

14 The *Limitations Act* applies to claims, within the meaning of that Act, arising under this Act except that, instead of the 2-year period referred to in sections 2(2)(b) and 3(1)(a) of the *Limitations Act*, a 6-year period applies for the purposes of this Act.

Fraud and failure to provide information

15(1) A person who, intentionally and for the purpose of obtaining financial assistance or a certificate,

- (a) makes a false statement or a misrepresentation, orally or in writing,
- (b) gives false or misleading information, or

- (c) fails to provide any information that this Act or any agreement requires to be provided within the period or before the time limit imposed by this Act or the agreement,

is guilty of an offence and liable to a fine not exceeding \$5000.

- (2) A prosecution for an alleged offence against subsection (1) may not be instituted later than 3 years after the alleged commission of the offence.

Part 3

Provisions Applicable Only to Loans

Application of Part and form of loans

16(1) This Part applies only where financial assistance is in the form of a loan.

- (2) A loan may be in the form of
 - (a) a loan from the Government,
 - (b) a loan made by a non-government financing institution for which the Government pays a risk premium for making the loan,
 - (c) a loan made by a non-government financing institution all or part of which is guaranteed by the Government, or
 - (d) a loan in any other form that is prescribed.
- (3) When a non-government financing institution makes a loan referred to in subsection (2)(c), the Minister may give the guarantee referred to in that clause.

Loan limits

- 17** The Minister may, subject to the regulations, establish
- (a) the maximum amount that a student may receive in any one academic year in the form of loans, and
 - (b) the maximum amount that a student may receive during the student's lifetime in the form of loans.

2002 cS-20.5 s17;2005 c33 s2

Agreements with students

18 A financing institution shall not make a loan except pursuant to an agreement entered into between it and the eligible student.

Certificates of eligibility

19(1) Subject to this section, the Minister authorizes the making of a loan by issuing a certificate of eligibility or by any other prescribed means.

(2) The Minister may issue a certificate only in accordance with any terms and conditions that are prescribed and only to an eligible student.

(3) A certificate must meet the prescribed requirements as to form and substance.

(4) The issuing of a certificate authorizes the financing institution lender to make the loan to the eligible student identified in the certificate in accordance with the certificate, this Act and the applicable agreement referred to in section 18.

Payment, reduction and write-off

20 The Minister may, on the basis and in the manner prescribed, pay, reduce or write off all or part of any outstanding loans made under this Act, the *Canada Student Loans Act* (Canada) or the *Canada Student Financial Assistance Act* (Canada).

Subrogation

21 Where a borrower fails to make a required payment on a loan and the Government makes the payment to the lender, the Government has the same rights to collect the amount paid from the borrower as the lender would have had if the Government had not made the payment.

Part 4

Miscellaneous Provisions

Regulations

22(1) The Lieutenant Governor in Council may make regulations

- (a) empowering the Minister to set up processes for the hearing of appeals against, or the review or reconsideration of, decisions under this Act;
- (b) notwithstanding anything in this statute, imposing duties or restrictions on the Minister with respect to financial assistance programs, including restrictions on the Minister's authority to enter into agreements;
- (c) establishing different forms of financial assistance for some or all of the purposes of this Act;

- (c.1) respecting the maximum amounts of loans for the purposes of section 17;
- (d) respecting the form of any documents, records or other information provided for with respect to financial assistance programs, including matters relating to electronic signatures;
- (e) respecting the liability of the Government in the event of prescribed occurrences;
- (f) respecting guarantees on, and risk premiums to be paid for, loans by non-government financing institutions;
- (g) respecting the consolidation of loans, including loans made under the repealed legislation, into new loans under new agreements and requiring applicants for new loans to enter into agreements to effect such consolidation;
- (h) respecting loan repayments by borrowers and interest on loans;
- (i) respecting the payment of legal and other fees, costs, expenses and disbursements incurred by financing institutions in endeavouring to recover loans;
- (j) respecting the acquisition by other persons and entities of loans previously made by financing institutions;
- (k) prescribing or otherwise respecting any matter or thing that by this statute may or is to be prescribed;
- (l) providing for any aspect relating to the transition from the repealed legislation to this Act.

(2) Regulations under subsection (1) may vary according to the different matters established under subsection (1)(c).

2002 cS-20.5 s22;2005 c33 s3

Transitional and savings provisions

23(1) Notwithstanding section 25, the whole of the repealed legislation, as it existed immediately before the commencement of section 25 but as amended, if applicable, under subsection (2), continues to apply with respect to student financial assistance within the meaning of, and provided before that time under, the repealed legislation as if the repealed legislation had not been repealed.

(2) The Lieutenant Governor in Council may make regulations amending the repealed legislation to the extent that it is saved by, and continues to apply as a result of, subsection (1).

(3) Notwithstanding section 1(1)(a), an agreement entered into under the repealed legislation continues to apply with respect to financial assistance under, and other monetary assistance referred to in, this Act until replaced by a corresponding agreement entered into under this Act.

24 *(This section amends other Acts; the amendments have been incorporated into those Acts.)*

Repeals

25 The *Students Finance Act* and the *Student Loan Act* are repealed.

Coming into force

26 This statute, except section 24(4) and (5), comes into force on Proclamation.

(NOTE: Proclaimed in force September 1, 2003.)



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