STUDENT FINANCIAL ASSISTANCE ACT

STUDENT FINANCIAL ASSISTANCE REGULATION

Alberta Regulation 298/2002

With amendments up to and including Alberta Regulation 13/2020

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Office Consolidation

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(Consolidated up to 13/2020)

ALBERTA REGULATION 298/2002
Student Financial Assistance Act
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Division of Regulation
1 Apart from this section and sections 2 and 3, this Regulation is divided into

(a) Schedule 1, containing the regulations made under the Students Finance Act or the Student Loan Act, or both, which are to apply only with respect to financial assistance provided under those Acts or either of them, as the case may be, before the commencement of section 25 of the Student Financial Assistance Act, and

(b) Schedule 2, containing the regulations made under the Student Financial Assistance Act, which are to apply only with respect to financial assistance provided under that Act after that commencement.

Repeal
2 The Student Financial Assistance Regulation (AR 215/99) is repealed.

Expiry
3 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on September 30, 2021.

Schedule 1

Regulations Under the Students Finance Act or the Student Loan Act, or Both

Interpretation of Schedule 1
1(1) In this Schedule,

(a) repealed AR 103/2012 s3;

(b) “assistance” means student financial assistance;

(c), (d) repealed AR 103/2012 s3;

(e) repealed AR 246/2003 s2;
(f) “full-time student” means, subject to subsection (4), a student who is enrolled in not less than 60%, or 40% in the case of a student with a disability, of a full-time program of study in the semester in question at one or more post-secondary educational institutions;

(g) repealed AR 103/2012 s3;

(h) “loan”, where no specific kind of loan is indicated, means
   (i) a provincial loan, or
   (ii) a loan under the Canada Student Loans Act (Canada) or the Canada Student Financial Assistance Act (Canada);

(i) “loan year” means the period from August 1 in one year to July 31 in the next;

(i.1) “medical resident” means a physician who is engaged in medical residency training recognized by
   (i) the College of Family Physicians of Canada,
   (ii) the Royal College of Physicians and Surgeons of Canada, or
   (iii) a body equivalent to one referred to in subclause (i) or (ii) that is recognized by the Minister and is located outside Canada, during a period so recognized;

(j) “Minister” means the Minister determined under section 16 of the Government Organization Act as the Minister responsible for the Student Loan Act or the Students Finance Act, as the case may be, or, after the effective date of the repeal of those Acts, the Student Financial Assistance Act;

(k) repealed AR 103/2012 s3;

(l) “program” means a program of study within the meaning of the Students Finance Act, and includes anything that is the equivalent of such a program of study resulting from the application of section 8(2) of that Act and also any course, period of training, seminar or similar period of study that forms part of the criteria expressly stated in this Schedule as eligibility criteria for assistance;

(m) “provincial loan” means a loan to a student under the Students Finance Act or the Student Loan Act, or both;
“semester” means a period of not more than 17 weeks unless the Minister decides that some other period is appropriate;

“student” includes

(i) any person or member of a class of persons who is engaged in a program,

(i.1) a medical resident under the circumstances and for the purposes set out in subsection (4), and

(ii) a person who was, but no longer is, a student but who still owes money under an assistance program;

“student with a disability” means a student with a functional limitation caused by a physical or mental impairment that restricts the student’s ability to perform the daily activities necessary to participate in studies at a post-secondary level or in the labour force and whose impairment is expected to remain for the remainder of the student’s natural life.

(2) The definitions in sections 1 of the Students Finance Act and of the Student Loan Act apply for the purposes of the whole of this Schedule.

(3) In this Schedule, a reference to assistance or any particular kind of assistance includes assistance or assistance in that particular form that was awarded or granted before the commencement of this Schedule under any predecessor of this Schedule.

(4) With respect only to provincial loans and not to any other kind of assistance, a medical resident, for the period recognized under subsection (1)(i.1), is a student and a full-time student for the purposes of sections 32(1)(e)(ii) and 33(b).

2 and 2.1 Repealed AR 103/2012 s5.

Part 1
Student Financial Assistance
Generally (Including Loans)

Interpretation of Part 1

3(1) Repealed AR 103/2012 s5.

(2) For the purposes of this Schedule, where the Government of Alberta or of Canada has requested the provision of information in an application for financial assistance of any description, the failure
to provide the information requested is deemed to be the provision of false information.

**Application of Part 1**

4 This Part contains provisions that apply to all forms of assistance including, where applicable, loans.

5 and 6 Repealed AR 103/2012 s5.

**Agents of the Minister**

7 Where a payment may or must be made under this Schedule to the Government, it may be made to an agent of the Minister (if any) acting in respect of the transaction.

8 to 12 Repealed AR 103/2012 s5.

**Conditions of assistance**

13(1) Repealed AR 103/2012 s5.

2 If the Minister is satisfied that a student has provided any false or misleading information, the Minister may require the student to repay all or part of any assistance obtained as a direct or indirect result of the false or misleading information to the Minister in favour of the President of Treasury Board and Minister of Finance or, if a credit institution provided the assistance, to the credit institution.

(3) Any money repayable by a student under subsection (2) must be repaid immediately unless the Minister otherwise directs.

14 to 23 Repealed AR 103/2012 s7.

**Part 2**

**Provisions Dealing Only with Loans**

**Definitions for Part 2**

24(1) In this Part,

(a) “Act” means the *Student Loan Act*;

(b), (c) repealed AR 103/2012 s8;

(d) “consolidation of riskshared and guaranteed loans agreement” means an agreement between a student and a
participating credit institution consolidating, and setting the terms of payment by the student of principal and interest for, the student’s outstanding riskshared and guaranteed loans held by that participating credit institution;

(e) repealed AR 103/2012 s8;

(f) “guaranteed loan” means a provincial loan by a credit institution to a student that is guaranteed by the Government;

(g), (h) repealed AR 103/2012 s8;

(i) “participating credit institution” means a credit institution that has entered into an agreement with the Minister under section 9 of the Act;

(j) “riskshared loan” means a provincial loan under an agreement entered into under section 9 of the Act involving the payment of a risk premium by the Government to a credit institution under section 9(2)(c) of the Act.

(2) Repealed AR 103/2012 s8.

**Application of Part 2**

25 This Part contains provisions that apply only to loans and not to other forms of assistance.

**General Loan Provisions**

26 to 28 Repealed AR 103/2012 s9.

**Minister’s authority to write off**

29 Without affecting the legal liability for the debt, the Minister may write off all or part of the principal or interest, or both, of or on an outstanding provincial loan if

(a) the student dies,

(b) the student is or becomes a student with a disability and, as a result, unable to pay the amount to be written off, or

(c) the Minister considers that, under the circumstances, that amount is not collectible.

30 and 31 Repealed AR 103/2012 s9.
Guaranteed Loans

Duties of credit institutions

32(1) A credit institution that makes or has made a guaranteed loan

(a) must use the forms approved by the Minister for transferring or consolidating such loans,

(b) repealed AR 103/2012 s10,

(c) shall immediately report to the Minister any fraud or false statement by the student that it discovers and any measures taken as a result of the discovery,

(d) must make any claim for loss on the claim for loss form approved by the Minister, and

(e) must make any claim for loss by it

(i) in the case of a claim made in any of the events described in section 33(a), forthwith after that event occurs, or

(ii) with respect to any other claims, within 9 months of the student borrower’s ceasing to be a full-time student.

(f) repealed AR 103/2012 s10.

(2) Notwithstanding subsection (1)(e)(ii), if the credit institution considers that the circumstances are exceptional, it may make the claim at any time.

Guaranteed loans - when they become due

33 The whole amount of the principal and interest on a guaranteed loan becomes due immediately if the borrower

(a) dies, becomes insolvent or files for bankruptcy,

(b) does not sign a consolidation of riskshared and guaranteed loans agreement within 6 months after ceasing to be a full-time student, or

(c) fails to make an instalment payment for more than 30 days after the instalment’s due date under the borrower’s consolidation of riskshared and guaranteed loans agreement.

34 to 37 Repealed AR 103/2012 s12.
Riskshared Loans

Duties of participating credit institutions

38 A participating credit institution that makes or has made a riskshared loan

(a) must use the forms approved by the Minister for transferring or consolidating such loans,

(b) repealed AR 103/2012 s12,

(c) shall immediately report to the Minister any fraud or false statement by the student that it discovers and any measures taken as a result of the discovery, and

(d) may claim the uncollected interest on the loan accruing within 180 days following the date of the default.

39 Repealed AR 103/2012 s12.

Schedule 2

Regulations Under the Student Financial Assistance Act

Interpretation of Schedule 2

1(1) In this Schedule,

(a) “academic year” means the period decided by the Minister, being not more than 40 weeks and not less than 18 weeks or, exceptionally, such longer or shorter period as the Minister decides;

(b) “Act” means the Student Financial Assistance Act;

(b.1) “apprentice” means an apprentice within the meaning of the Apprenticeship and Industry Training Act who is engaged in on the job training within the meaning of the Apprenticeship Program Regulation (AR 258/2000), but does not include an apprentice who is determined to be unable to progress by the Executive Director within the meaning of that Act pursuant to an order of the Alberta Apprenticeship and Industry Training Board;

(c) “common law partner” means an individual who is not married to the student in question but
(i) who has lived with that student in a conjugal relationship continuously for the past one year,

(ii) who the student has declared to have a status equivalent to that of the student’s common law partner under any other law of Alberta or Canada, or

(iii) who is living with that student in a conjugal relationship, where there are one or more children of the relationship by birth or adoption;

(d) “dependent student” means a student who is not an independent student;

(e) “direct loan” means financial assistance in the form of a loan from the Government, and includes

(i) a guaranteed or a riskshared loan referred to in, and converted by or under, section 26(1), (2) or (3) or section 26.1(1) or (2), or

(ii) a grant overpayment within the meaning of section 14.2(1)(b) that is added or converted under section 14.2(3)(b) or (c),

that becomes a direct loan by virtue of that provision;

(f) “educational institution” has the meaning assigned to it in section 2(1)(a);

(g) “financial assistance” includes any repayment, payment, remission, relief or adjustment under section 30 and any repayment assistance within the meaning of section 24(1)(d);

(h) “full-time student” means, subject to subsections (5) and (6), a student who is enrolled in not less than 60%, or 40% in the case of a student with a disability, of a full-time program of study in the semester in question at one or more post-secondary educational institutions;

(i) “independent student” means a student who

(i) is married or has a common law partner,

(ii) is widowed,

(iii) is divorced,

(iv) is the parent of at least one child,
(v) has been employed or been available for employment, or a combination of both, for at least 2 periods of at least 12 consecutive months each,

(vi) has been employed or available for employment or has been a full-time student at a post-secondary educational institution, or in any combination of those situations, for a period totalling at least 4 years, or

(vii) is declared to be an independent student by the Minister;

(j) “loan”, where no specific kind of loan is indicated, means

(i) a direct loan, or

(ii) a loan under the Canada Student Loans Act (Canada) or the Canada Student Financial Assistance Act (Canada);

(k) “loan year” means the period from August 1 in one year to July 31 in the next;

(k.l) “medical resident” means a physician who is engaged in medical residency training recognized by

(i) the College of Family Physicians of Canada,

(ii) the Royal College of Physicians and Surgeons of Canada, or

(iii) a body equivalent to one referred to in subclause (i) or (ii) that is recognized by the Minister and is located outside Canada, during a period so recognized;

(l) “old provincial loan” means a provincial loan within the meaning of Schedule 1;

(m) “part-time student” means a student who is enrolled in less than 60%, or 40% in the case of a student with a disability, of a full-time program in the semester in question at one or more post-secondary educational institutions;

(n) “program of study” means any combination of courses or other requirements that is considered by the educational institution in question to be necessary for a student in the institution to obtain a degree, certificate or diploma;
(o) “program” means a program of study or any other course, period of training, seminar or similar period of study that forms part of the criteria expressly stated in this Schedule as eligibility criteria for a student of the relevant educational institution to receive financial assistance;

(p) “semester” means a period of not more than 17 weeks unless the Minister decides that some other period is appropriate;

(q) “student” includes a person who was, but no longer is, a student within the meaning of the Act but who still owes money under a financial assistance program, a medical resident under the circumstances and for the purposes set out in subsection (5) and an apprentice under the circumstances and for the purposes set out in subsection (6);

(r) “student with a disability” means a student with a functional limitation caused by a physical or mental impairment that restricts the student’s ability to perform the daily activities necessary to participate in studies at a post-secondary level or in the labour force and whose impairment is expected to remain for the remainder of the student’s natural life.

(2) For the purposes of this Schedule, a person is resident in Alberta if that person

(a) is a dependent student with a parent who has maintained permanent residence in Canada for the 12 consecutive months immediately before, and is maintaining permanent residence in Alberta on, the date on which the program in respect of which financial assistance may be or is granted begins,

(b) is an independent student who, for the 12 consecutive months immediately before the date on which that program begins, has maintained permanent residence in Alberta and has not attended a post-secondary institution,

(c) is a protected person within the meaning of subsection 95(2) of the Immigration and Refugee Protection Act (Canada) who is living in Alberta on the date on which that program begins and has not established residency in another province, or

(d) is a person declared, or who falls within a class of persons declared, to be resident in Alberta by the Minister.
(3) A student who becomes resident in Alberta by virtue of subsection (2) automatically continues to be resident in Alberta for the remainder of the academic year and during each subsequent consecutive year in which the student remains continuously enrolled, whether in the same or in a different program and whether in the same or in a different post-secondary educational institution.

(4) For the purposes of this Schedule, where the Government of Alberta or of Canada has requested the provision of information in an application for monetary assistance of any description, the failure to provide the information requested is deemed to be the provision of false information.

(5) With respect only to provincial loans and not to any other kind of assistance, a medical resident, for the period recognized under subsection (1)(k.1), is a student and a full-time student for the purposes of sections 2.1, 24(1)(c), 26 and 32(1)(a) and (b).

(6) With respect only to provincial loans and not to any other kind of assistance, an apprentice is a student and a full-time student for the purposes of sections 2.1, 24(1)(c), 26 and 32(1)(a) and (b).

Interpretation of Act, etc.

2(1) For the purposes of the Act,

(a) “educational institution” means any institution or person providing a program that may be the subject-matter of financial assistance;

(b) “program of study” means a program within the meaning of section 1.

(2) For the purposes of section 4(4)(b) of the Act, an individual who has lived in Alberta for at least 12 months is a resident of Alberta.

(3) For the purposes of section 12(1) of the Act, “provided only to students” includes circumstances where financial assistance is provided to a student’s employer on the student’s behalf to assist in paying the costs of employing the student while training the student in a field related to the employer’s industry.

Application to medical residents

2.1 Without making reference to other provisions of this Schedule that do not have the potential to apply on account of the context, section 8(1) and (2), except the requirement as to being a full-time student, and section 9 do not apply with respect to a medical resident or an apprentice.
Part 1
Financial Assistance Generally
(Including Direct Loans)

Application of Part 1
4 This Part contains provisions that apply to all forms of financial assistance.

Forms
5 Applications for financial assistance must be made in the form required by the Minister.

Availability of money
6 Notwithstanding anything in this Schedule, the Minister may award financial assistance only if money is available for the financial assistance.

Agents of the Minister
7 Where a payment may or must be made under this Schedule to the Government, it may be made to an agent of the Minister (if any) acting in respect of the transaction.

General eligibility criteria for students
8(1) Subject to other provisions of this Schedule, the eligibility criteria prescribed for the purposes of section 12(1)(a) of the Act are that the student in question must

  (a) be a full-time student except where financial assistance to a part-time student is provided for,

  (b) submit the completed application for financial assistance to the Minister within the time stipulated by the Minister,

  (c) be resident in Alberta,

  (d) establish to the Minister’s satisfaction that the student is in financial need, taking into account the financial resources available to the student, and

  (e) have an academic history that is acceptable to the Minister.

(2) For the purposes of subsection (1)(d), the Minister may treat all or part of the financial resources of the student’s spouse or common law partner as available to the student.
(3) Notwithstanding anything else in this Schedule, unless the Minister determines otherwise, a student is ineligible for financial assistance if the student

(a) has ever provided to the Government of Alberta or of Canada any false or misleading information that the Minister considers materially to affect or have affected the student’s eligibility to receive monetary assistance from either Government,

(b) is or has ever been in default of repaying a loan,

(c) has ever filed a proposal for protection under the *Bankruptcy and Insolvency Act* (Canada) and its regulations, whether discharged or not, or been declared bankrupt under that federal legislation,

(d) has, in the Minister’s opinion, had a bad credit history within the 3 years prior to applying for the financial assistance,

(e) repealed AR 79/2014 s2,

(f) is enrolled in a program of study authorized by a licence issued under the *Private Vocational Training Act*, or a licence the Minister considers equivalent to a licence issued under that Act, and the licensee has not entered into an agreement with the Minister in accordance with section 9(1)(d),

(g) is allowed to make affordable payments referred to in section 34(2), or

(h) where applicable, has not completed the affordable payment requirements of section 34 by the end of the period set by the Minister under section 34(2).

(4) Subsection (3)(a) does not apply if

(a) the student has previously received monetary assistance,

(b) all monetary assistance previously provided has been repaid in full, and

(c) a period of 3 years, or such other period as the Minister considers appropriate, has elapsed since the last repayment was completed.
Requirements for programs of study

9(1) The Minister shall not approve a program of study for the purposes of this Schedule under section 1(1)(m) of the Act unless the Minister considers that the program meets the following requirements:

(a) in the case of a program for which loans are provided, the loan repayment rate with respect to the program is at a level acceptable to the Minister;

(b) the Minister considers that the program is appropriately accredited or that a significant portion of the program is accepted for credit toward credentials conferred by an educational institution designated by the Minister for the purposes of this clause;

(c) if the Minister considers the employment of graduates of the program to be relevant, the potential for employment for graduates of the program is acceptable to the Minister;

(d) where the Minister requires it, the educational institution has entered into an agreement with the Minister that addresses to the Minister’s satisfaction any matter that the Minister considers necessary or appropriate for the proper administration of the program of study.

(1.1) The Minister shall not approve an educational institution under section 1(1)(m) of the Act unless the Minister considers that the institution’s loan repayment rate is at an acceptable level.

(2) The Minister may, for the purposes of this Schedule, withdraw approval

(a) of a program of study if, in the opinion of the Minister, the program fails to meet the requirements of subsection (1), or

(b) of an educational institution if, in the opinion of the Minister, the educational institution fails to comply with its agreement under subsection (1)(d) or to meet the loan repayment rate referred to in subsection (1.1).


Purposes of financial assistance

11(1) Subject to any provision expressly providing otherwise, financial assistance is awarded to enable an eligible student to pay some or all of the following costs:
(a) tuition and other fees that the educational institution requires the student to pay;

(b) the cost of books, materials and supplies used in the programs;

(c) subject to subsection (2), the student’s living and other expenses approved by the Minister.

(1.1) Financial assistance may be provided only for the loan year for which assistance is applied and assessed.

(2) The Minister may specify a program for which the maximum amount of financial assistance, excluding financial assistance under section 23, that may be awarded to a student enrolled in the program is the total of the fees and the costs referred to in subsection (1)(a) and (b).

Instalments

12 The Minister may pay financial assistance to an eligible student in instalments.

Conditions of financial assistance

13(1) The awarding of financial assistance, other than under section 23, is subject to the following conditions:

(a) the student must pay all fees referred to in section 11(1)(a) within the time period specified by the educational institution;

(b) if the Minister considers that all or any of the financial assistance is not being or has not been used for the purposes for which it was provided, the student must repay that financial assistance or the part of it that is considered not to have been used for those purposes, as the case may be, to the Minister in favour of the President of Treasury Board and Minister of Finance;

(c) if, despite section 15.1, the educational institution refunds to the student all or part of the tuition or other fees, the student must pay the amount of the refund to the Minister in favour of the President of Treasury Board and Minister of Finance;

(d) the student must advise the Minister of any change in

(i) the student’s address, single, matrimonial or common law partner status, financial circumstances, academic status or study period,
(ii) the address or financial circumstances of the student’s spouse or common law partner if the student has applied for financial assistance under section 34 or if that information has previously been provided to the Minister for the purposes of a federal program referred to in section 3 of the Act, or

(iii) the address or financial circumstances of the student’s parents, if that information has previously been provided to the Minister for the purposes of a federal program referred to in section 3 of the Act;

(e) the student must enter into any agreement that the Minister requires.

(2) If the Minister is satisfied that a student has provided any false or misleading information, the Minister may require the student to repay all or part of any financial assistance obtained as a direct or indirect result of the false or misleading information to the Minister in favour of the President of Treasury Board and Minister of Finance.

(3) Any money repayable by a student under subsection (1) or (2) must be repaid immediately unless the Minister otherwise directs.

Provision of information and reassessment

14(1) The Minister may direct a student to provide any information or documents to verify any statement made in the student’s application for financial assistance.

(2) The Minister may refuse to provide the financial assistance applied for to a student who does not comply with a direction under subsection (1).

(3) Based on any information and documents provided under subsection (1), the Minister may reassess the amount of financial assistance that the student is eligible to receive.

(4) The Minister may require a student referred to in subsection (2) or (3) immediately to repay all or part of any financial assistance paid to or in favour of the student and to pay

(a) any interest and service fees on any direct loans or old provincial loans, and

(b) any risk premiums paid by the Government in respect of old provincial loans.

(5) In construing any provision of this Schedule that relates directly or indirectly to the requirement of information or
documents, audits or any other matter relating to the enforcement of any of its provisions, any reference to a student includes any person who has ever received any assistance.

Collection and disclosure of information
14.1(1) In this section, “personal information” means personal information within the meaning of the Freedom of Information and Protection of Privacy Act.

(2) The Minister may collect any personal information from a student about the student’s parents, spouse or common law partner that the student provides under this Schedule or an agreement or that is needed for the proper administration of this Schedule (including a program referred to in section 13(1)(d)(iii)).

Repayment of all or part of grant or bursary
14.2(1) In this section,

(a) “grant” means a grant or bursary under the repealed legislation or under this Schedule, whether given before or after the commencement of this section;

(b) “grant overpayment” means

(i) the whole of the grant, if subsection (2)(a) applies, or

(ii) the part of the grant referred to in subsection (2)(b), if that clause applies.

(2) Without limiting the application of section 14, if the Minister considers that a student who received a grant was not entitled to receive all or part of that grant, the Minister may, by giving written notice to the student, require the student to repay, within the period specified and according to which circumstance is applicable,

(a) the whole of the grant, if the Minister considers that no grant should have been paid at all, or

(b) the part of the grant that the Minister considers should not have been paid.

(3) The Minister may

(a) require the student to make the required grant overpayment payments to the Crown,

(b) if the student has a direct loan, add the amount of the grant overpayment to the balance of that direct loan, or
(c) if the student does not have a direct loan, convert the amount of the grant overpayment to a direct loan that is deemed to be made under this Schedule by virtue of this subsection and set the terms and conditions of that direct loan.

(4) It is a condition of a grant that a student must enter into any agreement that, and in the form that, the Minister requires under section 13(1)(e) regarding the payment of the grant overpayment.

(5) For the purposes of this section, grants paid under the repealed legislation are deemed to have been paid under this Schedule.

Reviews

15(1) A student may apply to the Minister for review within 90 days after the date the student received notice of a decision that

(a) the student’s application for financial assistance is refused,

(b) less financial assistance is awarded than the amount applied for, or

(c) an amount of financial assistance previously awarded has been reassessed by the Minister under section 14(3).

(2) The application for review under this section must

(a) be submitted in writing, and

(b) include the following:

(i) the applicant’s name, current address and telephone number;

(ii) the decision reviewed;

(iii) the reasons for requesting the review;

(iv) any other relevant information requested by the Minister or that the applicant wishes considered.

(3) The Minister may, after reviewing the decision and considering any information considered relevant, make any decision that the Minister could have made on the original application.

Refunding by educational institution

15.1 Where an educational institution is to refund all or part of the tuition or other fees paid in respect of a student who the educational institution knows or ought reasonably to know has
received assistance, it shall pay the whole of the refund to the Minister in favour of the President of Treasury Board and Minister of Finance, and the Minister shall, after deducting from the refund the amount due to the Minister in respect of the assistance provided, refund to the student any excess remaining owing to the student.

Grants and Bursaries

Bursaries and grants to part-time students

16(1) The Minister may award financial assistance in the form of a bursary or grant to a part-time eligible student who is enrolled at an educational institution in Alberta in

   (a) a program of study,

   (b) repealed AR 103/2012 s22.

(2) The maximum amount of a bursary or grant under this section is $600 per semester.

(3) Repealed AR 103/2012 s22.

Northern Alberta Development Bursary

17(1) The Minister may award financial assistance in the form of a Northern Alberta Development Bursary to an eligible student who

   (a) either is resident in Alberta or has maintained permanent residence in Alberta for a period of at least one year immediately before the student’s enrolment in the program for which the Bursary would be granted, and

   (b) subject to subsection (2), has entered into an agreement that provides at least

      (i) that the student will, after completing or terminating that program, both live and either work or provide services within the boundaries of the Northern Alberta Development Council for the period stipulated in the agreement, and

      (ii) for the repayment of all or part of the Bursary if the student does not comply with the terms or conditions of the agreement.

(2) The Minister may waive the requirement to enter into an agreement under subsection (1)(b) if
(a) the student is enrolled in a program that runs for less than a full academic year, or

(b) the Minister considers that there are special circumstances.

(3) The maximum amount of a Bursary that may be awarded to a student in an academic year under subsection (1) is

(a) in the case of a student who is exempted under subsection (2) from the requirement of an agreement, $1500, and

(b) in any other case,

(i) $10 000, or

(ii) $20 000 if the Minister considers that considerable difficulty exists in recruiting

(A) students to a particular program, or

(B) graduates of a particular program to work within the boundaries of the Northern Alberta Development Council.

Maintenance Grant

**18(1)** The Minister may award financial assistance in the form of a Maintenance Grant to an eligible student who

(a) is financially responsible for a parent, spouse, adult interdependent partner or child of the student,

(b) in the Minister’s opinion requires special financial help, and

(c) has obtained a loan of $1000 or more in the loan year in which the academic year or semester referred to in subsection (2) begins.

(2) The maximum amount of a Maintenance Grant is

(a) in the case of a student enrolled in an accelerated program, $9000 in an academic year or $4500 in a semester, or

(b) in any other case, $6000 in an academic year or $3000 in a semester.

(3) In subsection (2), “accelerated program” means a program of study that, in the opinion of the Minister,
(a) is offered in 1/2 or less than 1/2 of the time over which it is normally offered, as measured in the number of program weeks, and

(b) leads to a common Alberta or federally recognized credential,

(c) repealed AR 103/2012 s23.

Grant for Students with Disabilities

19 The Minister may award financial assistance in the form of a Grant for Students with Disabilities, in an amount not exceeding $3000 per loan year, to an eligible student who

(a) is a student with a disability, and

(b) in the Minister’s opinion requires special financial help,

(c) repealed AR 103/2012 s24.

20 to 22 Repealed AR 103/2012 s25.

22.1 Repealed AR 111/2015 s10.

General scholarships, fellowships and awards

23(1) The Minister may award financial assistance in the form of scholarships, fellowships, prizes, grants or bursaries or any combination of them that are not among those specified in another section of this Part to eligible full-time students or part-time students engaged in any eligible programs.

(2) Sections 8(1) and 13(1) do not apply to financial assistance awarded under this section.

(3) The Minister may establish the conditions, criteria, award amounts and programs under or for which the financial assistance under this section will be awarded.

(4) If financial assistance under this section is paid in instalments, the instalments must be paid over the period of time for which the financial assistance was awarded, but not exceeding 12 months in any case.
Part 2
Provisions Dealing Only With Loans

Definitions for Part 2
24(1) In this Part,

(a) “credit institution” means a credit institution that has entered into an agreement with the Minister under section 9 of the Act;

(b) “guaranteed loan” means a loan to a student by a credit institution that is guaranteed by the Government;

(c) “interest free period” means the continuous period commencing when a person became a full-time student or a part-time student and continuing until the last day of the 6th month following the month in which the person ceases to be such a student, but treating any break of 6 months or, in the case of a person on parental leave, 12 months or less between the times the person ceased to be a full-time or part-time student and subsequently became a full-time or a part-time student again as not breaking that continuity;

(d) “repayment assistance plan” means the repayment options established by the Minister to provide borrowers with

   (i) short-term assistance if facing temporary financial difficulties, or

   (ii) long-term assistance if facing persistent financial difficulties

   in repaying their direct loans, and “repayment assistance” means assistance in any form under that plan;

(e) “riskshared loan” means a loan under an agreement between a credit institution and a student involving the payment of a risk premium by the Government to that credit institution.

(2) In subsection (1)(c), “person on parental leave” means

(a) a parent (whether by blood or adoption),

(b) a legal guardian, or

(c) an individual who becomes a step parent under circumstances recognized by the Minister,
who ceases to be a full-time student or a part-time student in order to give birth to, care for or support a child who is a new addition to the family by reason of birth, adoption, legal guardianship or those step parent circumstances, as the case may be.

(3) The repayment options referred to in subsection (1)(d) may operate wholly or partly in conjunction with the repayment assistance plan under Part V of the Canada Student Financial Assistance Regulations (SOR/95-329).

Application of Part 2

25 This Part contains provisions that apply only to loans and not to other forms of financial assistance.

Transfer and conversion of old loans following return

26(1) Where a person returns to being a full-time student or a part-time student and has outstanding a guaranteed loan made under the repealed legislation with a credit institution, that loan is automatically transferred to the Government and converted to a direct loan.

(2) Where a person returns to being a full-time student or a part-time student and has outstanding a riskshared loan made under the repealed legislation with a credit institution, the Minister may, if

(a) 150 days has not yet passed since the last regular instalment of principal and interest was paid in full, and

(b) the student has never been declared bankrupt or filed a proposal for protection under the Bankruptcy and Insolvency Act (Canada),

transfer that loan to the Government and convert it to a direct loan.

(3) Where a person has outstanding a guaranteed loan or a risk shared loan with a credit institution that was transferred to the Government, the Minister may convert that transferred loan to a direct loan.

(4) A loan that is converted to a direct loan by or under this section is deemed to be made under this Schedule by virtue of this section.

Transfer and conversion of old loans where repayment assistance

26.1(1) Where a student
(a) has outstanding a guaranteed loan made under the repealed legislation with a credit institution,
(b) has submitted an application for repayment assistance, and
(c) has been held pre-qualified or been approved for repayment assistance as meeting the criteria referred to in section 34(2)(a) and (b),

that loan is automatically transferred to the Government and converted to a direct loan.

(2) Where a student
(a) has outstanding a riskshared loan made under the repealed legislation with a credit institution,
(b) has submitted an application for repayment assistance, and
(c) has been held pre-qualified or been approved for repayment assistance as meeting the criteria referred to in section 34(2)(a) and (b),

the Minister may, subject to subsection (3), transfer the loan to the Government and convert it to a direct loan.

(3) The Minister may make the transfer and conversion under subsection (2) only if
(a) 150 days has not yet passed since the last regular instalment of principal and interest was paid in full, and
(b) the student has never been declared bankrupt or filed a proposal for protection under the Bankruptcy and Insolvency Act (Canada).

(4) A loan that is converted to a direct loan by or under this section is deemed to be made under this Schedule by virtue of this section.

27 Repealed AR 79/2014 s5.

Certificates

28(1) The Minister may issue a certificate of eligibility, in the form established by the Minister, authorizing a direct loan to an eligible student if the requirements of Part 1 that are applicable to direct loans are met.
(2) A certificate is subject to the terms and conditions established by the Minister and set out in the certificate.

**Interest rate after March 31, 2020**

**28.1(1)** Interest is payable on

(a) the balance of a loan under an agreement referred to in section 10 of the Act that remains unpaid after March 31, 2020, or  
(b) a loan under an agreement referred to in section 10 of the Act that is entered into after March 31, 2020  
at a floating rate that is one percentage point greater than the prime rate as defined in the agreement.

(2) Subsection (1) does not apply if the borrower requests a fixed rate of interest in accordance with the agreement.

AR 13/2020 s2

29 Repealed AR 79/2006 s11.

**Repayment, etc., of principal and interest**

**30(1)** Subject to this section, the Minister may, in whatever manner the Minister considers appropriate, pay, repay, remit, relieve or otherwise adjust all or any portion of the principal or interest, or both, owing on a direct loan in favour of the Government.

(2) In subsections (3) to (10), any reference to a payment or the making of a payment includes the making or giving of any repayment, remission, relief or other adjustment under this section.

(3) The Minister may not make a payment under this section unless the information required by the Minister is provided.

(3.1) Repealed AR 79/2014 s6.

(4) Section 8(1) does not apply to a payment under this section.


(6) Repealed AR 153/2008 s3.

(7) If the Minister decides to make a payment under this section of all or any portion of the principal of and interest on a direct loan but the student repays the loan and pays all the interest on and costs associated with it not later than completion of the repayment, the Minister may instead pay that money directly to the student.
(8) If the Minister is satisfied that more in monetary assistance has been received by or on behalf of a student than the student is eligible to receive, the Minister may deduct the amount of the overpayment from any payment under this section in respect of that student.

(9) If a student has defaulted in paying money under, or has otherwise acted in breach of the terms of, any monetary assistance scheme administered by the Minister, the Minister may apply money to be paid under this section against the money owing by the student under the scheme.

(10) Notwithstanding anything in this section, the Minister may not make any payment under this section to a person who has ever

(a) been declared bankrupt or filed a proposal for protection under the *Bankruptcy and Insolvency Act* (Canada) and its regulations and been discharged, and

(b) received any assistance that the Minister considers would, but for that discharge, have to be repaid, and that has not been repaid.

**Minister’s authority to write off**

**31** Without affecting the legal liability for the debt, the Minister may write off all or part of the principal or interest, or both, of or on an outstanding direct loan if

(a) the student dies,

(b) the student is or becomes a student with a disability and, as a result, unable to pay the amount to be written off, or

(c) the Minister considers that, under the circumstances, that amount is not collectible.

**Principal and interest during interest free period**

**32(1)** A student is not liable to pay interest on a direct loan in respect of the interest free period, and repayment of principal on the loan is suspended or treated as suspended during that period, provided that

(a) before or forthwith after ceasing to be a full-time student or a part-time student for a continuous period of 6 months, the student makes arrangements, that are satisfactory to the Minister, respecting any outstanding interest payments under the loan, and
(b) the student has provided to the Minister proof, that is satisfactory to the Minister,

(i) of enrolment as a full-time student or a part-time student in the program for each academic year of the program, before the end of each academic year, and

(ii) in the case of a person claiming parental leave status referred to in section 24(1)(c), that the person is a person on parental leave within the meaning of section 24(2), within one year after ceasing to be a full-time student or a part-time student on that account.

(2) References in subsection (1) to an academic year are to be taken, as they apply with respect to a medical resident, to refer to each period, not exceeding one year, that is approved by the Minister as equivalent in the particular training circumstances to an academic year.

33 Repealed AR 103/2012 s32.

Repayment assistance after interest free period

34(1) In this section,

(a) “family income” means the aggregate income in the period in question from employment, social programs, investments and monetary gifts received by a student and by the spouse or common law partner of a student and other resources available to the student, as determined by the Minister;

(b) “student” includes a former medical resident.

(2) The Minister may, under the repayment assistance plan and in accordance with this section, on application, allow a student to pay an amount owing under a direct loan (in this section referred to as making an “affordable payment”) set by the Minister for the period allowed by subsection (6) that is stipulated by the Minister if

(a) the student’s family income is inadequate to meet the student’s financial obligations, and

(b) the student meets any other requirements established by the Minister.

(3) The application under subsection (2) may, if applicable, be made through the federal plan referred to in section 24(3).
(4) The Minister shall set the amount of the affordable payment based on the student’s family income and the size of the student’s family.

(5) Subject to this section, the Minister may, in whatever manner the Minister considers appropriate, repay, remit, relieve or otherwise adjust all or any portion of the principal or interest, or both, owing on the loan.

(6) A single period of affordable payments may begin no earlier than the 1st day of the 7th month after the month in which the student ceased to be a full-time student or a part-time student or a medical resident and may not exceed 6 consecutive months, the whole or any portion of which period, as so restricted, may immediately precede the making of the application.

(7) The Minister may direct a student to provide any information or documents to verify any statement made in the application for repayment assistance (including an application referred to in subsection (3)).