

ACT NO. 35 OF 2022

I assent.

K. KUMAR
Chief Justice

[29 July 2022]

AN ACT**TO AMEND THE TERTIARY SCHOLARSHIPS AND LOANS ACT 2014**

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Tertiary Scholarships and Loans (Budget Amendment) Act 2022.

(2) This Act comes into force on 1 August 2022.

(3) In this Act, the Tertiary Scholarships and Loans Act 2014 is referred to as the “Principal Act”.

Section 6A amended

2. Section 6A of the Principal Act is amended by deleting “Secretariat” and substituting “Chief Executive Officer”.

Section 10 amended

3. Section 10 of the Principal Act is amended after subsection (5) by inserting the following new subsections—

“(6) The Service must keep minutes of all its meetings.

(7) Any minutes, if duly signed by the Chairperson or a Service member presiding, must, in any legal proceedings, be admissible as evidence of the facts stated in them and a meeting of the Service in respect of which minutes have been so signed is deemed to have been duly convened and held and the members present at it to have been duly appointed to act.

(8) Subject to this Act, the Service may regulate its own proceedings.”.

Section 13A inserted

4. The Principal Act is amended after section 13 by inserting the following new section—

“Appointment of committees

13A.—(1) The Service may establish committees as it considers necessary or expedient to assist in the performance of its functions under this Act.

(2) The Service may appoint any person to be a member of any committee established under subsection (1), and a chairperson of the committee.

(3) A committee established under this section may regulate its own procedures and, in the exercise of its functions under this subsection, such committee must act in accordance with any direction given to the committee by the Service.

(4) A meeting of a committee established under this section must be held at such times and places as the chairperson of the committee may, subject to subsection (3), determine.

(5) A committee may invite any person to attend any meeting of the committee to advise on any matter under discussion, and the person invited is not entitled to vote at any such meeting.

(6) The members of a committee or any person invited to attend any meeting of a committee may be paid allowances as the Service may determine.”.

Section 14 amended

5. The Principal Act is amended by deleting section 14 and substituting the following—

“Chief Executive Officer

14.—(1) The Service may, after consultation with the Minister, appoint a suitably qualified person as the Chief Executive Officer of the Service in accordance with the terms and conditions as may be determined by the Service.

(2) The Chief Executive Officer—

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

(b) may, with the approval of the Service, prepare internal policies and strategies addressing internal affairs important for the operation of the Service;

- (c) may, by instrument in writing, delegate to any employee all or any of the Chief Executive Officer’s functions and powers, except the power of delegation under this section;
- (d) must perform any other function relating to this Act that the Service, in writing, confers on him or her; and
- (e) must report to the Service as required by the Service.”.

Section 15 inserted

6. The Principal Act is amended after section 14 by inserting the following new section—

“Employees of the Service

15.—(1) The Chief Executive Officer may appoint employees as it considers necessary to effectively deliver the Service’s mandate.

(2) The employees of the Service are to be paid such remuneration and employed on such terms and conditions of employment as may be determined by the Chief Executive Officer, subject to the approval of the Service.”.

Section 24 amended

7. The Principal Act is amended by deleting section 24 and substituting the following—

“Exemption from liability

24.—(1) No proceedings, civil or criminal, lie against the Service for anything it may do or fail to do in the course of the exercise or intended exercise of its functions, unless it is shown that the Service did not act in good faith or with reasonable care.

(2) No proceedings, civil or criminal, lie against any employee of the Service for anything done or said, or any failure to do or say anything in the course of the operation of the Service, unless it is shown that the employee did not act in good faith or with reasonable care.”.

References to “Tertiary Scholarships and Loans Act”

8. All written laws and State documents of any nature whatsoever (including the titles of any written law) are amended by deleting “Tertiary Scholarships and Loans Act” wherever it appears and substituting “Tertiary Scholarships and Loans Service Act”, unless the context otherwise requires.

Passed by the Parliament of the Republic of Fiji this 29th day of July 2022.