

chapter P-21

STUDENT LOANS AND SCHOLARSHIPS ACT

*Chapter P-21 is replaced by the Act respecting financial assistance for students (chapter A-13.3). (1990, c. 11, s. 61).
1990, c. 11, s. 61.*

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REPEAL SCHEDULE

1. *In this Act and in the regulations, unless the context indicates a different meaning, the following expressions mean:*

(a) *“approved loan” : a loan granted by a credit institution to a student in conformity with this Act, the regulations and the certificate, for an amount not exceeding that mentioned in the certificate;*

(b) *“scholarship” : pecuniary assistance granted gratuitously to a student by the Minister;*

(c) *“student” : a person enrolled in an educational institution at the post-secondary level who is recognized as a student by the regulations;*

(d) *“certificate” : a certificate issued by the Minister under section 2;*

(e) *“credit institution” : a bank within the meaning of the Bank Act (Revised Statutes of Canada, 1985, chapter B-1) or the Québec Savings Banks Act (Revised Statutes of Canada, 1970, chapter B-4), a savings and credit union governed by the Savings and Credit Unions Act (chapter C-4.1) and any other corporation qualified to make loans and recognized by the Minister as a credit institution for the purposes of this Act;*

(f) *“Minister” : the Minister of Higher Education and Science;*

(g) *“regulations” : the regulations made under this Act.*

1966-67, c. 70, s. 1; 1976, c. 37, s. 1; 1985, c. 21, s. 96; 1988, c. 41, s. 88; 1988, c. 64, s. 587.

2. *The Minister, by means of a certificate, may authorize a student to contract a loan under this Act from a credit institution.*

The certificate must indicate whether the interest is payable by the Government or by the borrower while he remains a student.

1966-67, c. 70, s. 2; 1976, c. 37, s. 2; 1977, c. 5, s. 14.

3. *A certificate shall be issued only to a student who has not or whose parents have not the necessary means to enable him to undertake or continue his studies and suitably to meet his needs.*

Notwithstanding the first paragraph, a certificate may be issued without taking into account the means of the student or of his parents where it is issued for the purchase of supplies and where the interest is payable by the borrower during the course of his studies.

1966-67, c. 70, s. 3; 1985, c. 30, s. 67.

4. *A student who is a minor and who receives an approved loan shall be deemed to be of age for the purposes of such loan.*

1966-67, c. 70, s. 4.

5. *The Government is authorized to pay to any credit institution which has made an approved loan the interest on the balance of such loan at the rate fixed by the regulations, as long as the borrower is a student unless the certificate indicates that the interest is payable by the student during the course of his studies.*

For the purposes of the preceding paragraph, a borrower who terminates his studies before 1 July in any year shall be deemed to remain a student until 31 December of the same year; a student who terminates his studies after 1 July in one year shall be deemed to remain a student until 30 June of the following year.

For the purposes of this section, the word “student” includes any person who has formerly received a loan under this Act and who is enrolled on a full-time basis in a secondary school within the meaning of the Education Act (chapter I-13.3) or of the Education Act for Cree, Inuit and Naskapi Native Persons (chapter

I-14) or in an institution governed by the Act respecting private education (chapter E-9) providing general or vocational education at the secondary level.

1966-67, c. 70, s. 5; 1976, c. 37, s. 3; 1977, c. 5, s. 14; 1985, c. 30, s. 68; 1988, c. 84, s. 698.

6. *The Government shall guarantee to any credit institution the reimbursement of the losses in principal and interest resulting from approved loans and the expenses allowed by regulation and incurred to obtain payment of the principal and interest of such loans.*

The Government is subrogated in the rights of any credit institution to which it makes a repayment under this section, to the extent of the amount so reimbursed.

The rights of a credit institution against a student to whom it has made an approved loan are extinguished upon his death. In such a case, the Government shall pay to the credit institution the amount in principal and interest owed by the student on the date of his death or on the date fixed by the Minister in cases where the credit institution was not notified within thirty days following death.

1966-67, c. 70, s. 6; 1976, c. 37, s. 4; 1977, c. 5, s. 14.

7. *Except in the cases provided for in the regulations, the Minister shall grant a scholarship to a student only if the latter has obtained a loan certificate for the amount provided for by the regulations and the amount of such loan is insufficient to enable him to undertake or continue his studies and to suitably meet his needs.*

1966-67, c. 70, s. 7; 1976, c. 37, s. 5; 1983, c. 23, s. 112.

8. *The Minister, if he is of the opinion that, since the student applies for a loan or scholarship, there has been a change in his situation that alters the information he formerly furnished, may cancel the certificate or scholarship or reduce the amount of the scholarship.*

The student shall, on request, reimburse to the Government the part of the scholarship to which he is not entitled.

1966-67, c. 70, s. 8; 1976, c. 37, s. 6; 1977, c. 5, s. 14; 1985, c. 30, s. 69.

8.1. *Every student having produced an application for a loan or scholarship shall inform the Minister without delay of any change in his situation that may render him ineligible for a certificate or scholarship or may reduce the amount of the loan or scholarship.*

1985, c. 30, s. 69.

9. *Any person who knowingly makes a false declaration for the purpose of obtaining or causing to be obtained a certificate or a scholarship is guilty of an offence and liable, on summary proceeding, to a fine of not more than \$1 000.*

Part II of the Summary Convictions Act (chapter P-15) shall apply to offences contemplated in this section.

1966-67, c. 70, s. 9.

10. *Any student who knowingly makes a false declaration for the purpose of obtaining a certificate or a scholarship shall, should the case arise, reimburse to the Government the amounts paid by it as a result of the issue of such certificate and the amount of the scholarship obtained; such student may not obtain either a certificate or a scholarship during a period of two years following the date of such declaration.*

1966-67, c. 70, s. 10; 1977, c. 5, s. 14.

11. *The Minister may recognize, on such conditions as he shall determine, the educational institutions in which a student may enroll and the courses of study which he may follow there in order to benefit from the provisions of this Act.*

The Minister may establish a list of the supplies in respect of which a loan may be granted and the classes of students who may obtain such a loan.

1966-67, c. 70, s. 11; 1985, c. 30, s. 70.

12. *On the recommendation of the Minister, the Government, by regulation, may:*

(a) taking into account the nature and duration of the courses of study followed by a student, fix the maximum amount, the terms of repayment and the other conditions which shall apply to an approved loan;

(b) determine the basic rate and the method of computation of the interest payable by the Government or by the student on approved loans and, in certain cases, fix the rate of interest;

(c) determine the conditions of application of section 5 when the borrower has ceased to be a student and again becomes one;

(d) prescribe the forms the Minister may establish and the information he may require;

(e) determine conditions of residence and citizenship that a student must meet in order to benefit from the provisions of this Act;

(f) determine the standards for the granting of scholarships and the maximum amounts thereof;

(f.1) determine the number of school terms during which a student may obtain a loan certificate or a scholarship;

(f.2) determine the time limits for the producing of documents and those beyond which an application for financial assistance may be refused or the amount of assistance reduced;

(g) prescribe such other measures as it considers appropriate for the carrying out of this Act.

The regulations made under this Act shall be published in the Gazette officielle du Québec.

1966-67, c. 70, s. 12; 1976, c. 37, s. 7; 1977, c. 5, s. 14; 1985, c. 30, s. 71.

13. *The Government may authorize the Minister to make agreements with any person, society, corporation, institution or government for the purpose of facilitating the carrying out of this Act.*

1966-67, c. 70, s. 13.

14. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 70 of the statutes of 1966/1967, in force on 31 December 1977, is repealed, except sections 14 to 17, effective from the coming into force of chapter P-21 of the Revised Statutes.

