

STUDENTS' REVOLVING LOAN FUND ACT

CHAPTER 39:05

Act

3 of 1973

Amended by

9 of 1977

35 of 1998

91 of 2000

12 of 2006

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CHAPTER 39:05

STUDENTS' REVOLVING LOAN FUND ACT

3 of 1973. **An Act to provide for the establishment and administration of the Students' Revolving Loan Fund and matters incidental thereto.**

Commencement. [1ST JUNE 1973]
79/1973.

Short title. **1.** This Act may be cited as the Students' Revolving Loan Fund Act.

Interpretation. **2.** In this Act—
[9 of 1977
12 of 2006].
“Bank” means the bank designated by the Minister under section 4(1);
“Board” means the Students' Revolving Loan Board of Management established under section 6;
“Educational Institute” means the University of the West Indies or any other institute of learning designated by the Board as an educational institute for the purposes of this Act;
“Minister” means the member of Cabinet to whom responsibility for tertiary education is assigned;
“student” means a person who is enrolled or has been accepted for enrolment at an educational institute in a prescribed subject.

Establishment of Fund. **3.** (1) A Students' Revolving Loan Fund (hereinafter referred to as “the Fund”) is hereby established for the purposes of this Act as a body corporate.

(2) The purpose of the Fund is to enable loans to be made to students desirous of pursuing prescribed courses of study at educational institutes.

Resources of Fund. (3) The resources of the Fund shall consist of—
(a) all sums of money advanced by way of loans by the Inter-American Development Bank to the

Government of Trinidad and Tobago under any agreement for the purpose;

- (b) all sums of money received by or falling due to the Fund in respect of loans made therefrom and the interest on these loans;
- (c) any amounts that may from time to time be appropriated by Parliament;
- (d) all sums of money borrowed by the Board for the purpose of exercising any of its functions or discharging any of its obligations;
- (e) all sums of money earned by or arising from investments made by the Board in respect of the Fund;
- (f) all other sums of money that may in any manner become payable to or vested in the Fund.

4. (1) The Minister may, by Notification, designate a bank to act as the financial agent of the Fund and the bank so designated shall be subject to the terms and conditions of any agreement for the purpose between the Fund and itself.

Bank to be designated financial agent.

(2) The Central Bank of Trinidad and Tobago or any other similar institution agreed upon by the Board, after consultation with the Inter-American Development Bank and the Minister, shall act as depository for the resources of the Fund.

Central Bank to act as depository.

5. (1) The Fund shall have a seal which shall be—

Custody and use of seal.

- (a) kept in the custody of the Chairman, the Vice-Chairman or the Secretary of the Fund and may be affixed to instruments pursuant to a resolution of the Board in the presence of the Chairman or the Vice-Chairman and of one other member and the Secretary; and
- (b) attested by the signature of the Chairman or the Vice-Chairman and the Secretary.

(2) All documents, other than those required by law to be under seal, made by the Board and all decisions of the Board may be signified under the hand of the Chairman, the Vice-Chairman or the Secretary.

Establishment
and membership
of Board of
Management.
[9 of 1977
12 of 2006].

6. (1) A Students' Revolving Loan Board of Management is hereby established for the purposes of this Act.

(2) The Board shall be responsible for the general administration and management of the affairs of the Fund and shall consist of the following members:

- (a) the Permanent Secretary of the Ministry with responsibility for tertiary education and one other officer attached to that Ministry nominated by the Permanent Secretary of the Ministry with responsibility for tertiary education;
- (b) the Permanent Secretary, Ministry of Education and Culture;
- (c) the Permanent Secretary to the Prime Minister;
- (d) the Permanent Secretary, Ministry of Finance and two other officers attached to that Ministry nominated by the Permanent Secretary;
- (e) a representative of the Academic Staff of the University of the West Indies at St. Augustine appointed by the Minister after consultation with the Pro-Vice Chancellor of the University of the West Indies, St. Augustine.

(3) In respect of each member of the Board, the Minister shall appoint an alternate member, who may act in the stead of the respective member at any meeting of the Board.

Tenure of office.

(4) A member of the Board appointed under subsection (2)(e) or subsection (3)—

- (a) shall hold office for the period specified in his instrument of appointment but is eligible for reappointment;
- (b) may at any time resign his office by instrument in writing addressed to the Chairman who shall cause it to be transmitted to the Minister.

(5) Resignation takes effect on the date the Minister receives the instrument.

(6) The Permanent Secretary of the Ministry with responsibility for tertiary education or his alternate shall be the Chairman of the Board; the Permanent Secretary, Ministry of Education and Culture or his alternate shall be the Vice-Chairman.

7. (1) The Board shall meet at such times as may be necessary or expedient for the efficient performance of its functions and at such places and times and on such days as the Board may decide.

Meetings and procedure.

(2) The Chairman may at any time call a special meeting of the Board and shall call a special meeting within seven days of the receipt of a requisition in writing addressed to him by three or more members.

(3) The Chairman or, in his absence, the Vice-Chairman shall preside over meetings of the Board but where both the Chairman and the Vice-Chairman are unable to preside, the members present and forming a quorum may appoint a member to preside over that meeting.

(4) The Chairman or, in his absence, the Vice-Chairman or, where both the Chairman and the Vice-Chairman are absent, the member appointed to preside over the meeting pursuant to subsection (3) and three other members shall constitute a quorum.

(5) The decisions of the Board shall be by a majority of votes of members present and, in any case in which there is an equality of votes, the Chairman, the Vice-Chairman or the member appointed to preside over the meeting, as the case may require, shall, in addition to an original vote, exercise a casting vote.

(6) Minutes in proper form of each meeting shall be kept by the Secretary and shall be confirmed by the Chairman, the Vice-Chairman or the member appointed to preside over the meeting as the case may require, at a subsequent meeting. Certified copies of the minutes when so confirmed shall, within twenty-one days thereof, be forwarded to the Minister.

(7) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board, but no person who has been so co-opted shall have the right to vote.

Appointment of committees.

8. (1) The Board may appoint committees to examine and report to it on any matter whatsoever arising out of or connected with any of its powers and duties under this Act.

(2) The Board may by resolution declare the remuneration and allowances payable to persons, other than members of the Board, appointed to a Committee.

(3) The Board may by resolution reject the report of any such committee or adopt it either wholly or with such modifications, additions or adaptations as the Board may think fit.

Power of Board to delegate.

9. (1) Subject to the provisions of this Act and to the prior approval of the Minister, the Board may delegate any of its powers, duties or functions under this Act either generally or in relation to a specific power, duty or function to a member, a committee, the Bank, or to any other competent person or authority.

(2) Any delegation under this section shall be revocable at will and shall not preclude the Board from exercising any of its powers, duties or functions.

Duties and functions of the Board. [35 of 1998 91 of 2000].

10. The duties and functions of the Board shall be—

- (a) to recommend to the Minister with responsibility for education the various courses of study with respect to which a loan may be guaranteed and interest subsidised;
- (b) to process applications for the granting of loans to students subject to the provisions of any agreement referred to in section 4(1);
- (c) to receive, administer and invest the resources of the Fund; and

(d) to negotiate with financial institutions to facilitate the granting of loans to students and generally to do all that is expedient or necessary for the proper exercise of its duties and functions.

11. In the exercise and performance of its powers, duties and functions, the Board shall act in accordance with any general or specific directions given to it by the Minister.

Board to act in accordance with Minister's directions.

12. The Fund shall, with the approval of the Minister, appoint a Secretary on such terms and conditions as it deems fit.

Appointment of Secretary.

13. (1) An officer in the public service may, with the approval of the appropriate Commission, be transferred on secondment to the service of the Fund.

Transfer on secondment.

(2) The period of service with the Fund of any officer transferred under subsection (1) shall be deemed to be public service within the meaning of the Pensions Act.

Ch. 23:52.

14. The Fund may in any manner it considers appropriate but subject to the approval of the President borrow money for the purpose of exercising any of its functions or discharging any of its obligations.

Fund may borrow money.

15. Notwithstanding any other law to the contrary, the resources of the Fund shall be wholly exempt from the payment of income tax.

Fund exempt from payment of income tax.

16. (1) The Board, through the Bank, shall keep proper accounts and other records relative to its duties and functions and shall prepare annually a statement of accounts in a form to be approved by the Minister.

Board to keep proper records.

(2) The annual statement of accounts shall be audited at the end of each financial year of the Fund by the Auditor General or by any other Auditor or auditing entity agreed upon by the Inter-American Development Bank and the Board.

Audit.

(3) A copy of the audited statement of accounts shall be transmitted to the Minister as soon as practicable to be laid before both Houses of Parliament.

Offence for person to induce Board to grant loans.

17. (1) Every person who by making or causing to be made a false representation induces or attempts to induce the Board to grant a loan is liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.

(2) Nothing in this section precludes the instituting of any other proceeding under any other law.

Government may guarantee loans or other obligations. [35 of 1998].

18. (1) The Government of Trinidad and Tobago may guarantee in such manner and on such terms and conditions as it thinks fit—

- (a) any loans made to the Fund under section 14; or
- (b) the performance by the Fund of any of its obligations, other than loans to the Fund, whether to the Inter-American Development Bank, the Bank, a student or any other person or institution.

(2) Where a sum is payable by the Government pursuant to a guarantee under subsection (1)(a) and section 18A(1), the sum shall be a charge on the Consolidated Fund and the Minister of Finance shall direct payment to issue out of that Fund.

(3) Any sum paid under subsection (2) shall be repaid by the Fund in such manner and at such times as the Minister may direct.

Government guarantee on students loans. [35 of 1998].

18A. (1) Subject to subsection (2), the Government of Trinidad and Tobago shall—

- (a) guarantee in such manner and on such terms and conditions as it thinks fit loans up to one hundred thousand dollars granted by financial institutions within the meaning of the Financial Institutions Act for the benefit of students pursuing courses of studies approved by the Minister with responsibility for education; and

Ch. 79:09.

(b) pay over to the relevant financial institutions interest on such loans not exceeding ten per cent.

(2) The guarantee given by the Government on loans and subsidy or interest on such loans shall be subject to the condition that the loans are for a period not exceeding five years.

19. The Government of Trinidad and Tobago shall within thirty days following the end of the financial year of the Fund reimburse the Fund—

Liability of Government.

(a) the sums due and payable by a student who has failed or refused to repay his loan within one hundred and eighty days of the date on which it became due; or

(b) the sums necessary to compensate for losses to the value of the resources of the Fund resulting from fluctuations in the rate of exchange.

20. Where a reimbursement is made to the Fund under section 19(a) the Government of Trinidad and Tobago becomes subrogated to the Fund and the Attorney General may institute legal proceedings for the recovery of the amount reimbursed or any part thereof.

Government subrogated to rights of Fund in certain cases.

21. The Board may, with the approval of the Minister, make Regulations generally for the proper carrying out of the purposes and provisions of this Act and in particular, may make Regulations—

Power to make Regulations.

(a) providing for the administration, management and investment of the resources of the Fund;

(b) requiring a student to whom a loan is made under this Act to furnish such information as may from time to time be required by the Board;

(c) prescribing the basis on which a loan may be obtained;

(d) prescribing the procedure to be followed prior to the obtaining of a loan and for payment of the amount due on a loan together with any interest thereon;

- (e) prescribing the rate of interest payable on loans made from the Fund;
- (f) prescribing the courses of study in respect of which loans may be made under this Act;
- (g) designating educational institutions at which any of the prescribed courses of study may be pursued;
- (h) prescribing anything which may be or is required to be prescribed under this Act.

SUBSIDIARY LEGISLATION

DESIGNATION OF FINANCIAL AGENT NOTIFICATION 151/1973.

made under section 4(1)

The *First Citizens Bank Limited is hereby designated to act as the financial agent of the Students' Revolving Loan Fund established by section 3(1) of the Students' Revolving Loan Fund Act, Chap. 39:05.

*See Trinidad and Tobago *Gazette* (Extraordinary) No. 261 dated 26th October, 1993 (GN No. 2192).