

S.I. 2010 No. 32

Student Revolving Loan Fund Act
Cap. 54A

STUDENT REVOLVING LOAN FUND REGULATIONS, 2010

The Committee in exercise of the powers conferred on it by section 20 of the *Student Revolving Loan Fund Act*, and with the approval of the Minister makes the following Regulations:

1. These Regulations may be cited as the *Student Revolving Loan Fund Regulations, 2010*.

2. In these Regulations,

“Act” means the *Student Revolving Loan Fund Act*;

“applicant” means a person who

(a) meets the requirement set out in these Regulations and the Act;
and

(b) has submitted an application for a loan;

“distance education” means a course of study where the student is not required to physically attend the institution at which he is enrolled but is

(a) instructed by self-study;

(b) assisted by distance training methods; and

(c) assessed by formal examinations or assignments set by the institution;

“distance training methods” means the instructional tools prepared for the purpose of assisting in a course of study by distance education as

- (a) written materials sent by post or other means;
- (b) instructional tools or written materials made available through the internet or other similar means;
- (c) compact discs, digital video discs, video cassettes or any other form of multimedia; or
- (d) periodic visits to the instructing institution or another designated location for a short period of lectures, tutorials or any other form of formal instruction;

“educational institution” has the meaning assigned by section 2 of the Act.

3. A person who is

- (a) a citizen of Barbados;
- (b) 18 years of age but under 50 years of age, or of such age as exceeding 50 years as the Minister determines; and
- (c) enrolled or has been accepted for enrolment in an educational institution for
 - (i) a part-time or full time course of study which is approved by the Committee; or
 - (ii) a course of study, conducted by distance education, which is approved by the Committee,

Schedule. The Schedule may apply, to the Committee, in the form set out in the *Schedule* for the Act.

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4. In granting loans pursuant to these Regulations, the Committee
- (a) may consider the needs, financial abilities and means of the applicant on the basis of the annual disposable family income and the number of dependants;
 - (b) may require the applicant to provide any information the Committee requires in order to make a proper assessment of the applicant's needs; and
 - (c) notwithstanding the annual disposable family income, may adjust the maximum of each loan on a case by case basis where there is hardship in the form of unforeseen long-term financial commitment that may effectively reduce the applicant's disposable income.

5. (1) An applicant for a loan shall, on the approval of his application, sign a bond to work in Barbados immediately after completing his course of study, whether the course of study is pursued within or outside of the Caribbean, and the bond shall be for

- (a) a period of not less than 1 year; or
- (b) a period equal to the period of his course of study

whichever is greater.

(2) An applicant referred to in paragraph (1) who has been granted a loan of the sum of \$50 000 or less may

- (a) enter into an agreement with at least 2 sureties to repay the loan
 - (i) in accordance with the Act and these Regulations; or
 - (ii) in full, along with any cost incurred by the Committee immediately upon the completion of the course of study; or

- (b) provide security for the sum of the loan.
- (3) The sureties referred in paragraph (2) (a) must
 - (a) be at least 21 years of age or under 55 years of age at the signing of the agreement;
 - (b) be citizens of Barbados; and
 - (c) have an income of such an amount per annum or such financial resources as the Committee considers appropriate.
- (4) An applicant shall not be granted a loan of more than the \$50 000 unless the applicant can provide security for that sum and the security is in the form of a charge over property, other than real property; at least 2 sureties shall be required and paragraph (3) shall apply.
- (5) A loan referred to in paragraphs (2) and (4) shall in the case of an applicant who is over the age of 50 years, be repaid in full by the applicant at the age of retirement of that applicant and the Committee shall determine the monthly instalments for the repayment of the principal amount and interest thereon.
- (6) In the case of an applicant who is under the age of 50 years, a loan referred to in paragraphs (2) and (4), is repayable as follows
 - (a) the Committee shall determine the period for repayment of the loan and in the case of a loan made for
 - (i) graduate, undergraduate, post-secondary, technical or vocational education the period may be a minimum of 12 years to a maximum of 30 years; or
 - (ii) technical or vocational adult education, the period may be a minimum of 4 years to a maximum of 12 years or the specified age of retirement of the applicant, whichever is the sooner; and

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(b) the Committee shall determine the monthly instalment for the repayment of the principal amount of the loan and interest thereon.

(7) Notwithstanding paragraph (6), the Committee shall, with respect to determining the monthly instalment to be paid in respect of a loan, consider

(a) the number of dependants of the applicant;

(b) existing financial commitments and obligations of the applicant;

(c) the disposable income of the applicant;

(d) whether the applicant has an alternate source of income;

(e) any long-term financial commitments which may effectively reduce the applicant's disposable income; and

(f) such other commitments, needs or circumstances as may be necessary.

(8) Notwithstanding paragraph 6, an applicant may repay a loan in full, along with any interest which may have accrued thereon, at any time before the end of the period for repayment of the loan and the Committee shall not apply a penalty to the repayment of the loan.

(9) In respect of the repayment of a loan, other than a loan granted for a course of study pursued by distance education or part-time study,

(a) the Committee shall grant the applicant a grace period and duration of this period may be for such a period as the Committee may determine but no longer than a two-year period; and

(b) the repayment of the loan shall commence on or before the last weekday of the month which immediately follows the expiration of the grace period, unless the Committee provides otherwise.

(10) In respect of the repayment of a loan granted for a course of study pursued by distance education or part-time study

- (a) the Committee shall grant the applicant a 6 month grace period commencing from the completion of the course of study;
- (b) the repayment of the loan shall commence on or before the first weekday of the month which immediately follows the expiry of the grace period, unless the Committee provides otherwise.

(11) Where a loan is made to an applicant under the Act and the Regulations, there shall be a moratorium of interest for the duration of the course of study and interest shall begin to accrue on the sum borrowed on the date of the completion of the course of study; but where the applicant has to repeat an aspect of the course of study or a year of the course of study, interest shall begin to accrue on the date that the course ought to have been completed.

(12) Where an applicant, granted a loan under the Act and the Regulations, is for any reason unable to pay the instalments as they fall due, the Committee may grant to the person such relief as seems reasonable in the circumstances.

6. The Committee may, with the approval of the Minister, cancel a loan and require the repayment of the loan on such terms and conditions as the Committee determines where the applicant granted a loan

- (a) is expelled or suspended from the educational institution at which he was pursuing the course;
- (b) fails to pass an examination, held by the educational institution that he is required to pass, in order to obtain the qualification granted for the course of study pursued by the applicant;
- (c) discontinues or changes his course of study without the approval of the Committee;

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- (d) is reported by the Principal or Head of the educational institution to be unfit to continue his course of study; or
- (e) contravenes these Regulations.

7. Loans made under the *Student Revolving Loan Fund Regulations, 1984* shall continue to be subject to those regulations and the terms and conditions therein as if the *Student Revolving Loan Fund Regulations, 2009* had not been enacted.

8. The *Student Revolving Loan Fund Regulations, 1984* are hereby revoked.

Supplement to Official Gazette No. 97 dated 2nd November, 2009

**STUDENT REVOLVING LOAN FUND (AMENDMENT)
ACT, 2009 – 21**

Arrangement of Sections

Section

1. Short title.
2. Amendment of section 7 of Cap. 54A.
3. Amendment of section 16 of Cap. 54A.
4. Amendment of section 16A of Cap. 54A.
5. Amendment of Cap. 54A.

BARBADOS

I assent
C. STRAUGHN HUSBANDS
Governor-General
25th October, 2009.

2009 – 21

An Act to amend the Student Revolving Loan Fund Act.

(2nd November, 2009.) Commence-
ment.

ENACTED by the Parliament of Barbados as follows:

1. This Act may be cited as the *Student Revolving Loan Fund* Short title.
(Amendment) Act, 2009.

(4) Subject to subsection (6), the Certificate has, after the expiration of 7 days from the date on which it is filed, the same force and effect as a judgment of the court in which it is registered in the favour of the Committee against the person named in the Certificate for

- (a) the sums of money specified in the Certificate;
- (b) the interest on the sums of money at the rate of $\frac{1}{2}$ per cent per month for each month or part thereof for which the sum of money remains unpaid; and
- (c) all reasonable costs and charges incurred by the Committee upon the registration of the Certificate.

(5) Proceedings may be taken on a Certificate as if it were a judgment of the court in which it is registered.

(6) Where the Committee files a Certificate in the High Court or the magistrate's court for District "A", the Committee shall, without delay, deliver a copy of the Certificate to the person to whom the Certificate relates, and if the copy of the Certificate is not so delivered within 14 days from the date of filing, then subsections (4) and (5) cease to have effect with respect to that Certificate."

4. Section 16A of the principal Act is deleted and the following is substituted:

"Garnish-
ment.

16A.(1) Where

- (a) a person is indebted to the Fund and the repayment of the loan is not made in accordance with the regulations and the terms and conditions of the loan; and

Amend-
ment of
section
16A of
Cap. 54A.

(4) Where the Committee delivers a demand to a third party under subsection (1), the third party shall pay to the Committee, on account of the liability under this Act of a person who is an officer or an employee of the third party, the sums of money otherwise payable by the third party to that person as salary, wages or other remuneration; and the third party shall continue to do so until the amount due to that person is exhausted or until the amount demanded by the Committee is satisfied, whichever is sooner.

(5) A receipt issued by the Committee for the sums of money paid as required under this section is a good and sufficient, to discharge, to the extent of the payment, of the liability of the third party to the person.

(6) A third party who fails to comply with a requirement under subsections (1), (2), (3) or (4) is liable to pay to the Committee an amount equal to the amount that the third party was required to pay to the Committee under subsection (1).

(7) Where an amount that would otherwise have been payable by a third party to a person is paid by the third party to the Committee pursuant to a demand for payment letter served on the person under subsection (1) or pursuant to an assessment of an amount payable by the third party under subsection (6), the person shall be deemed for all purposes to have paid the amount to the Committee on behalf of that person.

(8) The application of this section is subject to the Cap. 351. *Protection of Wages Act.*

5. The principal Act is amended by inserting the following section after section 20:

Amend-
ment of
Cap. 54A.