PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

STUDENT FINANCIAL ASSISTANCE ACT

PLEASE NOTE

This document, prepared by the ***Legislative Counsel Office***, is an office consolidation of this Act, current to May 29, 2026. It is intended for information and reference purposes only.

This document is ***not*** the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the ***Table of Public Acts*** on the Prince Edward Island Government web site (www.princeedwardisland.ca).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office
Tel: (902) 368-4292
Email: legislation@gov.pe.ca

STUDENT FINANCIAL ASSISTANCE ACT

Table of Contents

Section		Page
INTERPRETATION		**5**
1.	Definitions	5
P.E.I. STUDENT FINANCIAL ASSISTANCE CORPORATION		**6**
2.	Crown Corporation established	6
3.	Agent of the Crown	6
BOARD OF DIRECTORS		**7**
4.	Board of Directors	7
5.	Bylaws and policies	7
CHIEF EXECUTIVE OFFICER		**7**
6.	Chief Executive Officer	7
STAFF		**7**
7.	Staff	7
POWERS OF CORPORATION		**8**
8.	Powers of Corporation	8
9.	Corporation may borrow money	9
10.	Short-term loans	9
11.	Guarantee	9
AUDITORS		**10**
12.	Auditors	10
ADMINISTRATION		**10**
13.	Administration	10
DESIGNATION OF EDUCATIONAL INSTITUTIONS		**10**
14.	Application for designation as educational institution	10
DESIGNATION OF LENDERS		**10**
15.	Designation as lender	10
AGREEMENTS WITH SERVICE PROVIDERS		**10**
16.	Agreements with service providers	10
AGENTS		**11**
17.	Minister may act as agent	11

AGREEMENTS **11**
18. Agreements with governments 11
ANNUAL REPORT **11**
19. Annual report....11
CERTIFICATE OF ELIGIBILITY **12**
20. Application for certificate of eligibility 12
STUDENT LOANS AND STUDENT LOAN AGREEMENTS **12**
21. Student loan agreement and student loan 12
22. Exchange of information 13
23. Recovery of excess payments....13
APPEAL BOARD **13**
24. Student Financial Assistance Appeal Board....13
REVIEW **14**
25. Application for review....14
APPEAL **14**
26. Appeal 14
REPAYMENT OF STUDENT LOANS AND REMEDIES **15**
27. Terms and conditions of assigned loan....15
28. Liability of minor 15
29. Student financial assistance exempt from attachment 15
30. Subrogation and collection 16
31. Notice not required....17
32. "Treasury Board", defined....17
33. Write off of debt or claim 17
NOTICES **18**
34. Manner of service....18
OFFENCES **18**
35. False information....18
36. Ineligibility for student financial assistance on conviction....18
LIABILITY **19**
37. Limitation of liability 19
REGULATIONS **19**
38. Regulations....19
TRANSITIONAL **21**
39. Certificate of eligibility deemed to be issued under this Act....21
CONSEQUENTIAL AMENDMENT **22**
40. *Financial Administration Act* 22

STUDENT FINANCIAL ASSISTANCE ACT

CHAPTER S-8.2

INTERPRETATION

1. Definitions

In this Act

(a) "**Appeal Board**" means the Student Financial Assistance Appeal Board appointed under section 24;

(b) "**Board**" means the Board of Directors of the Corporation;

(c) "**borrower**" means a person to whom a student loan has been made under this Act, and where the context permits, includes a person to whom a student loan was made under the Prince Edward Island Student Loans Program before the coming into force of this Act;

(d) "**certificate of eligibility**" means a certificate of eligibility issued under subsection 20(2);

(e) "**Corporation**" means the P.E.I. Student Financial Assistance Corporation established under subsection 2(1);

(f) "**educational institution**" means an educational institution designated by the Minister under subsection 14(2);

(g) "**financial institution**" means

(i) a bank to which the *Bank Act* (Canada) applies, or

(ii) a credit union incorporated, continued or registered under the *Credit Unions Act* R.S.P.E.I. 1988, Cap. C-29.1.

(h) "**lender**" means a financial institution designated as a lender by the Minister under subsection 15(1), and, where the context permits, includes, in respect of a student loan made before the coming into force of this Act, the financial institution that made that student loan;

(i) "**Minister**" means the Minister of Workforce and Advanced Learning;

(j) "**Prince Edward Island Student Loan Program**" means the Prince Edward Island Student Loan Program established and administered by the Minister before the coming into force of this Act;

(k) "**qualifying student**" means a person who

(i) is a Canadian citizen, a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act* (Canada) or a protected person within the meaning of subsection 95(2) of the *Immigration and Refugee Protection Act* (Canada),

(ii) is a resident of the province, and

(iii) is qualified for enrolment or is enrolled at an educational institution;

(l) "**student financial assistance**" means a student loan, or other form of student financial assistance established in the regulations, and, where the context permits, includes a student loan or other form of student financial assistance provided to a person under the Prince Edward Island Student Loans Program before the coming into force of this Act;

(m) "**student loan**" means a loan made by the Corporation under clause 21(1)(b), or by a lender in accordance with an agreement referred to in subsection 15(2), and, where the context permits, includes a loan made by a financial institution under the Prince Edward Island Student Loan Program before the coming into force of this Act;

(n) "**student loan agreement**" means an agreement between

(i) a qualifying student and the Corporation, entered into under clause 21(1)(a), or

(ii) a qualifying student and a lender, entered into in accordance with an agreement referred to in subsection 15(2),

and, where the context permits, includes an agreement between a borrower and a lender in respect of a student loan made before the coming into force of this Act. *2010,c.27,s.1; 2015,c.28,s.3; 2020,c.83,s.1; 2023,c.20,s.2; 2026,c.11,s.3.*

P.E.I. STUDENT FINANCIAL ASSISTANCE CORPORATION

2. Crown Corporation established

(1) There is hereby established a Crown corporation to be called the P.E.I. Student Financial Assistance Corporation.

Powers of Corporation

(2) The Corporation has the same general powers as conferred upon companies incorporated under the *Companies Act* R.S.P.E.I. 1988, Cap. C-14, except where such powers are inconsistent with this Act. *2010,c.27,s.2.*

3. Agent of the Crown

(1) The Corporation is for all purposes an agent of the Crown in right of the Province of Prince Edward Island and its powers pursuant to this Act may be exercised only as an agent of the province.

Property

(2) Property acquired by the Corporation is the property of the Government of Prince Edward Island, and title thereto may be vested in the Government of Prince Edward Island or in the name of the Corporation.

Actions in name of Corporation

(3) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Corporation, whether in its name or in the name of the Government, may be brought or taken by or against the Corporation in the name of the Corporation in any court that would have jurisdiction if the Corporation were not an agent of the Government. *2010,c.27,s.3; 2022,c.62,s.65.*

BOARD OF DIRECTORS

4. Board of Directors

(1) The affairs of the Corporation shall be conducted by a Board of Directors consisting of

(a) the Deputy Minister of Social Development and Seniors;

(b) the Deputy Minister of Finance and Affordability; and

(c) the Deputy Minister of Workforce and Advanced Learning.

Chair

(2) The Deputy Minister of Workforce and Advanced Learning shall be the chair of the Board. *2010,c.27,s.4; 2012,c.17,s.2; 2015,c.28,s.3; 2015,c.28,s.3; 2020,c.83,s.2; 2023,c.20,s.2; 2026,c.11,s.3*.

5. Bylaws and policies

(1) The Board may make bylaws and policies not inconsistent with this Act or the regulations generally for the conduct and management of the affairs of the Corporation, including

(a) bylaws and policies respecting the governance procedures of the Board; and

(b) bylaws establishing fees and charges payable under this Act, including fees and charges for dishonoured or late payments.

Meetings

(2) The Board shall meet at least once annually and shall, in accordance with the bylaws made by the Board, meet at those other times that the Board considers necessary to conduct the affairs of the Corporation. *2010,c.27,s.5.*

CHIEF EXECUTIVE OFFICER

6. Chief Executive Officer

The Lieutenant Governor in Council shall appoint a Chief Executive Officer of the Corporation who, under the direction of the Minister, shall

(a) supervise the administration and management of the Corporation;

(b) supervise the management and processing of all applications for student financial assistance;

(c) serve as secretary to the Board; and

(d) perform other duties as the Board or the Lieutenant Governor in Council may assign. *2010,c.27,s.6.*

STAFF

7. Staff

(1) The Corporation may

(a) employ administrative, accounting, clerical and professional staff; and

(b) engage consultants and professional specialists,

that the Chief Executive Officer considers necessary to carry out the functions of the Corporation.

Application of *Civil Service Act*

(2) The *Civil Service Act* R.S.P.E.I. 1988, Cap. C-8 shall not apply to any person employed by the Corporation. *2010,c.27,s.7.*

POWERS OF CORPORATION

8. Powers of Corporation

(1) The Corporation may

(a) enter into agreements and contracts with any person, including any body corporate and any corporation of the Crown in right of Canada or of any province, considered necessary by the Board to carry out the powers and duties of the Corporation;

(b) appoint agents to act on its behalf for the purpose of this Act and on those conditions that the Board may determine;

(c) take for money loaned or otherwise invested, a security of any nature that it considers advisable;

(d) establish accounts with financial institutions for the deposit of its money and from which money may be paid for the purposes of its powers and duties;

(e) subject to the approval of the Lieutenant Governor in Council, establish a line of credit or an overdraft account with a financial institution for the purpose of its powers and duties;

(f) invest the money of the Corporation that is not immediately required in investments authorized under subsection 27(1) of the *Financial Administration Act* R.S.P.E.I. 1988, Cap. F-9;

(g) draw, make, accept, endorse, execute and issue promissory notes, bills of exchange, cheques, electronic payments, student loan agreements and other negotiable or transferable instruments;

(h) acquire by assignment and by purchase, student loans and rights of lenders under student loan agreements, including student loan agreements of lenders made under the Prince Edward Island Student Loan Program operating before the coming into force of this Act;

(i) assign a student loan made or acquired under this Act to the Crown or to a financial institution on terms and conditions that are considered appropriate, and guarantee the repayment of that assigned loan including interest or other charges on that loan, in accordance with a process approved by the Board;

(j) pay out money by way of student loan and other student financial assistance to qualifying students on terms established under this Act and the regulations;

(k) collect money owed to the Corporation or to the Crown as a result of a student loan agreement;

(l) receive and pay out money required to meet the obligations of the Corporation or of the Crown under contracts with lenders or others for the operation and administration of a program of student financial assistance; and

(m) do any other thing that the Board considers necessary or advisable for or incidental to the exercise of the Corporation's powers and for the discharge of its duties and obligations. *2010,c.27,s.8.*

9. Corporation may borrow money

(1) Subject to the approval of the Lieutenant Governor in Council, the Corporation may

(a) borrow money for its purposes and to carry out its powers and duties; and

(b) to secure the repayment of money borrowed,

(i) issue bonds, debentures, notes or other securities of the Corporation, and

(ii) enter into, execute and deliver a trust deed, trust indenture or an agreement with a lender, trustee or depository acting for the holders of bonds and debentures or another person,

and the money may be borrowed at the rate of interest and upon the terms and conditions, and the instruments and documents may be issued or executed and delivered in the form, that the Lieutenant Governor in Council approves.

Delegation of authority

(2) The Lieutenant Governor in Council may delegate its approval authority under subsection (1) to the Minister of Finance and Affordability upon the terms and conditions that the Lieutenant Governor in Council may determine.

Currency

(3) The securities of the Corporation may be made payable in a currency approved by the Lieutenant Governor in Council and expressed in the security. *2010,c.27,s.9; 2012,c.17,s.2; 2015,c.28,s.3; 2026,c.11,s.3.*

10. Short-term loans

(1) The Corporation may raise short-term loans to fulfil its obligations, duties and powers under this Act

(a) in the manner and form;

(b) in the amounts;

(c) in the currencies;

(d) at the rates of interest, including interest on overdue interest; and

(e) on the conditions, including conditions related to discounts, premiums, charges and commissions,

that the Corporation may determine.

Limit

(2) The total of the short-term loans raised under subsection (1) and outstanding shall not exceed a limit to be fixed by the Lieutenant Governor in Council. *2010,c.27,s.10.*

11. Guarantee

The Minister of Finance and Affordability may, acting for and on behalf of the Crown and with the approval of the Lieutenant Governor in Council, unconditionally guarantee the repayment of a sum raised under section 9 or 10, the payment of interest on the sum, including interest on overdue interest and the payment of a premium. *2010,c.27,s.11; 2012,c.17,s.2; 2015,c.28,s.3; 2026,c.11,s.3.*

AUDITORS

12. Auditors

The Corporation shall appoint auditors to prepare audited financial statements. *2010,c.27,s.12.*

ADMINISTRATION

13. Administration

(1) The Minister has the general supervision and management of this Act.

Delegation

(2) The Minister may delegate the administration of any function of the Corporation upon terms and conditions that the Minister may determine. *2010,c.27,s.13.*

DESIGNATION OF EDUCATIONAL INSTITUTIONS

14. Application for designation as educational institution

(1) A person may apply to the Minister, in a form approved by the Minister, to have an institution of learning within or outside the province that offers courses at a post-secondary level designated as an educational institution.

Designation as educational institution

(2) Where an application is made under subsection (1) and the applicant meets the requirements established by the regulations, the Minister may, in writing, designate the institution of learning as an educational institution. *2010,c.27,s.14.*

DESIGNATION OF LENDERS

15. Designation as lender

(1) The Minister may, in writing, designate a financial institution as a lender under this Act.

Agreements with lenders

(2) The Minister may, with the approval of the Lieutenant Governor in Council, enter into and amend from time to time an agreement with a lender with respect to the making of student loan agreements with qualifying students and the provision of student loans and other forms of student financial assistance to qualifying students. *2010,c.27,s.15.*

AGREEMENTS WITH SERVICE PROVIDERS

16. Agreements with service providers

The Minister may enter into and amend from time to time an agreement with any person for the provision of services with respect to the administration, disbursement, management, enforcement and recovery of student loans. *2010,c.27,s.16.*

AGENTS

17. Minister may act as agent

(1) The Minister may enter into an agreement with the Government of Canada to act as an agent of the Government of Canada.

Minister may appoint agents

(2) The Minister may appoint agents to act on behalf of the government of the province for the purposes of this Act and the regulations. *2010,c.27,s.17.*

AGREEMENTS

18. Agreements with governments

(1) The Minister, or the Corporation with the approval of the Minister, may, in order to carry out the purpose of this Act, enter into and amend from time to time agreements with the government, or an agency of the government, of another province or territory or of Canada with respect to

(a) the exchange of information and records related to student financial assistance;

(b) the joint undertaking of projects related to student financial assistance;

(c) payment to or by the province of contributions in respect of the cost of projects referred to in clause (b); and

(d) the integration and administration of federal and provincial student financial assistance programs.

Contract on behalf of Corporation

(2) In an agreement made under subsection (1), the Minister may contract for and on behalf of the Corporation.

Agreements with other agencies or organizations

(3) The Minister, or the Corporation with the approval of the Minister, may enter into an agreement with a person or a private or public agency or organization

(a) with respect to the exchange of information and records relating to student loans and other forms of student financial assistance; and

(b) to promote the purpose of this Act. *2010,c.27,s.18.*

ANNUAL REPORT

19. Annual report

The Minister shall annually prepare a report on the administration of this Act for the preceding fiscal year and shall table the report before the Legislative Assembly. *2010,c.27,s.19.*

CERTIFICATE OF ELIGIBILITY

20. Application for certificate of eligibility

(1) A person may apply to the Minister, in a form approved by the Minister, for a certificate of eligibility to receive a student loan.

Certificate of eligibility

(2) The Minister may issue a certificate of eligibility for a student loan for a period of studies at an educational institution to an applicant who applies under subsection (1) where the Minister is satisfied that the applicant

(a) is a qualifying student; and

(b) meets the requirements established by the regulations.

Terms and conditions

(3) The Minister may impose any terms and conditions on a certificate of eligibility that the Minister considers appropriate.

Certificate of eligibility - requirements

(4) A certificate of eligibility issued to an applicant under subsection (2) shall state

(a) the social insurance number of the applicant;

(b) the maximum amount of student loan that may be provided to the applicant; and

(c) any terms and conditions imposed on the certificate of eligibility.

Maximum amount of student loan

(5) The maximum amount of the student loan referred to in clause (4)(b) shall be set in accordance with the regulations. *2010,c.27,s.20.*

STUDENT LOANS AND STUDENT LOAN AGREEMENTS

21. Student loan agreement and student loan

(1) Where the Minister has issued a certificate of eligibility to a qualifying student under subsection 20(2), the Corporation shall, in accordance with this Act and the regulations and any terms and conditions imposed on the certificate of eligibility,

(a) enter into a student loan agreement with the qualifying student; and

(b) provide a student loan to the qualifying student.

Maximum amount of loan

(2) A loan provided to a qualifying student under clause (1)(b) shall not exceed the amount stated on the certificate of eligibility issued to the qualifying student.

Payment to educational institution

(3) The Corporation may, in accordance with any terms and conditions imposed on the certificate of eligibility issued to a qualifying student, pay all or a portion of the student loan authorized by the certificate of eligibility on behalf of the qualifying student to the educational institution attended by the qualifying student.

Discharge

(4) The receipt of an educational institution for a payment made under subsection (3) on behalf of a qualifying student is a sufficient discharge to the Corporation for the amount set out in the receipt with respect to that qualifying student's student loan. *2010,c.27,s.21.*

22. Exchange of information

The Minister and the Corporation, as they consider necessary, may exchange information and documentation, including personal information of a qualifying student or borrower, for the purposes and administration of this Act. *2010,c.27,s.22.*

23. Recovery of excess payments

(1) Where, under this Act or the regulations, a person receives or obtains a sum of money to which the person is not entitled or that is in excess of the amount to which the person is entitled, the Corporation may recover that sum in accordance with the regulations.

Idem

(2) Subsection (1) applies notwithstanding that a person has been prosecuted for or convicted of an offence relating to the receipt of the money. *2010,c.27,s.23; 2025,c.11,s.24(2).*

APPEAL BOARD

24. Student Financial Assistance Appeal Board

(1) The Lieutenant Governor in Council shall appoint a Student Financial Assistance Appeal Board consisting of not fewer than five and not more than nine persons, of whom

(a) two shall be qualifying students attending educational institutions in the province;

(b) one shall be a representative of the Department of Finance and Affordability; and

(c) at least two shall be public representatives.

Chair

(2) The Lieutenant Governor in Council shall appoint one member of the Appeal Board to be the chair of the Appeal Board.

Quorum

(3) Three members of the Appeal Board, of whom one is a member referred to in clause 24(1)(a), constitute a quorum.

Term of office

(4) A member of the Appeal Board appointed under clause (1)(a) shall hold office for a term of one year.

Idem

(5) A member of the Appeal Board appointed under clause (1)(b) or (c) shall hold office for a term of three years.

Consecutive terms

(6) A member of the Appeal Board shall not be a member of the Appeal Board for more than two consecutive terms.

Idem

(7) For the purposes of subsection (6), terms are consecutive if not more than 12 months has occurred between the end of one term and the commencement of the next.

Term to continue

(8) Notwithstanding subsections (4) and (5), a member of the Appeal Board whose term of office expires shall continue to hold office until such time as the member is reappointed, or until the member's successor is appointed.

Replacement of member

(9) Where a vacancy occurs on the Appeal Board, the Lieutenant Governor in Council may, subject to subsection (1), appoint a person to serve as a member for the unexpired portion of the term of the member replaced. *2010,c.27,s.24; 2012,c.17,s.2; 2015,c.28,s.3; 2026,c.11,s.3.*

REVIEW

25. Application for review

(1) A person who is aggrieved by

(a) a refusal of an application for student financial assistance made under this Act or the regulations;

(b) a decision to provide student financial assistance for a shorter period or for a lesser amount than requested in an application made under this Act or the regulations; or

(c) the imposition of any terms and conditions on the person's certificate of eligibility,

may, in accordance with the regulations, apply to the Minister for a review of the refusal, decision or imposition.

Review by Minister

(2) The Minister shall review an application made under subsection (1) within 21 days after receipt of the application.

Notice of and reasons for decision

(3) The Minister shall, without delay after reviewing an application made under subsection (1), serve on the applicant a notice of the Minister's decision and the reasons for that decision. *2010,c.27,s.25; 2025,c.11,s.24(3).*

APPEAL

26. Appeal

(1) A person who is aggrieved by a decision of the Minister made under subsection 25(3) may, in accordance with the regulations, appeal the decision to the Appeal Board.

Right to appear and have representation

(2) A person who appeals a decision to the Appeal Board under subsection (1) has the right to appear, and have legal or other representation, at the hearing of an appeal.

Conduct of hearing

(3) The Appeal Board

(a) may retain any legal or other assistance that it considers necessary for the purpose of conducting a hearing; and

(b) shall hear an appeal in accordance with the rules of natural justice.

Decision of Appeal Board

(4) On hearing an appeal, the Appeal Board may revoke, vary or affirm the decision appealed from.

Notice of and reasons for decision

(5) The Appeal Board shall, in writing and not more than 5 days after the hearing of an appeal, serve on the appellant notice of its decision and the reasons for that decision.

Decision final

(6) A decision of the Appeal Board on an appeal is final. *2010,c.27,s.26.*

REPAYMENT OF STUDENT LOANS AND REMEDIES

27. Terms and conditions of assigned loan

The terms and conditions of a student loan assigned to or purchased by the Corporation may, notwithstanding any term or condition of a student loan agreement applicable to that student loan, be established or varied by the Corporation to facilitate the efficient administration of the loan. *2010,c.27,s.27.*

28. Liability of minor

(1) A qualifying student who is under the age of majority at the time of entering into a student loan agreement is bound by that agreement, and this Act applies as if the student had attained the age of majority at the time when the contractual liability under that agreement arose.

Idem

(2) Subsection (1) applies to a student loan agreement notwithstanding that the agreement was entered into with a lender before the coming into force of this section. *2010,c.27,s.28; 2025,c.11,s.24(4).*

29. Student financial assistance exempt from attachment

(1) Money that is student financial assistance paid or payable under this Act or the regulations shall not be assigned, charged, attached, anticipated or given as security, and

(a) a transaction purporting to assign, charge, attach, anticipate or give as security such student financial assistance; and

(b) an execution, seizure or attachment purporting to be authorized by a transaction referred to in clause (a),

is void, unless another enactment expressly provides otherwise.

Garnishment void

(2) A notice of garnishment received by the Corporation with respect to money received by the Corporation to repay a student loan is void. *2010,c.27,s.29.*

30. Subrogation and collection

(1) Where the Corporation or the Crown has paid money to a lender to fulfil the obligations of a borrower under a student loan, the Corporation or the Crown, as the case may be, has the same right to collect from the borrower the amount paid to the lender and interest that the lender would have had if the Corporation or the Crown had not made that payment.

Collection as civil debt

(2) Money owed to the Crown under an agreement, including a student loan agreement, by subrogation or otherwise under this Act, may be collected as a civil debt owed to the Crown.

Idem

(3) Money owed to the Corporation under an agreement, including a student loan agreement, by subrogation or otherwise under this Act, may be collected as a civil debt owed to the Corporation.

Assignment and collection

(4) Where a student loan is assigned to the Corporation by a lender, the Corporation has the right to collect from the borrower of that student loan the total amount required to be paid by the borrower under the terms of the student loan agreement, as amended by this Act, notwithstanding a payment made by the Crown under an agreement with that lender.

Referral to Minister of National Revenue

(5) Where a borrower is

(a) in default of a student loan owed to the Corporation; or

(b) indebted to the Crown with respect to a payment under subsection (1),

the Minister of Finance and Affordability may refer the amount owed to the Minister of National Revenue for Canada for recovery from the amount of a refund or payment that may otherwise be made to the borrower under the *Income Tax Act* (Canada) or under the *Income Tax Act* R.S.P.E.I. 1988, Cap. I-1.

Statute of Limitations does not apply

(6) The *Statute of Limitations* R.S.P.E.I. 1988, Cap. S-7 does not apply to the referral or recovery of a refund or payment under subsection (5).

Certified copy of account

(7) In a proceeding in a court for the recovery of money owed to the Corporation or to the Crown arising out of an agreement or otherwise under this Act, a copy of the account stating the amount due and payable to the Corporation or the Crown

(a) may be signed and certified by an officer of the Corporation designated by the Board, or by the Minister, as the case may be; and

(b) where signed and certified as referred to in clause (a) is, in the absence of evidence to the contrary, evidence of the amount due and payable without further proof that the amount is owed and without proof of the signature and certification of the officer or Minister.

Agreement or obligation before the coming into force of this Act

(8) This section applies to an agreement or obligation whether that agreement or obligation arose before or after the coming into force of this section.

Remedies at law

(9) This Act shall not affect a remedy of the Crown or the Corporation that is available under another Act or law of the province for the recovery of or enforcement of a payment of money. *2010,c.27,s.30; 2012,c.17,s.2; 2015,c.28,s.3; 2026,c.11,s.3.*

31. Notice not required

For the purpose of the assignment of a borrower's student loan from

(a) a financial institution to the Corporation;

(b) the Crown to the Corporation; or

(c) the Corporation to the Crown,

the notice requirement of subsection 68(1) of the *Judicature Act* R.S.P.E.I. 1988, Cap. J-2.1 shall be considered to be satisfied notwithstanding that express written notice has not been given to the borrower, trustee or other person from whom the assignee is entitled to receive or claim the student loan debt. *2010,c.27,s.31.*

32. "Treasury Board", defined

(1) In this section and section 33, "Treasury Board" means the Treasury Board constituted under subsection 8(1) of the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12.

Settlement of debt or claim

(2) Subject to subsections (3) and (4), the Corporation may, with the approval of the Lieutenant Governor in Council, negotiate and accept a settlement of a debt due to or claim made by or on behalf of the Corporation in full settlement of that debt or claim.

Idem

(3) The Corporation may, upon the recommendation of the Treasury Board, negotiate and accept a settlement of a debt due to or claim made on behalf of the Corporation in full settlement of that debt or claim where each settlement results in a deficit of $5,000 or less.

Idem

(4) The Treasury Board may authorize the Corporation, in accordance with rules that the Treasury Board may establish, to negotiate and accept a settlement of a debt due to or claim made by or on behalf of the Corporation in full settlement of that debt or claim where each settlement results in a deficit of $1,000 or less. *2010,c.27,s.32.*

33. Write off of debt or claim

(1) Subject to subsection (2), where it appears unlikely that a debt due to or claim made by or on behalf of the Corporation will be paid but the amount has not been settled under section 32, the Treasury Board may direct the Corporation to write off the deficit.

Idem

(2) The Corporation may, in accordance with rules that the Treasury Board may establish, write off deficits of $1,000 or less.

Right to recover deficit

(3) The writing off of a deficit under subsection (1) or (2) does not affect the obligation of a person from whom the deficit was due to pay it or the right of the Corporation to recover it unless the Corporation so directs. *2010,c.27,s.33.*

NOTICES

34. Manner of service

(1) Any notice or other document required to be served on a person under this Act, the regulations or the bylaws made by the Board is deemed to be sufficiently served

(a) upon a copy being personally served on the person to whom it is directed;

(b) upon a copy being sent by facsimile or other electronic means to the person to whom it is directed and an acknowledgement of receipt being received; or

(c) five days after a copy is sent by mail addressed to the person to whom it is directed at the last known address for that person.

Substituted service

(2) Where it is impractical for any reason to serve an order in a manner referred to in subsection (1), an ex parte application may be made to a judge of the Supreme Court who may make an order for substituted service providing for the steps to be taken to bring the matter to the attention of the person to be served. *2010,c.27,s.34.*

OFFENCES

35. False information

(1) No person shall knowingly furnish false information in any application under this Act or the regulations or in any statement required to be furnished under this Act or the regulations.

Offences and penalties

(2) Every person who contravenes this Act or the regulations is guilty of an offence and is liable, on summary conviction,

(a) for a first offence, to a fine of not less than $500 and not more than $5,000; and

(b) for a second or subsequent offence, to a fine of not less than $1,000 and not more than $10,000. *2010,c.27,s.35.*

36. Ineligibility for student financial assistance on conviction

(1) Notwithstanding any other provision of this Act, no student financial assistance is payable to, or for the benefit of, a person convicted of an offence under this Act, the *Canada Student Loans Act* (Canada) or the *Canada Student Financial Assistance Act* (Canada), for which a pardon has not been granted or a record suspension has not been ordered in respect of the offence under the *Criminal Records Act* (Canada).

Student financial assistance due and payable on demand

(2) Where a person has been convicted of an offence under this Act, the *Canada Student Loans Act* (Canada) or the *Canada Student Financial Assistance Act* (Canada), for which a pardon has not been granted or a record suspension has not been ordered in respect of the offence under the *Criminal Records Act* (Canada), or the Minister or the Corporation determines that a person has breached a term of an agreement entered into by the person with the Crown or the Corporation or has provided false or misleading information with respect to obtaining student financial assistance,

(a) the Minister or the Corporation may demand payment of all or a part of the student financial assistance paid to or for the benefit of the person; and

(b) where payment is demanded under clause (a), the student financial assistance or the part of it demanded is due and payable, together with interest on any outstanding balance of a student loan.

Guarantee valid

(3) This section does not affect the validity or enforceability of a guarantee provided to a financial institution. *2010,c.27,s.36; 2025,c.11,s.24(5).*

LIABILITY

37. Limitation of liability

No action or proceeding lies or shall be instituted for anything done or omitted to be done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Act or the regulations against the following:

(a) the Minister;

(b) the Corporation;

(c) the Board;

(d) the Appeal Board;

(e) a member of the Board or the Appeal Board;

(f) an officer or employee of the Corporation;

(g) others acting on behalf of the Minister, the Corporation, the Board or the Appeal Board under the authority of this Act. *2010,c.27,s.37.*

REGULATIONS

38. Regulations

(1) The Lieutenant Governor in Council may make regulations

(a) respecting or adopting requirements, frameworks or guidelines for the designation of educational institutions and the maintenance of that designation;

(b) respecting the educational institutions that are deemed to have been designated by the Minister under subsection 14(2);

(c) respecting the circumstances and conditions under which a designation as an educational institution may be revoked and reinstated;

(d) respecting the disclosure of financial and other information, reports and documentation for the purpose of this Act;

(e) respecting applications for student loans and other student financial assistance, and the information to be provided by applicants;

(f) respecting qualifying students, full-time students, certificates of eligibility and requirements for receiving a certificate of eligibility, including respecting the assessment of need for a certificate of eligibility and the criteria to be used to determine a person's need;

(g) respecting the manner of calculation, total amount and payment of student loans and other student financial assistance;

(h) respecting the maximum amount of a student loan that may be provided under this Act, and respecting the approval by the Treasury Board of maximum weekly student loan amounts;

(i) respecting the terms and conditions under which a student loan or other student financial assistance may be provided, the terms and conditions that may be imposed on a certificate of eligibility and the information, terms and conditions to be stated in student loan agreements;

(j) respecting the administration of student financial assistance programs and the establishment of different types of student financial assistance, including payment-free and interest-free periods, debt reduction grants and student loan forgiveness, and respecting the persons or classes of persons who are eligible for each type of student financial assistance;

(k) respecting the reassessment of need of a person receiving student financial assistance;

(l) respecting the suspension or termination of student financial assistance;

(m) respecting the recovery of student financial assistance provided in error or in excess of an amount permissible under this Act;

(n) respecting applications for a review by the Minister under subsection 25(1), the grounds for an application and the conduct of a review;

(o) respecting appeals to the Appeal Board, the grounds of appeal, the conduct of hearings and the administration and procedures of the Appeal Board;

(p) adopting provisions of the *Canada Student Financial Assistance Act* (Canada) and the regulations made under that Act and respecting the application of those provisions;

(q) setting interest rates for student loans and setting the effective dates for those interest rates, except where a judgment of the court has been made with respect to a student loan agreement;

(r) setting interest rates for debts owed to the Crown or the Corporation as a result of the Crown or the Corporation fulfilling the obligations of a borrower under a student loan agreement, and setting the effective dates for those interest rates, excepting debts that are owed to the Crown or the Corporation as a result of a judgment of a court;

(s) respecting the circumstances in which no interest is payable, or in which no amount on account of principal is required to be paid, in respect of student loans;

(t) respecting fees payable under this Act, including fees in respect of student loans;

(u) respecting the assignment, transfer or sale of student loans;

(v) determining the period during which student financial assistance is to be provided;

(w) respecting interest rates, amortization and repayment of student loans;

(x) respecting arrears, default, set-off, write-offs, overawards and the recovery of money owed to the Corporation and to the Crown;

(y) respecting the terms of repayment of student loans under student loan agreements;

(z) respecting the consolidation of student loans, and requiring borrowers to enter into consolidated student loan agreements;

(aa) respecting the payment by borrowers of fees, costs, insurance premiums and insurance coverage, expenses and disbursements, legal or otherwise, incurred by a lender, the Corporation or the Crown in endeavouring to recover student loans made to a borrower under this Act;

(bb) providing that the contravention of certain provisions of the regulations constitutes an offence;

(cc) providing for any transitional matters the Lieutenant Governor in Council considers necessary or advisable to facilitate the implementation of this Act;

(dd) defining any word or expression used but not defined in this Act;

(ee) further defining any word or expression defined in this Act; and

(ff) deemed necessary or advisable to carry out effectively the intent and purpose of this Act.

Different requirements

(2) Regulations made under this section may establish different requirements for different classes of student financial assistance, student loan agreements, qualifying students, borrowers and lenders.

Retroactive effect

(3) Regulations made under this section may be made with retroactive effect.

Adoption by reference

(4) A regulation made under clause (1)(a) may adopt by reference, in whole or in part and with such changes as are considered necessary, any written requirements, frameworks or guidelines relating to the designation of educational institutions or the maintenance of that designation, and require compliance with the requirements, frameworks or guidelines as adopted.

Idem

(5) A regulation made under clause (1)(b) may adopt by reference, in whole or in part and with such changes as are considered necessary, any written list of designated institutions made by any other government in Canada.

Requirement, framework or guideline as amended

(6) A regulation made under clause (1)(a) or (b) may adopt a requirement, framework, guideline or list referred to in subsection (2) as amended from time to time. *2010,c.27,s.38.*

TRANSITIONAL

39. Certificate of eligibility deemed to be issued under this Act

(1) Where a person, immediately before the day this Act comes into force, holds a certificate of eligibility issued under the Prince Edward Island Student Loan Program and has not entered into a student loan agreement in respect of the certificate, the certificate of eligibility is deemed to have been issued under subsection 20(2) of this Act.

Terms and conditions continue

(2) Where a person is deemed under subsection (1) to hold a certificate of eligibility issued under subsection 20(2) of this Act, the certificate of eligibility of the person is subject to any terms and conditions to which the certificate of eligibility of the person was subject under the Prince Edward Island Student Loan Program.

Appeal pending

(3) Where, under the Prince Edward Island Student Loan Program, an appeal of a decision respecting student financial assistance was pending immediately before the day this Act comes into force, the appeal shall be referred to the Appeal Board appointed under subsection 24(1) of this Act, and the appeal shall be continued and concluded under this Act.

Directions, decisions, actions and determinations continue in effect

(4) A direction, decision, action or determination made or carried out under the Prince Edward Island Student Loan Program that is in effect immediately before the day this Act comes into force continues in effect until it ceases to have effect under this Act. *2010,c.27,s.39*.

CONSEQUENTIAL AMENDMENT

40. ***Financial Administration Act***

(This section makes consequential amendments to the above Act. The amendments have been incorporated into that Act.)