



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 85
(1996, chapter 79)

**An Act to amend the Act respecting financial
assistance for students and the General and
Vocational Colleges Act**

**Introduced 10 December 1996
Passage in principle 18 December 1996
Passage 18 December 1996
Assented to 23 December 1996**

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EXPLANATORY NOTES

This bill modifies certain eligibility requirements with respect to the student loans and bursaries program established under the Act respecting financial assistance for students.

The Government is given authorization to make regulations determining the maximum level of indebtedness for continued eligibility for a student loan and modifies the conditions whereby a student is not deemed to receive a contribution from his parents or sponsor. The maximum amount of loans will be increased or reduced in the cases and subject to the conditions determined by regulation and the exemption period for the repayment of loans is reduced by one month.

The provisions of the Act allowing the Minister of Education to repay part of a loan contracted by a student during his Master's or doctoral studies are repealed.

In another connection, the Minister of Education is authorized to grant advance financial assistance in the form of a loan. Moreover, a review procedure is introduced with respect to ministerial decisions.

The General and Vocational Colleges Act is also amended to provide that any student having failed two or more courses during his last term as a full-time student will be required to pay special fees upon registering again as a full-time student.

Finally, the bill contains transitional provisions.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting financial assistance for students (R.S.Q., chapter A-13.3);
- General and Vocational Colleges Act (R.S.Q., chapter C-29).

Bill 85

AN ACT TO AMEND THE ACT RESPECTING FINANCIAL ASSISTANCE FOR STUDENTS AND THE GENERAL AND VOCATIONAL COLLEGES ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 4 of the Act respecting financial assistance for students (R.S.Q., chapter A-13.3) is amended

(1) by replacing subparagraph 5 of the first paragraph by the following subparagraph :

“(5) he has obtained a bachelor’s degree from a university in Québec;”;

(2) by replacing subparagraph 8 of the first paragraph by the following subparagraph :

“(8) he holds a bachelor’s degree or the equivalent obtained outside Québec;”;

(3) by adding, after subparagraph 11 of the first paragraph, the following subparagraph :

“(12) he has not been a full-time student for at least seven years since he has ceased being subject to compulsory school attendance.”

2. Section 11 of the said Act is amended by adding, after paragraph 5, the following paragraph :

“(6) he has not reached the maximum level of indebtedness determined by regulation.”

3. Section 13 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph :

“**13.** The maximum amount of a loan shall be established by regulation according to the level of education, the cycle and the classification of the educational institution attended and shall be increased or reduced in the cases and subject to the conditions determined by regulation.”;

(2) by replacing the word “When” in the first line of the second paragraph by the words “Furthermore, where”.

4. Section 14 of the said Act is amended by adding, after the figure “13” in the last line, the words “or the remainder of the amount of financial assistance that may be granted to him in the form of a loan”.

5. Section 23 of the said Act is amended

(1) by replacing the word “April” in paragraph 1 by the word “March”;

(2) by replacing the word “August” in paragraph 2 by the word “July”;

(3) by replacing the word “January” in paragraph 3 by the word “December”.

6. Section 26 of the said Act is repealed.

7. The said Act is amended by inserting, after section 37, the following section:

“**37.1.** The Minister may, however, in the cases and subject to the conditions determined by regulation, grant advance financial assistance in the form of a loan.

The loan certificate issued by the Minister constitutes an instalment of any financial assistance eventually granted to the student.”

8. The said Act is amended by inserting, after section 43, the following sections:

“**43.1.** Any student affected by a decision of the Minister concerning eligibility for financial assistance or the amount of financial assistance may, within 30 days of being advised of the decision, apply in writing for a review.

“**43.2.** The application for review shall be sent to the public servant designated by the Minister. The public servant shall receive every application for review, verify that the student’s file is complete, analyse the application and, where expedient, recommend any correction or modification he considers necessary to the Minister.”

9. Section 44 of the said Act is amended

(1) by inserting, after the second paragraph, the following paragraph:

“A student whose application for review has been dismissed may apply to the examination committee for exceptional cases.”;

(2) by replacing the figure “13” in the third line of the third paragraph by the figure “4”.

10. Section 56 of the said Act is amended by inserting the words “, including the training period or not,” after the word “study” in subparagraph 4 of the first paragraph.

11. Section 57 of the said Act is amended

(1) by replacing subparagraph 9 of the first paragraph by the following subparagraph:

“(9) determine the maximum amounts of loans according to the level of education, the cycle and the classification of the educational institution attended, and determine in which cases and subject to what conditions such amounts are increased or reduced;”;

(2) by striking out subparagraph 17 of the first paragraph;

(3) by adding, after subparagraph 22 of the first paragraph, the following subparagraphs:

“(23) determine, in respect of each level of education, each cycle and certain programs of study or certain classes of institutions the maximum level of indebtedness for continued eligibility for a student loan;

“(24) determine in which cases and subject to what conditions advance financial assistance may be granted in the form of a loan.”

12. Section 24.1 of the General and Vocational Colleges Act (R.S.Q., chapter C-29) is replaced by the following section:

“**24.1.** Special fees determined by regulation of the Government shall, however, be chargeable to any full-time student who, in his last term as a full-time student in a college, failed two or more courses of a college studies program.

Except where otherwise prescribed by regulation of the Government, any failing mark appearing in the student’s college studies record and any course not abandoned by the final date determined by the Minister which is not completed by the date on which the record is issued shall be considered a failed course.”

13. Section 24.3 of the said Act is amended by inserting the words “special or” before the word “tuition” in the first line.**14.** Section 24.4 of the said Act is amended

(1) by replacing paragraph *b* by the following paragraph:

“(*b*) determine the cases in which a failed course is to be disregarded for the purposes of section 24.1;”;

(2) by replacing paragraph *c* by the following paragraph:

“(*c*) establish rules for the determination of the fees chargeable under sections 24.1 and 24.2;”;

(3) by inserting the words “special or” before the word “tuition” in the first line of paragraph *e* ;

(4) by inserting the words “special or” before the word “tuition” in the second line of paragraph *f*.

15. The changes introduced by sections 1 to 4 and 10 are applicable in respect of allocation years subsequent to their coming into force.

16. The provisions of section 26 of the Act respecting financial assistance for students and the regulations thereunder shall continue to apply in respect of studies completed before the coming into force of section 6 of this Act.

17. For the purposes of section 24.1 of the General and Vocational Colleges Act, enacted by section 12 of this Act, any course failed by a student during a term preceding 1 January 1997 shall be disregarded.

18. The provisions of this Act come into force on the date or dates to be fixed by the Government.