EXPLANATORY MEMORANDUM TO

THE AGRICULTURE (STUDENT FEES) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2021
2021 No. 133

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs (DAERA) to accompany the Statutory Regulations (details above) which are laid before the Northern Ireland Assembly.

1.2. The Department has made these Statutory Regulations and they are made in exercise of the powers conferred by Section 5A (1) and (2) of the Agriculture Act (Northern Ireland) 1949 as amended by Article 42(1) of the Education (Northern Ireland) Order 2006.

2. Purpose

2.1. The Regulations amend the Agriculture (Student fees) Regulations (Northern Ireland) 2007, which sets the level of fees payable for courses of higher education delivered by DAERA, at its College of Agriculture, Food and Rural Enterprise (CAFRE).

2.2. With effect from 1 August 2021 the annual tuition fee for an ordinarily domiciled Northern Ireland or Republic of Ireland student undertaking a higher education course on a full-time basis has been increased from £1,735 to £1,785.

2.3. The reduced annual tuition fee, payable in the circumstances specified in the Agriculture (Student fees) Regulations (Northern Ireland) 2007, will increase from £845 to £870.

2.4. Regulations 4(2) and 4(3) have been amended to include Gibraltar following the UK exit from the EU that will treat Gibraltarian students similar to students from Great Britain.

2.5. The definition of international students at Regulation 4(5) has been amended following the UK exit from the EU. This amended definition ensures all students requiring a student visa to study in the UK for a course lasting 6 months or more will be correctly classified as an international student.

2.6. Regulations 4(7) and 4(8) have been added to ensure that students ordinarily resident in Gibraltar, the EU, Switzerland, Norway, Iceland or Liechtenstein who commenced the first academic year before the 1st January 2021 and students who have obtained ‘pre-settled’ or ‘settled’ status through the EU Settlement Scheme pay an annual tuition fee at £1,785.

2.7. The tuition fees set by regulation 4 and regulation 7 of The Agriculture (Student fees) (Amendment) Regulations (Northern Ireland) 2020 are revoked.

3. Background

3.1. Agri-food education provided by DAERA sits outside of ambit of the Department for the Economy (DfE), which has lead responsibility for further and higher education in Northern Ireland.

3.2. DfE operates a 2 tier higher education tuition fee regime which allows students to be charged a basic or a higher amount. Provision also exists for a reduced tuition fee for sandwich courses.

3.3. Historically, DAERA has increased its higher education tuition fees in line with the DfE basic tuition fee (i.e. an inflation-linked increase) and the attached Regulations continue this parity with the DfE basic fee.

3.4. The Department of Employment and Learning (DEL) introduced legislation on 1 September 2012 which allows the Higher Education Institutions in Northern Ireland to charge fees to students from England, Scotland, Wales, the Channel Islands and the Isle of Man which are higher than the tuition fees charged to home students. With effect from 1 September 2012 the Department of Agriculture and Rural Development (DARD) introduced a separate fee of £9,000 per annum for full-time students from England, Scotland, Wales, the Isle of Man and the Channel Islands who commenced courses of higher education at CAFRE on or after 1 September 2012. The Agriculture (Student fees) (Amendment) Regulations (Northern Ireland) 2018 increased the fee for academic year 2018/19 by £250 to £9,250 per year. This fee will remain unchanged in 2021/2022.

UK Exit from the EU

3.5. Following the UK exit from the EU, EU national students (including students from Switzerland, Norway, Iceland and Liechtenstein), who have not applied for or obtained 'pre-settled' or 'settled' status through the EU Settlement Scheme under the terms of the EU/UK Withdrawal Agreement, will require a Student Visa to study at an institution within the UK. These students will therefore be re-categorised as international students and will pay a tuition fee on a full cost recovery basis at £300 per week (equivalent to £9,000 per academic year (30 weeks)) as set by The Agriculture (Student fees) (Amendment) Regulations (Northern Ireland) 2020.

3.6. EU national students (including students from Switzerland, Norway, Iceland and Liechtenstein) who have commenced the first academic year before the 1st January 2021 or have obtained 'pre-settled' or 'settled' status through the EU Settlement Scheme under the terms of the EU/UK Withdrawal Agreement will continue to be treated the same as students ordinarily domiciled in Northern Ireland and will pay an annual tuition fee at £1,785.

3.7. Students from Gibraltar who have commenced the first academic year before the 1st January 2021 will pay an annual tuition fee similar to a student ordinarily domiciled in Northern Ireland at £1,785. All other Gibraltarian students will be treated similar to students from England, Scotland, Wales, the Channel Islands and Isle of Man and pay an annual tuition fee at £9,250.

3.8. Students ordinarily domiciled in the Republic of Ireland will continue to be treated the same as a student ordinarily domiciled in Northern Ireland under

the terms of the Common Travel Area policy and will pay an annual tuition fee at £1,785.

Financial Assistance

3.9. Students undertaking a full-time higher education course can take out a Tuition Fee Loan to cover their tuition fees and a Maintenance Loan to help with their accommodation and other living costs. In addition there may be financial assistance available to students from lower income households.

3.10. CAFRE students may defer repayment of their Tuition Fee Loan until they are in employment and earning over £19,895 per year. This mirrors provisions made for other higher education students in Northern Ireland.

3.11. Income derived from student fees is used to off-set some of the costs of providing courses at CAFRE.

4. Territorial Extent and Application

4.1. This Statutory Rule applies to Northern Ireland.

5. Equality Impact

5.1. In accordance with DAERA's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the Regulations have been assessed and the policy has been screened out of a full equality impact assessment.

5.2. The Department will continue to monitor the student population at CAFRE to see if the fee increase has any material impact on the Section 75 groupings.

6. Rural Needs Impact

6.1 The Rural Needs Act (NI) 2016 introduced a new duty on NI Departments and other public authorities to have due regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans. The Agriculture (Student fees) (Amendment) Regulations (Northern Ireland) 2021 implement a policy and are subject to Section 1(1) of the Rural Needs Act (NI) 2016.

6.2 The inflationary increase to higher education tuition fees maintains a long standing policy position. The impact assessment concluded that the inflationary increase has a differential impact on rural areas compared to urban areas.

7. Regulatory Impact and Financial Implications

7.1. A Regulatory Impact Assessment has not been prepared for these Regulations as they have no impact in terms of costs on business, charities or voluntary bodies.

7.2. In academic year 2020/21 the fee for a full-time CAFRE higher education course was £1,735 and for sandwich courses was £845. The Agriculture (Student fees) (Amendment) Regulations (Northern Ireland) 2021 increases the fees for the academic year 2021/22 by £50 to £1,785, and for sandwich courses by £25 to £870 per year for ordinarily domiciled Northern Ireland, Republic of Ireland students and students who have obtained 'pre-settled' or 'settled' status through the EU Settlement Scheme. Fees for full-time students from England, Scotland, Wales, Gibraltar, the Channel Islands and the Isle of Man remain unchanged at £9,250 for full-time courses. The fees for international students will also remain unchanged at £300 per academic week.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Regulations increase the existing fees in line with inflation to maintain parity with the existing DfE fee regime for the academic year 2021/2022, and do not have any human rights implications, nor are they incompatible with EU law. The Regulations are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. The Regulations do not have any EU Implications. However, existing EU students who have obtained 'pre-settled' or 'settled' status through the EU Settlement Scheme and students ordinarily resident in Republic of Ireland will be treated the same as Northern Ireland students.

10. Additional Information

10.1. The Regulations come into operation on 1 August 2021.

11. Contact

11.1. Dáire Toner at the Department of Agriculture, Environment and Rural Affairs (Tel: 02890 378560 or e-mail daire.toner@daera-ni.gov.uk) can answer any queries regarding these Regulations.

DEPARTMENT OF AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS
26th May 2020