EXPLANATORY MEMORANDUM TO

THE AGRICULTURE (STUDENT FEES) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2024

SR 2024 No. 115

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 (2b) of the Agriculture Act (Northern Ireland) 1949 as inserted by Article 42(1) of the Education (Northern Ireland) Order 2006.

2. Purpose

2.1. The Regulations sets the level of fees payable for undergraduate and postgraduate higher education courses delivered by DAERA, at its College of Agriculture, Food and Rural Enterprise (CAFRE), undertaken by students on a part-time and full-time basis.

2.2. With effect from 1 September 2024 the fees payable for undergraduate and postgraduate higher education courses at CAFRE will increase by 0.9% as set out in the table at regulation 2 in these Regulations.

2.3. DAERA will continue to operate two fee frameworks known as the 'legacy fee framework' and the 'current fee framework' as set out in Part 3 (Student Fee Frameworks) regulations 8 and 9 of the Agriculture (Student Fees) Regulations (Northern Ireland) 2023 ("the 2023 Regulations").

2.4. The Regulations amend the Agriculture (Student Fees) Regulations (Northern Ireland) 2023.

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 two-tier higher education tuition fee regime which allows NI domiciled (home) students (and ROI citizens as per the Common Travel Area agreement) to be charged a basic or a higher amount. Provision also exists for a reduced tuition fee for sandwich courses. QUB and UU charge the higher amount and FE colleges charge a fee at approximately 50% of the higher amount.

3.3. Historically, DAERA charged a fee to home students undertaking a full-time higher education course at CAFRE in line with the DfE basic tuition fee.

3.4. In 2017 DAERA commenced a review of the Higher Education tuition fee charging policy at CAFRE. This review was followed by a stakeholder focus group which led to the development of a stakeholder engagement document that issued in spring 2019 for public consultation.

3.5. The DAERA Minister considered the consultation responses and agreed to a revised fees charging policy for part-time and full-time higher education courses at CAFRE commencing in September 2022 that harmonised CAFRE higher education fees with all other higher education courses delivered at Higher Education Institutions and Further Education Colleges in Northern Ireland. This led to the laying of The Agriculture (Student fees) Regulations (Northern Ireland) 2022 and gave effect to the introduction of two student fee frameworks, the current fee framework and the legacy fee framework. These two student fee frameworks continue to operate at CAFRE and are regulated in the 2023 Regulations.

3.6. 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 (S.R. 2018 No. 136) increased the fee for academic year 2018/19 by £250 to £9,250 per year. This fee will remain unchanged in these Regulations.

Fee Frameworks

3.7. As previously stated, DAERA operates two student fee frameworks, known as the legacy fee framework and the current fee framework since the beginning of the 2022/2023 academic year at CAFRE as provided for in the 2023 Regulations.

3.8. The legacy fee framework applies to students who commenced the first academic year of their higher education course before the 1 September 2022.

3.9. The current fee framework applies to students who commence the first academic year of their higher education course on or after the 1 September 2022.

UK Exit from the EU

3.10. Following the UK exit from the EU, EU national students (including students from Switzerland, Norway, Iceland and Liechtenstein) who are within the personal scope of the citizens' rights provisions or a person with protected rights under the EU-UK Withdrawal Agreements, including the EU Settlement

Scheme contained in Appendix EU of the immigration rules will be treated the same as students ordinarily domiciled in Northern Ireland or Great Britain as the case may be.

3.11. EU national students (including students from Switzerland, Norway, Iceland and Liechtenstein) who do not have protected rights under the EU-UK Withdrawal Agreements and who require a Student Visa to study at an institution in the UK, will be categorised as international students and will pay a fee on a full cost recovery basis at £9,705 per annum.

3.12. Students from Gibraltar who 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. 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.

3.13. Students ordinarily domiciled in, and citizens of, 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 agreement.

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. These regulations do not impact on that 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 (Northern Ireland) 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 2024 Regulations implement a policy and are subject to section 1(1) of the Rural Needs Act (Northern Ireland) 2016. These Regulations do not impact on that assessment.

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.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Regulations 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, EU students who are within the personal scope of the citizens' rights provisions or a person with protected rights under the EU-UK Withdrawal Agreements, including the EU Settlement Scheme contained in Appendix EU of the immigration rules will be treated the same as Northern Ireland students if they are ordinarily resident in Northern Ireland before the first day of the first academic year of the higher education course. Citizens of the Republic of Ireland will be treated the same as Northern Ireland students under the terms of the Common Travel Area arrangements. All other EU students will be treated as International Students.

10. Additional Information

10.1. The Regulations come into operation on 1 September 2024.

11. Contact

11.1. Chloe Robinson at the Department of Agriculture, Environment and Rural Affairs (Tel: 02890 524639 or e-mail Chloe.Robinson@daera-ni.gov.uk) can answer any queries regarding these Regulations.

DEPARTMENT OF AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS
16th May 2024