EXPLANATORY MEMORANDUM TO
THE AGRICULTURE (STUDENT FEES) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2026

S.R. 2026 No. 135

1. Introduction

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

1.2. The Regulations are made by the Department in exercise of the powers conferred by section 5A(1) and (2) of the Agriculture Act (Northern Ireland) 1949, as inserted by Article 42(1) of the Education (Northern Ireland) Order 2006, and is subject to the negative resolution procedure.

2. Purpose

2.1. The Regulations amend the Agriculture (Student Fees) Regulations (Northern Ireland) 2023 (S.R. 2003 No. 98) ("the 2023 Regulations").

2.2. DAERA will continue to operate two fee frameworks known as the '2022 legacy fee framework' and the 'current fee framework' as set out in Part 3 (Student Fee Frameworks) regulations 8 and 9 of the 2023 Regulations.

2.3. Regulation 3 of the Regulations amends Part 3 (Student Fee Frameworks) regulation 9 to provide an additional final year for students who commenced their current higher education course prior to 1st September 2022 and have suspended their studies with the opportunity to complete their current course under the 2022 legacy fee framework in the 2026/27 academic year.

2.4. Regulation 4 of the Regulations amends Part 4 (Student Categories) regulation 10 of the 2023 Regulations to insert missing words that point to the correct part in Schedule 2 to the 2023 Regulations in defining the criteria of the classification of a home student.

2.5. Further, Regulation 4 of the Regulations amends Part 4 (Student Categories) regulation 12 of the 2023 Regulations to better define the categorisation for an international student.

2.6. Regulation 5 of the Regulations amends Schedule 1 to the 2023 Regulations by applying a 2.7% inflationary increase to all student fees payable by persons undertaking undergraduate or postgraduate higher education courses delivered by DAERA, at its College of Agriculture, Food and Rural Enterprise

(CAFRE), in respect of an academic year beginning on or after 1 September 2026. In addition, the student fee amount assigned to FC3 will increase from £1,340 to £2,745. The student fee amount should have read £2,680 and not £1,340 for the 2025/26 academic year.

2.7. The student fee amounts assigned to FC15 and FC25 will increase from £3,085 to £3,265. The student fee amounts should have read £3,180 and not £3,085 for the 2025/26 academic year. The student fee amounts assigned to FC16 and FC26 will increase from £6,165 to £6,530. The student fee amounts should have read £6,360 and not £6,165 for the 2025/26 academic year. The student fee amounts assigned to FC17 and FC27 will increase from £9,250 to £9,790. The student fee amounts should have read £9,535 and not £9,250 for the 2025/26 academic year.

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 student 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 student 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 higher education student fee charging policy for part-time and full-time higher education courses at CAFRE commencing in September 2022 that harmonised CAFRE student fee amounts 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 (S.R. 2022 No.199 revoked by the 2023 Regulations) and gave effect to the introduction of two student fee frameworks, the current fee framework and the 2022 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 fees charged to home students. With effect from 1 September 2012 the Department of Agriculture and Rural Development (DARD) introduced a separate student fee amount 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 student fee amount from the beginning of the 2018/19 academic year by £250 to £9,250 per annum.

3.7. The Department for Education in England ("DE England") introduced legislation on 12 February 2025 that applied a 3.1% increase to the student fee amount (£9,250) for English students on full-time undergraduate, full-time accelerated undergraduate and part-time undergraduate courses to £9,535. DE England further legislated on 20 March 2026 with a 2.7% increase with effect from the beginning of the 2026/27 academic year to £9,790 and a further 2.8% increase with effect from the beginning of the 2027/28 academic year to £10,050.

Fee Frameworks

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

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

3.10. 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

3.11. 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.

3.12. 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 student fee on a full cost recovery basis at £10,190 per annum.

3.13. Students from Gibraltar who commenced their first academic year before the 1st January 2021 will pay an annual student 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 student fee amount of £9,790.

3.14. 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.

3.15. Students who are British or Irish Citizens and who are not a qualifying person in accordance with any of the categories detailed in Schedule 2 to the 2023 Regulations will be classed as an international student with a student fee amount of £10,190 per annum from 1 September 2026 payable to the Department.

4. Territorial Extent and Application

4.1. These Regulations apply 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. The Regulations do not impact on that assessment.

5.2. The Department will continue to monitor the student population at CAFRE to see if the student 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 2026 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 where they a qualifying person as per Schedule 2 to the 2023 Regulations. All other EU students will be treated as International Students.

10. Additional Information

10.1. The Regulations come into operation on 1 September 2026.

11. Contact

11.1. Dáire Hamilton-Toner at the Department of Agriculture, Environment and Rural Affairs (Tel: 028 90 378560 or e-mail: daire.hamilton-toner@daera-ni.gov.uk) can answer any queries regarding these Regulations.

DEPARTMENT OF AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS
2nd July 2026