EXPLANATORY MEMORANDUM TO

THE AGRICULTURE (STUDENT FEES) REGULATIONS (NORTHERN IRELAND) 2022
2022 No. 199

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 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 2022 DAERA will introduce two fee frameworks known as the 'old fee framework' and the 'current fee framework' as set out in regulation 8 and regulation 9.

2.3. The Regulations sets out the types of higher education courses delivered at CAFRE which the fee frameworks will apply and the fee codes for qualifying and non-qualifying persons for the different fee rates.

2.4. Part-time fees for part-time higher education courses and fees for postgraduate courses will be introduced.

2.5. The Regulations replace the Agriculture (Student fees) Regulations (Northern Ireland) 2007, as amended.

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 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 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 to commence in September 2022 that will harmonise CAFRE higher education fees with all other higher education courses delivered at Higher Education Institutions and Further Education Colleges in Northern Ireland

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 2022/2023 in the Regulations.

Fee Frameworks

3.7. DAERA will introduce two fee frameworks, known as the old fee framework and current fee framework at the beginning of the 2022/2023 academic year at CAFRE as provided for in the Regulations.

3.8. The old fee framework will apply to students who have commenced the first academic year of their higher education course before the 1 September 2022 and gap year students who have delayed their commencement to the 1 September 2022.

3.9. The current fee framework will apply to newly enrolled 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 have not applied for or been granted ‘pre-settled’ or ‘settled’ status under the EU Settlement Scheme contained in Appendix EU of the immigration rules, 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 fee on a full cost recovery basis at £9,450 per annum.

3.11. EU national students (including students from Switzerland, Norway, Iceland and Liechtenstein) who have commenced the first academic year before the 1st January 2021 or been granted ‘pre-settled’ or ‘settled’ status under the EU Settlement Scheme contained within Appendix EU of the immigration rules will

continue to be treated the same as students ordinarily domiciled in Northern Ireland.

3.12. 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. 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 2022 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 (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 2022 Regulations implement a policy and are subject to Section 1(1) of the Rural Needs Act (NI) 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, existing EU students who have been granted 'pre-settled' or 'settled' status under the EU Settlement Scheme contained within Appendix EU of the immigration rules' Students ordinarily resident, and citizens of, the Republic of Ireland will be treated the same as Northern Ireland students. Newly enrolled EU students (excluding students ordinarily resident and citizens of the Republic of Ireland) will be treated as International Students.

10. Additional Information

10.1. The Regulations come into operation on 1 September 2022.

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
4th August 2022