EXPLANATORY MEMORANDUM TO

THE AGRICULTURE (STUDENT FEES) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2017

2017 No.152

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. These Regulations are subject to negative resolution.

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 September 2017 the fee for a student undertaking a higher education course on a full-time basis has been increased from £1,555 to £1,595.

2.3. The reduced fee, payable in the circumstances specified in the Agriculture (Student fees) Regulations (Northern Ireland) 2007, will increase from £760 to £780.

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 fee regime which allows students to be charged a basic or a higher amount. Provision also exists for a reduced fee for sandwich courses.

3.3. Historically, DAERA has increased its higher education tuition fees in line with the DfE basic 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 local 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. This fee will remain unchanged in 2017.

3.5. 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.

3.6. CAFRE students may defer repayment of their Tuition Fee Loan until they are in employment and earning over £17,775 per year. This mirrors provisions made for other higher education students in Northern Ireland.

3.7. 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. Regulatory Impact and Financial Implications

6.1. 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.

6.2. In academic year 2016/17 the fee for a full-time CAFRE higher education course was £1,555 and for sandwich courses was £760. The Agriculture (Student fees) (Amendment) Regulations (Northern Ireland) 2017 increases the fees for the academic year 2017/18 by £40 to £1,595, and for sandwich courses by £20 to £780 per year. Fees for full-time students from England, Scotland, Wales, the Channel Islands and the Isle of Man remain unchanged at £9,000 for full-time courses.

7. Section 24 of the Northern Ireland Act 1998

7.1. The Regulations increase the existing fees in line with inflation to maintain parity with the existing DfE fee regime for the academic year 2017/18, 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.

8. EU Implications

8.1. The Regulations do not have any EU Implications. EU students will be treated the same as Northern Ireland students.

9. Additional Information

9.1. The Regulations come into operation on 1 September 2017.

10. Contact

10.1. Zita Hale at the Department of Agriculture, Environment and Rural Affairs (Tel: 02890 378511 or e-mail zita.hale@daera-ni.gov.uk) can answer any queries regarding these Regulations.

DEPARTMENT OF AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS
20 July 2017