EXPLANATORY MEMORANDUM TO

THE STUDENT FEES (AMOUNTS) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2015

SR 2015 No. 243

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Employment and Learning to accompany the statutory rule (details above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under Articles 4(8) and 14(4) of the Higher Education (Northern Ireland) Order 2005 and is subject to the negative resolution procedure.

1.3 The Rule will come into operation on 1st September 2016.

2. Purpose

2.1 These Regulations amend the Student Fees (Amounts) Regulations (Northern Ireland) 2005 (S.R. 2005 No. 290) by increasing the basic and higher amounts of tuition fees that may be charged to full-time undergraduates in respect of an academic year beginning on or after 1st September 2016.

2.2 The Student Fees (Amounts) (Amendment) Regulations (Northern Ireland) 2014 (S.R. 2014 No. 116), which will come into operation on 1st September 2015, will increase the higher amount to £3,805, the basic amount to £1,510, the half-rate higher amount to £1,895 and the half-rate basic amount to £740 for an academic year beginning on or after 1st September 2015.

2.3 This Rule will revoke S.R. 2014 No. 116 and will amend regulation 3 of the 2005 Regulations to further increase the higher rate to £3,925 and the basic rate to £1,555 in respect of an academic year beginning on or after 1st September 2016. It also amends regulation 4 of those Regulations to increase the half-rate higher and basic amounts that apply in respect of specific courses to £1,955 and £760 respectively, also with effect from 1st September 2016.

3. Background

3.1 The 2010 Regulations were made under Article 4 of the Higher Education (Northern Ireland) Order 2005 (“the Order”). Article 4 of the Order enables the Department for Employment and Learning to impose a condition in relation to any grant made to the governing body of any higher education

institute in Northern Ireland.

3.2 This condition requires the governing body to secure that the fees payable for a qualifying course by a qualified student do not exceed either the basic amount specified in these Regulations, or, where an institution has an approved plan in force, the amount specified in that plan which is not to exceed the higher amount specified in these Regulations.

3.3 Higher Education Institutions (HEIs) in Northern Ireland which have an access plan approved by the Department for Employment and Learning are allowed to charge variable fees not exceeding the level approved in their access plan, and which cannot exceed the higher amount specified in regulations. HEIs in Northern Ireland which do not have an access plan are only allowed to charge fees up to the level of the basic amount. The higher and basic amounts are set out in regulation 3 of the Student Fees (Amounts) Regulations (Northern Ireland) 2005 ("the 2005 Regulations"). Respectively they are £1,200 and £3,000.

3.4 In the case of certain prescribed courses, HEIs are only allowed to charge a reduced, or half-rate higher or basic amount. These amounts and courses are set out in regulation 4 of the 2005 Regulations.

3.5 The Student Fees Regulations (Northern Ireland) are made annually. The 2015 Regulations set out the student support arrangements for the 2016/17 academic year. The Regulations will come into operation on 1st September 2016.

4. Consultation

The Department published a public consultation on the future policy of higher education tuition fees and student finance arrangements in Northern Ireland in March 2011. This consultation ran for 12 weeks and sought views on a range of issues, including tuition fees. The Employment and Learning Minister announced the way forward in a statement to the Northern Ireland Assembly on 12 September 2011.

5. Equality Impact Assessment

5.1 A full draft and subsequently a final Equality Impact Assessment was published as part of the public consultation on the future policy on higher education tuition fees and student finance arrangements. It was found that in light of the decisions announced (including capping tuition fees at existing levels for Northern Ireland students (and excepted others) studying in Northern Ireland, subject to annual inflationary increases), there was no evidence to suggest that the policies would adversely impact the equality of opportunity or the promotion of good relations on any Section 75 category.

6. Regulatory Impact Assessment

6.1 A Regulatory Impact Assessment has not been prepared for this rule as it has no adverse impact on business, charities or voluntary bodies.

7. Financial Implications

7.1 The financial implications of the changes have been costed and have been included as annually managed expenditure within current budgets.

8. Section 24 of the Northern Ireland Act 1998

8.1 Departmental Solicitor's Office has confirmed that the making of this Rule complies with Section 24 of the NI Act.

9. EU Implications

9.1 The fee levels will also apply to non-UK EU students studying in Northern Ireland.

10. Parity or Replicatory Measures

10.1 From academic year 2012/13 there has been significant changes in tuition fee levels across the United Kingdom. In England, Wales and Scotland, higher education institutions are able to charge eligible students higher fee levels of up to £9,000 if they can demonstrate commitments to widening access. The majority of institutions have charged this higher amount.

10.2 The Department for Business, Innovation and Skills have indicated that they will wait until after the Westminister elections before setting their tuition fee rate(s) for academic year 2016/17.

11. Contact

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