

**EXPLANATORY MEMORANDUM TO**  
**THE AGRICULTURE (STUDENT FEES) (AMENDMENT) REGULATIONS**  
**(NORTHERN IRELAND) 2020**  
**2020 No. 8**

**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 August 2020 the fee for a student undertaking a higher education course on a full-time basis has been increased from £1,690 to £1,735.
- 2.3. The reduced fee, payable in the circumstances specified in the Agriculture (Student fees) Regulations (Northern Ireland) 2007, will increase from £825 to £845.
- 2.4. Regulation 4(4) has been added to permit the charging of tuition fees to international students undertaking a course of study at CAFRE.
- 2.4. The tuition fee to be charged to international students has been set at £300 per week for each week of tuition including tuition delivered as part of a 'bridging course'<sup>1</sup>.
- 2.5. Regulation 4(5) defines 'international students' for the purpose of these regulations.

**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.

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<sup>1</sup> A bridging course is a course with an academic curriculum offered to international students as a means of preparing for the transition onto a course of higher level education at CAFRE.

- 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. DfE do not regulate tuition fees for international students, these are set by the educational institution itself and can be considerably higher than fees charged to NI, UK or EU students.
- 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. The Agriculture (Student fees) (Amendment) Regulations (Northern Ireland) 2018 increased the fee for academic year 2018/19 by £250 to £9,250 per year. This fee will remain unchanged in 2020/2021.
- 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 £18,935 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.
- 3.8. The strategic context for the introduction of a tuition fee for international students is provided by the NI Executive International Relations Strategy, the DAERA International Engagement Action Plan and the CAFRE Strategic Plan 2019 – 2023. The CAFRE Strategic Plan states that it will “develop and deliver an International Strategy by developing partnerships with international organisations and educational establishments which will strengthen CAFRE’s knowledge transfer provision and underpin economic growth within the agri food industry.”
- 3.9. Increasingly, DAERA’s international partners have been registering an interest in undertaking formal higher education (HE) study at CAFRE. In order to facilitate this interest a tuition fee has been introduced for international students. This fee has been set in accordance with Managing Public Money for Northern Ireland on a full cost recovery basis at £300 per week (equivalent to £9,000 per academic year (30 weeks)). For the purposes of these regulations “international students” are defined as persons undertaking a course of study at CAFRE who are not included in the categories of person under Schedule 2 of The Education (Student Support) (No. 2) Regulations

(Northern Ireland) 2009<sup>2</sup>. This definition may require review in the future once the final arrangements for the UK's withdrawal from the EU are agreed.

- 3.10. The fee also applies to tuition delivered as part of any 'bridging course' provided to international students undertaking a higher level education course 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 or introduction of a fee for international students 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 Agriculture (Student Fees) (Amendment) Regulations (Northern Ireland) 2020 implement a policy and are subject to Section 1(1) of the Rural Needs Act (NI) 2016.
- 6.2 The inflationary increase to higher education tuition fees maintains a long standing policy position and the introduction of a higher education tuition fee for international students is expected to have a positive impact across NI. The impact assessment concluded that neither the inflationary increase nor the introduction of a higher education tuition fee for international students has a differential impact on rural areas compared to urban areas.

#### **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.
- 7.2. In academic year 2019/20 the fee for a full-time CAFRE higher education course was £1,690 and for sandwich courses was £825. The Agriculture (Student fees) (Amendment) Regulations (Northern Ireland) 2020 increases the fees for the academic year 2020/21 by £45 to £1,735, and for sandwich courses by £20 to £845 per year. Fees for full-time students from England,

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<sup>2</sup> <http://www.legislation.gov.uk/nisr/2009/373/schedule/2/made>

Scotland, Wales, the Channel Islands and the Isle of Man remain unchanged at £9,250 for full-time courses.

- 7.3. The Agriculture (Student fees) (Amendment) Regulations (Northern Ireland) 2020 introduces a tuition fee for international students set at £300 per week.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. The Regulations increase the existing fees in line with inflation to maintain parity with the existing DfE fee regime for the academic year 2020/21, 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.

## **9. EU Implications**

- 9.1. The Regulations do not have any EU Implications. EU students will be treated the same as Northern Ireland students. This position may need to be reviewed once the final arrangements for the UK's withdrawal from the EU are agreed.

## **10. Additional Information**

- 10.1. The Regulations come into operation on 1 August 2020.

## **11. Contact**

- 11.1. Gemma Hughes at the Department of Agriculture, Environment and Rural Affairs (Tel: 02890 524650 or e-mail [Gemma.hughes@daera-ni.gov.uk](mailto:Gemma.hughes@daera-ni.gov.uk)) can answer any queries regarding these Regulations.

**DEPARTMENT OF AGRICULTURE, ENVIRONMENT AND RURAL AFFAIRS**  
**9th January 2020**