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STATUTORY RULES OF NORTHERN IRELAND

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**2021 No. 133**

**AGRICULTURE**

**The Agriculture (Student fees) (Amendment) Regulations  
(Northern Ireland) 2021**

*Made* - - - - - *26th May 2021*

*Coming into operation* - *1st August 2021*

The Department of Agriculture, Environment and Rural Affairs(a), in exercise of the powers conferred by section 5A(1) and (2) of the Agriculture Act (Northern Ireland) 1949(b), makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Agriculture (Student fees) (Amendment) Regulations (Northern Ireland) 2021 and shall come into operation on the 1st August 2021.

**Amendment to the Agriculture (Student fees) Regulations (Northern Ireland) 2007**

2. The Agriculture (Student fees) Regulations (Northern Ireland) 2007(c) shall be amended as provided by regulations 3 and 4.

**Amendment to Regulation 4**

3. Regulation 4 is amended as follows—

- (a) in paragraph (1)(d) for “£1,735” substitute “£1,785”.
- (b) for paragraph (2)(e) substitute—

“(2) Subject to paragraph (7) and regulation 5, where a person is ordinarily resident in England, Scotland, Wales, Gibraltar, the Channel Islands or the Isle of Man, the fee payable to the Department by that person in each academic year in respect of full-time higher education course shall be £9,250.”

- (c) in paragraph (3)(f), after “Wales,” insert “Gibraltar,” each time it occurs.

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(a) Formerly the Department of Agriculture for Northern Ireland, see S.I. 1999/283 (N.I. 1), Art 3(4), and the Department of Agriculture and Rural Development, see The Departments Act (Northern Ireland) 2016 c.5 (N.I.), Article 1(2)

(b) 1949 c.2 (N.I.). Section 5A(1) and (2) was inserted by Article 42(1) of the Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11))

(c) S.R. 2007 No.54

(d) Regulation 4(1) was amended by S.R. 2020 No.8

(e) Regulation 4(2) was inserted by S.R. 2021 No.254 and amended by S.R. 2018 No.136

(f) Regulation 4(3) was inserted by S.R. 2012 No.254

(d) for paragraph (5)(a) substitute—

“(5) International students are defined as persons undertaking a course of study at the College of Agriculture, Food and Rural Enterprise who would require a student visa to study in the UK for a course lasting 6 months or more.”

(e) after paragraph (6) insert—

“(7) Subject to regulation 5, where a person who is ordinarily resident in Gibraltar, the EU, Switzerland, Norway, Iceland or Liechtenstein, starts the first academic year of a full-time higher education course before 1st January 2021, the fee payable to the Department is set out in paragraph (1).

(8) Subject to regulation 5, where a person has obtained “pre-settled” or “settled” status through the EU Settlement Scheme, the fee payable to the Department is set out in paragraph (1).”

#### **Amendment to Regulation 5**

4. In regulation 5, for paragraph (2) substitute—

“(2) Subject to paragraph (3), the fee payable to the Department by a person undertaking a course of higher education in respect of the cases listed in paragraph (1) shall be £870.”

#### **Revocation**

5. Regulation 4 and regulation 7 to The Agriculture (Student fees) (Amendment) Regulations (Northern Ireland) 2020(b) are revoked.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on  
26th May 2021

(L.S.)

*Seamus McErlean*

A senior officer of the  
Department of Agriculture, Environment and Rural Affairs

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(a) Regulation 4(5) was inserted by S.R. 2020 No.8

(b) S.R. 2020 No.8

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Agriculture (Student fees) Regulations (Northern Ireland) 2007.

These Regulations increase the level of tuition fee to be paid by persons undertaking a course of higher education provided by the Department of Agriculture, Environment and Rural Affairs as set out in regulation 3(a) and 4.

Regulation 3(b) replaces regulation 4(2) to include Gibraltar following the UK exit from the EU to ensure the appropriate tuition fee is levied in line with students from Great Britain for the purpose of these Regulations.

Regulation 3(c) adds Gibraltar following the UK exit from the EU to determine ordinary residence for the purpose of these Regulations.

Regulation 3(d) replaces regulation 4(5) with a new definition for international students for the purpose of these Regulations following the UK exit from the EU. The new definition ensures that ordinarily domiciled EU students (including students from Switzerland, Norway, Iceland and Liechtenstein) without 'pre-settled' or 'settled' status through the EU Settlement Scheme will be categorised as international students. Students ordinarily resident in the Republic of Ireland will escape this Regulation as they are not required to obtain a student visa to study within the UK nor to obtain 'settled' status through the EU Settlement Scheme and will default to the same tuition fee as a student ordinarily domiciled in Northern Ireland.

Regulation 3(e) introduces regulations to ensure that those ordinarily domiciled EU students (including students from Switzerland, Norway, Iceland and Liechtenstein) who commenced a course at the College of Agriculture, Food and Rural Affairs (CAFRE) prior to 1st January 2021 and have obtained 'pre-settled' or 'settled' status through the EU Settlement Scheme will be charged a tuition fee at the same level as an ordinarily domiciled Northern Ireland student for the purpose of these Regulations.

Regulation 5 revokes regulation 4 and 7 of The Agriculture (Student fees) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020 No.8) that set the tuition fees for academic year 2020/2021 at CAFRE.

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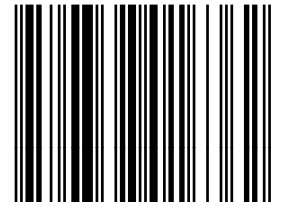
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