

EXPLANATORY MEMORANDUM TO
THE AGRICULTURE (STUDENT FEES) (AMENDMENT) (No. 2) REGULATIONS
(NORTHERN IRELAND) 2021
SR 2021 No. 196

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 amend the Agriculture (Student fees) Regulations (Northern Ireland) 2007 (“2007 Regulations”), 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. The Regulations provide an enhanced definition for the terms ‘EU Settlement Scheme’, ‘pre-settled status’ and ‘settled status’, with effect from 2nd August 2021 at regulation 4(8) of the 2007 Regulations.
- 2.3. Regulation 4(8), which was inserted into the 2007 Regulations by the Agriculture (Student fees) (Amendment) Regulations (Northern Ireland) 2021 (“2021 Regulations”), ensures that students ordinarily resident in Gibraltar, the EU, Switzerland, Norway, Iceland or Liechtenstein who commenced the first academic year before the 1st January 2021 and students who have been granted ‘pre-settled’ or ‘settled’ status under the EU Settlement Scheme contained in Appendix EU to the immigration rules pay an annual tuition fee at £1,785.

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 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 has increased its higher education tuition fees in line with the DfE basic tuition fee (i.e. an inflation-linked increase) and the Agriculture (Student fees) (Amendment) Regulations (Northern Ireland) 2021 continued 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 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 increased the fee for academic year 2018/19 by £250 to £9,250 per year. This fee will remain unchanged in 2021/2022.

UK Exit from the EU

- 3.5. 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 within 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 tuition fee on a full cost recovery basis at £300 per week (equivalent to £9,000 per academic year (30 weeks)) as set by The Agriculture (Student fees) (Amendment) Regulations (Northern Ireland) 2020.
- 3.6. 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 and will pay an annual tuition fee at £1,785.
- 3.7. 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 at £1,785. 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.
- 3.8. Students ordinarily domiciled in 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 policy and will pay an annual tuition fee at £1,785.

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 2021 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 Agriculture (Student fees) (Amendment) (No. 2) Regulations (Northern Ireland) 2021 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. The impact assessment concluded that the inflationary increase 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.

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 and students ordinarily resident in Republic of Ireland will be treated the same as Northern Ireland students.

10. Additional Information

- 10.1. The Regulations come into operation on 2 August 2021.

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
1st July 2021