
STATUTORY RULES OF NORTHERN IRELAND

2022 No. 199

AGRICULTURE

**The Agriculture (Student fees) Regulations (Northern Ireland)
2022**

Made - - - - *4th August 2022*

Coming into operation *1st September 2022*

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) Regulations (Northern Ireland) 2022 and shall come into operation on 1st September 2022.

Interpretation

2.—(1) In these Regulations—

“academic year” has the meaning assigned by paragraph (3);

“Bachelor’s degree course” means a higher education course for a Bachelor’s degree, level 6 on the FHEQ;

“CAFRE” means the College of Agriculture, Food and Rural Enterprise;

“certificate in higher education course” means a higher education course for a certificate in higher education, level 4 on the FHEQ;

“credit points” means points awarded to a student upon successful completion of each module of the higher education course;

“current course” means the higher education course in respect of which a student is enrolled;

“current fee framework” has the meaning assigned by regulation 9;

“Department” means the Department of Agriculture, Environment and Rural Affairs;

“extended foundation degree course” means a foundation degree course that includes a period of work placement of one year;

(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))

“fee code” means the fee code associated with a student that relates to the fee amount to be charged;

“fees” has the meaning assigned by paragraph (2);

“FHEQ” means the Framework for Higher Education Qualifications of Degree-Awarding Bodies in England, Wales and Northern Ireland;

“foundation degree course” means a higher education course for a foundation degree, level 5 on the FHEQ;

“full-time equivalent” means a full-time higher education course leading to the same qualification as the part-time higher education course in question;

“full-time higher education course” has the meaning assigned by regulation 4;

“full-time student” means a student undertaking a full-time higher education course;

“gap year student” has the meaning assigned by regulation 10;

“Great Britain” means England, Scotland and Wales;

“higher education course” has the meaning assigned by regulation 3;

“home student” has the meaning assigned by regulation 11;

“international student” has the meaning assigned by regulation 17;

“intensity of study” has the meaning assigned by regulation 7;

“the Islands” means the Isle of Man and the Channel Islands;

“Master’s degree course” means a higher education course for a Master’s degree, level 7 on the FHEQ;

“old fee framework” has the meaning assigned by regulation 8;

“ordinarily resident” has the meaning assigned by paragraph (9) of the Schedule;

“overseas institution” means an institution other than one in Northern Ireland, Great Britain, Gibraltar or the Islands;

“part-time higher education course” has the meaning assigned by regulation 5;

“part-time student” means a student undertaking a part-time higher education course;

“period of work placement” means a period of industrial, professional or commercial experience undertaken by a student that is associated with the a higher education course;

“postgraduate certificate course” means a higher education course for a postgraduate certificate, level 7 on the FHEQ;

“postgraduate diploma course” means a higher education course for a postgraduate diploma, level 7 on the FHEQ;

“qualifying person” means a person who falls within the Schedule on the first day of an academic year;

“sandwich higher education course” has the meaning assigned by regulation 6;

“student” means a person undertaking a higher education course;

“student from Great Britain” has the meaning assigned by regulation 14.

(2) In these Regulations “fees”, in relation to undertaking a higher education course, means fees in respect of, or otherwise in connection with, undertaking the higher education course, including admission, registration, tuition and graduation fees but excluding—

- (a) fees payable to the Department for awarding or accrediting any qualification where the Department does not provide the whole or part of the course,
- (b) fees payable for board or lodging,
- (c) fees payable for field trips (including any tuition element of such fees),
- (d) fees payable for attending any graduation or other ceremony, and
- (e) fees payable for resubmission of coursework and/or resitting of examinations.

(3) In these Regulations “academic year” means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September of the calendar year in which the academic year of the higher education course in question begins, according to whether that academic year begins on or after 1st January and before 1st April, on or after 1st April and before 1st July, on or after 1st July and before 1st August or on or after 1st August and on or before 31st December, respectively.

Higher education courses

3. A “higher education course” means any of the following courses, delivered by CAFRE—

- (a) at undergraduate level—
 - (i) a course for a Higher National Diploma or Higher National Certificate of—
 - (aa) the Business & Technology Education Council; or
 - (bb) the Scottish Qualifications Authority;
 - (ii) a Certificate in Higher Education course;
 - (iii) a Foundation Degree course;
 - (iv) an extended Foundation Degree course; or
 - (v) a Bachelor’s Degree course;
- (b) at postgraduate level—
 - (i) a Postgraduate Certificate course;
 - (ii) a Postgraduate Diploma course; or
 - (iii) a Master’s Degree course.

4.—(1) A “full-time higher education course” means a higher education course which meets the conditions for undergraduate level in paragraph (2) or the conditions for postgraduate level in paragraph (3), as the case may be.

(2) The conditions are—

- (a) it is of at least one academic year’s duration; and
- (b) the total credit points to be awarded to a full-time student who successfully completes the higher education course—
 - (i) equates to 120 in each academic year of the course, excluding any academic year on a period of work placement; or
 - (ii) in the case of an extended foundation degree course, equates to—
 - (aa) 120 in the first academic year;
 - (bb) 60 in the second academic year; and
 - (cc) 60 in the third academic year.

(3) The conditions are—

- (a) in the case of a postgraduate certificate course—
 - (i) it is of 15 weeks’ duration, excluding vacations; and
 - (ii) the total credit points to be awarded to a student who successfully completes the higher education course equates to 60;
- (b) in the case of a postgraduate diploma course—
 - (i) it is of 30 weeks’ duration, excluding vacations; and
 - (ii) the total credit points to be awarded to a student who successfully completes the higher education course equates to 120;
- (c) in the case of a Master’s degree course—
 - (i) it is of 45 weeks’ duration, excluding vacations; and
 - (ii) the total credit points to be awarded to a student who successfully completes the course equates to 180.

5.—(1) A “part-time higher education course” means a higher education course which meets the following conditions—

- (a) it is of at least one academic year’s duration;
- (b) it is ordinarily possible to complete the higher education course in not more than four times the period ordinarily required to complete the full-time equivalent; and
- (c) the intensity of study in one academic year is less than or equal to 75%.

(2) In paragraph (1)—

- (a) “period ordinarily required to complete the full-time equivalent” means the period in which a standard full-time student would complete the full-time equivalent.
- (b) “standard full-time student” is a student who is to be taken—
 - (i) to have begun the full-time equivalent on the same date as the part-time student began the part-time higher education course in question;
 - (ii) not to have been excused any part of the full-time equivalent;
 - (iii) not to have repeated any part of the full-time equivalent; and
 - (iv) not to be absent from the full-time equivalent other than during vacations.

6.—(1) A “sandwich higher education course” is a higher education course that meets the following conditions—

- (a) it is not an extended foundation degree course;
- (b) it consists of alternative periods of full-time study at CAFRE and periods of work placement; and
- (c) taking the course as a whole, the student attends the periods of full-time study for an average of not less than 18 weeks in each academic year;

(2) For the purposes of paragraph (1)—

- (a) in calculating the student’s attendance, the higher education course is to be treated as beginning with the first period of full-time study and ending with the last such period; and
- (b) where periods of full-time study and work placement alternate within any week of the higher education course, the days of full-time study are aggregated with each other and with any weeks of full-time study in determining the number of weeks of full-time study in each academic year.

Intensity of study

7. “Intensity of study” is calculated as follows and expressed as a percentage—

$$\left(\frac{PTC}{FTC}\right) \times 100$$

Where—

PTC is the total number of credit points to be awarded to the student if the student successfully completes the academic year in connection with the higher education course on which they are enrolled.

FTC is the total number of credit points that a student would be required to obtain in each academic year in order to complete the full-time equivalent within the period ordinarily required to complete the higher education course.

Current and old fee frameworks

8.—(1) “Old fee framework” means the fee framework that is applied to a student undertaking a higher education course who—

- (a) commenced their current course before 1st September 2022, and who is continuing on that course after 1st September 2022;
 - (b) is a gap year student in relation to their course; or
 - (c) meets the conditions in paragraph (2).
- (2) The conditions are—
- (a) that the student has—
 - (i) withdrawn from; or
 - (ii) suspended their studies of,

the higher education course in which they were enrolled before 1st September 2022;
 - (b) that CAFRE permits the student to continue on the higher education course on which they were enrolled from the point on that higher education course at which they withdrew or suspended their studies; and
 - (c) that the student recommences the higher education course on which they were enrolled within three academic years.
- 9.** “Current fee framework” means the fee framework that is applied to a student undertaking a higher education course who—
- (a) commences their current course on or after 1st September 2022;
 - (b) is not a gap year student; and
 - (c) is not a student that falls within regulation 8.

Gap year students

- 10.**—(1) “Gap year student” means a person who meets the conditions in paragraph (2) or (3).
- (2) The conditions are—
- (a) that the person had on or before 1st September 2021 received an offer, whether conditional on obtaining specified qualifications or not, of a place on a higher education course or a similar course; and
 - (b) that the first academic year of the higher education course begins on or after 1st September 2022 but before 1st September 2023.
- (3) The conditions are—
- (a) the person had received an offer of a place on a higher education course the first academic year of which begins before 1st September 2022;
 - (b) they were unable to take up the offer because a specified qualification or grade was not awarded to them;
 - (c) they appealed against a decision not to award them the qualification or grade;
 - (d) the appeal was allowed after the last date on which they could have taken up the offer;
 - (e) as a result, they were offered a place on a higher education course; and
 - (f) the first academic year of that higher education course begins on or after 1st September 2022 but before 1st September 2023.

Home students and their student fee codes

- 11.** A person is to be treated as a “home student” where they are—
- (a) a qualifying person that falls within paragraph (2) or (6) of the Schedule; or
 - (b) a qualifying person that falls within paragraph (7) or (8) of the Schedule and who is ordinarily resident in Northern Ireland.

12. Subject to regulation 21, the fee codes for a home student to whom the current fee framework applies are—

- (a) FC1, in respect of a certificate in higher education course;
- (b) FC2, in respect of a foundation degree course;
- (c) FC3, in respect of Year 1 of an extended foundation degree course;
- (d) FC4, in respect of Year 2 and Year 3 of an extended foundation degree course;
- (e) FC5, in respect of a Bachelor's degree course;
- (f) FC6, in respect of a postgraduate certificate course;
- (g) FC7, in respect of a postgraduate diploma course; and
- (h) FC8, in respect of a Master's degree course.

13. Subject to regulation 21, the fee codes for a home student to whom the old fee framework applies are—

- (a) FC19, in respect of a foundation degree course or a Bachelor's degree course;
- (b) FC20, in respect of Year 1 of an extended foundation degree course; and
- (c) FC21, in respect of Year 2 and Year 3 of an extended foundation degree course.

Students from Great Britain and their student fee codes

14. A person is to be treated as a student from Great Britain where they are—

- (a) a qualifying person that falls within paragraph (4) of the Schedule; or
- (b) a qualifying person that falls within paragraph (7) or (8) of the Schedule and who is ordinarily resident in Great Britain and the Islands.

15. Subject to regulation 21, the fee codes for a student from Great Britain to whom the current fee framework applies are—

- (a) FC10, in respect of a certificate in higher education course;
- (b) FC11, in respect of a foundation degree course;
- (c) FC12, in respect of Year 1 of an extended foundation degree course;
- (d) FC13, in respect of Year 2 and Year 3 of an extended foundation degree course;
- (e) FC14, in respect of a Bachelor's degree course;
- (f) FC15, in respect of a postgraduate certificate course;
- (g) FC16, in respect of a postgraduate diploma course; and
- (h) FC17, in respect of a Master's degree course.

16. Subject to regulation 21, the fee codes for a student from Great Britain to whom the old fee framework applies are—

- (a) FC22, in respect of a foundation degree course and a Bachelor's degree course;
- (b) FC23, in respect of Year 1 of an extended foundation degree course;
- (c) FC24, in respect of Year 2 and Year 3 of an extended foundation degree course;
- (d) FC25, in respect of a postgraduate certificate course;
- (e) FC26, in respect of a postgraduate diploma course; and
- (f) FC27, in respect of a Master's degree course.

International students

17. A person is to be treated as an “international student” where they—

- (a) are not a qualifying person; and
- (b) are required to obtain a student visa to study in the United Kingdom for a higher education course lasting six months or more.

18.—(1) Subject to paragraph (2), the fee code for an international student enrolled on a higher education course and to whom the current fee framework applies is FC29.

(2) The fee code for an international student enrolled on a certificate in higher education course and to whom the current fee framework applies is FC30.

Higher education fee amounts

19. The fee payable to the Department by a full-time student in the current academic year in respect of a full-time higher education course is the fee specified in Column 2 of the table below which is opposite the fee code for that student in Column 1 of the table—

| <i>Column 1</i> | <i>Column 2 (£)</i> |
|-----------------|---------------------|
| FC1 | 1,200 |
| FC2 | 2,550 |
| FC3 | 2,550 |
| FC4 | 1,275 |
| FC5 | 4,630 |
| FC6 | 915 |
| FC7 | 1,835 |
| FC8 | 2,750 |
| FC9 | 890 |
| FC10 | 1,200 |
| FC11 | 9,250 |
| FC12 | 9,250 |
| FC13 | 4,125 |
| FC14 | 9,250 |
| FC15 | 3,085 |
| FC16 | 6,165 |
| FC17 | 9,250 |
| FC18 | 890 |
| FC19 | 1,825 |
| FC20 | 1,825 |
| FC21 | 890 |
| FC22 | 9,250 |
| FC23 | 9,250 |
| FC24 | 4,125 |
| FC25 | 3,085 |
| FC26 | 6,165 |
| FC27 | 9,250 |
| FC28 | 890 |
| FC29 | 9,450 |
| FC30 | 1,200 |

20. The fee payable to the Department by a part-time student in the current academic year in respect of a part-time higher education course is the fee specified in Column 2 of the table in regulation 19 which is opposite the fee code for that student in Column 1 of the table and applying the following formula rounded to the nearest £5—

$$(CF \times CI)$$

Where—

CF is the fee payable by a full-time student for the current academic year on a full-time equivalent.

CI is the intensity of study calculated using the formula in regulation 7 and expressed as a percentage.

Reduced higher education fee

21.—(1) The level of fee payable to the Department by a student shall be reduced in the following cases—

- (a) in the final year of a higher education course where that academic year is normally required to be completed after less than 15 weeks' attendance;
- (b) in respect of a sandwich higher education course, an academic year during which any periods of full-time study are in aggregate less than 10 weeks; or
- (c) in respect of a higher education course provided in conjunction with an overseas institution, an academic year during which any periods of full-time study at CAFRE are in aggregate less than 10 weeks.

(2) The fee codes for a student to whom paragraph (1) applies are—

- (a) FC9, in respect of a home student to whom the current fee framework applies;
- (b) FC18, in respect of a student from Great Britain to whom the current fee framework applies; and
- (c) FC28, in respect of a home student or a student from Great Britain to whom the old fee framework applies.

Revocation

22. The regulations as listed in following table are revoked—

| <i>Regulation</i> | <i>Year and Number</i> |
|---|------------------------|
| Agriculture (Student fees) Regulations (Northern Ireland) 2007 | S.R. 2007 No. 54 |
| Agriculture (Student fees) (Amendment) Regulations (Northern Ireland) 2007 | S.R. 2007 No. 410 |
| Agriculture (Student fees) (Amendment) Regulations (Northern Ireland) 2008 | S.R. 2008 No. 389 |
| Agriculture (Student fees)(Amendment) Regulations (Northern Ireland) 2009 | S.R. 2009 No. 321 |
| Agriculture (Student fees) (Amendment) Regulations (Northern Ireland) 2010 | S.R. 2010 No. 230 |
| Agriculture (Student fees)(Amendment) Regulations (Northern Ireland) 2012 | S.R. 2012 No. 254 |
| Agriculture (Student fees) (Amendment) Regulations (Northern Ireland) 2013 | S.R. 2013 No. 107 |
| The Agriculture (Student fees)(Amendment) Regulations (Northern Ireland) 2014 | S.R. 2014 No. 86 |
| The Agriculture (Student fees)(Amendment) Regulations (Northern Ireland) 2015 | S.R. 2015 No. 135 |
| The Agriculture (Student fees)(Amendment) Regulations (Northern Ireland) 2016 | S.R. 2016 No. 59 |
| The Agriculture (Student fees)(Amendment) Regulations (Northern Ireland) 2017 | S.R. 2017 No. 152 |
| The Agriculture (Student fees)(Amendment) Regulations (Northern Ireland) 2018 | S.R. 2018 No. 136 |
| The Agriculture (Student fees)(Amendment) Regulations (Northern Ireland) 2019 | S.R. 2019 No. 108 |
| The Agriculture (Student fees)(Amendment) Regulations (Northern Ireland) 2020 | S.R. 2020 No. 8 |
| The Agriculture (Student fees)(Amendment) Regulations (Northern Ireland) 2021 | S.R. 2021 No. 133 |
| The Agriculture (Student fees)(Amendment) (No. 2) Regulations (Northern Ireland) 2021 | S.R. 2021 No. 196 |

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on
4th August 2022

(L.S.)

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

SCHEDULE

Regulations 11, 14 and 17

QUALIFYING PERSONS

1.—(1) For the purposes of this Schedule—

“Directive 2004/38” means Directive 2004/38/EC of the European Parliament and of the Council of 29th April 2004^(a) on the rights of citizens of the Union and their family members to move and reside freely in the territory of the Member States;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992^(b) as adjusted by the Protocol signed at Brussels on 17th March 1993^(c);

“EEA EFTA separation agreement” has the meaning given by section 39(1) of the European Union (Withdrawal Agreement) Act 2020^(d);

“European Economic Area” means the area comprised by the EEA States;

“employment” means full-time or part-time employment;

“EU withdrawal agreement” means the withdrawal agreement within the meaning of the European Union (Withdrawal Agreement) Act 2020^(e) (see section 39(1) and (6) of that Act);

“family member” means in relation to a United Kingdom national and a Republic of Ireland national—

(i) their spouse or civil partner; or

(ii) direct descendants of their or their spouse or civil partner who are—

(aa) under the age of 21; or

(bb) dependants of their or of their spouse or civil partner;

“overseas territories” means Anguilla; Aruba; Bermuda; British Antarctic Territory; British Indian Ocean Territory; British Virgin Islands; Cayman Islands; Falkland Islands; Faroe Islands; French Polynesia; French Southern and Antarctic Territories; Gibraltar; Greenland; Montserrat; Mayotte; Montserrat; Netherlands Antilles (Bonaire, Curaçao, Saba, Sint Eustatius and Sint Maarten); Pitcairn, Henderson, Ducie & Oeno Islands; South Georgia and the South Sandwich Islands; St-Barthélemy; St Helena and Dependencies (Ascension Island and Tristan de Cunha); St Pierre et Miquelon; the Territory of New Caledonia and Dependencies; Turks and Caicos Islands and Wallis and Futuna;

“person with leave to enter or remain” means a person—

(a) who has been informed by a person acting under the authority of the Secretary of State for the Home Department that, although they are considered not to qualify for recognition as a refugee, it is thought right to allow them to enter or remain in the United Kingdom;

(b) who has been granted leave to enter or to remain accordingly;

(c) whose period of leave to enter or remain has not expired or has been renewed and the period for which it was renewed has not expired or in respect of whose leave to enter or remain an appeal is pending (within the meaning of section 104 of the Nationality, Immigration and Asylum Act 2002)^(f)

(d) who has been ordinarily resident in the United Kingdom and the Islands throughout the period since they were granted leave to enter or remain;

(a) OJ L158, 30.4.2004, p77-123

(b) Cmnd. 2073

(c) Cmnd. 2183

(d) 2020 c.1.

(e) 2020 c.1.

(f) 2002 c.41. Section 104 was amended by the Asylum and Immigration (Treatment of Claimants etc) Act 2004 (c.19), section 26 and Schedules 2 and 4, and the Immigration, Asylum and Nationality Act 2006 (c.13), section 9

“refugee” means a person who is recognised by Her Majesty’s government as a refugee within the meaning of the United Nations Convention relating to the Status of Refugees done at Geneva on 28th July 1951^(a) as extended by the Protocol thereto which entered into force on 4th October 1967^(b);

“residence scheme immigration rules” has the meaning given by section 17(1) of the European Union (Withdrawal Agreement) Act 2020^(c);

“right of permanent residence”, unless otherwise indicated, means, in relation to a person (“A”), a right to reside in the United Kingdom permanently without restriction which arises under residence scheme immigration rules, but only where, had the facts pertaining to the determination of A’s right to reside fallen to be considered immediately before IP completion day;

“settled” has the meaning given by section 33(2A) of the Immigration Act 1971^(d)

“specified British overseas territories” means Anguilla; Bermuda; British Antarctic Territory; British Indian Ocean Territory; British Virgin Islands; Cayman Islands; Falkland Islands; Gibraltar; Montserrat; Pitcairn, Henderson, Ducie and Oeno Islands; South Georgia and the South Sandwich Islands; St Helena and Dependencies (Ascension Island and Tristan da Cunha; and Turks and Caicos Islands;

“Swiss citizens’ rights agreement” has the meaning given by section 39(1) of the European Union (Withdrawal Agreement) Act 2020^(e).

(2) For the purposes of this Schedule, “parent” means a parent, guardian or any other person having parental responsibility for a child and “child” is to be construed accordingly.

(3) For the purposes of this Schedule, a person is not to be treated as ordinarily resident in a place unless that person lawfully resides in that place.

(4) For the purposes of this Schedule, a person who is ordinarily resident in the United Kingdom as a result of having moved from the Islands for the purpose of undertaking a higher education course is to be considered to be ordinarily resident in the Islands.

(5) For the purposes of this Schedule, a person who is ordinarily resident in Northern Ireland as a result of having moved from Great Britain and the Islands for the purpose of undertaking a higher education course is to be considered as ordinarily resident in Great Britain.

Persons settled in the United Kingdom and ordinarily resident in Northern Ireland

2.—(1) A person falls within this paragraph where—

- (a) they are settled in the United Kingdom;
- (b) they are ordinarily resident in Northern Ireland;
- (c) they have been ordinarily resident in Northern Ireland throughout the three-year period preceding the first day of the first academic year of the higher education course; and
- (d) subject to sub-paragraph (2), their residence in Northern Ireland has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in Northern Ireland in accordance with paragraph 3.

3. A person who—

- (a) meets one of the following conditions—

(a) Cmnd. 9171

(b) Cmnd. 3906

(c) 2020 c.1.

(d) 1971 c.77, section 33(2A) was inserted by paragraph 7 of Schedule 4 to the British Nationality Act 1981 (c.61)

(e) 2020 c.1.

- (i) the person is settled in the United Kingdom by reason of having acquired the right of permanent residence on the first day of an academic year of the higher education course; or
 - (ii) the person falls within Article 18(2) or (3) of the EU withdrawal agreement, Article 17(2) or (3) of the EEA EFTA separation agreement, or Article 16(2) or (3) of the Swiss citizens' rights agreement, but only where that person would have acquired the right to reside permanently in the United Kingdom without restriction under Directive 2004/38 as it had effect immediately before IP completion day had the facts pertaining to that person's right to reside fallen to be considered immediately before IP completion day;
- (b) is ordinarily resident in Northern Ireland on the first day of the first academic year of the higher education course;
- (c) has been ordinarily resident in Northern Ireland throughout the three-year period preceding the first day of the first academic year of the higher education course; and
- (d) in a case where their residence referred to in paragraph (c) was—
- (i) wholly or mainly for the purpose of receiving full-time education;
 - (ii) ordinarily resident in the territory comprising the European Economic Area, Switzerland and the overseas territories; and
 - (iii) not ordinarily resident in Great Britain, the Islands or specified British overseas territories,
- immediately before the period of residence referred to in paragraph (c).

Persons settled in the United Kingdom and ordinarily resident in Great Britain

4.—(1) A person falls within this paragraph where—

- (a) they are settled in the United Kingdom;
- (b) they are ordinarily resident in Great Britain and the Islands;
- (c) they have been ordinarily resident in Great Britain and the Islands throughout the three-year period preceding the first day of the first academic year of the higher education course; and
- (d) subject to sub-paragraph (2), their residence in Great Britain and the Islands has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

(2) Paragraph (d) of sub-paragraph (1) does not apply to a person who is treated as being ordinarily resident in Great Britain and the Islands in accordance with paragraph 5.

5. A person who—

- (a) is settled in the United Kingdom by reason of having acquired the right of permanent residence on the first day of an academic year of the higher education course;
- (b) is ordinarily resident in Great Britain and the Islands on the first day of the first academic year of the higher education course;
- (c) has been ordinarily resident in Great Britain and the Islands throughout the three-year period preceding the first day of the first academic year of the higher education course; and
- (d) in a case where their residence referred to in paragraph (c) was—
 - (i) wholly or mainly for the purposes of receiving full-time education;
 - (ii) ordinarily resident in the territory comprising the European Economic Area, Switzerland and the overseas territories; and
 - (iii) not ordinarily resident in Great Britain, the Islands or specified British overseas territories,

immediately before the period of residence referred to in paragraph (c).

Persons from Republic of Ireland

6. A person falls within this paragraph where—
- (a) they are a citizen of the Republic of Ireland;
 - (b) they are ordinarily resident in the Republic of Ireland;
 - (c) they have been ordinarily resident in the Republic of Ireland throughout the three-year period preceding the first day of the first academic year of the higher education course; and
 - (d) their residence in the Republic of Ireland has not during any part of the period referred to in paragraph (c) been wholly or mainly for the purpose of receiving full-time education.

Refugees and their family members

7.—(1) A person falls within the paragraph where they are a person mentioned in paragraph (2), (3) or (4).

- (2) A person—
- (a) who is a refugee;
 - (b) who is ordinarily resident in the United Kingdom and the Islands and has not ceased to be so resident since they were recognised as a refugee; and
 - (c) who is ordinarily resident in the United Kingdom and the Islands on the first day of the first academic year of the higher education course.
- (3) A person—
- (a) who is a spouse or civil partner of a refugee;
 - (b) who was the spouse or civil partner of the refugee on the date on which the refugee made their application for asylum;
 - (c) who is ordinarily resident in the United Kingdom and the Islands and has not ceased to be so resident since they were given leave to enter or remain in the United Kingdom; and
 - (d) who is ordinarily resident in the United Kingdom and the Islands on the first day of the first academic year of the higher education course.
- (4) A person—
- (a) who is the child of a refugee or the child of the spouse or civil partner of a refugee;
 - (b) who, on the date on which the refugee made their application for asylum, was the child of the refugee or the child of a person who was the spouse or civil partner of the refugee on that date;
 - (c) who was under 18 on the date on which the refugee made their application for asylum;
 - (d) who is ordinarily resident in the United Kingdom and the Islands and has not ceased to be so resident since they were given leave to remain in the United Kingdom; and
 - (e) who is ordinarily resident in the United Kingdom and the Islands on the first day of the first academic year of the higher education course.

Persons who are settled in the United Kingdom and have exercised a right of residence elsewhere

- 8.—(1) A person falls within this paragraph where they—
- (a) are settled in the United Kingdom;
 - (b) have left the United Kingdom and exercised a right of residence elsewhere before IP completion day after having been settled in the United Kingdom;
 - (c) are ordinarily resident in the United Kingdom on the day on which the first term of the first academic year actually begins;

- (d) have been ordinarily resident in the United Kingdom, the European Economic Area, Switzerland and the overseas territories throughout the three-year period preceding the first day of the first academic year of the higher education course; and
- (e) in a case where their ordinary residence referred to in paragraph (d) was—
 - (i) wholly or mainly for the purposes of receiving full-time education; and
 - (ii) ordinarily resident in the territory comprising the United Kingdom, Gibraltar, the European Economic Area and Switzerland,
 immediately before the period of ordinary residence referred to in paragraph (d).

(2) For the purposes of this paragraph, a person has exercised a right of residence if—

- (a) they are a United Kingdom national;
- (b) they are a family of a United Kingdom national for the purposes of Article 7 of Directive 2004/38 (or corresponding purposes under the EEA Agreement or Swiss Agreement);
- (c) they are a person who had a right of permanent residence who in each case has exercised a right under Article 7 of Directive 2004/38 or any equivalent right under the EEA Agreement or Swiss Agreement in a state other than the United Kingdom; or
- (d) in the case of a person who is settled in the United Kingdom and had a right of permanent residence, if they have gone to the state within the territory comprising the European Economic Area and Switzerland of which they are a national or of which the person in relation to whom they are a family member is a national.

(3) For the purposes of sub-paragraph (2), a person had a right of permanent residence if they had a right which arose under Directive 2004/38 to reside permanently in the United Kingdom without restriction.

Ordinarily resident

9.—(1) A person is to be treated as ordinarily resident in Northern Ireland, the Republic of Ireland or Great Britain and the Islands if they would have been so resident but for the fact—

- (a) they;
- (b) their spouse or civil partner;
- (c) their parent; or
- (d) in the case of a dependent direct relative in the ascending line, their child or child's spouse or civil partner;

is or was temporarily employed outside the area in question.

(2) For the purpose of sub-paragraph (1), temporary employment includes—

- (a) In the case if members of the regular naval, military or air forces of the Crown, any period which they serve outside the United Kingdom and the Islands as members of such forces; and
- (b) in the case of members of the regular naval, military or air forces of the Republic of Ireland, any period which they serve outside the Republic of Ireland, as members of such forces.

(3) For the purposes of this Schedule, a person is to be treated as ordinarily resident in Northern Ireland, the Republic of Ireland or Great Britain and the Islands if they would have been so resident but for the fact that—

- (a) they;
- (b) their spouse or civil partner;
- (c) their parent; or
- (d) in the case of a dependent direct relative in the ascending line, their child or their child's spouse or civil partner,

is or was temporarily receiving full-time education outside the area in question.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 5 of the Agriculture Act (Northern Ireland) 1949 (“the Act”) enables the Department of Agriculture, Environment and Rural Affairs (“the Department”) to provide instruction in agricultural and related matters. Section 5A, which was added to the Act by way of amendment through the Education (Northern Ireland) Order 2006, provides that the Department may through regulations charge fees for or in connection with the provision of the aforementioned instruction.

These Regulations makes provision about fees payable by persons in higher education delivered by the Department through the College of Agriculture, Food and Rural Enterprise (CAFRE) to the Department and replaces the Agriculture (Student fees) Regulations (Northern Ireland) 2007.

Regulation 1 and regulation 2 refer to the citation, commencement and interpretation of these regulations.

Regulation 3 provides the meaning of higher education courses delivered at CAFRE.

Regulation 4 and regulation 5 provides meaning for the various higher education course modes of study a student can undertake at CAFRE. These modes of study are on a full-time or part-time basis.

Regulation 6 provides meaning for a sandwich higher education course.

Regulation 7 provides meaning for intensity of study that is used in calculating the appropriate fee a student is charged.

Regulation 8 and regulation 10 provides for currently enrolled students at CAFRE who commenced their current course at CAFRE prior to 1st September 2022; are a gap year student who will commence their current course at CAFRE on or after 1st September 2022 but before 1st September 2023; and who have not withdrawn from or suspended their studies on their current course prior to 1st September 2022 and who are permitted by CAFRE to resume their studies on that higher education course within three academic years.

Regulation 9 provides the meaning of the current fee framework that is to be applied to students commencing the first academic year of a higher education course from September 2022.

Regulation 11 provides the meaning of ‘home student’ that encompasses students ordinarily resident in Northern Ireland, Irish citizens ordinarily resident in the Republic of Ireland, and currently enrolled ordinarily resident EU students (including students from Switzerland, Norway, Iceland and Liechtenstein) with ‘pre-settled’ or ‘settled’ status under the EU Settlement Scheme contained in Appendix EU to the immigration rules.

Regulation 12 and regulation 13 provides the appropriate fee code to be used in calculating the fee to be charged by the Department to students at CAFRE who fall within the definition of a home student.

Regulation 14 provides the meaning of student from Great Britain that encompasses students ordinarily resident in England, Scotland, Wales, and the Islands and territories.

Regulation 15 and regulation 16 provides the appropriate fee code to be used in calculating the fee to be charged by the Department to students at CAFRE who fall within the definition of a student from Great Britain.

Regulation 17 provides the meaning of an ‘international student’ who is a person that requires a student visa to study in the UK for a course lasting 6 months or more. This will encompass persons ordinarily resident in the EU (including persons from Switzerland, Norway, Iceland and Liechtenstein) who have not obtained ‘pre-settled’ or ‘settled’ status under the EU Settlement Scheme contained in Appendix EU to the immigration rules.

Regulation 18 provides the appropriate fee code to be used in calculating the fee to be charged by the Department to students at CAFRE who fall within the definition of an international student.

Regulation 19 provides for the fee to be charged by the Department to full-time students at CAFRE.

Regulation 20 provides for the mechanism in calculating the fee to be charged by the Department to part-time students at CAFRE.

Regulation 21 provides the meaning of a reduced fee to be charged to students where the final year of their current course would ordinarily be completed over a period not less than 15 weeks, is a sandwich higher education course or where a course is provided in conjunction with an overseas institution. This regulation also provides the appropriate fee code to be used in calculating the fee to be charged by the Department to students at CAFRE who qualify for a reduced fee.

Regulation 22 repeals the Agriculture (Student fees) Regulations (Northern Ireland) 2007 and all amendments made to those regulations.

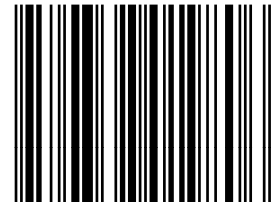
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