

# HIGHER EDUCATION (NORTHERN IRELAND) ORDER 2005

S.I. 2005 1116

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## EXPLANATORY MEMORANDUM

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#### *Commentary on Articles*

#### **Part 11 – Student Fees in Higher Education**

##### **Plans authorising fees of more than the basic amount**

23. Before higher fees can be charged by higher education institutions, a plan will have to be approved by the Department. The Department has the power to make regulations setting out what must be contained in these plans. The plan will have to make clear what the maximum fee charged for each course will be.
24. [Article 6](#) makes provision about the contents of plans. It sets out that plans must specify, or provide for the determination of, a fee limit for each qualifying course. Plans must also include any provisions relating to the promotion of equality of opportunity which are required by regulations.
25. [Article 6 \(4\) \(a\)](#) allows regulations to require institutions to include in their plans provision for outreach measures. These are measures, such as the provision of summer schools or work with schools and colleges, which are designed to widen participation by attracting students who might otherwise not consider entering higher education at all or not consider applying to particular institutions. The reference to under-represented groups in the provision is not intended to have a strict statistical interpretation.
26. Examples are given in [Article 6 \(4\)](#) of other matters which regulations may require to be included in the plans, such as requiring financial assistance to be provided to students or requiring the institution to set out its own objectives. [Article 6 \(5\)](#) makes clear that regulations may not require plans to contain measures referring to particular courses or the manner in which they are taught or relating to admissions criteria.
27. [Article 7](#) provides that the relevant authority must exercise its functions in accordance with regulations which may, in particular, specify what the relevant authority must, or may not, have regard to in approving a plan. Regulations under this section may also require institutions to publish their plans. The Department may issue guidance to institutions.
28. [Article 8](#) enables regulations to set out the maximum period a plan can be in force, and enables plans to be varied with the approval of the relevant authority. Plans must specify the period during which they are to be in force.
29. [Article 9](#) provides that the Department may, if an institution breaches the conditions of its plan, impose financial sanctions relating to the grant to the institution, or refuse to renew the plan for a specified length of time. The Department may not apply such

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Education (Northern Ireland) Order 20051116*

a sanction if an institution can demonstrate that it has done all it reasonably could to comply with the provisions of its plan.

30. The Department may make regulations setting out the nature of the financial penalties that may apply, and the procedures for using these sanctions.
31. [Article 10](#) provides that regulations about the approval of plans, variation of plans, or imposing sanctions, must include provision for a mechanism for review of the Department's decisions on those matters.