

**EXPLANATORY MEMORANDUM TO  
THE AGRICULTURE (STUDENT FEES) (AMENDMENT) REGULATIONS  
(NORTHERN IRELAND) 2009**

**2009 No. 321**

**1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development (DARD) 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. These Regulations are subject to the negative resolution procedure.

**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 DARD, at its College of Agriculture, Food and Rural Enterprise (CAFRE).
- 2.2. The Regulations increase the fees in line with inflation.
- 2.3. For the 2009/10 academic year the fee for a person undertaking a higher education course on a full-time basis has been increased from £1,255 to £1,285, with the reduced fee, payable in circumstances specified in the Agriculture (Student fees) Regulations (Northern Ireland) 2007, increased from £625 to £640.
- 2.4. The Regulations revoke the Agriculture (Student fees)(Amendment) Regulations (NI) 2008 Regulations 4(2) and 5 as these specify the fees for 2008/09 academic year.

**3. Background**

- 3.1. The Department for Employment and Learning (DEL) has lead responsibility for further and higher education in Northern Ireland. In 1998 a tuition fee was introduced for individuals attending higher education programmes at DEL funded Further and Higher Education Colleges and Universities.
- 3.2. DEL operate a 2 tier regime which allows students to be charged a basic fee or a higher fee. Provision also exists for a reduced fee for sandwich courses.
- 3.3. DARD followed suit in 1998 and introduced tuition fees for persons attending full-time courses of higher education at CAFRE. This maintained parity of treatment for persons attending DARD-funded

courses compared with those attending DEL-funded courses. DARD's current policy is to set its fees for full-time higher education courses in line with the DEL basic fee.

- 3.4. The Regulations mirror fee increases implemented by DEL for the 2009/10 academic year.
- 3.5. CAFRE students may defer payment of the fee until they are in employment and earning over £15,000 per year. This mirrors provisions made for other higher education students in Northern Ireland. In addition there is financial assistance available to less well off students.
- 3.6. Income derived from student fees is used to off-set some of the costs of providing courses at CAFRE.

#### **4. Consultation**

- 4.1. An extensive consultation was conducted by the Department of Education in 2006 on primary legislation being introduced to clarify DARD's powers to charge student fees.
- 4.2. This identified general support for the principle of charging fees for DARD courses and for a transparent charging regime. The amendment Regulations apply an inflationary increase and DARD did not consult on the Regulations. DEL did not carry out consultation when it applied its inflationary fee increase.

#### **5. Territorial extent and Application**

- 5.1. This Statutory Rule applies to Northern Ireland.

#### **6. Equality Impact**

- 6.1. In accordance with DARD's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the Regulations have been assessed and they have been screened out of a full equality impact assessment. We will, however, continue to monitor the student population at CAFRE to see if the fee increase has any material impact on the Section 75 groupings.

#### **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 2008/09 the basic fee for a full-time CAFRE higher education course was £1,255 and for sandwich courses was £625. The Agriculture (Student fees) (Amendment) Regulations (Northern Ireland) 2009 increases the fees for the academic year 2009/10 by £30 to £1,285, and for sandwich courses by £15 to £640 per year.

## **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 DEL fee regime for the academic year 2009/10, 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.

## **10. Additional Information**

10.1. The Regulations come into operation on 16 October 2009.

## **11. Contact**

11.1. **Dr Rosemary Agnew** at the Department of Agriculture and Rural Development Tel: 02890 90524074 or e-mail [rosemary.agnew@dardni.gov.uk](mailto:rosemary.agnew@dardni.gov.uk) can answer any queries regarding these Regulations.

**DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT**  
**September 2009**