

EXPLANATORY MEMORANDUM TO

The Student Fees (Amounts) (Amendment) (No.2) Regulations (Northern Ireland) 2011

SR 2011 No. 369

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Employment and Learning to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 4(8) and 14(4) of the Higher Education (Northern Ireland) Order 2005 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. This Rule provides for the annual inflationary increases to the cap on tuition fees at Northern Ireland higher education institutions for academic year 2012/2013. The maximum amounts of basic and higher fee rate for 2012/13 academic year will increase from £1,345 and £3,375 to £1,380 and £3,465 respectively.
- 2.2. For an academic year of certain courses for example, sandwich years, lower basic and higher fee amounts will increase from £665 and £1,680, to £680 and £1,725 respectively.

3. Background

- 3.1. The Northern Ireland Executive agreed a package of measures to address a £40m budget deficit facing the higher education sector in Northern Ireland. The agreed package was premised, in part, on retaining tuition fees in Northern Ireland at the existing level for Northern Ireland students, subject only to inflationary uplifts.

4. Consultation

- 4.1. The Department published a public consultation and draft EQIA on the future policy of higher education tuition fees and student finance arrangements in Northern Ireland in March 2011. This consultation ran for 12 weeks and sought views on a number of issues, including tuition fee levels, maintenance support, loan repayment arrangements, differential fee charges for non-NI UK domiciles and support for part-time study.
- 4.2. The consultation was open for 12 weeks and closed on 10 June 2011. Forty responses were received. The Employment and Learning Minister announced the way forward in a statement to the Northern Ireland Assembly on 12 September 2012.

5. Equality Impact

- 5.1. A full draft Equality Impact Assessment was published as part of the public consultation on the future policy on higher education tuition fees and student finance arrangements. In light of the decision to cap tuition

fees at existing levels, subject to annual inflationary increases, no adverse effect on Section 75 categories has been determined.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment has not been prepared for this Rule as it has no impact on business, charities or voluntary bodies.

7. Financial Implications

- 7.1. The budget for higher education in the current Comprehensive Review period was premised on a rise in higher tuition fees to a level of around £4,500 from academic year 2012/13. To maintain fees at the existing level, the Northern Ireland Executive has agreed a package of measures to address the £40m budget deficit facing the higher education sector.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Department considers that the provisions in this Statutory Rule comply with Section 24 of the Northern Ireland Act 1998 and advice from the Departmental Solicitor's Office reaffirms this.

9. EU Implications

- 9.1. In accordance with European Community law, non-UK EU residents will continue to be categorised as qualifying persons, and subject to the regulated capped fees that apply at institutions in Northern Ireland. EU nationals are entitled to use a host country's education system on the same terms as its own nationals.

10. Parity or Replicatory Measure

- 10.1. The issue of higher education tuition fees is a devolved matter across the United Kingdom. Since the independent review of higher education funding and student finance in England, and the subsequent proposals by the Coalition Government, the respective policies on tuition fees has become more disparate.
- 10.2. The Rule maintains a degree of parity with England and Wales insofar as the maximum basic and higher fee levels in Northern Ireland for academic year 2012/13 will be the same as those maximum fee levels that can be charged to students resident in the United Kingdom who commenced their qualifying course in England and Wales before academic year 2012/13.

11. Additional Information

- 11.1. Not applicable.