

**EXPLANATORY MEMORANDUM TO**  
**THE AGRICULTURE (STUDENT FEES) (AMENDMENT) REGULATIONS**  
**(NORTHERN IRELAND) 2012**

**2012 No. 254**

**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 by Article 42(1) of the Education (Northern Ireland) Order 2006. These Regulations are subject to negative resolution.

**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. With effect from 1 September 2012 the fee for a student undertaking a higher education course on a full-time basis has been increased from £1,310 to £1,380.
- 2.3. The regulation will introduce a new fee of £9,000 for students from England, Scotland, Wales, the Isle of Man and the Channel Islands who commence a course of higher education on or after 1 September 2012.
- 2.4. The reduced fee, payable in the circumstances specified in the Agriculture (Student fees) Regulations (Northern Ireland) 2007, will increase from £650 to £680.
- 2.5. The Regulations revoke the Agriculture (Student fees)(Amendment) Regulations (NI) 2010 (SR 2010 No. 230)

**3. Background**

- 3.1. Agri-food education provided by DARD sits outside of ambit of the Department for Employment and Learning (DEL), which has lead responsibility for further and higher education in Northern Ireland.
- 3.2. DEL operates a 2 tier fee regime which allows students to be charged a basic or a higher amount. Provision also exists for a reduced fee for sandwich courses.
- 3.3. Historically, DARD has increased its higher education tuition fees in line with the DEL basic fee (i.e. an inflation-linked increase). However, DARD did not

increase its tuition fees for 2011/12, but in these Regulations is now reinstating parity with the DEL basic fee with effect from 1 September 2012.

- 3.4. DEL has recently introduced legislation 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 local students. The attached Regulations will also therefore introduce 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 commence courses of higher education at CAFRE on or after 1 September 2012.
- 3.5. Students undertaking a full-time higher education course can take out a Tuition Fee Loan to cover their tuition fees and a Maintenance Loan to help with their accommodation and other living costs. In addition there may be financial assistance available to students from lower income households.
- 3.6. CAFRE students may defer repayment of their Tuition Fee Loan until they are in employment and earning over £15,795 per year. This mirrors provisions made for other higher education students in Northern Ireland.
- 3.7. Income derived from student fees is used to off-set some of the costs of providing courses at CAFRE.

#### **4. Consultation**

- 4.1. The proposals were subjected to a public consultation exercise which ran from 15 February to 10 May 2012. There was a very low response rate to the public consultation exercise. Only 5 responses were received, and two of these contained no comments on the proposals. None of the consultation responses commented on the proposal to increase tuition fee for local students from £1,310 to £1380. Three respondents commented on the proposal to introduce differential fees for students from GB, with 2 favouring the Department's preferred fee of £9,000 and one giving support to a lower alternative fee of £3,465.

#### **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 the policy has been screened out of a full equality impact assessment. The screening template was issued with the policy consultation document for public consultation which ran from February to May 2012. No comments about equality were received.
- 6.2. 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.

## **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 2011/12 the fee for a full-time CAFRE higher education course was £1,310 and for sandwich courses was £650. The Agriculture (Student fees) (Amendment) Regulations (Northern Ireland) 2012 increases the fees for the academic year 2012/13 by £70 to £1,380, and for sandwich courses by £30 to £680 per year. Fees for students from England, Scotland, Wales, the Channel Islands and the Isle of Man will be £9,000 for full-time courses and £680 for sandwich courses.

## **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 2012/13, 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. EU students will be treated the same as Northern Ireland students.

## **10. Additional Information**

- 10.1. The Regulations come into operation on 24 August 2012.

## **11. Contact**

- 11.1. **Dr Rosemary Agnew** at the Department of Agriculture and Rural Development [Tel: 02890 524074 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**  
**27 June 2012**