

EXPLANATORY MEMORANDUM TO

THE EDUCATION (STUDENT SUPPORT, ETC.) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2024

SR 2024 No.19

1. Introduction

- 1.1 This Explanatory memorandum has been prepared by the Department for the Economy (“the Department”), which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under Articles 3 and 8(4) of the Education (Student Support) (Northern Ireland) Order 1998 and Articles 4 and 14(4) of the Higher Education (Northern Ireland) Order 2005 and is subject to the negative resolution procedure.
- 1.3 The rule will come into operation in accordance with regulation 1 of these Regulations.

2. Purpose

- 2.1 This rule amends the Student Fees (Amounts) Regulations (Northern Ireland) 2005 (the Fee Amounts Regulations) (S.R. 2005 No. 290) by increasing the basic and higher amounts of tuition fees that may be charged to full-time undergraduates in respect of an academic year beginning on or after 1st September 2024.
- 2.2 This rule increases support for students undertaking designated higher education courses in respect of the academic year beginning on or after 1st September 2024 and makes amendments to the Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009 (S.R. 2009 No.373) (“the Student Support Regulations”). It also makes amendments to the Student Fees (Qualifying Courses and Persons) Regulations (Northern Ireland) 2007 (S.R. 2007 No. 328) (“the QCP Regulations”).
- 2.3 This rule also makes necessary corrections and technical amendments.

3. Background

3.1 Tuition Fee Increases

This rule amends the Fee Amount Regulations by increasing the basic and higher amounts of tuition fees that may be charged to full-time undergraduates in respect of an academic year beginning on or after 1st

September 2024. In each case the increases are by 0.9%, setting the maximum tuition fee level at £4,750 for academic year 2024/25.

3.2 Amendments to Disabled Students' Allowance

This rule makes an amendment to the Disabled Students' Allowance (DSA) in the Student Support Regulations, as the tapering of DSA support on course conversion is no longer required, the related provisions have therefore been removed.

3.3 Amendments to Master's etc. Courses in the Republic of Ireland

Currently, the Postgraduate Tuition Fee Loan (PGTFL) product does not include Northern Ireland domiciled students who are studying at higher education institutions in the Republic of Ireland.

This rule amends the Student Support Regulations to expand the eligibility criteria to enable Northern Irish domiciled, taught postgraduate students to access a PGTFL if they are studying with approved Higher Education Institutions in the Republic of Ireland.

3.3 Family Members of Ukraine Scheme/ Afghan Relocations and Assistance Policy (ARAP) / Afghan Citizens Resettlement Scheme (ACRS) Leave Holders

This rule extends provision from academic year 2024/25 to eligible family members of Ukraine Scheme, ARAP and ACRS leave holders to be able to apply for student support in Northern Ireland and become eligible for 'home fee' status, without any requirement for the applicant to have been granted leave in line.

3.4 Support for Family Members of Settled Persons

From academic year 2021/22, higher education student support was amended so that family members of UK nationals could continue to access student support (tuition fee support only) as they could when the UK was a member of the EU. It was not, however, extended to family members of those granted 'settled status'. Now the UK has left the EU it is appropriate that all family members of 'settled persons' can access tuition fee support/home fee status subject to meeting other requirements as set out within the Student Support Regulations and QCP Regulations.

This rule amends Student Support Regulations and QCP Regulations so that family members of all settled persons in the UK who are starting full-time and part-time undergraduate courses in 2024/25 qualify for tuition fee support/'home fee' status. This category of person must be ordinarily resident in the UK and Islands for three years prior to the start of their course in order to qualify for tuition fee loans.

3.5 Clarification of the Eligibility Requirements for Students who Qualify for

Support Part-way through their Course

This rule amends the Student Support Regulations to clarify how the events provisions operate for students who qualify for support part way through their course. In particular it makes clear that students in the protection-based categories who acquire the relevant immigration status on or before the course start date are eligible for support for the full academic year, rather than only in respect of part of their first year.

This rule also makes it explicit in the Student Support Regulations that all students applying for support where an event occurs, must meet the relevant eligibility requirements within Regulation 2(1) and Schedule 2 to those regulations. This is to ensure that the requirement to be ordinarily resident on the first day of the first academic year (or the day on which the course starts, as appropriate) continues to apply to eligible students.

3.6 Qualifying for support on the First Day of the Course

This rule makes amendments to the Student Support Regulations and the QCP Regulations to change the eligibility requirements for students who are in certain protection based categories so that they may qualify for support if they are ordinarily resident in Northern Ireland on the day on which the first term of the first academic year of their course begins.

3.7 Amendments to Relevant Institutions

This rule amends the Student Support Regulations and the QCP Regulations to clarify that the definition of a 'relevant institution of higher education in the Republic of Ireland' is clearly linked to the relevant legislation of the Irish Parliament, the Oireachtas. This definition will make reference to an 'approved institution' for the purposes of section 7 of the Student Support Act 2011 (Number 4 of 2011) and that it must be publicly-funded.

3.8 **Miscellaneous**

This rule also make a number of necessary technical amendments to the Student Support Regulations and the QCP Regulations updating references in relation to immigration rules. This rule makes further amendments to the Student Support Regulations ensuring that courses are substantially provided in the UK or where appropriate the UK or the Republic of Ireland. Finally, this rule confirms the omission of qualifying course and qualifying student references.

4. **Consultation**

There is no statutory requirement to consult on those elements of these Regulations and the changes facilitate increases to current support packages or represent statutory obligations.

A consultation has been undertaken in relation to increasing the postgraduate taught tuition fee loan and is available at [Review of the Northern Ireland Postgraduate Tuition Fee Loan | Department for the Economy \(economy-ni.gov.uk\)](https://www.economy-ni.gov.uk/Review-of-the-Northern-Ireland-Postgraduate-Tuition-Fee-Loan)

5. Equality Impact Assessment

Section 75 Equality of Opportunity Screening exercises have been carried out and it is our view that the proposals will not have an adverse impact on any of the Section 75 categories.

6. Rural Needs Impact Assessment

A Rural Needs Impact Assessment has been prepared.

7. Regulatory Impact Assessment

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

8. Financial Implications

The financial implications associated with any amendments captured within these regulations have been considered and are considered affordable within existing budgets.

9. Section 24 of the Northern Ireland Act 1998

The making of this rule complies with Section 24 of the Northern Ireland Act.

10. EU Implications

This rule does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

11. Parity or Replicatory Measures

Historically, the Department's Regulations were made in broad parity with England and Wales but following the wholesale changes that were implemented in England and Wales from academic year 2012/13 as a result of the Browne Review; this is no longer necessarily the case.

12. Additional information

If you require any further details regarding this rule you can send an e-mail to studentsupport@economy-ni.gov.uk