

Scottish independence: fees 'could be' charged to EU students



by **CHRIS MARSHALL**

SCOTLAND'S universities could avoid an influx of "fee refugees" following independence, according to legal advice suggesting EU students could be charged for the cost of tuition.

Academics have predicted a huge rise in applications from the UK should Scotland become independent and continue to offer free tuition.

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But legal advice obtained by Universities Scotland raises the possibility that the Scottish Government could charge fees to EU nationals – including those from the remainder of the UK – if it is able to prove the higher education sector would be “imperilled” by the surge in demand.

The guidance, from solicitors Anderson Strathern, said universities could exempt those with five years residency in [Scotland](#), provided they did not discriminate based on nationality.

However, the guidance urged a note of caution by highlighting “aggrieved” foreign nationals who may be able to force a newly independent Scotland to “honour” the previously held position where EU students were entitled to have fees paid.

Last week, David Bell, a professor of economics at Stirling University, warned Scottish universities would face a “massive demand” from UK students should the country become independent.

At present, Scots receive free tuition in their home country along with EU nationals, while those from elsewhere in the UK pay fees of up to £9,000 a year.

However, should Scots vote for separation in next year’s referendum, UK students would be classed the same as those elsewhere in the EU and therefore entitled to free tuition. The Scottish Government’s own analysis has estimated the cost of providing free tuition to UK students would be £150 million a year.

In his guidance for Universities Scotland, Alun Thomas, a partner at Anderson Strathern, wrote: “As a matter of EU law, it would appear that it may be possible to rely upon a residency requirement for access to preferential fees and [grants](#) regimes as long as that requirement is applied to all students regardless of their nationality and can be objectively justified.


“It will be for the government seeking to introduce such a regime to establish, on evidence, that there is a legitimate aim which can be objectively justified which would allow them to derogate from the overriding principles of freedom of movement and non-discrimination.”


Alastair Sim, director of Universities Scotland, said: “The legal advice we have received would appear to identify new ground upon which it would be possible for the Scottish Government to build a policy solution to the issue of rest-of-UK students coming to study in Scotland if Scotland were to become independent. This new advice is a positive step closer to finding a workable solution which is in everyone’s interests.”

Education secretary Mike Russell said the Scottish Government would publish plans over the next year detailing how it would fund higher education under independence.

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