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## Scottish independence: Unions call for clarity over post-Yes tuition fees

**Bodies representing university students and staff have called for more clarity from the Scottish government on post-independence tuition fees.**

The Scottish government has said it could continue to charge students from the rest of the UK after a "Yes" vote.

But unions, and Universities Scotland, have said ministers must provide legal certainty that the plan is viable.

The Scottish government said it would ensure "clear arrangements" would be put in place.

The call came ahead of a Holyrood committee inquiry into higher education and the implications of either a "Yes" or a "No" vote in September's referendum on independence.

The Scottish Parliament's [Education and Culture Committee](#) will question representatives of students' union NUS Scotland and the University and College Union (UCU) which represents academics and lecturers.

In a written submission to the committee, NUS Scotland said: "Currently, Scotland is not able to charge tuition fees to students from other EU members, but is able to charge tuition fees for students from England, Wales and Northern Ireland.

"This is because EU law does not allow discrimination across member states (of which the UK is one), but does allow it within member states."

### 'Continually opposed'

NUS Scotland argued that the Scottish government's plan to continue to charge students from the rest of the UK to study in an independent Scotland could be open to legal challenge in the European Court of Justice if both countries were EU members.

NUS Scotland said it opposed "the principle and practice of charging any student to study, regardless of background or domicile."

The submission continued: "As such, we have been continually opposed to the decision to allow Scottish universities to charge up to £9,000 fees to students from the rest of the UK in any given academic year."

The students' union also said it was concerned about how an independent Scotland could manage "cross-border demand" for student places, as did Universities Scotland, which will also give evidence to the committee.

The group, which represents Scotland's 19 universities, said in its own written submission: "If there is a vote for independence, we believe it is essential that prior to independence day the Scottish government is able to give institutions robust legally-defensible certainty that a regime will be in place which enables a sustainable level of cross-border flow."

Universities Scotland said it had obtained legal advice which suggested that there was a possible legal basis within the EU for an independent Scotland to continue to charge fees to students from England, Wales and Northern Ireland if it could give an "objective justification".

The Scottish government would need to prove to the European Commission that fees were necessary to avoid the university system becoming "distressed".

Scotland's Deputy First Minister, Nicola Sturgeon, [has argued that not charging students](#) from other parts of the UK risked "crowding our own students out".

#### 'Exceptional circumstances'

UCU Scotland said: "We do note the legal view sought by Universities Scotland suggesting that there may be a basis for an objective justification.

"It is our view that the Scottish government should more clearly indicate its position.

"It cannot be left to non-government sectoral bodies alone to seek the answers to such critical questions."

The UCU, NUS Scotland and Universities Scotland have all said they are taking a neutral position on independence.

A Scottish government spokesperson said: "The Scottish government enabled universities to charge students from the rest of the UK tuition fees for one key reason - the introduction of fees of up to £9000 per year elsewhere in the UK.

"If we had not taken this step, available places for Scots-domiciled students could have reduced dramatically. Our priority remains to protect places for Scots-domiciled students and ensure that access to education is based on ability rather than the ability to pay.

"The requirements of the EU allow for objective justification - that is clear evidence of exceptional circumstances."

The spokesperson added: "The Scottish government will ensure that clear arrangements compliant with EU requirements are in place for the higher education sector to ensure a smooth transition to independence."

The Education and Culture Committee can be watched live from 9.30am at [BBC Scotland's Democracy Live](#).

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