

# **UNIVERSITY OF ST. ANDREWS (POSTGRADUATE MEDICAL DEGREES) ACT 2002**

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## **EXPLANATORY NOTES**

### **INTRODUCTION**

1. These Explanatory Notes have been prepared by the Non-Executive Bills Unit on behalf of Iain Smith, the member in charge of the University of St. Andrews (Postgraduate Medical Degrees) Bill. They have been prepared in order to assist the reader of the Act. They do not form part of the Act and have not been endorsed by the Parliament.
2. The Notes should be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or schedule, or a part of a section or schedule, does not seem to require any explanation or comment, none is given.

### **SUMMARY OF AND BACKGROUND TO THE ACT**

3. This Act reinstates the right of the University of St. Andrews (the University) to award postgraduate degrees for research in medicine.
4. This Act partially dis-applies paragraph 17 of Schedule 6 to the [Universities \(Scotland\) Act 1966 \(c.13\)](#) (“the 1966 Act”) which prevents the University from holding examinations in medicine and granting medical degrees.
5. The 1966 Act reconstituted the ancient Universities of Scotland and separated Queen’s College in Dundee from the University of St. Andrews to form the University of Dundee. The University could no longer offer medical degrees as there was no teaching hospital in the St. Andrews area and the clinical part of the medical degree offered at the University was moved to the new University of Dundee. As a consequence of the establishment of the University of Dundee, the 1966 Act removed the University’s right to grant medical undergraduate and postgraduate degrees. It also removed the University’s right to grant degrees in surgery, midwifery and dentistry.
6. The Act allows the University to award medical postgraduate degrees such as that of *Medicinae Doctor* (MD) which is a postgraduate research degree available at other universities to those already qualified as medical practitioners.
7. Under paragraph 2 of Schedule 2 to the 1966 Act, where the University has power to grant a particular degree, a new degree course can be instituted by a resolution of the University Court (the supreme governing body of each University) on the recommendation of the *Senatus Academicus* (the supreme academic body of the University under the presidency of the principal). Under section 5 of the [Universities \(Scotland\) Act 1858 \(c.83\)](#) the Senate has power to superintend and regulate teaching and discipline at the University. This includes the drawing up of regulations that set out

the admission criteria for any degree courses that the University has power to offer and the duration and requirements for the particular degree.

## **SECTION 1**

8. Subsection (1) of section 1 of the Act allows the University to hold examinations, whether oral or written, and to award research degrees in medicine to people who satisfy the criteria set down in subsection (2). Subsection (1) partially dis-applies paragraph 17 of Schedule 6 to the 1966 Act which currently prevents the University from awarding any degrees in medicine. This Act does not permit the University to hold examinations for, or award any qualifications other than degrees for postgraduate medical research. It remains the case that the University cannot hold examinations for, or grant any undergraduate degrees in, medicine or taught postgraduate courses in medicine. Nor can the University hold examinations for, or grant any degrees in, surgery, midwifery and dentistry.
9. Subsection (2) of section 1 sets out the categories of people who can study for the degrees allowed by subsection (1).
10. Subsection 1(2)(a) provides that people who are registered, or who are entitled to be registered as fully registered medical practitioners under section 3 of the [Medical Act 1983 \(c.54\)](#) (“the 1983 Act”) can be allowed to study for the postgraduate degrees. Section 3 of the 1983 Act states that persons holding certain United Kingdom qualifications or primary European qualifications are entitled to be fully registered as medical practitioners. This Act does not require applicants for the postgraduate courses to be fully registered medical practitioners; people who are entitled to be fully registered medical practitioners under section 3 are also allowed to study for the degree.
11. Subsection 1(2)(b) permits the admission to the postgraduate course of people who are fully registered medical practitioners under section 19 of the 1983 Act. That section provides that, if the General Medical Council thinks fit, people who:
  - hold one or more recognised overseas qualifications;
  - have the necessary knowledge of English;
  - are of good character; and
  - satisfy the requirements of section 20 of the 1983 Act in relation to experience;can be fully registered as medical practitioners.
12. This Act also allows people who are not fully registered under section 19 of the 1983 Act to study for the postgraduate qualifications if, in the opinion of the University, they would be fully registered as medical practitioners by the General Medical Council under that section if they were to apply.
13. Subsection 1(2)(c) allows overseas doctors who, under section 22 of the 1983 Act, hold limited registration to study for the degrees allowed by subsection (1). Section 22 provides for the limited registration of people who have gained their primary qualification from an overseas institution not listed as recognised for full registration, this includes some medical schools in the USA.

## **PARLIAMENTARY HISTORY OF UNIVERSITY OF ST. ANDREWS (POSTGRADUATE MEDICAL DEGREES) ACT 2002**

The following table set out, for each Stage of the proceedings in the Scottish Parliament on the Bill for this Act, the dates on which proceedings at that Stage took place, the references to the Official Report of those proceedings and the dates on which Committee Reports were published and the references to those Reports.

*These notes relate to the University of St. Andrews (Postgraduate Medical Degrees) Act 2002 (asp 15) which received Royal Assent on 30 July 2002*

<b><i>Proceedings and Reports</i></b>	<b><i>Reference</i></b>
<b><i>Introduction</i></b>	
17 April 2002	SP Bill 51 (Session 1)
<b><i>Stage 1</i></b>	
<b><i>(a) Enterprise and Lifelong Learning Committee</i></b>	
14th Meeting, 2002	1 May 2002, col 2605
15th Meeting, 2002	8 May 2002, cols 2608-2611
16th Meeting, 2002	15 May 2002, col 2614
5th Report 2002 (23 May 2002)	SP Paper 588
Stage 1 Report on the University of St. Andrews (Postgraduate Medical Degrees) Bill	
<b><i>(b) Consideration by the Parliament</i></b>	
12 June 2002	cols 12543-12551
<b><i>Stage 2</i></b>	
<b><i>Committee of the whole Parliament</i></b>	
26 June 2002	cols 13053-13057
<b><i>Stage 3</i></b>	
<b><i>Consideration by the Parliament</i></b>	
26 June 2002	cols 13058-13062
Royal Assent-30 July 2002	