UNIVERSITY OF ST. ANDREWS (POSTGRADUATE MEDICAL DEGREES) BILL

EXPLANATORY NOTES

(AND OTHER ACCOMPANYING DOCUMENTS)

CONTENTS

1. The following documents are published to accompany the University of St. Andrews (Postgraduate Medical Degrees) Bill introduced in the Scottish Parliament on 17 April 2002:
   - Explanatory Notes;
   - a Financial Memorandum; and
   - the Presiding Officer’s Statement on legislative competence.

The Financial Memorandum and Presiding Officer’s statement are required under Rule 9.3 of the Parliament’s Standing Orders. A Policy Memorandum is printed separately as SP Bill 51–PM.
EXPLANATORY NOTES

INTRODUCTION

2. These Explanatory Notes have been prepared by the Non-Executive Bills Unit on behalf of Iain Smith, the member in charge of the Bill. They have been prepared in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by the Parliament.

3. The Notes should be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. 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.

THE BILL

4. The Bill reinstates the right of the University of St. Andrews (the University) to award a postgraduate degree for research in medicine.

5. The Bill 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.

6. 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.

7. The Bill will allow the University to reinstate the medical postgraduate degree of Medicinae Doctor (MD). MD is a Latin term which means Doctor of Medicine. This is a postgraduate degree available to those already qualified as medical practitioners who complete a relevant course of research. This qualification is a postgraduate research qualification which is to be distinguished from a taught postgraduate programme which is a classroom based course. The research degree contains some taught classes and can be laboratory based, but the majority of the course is completed by the candidate on an individual basis.

8. Under paragraph 2 of Schedule 2 to the 1966 Act, once the University has power to grant a particular degree, a new degree course is 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 the teaching and discipline at the University. This includes the drawing up of
These documents relate to the University of St. Andrews (Postgraduate Medical Degrees) Bill (SP Bill 51) as introduced in the Scottish Parliament on 17 April 2002

Regulations that set out the admission criteria for any degree courses that Universities have power to offer and the duration and requirements for the particular degree.

9. Subsection (1) of section 1 gives the University the right 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. The Bill does not permit the University to hold examinations for, or award any qualifications other than degrees for postgraduate medical research. It will remain 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.

10. Subsection (2) makes clear that the only people who are allowed to study for this type of degree are those entitled to be registered as fully qualified medical practitioners in accordance with section 3 of the Medical Act 1983 (c.54) (as substituted by the European Primary Medical Qualifications Regulations 1996, SI 1996/1591). As a result, the degrees that subsection (1) allows the University to award are only open to those already qualified as medical practitioners (either in the UK or by virtue of having one or more primary European Qualifications). Subsection (1) does not permit the University to award degrees which entitle a person to become a qualified medical practitioner. Any further admission criteria for degrees for research in medicine will be set out in the relevant Senate Regulations.

FINANCIAL MEMORANDUM

BACKGROUND

11. The costs of this Bill relate to the cost of providing the course for the University of St. Andrews and the cost of studying the course for the candidates. The University anticipates that one or two candidates a year will study for the new MD qualification.

COSTS ON THE SCOTTISH ADMINISTRATION

12. No costs expected. The University already utilises all of its funding from the Scottish Higher Education Funding Council and will not be seeking additional funding as a consequence of this Bill. All candidates who undertake this course will do so on a “fees-only” basis and will be privately funded. In the case of overseas students, their fees may be paid by the overseas government or home industry.

COSTS ON LOCAL AUTHORITIES

13. No costs expected.
COSTS ON OTHER BODIES, INDIVIDUALS AND BUSINESSES

Costs on the University of St. Andrews

14. The costs expected by the University arise from providing supervision, laboratory space and examinations for the candidates. However, these costs will be covered by the fees paid by candidates.

Costs on individuals

15. The Bill imposes no costs on individuals other than those candidates wishing to study for the MD degree, who will be required to pay the annual tuition fees charged by the University. These are currently £2,808 for UK and EU students and £9,800 for non-EU students.

16. This course can also be completed on a part-time basis, whilst the candidate is teaching or working. It is not expected that such candidates will require to give up their income to study for this qualification.

PRESIDING OFFICER’S STATEMENT ON LEGISLATIVE COMPETENCE

17. On 12 April 2002, the Presiding Officer (Sir David Steel) made the following statement:

“In my view, the provisions of the University of St. Andrews (Postgraduate Medical Degrees) Bill would be within the legislative competence of the Scottish Parliament.”
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