

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

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## **POLICY MEMORANDUM**

### **INTRODUCTION**

1. This document relates to the University of St. Andrews (Postgraduate Medical Degrees) Bill introduced in the Scottish Parliament on 17 April 2002. It has been prepared by Iain Smith, the member in charge of the Bill, with the assistance of the Parliament's Non-Executive Bills Unit, in accordance with Rule 9.3.3A of the Parliament's Standing Orders. The contents are entirely the responsibility of the member and have not been endorsed by the Parliament. Explanatory Notes and other accompanying documents are published separately as SP Bill 51-EN.

### **POLICY OBJECTIVES OF THE BILL**

2. The objective of the Bill is to reinstate the right of the University of St. Andrews (the University) to award postgraduate degrees for research in medicine. The University's right to award medical degrees was removed by the Universities (Scotland) Act 1966 (c.13) (the 1966 Act). Primary legislation is necessary because, although the Privy Council does have power to make an order under section 48 of the Further and Higher Education (Scotland) Act 1992 (c.37) specifying the universities that are competent to grant such degrees as are specified in the order, the power does not extend to amending, varying, repealing or revoking existing primary legislation. There are no other relevant order-making powers that could be used.

3. The University wishes to reinstate the medical postgraduate research degree of *Medicinae Doctor* (MD). MD is a Latin term which means Doctor of Medicine. It is not to be confused with the American term MD which is equivalent to the degree of MB ChB (Bachelor of Medicine and Surgery) which leads to qualification as a medical practitioner in the UK.

4. The MD qualification is not a primary United Kingdom qualification within the meaning of the Medical Act 1983 (c.54) and does not entitle a person to be registered as a medical practitioner under section 3 of that Act. The Bill makes no change to the status of the MD degree, nor does it deal with the regulation of medical practitioners, which is in any event a reserved matter under Head G2 of Part II of Schedule 5 to the Scotland Act 1998 (c.46).

5. The Bill partially removes the restriction placed on the University by the 1966 Act that prevents it from awarding medical degrees. The University will continue to be prohibited from awarding undergraduate degrees in medicine. The Bill specifies that only people entitled to be

registered as medical practitioners may be awarded the new postgraduate degree for research in medicine.

6. The Bill contains a general provision to allow the University to confer any postgraduate degree for research in medicine. This reflects the general position under the 1966 Act that it is a matter for the University Court (the supreme governing body of the University) on the recommendation of the Senatus Academicus (the supreme academic body of the University under the presidency of the principal) to decide which new degree courses should be instituted in the University. At present, the only postgraduate medical research course that the University intends to introduce is the degree of MD.

## **Background**

7. The University of St. Andrews was founded in 1411 and is the oldest University in Scotland. In 1897 the University amalgamated with a new academic centre in Dundee.

8. The 1966 Act reconstituted the four ancient Universities of Scotland (Aberdeen, Edinburgh, Glasgow and St. Andrews) and reorganised the University of St. Andrews by separating Queen's College in Dundee from the University to form the University of Dundee. The 1966 Act also conferred upon the four ancient Universities more autonomy in academic matters, for example the institution of new degrees.

9. There was and is no major teaching hospital in the St. Andrews area so the clinical part of the medical degree offered at the University was moved to the new University of Dundee. As a consequence of this, the 1966 Act removed the University's power to grant undergraduate degrees in medicine. The 1966 Act also removed the University's right to award postgraduate degrees in medicine and undergraduate and postgraduate degrees in surgery, midwifery and dentistry. The Bill makes no change to the position in relation to the rest of these degrees and the University will accordingly continue to be prohibited from awarding undergraduate degrees in medicine and any type of degree in surgery, midwifery or dentistry.

10. The University has continued to offer a three-year undergraduate BSc in medical sciences, which is used to gain entry into the clinical element of a MB ChB at the University of Manchester.

## **The Postgraduate Degree for Research in Medicine**

11. Candidates will select one from the three following modes of study to qualify for the Degree of MD:

- full-time participation in a two-year programme;
- part-time participation in a programme of a maximum duration of five years; or
- submission of published works.

12. The University wishes to provide opportunities for candidates to pursue programmes of research supervised by University staff in collaboration with research groups active in the University.

13. The University hopes that the MD will mirror similar qualifications offered by other Scottish Universities and is therefore basing this new MD on those already available. As detailed below, the University has received comments on draft Regulations from the other medical schools in Scotland.

14. The University believes that qualified medical practitioners would be more likely to choose the MD course than the alternative, a PhD, which takes a minimum of three years and involves more commitment on the part of the individual.

15. The University hopes to encourage more doctors to take up research and, by providing this opportunity in St. Andrews, candidates can work in the local area while studying rather than travelling to Dundee or Edinburgh. The University believes that the introduction of this course will be beneficial for health services in the area.

16. It is expected that one or two candidates will undertake this course each year.

## **IMPLEMENTATION**

17. There are no transitional provisions in the Bill as this is a new degree course and no existing students or procedures will be affected. Once the Bill has come into force the University can begin the internal procedures that are required for the degree to be ratified and start advertising it to potential candidates. The new degree will require to be instituted by a resolution of the University Court on the recommendation of the Senatus Academicus. The admission criteria for the degree course, the duration and the requirements will be set out in Regulations made by the Senate. The Bill will come into force on receiving Royal Assent.

## **ALTERNATIVE APPROACHES**

18. Glasgow, Aberdeen, Edinburgh and Dundee Universities already award postgraduate medical qualifications. Separate legislation exists that governs their status and ability to award these degrees. The University of St. Andrews is unable to grant postgraduate degrees for research in medicine as a result of the 1966 Act.

19. An alternative approach would have been to remove the prohibition only to the extent of enabling the University to award an MD, instead of giving the University a general power to institute new degree courses for research in medicine. However, as mentioned above, this would not have taken account of the fact that it should be a matter for the University Court to decide which particular degree courses should be offered by the University. The continuing absence of a teaching hospital in St. Andrews should not prevent the University from being able to institute any postgraduate degree courses for research in medicine.

## **CONSULTATION**

20. The University has produced draft Regulations for the MD, which detail the admission and other requirements for the course. The Regulations require that a research programme will have to be approved in outline, and a supervisor appointed, before registration for the degree is approved. The Regulations further prescribe the procedures that are to be followed for the final presentation of the research before the postgraduate degree can be awarded.

21. The University circulated this proposal and the draft Regulations to the four medical schools in Scotland, Dundee, Aberdeen, Edinburgh and Glasgow, and to the University of Manchester for comment. The Bill impacts on a very small area of law and the only people directly affected by a new medical postgraduate degree will be the other Universities who currently offer similar courses.

22. The Universities all responded positively to the reinstatement of the MD. The University of Manchester, which currently receives students from St. Andrews wishing to complete their MB ChB, said in its response that the outline of the new MD was “comparable with the best practice in England.”

## **EFFECTS ON EQUAL OPPORTUNITIES, HUMAN RIGHTS, ISLAND COMMUNITIES, LOCAL GOVERNMENT, SUSTAINABLE DEVELOPMENT ETC.**

23. The Bill raises no issues in the areas of human rights, island communities, local government or sustainable development.

24. The Bill will have no effect on equal opportunities. The University has detailed policies on equal opportunities for staff and students alike. The University’s aim is that all staff and students, whether existing or potential, receive fair and equal treatment when applying to, or working as, members of the University. In addition, individuals will be treated with respect and will not be subject to unfair discrimination in any aspect of university life.



*This document relates to the University of St. Andrews (Postgraduate Medical Degrees) Bill (SP Bill 51) as introduced in the Scottish Parliament on 17 April 2002*

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