

# University of St. Andrews (Degrees in Medicine and Dentistry) Bill

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## Explanatory Notes

### Introduction

1. As required under Rule 9.3.2A of the Parliament's Standing Orders, these Explanatory Notes are published to accompany the University of St. Andrews (Degrees in Medicine and Dentistry) Bill, introduced in the Scottish Parliament on 29 September 2020.
2. The following other accompanying documents are published separately:
  - a Financial Memorandum (SP Bill 82–FM);
  - a Policy Memorandum (SP Bill 82–PM);
  - statements on legislative competence made by the Presiding Officer and the Scottish Government (SP Bill 82–LC).
3. These Explanatory Notes have been prepared by the Scottish Government 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.
4. 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 a part of a section, does not seem to require any explanation or comment, none is given.

## **The Bill**

5. The purpose of the Bill is to remove a legislative prohibition that prevents the University of St. Andrews (“the University”) from holding qualifying examinations and granting degrees in medicine and dentistry.

6. The prohibition was put in place by the Universities (Scotland) Act 1966 (“the 1966 Act”), in consequence of the University of Dundee being founded. This involved Queen’s College in Dundee (“Queen’s College”) separating from the University and being transferred, along with the clinical part of the University’s medical school and degree, to the University of Dundee. Accordingly, the Bill repeals paragraph 17 of schedule 6 (transfer of property, etc. to University of Dundee and other transitional provisions) of the 1966 Act, which contains the prohibition.

## **Commentary on Sections**

### **Section 1 – Repeal of prohibition against granting degrees in medicine and dentistry**

7. Section 1 repeals paragraph 17 of schedule 6 of the 1966 Act. This paragraph provided that, on the appointed day, the University ceased to be able to hold qualifying examinations and grant degrees in medicine, surgery and midwifery, and in dentistry.

8. The ‘appointed day’ referred to above was 1 August 1967, which was the day appointed by Royal Charter for the foundation of the University of Dundee. The power of the University to hold qualifying examinations and grant degrees in medicine, surgery and midwifery, and in dentistry, was abolished as part of the transfer to the University of Dundee of certain property, rights, liabilities and functions specified in schedule 6 of the 1966 Act (including the property and functions of Queen’s College and the clinical part of the University’s medical school and degree).

9. Although the prohibition in paragraph 17 refers to a ‘degree in medicine, surgery and midwifery’, this is an archaic term. The modern degree in medicine (MBChB) encompasses surgery. It also encompasses obstetrics which, in the context of the prohibition, is what ‘midwifery’ referred to (since degrees in midwifery, as it is now known, were first awarded in Scotland in the early 1990s).

10. The repeal of paragraph 17 will remove the legislative prohibition that prevents the University from holding qualifying examinations and granting degrees in medicine or dentistry. However, this will not automatically result in the University being able to hold those examinations and grant those degrees. In relation to medical degrees, the University will also need to be included in the list maintained by the General Medical Council under section 4(1) of the Medical Act 1983 in order to be able to hold qualifying examinations and grant degrees in medicine. In relation to dentistry degrees, the University will need to be made a 'medical authority' for the purposes of section 3(1) of the Dentists Act 1984. This status can only be obtained by way of an Order of the Privy Council under article 7(4)(b) of the Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009. This will enable the University to hold examinations in dentistry and grant licences certifying the fitness of the holders to practise dentistry. However, should the General Dental Council (GDC) consider that a particular dentistry programme does not meet the required standards, the GDC can ultimately recommend to the Privy Council that it make an order to provide that the granting of such a degree does not confer any right to be added to the register of dentists.

## **Section 2 – Commencement**

11. Section 2 provides that the provisions of the Bill come into force on the day after Royal Assent.

## **Section 3 – Short title**

12. This section provides that the Bill, once enacted, will be referred to as the University of St. Andrews (Degrees in Medicine and Dentistry) Act 2021.

This document relates to the University of St. Andrews (Degrees in Medicine and Dentistry) Bill (SP Bill 82) as introduced in the Scottish Parliament on 29 September 2020

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