

# **Universities (Scotland) Act 1966:**

**Reinstating the ability of the University  
of St Andrews to award certain degrees  
and licenses**

**Consultation**

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**Scottish Government**  
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# **Universities (Scotland) Act 1966: Reinstating the ability of the University Of St Andrews to award Certain Degrees and Licences Consultation**

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## 1. Introduction

1. This consultation seeks views on reinstating the ability of the University of St Andrews (“the University”) to hold qualifying examinations for or granting undergraduate degrees in medicine, as well as undergraduate and postgraduate degrees and certificates in midwifery and dentistry, by removing a legislative barrier which is not in place for any other UK higher education institution.
2. The Scottish Government is seeking to repeal paragraph 17 of Schedule 6 to the Universities (Scotland) Act 1966 (“the 1966 Act”) which currently prohibits the University from awarding undergraduate degrees in medicine, undergraduate and postgraduate degrees in midwifery and surgery, and undergraduate and postgraduate degrees and licences in dentistry.<sup>1</sup>
3. The 1966 Act requires to be amended to allow the University to award a Primary UK Medical Qualification (PMQ) to Scottish Graduate Entry Medicine (ScotGEM) MBChB students, jointly with Dundee University. It is, however, proposed that the prohibition on all types of degrees under Schedule 6 is repealed.

## 2. The Universities (Scotland) Act 1966

4. The University was founded in 1411 and is the oldest University in Scotland. In 1897 the University amalgamated with a new academic centre in Dundee.
5. The 1966 Act reconstituted the four ancient Universities of Scotland (Aberdeen, Edinburgh, Glasgow and St. Andrews) and reorganised the University by separating it from Queen’s College in Dundee, to form the University of Dundee. The 1966 Act also conferred upon the four ancient Universities more autonomy in academic matters, such as the institution of new degrees.
6. As there is no major teaching hospital in the St Andrews area, the clinical part of the medical degree offered at that time was, in the immediate separation, moved to the new University of Dundee. As a consequence of this, the 1966 Act removed the University’s power to grant undergraduate and postgraduate degrees in medicine, midwifery and dentistry.
7. The University has, however, continued to offer a three-year undergraduate BSc in medicine, which is then used to gain entry to three further years of training at Universities with full medical degree (PMQ (MBChB)) awarding abilities.
8. The 1966 Act has since been amended to partially lift the prohibition placed on the University for postgraduate medical degrees, by the [University of St. Andrews \(Postgraduate Medical Degrees\) Act 2002](#) (“the 2002 Act”). The 2002 Act therefore reinstated the right of the University to award postgraduate degrees for research in medicine.
9. It has been suggested by the University that the prohibition was never intended to be in place permanently, which Hansard would seem to support. The then Under-Secretary of State for Scotland stated that:

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<sup>1</sup> Medical degrees are, however, inclusive of both medicine and surgery given that the MBChB qualification is both a Bachelor of Medicine and Bachelor of Surgery.

*“... it is, of course, open to St. Andrews University to consider whether it, too, wants a medical school. In the present situation, it would no doubt have to do this in conjunction with the working of the Royal Commission on Medical Education which is looking at the establishment of new medical schools... In the initial separation, however, the medical school is going to Dundee because the buildings are there, but that in no way need inhibit St Andrews in future deciding to have a medical school itself, provided that that fits with the general medical training requirements of the country.”<sup>2</sup>*

### **3. The University of St Andrews and ScotGEM**

10. It now fits with the medical training requirements of Scotland for the University to have the ability to award medical degrees, in respect of awarding the PMQ to Scottish Graduate Entry Medicine (ScotGEM) MBChB students, jointly with Dundee University.
11. ScotGEM is Scotland’s first graduate entry programme for medicine. It was [announced](#) by the First Minister in 2016 and formed part of a package of initiatives to meet the Scottish Government’s commitment to create a more sustainable medical workforce and encourage more people into a career in healthcare, whatever their background. Other medical undergraduate degrees take five or six years to complete whereas ScotGEM is a bespoke four year medical degree designed for students who are already graduates and wish to train as doctors.
12. The ScotGEM bid was jointly awarded to Dundee and St Andrews Universities after a fair and open competition. It is delivered in collaboration with the University of the Highlands and Islands and partner Health Boards. The first cohort commenced in 2018 and will graduate in 2022.
13. Primary legislation would be required to effect the reinstatement of the ability of the University to award medical, midwifery and dentistry degrees because there is no other appropriate order-making powers that could be utilised. Although the Privy Council has power to make an order under section 48 of the Further and Higher Education (Scotland) Act 1992 specifying institutions that are competent to grant degrees, that power is not relevant where the body in question already has a power to award degrees (in the University’s case under Royal Charter). Lifting of the present prohibition is therefore not a matter within the Privy Council’s remit.
14. ScotGEM also requires approval by the General Medical Council (GMC), as the regulator of the medical profession, before the ScotGEM PMQ can be awarded to students. The accreditation process is on-track for completion in time for the first cohort graduating.
15. Although it is proposed that the full prohibition is repealed, at present the only medical degree that the University intends to award is the ScotGEM PMQ, jointly with Dundee University. The University has, however, also submitted a proposal for the separate [2019 Programme for Government](#) (PfG) commitment to “*develop proposals for a new medical school*”. This separate process has attracted seven

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<sup>2</sup> Hansard, Scottish Grand Committee, 23 November 1965, Col 33-34.

initial proposals and will be decided through a fair, open and transparent process. Unfortunately, due to the current public health pandemic, this process has been postponed until further notice.

16. Repealing the prohibition on the University's ability to award medical degrees would also result in the University being on an equal footing with the other bidders in the PfG process, given that no other institution in the UK is prohibited by legislation from being able to award medical degrees.
17. Medicine is a controlled subject, meaning that the number of students to enter medical training each year is determined by the Scottish Government, following a workforce planning process, in order to control supply into the profession. The Scottish Government advises the Scottish Funding Council (SFC) of the annual intake target for the sector and the SFC in turn advises individual institutions of their targets, allocates funded places and monitors student uptake separately from non-controlled subject areas.
18. At present, the Scottish Government has no intention of changing the funding landscape for medical undergraduate places. Any future significant changes would result from the 2019 Programme for Government commitment described above. In addition, the University has provided reassurances to the Scottish Government that it has no intentions of operating as a fully privately funded medical school, in line with the way that the provision of teaching for all other degree subjects is funded at the University.
19. Should the University wish to deliver a medical degree on its own, rather than in combination with Dundee University, it would require GMC accreditation – a process which is likely to take a number of years to complete. Part of the accreditation process would include evidencing that a sufficient number of clinical placements could be secured in a way that would not disrupt other medical programmes or put patient safety at risk.

#### **4. Midwifery Degrees and Degrees and Licences in Dentistry**

20. Although the University has advised the Scottish Government that it has no intention of offering degrees in midwifery or degrees or licences in dentistry, it is appropriate to entirely repeal the prohibition in the 1966 Act as it no longer fits today's context. No other UK higher education institution with degree awarding powers is prohibited from awarding degrees in these subjects by primary legislation. For instance, other Universities with existing degree awarding powers conferred under Royal Charter, or by the Privy Council, could generally decide to offer a degree course in these subjects if their governing body passed a resolution to this effect.
21. Furthermore, midwifery and dentistry are controlled subjects and, at present, there is no intention of changing the funding landscape for either of these.

## **5. Alternative options**

22. An alternative approach would be to remove the prohibition only to the extent of enabling the University to award the PMQ in respect of ScotGEM students, instead of lifting the entire prohibition.
23. A partial lift would retain a prohibition which is not applicable to any other UK higher education institution. A full lift, however, would put the University on an equal footing with all other Scottish Universities and would also result in an efficient use of the Scottish Parliament's time and resources given that the University is one of seven bidders in the separate PfG process to consider options for a new Scottish medical school. Should St Andrews be the successful bidder no further legislative change would be required to enable it to award medical degrees by itself.
24. Another alternative approach would be to leave the prohibition in place, meaning that the ScotGEM PMQ would be awarded by Dundee University alone. This is not the preferred approach as the ScotGEM bid was jointly awarded to both Dundee and St Andrews Universities.

## **6. Stakeholder Engagement**

25. The proposed legislative change impacts on a very narrow area of law and the only persons or bodies directly affected would be ScotGEM students and the other Universities who currently offer medical degrees (and to a far lesser extent those Universities who currently offer degrees in midwifery and dentistry).
26. In initial discussions with officials, the four Scottish Universities who currently award medical degrees (Aberdeen, Dundee, Edinburgh and Glasgow) each responded positively to the proposal to fully reinstate the University's ability to award degrees in medicine.

## **7. Summary**

27. It is proposed that the University's ability to award undergraduate degrees in medicine, undergraduate and postgraduate and midwifery, and undergraduate and postgraduate degrees and licences in dentistry, is fully reinstated; therefore removing a legislative prohibition which is not in place for any other UK higher education institution.

## **8. Consultation question**

### Question 1

Do you agree that the Scottish Ministers should seek the Parliament's approval to repeal paragraph 17 of Schedule 6 to the Universities (Scotland) Act 1966 and therefore reinstate the ability of the University of St Andrews to hold qualifying examinations and award degrees in medicine and midwifery, as well as degrees and licences in dentistry?

Please provide reason(s) for your response including any details on the impact this may have on yourself, your organisation, or others.

## **9. Responding to this consultation**

28. Views are sought by close on **Monday 29 June 2020**. Please provide reasons for your views together with any background information and evidence to support those where relevant.
29. Please send your response, together with your completed Respondent Information Form, to: [carmen.murray@gov.scot](mailto:carmen.murray@gov.scot)

**Scottish Government  
Health Workforce, Leadership and Service Reform**

**May 2020**



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