

# The Architects Act 1997

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# Architects Act 1997

## 1997 CHAPTER 22

An Act to consolidate the enactments relating to architects.

[19th March 1997]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

### PART I

#### THE ARCHITECTS REGISTRATION BOARD

**1.**-(1) There shall continue to be a body corporate known as the Architects Registration Board.

The Board.

(2) There shall continue to be a Professional Conduct Committee of the Board.

(3) Part I of Schedule 1 makes provision about the Board.

(4) Part II of that Schedule makes provision about the Professional Conduct Committee.

(5) Part III of that Schedule gives the Board power to establish other committees and makes provision about committees established by the Board.

(6) Part IV of that Schedule makes general provision about the Board and its committees.

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**1A.** (1) The Board is designated as the competent authority in the United Kingdom for the purposes of the Directive so far as relating to architects.

Designation of the Board as competent authority

(2) The designation under subsection (1) does not extend to the awarding of degrees, diplomas or other qualifications in architecture.

(3) Accordingly, the Board shall in the United Kingdom carry out (in particular) the mutual-recognition functions so far as relating to architects.

(4) The carrying-out of the following functions in the United Kingdom is not entrusted to the Board by subsection (3)—

(a) the function of awarding degrees, diplomas or other qualifications in architecture;

(b) any other mutual-recognition functions the carrying out of which, so far as relating to architects, is entrusted to the Board or any other person by or under any enactment other than this section.

(5) In this section “mutual-recognition functions” means the functions specified in the Directive that a Member State, in giving effect to the Directive, must or may cause to become functions of the State’s competent authorities.

### Part II

#### REGISTRATION ETC.

#### *The Registrar and the Register*

**2.**-(1) The Board shall appoint a person to be known as the Registrar of Architects.

The Registrar.

(2) The Board shall decide the period for which, and the terms on which, the Registrar is appointed.

(3) The Registrar shall have the functions provided by or by virtue of this Act and any other functions which the Board directs.

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(3A) Where functions of a competent authority under the Directive are exercised by the

Registrar, he exercises them on behalf of the Board.

(4) The Board may, in addition to paying to the Registrar a salary or fees, pay pensions to or in respect of him, or make contributions to the payment of such pensions, and pay him allowances, expenses and gratuities.

**3.**-(1) The Registrar shall maintain the Register of Architects in which there shall

The Register.

be entered the name of every person entitled to be registered under this Act.  
(1A) The Register shall consist of two Parts, to be known as Part 1 and Part 2.

(2) The Register shall show the regular business address of each registered person

(3) The Registrar shall make any necessary alterations to the Register and, in particular, shall remove from the Register the name of any registered person who has died or has applied in the prescribed manner requesting the removal of his name.

(4) The Board shall publish the current version of the Register annually and a copy of the most recently published version shall be provided to any person who requests one on payment of a reasonable charge decided by the Board.

(5) A copy of the Register purporting to be published by the Board shall be evidence (and, in Scotland, sufficient evidence) of any matter mentioned in it.

(6) A certificate purporting to be signed by the Registrar which states that a person-

(a) is registered;

(b) is not registered;

(c) was registered on a specified date or during a specified period;

(d) was not registered on a specified date or during a specified period; or

(e) has never been registered,

shall be evidence (and, in Scotland, sufficient evidence) of any matter stated.

#### *Registration*

4.-(1) A person who has applied to the Registrar in the prescribed manner for registration in pursuance of this section is entitled to be registered in Part 1 of the Register; if-

(a) he holds such qualifications and has gained such practical experience as may be prescribed; or

(b) he has a standard of competence which, in the opinion of the Board, is equivalent to that demonstrated by satisfying paragraph (a).

(2) The Board may require a person who applies for registration on the ground that he satisfies subsection (1)(b) to pass a prescribed examination in architecture.

(2A) For the purposes of subsection (1), a Directive-rights national shall be treated as having achieved a standard of competence equivalent to that demonstrated by satisfying subsection (1)(a) if—

(a) he produces evidence of a description specified in section 4A(1) which provides access to the profession of architect in the relevant European State in which that evidence was issued”.

(b) he produces to the Registrar a certificate, awarded by a relevant European state other than the United Kingdom, that attests that Article 48(2) of the Directive (authorisation to use the title of architect by reason of being especially distinguished by quality of work in the field of architecture) applies to him; or

(c) he is a person—

(i) whose case falls within regulation 3(9)(a), (b), (c) or (e) of the European Communities (Recognition of Professional Qualifications) Regulations 2007,

(ii) to whom regulations 20 to 26 of those Regulations apply by reason of operation of regulation 3(4) of those Regulations, and

(iii) who is permitted to pursue the profession of architect in the United Kingdom by virtue of Part 3 of those Regulations (having, in particular, successfully passed any aptitude test that he may be required to undertake pursuant to that Part of those Regulations).

(3) Before prescribing

(a) qualifications or practical experience for the purposes of subsection (1)(a); or

(b) any examination for the purposes of subsection (2),

the Board shall consult the bodies representative of architects which are incorporated by royal charter and such other professional and educational bodies as it thinks appropriate.

Registration in Part  
1 of the Register:  
general

(4) Where a person has duly applied for registration in pursuance of this section-

(a) if the Registrar is satisfied that the person is entitled to be Registered in pursuance of this section, he shall enter his name in Part 1 of the Register; but

(b) if the Registrar is not so satisfied, he shall refer the application to the Board.

(5) The Registrar shall not consider an application for registration in pursuance of this section in any case in which it is inappropriate for him to do so (for instance because he is in any way connected with the applicant) but in such a case he shall refer the application to the Board.

(6) Where a person's application is referred to the Board under subsection (4) or (5), the Board shall direct the Registrar to enter the person's name in Part 1 of the Register if it is satisfied that he is entitled to be registered in pursuance of this section.

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(7) For the purposes of subsection (2A)(a), evidence is to be treated as issued in a relevant European State if it is issued in a country (or former country) whose territory at any time consisted of, or included, the whole or part of the territory of that State.

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**4A** (1) The descriptions referred to in section 4(2A)(a) are—

(a) evidence of formal qualifications listed in point 5.7.1 of Annex V to the Directive (qualifications in architecture satisfying the minimum training conditions mentioned in Article 46 of the Directive, including training which is, under Article 22(a), to be treated as meeting those conditions), accompanied, where appropriate, by the certificate listed in relation to that evidence in the column of that point of that Annex entitled “Certificate accompanying the evidence of qualifications”;

(b) evidence of formal qualifications as an architect which is required to be recognised under paragraph 3, 4 or 5 of Article 23 of the Directive (recognition of qualifications issued by the former Czechoslovakia, former Soviet Union, and former Yugoslavia), accompanied by—

(i) such attestation in respect of that evidence as is mentioned in that paragraph, and

(ii) such a certificate as is required by the second sub-paragraph of that paragraph;

(c) evidence of training which is required by paragraph 1 of Article 47 of the Directive to be recognised as satisfying Article 21 of the Directive (training provided by ‘Fachhochschulen’ in the Federal Republic of Germany), accompanied by such a certificate (certificate as to 4 years’ post-training experience) as is mentioned in that paragraph;

(d) evidence of training which is required by paragraph 2 of Article 47 of the Directive to be recognised as satisfying Article 21 of the Directive (training as part of social betterment schemes or part-time university studies), accompanied by evidence of—

(i) having passed such an examination as is mentioned in that paragraph, and

(ii) having worked as mentioned in that paragraph (7 years’ supervised work in the field of architecture);

(e) evidence of formal qualifications which is required by paragraph 1 of Article 49 of the Directive to be recognised by the United Kingdom (acquired rights: recognition of evidence of qualifications listed in Annex VI to the Directive and awarded in other relevant European States; and recognition of evidence of qualifications issued in the German Democratic Republic and certified as equivalent to evidence so listed); and

(f) evidence of formal qualifications in the form of a certificate which is required to be

recognised by paragraph 2 of Article 49 of the Directive (acquired rights: rules governing the access to and pursuit of the activities of an architect as of dates specified for individual Member States).

(2) Where a person applies for registration in pursuance of section 4 and, in doing so,

relies on subsection (2A) of that section—

(a) the Registrar may, for the purposes of deciding whether the person is entitled to

Registration in Part  
1 of the Register:  
European  
qualifications

be registered in pursuance of section 4, demand any documents within Annex VII to the Directive and may, where the demand relates to a document within point 1(d),

(e) or (f) of that Annex, treat the demand as unsatisfied if the document submitted to the Registrar in response to the demand is more than 3 months old when submitted;

(b) in the event of justified doubts as to whether the person is entitled to be registered in pursuance of section 4, the Registrar may require from the competent authorities of a relevant European State confirmation of the authenticity of the attestations and evidence of formal qualifications awarded in that other relevant European State, as well as confirmation of the fact that the person fulfils the minimum training conditions set out in Article 46 of the Directive (including training which is, under Article 22(a), to be treated as meeting those conditions);

(c) in case of justified doubt as to whether the person is entitled to be registered in pursuance of section 4, where evidence of formal qualifications has been issued by a competent authority in a relevant European State and includes evidence as to training received in whole or in part in an establishment legally established in the territory of another relevant European state, the Registrar shall be entitled to verify with the competent authority in the relevant European State of origin of the award—

(i) whether the training course at the establishment which gave the training has been formally certified by the educational establishment based in the relevant European State of origin of the award;

(ii) whether the evidence of formal qualifications issued is the same as that which would have been awarded if the course had been followed entirely in the relevant European State of origin of the award; and

(iii) whether the evidence of formal qualifications confers the same professional rights in the territory of the relevant European State of origin of the award.

(3) Subsection (4) applies to a person who is registered in Part 1 of the Register in pursuance of section 4 in reliance on subsection (2A) of that section.

(4) The person, when using his academic title or any abbreviation of it—

(a) may express the title or abbreviation in the language, or one of the languages, of the relevant European State in which the body conferring the title is located;

(b) must follow the title or abbreviation with the name and location of the body conferring the title.

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**5A.**-(1) Schedule 1A (registration of person lawfully established as an architect in a relevant European State and wishing to provide services in the United Kingdom on a temporary and occasional basis) has effect.

(2) No fee shall be charged for registration in Part 2 of the Register.

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**5B** -(1) Where a person is registered in Part 2 of the Register, the Registrar must in accordance with this section record the person's professional title against the person's name in that Part of the Register.

(2) If the person satisfies the Registrar that the person would be entitled to be registered in Part 1 of the Register were the person to apply to be registered in that Part, the professional title to be recorded for the person shall be "architect".

(3) In any other case—

(a) the professional title to be recorded for the person shall be as it is in the relevant European State in which the person is established as an architect,

(b) that title shall be recorded in the official language, or one of the official languages, of that State, and

(c) if the title that is to be recorded in accordance with paragraphs (a) and (b) is "architect" or is confusingly similar to "architect", the title to be recorded for the person shall be the title that is to be recorded in accordance with paragraphs (a) and

(b) followed by the name of that State in brackets.

Registration in Part  
2 of the Register:  
Directive-rights  
nationals providing  
services

Titles to be used by  
persons registered in  
Part 2 of the  
Register

**5C** - (1) Subsection (2) applies to a person (“P”) if—

Information to be  
given to recipients  
of the service

- (a) P is entitled to be registered in Part 2 of the Register, and
  - (b) P’s professional title falls to be recorded in that Part of the Register in accordance with section 5B(3).
- (2) Before P provides any services as an architect in the United Kingdom to another person, P shall give to that person the following information in writing—
- (a) if P is registered in a commercial register or similar public register, the register in which he is registered, his registration number, or equivalent means of identification contained in that register;
  - (b) if the activity is subject to authorisation in the relevant European State in which P is established, the name and address of the competent supervisory authority;
  - (c) any professional association or similar body with which P is registered;
  - (d) P’s professional title or, where no such title exists, P’s formal qualification and the State in which it was awarded;
  - (e) if P performs an activity which is subject to VAT, the VAT identification number referred to in Article 22(1) of the sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes – Common system of value added tax: uniform basis of assessment; and
  - (f) details of any insurance cover or other means of personal or collective protection with regard to professional liability which P has.

**5D** - (1) Where a person seeks registration in Part 2 of the Register, re-registration in that Part or continuation of registration in that Part, the Registrar may ask the competent authorities of the relevant European State where that person is established as an architect, for each provision of services, to provide information relevant to the legality of that person’s establishment and his good conduct, as well as the absence of any disciplinary or criminal sanctions of a professional nature.

Administrative co-  
operation with other  
relevant European  
States

- (2) Where a competent authority of a relevant European State other than the United Kingdom requests information of the kind described in subsection (1) in respect of a registered architect who is established in the United Kingdom and who wishes to provide services in that relevant European State, the Board shall provide the information in accordance with the provisions of Article 56 of the Directive.
- (3) The Registrar may make enquiries of registered persons where the Registrar considers it necessary to do so for the purposes of enabling the Board to discharge its duties under subsection (2).
- (4) Where a registered person receives enquiries under subsection (3), the person shall reply and, in replying, shall use the person’s best endeavours to assist the Registrar.
- (5) The power under subsection (3) is not to be taken to prejudice any other power to make enquiries of registered persons.

**5E** - (1) In subsections (2) and (3) “service complaint” means a complaint by a recipient of services made against a person in respect of services provided, by that person as an architect on a temporary and occasional basis, in any relevant European State other than the relevant European State where that person is lawfully established as an architect.

Complaints by  
recipients of  
services

- (2) The Board shall ensure the exchange with other competent authorities of all information necessary for service complaints to be correctly pursued.
- (3) Where the Registrar knows the outcome of a service complaint but it appears to the Registrar that the person who made the complaint does not or may not know the outcome, the Registrar shall inform the person of the outcome of the complaint.

**6.**-(1) The Board may require an applicant for registration Part 1 of the Register to

Registration:

|                    |  |  |
|--------------------|--|--|
|                    | pay a fee of a prescribed amount.  | further procedural requirements.   |
|                    | (2) The Board may require a candidate for any examination under section 4(2) to pay a fee of a prescribed amount.  |  |
| UK SI 2008<br>1331 | (2A) The Board may require an applicant for registration in Part 1 of the Register to pay a fee for taking an aptitude test which the applicant is required by the Board to take under regulation 25(1)(b) of the European Communities (Recognition of Professional Qualifications) Regulations 2007 on the basis that the circumstances are as mentioned in regulation 25(3)(b) of those Regulations (education and training received by the applicant covers substantially different matters from that required in the United Kingdom).                          |  |
|                    | (3) The Board may prescribe the information and evidence to be provided to the Registrar in connection with an application for registration Part 1 of the Register.  |  |
| UK SI 2008<br>1331 | (3A) The reference in subsection (3) to an application for registration in Part 1 of the Register does not include an application for registration in that Part made by a Directive-rights national who, in making the application, relies on section 4(2A).   |  |
| UK SI 2008<br>1331 | (3B) Where a Directive-rights national applies to be registered in Part 1 of the Register and, in doing so, relies on section 4(2A), the Board shall—<br>(a) acknowledge receipt of the application within one month of receipt; and<br>(b) inform the applicant of any missing document required for the purposes of the application.   |  |
| UK SI 2008<br>1331 | (3C) The Registrar shall deal expeditiously with all applications for registration.  |  |
|                    | (4) The Registrar shall serve on an applicant for registration in Part 1 of the Register”;   |  |
| UK SI 2008<br>1331 | “(4A) A notice under subsection (4) shall be served—<br>(a) in the case of an application by a person who in making the application—<br>(i) relies on subsection (1)(a) of section 4 without also relying on subsection (2A),<br>or<br>(ii) relies on section 4(2A),<br>within three months beginning with the date on which the application is made;<br>(b) in any other case, within six months beginning with the date on which the application is made.”;  |  |
| UK SI 2002<br>2842 | (4B) Notice of a refusal in the case of an application by a person who in making the application relies on section 4(2A) shall state reasons for the refusal.  |  |
| UK SI 2008<br>1331 | <b>6A.</b> —(1) Where a person requests the Board to issue a certificate of architectural education confirming that the person’s training as an architect—<br>(a) meets the minimum training conditions in Article 46 of the Directive,<br>(b) gives that person entitlement under section 4 to be registered in Part 1 of the Register, or<br>(c) includes prescribed or equivalent qualifications,<br>the Board may issue such a certificate to that person if the training does meet those conditions, gives that entitlement or includes those qualifications. | Issuing of certificates of architectural education                         |
|                    | (2) The Board may require a person making a request under subsection (1) to pay a fee of a prescribed amount.  |  |
| UK SI 2008<br>1331 | <b>7.</b> -(1) A person commits an offence if the person intentionally—<br>(a) becomes or attempts to become registered under this Act, or<br>(b) does any of the things mentioned in subsection (1A) anywhere in or outside the United Kingdom.   | Penalty for obtaining registration or recognition by false representation. |
|                    | (1A) Those things are—<br>(a) making to the Board or to the Registrar,<br>(b) producing to the Board or to the Registrar,<br>(c) causing to be made to the Board or to the Registrar, or<br>(d) causing to be produced to the Board or to the Registrar any false or fraudulent representation or declaration (whether oral or written).   |  |
|                    | (2) A person guilty of an offence under this section is liable on  |  |

summary conviction to a fine not exceeding level 3 on the standard scale.

*Removal from Register etc.*

**8.**-(1) The Board may require a registered person to pay a retention fee of a prescribed amount if he wishes his name to be retained in Part 1 of the Register in any calendar year after that in which it was entered.

Retention of name in Part 1 of the Register.

(2) Where, after the Registrar has sent a registered person who is liable to pay a retention fee a written demand for the payment of the fee, the person fails to pay the fee within the prescribed period, the Registrar may remove the person's name from Part 1 of the Register.

(3) Where a person whose name has been removed from Part 1 of the Register under subsection (2) pays the retention fee, together with any further prescribed fee, before the end of the calendar year for which the retention fee is payable or such longer period as the Board may allow-

(a) his name shall be re-entered in Part 1 of the Register (without his having to make an application under section 4); and

(b) if the Board so directs, it shall be treated as having been reentered on the date on which it was removed.

**9.**-(1) Where the Board is not satisfied that a person who

Competence to practise.

(a) applies for registration in pursuance of section 4;

(b) wishes his name to be retained or re-entered in Part 1 of the Register under section 8; or

(c) applies for his name to be re-entered in Part 1 of the Register under section 18, has gained such recent practical experience as the Board may prescribe, his name shall not be entered or re-entered in Part 1 of the Register, or shall be removed from it, unless he satisfies the Board of his competence to practise.

(2) Where the Board decides that the name of a person to whom paragraph (b) of subsection (1) applies is by virtue of that subsection to be removed from, or not to be re-entered in, Part 1 of the Register, the Registrar shall serve written notice of the decision on him within the prescribed period after the date of the decision.

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**10.**-(1) The Board may order the Registrar to remove a person's name from Part 1 of the Register if-

Disqualification in a relevant European State.

(a) the person relied on section 4(2A) in making the application that led to the person's name being entered in Part 1 of the Register;

(aa) at the time when the person's name was entered in Part 1 of the Register, there was a disqualifying decision in force in respect of the person in a relevant European State other than the United Kingdom.

(b) at that time the Board was unaware of that fact; and

(c) the Board is satisfied that the person was at that time and is still subject to that disqualifying decision.

(2) Where the Board orders the Registrar to remove a person's name from the Register under this section, the Registrar shall serve written notice of the removal on him as soon as is reasonably practicable.

**11.** Where the Registrar serves notice in writing on a person registered in Part 1 of the Register asking if he has changed his regular business address-

Failure to notify change of address.

(a) if no answer is received within six months from the sending of the notice, the Registrar shall serve further written notice on him; and

(b) if no answer is received within three months from the sending of the further notice, the Registrar may remove his name from the Register.

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**[12. Deleted]**

**13.**-(1) The Board shall issue a code laying down standards of professional conduct and practice expected of registered persons. Code of practice.

(2) The Board shall keep the code under review and vary its provisions whenever it considers it appropriate to do so.

(3) Before issuing or varying the code, the Board shall-

(a) consult such professional bodies and such other persons with an interest in architecture as it considers appropriate; and

(b) publish in such manner as it considers appropriate notice that it proposes to issue or vary the code, stating where copies of the proposals can be obtained.

(4) Failure by a registered person to comply with the provisions of the code-

(a) shall not be taken of itself to constitute unacceptable professional conduct or serious professional incompetence on his part; but

(b) shall be taken into account in any proceedings against him under section 14.

(5) The Board shall provide a copy of the code to any person who requests one on payment of a reasonable charge decided by the Board (and may provide a copy free of charge whenever it considers appropriate).

**14.**-(1) Where an allegation is made that a registered person is guilty of-

(a) unacceptable professional conduct (that is, conduct which falls short of the standard required of a registered person); or

(b) serious professional incompetence,

or it appears to the Registrar that a registered person may be so guilty, the case shall be investigated by persons appointed in accordance with rules made by the Board.

(2) Where persons investigating a case under subsection (1) find that a registered person has a case to answer, they shall report their finding to the Professional Conduct Committee.

(3) Where the Professional Conduct Committee receives a report under subsection (2) in relation to a registered person, the Committee shall consider whether he is guilty of unacceptable professional conduct or serious professional incompetence.

(4) Before considering whether a registered person is guilty of unacceptable professional conduct or serious professional incompetence the Professional Conduct Committee shall-

(a) serve written notice on him outlining the case against him; and

(b) give him the opportunity to appear before the Committee to argue his case.

(5) At any such hearing the registered person is entitled to be legally represented.

(6) The Board may make rules as to the procedure to be followed by the Professional Conduct Committee in any proceedings under this section.

(7) If the Board does not make rules for the appointment of persons to investigate whether registered persons have been guilty of unacceptable professional conduct or serious professional incompetence, the Professional Conduct Committee shall consider such questions without any prior investigation.

#### *Disciplinary orders*

**15.**-(1) The Professional Conduct Committee may make a disciplinary order in relation to a registered person if-

(a) it is satisfied, after considering his case, that he is guilty of unacceptable professional conduct or serious professional incompetence; or

(b) he has been convicted of a criminal offence other than an offence which has no material relevance to his fitness to practise as an architect.

(2) In this Act "disciplinary order" means-

(a) a reprimand;

(b) a penalty order;

(c) a suspension order; or

(d) an erasure order.

(3) Where the Professional Conduct Committee makes a disciplinary order in relation to a person, the Registrar shall serve written notice of the order on him as soon as is reasonably practicable.

(4) The Professional Conduct Committee shall, at appropriate intervals and in such

Professional  
misconduct and  
incompetence.

Disciplinary orders.

manner as it considers appropriate, publish-

(a) the names of persons whom it has found guilty of unacceptable professional conduct or serious professional incompetence or in relation to whom it has made a disciplinary order under subsection (1)(b); and

(b) in the case of each person a description of the conduct, incompetence or offence concerned and the nature of any disciplinary order made.

(5) Where, after considering the case of a registered person, the Professional Conduct Committee is not satisfied that he is guilty of unacceptable professional conduct or serious professional incompetence, it shall, if he so requests, publish a statement of that fact in such manner as it considers appropriate.

**16.**-(1) Where a penalty order is made in relation to a registered person, he shall pay to the Board the sum specified in the order.

Penalty orders.

(2) A penalty order may not specify a sum exceeding the amount which, at the relevant time, is the amount specified as level 4 on the standard scale of fines for summary offences.

In this subsection "the relevant time" means-

(a) in a case within subsection (1)(a) of section 15, the time of the conduct or incompetence of which the registered person is found guilty; and

(b) in a case within subsection (1)(b) of that section, the time when he committed the criminal offence of which he has been convicted.

(3) A penalty order shall specify the period within which the sum specified in it is to be paid.

(4) If the person in relation to whom a penalty order is made does not pay the sum specified in the order within the period so specified, the Professional Conduct Committee may make a suspension order or an erasure order in relation to him.

(5) The Board shall pay into the Consolidated Fund any sum paid under a penalty order.

**17.** Where a suspension order is made in relation to a registered person, the Registrar shall remove his name from the Register but shall re-enter it in the Register at the end of such period not exceeding two years as is specified in the order.

Suspension orders

**18.**-(1) Where an erasure order is made in relation to a registered person, the Registrar shall remove his name from the Register and it shall not be re-entered in the Register unless the Board so directs.

Erasure orders.

(2) No application shall be made for the name of a person in relation to whom an erasure order has been made to be re-entered in the Register-

(a) before the end of the period of two years beginning with the date of the erasure order or such longer period specified in the erasure order as the Professional Conduct Committee considers appropriate in a particular case; or

(b) where he has made a previous application for his name to be reentered in the Register, before the end of the prescribed period beginning with the date of the decision of the Board on that application.

(3) The Registrar shall serve on a person who applies for his name to be re-entered in the Register under this section written notice of the decision on his application within the prescribed period after the date of the decision.

(4) The Board may require a person whose name is re-entered in the Register under this section to pay a fee of a prescribed amount.

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**[19. Deleted.]**

#### **Part IV**

##### **USE OF THE TITLE "ARCHITECT"**

**20.**-(1) A person shall not practise or carry on business under any name, style or title containing the word "architect" unless he is a person registered in Part 1 of the Register.

Use of title  
"architect".

(2) Subsection (1) does not prevent any use of the designation "naval architect", "landscape architect" or "golf-course architect".

(3) Subsection (1) does not prevent a body corporate, firm or partnership from carrying on business under a name, style or title containing the word "architect" if-

(a) the business of the body corporate, firm or partnership so far as it relates to architecture is under the control and management of a person registered in Part 1 of the Register who does not act at the same time in a similar capacity for any other body corporate, firm or partnership; and

(b) in all premises where its business relating to architecture is carried on it is carried on by or under the supervision of a person registered in Part 1 of the Register.

(4) The Board may by rules provide that subsection (3) shall not apply in relation to a body corporate, firm or partnership unless it has provided to the Board such information necessary for determining whether that subsection applies as may be prescribed.

“(5) Subsection (1) does not prevent a person registered in Part 2 of the Register using—

(a) the title recorded for the person in that Part; or

(b) any other title that could have been recorded for the person in that Part.”

(6) For the purposes of this section a person is not treated as not practising by reason only of his being in the employment of another person.

(7) In this section "business" includes any undertaking which is carried on for gain or reward or in the course of which services are provided otherwise than free of charge.

(8) Nothing in this section affects the validity of any building contract in customary form.

**21.**-(1) If any person contravenes section 20(1) he commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Offence

(2) A person is not guilty of an offence by reason of contravening section 20(1) on any particular date if-

(a) the contravention is occasioned by the fact that an application on his part for registration under this Act has not been granted; and

(b) notice of the decision not to grant the application had not been duly served under this Act before that date.

(3) A person is not guilty of an offence by reason of contravening section 20(1) on any particular date if the contravention is occasioned by the removal of his name from the Register in circumstances in which notice is required to be served on him and-

(a) the notice had not been duly served before that date;

(b) the time for bringing an appeal against the removal had not expired at that date; or

(c) such an appeal had been duly brought, but had not been determined, before that date.

(4) In relation to an offence under subsection (1)-

(a) section 127(1) of the Magistrates' Courts Act 1980 (information to be laid within six months of offence);

(b) Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981 (complaint to be made within that time); and

(c) section 136(1) of the Criminal Procedure (Scotland) Act 1995 (proceedings to be commenced within that time),

shall have effect as if for the references in them to six months there were substituted references to two years.

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1980 c. 43.

S.I. 1981/1675  
(N.I. 26).

1995 c. 46.

## PART V

### GENERAL AND SUPPLEMENTARY

#### *General*

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## 22 Appeals

Appeals.

(1) A person may appeal to the High Court or, in Scotland, to the Court of Session if he is aggrieved by—

(a) refusal of his application for registration in Part 1 of the Register;

- (b) failure of the Registrar to comply with section 6(4);
- (c) his name not being re-entered in, or his name being removed from, Part 1 of the Register by virtue of section 9;
- (d) the Board's ordering under section 10 that the Registrar remove his name from Part 1 of the Register; or
- (e) the making of a disciplinary order in relation to him.

(2) Subject to subsection (3), an appeal under subsection (1)(a), (c), (d) or (e) must be made not later than three months after the date on which notice of the decision or order concerned is served on the person.

(3) Where an appeal under subsection (1)(a) is made by a person who relied on subsection (2A) of section 4 in applying for registration in pursuance of that section, the appeal must be made not later than four months after the date on which notice of the refusal is served on the person.

(4) The time limits for making an appeal under subsection (1)(b) are—

- (a) where the appeal is made by a person who relied on subsection (2A) of section 4 in applying for registration in pursuance of that section, within seven months, and
- (b) where the appeal is made by a person who, in applying for registration in pursuance of that section, relied on subsection (1)(a) of that section without also relying on subsection (2A) of that section, within six months, beginning with the date on which the person's application for registration is made.

(5) An appeal under subsection (1)(b) to which subsection (4) does not apply must be made within nine months beginning with the date on which the person's application for registration is made.

(6) If a person claims to be entitled to be registered in Part 2 of the Register but the person's name is not entered in that Part, the person may appeal to a county court or, in Scotland, to the sheriff.

(7) On an appeal under this section the court concerned may make any order which appears appropriate, and no appeal shall lie from any decision of a court on such an appeal.

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**22B** - (1) The Board, in its capacity as competent authority for the purposes of the Directive, is to—

- (a) work in close collaboration with competent authorities of other relevant European States, and
- (b) provide assistance to competent authorities of other relevant European States in accordance with and in order to facilitate the application of the Directive.

(2) The Board is to exchange professional-regulation information about—

- (a) registered persons who are Directive-rights nationals, or
- (b) Directive-rights nationals who have made an application for registration in the Register, with competent authorities of other relevant European States.

(3) In this section “professional-regulation information” means information regarding—

- (a) disciplinary action taken,
- (b) criminal sanctions imposed, or
- (c) any other serious, specific circumstances, where the action is, or the sanctions or circumstances are, likely to have consequences for the pursuit of the profession of architect by a person.

(4) If in any case the Board receives professional-regulation information from a competent authority of another relevant European State, the Board—

- (a) is responsible for investigating and establishing the position in the case, and
- (b) is to pass on its conclusions in the case to a competent authority in each relevant European State in which the person concerned is established as an architect or (without being established) is providing services as an architect.

(5) The Board may make enquiries of registered persons where the Board considers

Administrative co-  
operation

it necessary to do so for the purposes of enabling it to discharge its duties under subsections (1)(b) and (4)(a).

(6) Where a registered person receives enquiries under subsection (5), the person shall reply and, in replying, shall use the person's best endeavours to assist the Board.

(7) The power under subsection (5) is not to be taken to prejudice any other power to make enquiries of registered persons.

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**22C -** (1) The Board, the Registrar, and persons acting on behalf of either of them, are prohibited from disclosing information to which subsection (2) applies.

Confidentiality

(2) This subsection applies to information if—

(a) the information is received in the course of the carrying-out of functions of the Board or the Registrar;

(b) the functions are functions under the Directive or under any enactment giving effect to the Directive; and

(c) the information—

(i) is provided by a competent authority of another relevant European State, or

(ii) relates to an application made by a Directive-rights national for registration in the Register.

(3) Subsection (1) does not apply to disclosure which is—

(a) to the Secretary of State; or

(b) necessary in order to facilitate the carrying-out of functions of the Board, or of functions of the Registrar, under this Act or any other enactment.

(4) An authority within subsection (5) must, so far as it is within the authority's power to do so, ensure the confidentiality of information which, in the course of the carrying-out of functions of the authority under the Directive or under any enactment giving effect to the Directive, is disclosed by or on behalf of the authority to a competent authority of another relevant European State.

(5) The authorities within this subsection are—

(a) the Board; and

(b) the Registrar.

**23.-**(1) The Board may make rules generally for carrying out or facilitating the purposes of this Act.

Rules

(2) The Board shall, before making any rules under this Act, publish a draft of the rules and give those to whom the rules would be applicable an opportunity of making representations to the Board.

(3) The Registrar shall on payment of the prescribed charges supply a copy of any rules made under this Act and of any forms prescribed by such rules to any person applying for them.

**24.-**(1) Any notice or document required to be served by or for the purposes of this Act may be sent by post, and when sent to any registered person shall be deemed to be properly addressed if addressed to him at his address in the Register.

Service of documents.

(2) Any notice relating to the refusal to register any person or required to be served by section 9(2), 10(2), 11(a), 14(4)(a) or 15(3) shall be sent by post as a registered letter.

#### *Supplementary*

**25.** (1) In this Act-

"the Board" means the Architects Registration Board;

"competent authority" means any authority or body designated by a relevant European State for the purposes of the Directive as competent to—

(a) issue, or receive, evidence of qualifications or other information or documents, or

(b) receive applications, and take the decisions, referred to in the Directive, in connection with the profession of architect;

Interpretation

“the Directive” means Council Directive 2005/36/EC on the recognition of professional qualifications, and—

(a) any reference to the Directive includes (without prejudice to the operation of section 20A of the Interpretation Act 1978) a reference to the Directive as extended by the EEA Agreement (see the amendments made to that Agreement by Decision of the EEA Joint Committee No. 142/2007 on 26th October 2007), and

(b) any reference to an Annex to the Directive is, except where the reference to the Directive is to the Directive as extended by the EEA Agreement, a reference to the Annex as amended from time to time;

“Directive-rights national” means—

(a) a national of a relevant European State other than the United Kingdom,

(b) a national of the United Kingdom who is seeking access to, or is pursuing, the profession of architect by virtue of an enforceable Community right, or

(c) a person who is not a national of a relevant European State but who is, by virtue of an enforceable Community right, entitled to be treated, for the purposes of access to and pursuit of the profession of architect, no less favourably than a national of a relevant European State, but does not include a person who, by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession, is not to benefit from Community

provisions relating to the free movement of persons and services;”

"disciplinary order" has the meaning given by section 15;

“disqualifying decision”, in relation to any person, means a decision which—

(a) is made by a competent authority of a relevant European State other than the United Kingdom, and

(b) has the effect in that State that the person is no longer lawfully established as an architect there or that the person is prohibited (even temporarily) from practising as an architect there;

"erasure order" shall be construed in accordance with section 18;

"penalty order" shall be construed in accordance with section 16;

"prescribed" means prescribed by rules made by the Board and

"prescribe" means prescribe by rules;

"the Register" means the Register of Architects;

"registered person" means a person whose name is in the Register;

"the Registrar" means the Registrar of Architects;

“relevant European State” means an EEA State or Switzerland;

"suspension order" shall be construed in accordance with section 17;

“third country” means a country other than a relevant European State; and

"unacceptable professional conduct" has the meaning given by section 14.

Consequential amendments.

## **26.In-**

1955 No. 1. (a) section 6 of the Inspection of Churches Measure 1955, in the definition of "qualified person";

1963 No. 2. (b) section 52(1) of the Cathedrals Measure 1963, in the definition of "architect"; and

1990 No. 2. (c) section 20(1) of the Care of Cathedrals Measure 1990, in the definition of "architect",

for "Architects Acts 1931 to 1996" substitute "Architects Act 1997".

**27.** Schedule 2 (transitional provisions and savings) and Schedule 3 (repeals and revocations) have effect.

Transitional, repeals etc.

**28.**-(1) This Act may be cited as the Architects Act 1997.

(2) This Act (apart from this section) shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.

Short title, commencement and extent.

(3) This Act extends to Northern Ireland.

## **SCHEDULES**

SCHEDULE 1  
THE BOARD AND ITS COMMITTEES  
PART I  
THE BOARD  
*Membership*

1. The Board shall consist of
- (a) seven elected members; and
  - (b) eight appointed members.

*Elected members*

- 2.-(1) The elected members shall be elected in accordance with an electoral scheme made by the Board, with the approval of the Privy Council, after consultation with such bodies as appear to the Board to be representative of architects.
- (2) An electoral scheme under sub-paragraph (1) may be amended by the Board with the approval of the Privy Council and after consultation with such bodies as are mentioned in that sub-paragraph.
- (3) The persons qualified-
- (a) to elect the elected members; and
  - (b) to be elected as elected members,
- are all those who are persons registered in Part 1 of the Register when the election is held.

*Appointed members*

- 3.-(1) The appointed members shall be appointed by the Privy Council, after consultation with the Secretary of State and such other persons or bodies as the Privy Council thinks fit, to represent the interests of users of architectural services and the general public.
- (2) No persons registered in Part 1 of the Register shall be eligible for appointment as an appointed member.

*Term of office*

UK SI 2014  
No.4

- 4.-(1) Subject to sub-paragraphs (2) and (3), the term of office of a member of the Board is four years.
- (2) A member may resign at any time by notice in writing addressed to the Registrar.
- (3) The Board may prescribe grounds (such as repeated absence from meetings or unacceptable professional conduct) on which any member may be removed from office and the procedure for removal.

UK SI 2014  
No.4

5. A person who has held office as a member of the Board for a continuous period of eight years may not be elected or appointed as a member until at least four years have elapsed since he last held office.

*Casual vacancies*

- 6.-(1) Where a vacancy occurs among the members of the Board otherwise than by the expiry of a member's term of office-
- (a) if the vacancy is among the elected members, the Board shall appoint a person registered in Part 1 of the Register to fill it; and
  - (b) if the vacancy is among the appointed members, the Privy Council shall appoint a person to fill it.
- (2) Subject to paragraph 4(2) and (3), a person appointed under subparagraph (1) to fill a vacancy holds office until the date on which the term of office of the member whose vacancy he fills would have expired.
- (3) A person appointed under sub-paragraph (1)(a) shall be regarded as an elected member and a person appointed under sub-paragraph (1)(b) shall be regarded as an appointed member.

### *Chairman*

- 7.-(1) The members of the Board shall elect a chairman from among themselves.
- (2) The chairman-
- (a) may resign by notice in writing addressed to the Registrar; and
  - (b) may be removed by a majority vote of the other members of the Board.
- (3) Rules made by the Board may make provision for the appointment of a person to act as chairman in the event of a vacancy in the office of chairman or in such other circumstances as may be prescribed.
8. In the event of a tie in any vote of the Board the chairman shall have an additional casting vote.

### *Procedure*

9. The quorum of the Board shall be nine, of whom at least four shall be elected members and at least four shall be appointed members.
10. The Board may make rules governing its meetings and procedure.

### *Staff*

- 11.-(1) The Board may appoint staff.
- (2) The Board shall determine the period for which, and the terms on which, its staff are appointed.
- (3) Staff appointed by the Board shall have the duties which the Board directs.
- (4) The Board may, in addition to paying salaries to its staff, pay pensions to or in respect of them, or make contributions to the payment of such pensions, and pay them allowances, expenses and gratuities.

### *Seal*

12. The Board shall have a common seal which shall be authenticated in the prescribed manner; and any document purporting to be sealed with the seal authenticated in that manner shall be receivable as evidence of the particulars stated in it.

## PART II

### THE PROFESSIONAL CONDUCT COMMITTEE

UK SI 2004  
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13. The Professional Conduct Committee shall consist of—
- (a) four elected members of the Board;
  - (b) three appointed members of the Board;
  - (c) three persons nominated by the President of the Law Society; and
  - (d) six persons appointed by the Board, including three registered persons, of whom the address of at least one in the Register is in Scotland.”
- 14.-(1) The members of the Professional Conduct Committee shall elect a chairman from among themselves.
- (2) The chairman-
- (a) may resign by notice in writing addressed to the Registrar; and
  - (b) may be removed by a majority vote of the other members of the Professional Conduct Committee.
- (3) Rules made by the Board may make provision for the appointment of a person to act as chairman in the event of a vacancy in the office of chairman or in such other circumstances as may be prescribed.
- 15.-(1) Subject to sub-paragraphs (1A) and (2), the quorum of the Professional Conduct Committee shall be one person nominated by the President of the Law Society; and any two persons from one or more of the following categories—
- (a) the elected members of the Board;
  - (b) the appointed members of the Board;
  - (c) the persons appointed by the Board.

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- (1A) The Committee shall not, however, be quorate unless there are present—
- (a) a member of the Committee who is a persons registered in Part 1 of the

Register; and

(b) a member of the Committee who is neither a registered person nor a person nominated by the President of the Law Society. The quorum of the Professional Conduct Committee shall be one elected member of the Board, one appointed member of the Board and one person nominated by the President of the Law Society.

(2) In addition, where the Committee is considering the case of a person whose address in the Register is in Scotland, the Committee is not quorate unless there is present a member of the Committee who is a persons registered in Part 1 of the Register and whose address in the Register is in Scotland.

16. In the event of a tie in any vote of the Professional Conduct Committee the chairman shall have an additional casting vote; and in any proceedings relating to a registered person the additional vote shall be cast in favour of that person.

17. The Board may make rules governing the selection and term of office of members of the Professional Conduct Committee (including casual vacancies).

### **PART III OTHER COMMITTEES**

18.-(1) The Board may establish such committees as it considers appropriate-

(a) to discharge any of its functions under this Act other than those to which sub-paragraph (2) applies; or

(b) to assist the Board in the discharge by the Board of any of its functions.

(2) This sub-paragraph applies to the following functions-

(a) prescribing fees under section 6(1) or (2), 8(1) or (3) or 18(4); and

(b) acting under section 4(1) or (2), 5(1), 6(3), 9(1) or 13(1), (2) or (3).

19. -(1) Any committee established by the Board may include persons who are not members of the Board; but if a committee is established to discharge any function of the Board, the majority of the members of the committee must be members of the Board.

(2) Subject to that, the membership of any committee established by the Board shall be determined by the Board.

20. No vote of any committee established by the Board for the discharge of any of its functions shall be valid unless the majority of those voting are members of the Board.

21. The Board may make rules governing the term of office of members of any committee established by the Board (including casual vacancies) and the meetings and procedure (including chairmanship and quorum) of any committee established by the Board.

### **PART IV GENERAL**

22.-(1) The Board, the Professional Conduct Committee and any committee established by the Board may exercise its functions even though there is a vacancy among its members.

(2) No proceedings of the Board, the Professional Conduct Committee or any committee established by the Board are invalidated by any defect in the election or appointment of a member.

23. The Board may by rules provide for the payment to members of the Board, the Professional Conduct Committee or any committee established by the Board of-

(a) fees for attendance at meetings of the Board or committee; and

(b) travelling and subsistence allowances in respect of attendance at such meetings or the conduct of business of the Board or committee.

24.-(1) The Secretary of State may, after consultation with the Board and such other persons or bodies as he thinks fit, by order amend the provisions of this Schedule.

(2) An order under sub-paragraph (1) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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## SCHEDULE 1A

### VISITING ARCHITECTS FROM RELEVANT EUROPEAN STATES

1. This Schedule applies to a Directive-rights national who is lawfully established as an architect in a relevant European State other than the United Kingdom.

Application and  
interpretation

2.—(1) In this Schedule—

- (a) “visiting practitioner” means a person to whom this Schedule applies;
- (b) “home State”, in relation to a visiting practitioner, means the relevant European State in which the practitioner is lawfully established as an architect; and
- (c) a reference to the provision of occasional services is a reference to the provision in the United Kingdom, on a temporary and occasional basis, of services as an architect.

(2) Sub-paragraph (3) applies where, for purposes of this Schedule, it falls to be assessed whether the provision of services is on a temporary and occasional basis.

(3) The temporary and occasional nature of the provision of the services shall be assessed case by case, in particular in relation to its duration, its frequency, its regularity and its continuity.

3.—(1) A visiting practitioner who proposes to provide occasional services for the first time is entitled to be registered in Part 2 of the Register if the practitioner sends or produces to the Registrar—

Entitlement to be  
registered in respect  
of provision of  
occasional services:  
first year

- (a) the required declaration, and
- (b) the other required documents,

but paragraph 5 contains provision about the duration of entitlement under this subparagraph.

(2) The Registrar shall give effect to entitlement under sub-paragraph (1), except that the Registrar may refuse to do so if, even though there is at least one other State in which the visiting practitioner— (a) is lawfully established as an architect, and

(b) is not prohibited (even temporarily) from practising as an architect, there is also at least one other State where a disqualifying decision is in force in respect of the practitioner; and in this sub-paragraph “other State” means a relevant European State other than the United Kingdom.

(3) For the purposes of sub-paragraph (1) “the required declaration” is a written declaration that—

- (a) states the practitioner’s wish to provide occasional services, and
- (b) contains details of the insurance cover, or other means of personal or collective protection, that the practitioner has with regard to professional liability.

(4) For the purposes of sub-paragraph (1) “the other required documents” are—

- (a) if the practitioner is a national of a relevant European State, proof of nationality;
- (b) if the practitioner is not a national of a relevant European State, proof of the Community right by virtue of which the practitioner is a Directive-rights national;
- (c) evidence certifying successful completion of any professional training undertaken by the practitioner that is relevant to practise as an architect;
- (d) evidence of any actual and lawful pursuit of the profession of architect undertaken by the practitioner in any relevant European State;
- (e) a certificate (or certificates) issued by a competent authority in the practitioner’s home State confirming—

- (i) that the practitioner is lawfully established as an architect in that State, and
- (ii) that the practitioner is not prohibited (whether on a permanent or temporary basis) from practising as an architect there.

(5) A declaration under sub-paragraph (3) may be supplied by any means

4.—(1) Sub-paragraph (2) applies where the Registrar receives the required renewal documents from a visiting practitioner who is entitled under this Schedule to be registered in Part 2 of the Register.

Registration in respect of provision of occasional services after first year

(2) The visiting practitioner continues to be entitled to be registered in Part 2 of the Register, but paragraph 5 contains provision about the duration of entitlement continued under this sub-paragraph.

(3) Sub-paragraph (4) applies where the Registrar receives the required renewal documents from a visiting practitioner who—

(a) is not entitled under this Schedule to be registered in Part 2 of the Register, but

(b) has been previously entitled under this Schedule to be registered in that Part.

(4) The visiting practitioner is once again entitled to be registered in Part 2 of the Register, but paragraph 5 contains provision about the duration of entitlement continued under this sub-paragraph.

(5) The Registrar shall give effect to entitlement under sub-paragraph (2) or (4).

(6) In relation to a visiting practitioner “the required renewal documents” are—

(a) a renewal declaration; and

(b) each evidence of change document (if any).

(7) In this paragraph “renewal declaration”, in relation to a visiting practitioner, means a written declaration that—

(a) states the practitioner’s wish to provide occasional services in a further year; and

(b) contains details of the insurance cover, or other means of personal or collective protection, that the practitioner has with regard to professional liability.

(8) Where a document—

(a) is, in relation to a visiting practitioner, one of the other required documents for the purposes of paragraph 3(1), and

(b) substantiates a matter as respects which there has been a material change since the practitioner last (whether under paragraph 3 or this paragraph) supplied the then current version of the document to the Registrar, the version of the document current when under this paragraph the practitioner supplies a renewal declaration to the Registrar is an “evidence of change” document for the purposes of sub-paragraph (6)(b).

(9) A renewal declaration supplied under this paragraph may be supplied by any means.

5.—(1) Unless an entitlement under paragraph 3 or 4(4) is continued (or further continued) by paragraph 4(2), the entitlement ceases at the end of the year that begins with the day after the day on which the Registrar received the documents whose receipt gave rise to the entitlement.

Duration of entitlements to be registered in Part 2 of the Register

(2) Where an entitlement under paragraph 3 or 4(4) is continued (or further continued) by paragraph 4(2), the entitlement is extended so as to cease at the end of the year that begins with the day after the relevant day.

(3) For the purposes of sub-paragraph (2)—

(a) if the day on which the Registrar receives the documents whose receipt gives rise to the continuation (or further continuation) is an anniversary of the start day, “the relevant day” means the day on which the Registrar receives those documents;

(b) otherwise, “the relevant day” means the anniversary of the start day that is the first such anniversary to occur after the Registrar receives the documents whose receipt gives rise to the continuation (or further continuation).

(4) In sub-paragraph (3) “the start day”, in relation to an entitlement under paragraph 3 or 4(4), means the day on which the Registrar receives the documents whose receipt gives rise to the entitlement.

(5) An entitlement under this Schedule to be registered in Part 2 of the Register

ceases if—

(a) the visiting practitioner concerned becomes established in the United Kingdom as an architect; or

(b) it becomes the case—

(i) that the practitioner is not lawfully established as an architect in any of the other States, or

(ii) that the practitioner is prohibited (on a permanent or temporary basis) from practising as an architect in each other State in which the practitioner is lawfully established as an architect;

and here “other State” means a relevant European State other than the United Kingdom.

6. A visiting practitioner who is entitled under this Schedule to be registered in Part 2 of the Register, but who is not registered in that Part, shall be treated as registered in that Part.

Deemed registration where person entitled to be registered is not registered  
Registrar’s power to remove person’s name from Part 2 of the Register

7.—(1) Sub-paragraph (3) applies where a person’s entitlement under this Schedule to be registered in Part 2 of the Register ceases by reason of the operation of provisions of this Schedule.

(2) Sub-paragraph (3) also applies where—

(a) a visiting practitioner is lawfully established as an architect in a relevant European State other than the United Kingdom and is not prohibited (whether on a permanent or temporary basis) from practising as an architect there, and

(b) a disqualifying decision is made against the practitioner in a different relevant European State that is not the United Kingdom.

(3) If the person is registered in Part 2 of the Register, the Registrar may remove the person’s name from that Part.

8. Paragraphs 3 to 7 are not to be taken to prejudice the application, in relation to persons registered in Part 2 of the Register on the basis of entitlement under this Schedule, of any other provision of this Act under which a registered person’s name may be removed from Part 2 of the Register.

Saving for other powers to de-register or suspend registration

9. Where the Registrar receives documents from a person and it appears to the Registrar—

Registrar’s duty to notify person appearing not to have entitlement

(a) that the documents were sent or produced to the Registrar for the purpose of establishing that the person is entitled to be registered, to continue to be registered or once again to be registered in Part 2 of the Register, but

(b) that the person is not so entitled, the Registrar shall, as soon as may be reasonably practicable after the Registrar comes to be of that view, serve on the person written notice that the Registrar is of that view.”

## SCHEDULE 2

### TRANSITIONAL PROVISIONS AND SAVINGS

#### *General transitionals and savings*

1. The substitution of this Act for the provisions repealed or revoked by this Act does not affect the continuity of the law.

2. Anything done, or having effect as if done, (including the making of rules) under or for the purposes of any provision repealed or revoked by this Act has effect as if done under or for the purposes of any corresponding provision of this Act.

3. Any reference (express or implied) in this Act or any other enactment, or in any instrument or document, to a provision of this Act is (so far as the context permits) to be read as (according to the context) being or including in relation to times, circumstances and purposes before this Act comes into force a reference to the corresponding provision repealed or revoked by this Act.

4.—(1) Any reference (express or implied) in any enactment, or in any instrument or document, to a provision repealed or revoked by this Act is (so far as the context

permits) to be read as (according to the context) being or including in relation to times, circumstances and purposes after this Act comes into force a reference to the corresponding provision repealed or revoked by this Act.

(2) In particular, where a power conferred by an Act is expressed to be exercisable in relation to enactments contained in an Act passed before or in the same Session as the Act conferring the power, the power is also exercisable in relation to provisions of this Act which reproduce such enactments.

1978 c. 30.

5. Paragraphs 1 to 4 have effect in place of section 17(2) of the Interpretation Act 1978 (but are without prejudice to any other provision of that Act).

#### *First appointments to the Board*

6. The term of office of the members of the Board who were appointed by the Privy Council to take office on the day on which Part III of the 1996 Act came into force (and who remain members of the Board when this Act comes into force)-

(a) is one year beginning with that day in the case of three of those members;

(b) is two years beginning with that day in the case of another three of those members; and

(c) is three years beginning with that day in the case of the remaining two members.

#### *Registration*

7. If-

(a) a person duly applied for registration under the 1931 Act before Part III of the 1996 Act came into force; but

(b) no decision on the application has been made before this Act comes into force, the application shall be dealt with in the same way as an application duly made after this Act comes into force (except that no further fee may be required to be paid).

8. Examinations in architecture which immediately before the day on which Part III of the 1996 Act came into force were recognised by the Council for the purposes of section 6(1)(c) of the 1931 Act (as it had effect before Part III of the 1996 Act came into force) shall (subject to rules made by the Board) be treated as qualifications prescribed under section 4(1)(a).

9. The reference in subsection (3) of section 8 to a person whose name has been removed from the Register under subsection (2) of that section shall be treated as including a reference to a person whose name was removed from the Register under section 13(5) of the 1931 Act before Part III of the 1996 Act came into force.

10. The reference to the Board in section 10(1)(b) shall be construed, in relation to the entry of a name in the Register before Part III of the 1996 Act came into force, as a reference to the Council.

#### *Discipline*

11. If-

(a) before Part III of the 1996 Act came into force, the Discipline Committee began an inquiry into any case in which it was alleged that a registered person had been guilty of conduct disgraceful to him in his capacity as an architect; but

(b) the case has not been decided or referred to the Professional Conduct Committee before this Act comes into force,

the case shall be referred to the Professional Conduct Committee which shall consider whether he is guilty of unacceptable professional conduct or serious professional incompetence.

12.-(1) Subject to sub-paragraph (2), sections 14 to 18 have effect in relation to anything done or omitted to be done before this Act comes into force (including anything done before Part III of the 1996 Act came into force) as in relation to anything done or omitted to be done after this Act comes into force.

(2) The Professional Conduct Committee-

(a) may only make a disciplinary order in respect of anything done or omitted to be done by a person before Part III of the 1996 Act came into force if the Council could have removed his name from the Register under section 7 of the 1931 Act (as

it had effect before Part III of the 1996 Act came into force); and

(b) may not make a reprimand or penalty order in respect of anything done or omitted to be done before Part III of the 1996 Act came into force.

13.-(1) If a person's name was removed from the Register under section 7 of the 1931 Act before Part III of the 1996 Act came into force, he may at any time apply to the Board for his name to be re-entered in the Register.

(2) If he does so, the Board may direct that his name shall be re-entered in the Register.

(3) The Registrar shall serve on a person who applies for his name to be reentered in the Register under this paragraph written notice of the decision on his application within the prescribed period after the date of the decision.

(4) The Board may require a person whose name is re-entered in the Register under this paragraph to pay a fee of such amount, not exceeding the fee then payable by an applicant for registration in pursuance of section 4, as may be prescribed.

14. If-

(a) a person's name was removed from the Register, or the Council determined that a person be disqualified for registration during any period, before Part III of the 1996 Act came into force; and

(b) the period of three months from the date on which notice of the removal or determination was served on him has not ended before this Act comes into force, he may appeal under section 22 against the removal or determination at any time before the end of that period.

15. Section 12(7)(c) shall have effect as if it included a reference to a period of disqualification imposed by the Council.

#### *Offence of practising while not registered*

16. The repeal by this Act of Schedule 2 to the 1996 Act does not affect the continued operation of paragraphs 31 and 32 of that Schedule in relation to an offence committed before Part III of the 1996 Act came into force.

#### *The Education Fund*

17.-(1) This paragraph applies if when this Act comes into force the assets of the Architects' Registration Council Education Fund have not been transferred by the Board.

(2) The Board may transfer the assets of the Fund to such person and on such terms as may be approved by the Secretary of State.

(3) The repeal by the 1996 Act of sections 1(1) and (4) to (6), 3 and 4 of the 1969 Act shall not come into force until the transfer is made; and until the transfer references in those provisions to the Council shall have effect as references to the Board.

18. A person to whom the assets of the Fund are transferred (whether under section 124 of the 1996 Act or paragraph 17) shall apply the assets, and all income arising from the assets, for the purposes authorised in subsection (4) of section 1 of the 1969 Act (assuming for this purpose that the reference in that subsection to the Council were a reference to the person to whom the assets of the Fund are transferred).

19.-(1) In this Schedule-

(a) "the 1931 Act" means the Architects (Registration) Act 1931;

(b) "the 1969 Act" means the Architects Registration (Amendment) Act 1969; and

(c) "the 1996 Act" means the Housing Grants, Construction and Regeneration Act 1996.

(2) In this Schedule-

(a) "the Council" means the Architects' Registration Council of the United Kingdom established under the 1931 Act, which was renamed as the Board by section 118(1) of

the 1996 Act; and

(b) "the Discipline Committee" means the Discipline Committee constituted under the 1931 Act, which was abolished by section 118(2) of the 1996 Act.