

## ANNEX A

### ARB's General Rules

#### Interpretation 1. Commencement

1.1 These rules shall be known as the 'Architects Registration Board Rules' and are made under section 23(1) of the Act unless otherwise stated.

1.2 These rules shall take effect from 19 July 2019.

**Comment [EM1]:** Note to ARB Board: Date upon which the revised rules are approved by the Board will be inserted here.

#### 2. Interpretation

2.1 In these Rules the expression:

- ~~a.~~ 'the Act' shall mean the Architects Act 1997 (as amended); and
- ~~b.~~ 'the Directive' shall mean Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications as defined in section 25 of the Act; and
- ~~c.~~ '~~Part 1~~ Registrant' shall mean a person registered in Part 1 of the Register.

2.2 The Interpretation Act 1978 shall apply for the purpose of interpretation of these Rules as it applies for the purpose of interpretation of an Act of Parliament.

**Comment [EM2]:** Note to ARB Board: The proposed adjustments to this section will only be needed in the event the revised EU Exit No Deal legislation comes into force.

Under the No Deal legislation there will only be one Register and Part 2 of the Register will cease to operate other than for transitional purposes, e.g., individuals currently on Part 2 of the Register could complete the remainder of their 12 month period but would not then be able to re-join Part 2 of the Register. See section 21.2 below individuals in Part 2 of the Register would be excluded from the definition of 'Registrant' if these changes become effective.

#### 3. Meetings and Proceedings of the Board

3.1 Pursuant to paragraph 10 of Part I of the First Schedule of the Act, the following Rules shall apply to meetings of the Board.

- a. Ordinary Board meetings shall be held at intervals of no greater than four months.
- b. A special meeting of the Board for a specified purpose may be held if called by the Registrar, where the Registrar believes it is appropriate to do so, or following a written request by at least four members of the Board or the Chair.
- c. By the end of each calendar year, the Registrar shall publish a schedule of meetings, approved by the Board for the following year. The Board may amend the Schedule at any time and if it does so, the Registrar shall publish an amended schedule as soon as practicable.
- d. At least five days' notice (or such lesser notice as the Registrar exceptionally considers reasonable in the circumstances) shall be given to all Board members for a special meeting.

#### 3.2 The Agenda

- ~~a.~~3.2.1 The agenda will be drawn up by the Registrar after consultation with the Chair. With the permission of the Chair, a Board member may place an item on the agenda for a

meeting. An application for permission need not be considered unless the proposed item and relevant supporting paper are submitted to the Chair and the Registrar at least 48 hours before the relevant meeting.

~~b.3.2.2~~ The agenda and supporting papers shall be circulated to Board members five working days in advance of the meeting. Late papers shall be provided as soon as possible. The method of distribution will be determined by the Registrar. The agenda and papers for the open part of the Board meeting shall be available on the Board's website at least three days before the meeting or in the case of late papers, as soon as available after circulation to the Board.

### 3.3 Quorum

~~3.3.1~~ If a quorum (as specified in paragraph 9 of Part I of the First Schedule of the Act), as the Chair, three registrant <sup>1</sup> members and three lay members, is not present at the start of the time appointed for the meeting, that meeting shall nonetheless undertake the business before it, ~~subject to a following quorate meeting of the Board endorsing what was done.~~

~~3.3.2~~ A decision is made at a quorate meeting if a quorum is present at the time the decision is made.

~~3.3.3~~ Decisions when a quorum is not present shall be submitted to the next quorate meeting of the Board for endorsement and if endorsed shall, unless the Board decides otherwise, be deemed to have been made as at the date of the decision which is endorsed.

~~3.3.4~~ Without prejudice to the requirement for a quorum to be actually present, the Chair may permit Board members to participate in meetings and vote by way of telephone and/or video conference where it is in the interests of the effective conduct of the Board's business to do so.

### 3.4 Smooth Running of the Meeting

~~d.3.4.1~~ It will be the responsibility of the Chair of the Board to:

- a. decide on the order in which the Board members will speak, ensuring that adequate views are sought to make decisions and that members are given the opportunity to speak;
- b. determine which matters are or are not relevant to the business of the meeting;
- c. determine whether a vote is required;
- d. ensure the orderly conduct of business;

**Comment [EM3]:** Note to ARB Board: The proposed adjustments in this section relate to an area which requires clarification further to recent events where the Board was inquorate.

<sup>1</sup> Persons registered in Part 1 of the Register

e. adjourn the meeting if necessary and determine the appropriate period for adjournment.

3.4.2 The order of business shall follow the agenda issued unless otherwise directed by the Chair.

3.4.3 Where it is appropriate to do so the Board may decide to accept items in addition to those included within the agenda if such additional business is proposed to be included by the Chair.

3.4.4 The Chair will determine whether or not a vote is required and (if so) state the terms of the decision proposed to be voted upon and voting shall be by a show of hands by those present.

3.4.5 Any member may, prior to a vote, propose an amendment to the terms of the decision proposed and if that proposal is seconded by another member, the Chair will put that amendment to the Board for a preliminary vote. If the amendment is accepted, the terms of the decision proposed shall reflect the amendment. Once the proposed amendment is voted upon, that member may not propose a further amendment at that meeting in relation to that decision. In the event of more than one seconded proposal for amendment, the Chair will determine the order in which amendments are discussed and where appropriate voted upon.

3.4.6 In the case of an equal number of votes, the Chair shall have a second or casting vote.

3.4.7 The Registrar (or another senior employee of the Board, if the Registrar is unavailable) shall attend all Board meetings and may address the Board on any item. The Registrar (or another senior employee of the Board attending in the Registrar's place) may be asked to withdraw for individual agenda items by the Chair. Members of staff may be invited to address the Board.

#### **4. Rescinding of Decisions**

4.1 No proposal from any Board member, other than the Chair, to alter or rescind a decision which has been made by the Board within the preceding six months shall be accepted by the Chair for inclusion within the agenda unless it follows written notice to the Chair which includes, in addition to the name of the member who makes the proposal, the names of three other members in support.

#### **5. Minutes of the Board**

5.1 The minutes of all Board meetings shall include: the names of every Board member present and of any other person participating in the meeting; apologies tendered by any Board member; any declaration of interest; and the withdrawal from the meeting of any Board member on account of a conflict of interest. The Minutes shall be limited to a brief summary of the reasons for any decision in relation to a vote which has been taken.

5.2 Following each meeting, draft minutes will be circulated to all Board members for their comments.

## **6. Decisions made outside Meetings**

6.1 The Board or any Committee of the Board (other than the Professional Conduct Committee (PCC)) which the Board has established to discharge functions, may make a decision other than at a meeting of the Board or the Committee if:

- a. the Chair (or in the case of a Committee, the Chair of that Committee) shall have approved the proposed decision as appropriate for consideration without a meeting, and shall have set out the time within which a decision is required; and
- b. the proposed decision and relevant papers, if any, have been sent by post, email or hand delivery or have been made available electronically to all Board or Committee members as the case might be by the Registrar; and
- c. Voting will be by written or electronic communication and any decision made in this way is to be notified to all Board or Committee members thereafter, as the case might be.

6.2 Decisions made outside meetings shall be submitted to the next quorate meeting of the Board for endorsement and if endorsed shall be deemed to have been made as at the date of the decision made outside of a meeting.

## **7. Board and Committee Members' Expenses**

7.1 Pursuant to paragraph 23 of Part IV of the First Schedule of the Act, members of the Board, the Professional Conduct Committee or any other Committee established by the Board, may claim an allowance for attendance at meetings of the Board or its Committees, and for travel and subsistence expenses at the prevailing rates agreed and published by the Board annually. All payments for Board member attendance allowance and expenses will be published by ARB on its website.

## **8. Delegated Authority**

8.1 Except to the extent of a Board decision to the contrary, the Registrar (as Chief Executive), the Chair and other officers shall (so far as is permitted by law) have such delegated authority to act on behalf of the Board in implementing its policies:

- a. as may be expressly given by the Board; or
- b. as is desirable or necessary for the efficient operation of the Board's activities; or
- c. as relates to matters customarily delegated to such persons.

## **9. Competent Authority**

**Comment [EM4]:** Note to ARB Board: The proposed adjustments in this section relate to an area which requires clarification further to recent events where the Board was inquorate.

**Comment [EM5]:** Note to ARB Board: The proposed adjustments to this section will be needed on EU Exit day (regardless of whether a deal has been agreed between the UK and the EU). They will ensure that the Board can continue to operate effectively in this capacity.

9.1 Where the functions of the Board relate to the Directive or any role as a competent authority under the Directive are exercised by the Registrar, he or she shall exercise them on behalf of the Board.

## 10. Board Members

10.1 The Board will consist of eleven members (a chair, five persons not registered in Part 1 of the Register (Lay members) and five persons registered in Part 1 of the Register (Registrant members) in accordance with paragraph 1 of Part I of Schedule 1 of the Act.

10.2 The Chair and Board members are appointed by the Privy Council in accordance with the requirements of Part I of Schedule 1 of the Act and the Transitional Arrangements detailed in paragraph 7 of the Architects Act 1997 (Amendments etc.) Order 2018.

## 11. Temporary Appointments

11.1 Pursuant to paragraph 1(3) of Part 1 of Schedule 1 of the Act the Board may make a temporary appointment of a person to act as a member of the Board in the event of any vacancy (however arising) but that appointment will cease on the earlier of

- a. that person's resignation or removal from the Board under Rule 7 or
- b. the relevant vacancy is filled in line with paragraph 6(b) or
- c. the expiry of a period of one year from the date of the temporary appointment or
- d. the completion by the appointee of the maximum period of membership permitted by paragraph 5(2) of Part I of Schedule 1 of the Act.

11.2 The Board may extend the expiry period applying to a temporary appointment for the purposes of c(iii) on not more than two occasions by a period of not more than six months on each occasion.

11.3 Where a temporary appointment is proposed the Board will form a selection panel consisting of three Board members (including the Chair) to identify candidates, conduct a selection process appropriate in the circumstances and report to the Board with recommendations.

11.4 Pursuant to paragraph 7 of Part 1 of Schedule of the Act the Board may appoint a person to act as chair of the Board for any period when there is no person appointed under paragraph 1 or in circumstances in which on any occasion or for any period the person so appointed is absent or unable for any reason to discharge their responsibilities.

**Comment [EM6]:** Note to ARB Board: The proposed adjustments in this section relate to an area which requires clarification further to the adjustments which were made to the Act in January this year. The Board has already made adjustments to the Rules so that it can make a temporary appointment of a Board member (sections 11.1 – 11.3).

11.5 A person appointed under paragraph 11.4 may be an existing member of the Board or some other person. A person who is registered in Part 1 of the register is not eligible for appointment.

11.6 An existing eligible Board member who has consented to act may be appointed under paragraph 11.4 by a resolution of the Board which has been proposed and seconded. Alternatively the Board may form a selection panel consisting of three Board members (excluding the Chair) to identify candidates, conduct a selection process appropriate in the circumstances and report to the Board with recommendations.

11.7 The Board may limit the temporary appointment to any period or occasion and may at any time remove the temporary chair and (if appropriate) appoint another person. A person appointed as temporary chair may resign as such at any time.

11.8 The appointment of a temporary chair will cease in the circumstances set out in paragraph 11.1.

11.9 The Board may extend the expiry period applying to a temporary appointment of a Chair for the purposes of 11.1(c) on not more than two occasions by a period of not more than six months on each occasion.

## **12. Removal of Board Members**

12.1 Pursuant to paragraph 4(3) of Part I of the First Schedule of the Act, the grounds on which any member of the Board may be removed, and the procedure for removal, are as set out in this Rule.

12.2 A Board member may be removed by a majority vote of the Board in the event that:

- a. the individual is absent (without permission of the Board) from three consecutive meetings of the Board; or
- b. a Board member is likely to be absent from the Board and/or Committee meetings for a period exceeding six months; or
- c. the individual is a Registrant Member who has ceased to be a Part 1 Registrant; or
- d. the individual is a Registrant Member who has been found guilty by the PCC of unacceptable professional conduct or serious professional incompetence.

12.3 A Board member may be removed by a majority vote of the Board in the event that they (in the reasonable opinion of the Board):

- a. are, having considered all reasonable adjustments, incapable of discharging their responsibilities as a Board member by reason of physical or mental illness; or
- b. have materially failed to discharge (or have breached) their duty as a Board member; or

- c. are unfit by reason of misconduct (either as a Board member or otherwise) to continue as a member of the Board; or
- d. have unreasonably conducted them self so as materially to obstruct the proper and efficient discharge by the Board of its statutory duties; and for the avoidance of doubt, the Board may, in considering the application of these grounds, take into account any facts or matters whether occurring before or after these Rules come into force.

**12.4** No decision for the removal of a Board member shall be made unless:

- a. written notice of the intention to propose it with particulars of the grounds relied upon shall have been given to the Board member not less than 21 days prior to the relevant meeting of the Board; and
- b. the Board member shall have been invited by the Registrar to provide written representations for circulation to all members, such representations to be provided within 14 days of the notice referred to in sub-paragraph 8iv.a; and
- c. the Board member shall have been provided with a reasonable opportunity to make oral representations to the Board.

**12.5** A Board member in relation to whom such a decision in made ceases to be a member for all purposes immediately.

**12.6** A majority vote for the purpose of this Rule shall mean a majority of Board members voting disregarding abstentions.

### **13. Common Seal**

**13.1** For the purposes of paragraph 12 of Part I of the First Schedule of the Act, the Common Seal of the Board shall be authenticated by being affixed only at the direction of the Board, by a member of the Board or the Registrar, and attested by the signatures of the person who affixed it and another person who is either:

- a. a member of the Board; or
- b. a member of the Board's staff.

### **14. The Professional Conduct Committee and other Committees**

**14.1** For the purposes of paragraph 17 of Part III of the First Schedule of the Act, the Board will appoint members of the Professional Conduct Committee for such terms as the Board may determine but may not appoint a person who is or has been a member of the Board.

**14.2** For the purposes of paragraph 21 of Part III of the First Schedule of the Act, in respect of Committees established by the Board (excluding the Professional Conduct Committee established by Statute):

- a. the term of office of members appointed to a Committee shall be as determined by the Board for that Committee;
- b. where a Board member ceases to be a member of the Board, they shall immediately cease to be a member of any Committee to which they have been appointed by the Board unless the Board decides to appoint them to the Committee as a non-Board member;
- c. the Board shall appoint a Chair of each Committee from among its members to preside at meetings, unless the Board determines that the Committee may appoint its own Chair, and in the event of a tie, he or she shall have an additional casting vote;
- d. save as otherwise provided by Statute or Rules, the quorum for any meeting of the Committee shall be not less than half the number of members of that Committee, but the Board may determine a greater quorum;
- e. a casual vacancy arising on the Committee shall be filled by the Board;
- f. a Committee shall regulate its proceedings as far as possible in accordance with these Rules in respect of the smooth running of the meeting, voting and minutes, save that reference to the Chair shall refer to the Chair of the Committee. Committees shall determine the times, dates and place of their meetings;
- g. every Committee established by the Board shall report its proceedings in writing to the Board;
- h. a Board member may attend the meetings of any Committee of which they are not a member as an observer, provided their attendance is in the interests of furthering the Board's work and the Chair of the Committee is notified in advance. Observers shall have no right to speak at the meeting;
- i. the Terms of Reference of each Committee shall be decided by the Board, and reviewed by both the relevant Committee and the Board as directed by the relevant Chair.

## **15. Applications for Registration**

**15.1** Every applicant for registration/re-joining the Register shall complete the Board's relevant form of application or declaration and supply the documentary evidence required by the Board as appropriate to the section of the Act upon which the application is based.

**15.2** The period prescribed in accordance with Section 9(2) of the Act shall be 28 days.

**15.3** The qualifications and practical experience prescribed by the Board pursuant to Section 4(1)(a) of the Act are that the person:

- a. holds qualifications listed in Schedule 1 of the Rules at Part 1, Part 2 and Part 3 (or which were prescribed at the date conferred on the applicant); and



- b. has recently completed a minimum of 24 months' practical experience under the direct supervision of a professional working in the construction industry which should include at least 12 months working in the EEA, Channel Islands or the Isle of Man, under the direct supervision of an architect.

**15.4** For the purpose of this Rule:

“months”	these will be calendar months of full time working (at least 20 hours a week). Reasonable time off for holidays and illness may be included in this period. (Where the work is less than 20 hours per week, applicants will be expected to complete a commensurately longer period of experience.)
“practical experience”	experience which consists of activities which would typically be undertaken by an architect in practice. (The Part 3 Criteria are helpful in setting out, in broad terms, some of the activities which are likely to be required to be undertaken.)
“recently”	at least 12 of the 24 months' experience should have been undertaken in the two years immediately before taking the Part 3 exam.
“direct supervision”	the person supervising should have responsibility for and control over the work being undertaken.
“professional working in the construction industry”	will be an architect registered in the territory where the experience is being undertaken, or a chartered or similarly qualified member of an appropriate professional body. The ‘construction industry’ will include qualified professionals typically involved in the

procurement, design and management of the built environment.

## **16. Prescribed Examinations**

**16.1** The examination in architecture prescribed by the Board pursuant to Section 4(2) of the Act (for determining competence pursuant to Section 4(1)(b) of the Act) shall be one or more of the following:

- a. an examination conducted by the Board or a Committee established by the Board;
- b. an examination in any subject area(s) nominated by the Board at final level conducted by a school of architecture which awards a prescribed qualification;
- c. any other examination which the Board may approve for this purpose;
- d. any oral or written examination carried out under such procedures as the Board may establish.

## **17. Applications for Registration - Fees**

**17.1** The amounts payable as fees under sections 6(1), 6(2), 6(2A) and 6(A2) of the Act and the method of payment shall be as determined by the Board from time to time. The amounts of the fees shall be published by the Board on its website and shall be available upon application.

**17.2** For the purposes of Section 8(1) of the Act, the retention fee shall be determined by the Board, and if there is any change to the fee, it will be notified and circulated appropriately to architects in the October preceding the year in which a change takes place.

**17.3** For the purposes of Section 8(2) of the Act, the prescribed period will be 60 days after the sending of the written demand.

**17.4** For the purposes of Section 8(3) of the Act, re-entry to the Register following removal for non-payment of the retention fee shall be subject to payment of the retention fee and a further fee as determined by the Board.

**17.5** The Registrar may, at their discretion, waive the whole or part of the further fee referred to in rule 17.4 after consideration of the circumstances affecting any particular case.

~~The Registrar may, at their discretion, waive the whole or part of the further fee after consideration of the circumstances affecting any particular case.~~

**Comment [EM7]:** Note to ARB Board: The proposed adjustments in this section are intended to further clarify the rule in this area.

## **18. Removal Requests**

**18.1** Any Registered Person who requests the removal of their name from the Register pursuant to Section 3(3) of the Act, shall apply in writing stating the grounds on which the application is made.

**18.2** Any Registered Person who requests the removal of their name from Register will not be entitled to have their annual retention fee (or part thereof) refunded. Removal may be deferred where allegations of unacceptable professional conduct or serious professional incompetence are outstanding.

## **19. Re-entry to the Register**

**19.1** Any person who falls within the categories described in Section 9(1)(a), (b) or (c) of the Act and who is engaged in the practice of architecture must have gained such recent practical experience as prescribed by the Board.

**19.2** The prescribed practical experience for the purposes of this Rule shall be that they have undertaken activities in the practice of architecture, during the period of two years immediately prior to the application, as are sufficient in the opinion of the Board to maintain their competence to practise in accordance with the Board's guidelines which shall be published from time to time.

**19.3** Where the Board is not satisfied that a person has gained such recent practical experience, they may be required to satisfy the Board of their competence to practise in such manner as the Board may require.

**19.4** The prescribed period for the purposes of Section 9(2) of the Act shall be 28 days.

**19.5** The prescribed period for the purposes of Section 18(2)(b) of the Act shall be one year unless otherwise directed by the Board.

**19.6** The prescribed period for the purposes of Section 18(3) of the Act shall be 28 days.

**19.7** In relation to any person applying for re-entry to the Register following removal under Section 11 of the Act, the Registrar may waive or vary:

- a. the requirements of Rule 11; or
- b. any procedures operated by the Board to establish an applicant's standard of competence for the purposes of Section 4(1)(b) of the Act.

Applicants will be required to complete an application form and pay any applicable fees as determined by the Board.

## **20. Bodies Corporate, Firms and Partnerships**

**20.1** Section 20(3) of the Act shall not be applied to any body corporate, firm or partnership unless it has provided to the Registrar (on behalf of the Board) the following current information:

- a. the practising name and address of the body corporate, firm or partnership;

- b. the names and addresses of the relevant Registered Persons and the addresses of the business premises at which they are in full time attendance;
- c. the address of any other premises at which business is conducted by the body corporate, firm or partnership;
- d. certification by a Registered Person that all work, so far as it relates to architecture, undertaken at any premises of the body corporate, firm or partnership is under the control and management of a Registered Person.

## **21. Transitional and Saving Provisions**

21.1 Notwithstanding any other provision of these rules, the Board shall comply with Part 3 (Savings and Transitional Provisions) of the Architects Act 1997 (Amendment)(EU Exit) Regulations 2019/2017 and Architects Act 1997 (Swiss Qualifications) (Amendment) (EU Exit) Regulations 2019/810 from the date upon which those regulations come into force.

21.2 A person registered in Part 2 of the Register shall be excluded from the definition of a 'Registrant' in Rule 2.1.

**Comment [EM8]:** Note to ARB Board: The proposed additions will only be needed in the event the EU Exit No Deal legislation becomes effective and will assist us in managing the transitional arrangements.

## **Schedule 1**

Qualifications and Examinations recognised by the Board Schedule 1 of the General Rules sets out the details of the qualifications that ARB currently prescribes at Part 1, Part 2 and Part 3 levels for the purposes of registration. Schedule 1 is updated on a regular basis. Please see <http://www.arb.org.uk/about-arb/arbs-board-committees/general-rules/schedule-1/> for the most up to date version of Schedule 1.

**Comment [EM9]:** Note to ARB Board: The proposed addition is intended ensure the purpose of the Schedule 1 is clear.