

Status: Point in time view as at 01/10/1996. This version of this part contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Part III. (See end of Document for details)

SCHEDULES

SCHEDULE 2

ARCHITECTS

Extent Information

- E1** Act's amending/repealing provisions are co-extensive with the enactments they affect see [s. 148\(4\)](#)

PART III

TRANSITIONAL PROVISIONS AND SAVINGS

First elections and appointments to the Board

- 21 (1) Part I of the First Schedule to the 1931 Act as substituted by Part I of this Schedule shall have effect before the appointed day so far as is necessary to enable the election and appointment of members of the Board to take office on that day.
- (2) Until the appointed day references to the Board in paragraph 2 of that Schedule shall have effect as references to the Council.
- (3) Where persons elected or appointed as members of the Board by virtue of this paragraph attend meetings before the appointed day in preparation for the conduct of business of the Board on or after that day, the Council may pay to them any such fees or travelling or subsistence allowances in respect of their attendance as appear appropriate.
- (4) The term of office of the members of the Board appointed by the Privy Council (by virtue of this paragraph) to take office on the appointed day—
- (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.

Commencement Information

- II** [Sch. 2 para. 21](#) wholly in force; [para. 21](#) not in force at Royal Assent see [s. 150\(2\)](#); [para. 21\(1\)-\(3\)](#) in force at 1.10.1996 by [S.I. 1996/2352](#), [art. 2\(3\)](#); [para. 21](#) in force so far as not already in force at 1.4.1997 by [S.I. 1996/2842](#), [art. 4](#)

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Registration

- 22 Where before the appointed day a person has duly applied for registration under the 1931 Act but no decision on the application has been made, the application shall be dealt with on and after the appointed day in the same way as an application duly made on or after that day (except that no further fee may be required to be paid).
- 23 Examinations in architecture which immediately before the appointed day were recognised by the Council for the purposes of subsection (1)(c) of section 6 of the 1931 Act (as it has effect before the substitution made by section 120 of this Act) shall (subject to rules made by the Board) be treated on and after that day as qualifications prescribed under subsection (1)(a) of that section (as it has effect after that substitution).
- 24 Section 6B of the 1931 Act shall have effect as if the reference in subsection (3) of that section to a person whose name has been removed from the Register under subsection (2) of that section included a reference to a person whose name was removed from the Register under section 13(5) of the 1931 Act before the appointed day.
- 25 The first reference to the Board in section 7A(1) of the 1931 Act shall be construed, in relation to the entry of a name in the Register at a time before the appointed day, as a reference to the Council.

VALID FROM 01/04/1997

Discipline

- 26 Where before the appointed day—
- (a) the Discipline Committee has begun an inquiry into a case in which it is alleged that a registered person has been guilty of conduct disgraceful to him in his capacity as an architect, but
 - (b) the Council has not decided whether to remove his name from the Register,
- 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.

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- 27 (1) Subject to sub-paragraph (2), the provisions substituted by section 121 of this Act for section 7 of the 1931 Act have effect in relation to anything done or omitted to be done before the appointed day as in relation to anything done or omitted to be done after that day.
- (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 the appointed day if the Council could have removed his name from the Register under section 7 of the 1931 Act (as it had effect before the substitution made by section 121 of this Act), and
 - (b) may not make a reprimand or penalty order in respect of anything so done or omitted to be so done.

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Pre-commencement removals and disqualifications

- 28 (1) Where a person's name has been removed from the Register under section 7 of the 1931 Act before the appointed day, he may at any time on or after that day 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 re-entered 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 6 of the 1931 Act, as may be prescribed.
- 29 A person may appeal under section 9 of the 1931 Act against—
- (a) the removal of his name from the Register before the appointed day, or
 - (b) a determination of the Council before the appointed day that he be disqualified for registration during any period,
- within three months from the date on which notice of the removal or determination was served on him.
- 30 Section 1A(6)(b) of the 1938 Act shall have effect as if it included a reference to a period of disqualification imposed by the Council.

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Offence of practising while not registered

- 31 The amendments made in sections 1 and 3 of the 1938 Act and section 17 of the 1931 Act by section 123(1), (3) and (4) of this Act do not apply in relation to an offence committed before the appointed day.
- 32 The repeal made in section 3 of the 1938 Act by section 123(2) of this Act applies in relation to an offence committed before the appointed day (as well as in relation to one committed on or after that day).

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Transfer of Fund

- 33 If the transfer of the assets of the Fund takes place after the appointed day, the repeal by this 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 during the period beginning with the appointed day and ending with the transfer references in those provisions to the Council shall have effect as references to the Board.

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Supplementary

- 34 (1) In this Part of this Schedule—
- (a) “the Board” means the Architects Registration Board, and
 - (b) other expressions used in the 1931 Act have the same meanings as in that Act.
- (2) In this Part of this Schedule “appointed day” means the day appointed by the Secretary of State for the coming into force of this Part of this Act.
- 35 Nothing in this Schedule prejudices the operation of section 16 or 17 (effect of repeals) of the ^{M1}Interpretation Act 1978.

Marginal Citations

M1 1978 c. 30.

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