



# Architects Act 1997

## 1997 CHAPTER 22

### PART II

#### REGISTRATION ETC.

##### *Removal from Register etc.*

#### **8 Retention of name in Register.**

- (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 <sup>F1</sup>... the Register in any calendar year after that in which it was entered.
- (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 <sup>F1</sup>... the Register.
- (3) Where a person whose name has been removed from <sup>F1</sup>... 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 <sup>F1</sup>... the Register (without his having to make an application under section 4 <sup>F2</sup>...); and
  - (b) if the Board so directs, it shall be treated as having been re-entered on the date on which it was removed.

#### **Textual Amendments**

- F1** Words in s. 8 omitted (31.12.2020) by virtue of [The Architects Act 1997 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/717\)](#), regs. 1(2), 12 (with regs. 22-47) (as amended by S.I. 2019/810, regs. 1(3), 4 and S.I. 2020/1038, regs. 1(3), Sch. 3 para. 4); 2020 c. 1, Sch. 5 para. 1(1)

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*Changes to legislation: There are currently no known outstanding effects for the Architects Act 1997, Cross Heading: Removal from Register etc.. (See end of Document for details)*

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**F2** Words in s. 8(3)(a) omitted (20.6.2008) by virtue of [Architects \(Recognition of European Qualifications etc and Saving and Transitional Provision\) Regulations 2008 \(S.I. 2008/1331\)](#), regs. 1, 12(b)

## 9 Competence to practise.

- (1) Where the Board is not satisfied that a person who—
- (a) applies for registration in pursuance of section 4 <sup>F3</sup> ...;
  - (b) wishes his name to be retained or re-entered in <sup>F4</sup>... the Register under section 8; or
  - (c) applies for his name to be re-entered in <sup>F4</sup>... the Register under section 18, has gained such recent practical experience [<sup>F5</sup>or undertaken such recent training] as the Board may prescribe, his name shall not be entered or re-entered in <sup>F4</sup>... the Register, or shall be removed from it, unless he satisfies the Board of his competence to practise.

[<sup>F6</sup>(1A) Before prescribing recent practical experience or training for the purposes of subsection (1), 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.]

- (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, <sup>F4</sup>... the Register, the Registrar shall serve written notice of the decision on him within the prescribed period after the date of the decision.

[<sup>F7</sup>(2A) A notice under subsection (2) must state reasons for the decision.]

[<sup>F8</sup>(3) 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 Part 1 of the Register—

- (a) the person shall be entitled to apply to the Board within a prescribed period for an extension of time to gain the prescribed experience or undertake the prescribed training or to otherwise satisfy the Board of the person's competence to practise, and
- (b) the Board shall not remove the name of the person from the Register unless—
  - (i) the person has not made an application for an extension of time within the prescribed period,
  - (ii) an extension of time granted by the Board has expired and the Board is not satisfied that the person has gained the prescribed experience or undertaken the prescribed training or is otherwise competent to practise, or
  - (iii) the Board has decided not to grant an extension of time in respect of an application made by the person.

- (4) For the purposes of this section, a person is competent to practise if the person has the skills, knowledge, experience and behaviours required for a person to practise as an architect.]

**Changes to legislation:** There are currently no known outstanding effects for the Architects Act 1997, Cross Heading: Removal from Register etc.. (See end of Document for details)

#### Textual Amendments

- F3** Words in s. 9(1)(a) omitted (20.6.2008) by virtue of Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008 (S.I. 2008/1331), regs. 1, **13(b)**
- F4** Words in s. 9 omitted (31.12.2020) by virtue of The Architects Act 1997 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/717), regs. 1(2), **12** (with regs. 22-47) (as amended by S.I. 2019/810, regs. 1(3), 4 and S.I. 2020/1038, regs. 1(3), Sch. 3 para. 4); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in s. 9(1) inserted (28.6.2022) by Building Safety Act 2022 (c. 30), **ss. 157(3)(a)**, 170(3)
- F6** S. 9(1A) inserted (28.6.2022) by Building Safety Act 2022 (c. 30), **ss. 157(3)(b)**, 170(3)
- F7** S. 9(2A) inserted (28.6.2022) by Building Safety Act 2022 (c. 30), **ss. 158(5)**, 170(3)
- F8** S. 9(3)(4) inserted (28.6.2022) by Building Safety Act 2022 (c. 30), **ss. 157(3)(c)**, 170(3)

### <sup>F10</sup>**10 Disqualification in [<sup>F9</sup>a relevant European State].**

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#### Textual Amendments

- F9** Words in s. 10 side-note substituted (20.6.2008) by Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008 (S.I. 2008/1331), regs. 1, **14(a)**
- F10** S. 10 omitted (7.2.2023) by virtue of The Architects Act 1997 (Amendment) Regulations 2023 (S.I. 2023/50), regs. 1(3), **3(6)** (with reg. 5)

### **11 Failure to notify change of address.**

Where the Registrar serves notice in writing on a [<sup>F11</sup>registered person] asking if he has changed his regular business 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.

#### Textual Amendments

- F11** Words in s. 11 substituted (31.12.2020) by The Architects Act 1997 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/717), regs. 1(2), **14** (with regs. 22-47) (as amended by S.I. 2019/810, regs. 1(3), 4 and S.I. 2020/1038, regs. 1(3), Sch. 3 para. 4); 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

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