



Architects Act 1997

1997 CHAPTER 22

PART II

REGISTRATION ETC.

The Registrar and the Register

2 The Registrar

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

- (1) The Registrar shall maintain the Register of Architects in which there shall be entered the name of every person entitled to be registered under this Act.
- (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.

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- (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 Registration: general

- (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 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.
- (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.
- (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, he shall enter his name in 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 the Register if it is satisfied that he is entitled to be registered.

5 Registration: EEA qualifications

- (1) A national of an EEA State who has applied to the Registrar in the prescribed manner for registration in pursuance of this section is entitled to be registered if he holds—
- (a) a recognised EEA qualification;

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- (b) an established EEA qualification; or
 - (c) a relevant EEA certificate.
- (2) A qualification is a recognised EEA qualification for the purposes of this section if it is required to be recognised under Article 2 of the Directive (recognition of qualifications satisfying the requirements of Articles 3 and 4 of the Directive which are included in a list published in the Official Journal in accordance with Article 7).
- (3) A qualification is an established EEA qualification for the purposes of this section if it is required to be recognised under Article 10 or 14 of the Directive (recognition of established qualifications set out in Article 11 and certain equivalent qualifications).
- (4) A certificate is a relevant EEA certificate for the purposes of this section if it is issued by a competent authority of an EEA State in accordance with Article 5 or 12 of the Directive and states—
 - (a) in the case of a certificate issued in accordance with Article 5 of the Directive, that the person concerned is, by reason of his distinguished achievements in the field of architecture, entitled to use the title of architect; or
 - (b) in the case of a certificate issued in accordance with Article 12 of the Directive, that the person concerned has been, no later than the date on which that State implemented the Directive, authorised in that State to use the title of architect and that he has pursued activities in the field of architecture effectively for at least three consecutive years during the five years preceding the issue of the certificate.
- (5) A recognised EEA qualification or an established EEA qualification shall be accompanied by—
 - (a) a certificate issued by a competent authority of an EEA State, in accordance with Article 23(2) of the Directive, stating that the person concerned has gained at least two years' practical training experience in that State under the supervision of a person established as an architect in that State; or
 - (b) a certificate issued by a competent authority of the Federal Republic of Germany, in accordance with Article 4(1) of the Directive, stating that the person concerned has gained at least four years' appropriate professional experience in the Federal Republic of Germany.
- (6) An application by a person for registration in pursuance of this section may be refused if there is a disqualifying decision in another EEA State in force in respect of that person.
- (7) A person who is registered in pursuance of this section shall, when using his academic title or any abbreviation of it, express the title or abbreviation in the language or one of the languages of the EEA State in which the body conferring the title is located and shall follow the title or abbreviation with the name and location of the body conferring the title.

6 Registration: further procedural requirements

- (1) The Board may require an applicant for registration in pursuance of section 4 or 5 to pay a fee of a prescribed amount.
- (2) The Board may require a candidate for any examination under section 4(2) to pay a fee of a prescribed amount.

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- (3) The Board may prescribe the information and evidence to be provided to the Registrar in connection with an application for registration in pursuance of section 4 or 5.
- (4) The Registrar shall serve on an applicant for registration in pursuance of section 4 or 5 written notice of the decision on his application—
 - (a) where the application is made on the ground that he satisfies section 4(1)(a) or in pursuance of section 5, within three months of his application being duly made; and
 - (b) where the application is made on the ground that he satisfies section 4(1)(b), within six months of his application being duly made.
- (5) If, in pursuance of Article 17(4) or 18(2) of the Directive, the Board consults an EEA State in respect of an application for registration in pursuance of section 5, the period mentioned in subsection (4)(a) shall be extended by such period as may elapse between initiating the consultation and the receipt by the Board of a final reply from that State.

7 Penalty for obtaining registration by false representation

- (1) A person commits an offence if he intentionally becomes or attempts to become registered under this Act by making or producing, or causing to be made or produced, 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 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 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 the Register.
- (3) Where a person whose name has been removed from 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 the Register (without his having to make an application under section 4 or 5); and
 - (b) if the Board so directs, it shall be treated as having been re-entered on the date on which it was removed.

9 Competence to practise

- (1) Where the Board is not satisfied that a person who—
 - (a) applies for registration in pursuance of section 4 or 5;
 - (b) wishes his name to be retained or re-entered in the Register under section 8; or
 - (c) applies for his name to be re-entered in 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 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, the Register, the Registrar shall serve written notice of the decision on him within the prescribed period after the date of the decision.

10 Disqualification in an EEA State

- (1) The Board may order the Registrar to remove a person's name from the Register if—
 - (a) it was entered in the Register in pursuance of section 5 at a time when there was a disqualifying decision in another EEA State in force in respect of the person;
 - (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 Failure to notify change of address

Where the Registrar serves notice in writing on a 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.

List of visiting EEA architects

12 Visiting EEA architects

- (1) The Registrar shall maintain, in addition to the Register, a list of visiting EEA architects and shall permit any person to inspect it during normal working hours.
- (2) The list of visiting EEA architects shall show the name and qualifications of each person enrolled on it and the period or periods for which and services in respect of which each enrolment is effective.
- (3) A national of an EEA State established as an architect in an EEA State other than the United Kingdom who has applied to the Registrar in the manner specified in subsection (4) is entitled to be enrolled on the list of visiting EEA architects.
- (4) An application is made by supplying—
 - (a) a declaration in writing giving particulars of the services to be provided by the person while visiting the United Kingdom and the period or periods for which he expects to provide them; and

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- (b) a certificate (or certificates) issued not more than twelve months previously by the competent authority of an EEA State in which he is established as an architect showing that he is lawfully pursuing activities in the field of architecture in an EEA State other than the United Kingdom and holds a qualification or certificate specified in section 5(1).
- (5) Enrolment on the list of visiting EEA architects shall be for such period or periods and in respect of such services as the Registrar considers appropriate having regard to the particulars given in the declaration made under subsection (4)(a).
- (6) No fee shall be charged for enrolment on the list of visiting EEA architects.
- (7) A person shall not be enrolled on the list of visiting EEA architects at a time when—
 - (a) he is subject to a disqualifying decision in another EEA State;
 - (b) he is required under section 9(1) to satisfy the Board of his competence to practise but has not done so; or
 - (c) his name has been removed from the Register because of a suspension order or an erasure order and has not been re-entered.
- (8) A person's name shall be removed from the list of visiting EEA architects if—
 - (a) he becomes established as an architect in the United Kingdom;
 - (b) he renders services in the United Kingdom otherwise than in accordance with a declaration supplied by him under subsection (4)(a); or
 - (c) he may no longer lawfully pursue activities in the field of architecture in the EEA State in which the certificate supplied under subsection (4)(b) showed he was lawfully pursuing such activities.
- (9) A person enrolled on the list of visiting EEA architects shall, when using his title or any abbreviation of it, express the title or abbreviation in the language or one of the languages of the EEA State in which the body conferring the title is located and shall follow the title or abbreviation with the name and location of the body conferring the title.