



Architects Act 1997

CHAPTER 22

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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.

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.

PART II

(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.

The Register.

3.—(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.

(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*Registration:
general.

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 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—

PART II

- (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.—(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—

Registration: EEA qualifications.

- (a) a recognised EEA qualification;
- (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.

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(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.

Registration:
further procedural
requirements.

6.—(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.

(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.

Penalty for
obtaining
registration by
false
representation.

7.—(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.

PART II

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 the Register in any calendar year after that in which it was entered. Retention of name in 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 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.—(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,

Competence to practise.

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.—(1) The Board may order the Registrar to remove a person's name from the Register if—

Disqualification in an EEA State.

- (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. Where the Registrar serves notice in writing on a registered person 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

PART II

- (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

Visiting EEA
architects.

12.—(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
- (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.

PART II

(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.

PART III

DISCIPLINE

Professional standards

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— Professional misconduct and incompetence.

- (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.

PART III

(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

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 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.

PART III

(6) If a person who is registered in pursuance of section 5 becomes subject to a disqualifying decision in another EEA State expressed to be made on the ground that he has committed a criminal offence, he shall be deemed for the purposes of subsection (1) to have been convicted of that offence.

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 re-entered 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.

PART III

(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.

Visiting EEA architects

Application of discipline provisions to visiting EEA architects.

19. The provisions of, and of rules under, this Act relating to disciplinary proceedings shall apply to a person who is or has been enrolled on the list of visiting EEA architects as if that person had been registered in pursuance of section 4; and references in those provisions to the Register shall be construed accordingly.

PART IV

USE OF TITLE "ARCHITECT"

Use of 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 under this Act.

(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 registered person 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 registered person.

(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) A person enrolled on the list of visiting EEA architects may practise or carry on business under a name, style or title containing the word "architect" while visiting the United Kingdom without being a person registered under this Act during the period, and in respect of the services, for which his enrolment is effective.

(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.

Offence.

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.

PART IV

(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); 1980 c. 43.
- (b) Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981 (complaint to be made within that time); and S.I. 1981/1675 (N.I. 26).
- (c) section 136(1) of the Criminal Procedure (Scotland) Act 1995 (proceedings to be commenced within that time), 1995 c. 46.

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

PART V

GENERAL AND SUPPLEMENTARY

General

22. Any person aggrieved by—

Appeals.

- (a) his name not being re-entered in, or being removed from, the Register by virtue of section 9;
- (b) the Board ordering the Registrar to remove his name from the Register under section 10; or
- (c) the making of a disciplinary order in relation to him,

may appeal to the High Court or the Court of Session within three months from the date on which notice of the decision or order concerned is served on him; and on an appeal under this section the Court may make any order which appears appropriate, and no appeal shall lie from any decision of the Court on such an appeal.

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.

PART V

(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.

Service of documents.

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.

(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

Interpretation.

25. In this Act—

“the Board” means the Architects Registration Board;

“competent authority”, in relation to an EEA State, means an authority or body designated by the State in accordance with the Directive;

O.J. No. L.
223/15.

“the Directive” means Council Directive 85/384/EEC on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in architecture, as amended;

“disciplinary order” has the meaning given by section 15;

“disqualifying decision in another EEA State”, in relation to any person, means a decision made by a competent authority of an EEA State other than the United Kingdom which—

(a) is expressed to be made on the ground that he has committed a criminal offence or has misconducted himself in a professional respect; and

(b) has the effect in that State that he is no longer registered or otherwise officially recognised as an architect or that he is prohibited from practising as an architect there;

“EEA State” means any State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992, as adjusted by the Protocol signed at Brussels on 17th March 1993;

“erasure order” shall be construed in accordance with section 18;

“list of visiting EEA architects” means the list maintained under section 12;

“national” 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;

“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;

PART V

“suspension order” shall be construed in accordance with section 17; and

“unacceptable professional conduct” has the meaning given by section 14.

26. In—

(a) section 6 of the Inspection of Churches Measure 1955, in the definition of “qualified person”;

(b) section 52(1) of the Cathedrals Measure 1963, in the definition of “architect”; and

(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”.

Consequential
amendments.
1955 No. 1.

1963 No. 2.

1990 No. 2.

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

Transitionals,
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

Section 1.

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 registered persons 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 registered person shall be eligible for appointment as an appointed member.

Term of office

4.—(1) Subject to sub-paragraphs (2) and (3), the term of office of a member of the Board is three 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.

5. A person who has held office as a member of the Board for a continuous period of six years may not be elected or appointed as a member until at least three 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 registered person 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 sub-paragraph (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

13. The Professional Conduct Committee shall consist of—

- (a) four elected members of the Board, including at least one whose address in the Register is in Scotland, or (if there is no elected member whose address in the Register is in Scotland or no such elected member who is willing to act) three elected members and one registered person whose address in the Register is in Scotland;
- (b) three appointed members of the Board; and
- (c) two persons nominated by the President of the Law Society.

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) 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) 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 registered person 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.

SCHEDULE 2

Section 27.

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.

SCH. 2

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 of 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 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 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.

SCH. 2

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—

1931 c. 33.

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

1969 c. 42.

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

1996 c. 53.

(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.

SCHEDULE 3

Section 27.

REPEALS AND REVOCATIONS

Chapter or number	Short title or title	Extent of repeal or revocation
21 & 22 Geo. 5 c. 33.	The Architects (Registration) Act 1931.	The whole Act.
1 & 2 Geo. 6 c. 54.	The Architects Registration Act 1938.	The whole Act.
S.I.1987/1824.	The Architects' Qualifications (EEC Recognition) Order 1987.	The whole instrument.
S.I.1988/2241.	The Architects' Qualifications (EC Recognition) Order 1988.	The whole instrument.
1996 c. 53.	The Housing Grants, Construction and Regeneration Act 1996.	Sections 118 to 125. In section 148, in subsection (2), the words "Part III (architects)," and, in subsection (3), the words "Part III (architects), and". Schedule 2.

TABLE OF DERIVATIONS

Notes:

1. This Table shows the derivation of the provisions of the consolidation.

2. The following abbreviations are used in the Table—

1931	=	Architects (Registration) Act 1931 (c.33)
1938	=	Architects Registration Act 1938 (c.54)
1987	=	Architects' Qualifications (EEC Recognition) Order 1987 (S.I.1987/1824)
1988	=	Architects' Qualifications (EC Recognition) Order 1988 (S.I.1988/2241)
1993	=	European Economic Area Act 1993 (c.51)
1996	=	Housing Grants, Construction and Regeneration Act 1996 (c.53)

Provision	Derivation
1(1)	1931 s.3(1); 1996 s.118(1), Sch.2 para.3(2).
(2)	1931 s.3(2B); 1996 s.118(3).
(3)	—
(4)	—
(5)	—
(6)	—
2	1931 s.4; 1996 s.119.
3	1931 s.5A; 1996 s.120(1).
4(1) to (3)	1931 s.6(1) to (3); 1996 s.120(2).
(4) to (6)	1931 s.6(6) to (8); 1996 s.120(2).
5(1)	1931 s.6A(1), (2); 1988 art.2; 1993 s.2(1); 1996 Sch.2 para.4(2).
(2)	1931 s.6A(2)(a); 1988 art.2.
(3)	1931 s.6A(2)(a), (5), (6); 1988 art.2.
(4)	1931 s.6A(2)(b), (c); 1988 art.2; 1993 s.2(1).
(5)	1931 s.6A(3), (4); 1988 art.2; 1993 s.2(1).
(6)	1931 s.6A(7); 1988 art.2; 1993 s.2(1); 1996 Sch.2 para.4(4).
(7)	1931 s.6A(10); 1988 art.2; 1993 s.2(1).
6(1)	1931 ss.6(4)(a), 6A(1A); 1996 s.120(2), Sch.2 para.4(3).
(2)	1931 s.6(4)(b); 1996 s.120(2).
(3)	1931 ss.6(5), 6A(1B); 1996 s.120(2), Sch.2 para.4(3).
(4)	1931 ss.6(9), 6A(8); 1988 art.2; 1996 s.120(2), Sch.2 para.4(5).
(5)	1931 s.6A(9); 1988 art.2; 1993 s.2(1); 1996 Sch.2 para.4(6).
7	1931 s.12; Criminal Justice Act 1982 (c.48) ss.38, 46; Fines

Provision	Derivation
	and Penalties (Northern Ireland) Order 1984 (S.I.1984/703 (N.I.3)) arts.5, 6; Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40) Sch.1 paras.5, 6; 1996 Sch.2 para.8.
8	1931 s.6B; 1996 s.120(3).
9	1931 s.6C; 1996 s.120(3).
10(1) (2)	1931 s.7A(1); 1987 art.7; 1993 s.2(1); 1996 Sch.2 para.5(2). 1931 s.7A(3); 1996 Sch.2 para.5(4).
11	1931 s.11; 1996 Sch.2 para.7.
12(1) (2) (3)	1938 s.1A(4); 1987 art.8; 1993 s.2(1); 1996 Sch.2 para.14(2). 1938 s.1A(4); 1987 art.8; 1993 s.2(1). 1938 s.1A(1) to (3); 1987 art.8; 1993 s.2(1); 1996 Sch.2 para.14(2).
(4)	1938 s.1A(2); 1987 art.8; 1993 s.2(1).
(5)	1938 s.1A(3); 1987 art.8; 1993 s.2(1); 1996 Sch.2 para.14(3).
(6)	1938 s.1A(5); 1987 art.8; 1993 s.2(1).
(7)	1938 s.1A(6); 1987 art.8; 1993 s.2(1); 1996 Sch.2 para.14(4).
(8)	1938 s.1A(7); 1987 art.8; 1993 s.2(1).
(9)	1938 s.1A(9); 1987 art.8; 1993 s.2(1).
13	1931 s.7ZE; 1996 s.122.
14	1931 s.7; 1996 s.121.
15(1) to (5) (6)	1931 s.7ZA; 1996 s.121. 1931 s.7A(2); 1987 art.7; 1993 s.2(1); 1996 Sch.2 para.5(3).
16	1931 s.7ZB; 1996 s.121.
17	1931 s.7ZC; 1996 s.121.
18	1931 s.7ZD; 1996 s.121.
19	1938 s.1A(8); 1987 art.8; 1993 s.2(1); 1996 Sch.2 para.14(5).
20(1)	1938 s.1(1).
(2)	1938 s.1(1) proviso.
(3)	1931 s.17(1); 1938 s.1(3); 1996 s.123(4), Sch.2 para.12(2), (3).
(4)	1931 s.17(2); 1996 s.123(4).
(5)	1938 s.1A(1); 1987 art.8; 1993 s.2(1).
(6)	1938 s.4(2).
(7)	1938 s.1(1A); 1996 s.123(1).
(8)	1938 s.1(1) proviso.

Provision	Derivation
21(1)	1938 s.3(1); 1996 s.123(2), (3).
(2)	1938 s.3(1) proviso.
(3)	1938 s.3(1) proviso; 1996 Sch.2 para.15(b).
(4)	1938 s.3(2); 1996 s.123(3).
22	1931 s.9; 1996 Sch.2 para.6(2).
23(1), (2)	1931 s.13(1), (2); 1996 Sch.2 para.9.
(3)	1931 s.15; 1996 Sch.2 para.10.
24(1)	1931 s.16(1); 1996 Sch.2 para.11(2).
(2)	1931 ss.11, 16(2); 1996 Sch.2 para.11(3).
25	
“the Board”	1931 s.2; 1996 Sch.2 para.2(2).
“competent authority”	1931 s.2; 1987 art.3; 1993 s.2(1).
“the Directive”	1931 s.2; 1987 art.3.
“disciplinary order”	1931 s.2; 1996 Sch.2 para.2(6).
“disqualifying decision in another EEA State”	1931 s.2; 1987 art.3; 1993 s.2(1).
“EEA State”	—
“erasure order”	1931 s.2; 1996 Sch.2 para.2(6).
“list of visiting EEA architects”	—
“national”	1931 s.2; 1987 art.3.
“penalty order”	1931 s.2; 1996 Sch.2 para.2(6).
“prescribed”	1931 s.2; 1996 Sch.2 para.2(4).
“prescribe”	1931 ss.6(5), 6A(1B), 6C(1); 1996 s.120(2), (3), Sch.2 para.4(3).
“the Register”	1931 s.2; 1996 Sch.2 para.2(5).
“the Registrar”	1931 s.2; 1996 Sch.2 para.2(6).
“registered person”	1931 s.2; 1996 Sch.2 para.2(3).
“suspension order”	1931 s.2; 1996 Sch.2 para.2(6).
“unacceptable professional conduct”	—
26	—
27	—
28(1)	—
(2)	—
(3)	1931 s.18(2); 1938 s.6(1); 1996 Sch.2 paras.13, 17.

Provision	Derivation
Sch. 1	
paras.1 to 10	1931 1st Sch. paras.1 to 10; 1996 Sch.2 para.1.
11	1931 s.4A; 1996 s.119.
12	1931 s.3(1), (2); 1996 Sch.2 para.3(3)(b).
13 to 24	1931 1st Sch. paras.11 to 22; 1996 Sch.2 para.1.
Sch. 2	—
Sch. 3	—

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