

1987 No. 1824

ARCHITECTS

The Architects' Qualifications (EEC Recognition) Order
1987

Made - - - - - 21st October 1987

Laid before Parliament 29th October 1987

Coming into force 19th November 1987

At the Court of Saint James, the 21st day of October 1987

Present,

The Counsellors of State in Council

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 17th day of September 1987, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

Now, therefore, His Royal Highness The Prince Andrew Duke of York and Her Royal Highness The Princess Royal being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred on Her Majesty by section 2(2) of the European Communities Act 1972(a), and all other powers enabling Her Majesty, and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

Citation and commencement

1. This Order may be cited as the Architects' Qualifications (EEC Recognition) Order 1987 and shall come into force on 19th November 1987.

Interpretation

2. In this Order—

“the 1931 Act” means the Architects (Registration) Act 1931(b); and

“the 1938 Act” means the Architects Registration Act 1938(c).

3. At the end of section 2 of the 1931 Act there shall be inserted the following definitions—

O.J. No. L. 223/15. “The expression “the Directive” means European Communities Council Directive No. 85/384/EEC on the mutual recognition of diplomas, certificates and other evidence of formal qualifications in architecture, as

(a) 1972 c. 68.
(b) 1931 c. 33.
(c) 1938 c. 54.

O.J. No. L.
376/1.
O.J. No. L.
277/1.

amended by European Communities Council Directives Nos. 85/614/EEC and 86/17/EEC.

The expression "competent authority", in relation to a member State, means an authority or body designated by the member State in accordance with the Directive.

The expression "national" in relation to a member State means the same as in the Community Treaties, but 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.

The expression "disqualifying decision in another member state" in relation to any person means a decision made by a competent authority of a member 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 in that State the effect that he is no longer registered or otherwise officially recognised as an architect or that he is prohibited from practising as an architect there."

Recognition of European Community architectural qualifications

4. In section 5(2)(a) and (b) and (3) of the 1931 Act the words "in pursuance of section 6" shall be inserted after the word "Act".

5. After section 6 of the 1931 Act there shall be inserted the following section—

"European
qualifications.

6A.—(1) Subject to the provisions of this Act, a national of a member State who satisfies any of the requirements set out in subsection (2) shall on application made to the Council in the prescribed manner and on payment of the prescribed fee be entitled to be registered in pursuance of this section.

- (2) The requirements are that a person—
 - (a) holds a qualification listed in the Fourth Schedule or, where the course of study leading to that qualification has been started no later than the beginning of the first academic year beginning after 5th August 1987, Part I of the Fifth Schedule to this Act, together with a certificate issued by a competent authority of a member State, in accordance with Article 23 of the Directive, stating that he has gained at least two years practical training experience in that member State under the supervision of a person established as an architect in that member State;
 - (b) holds a qualification listed in Part II of the Fifth Schedule to the Act where the course of study leading to that qualification has been started no later than the beginning of the first academic year beginning after 5th August 1987, together with a certificate issued by a competent authority of the Federal Republic of Germany, in accordance with Article 4(1) of the Directive, stating that he has gained at least four years appropriate professional experience in the Federal Republic of Germany;
 - (c) holds a certificate issued by a competent authority of a member State, in accordance with Article 12 of the Directive, stating that he has been, no later than the date on which that member State implemented the Directive, authorised in that member 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;
 - (d) holds a certificate issued by a competent authority of a member State, in accordance with Article 5 of the Directive, stating that

he is, by reason of his distinguished achievements in the field of architecture, entitled to use the title of architect.

(3) Where a person holds a certificate issued by a competent authority of the Federal Republic of Germany stating that a qualification awarded to that person by an institution in the German Democratic Republic after 8th May 1945 is of equivalent effect to a qualification listed in the Fourth or the Fifth Schedule to this Act, that person shall, for the purposes of this Act, be deemed to hold a qualification listed in the Fourth or, as the case may be, the Fifth Schedule to this Act.

(4) The Council may refuse to register a person in pursuance of this section if they are aware that there is a disqualifying decision in another member State in force in respect of that person.

(5) The Council shall cause a written notice of their decision on any application for registration in pursuance of this section to be served on the applicant within three months of his application being duly made.

(6) If, in pursuance of Article 17(4) or 18(2) of the Directive, the Council consult a member State in respect of an application under this section, the period mentioned in subsection (5) shall be extended by such period as may elapse between initiating the consultation and the receipt by the Council of a final reply from that member State.

(7) A person who is registered in pursuance of this section shall, when using his academic title or any abbreviations of it, express such title or abbreviation in the language or one of the languages of the member State in which the body conferring the title is located and shall follow the title or any abbreviation of it with the name and location of the body conferring the title.”.

6. There shall be inserted after the Third Schedule to the 1931 Act the Schedules set out in the Schedule to this Order.

7. After section 7 of the 1931 Act there shall be inserted the following section—

“Removal of
name from
Register:
disqualifica-
tion in
another
member State.

7A.—(1) If a person’s name was entered on the Register in pursuance of section 6A of this Act at a time when there was a disqualifying decision in another member State in force in respect of that person, and if at that time the Council were unaware of that fact, the Council, on being satisfied that the person was at that time and still is subject to that disqualifying decision, may cause his name to be removed from the Register.

(2) If a person who is registered under this Act in pursuance of section 6A becomes subject to a disqualifying decision in another member State expressed to be made on the ground that he has committed a criminal offence he shall be deemed for the purposes of section 7 of this Act, to have been convicted of that offence.”.

Visiting EEC architects

8. After section 1 of the 1938 Act there shall be inserted the following section—

“Visiting EEC
architects.

1A.—(1) A national of a member State who is established as an architect in a member State other than the United Kingdom 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 the principal Act during the period, and in respect of the services, for which his enrolment on the list of visiting EEC architects is effective.

(2) Before so practising or carrying on business the person concerned shall supply to the Council—

(a) a declaration in writing giving particulars of the services to be provided and the period or periods for which he expects to provide them; and

- (b) a certificate (or certificates), issued not more than 12 months previously by the competent authority of a member State in which he is established as an architect, showing that—
- (i) he is lawfully pursuing activities in the field of architecture in a member State other than the United Kingdom; and
 - (ii) he satisfies any of the requirements set out in section 6A(2) of the principal Act.

(3) Where a person complies with the requirements of subsection (2), the Council shall enrol his name on the list of visiting EEC architects maintained for the purposes of this section for such period or periods and in respect of such services as they consider appropriate having regard to the particulars given in the declaration referred to in subsection (2)(a).

(4) The Council shall maintain, for the purposes of this section, in addition to the Register, a list of the names of visiting EEC architects enrolled from time to time under this section, with their qualifications and the periods for which and the services in respect of which their respective enrolments are effective; and the Council shall permit any person to inspect the list during normal working hours.

(5) No fee shall be charged for enrolment under this section as a visiting EEC architect.

(6) A person shall not be enrolled as a visiting EEC architect at a time when he is subject to—

- (a) a disqualifying decision in another member State; or
- (b) a period of disqualification from registration imposed by the Council under the principal Act.

(7) A person's name shall be removed from the list of visiting EEC 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 made by him under subsection (2)(a); or
- (c) he may no longer lawfully pursue activities in the field of architecture in the member State referred to in subsection (2)(b)(i).

(8) Section 7 of the principal Act and regulations made under section 13 of that Act for the regulation of disciplinary proceedings shall apply to a person who is or has been enrolled under this section as a visiting EEC architect as if that person had been registered under section 6 of that Act, and references to the Register and registration under this Act shall be construed accordingly.

(9) A person enrolled on the list of visiting EEC architects shall, when using his title or any abbreviation of it, express such title or abbreviation in the language or one of the languages of the member State in which the body conferring the title is located and shall follow the title or any abbreviation of it with the name and location of the body conferring the title.”.

G.I. de Doney
Clerk of the Privy Council

NEW SCHEDULES TO BE INSERTED IN THE 1931 ACT.

"FOURTH SCHEDULE

Section 6A

EUROPEAN COMMUNITY QUALIFICATIONS IN ARCHITECTURE

Belgium

1. The diplomas awarded by the higher national schools of architecture or the higher national institutes of architecture (architecte-architect).
2. The diplomas awarded by the higher provincial school of architecture of Hasselt (architect).
3. The diplomas awarded by the Royal Academies of Fine Arts (architecte-architect).
4. The diplomas awarded by the 'écoles Saint-Luc' (architecte-architect).
5. The civil engineering/architecture diplomas and architecture/engineering diplomas awarded by the faculties of applied sciences of the universities and by the Polytechnical Faculty of Mons (ingénieur-architecte, ingénieur-architect).

Denmark

1. The diploma awarded by the Danish State School of Architecture in Aarhus.

Ireland

1. The degree of Bachelor of Architecture awarded by the National University of Ireland (B. Arch (NUI)) to architecture graduates of University College, Dublin.
2. The diploma of degree standard in architecture awarded by the College of Technology, Bolton Street, Dublin (Dip. Arch).
3. The Certificate of Associateship of the Royal Institute of Architects of Ireland (ARIAI).
4. The Certificate of Membership of the Royal Institute of Architects of Ireland (MRIA).

Portugal

1. The Diploma 'diploma licenciatura em arquitetura' awarded by the Department of Architecture of the Technical University of Lisbon.
2. The Diploma 'diploma licenciatura em arquitetura' awarded by the Department of Architecture of the University of Porto.

FIFTH SCHEDULE

Section 6A

ESTABLISHED EUROPEAN COMMUNITY RIGHTS

PART I

Belgium

1. University diplomas in civil engineering, accompanied by a traineeship certificate awarded by the association of architects entitling the holder to hold the professional title of architect (architecte-architect).
2. The diplomas in architecture awarded by the central or State examining board for architecture (architecte-architect).

Denmark

1. The diplomas awarded by the National Schools of Architecture in Copenhagen and Aarhus (arkitekt).

2. The certificate of registration issued by the Board of Architects pursuant to Law No. 202 of 28th May 1975 (registreret arkitekt).

3. Diplomas awarded by the Higher Schools of Civil Engineering (bygningskonstruktør), accompanied by a certificate from the competent authorities to the effect that the person concerned has passed a test of his formal qualifications in accordance with Article 13 of the Directive.

France

1. The Government architect's diploma awarded by the Ministry of Education until 1959, and subsequently by the Ministry of Cultural Affairs (architecte DPLG).

2. The diplomas awarded by the 'Ecole spéciale d'architecture' (architecte DESA).

3. The diplomas awarded since 1955 by the department of architecture of the 'Ecole nationale supérieure des Arts et Industries de Strasbourg' (formerly the 'Ecole nationale d'ingénieurs de Strasbourg' (architecte ENSAIS).

Germany

1. The diplomas awarded by higher institutes of fine arts (Dipl.-Ing., Architekt (HfbK)).

2. The diplomas awarded by the departments of architecture (Architektur/Hochbau) of 'Technische Hochschulen', of technical universities, of universities and, in so far as these institutions have been merged into 'Gesamthochschulen', of 'Gesamthochschulen' (Dipl.-Ing., and any other title which may be laid down later for holders of these diplomas).

3. The diplomas awarded by the departments of architecture (Architektur/Hochbau) of 'Fachhochschulen' and, in so far as these institutions have been merged into 'Gesamthochschulen', by the departments of architecture (Architektur/Hochbau) of 'Gesamthochschulen', where the period of study leading to that diploma is at least four years (Ingenieur grad. and any other title which may be laid down later for holders of these diplomas).

4. The diplomas (Prüfungszeugnisse) awarded before 1st January 1973 by the departments of architecture of 'Ingenieurschulen' and of 'Werkkunstschulen', accompanied by a certificate from the competent authorities to the effect that the person concerned has passed a test of his formal qualifications in accordance with Article 13 of the Directive.

Greece

1. The engineering/architecture diplomas awarded by the METSOVION POLYTECHNION of Athens, together with a certificate issued by Greece's Technical Chamber conferring the right to pursue activities in the field of architecture.

2. The engineering/architecture diplomas awarded by the ARISTOTELION PANEPISTIMION of Thessaloniki, together with a certificate issued by Greece's Technical Chamber conferring the right to pursue activities in the field of architecture.

3. The engineering/civil engineering diplomas awarded by the METSOVION POLYTECHNION of Athens, together with a certificate issued by Greece's Technical Chamber conferring the right to pursue activities in the field of architecture.

4. The engineering/civil engineering diplomas awarded by the ARISTOTELION PANEPISTIMION of Thessaloniki, together with a certificate issued by Greece's Technical Chamber conferring the right to pursue activities in the field of architecture.

5. The engineering/civil engineering diplomas awarded by the PANEPISTIMION THRAKIS, together with a certificate issued by Greece's Technical Chamber conferring the right to pursue activities in the field of architecture.

6. The engineering/civil engineering diplomas awarded by the PANEPISTIMION PATRON, together with a certificate issued by Greece's Technical Chamber conferring the right to pursue activities in the field of architecture.

Italy

1. 'Laurea in architettura' diplomas awarded by universities, polytechnic institutes and the higher institutes of architecture of Venice and Reggio Calabria, accompanied by the diploma entitling the holder to pursue independently the profession of architect, awarded by the Minister for Education after

the candidate has passed before a competent board the State examination entitling him to pursue independently the profession of architect (dott. Architetto).

2. 'Laurea in ingegneria' diplomas in building construction ('sezione costenzione civile') awarded by universities and polytechnic institutes, accompanied by the diploma entitling the holder to pursue independently a profession in the field of architecture, awarded by the Minister for Education after the candidate has passed before a competent board the State examination entitling him to pursue the profession independently (dott. Ing. Architetto or dott. Ing. in ingegneria civile).

Netherlands

1. The certificate stating that its holder has passed the degree examination in architecture awarded by the departments of architecture of the technical colleges of Delft or Eindhoven (bouwkundig ingenieur).

2. The diplomas awarded by State-recognised architectural academies (architect).

3. The diplomas awarded until 1971 by the former architectural colleges (Hoger Bouwkunstondericht) (architect HBO).

4. The diplomas awarded until 1970 by the former architectural colleges (Voortgezet Bouwkunstondericht) (architect VBO).

5. The certificate stating that the person concerned has passed an examination organised by the Architects Council of the 'Bond van Nederlandse Architecten' (Order of Dutch Architects, BNA) (architect).

6. The diploma of the 'Stichting Instituut voor Architectuur' ('Institute of Architecture' Foundation) (IVA) awarded on completion of a course organised by this foundation and extending over a minimum period of four years (architect), accompanied by a certificate from the competent authorities to the effect that the person concerned has passed a test of his formal qualifications in accordance with Article 13 of the Directive.

7. A certificate issued by the competent authorities to the effect that, before 5th August 1985 the person concerned passed the degree examination of 'Kandidaat in de bouwkunde' organised by the technical colleges of Delft or Eindhoven and that, over a period of at least five years immediately prior to that date, he pursued architectural activities the nature and importance of which, in accordance with Netherlands requirements, guarantee that he is competent to pursue those activities (architect).

8. A certificate issued by the competent authorities only to persons who have reached the age of 40 years before 5th August 1985 certifying that, over a period of at least five years immediately prior to that date, the person concerned had pursued architectural activities the nature and importance of which, in accordance with Netherlands requirements, guarantee that he is competent to pursue those activities (architect).

Note

The certificates referred to in paragraphs 7 and 8 need no longer be recognised as from the date of entry into force of laws and regulations in the Netherlands governing the taking up and pursuit of architectural activities under the professional title of architect, in so far as under such provisions those certificates do not authorise the taking up of such activities under that professional title.

Portugal

1. The Diploma 'diploma do curso especial de arquitectura' awarded by the Schools of Fine Arts of Lisbon and of Porto.

2. The Architects Diploma 'diploma de arquitecto' awarded by the Schools of Fine Arts of Lisbon and of Porto.

3. The Diploma 'diploma do curso de arquitectura' awarded by the Higher Schools of Fine Arts of Lisbon and Porto.

4. The Diploma 'diploma de licenciatura em arquitectura' awarded by the Higher School of Fine Arts of Lisbon.

5. The university diploma in civil engineering awarded by the Higher Technical Institute of the Technical University of Lisbon (Licenciatura em engenharia civil).

6. The university diploma in civil engineering awarded by the Faculty of Engineering (Engenharia) of the University of Porto (Licenciatura em engenharia civil).

7. The university diploma in civil engineering awarded by the Faculty of Science and Technology of the University of Coimbra (Licenciatura em engenharia civil).

8. The university diploma in civil engineering (production) awarded by the University of Minho (Licenciatura em engenharia civil (produção)).

Spain

The official formal qualification of an architect (título oficial de arquitecto) awarded by the Ministry of Education and Science or by the universities.

PART II SPECIAL PROVISIONS FOR GERMANY

The diplomas awarded by the departments of architecture (Architektur/Hochbau) of 'Fachhochschulen' and, in so far as these institutions have been merged into 'Gesamthochschulen', by the departments of architecture (Architektur/Hochbau) of 'Gesamthochschulen', where the period of study leading to that diploma is less than four years but at least three years (Ingenieur grad. and any other title which may be laid down later for holders of these diplomas).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order under section 2 of the European Communities Act 1972 comes into force on 19th November 1987. It implements European Communities Council Directives relating to the mutual recognition of qualifications in architecture. The Order amends the Architects (Registration) Act 1931 ("the 1931 Act") and the Architects Registration Act 1938 ("the 1938 Act").

The Order gives architects with defined European qualifications the right to be registered under the 1931 Act (articles 5 and 6, which insert new sections 6A and 7A and two new Schedules into the 1931 Act). In consequence, the role of the Board of Architectural Education and the Admission Committee in relation to European qualifications is abolished (article 4). Disqualification in another member State may lead to removal of an architect's name from the register (article 7, which inserts a new section 7A into the 1931 Act).

A form of temporary registration is provided for architects established in other member States who wish to provide services while visiting the United Kingdom and such visiting architects are made subject to disciplinary provisions (article 8, which inserts a new section 1A into the 1938 Act).

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