

2014 No. 4

ARCHITECTS

The Architects Act 1997 (Amendments etc) Order 2014

Made - - - - *7th January 2014*

Laid before Parliament *13th January 2014*

Coming into force - - *10th February 2014*

The Secretary of State, is designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the recognition of higher-education diplomas, formal qualifications or experience in the occupation, required for the pursuit of professions or occupations.

In exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and by paragraph 24 of Schedule 1 to the Architects Act 1997(c) and after consultation with the Architects Registration Board and such other persons or bodies as the Secretary of State thinks fit, the Secretary of State makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Architects Act 1997 (Amendments etc) Order 2014 and comes into force on 10th February 2014.

(2) In this Order “the Board” means the Architects Registration Board which was continued in existence by section 1(1) of the Architects Act 1997.

Amendment of the Architects Act 1997

2. The Architects Act 1997 is amended as follows—

- (a) in section 25(1) (interpretation)(d), in the definition of “relevant European State” after “an EEA State” insert “or Switzerland”;
- (b) in Schedule 1 (The Board and its committees)—
 - (i) in paragraph 4(1) for “three” substitute “four”; and
 - (ii) in paragraph 5—
 - (aa) for “six” substitute “eight”; and

(a) S.I. 2002/248.

(b) 1972 c. 68. The enabling powers in section 2(2) of this Act were extended by virtue of the amendment of section 1(2) by section 1 of the European Economic Area Act 1993 (c. 51). Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51) section 27(1)(a) and the European Union (Amendment) Act 2008 (c. 7) section 3(3), Schedule 1, Part 1.

(c) 1997 c. 22.

(d) The definition “relevant European State” was inserted into section 25(1) (interpretation) by regulation 22(1)(e) of the Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations (S.I. 2008/1331).

(bb) for “three” substitute “four”.

Revocation

3. Regulation 26 of the Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008(a) is revoked.

Transitional Provisions

4.—(1) This article applies to a person (“P”) who is a member of the Board when this Order comes into force.

(2) If P holds office as the result of an election under paragraph 2(1) of Schedule 1 to the Architects Act 1997 or an appointment under paragraph 3(1) of that Schedule, P’s term of office is four years, subject to paragraphs (4) to (6).

(3) If P holds office as the result of an appointment under paragraph 6(1) of that Schedule, P holds office until the end of the period of four years beginning with the appointment of the member whose vacancy P filled.

(4) Paragraph (5) applies if—

- (a) paragraph (2) applies to P in the course of a second consecutive term of office; or
- (b) P is elected under paragraph 2(1) of that Schedule or appointed under paragraph 3(1) of that Schedule for a term of office consecutive to that in which paragraph 3 applied to P.

(5) During the second term of office, that term may be extended by recommendation by the Secretary of State so that P serves as a member for a total continuous period of 8 years.

(6) An extension under paragraph (5) requires the approval in writing of—

- (a) the Board in the case of a member elected for that second term under paragraph 2(1) of that Schedule; or
- (b) the Privy Council, in the case of a member appointed for that second term under paragraph 3(1) of that Schedule.

Signed by authority of the Secretary of State for Communities and Local Government

Stephen Williams

Parliamentary Under Secretary of State

Department for Communities and Local Government

7th January 2014

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2(a) of this Order amends the Architects Act 1997 (c. 22) and in doing so implements Decision No. 2/2011 of the EU-Swiss Joint Committee established by Article 14 of the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons of 30 September 2011 (OJ L 255 30.9.2005 p. 22, as amended by Council Directive 2006/100/EC OJ No L 363, 20.12.06 p.141).

Article 2(a) recognises the qualifications of Swiss architects in the United Kingdom in the same manner as those of EEA States. The former provision for the recognition of qualifications of Swiss architects was regulation 26 of the Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008 (S.I 2008/1331) which is revoked by Article 3 of this Order. Articles 2(1) and 3 are made under the powers in section 2(2) of the European Communities Act 1972.

(a) S.I. 2008/1331.

Article 2(b) of this Order extends the maximum term of office; the maximum for consecutive terms of office; and the time that must elapse before office may be held again, for members of the Architects Registration Board, which was established under section 1 of the Architects Act 1997.

Article 4 sets out transitional provisions extending the terms of office of members of the Architects Registration Board on the date this Order came into force to reflect the extensions of the terms of office provided for in article 2 of this Order.

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£4.00

UK201401073 01/2014 19585

<http://www.legislation.gov.uk/id/uksi/2014/4>

ISBN 978-0-11-110805-5



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