

## SCHEDULES

### SCHEDULE 2

#### ARCHITECTS

#### PART II

#### OTHER AMENDMENTS

##### *The 1931 Act*

- 2 (1) Section 2 of the 1931 Act (interpretation) is amended as follows.
- (2) For the definition of “the Council” substitute—
- “The expression “the Board” means the Architects Registration Board.”.
- (3) In the definition of “registered person”, for “registered under this Act” substitute “whose name is in the Register”.
- (4) In the definition of “prescribed”, for “regulations made by the Council” substitute “rules made by the Board”.
- (5) In the definition of “the Register”, for “kept in pursuance of this Act” substitute “of Architects”.
- (6) After that definition insert—
- “The expression “the Registrar” means the Registrar of Architects appointed by the Board under section 4.
- The expressions “penalty order”, “suspension order” and “erasure order” shall be construed in accordance with sections 7ZB, 7ZC and 7ZD.
- The expression “disciplinary order” has the meaning given by section 7ZA.”.
- 3 (1) Section 3 of the 1931 Act (constitution and functions of Architects' Registration Council) is amended as follows.
- (2) In subsection (1), for the words from the beginning to “name,” substitute “The Architects Registration Board shall be a body corporate”.
- (3) In subsection (2)—
- (a) omit the first sentence, and
- (b) in the second sentence, for “Council” (in both places) substitute “Board”.
- (4) For the sidenote substitute “The Board and its committees.”.
- 4 (1) Section 6A of the 1931 Act (European qualifications) is amended as follows.

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- (2) In subsection (1), for the words from “shall” to the end substitute “and has applied to the Registrar in the prescribed manner for registration in pursuance of this section is entitled to be registered.”.
- (3) After that subsection insert—
- “(1A) The Board may require an applicant for registration in pursuance of this section to pay a fee of a prescribed amount.
- (1B) The Board may by rules prescribe the information and evidence to be furnished to the Registrar in connection with an application for registration in pursuance of this section.”.
- (4) In subsection (7), for the words from “The Council” to “aware that” substitute “An application by a person for registration in pursuance of this section may be refused if”.
- (5) In subsection (8), for the words from “Council” to “applicant” substitute “Registrar shall serve on an applicant for registration in pursuance of this section written notice of the decision on his application”.
- (6) In subsection (9)—
- (a) for “Council consult” substitute “Board consults”, and
- (b) for “Council of” substitute “Board of”.
- 5 (1) Section 7A of the 1931 Act (removal of name from Register: disqualification in another member State) is amended as follows.
- (2) In subsection (1)—
- (a) for “Council were” substitute “Board was”,
- (b) for “Council, on” substitute “Board, on”, and
- (c) for “cause his name to be removed” substitute “order the Registrar to remove his name”.
- (3) In subsection (2), for “7 of this Act” substitute “7ZA(1)”.
- (4) After that subsection insert—
- “(3) 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 the person as soon as is reasonably practicable.”.
- 6 (1) Section 9 of the 1931 Act (right of appeal against removal from Register) is amended as follows.
- (2) For the words “by the removal” onwards substitute “by—
- (a) his name not being re-entered in, or being removed from, the Register by virtue of section 6C(1);
- (b) the making of a disciplinary order in relation to him; or
- (c) the Board ordering the Registrar to remove his name from the Register under section 7A,
- 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.”.

(3) For the sidenote substitute “Appeals.”.

7 In section 11 of the 1931 Act (removal of name from Register for failure to notify change of address), for “Council” (in each place) substitute “Registrar”.

8 In section 12 of the 1931 Act (penalty for obtaining registration by false representation), for “wilfully” substitute “intentionally”.

9 For section 13 of the 1931 Act (regulations) substitute—

### “13 Rules

(1) The Board may make rules generally for carrying out or facilitating the purposes of this Act.

(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.”.

10 (1) Section 15 of the 1931 Act (supply of regulations and forms) is amended as follows.

(2) For “Council” substitute “Registrar”.

(3) For “regulations” (in each place, including the sidenote) substitute “rules”.

11 (1) Section 16 of the 1931 Act (service of documents) is amended as follows.

(2) In subsection (1), for “to be sent” substitute “to be served”.

(3) In subsection (2), for “to the removal from the Register of the name of any registered person” substitute “required to be served by section 6C(2), 7(4)(a), 7ZA(3) or 7A(3)”.

12 (1) Section 17 of the 1931 Act (defence for certain bodies corporate, firms and partnerships) is amended as follows.

(2) In paragraph (a), for “superintendent who is a registered person and” substitute “registered person”.

(3) In paragraph (b), for the words from “and” to “who is” substitute “it is carried on by or under the supervision of”.

(4) For the sidenote substitute “Defence for business under control and management of registered person.”.

13 For section 18(2) of the 1931 Act (application to Northern Ireland) substitute—

“(2) This Act extends to Northern Ireland.”.

### *The 1938 Act*

14 (1) Section 1A of the 1938 Act (visiting EC architects) is amended as follows.

(2) In subsections (2), (3) and (4), for “Council” (in each place) substitute “Registrar”.

(3) In subsection (3), for “they consider” substitute “the Registrar considers”.

(4) In subsection (6), for the words from “when” to the end substitute “when—

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- (a) he is subject to a disqualifying decision in another member State;
  - (b) his name has been removed from the Register pursuant to a suspension order or an erasure order and has not been re-entered; or
  - (c) he is required under section 6C(1) of the principal Act to satisfy the Board of his competence to practise but has not done so.”.
- (5) In subsection (8), for the words from the beginning to “the regulation of” substitute “The provisions of, and of rules under, the principal Act relating to”.
- 15 In section 3 of the 1938 Act (offence of practising while not registered), in the proviso—
- (a) in paragraph (a), omit “of the Council” and “subsection (2) of section six of”, and
  - (b) for paragraphs (b) and (c) substitute—
    - “(b) in a case where the contravention is occasioned by the removal of the defendant’s name from the Register in circumstances in which notice is required to be served on him—
      - (i) that the notice had not been duly served before that date,
      - (ii) that the time for bringing an appeal against the removal had not expired at that date, or
      - (iii) that such an appeal had been duly brought, but had not been determined, before that date.”.
- 16 In section 5 of the 1938 Act (construction and citation), in subsection (2), for the words from “Acts 1931 and” to the end substitute “Act 1931”.
- 17 For section 6(1) of the 1938 Act (application to Northern Ireland) substitute—
- “(1) This Act extends to Northern Ireland.”.

*Other enactments*

- 18 In section 6 of the Inspection of Churches Measure 1955 (interpretation), in the definition of “qualified person”, for “Architects Registration Acts 1931 to 1969” substitute “Architects Acts 1931 to 1996”.
- 19 In section 52(1) of the Cathedrals Measure 1963 (interpretation), in the definition of “architect”, for “Architects (Registration) Acts 1931 to 1938” substitute “Architects Acts 1931 to 1996”.
- 20 In section 20(1) of the Care of Cathedrals Measure 1990 (interpretation), in the definition of “architect”, for “Architects Registration Acts 1931 to 1969” substitute “Architects Acts 1931 to 1996”.