



# Architects Act 1997

## 1997 CHAPTER 22

### PART III

#### DISCIPLINE

##### *Professional standards*

#### **13 Code of practice.**

- (1) The Board shall issue a code laying down standards of professional conduct and practice expected of registered persons.
- (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 Professional misconduct and incompetence.**

- (1) Where an allegation is made that a registered person is guilty of—

*Status: Point in time view as at 21/07/1997.*

*Changes to legislation: There are currently no known outstanding effects for the Architects Act 1997, Part III. (See end of Document for details)*

- (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.
  - (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*

## **15 Disciplinary orders.**

- (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—

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- (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.
- (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 Penalty orders.**

- (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.
- (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 Suspension orders.**

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.

## **18 Erasure orders.**

- (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.
- (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—

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- (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.
- (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*

### **19 Application of discipline provisions to visiting EEA architects.**

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.

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**Changes to legislation:**

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