



# Architects Act 1997

## 1997 CHAPTER 22

### PART V

#### GENERAL AND SUPPLEMENTARY

##### *General*

#### [<sup>F1</sup>21A Appeals to the Appeals Committee

- (1) A person may appeal to the Appeals Committee against—
  - (a) a decision to refuse the person's application for registration, or
  - (b) if the person is a person to whom paragraph (b) of section 9(1) applies, a decision to remove or not to re-enter the person's name in the Register as a result of section 9(1).
- (2) The Board may make rules about appeals to the Appeals Committee, including in particular rules about—
  - (a) the period within which any appeal must be made;
  - (b) the way in which an appeal is to be made or withdrawn;
  - (c) the fee that must be paid on the making of an appeal (including circumstances in which that fee may or must be refunded);
  - (d) the procedure to be followed by the Appeals Committee in relation to an appeal;
  - (e) the effect of the making of an appeal, pending its determination, on the decision appealed against.
- (3) On the determination of an appeal, the Appeal Committee may make any decision that could have been made by the person who made the decision appealed against.
- (4) The Appeals Committee must, within the prescribed period after determining a person's appeal, serve on the person written notice of the decision made on that determination.]

*Status: Point in time view as at 31/01/2023.*

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

### Textual Amendments

**F1** S. 21A inserted (28.6.2022) by Building Safety Act 2022 (c. 30), ss. 158(6), 170(3)

## [<sup>F3</sup>22 Appeals [<sup>F2</sup>to the court]

(1) A person may appeal to the High Court or, in Scotland, to the Court of Session if he is aggrieved by—

- [<sup>F4</sup>(a) a decision of the Appeals Committee under section 21A, on an appeal made by the person;]
- (b) failure of the Registrar to comply with section 6(4);
- [<sup>F5</sup>(c) the person’s name not being re-entered in the Register under section 18 as a result of section 9(1);]
- (d) the Board’s ordering under section 10 that the Registrar remove his name from <sup>F6</sup>... the Register; or
- (e) the making of a disciplinary order in relation to him.

(2) <sup>F7</sup>... An appeal under subsection (1)(a), (c), (d) or (e) must be made not later than three months after the date on which notice of the decision or order concerned is served on the person.

<sup>F8</sup>(3) .....

(4) The time limits for making an appeal under subsection (1)(b) are—

- (a) where the appeal is made by a person who relied on subsection (2A) of section 4 in applying for registration in pursuance of that section, within seven months, and
- (b) where the appeal is made by a person who, in applying for registration in pursuance of that section, relied on subsection (1)(a) of that section without also relying on subsection (2A) of that section, within six months,

beginning with the date on which the person’s application for registration is made.

(5) An appeal under subsection (1)(b) to which subsection (4) does not apply must be made within nine months beginning with the date on which the person’s application for registration is made.

<sup>F9</sup>(6) .....

(7) On an appeal under this section the court concerned may make any order which appears appropriate, and no appeal shall lie from any decision of a court on such an appeal.]

### Textual Amendments

**F2** Words in s. 22 heading inserted (28.6.2022) by Building Safety Act 2022 (c. 30), ss. 158(7)(d), 170(3)

**F3** S. 22 substituted (20.6.2008) for ss. 22, 22A by Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008 (S.I. 2008/1331), regs. 1, 20

**F4** S. 22(1)(a) substituted (28.6.2022) by Building Safety Act 2022 (c. 30), ss. 158(7)(a)(i), 170(3)

**F5** S. 22(1)(c) substituted (28.6.2022) by Building Safety Act 2022 (c. 30), ss. 158(7)(a)(ii), 170(3)

**F6** Words in s. 22(1)(d) omitted (31.12.2020) by virtue of The Architects Act 1997 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/717), regs. 1(2), 16(a)(ii) (with regs. 22-47) (as amended by S.I. 2019/810, regs. 1(3), 4 and S.I. 2020/1038, regs. 1(3), Sch. 3 para. 4); 2020 c. 1, Sch. 5 para. 1(1)

*Status: Point in time view as at 31/01/2023.*

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- F7** Words in s. 22(2) omitted (28.6.2022) by virtue of Building Safety Act 2022 (c. 30), ss. 158(7)(b), 170(3)
- F8** S. 22(3) omitted (28.6.2022) by virtue of Building Safety Act 2022 (c. 30), ss. 158(7)(c), 170(3)
- F9** S. 22(6) omitted (31.12.2020) by virtue of The Architects Act 1997 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/717), regs. 1(2), 16(b) (with regs. 22-47) (as amended by S.I. 2019/810, regs. 1(3), 4 and S.I. 2020/1038, regs. 1(3), Sch. 3 para. 4); 2020 c. 1, Sch. 5 para. 1(1)

## [<sup>F10</sup>22B Administrative co-operation

- [<sup>F11</sup>(1) The Board may, for the purposes of facilitating the recognition of the qualifications of architects—
- (a) collaborate with competent authorities of relevant European States, and
  - (b) provide assistance to competent authorities of relevant European States in order to facilitate the accreditation in a relevant European State of registered persons or persons holding qualifications or experience prescribed under section 4(1)(a).
- (2) The Board may exchange professional-regulation information about—
- (a) persons who have made an application for registration under section 4(2A);
  - (b) registered persons who are practising or are seeking to practice as architects in a relevant European State,
- with competent authorities of relevant European States.]
- (3) In this section “professional-regulation information” means information regarding—
- (a) disciplinary action taken,
  - (b) criminal sanctions imposed, or
  - (c) any other serious, specific circumstances,
- where the action is, or the sanctions or circumstances are, likely to have consequences for the pursuit of the profession of architect by a person.
- (4) If in any case the Board receives professional-regulation information from a competent authority of [<sup>F12</sup>a] relevant European State [<sup>F13</sup>or a person who applies for registration], the Board—
- (a) [<sup>F14</sup>may investigate and establish] the position in the case, and
  - (b) [<sup>F15</sup>may] pass on its conclusions in the case to a competent authority in each relevant European State in which the person concerned is established as an architect or (without being established) is providing services as an architect.
- (5) The Board may make enquiries of registered persons where the Board considers it necessary to do so for the purposes of enabling it to discharge its [<sup>F16</sup>functions] under subsections (1)(b) and (4)(a).
- (6) Where a registered person receives enquiries under subsection (5), the person shall reply and, in replying, shall use the person’s best endeavours to assist the Board.
- (7) The power under subsection (5) is not to be taken to prejudice any other power to make enquiries of registered persons.

### Textual Amendments

- F10** Ss. 22B, 22C inserted (20.6.2008) by Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008 (S.I. 2008/1331), regs. 1, 21

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- F11** S. 22B(1)(2) substituted (31.12.2020) by The Architects Act 1997 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/717), regs. 1(2), **17(a)** (with regs. 22-47) (as amended by S.I. 2019/810, regs. 1(3), 4 and S.I. 2020/1038, regs. 1(3), Sch. 3 para. 4); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Word in s. 22B(4) substituted (31.12.2020) by The Architects Act 1997 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/717), regs. 1(2), **17(b)(i)(aa)** (with regs. 22-47) (as amended by S.I. 2019/810, regs. 1(3), 4 and S.I. 2020/1038, regs. 1(3), Sch. 3 para. 4); 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in s. 22B(4) inserted (31.12.2020) by The Architects Act 1997 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/717), regs. 1(2), **17(b)(i)(bb)** (with regs. 22-47) (as amended by S.I. 2019/810, regs. 1(3), 4 and S.I. 2020/1038, regs. 1(3), Sch. 3 para. 4); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in s. 22B(4)(a) substituted (31.12.2020) by The Architects Act 1997 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/717), regs. 1(2), **17(b)(ii)** (with regs. 22-47) (as amended by S.I. 2019/810, regs. 1(3), 4 and S.I. 2020/1038, regs. 1(3), Sch. 3 para. 4); 2020 c. 1, Sch. 5 para. 1(1)
- F15** Word in s. 22B(4)(b) substituted (31.12.2020) by The Architects Act 1997 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/717), regs. 1(2), **17(b)(iii)** (with regs. 22-47) (as amended by S.I. 2019/810, regs. 1(3), 4 and S.I. 2020/1038, regs. 1(3), Sch. 3 para. 4); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Word in s. 22B(5) substituted (31.12.2020) by The Architects Act 1997 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/717), regs. 1(2), **17(c)** (with regs. 22-47) (as amended by S.I. 2019/810, regs. 1(3), 4 and S.I. 2020/1038, regs. 1(3), Sch. 3 para. 4); 2020 c. 1, Sch. 5 para. 1(1)

## 22C Confidentiality

- (1) The Board, the Registrar, and persons acting on behalf of either of them, are prohibited from disclosing information to which subsection (2) applies.
- (2) This subsection applies to information if—
- (a) the information is received in the course of the carrying-out of functions of the Board or the Registrar;
  - <sup>F17</sup>(b) ..... and
  - (c) the information—
    - (i) is provided by a competent authority of [<sup>F18</sup>a] relevant European State, or
    - (ii) relates to an application made by [<sup>F19</sup>in reliance on section 4(2A)] for registration in the Register.
- (3) Subsection (1) does not apply to disclosure which is—
- (a) to the Secretary of State; or
  - (b) necessary in order to facilitate the carrying-out of functions of the Board, or of functions of the Registrar, under this Act or any other enactment.
- (4) An authority within subsection (5) must, so far as it is within the authority's power to do so, ensure the confidentiality of information [<sup>F20</sup>which in the course of the carrying out of the authority's functions under section 4 or 4A is disclosed by or on behalf of the authority to a competent authority of a relevant European State].
- (5) The authorities within this subsection are—
- (a) the Board; and
  - (b) the Registrar.]

### Textual Amendments

- F10** Ss. 22B, 22C inserted (20.6.2008) by Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008 (S.I. 2008/1331), regs. 1, **21**

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- F17** S. 22C(2)(b) omitted (31.12.2020) by virtue of The Architects Act 1997 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/717), regs. 1(2), **18(a)(i)** (with regs. 22-47) (as amended by S.I. 2019/810, regs. 1(3), 4 and S.I. 2020/1038, regs. 1(3), Sch. 3 para. 4); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Word in s. 22C(2)(c)(i) substituted (31.12.2020) by The Architects Act 1997 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/717), regs. 1(2), **18(a)(ii)(aa)** (with regs. 22-47) (as amended by S.I. 2019/810, regs. 1(3), 4 and S.I. 2020/1038, regs. 1(3), Sch. 3 para. 4); 2020 c. 1, Sch. 5 para. 1(1)
- F19** Words in s. 22C(2)(c)(ii) substituted (31.12.2020) by The Architects Act 1997 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/717), regs. 1(2), **18(a)(ii)(bb)** (with regs. 22-47) (as amended by S.I. 2019/810, regs. 1(3), 4 and S.I. 2020/1038, regs. 1(3), Sch. 3 para. 4); 2020 c. 1, Sch. 5 para. 1(1)
- F20** Words in s. 22C(4) substituted (31.12.2020) by The Architects Act 1997 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/717), regs. 1(2), **18(b)** (with regs. 22-47) (as amended by S.I. 2019/810, regs. 1(3), 4 and S.I. 2020/1038, regs. 1(3), Sch. 3 para. 4); 2020 c. 1, Sch. 5 para. 1(1)

## 23 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.
- (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.

## 24 Service of documents.

- (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.
- [<sup>F21</sup>(1A) Any notice required to be served by section 11(a) is to be sent by post as a registered letter.]
- (2) Any notice relating to the refusal to register any person or required to be served by section 9(2), 10(2), <sup>F22</sup>... 14(4)(a) [<sup>F23</sup>, 15(3) or 21A(4)] shall be [<sup>F24</sup>sent—
    - (a) by post as a registered letter, or
    - (b) in accordance with subsection (4).]
  - [<sup>F25</sup>(3) Where a notice or document required to be served by or for the purposes of this Act is sent to a person in accordance with subsection (4), it is to be treated as having been served on the person unless the contrary is proved—
    - (a) if the notice or document is sent on a working day, on the day on which it is sent, or
    - (b) if the notice or document is sent on a day which is not a working day, on the next working day.
  - (4) A notice or document is sent to a person in accordance with this subsection if—
    - (a) it is sent by a prescribed electronic communications method,
    - (b) where rules made by the Board make such provision as is described in subsection (8), the method is prescribed for the purpose of serving a notice or document of that description, and

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- (c) the conditions mentioned in subsection (5) are satisfied in relation to the sending of the notice or document.
- (5) The conditions referred to in subsection (4)(c) are—
- (a) that the person to whom the notice or document is sent has agreed with a relevant body that a notice or document of that description may be served by that method and the agreement has not been withdrawn in accordance with subsection (6) before the notice or document is sent;
  - (b) that, if that method consists of or involves sending an email to the person, the email is sent to an email address specified by the person for the purposes of the agreement.
- (6) A person who has agreed to be served by a prescribed electronic communications method may give notice withdrawing the agreement to any of the relevant bodies.
- (7) A withdrawal under subsection (6) takes effect five working days after the day on which the notice is received by the relevant body.
- (8) Rules made by the Board under this section prescribing electronic communications methods may prescribe different methods for the purpose of serving different descriptions of notices or documents.
- (9) In this section—
- “electronic communications method” means a method of sending a notice or document that uses electronic communications (within the meaning of the Electronic Communications Act 2000);
- “relevant body” means the Board, the Registrar or a committee of the Board;
- “working day” means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.]

#### Textual Amendments

- F21** S. 24(1A) inserted (31.1.2023) by [The Architects \(Fees, Electronic Communications and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/1388\)](#), regs. 1(1), **3(2)(a)**
- F22** Word in s. 24(2) omitted (31.1.2023) by virtue of [The Architects \(Fees, Electronic Communications and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/1388\)](#), regs. 1(1), **3(2)(b)(i)**
- F23** Words in s. 24(2) substituted (28.6.2022) by [Building Safety Act 2022 \(c. 30\)](#), **ss. 158(8)**, 170(3)
- F24** Words in s. 24(2) substituted (31.1.2023) by [The Architects \(Fees, Electronic Communications and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/1388\)](#), regs. 1(1), **3(2)(b)(ii)**
- F25** S. 24(3)-(9) inserted (31.1.2023) by [The Architects \(Fees, Electronic Communications and Miscellaneous Amendments\) Regulations 2022 \(S.I. 2022/1388\)](#), regs. 1(1), **3(2)(c)**

#### [<sup>F26</sup>24A Fees

- (1) The Secretary of State may make regulations for, and relating to, the charging of fees by the Board in respect of services which it provides.
- (2) Regulations under this section may in particular make provision about—
- (a) the services, or types of services, in respect of which the Board may charge a fee;

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- (b) the persons who are liable to pay a fee;
  - (c) how fees charged by the Board are to be calculated;
  - (d) how fees charged by the Board are to be paid.
- (3) In this section, a “service”—
- (a) includes any exercise by the Board of its power to prescribe qualifications for the purposes of section 4(1)(a);
  - (b) does not include any service in respect of which a fee may be prescribed under any other provision of this Act.
- (4) Regulations under this section are to be made by statutory instrument.
- (5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F26** S. 24A inserted (28.6.2022) by [Building Safety Act 2022 \(c. 30\)](#), ss. 159(1), 170(3)

### Supplementary

## 25 Interpretation.

[<sup>F27</sup>(1)] In this Act—

“the Board” means the Architects Registration Board;

[<sup>F28</sup> “competent authority” means any authority or body designated by a relevant European State for the purposes of the Directive as competent to—

- (a) issue, or receive, evidence of qualifications or other information or documents, or
- (b) receive applications, and take the decisions, referred to in the Directive, in connection with the profession of architect;]

[<sup>F29</sup>“the Directive” means Council Directive [2005/36/EC](#) on the recognition of professional qualifications as it had effect immediately before IP completion day and any reference to the Directive includes (without prejudice to the operation of section 20A of the Interpretation Act 1978) a reference to the Directive as extended by the EEA Agreement and by the Swiss Agreement as those Agreements had effect immediately before IP completion day;]

<sup>F30</sup>  
...

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

[<sup>F31</sup>“disqualifying decision”, in relation to any person, means a decision which—

- (a) is made by a competent authority of a relevant European State <sup>F32</sup>..., and
- (b) has the effect in that State that the person is no longer lawfully established as an architect there or that the person is prohibited (even temporarily) from practising as an architect there;]

<sup>F33</sup>  
...

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

<sup>F33</sup>  
...

<sup>F33</sup>  
...

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“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;  
 [<sup>F34</sup> “relevant European State” means an EEA State [<sup>F35</sup> or Switzerland]; ]  
 “suspension order” shall be construed in accordance with section 17; <sup>F36</sup>...  
 [<sup>F37</sup> “the Swiss Agreement” means 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 signed at Luxembourg on 21st June 1999;]  
 [<sup>F38</sup> “third country” means a country other than a relevant European State;  
 and]  
 “unacceptable professional conduct” has the meaning given by section 14.

<sup>F39</sup>(2) .....

#### Textual Amendments

- F27** Words in s. 25 (which becomes subsection (1)) inserted (23.12.2002) by S.I. 2002/2842, **art. 6(1)**
- F28** Words in s. 25(1) substituted (20.6.2008) by Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008 (S.I. 2008/1331), regs. 1, **22(1)(a)**
- F29** Words in s. 25(1) substituted (31.12.2020 immediately after S.I. 2019/717 comes into force) by The Architects Act 1997 (Swiss Qualifications) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/810), regs. 1(3), **3**; 2020 c. 1, Sch. 5 para. 1(1) (as amended by The Professional Qualifications and Services (Amendments and Miscellaneous Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1038), regs. 1(3), **8(a)**)
- F30** Words in s. 25 omitted (31.12.2020) by virtue of The Architects Act 1997 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/717), regs. 1(2), **19(b)** (with regs. 22-47) (as amended by S.I. 2019/810, regs. 1(3), 4 and S.I. 2020/1038, regs. 1(3), Sch. 3 para. 4); 2020 c. 1, Sch. 5 para. 1(1)
- F31** Words in s. 25(1) substituted (20.6.2008) by Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008 (S.I. 2008/1331), regs. 1, **22(1)(c)**
- F32** Words in s. 25 omitted (31.12.2020) by virtue of The Architects Act 1997 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/717), regs. 1(2), **19(c)** (with regs. 22-47) (as amended by S.I. 2019/810, regs. 1(3), 4 and S.I. 2020/1038, regs. 1(3), Sch. 3 para. 4); 2020 c. 1, Sch. 5 para. 1(1)
- F33** Words in s. 25(1) omitted (20.6.2008) by virtue of Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008 (S.I. 2008/1331), regs. 1, **22(1)(d)**
- F34** Words in s. 25(1) inserted (20.6.2008) by Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008 (S.I. 2008/1331), regs. 1, **22(1)(e)**
- F35** Words in s. 25(1) inserted (10.2.2014) by The Architects Act 1997 (Amendments etc) Order 2014 (S.I. 2014/4), arts. 1(1), **2(a)**
- F36** Word in s. 25(1) omitted (20.6.2008) by virtue of Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008 (S.I. 2008/1331), regs. 1, **22(1)(f)**
- F37** Words in s. 25(1) inserted (5.4.2019) by The Architects Act 1997 (Swiss Qualifications) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/810), regs. 1(2), **2(b)**
- F38** Words in s. 25(1) inserted (20.6.2008) by Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008 (S.I. 2008/1331), regs. 1, **22(1)(f)**
- F39** S. 25(2) omitted (20.6.2008) by virtue of Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008 (S.I. 2008/1331), regs. 1, **22(2)**



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## 26 Consequential amendments.

In—

<sup>F40</sup>(a) .....

(b) section 52(1) of the <sup>M1</sup>Cathedrals Measure 1963, in the definition of “architect”; and

(c) section 20(1) of the <sup>M2</sup>Care of Cathedrals Measure 1990, in the definition of “architect”,

for “Architects Acts 1931 to 1996” substitute “ Architects Act 1997 ”.

### Textual Amendments

**F40** S. 26(a) repealed (E.) (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018](#) (No. 3), s. 99(2), [Sch. 5](#) (with [Sch. 4 Pt. 1](#)); S.I. 2018/720, art. 2

### Marginal Citations

**M1** 1963 No. 2.

**M2** 1990 No. 2.

## 27 Transitionals, repeals etc.

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

## 28 Short title, commencement and extent.

(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.

(3) This Act extends to Northern Ireland.

### Subordinate Legislation Made

**P1** S. 28(2) power fully exercised (9.7.1997): 21.7.1997 appointed day by [S.I. 1997/1672](#)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Architects Act 1997, Part V.