

SCHEDULES

SCHEDULE 1

Section 1.

THE BOARD AND ITS COMMITTEES

PART I

THE BOARD

Membership

- 1 The Board shall consist of—
- (a) seven elected members; and
 - (b) eight appointed members.

Elected members

- 2 (1) The elected members shall be elected in accordance with an electoral scheme made by the Board, with the approval of the Privy Council, after consultation with such bodies as appear to the Board to be representative of architects.
- (2) An electoral scheme under sub-paragraph (1) may be amended by the Board with the approval of the Privy Council and after consultation with such bodies as are mentioned in that sub-paragraph.
- (3) The persons qualified—
- (a) to elect the elected members; and
 - (b) to be elected as elected members,
- are all those who are registered persons when the election is held.

Appointed members

- 3 (1) The appointed members shall be appointed by the Privy Council, after consultation with the Secretary of State and such other persons or bodies as the Privy Council thinks fit, to represent the interests of users of architectural services and the general public.
- (2) No registered person shall be eligible for appointment as an appointed member.

Term of office

- 4 (1) Subject to sub-paragraphs (2) and (3), the term of office of a member of the Board is three years.
- (2) A member may resign at any time by notice in writing addressed to the Registrar.

Status: This is the original version (as it was originally enacted).

- (3) The Board may prescribe grounds (such as repeated absence from meetings or unacceptable professional conduct) on which any member may be removed from office and the procedure for removal.
- 5 A person who has held office as a member of the Board for a continuous period of six years may not be elected or appointed as a member until at least three years have elapsed since he last held office.

Casual vacancies

- 6 (1) Where a vacancy occurs among the members of the Board otherwise than by the expiry of a member's term of office—
- (a) if the vacancy is among the elected members, the Board shall appoint a registered person to fill it; and
 - (b) if the vacancy is among the appointed members, the Privy Council shall appoint a person to fill it.
- (2) Subject to paragraph 4(2) and (3), a person appointed under sub-paragraph (1) to fill a vacancy holds office until the date on which the term of office of the member whose vacancy he fills would have expired.
- (3) A person appointed under sub-paragraph (1)(a) shall be regarded as an elected member and a person appointed under sub-paragraph (1)(b) shall be regarded as an appointed member.

Chairman

- 7 (1) The members of the Board shall elect a chairman from among themselves.
- (2) The chairman—
- (a) may resign by notice in writing addressed to the Registrar; and
 - (b) may be removed by a majority vote of the other members of the Board.
- (3) Rules made by the Board may make provision for the appointment of a person to act as chairman in the event of a vacancy in the office of chairman or in such other circumstances as may be prescribed.
- 8 In the event of a tie in any vote of the Board the chairman shall have an additional casting vote.

Procedure

- 9 The quorum of the Board shall be nine, of whom at least four shall be elected members and at least four shall be appointed members.
- 10 The Board may make rules governing its meetings and procedure.

Staff

- 11 (1) The Board may appoint staff.
- (2) The Board shall determine the period for which, and the terms on which, its staff are appointed.
- (3) Staff appointed by the Board shall have the duties which the Board directs.

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- (4) The Board may, in addition to paying salaries to its staff, pay pensions to or in respect of them, or make contributions to the payment of such pensions, and pay them allowances, expenses and gratuities.

Seal

- 12 The Board shall have a common seal which shall be authenticated in the prescribed manner; and any document purporting to be sealed with the seal authenticated in that manner shall be receivable as evidence of the particulars stated in it.

PART II

THE PROFESSIONAL CONDUCT COMMITTEE

- 13 The Professional Conduct Committee shall consist of—
- (a) four elected members of the Board, including at least one whose address in the Register is in Scotland, or (if there is no elected member whose address in the Register is in Scotland or no such elected member who is willing to act) three elected members and one registered person whose address in the Register is in Scotland;
 - (b) three appointed members of the Board; and
 - (c) two persons nominated by the President of the Law Society.
- 14 (1) The members of the Professional Conduct Committee shall elect a chairman from among themselves.
- (2) The chairman—
- (a) may resign by notice in writing addressed to the Registrar; and
 - (b) may be removed by a majority vote of the other members of the Professional Conduct Committee.
- (3) Rules made by the Board may make provision for the appointment of a person to act as chairman in the event of a vacancy in the office of chairman or in such other circumstances as may be prescribed.
- 15 (1) The quorum of the Professional Conduct Committee shall be one elected member of the Board, one appointed member of the Board and one person nominated by the President of the Law Society.
- (2) Where the Committee is considering the case of a person whose address in the Register is in Scotland, the Committee is not quorate unless there is present a member of the Committee who is a registered person and whose address in the Register is in Scotland.
- 16 In the event of a tie in any vote of the Professional Conduct Committee the chairman shall have an additional casting vote; and in any proceedings relating to a registered person the additional vote shall be cast in favour of that person.
- 17 The Board may make rules governing the selection and term of office of members of the Professional Conduct Committee (including casual vacancies).

Status: This is the original version (as it was originally enacted).

PART III

OTHER COMMITTEES

- 18 (1) The Board may establish such committees as it considers appropriate—
- (a) to discharge any of its functions under this Act other than those to which sub-paragraph (2) applies; or
 - (b) to assist the Board in the discharge by the Board of any of its functions.
- (2) This sub-paragraph applies to the following functions—
- (a) prescribing fees under section 6(1) or (2), 8(1) or (3) or 18(4); and
 - (b) acting under section 4(1) or (2), 5(1), 6(3), 9(1) or 13(1), (2) or (3).
- 19 (1) Any committee established by the Board may include persons who are not members of the Board; but if a committee is established to discharge any function of the Board, the majority of the members of the committee must be members of the Board.
- (2) Subject to that, the membership of any committee established by the Board shall be determined by the Board.
- 20 No vote of any committee established by the Board for the discharge of any of its functions shall be valid unless the majority of those voting are members of the Board.
- 21 The Board may make rules governing the term of office of members of any committee established by the Board (including casual vacancies) and the meetings and procedure (including chairmanship and quorum) of any committee established by the Board.

PART IV

GENERAL

- 22 (1) The Board, the Professional Conduct Committee and any committee established by the Board may exercise its functions even though there is a vacancy among its members.
- (2) No proceedings of the Board, the Professional Conduct Committee or any committee established by the Board are invalidated by any defect in the election or appointment of a member.
- 23 The Board may by rules provide for the payment to members of the Board, the Professional Conduct Committee or any committee established by the Board of—
- (a) fees for attendance at meetings of the Board or committee; and
 - (b) travelling and subsistence allowances in respect of attendance at such meetings or the conduct of business of the Board or committee.
- 24 (1) The Secretary of State may, after consultation with the Board and such other persons or bodies as he thinks fit, by order amend the provisions of this Schedule.
- (2) An order under sub-paragraph (1) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

SCHEDULE 2

Section 27.

TRANSITIONAL PROVISIONS AND SAVINGS

General transitionals and savings

- 1 The substitution of this Act for the provisions repealed or revoked by this Act does not affect the continuity of the law.
- 2 Anything done, or having effect as if done, (including the making of rules) under or for the purposes of any provision repealed or revoked by this Act has effect as if done under or for the purposes of any corresponding provision of this Act.
- 3 Any reference (express or implied) in this Act or any other enactment, or in any instrument or document, to a provision of this Act is (so far as the context permits) to be read as (according to the context) being or including in relation to times, circumstances and purposes before this Act comes into force a reference to the corresponding provision repealed or revoked by this Act.
- 4 (1) Any reference (express or implied) in any enactment, or in any instrument or document, to a provision repealed or revoked by this Act is (so far as the context permits) to be read as (according to the context) being or including in relation to times, circumstances and purposes after this Act comes into force a reference to the corresponding provision of this Act.
- (2) In particular, where a power conferred by an Act is expressed to be exercisable in relation to enactments contained in an Act passed before or in the same Session as the Act conferring the power, the power is also exercisable in relation to provisions of this Act which reproduce such enactments.
- 5 Paragraphs 1 to 4 have effect in place of section 17(2) of the Interpretation Act 1978 (but are without prejudice to any other provision of that Act).

First appointments to the Board

- 6 The term of office of the members of the Board who were appointed by the Privy Council to take office on the day on which Part III of the 1996 Act came into force (and who remain members of the Board when this Act comes into force)—
- (a) is one year beginning with that day in the case of three of those members;
 - (b) is two years beginning with that day in the case of another three of those members; and
 - (c) is three years beginning with that day in the case of the remaining two members.

Registration

- 7 If—
- (a) a person duly applied for registration under the 1931 Act before Part III of the 1996 Act came into force; but
 - (b) no decision on the application has been made before this Act comes into force,
- the application shall be dealt with in the same way as an application duly made after this Act comes into force (except that no further fee may be required to be paid).

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8 Examinations in architecture which immediately before the day on which Part III of the 1996 Act came into force were recognised by the Council for the purposes of section 6(1)(c) of the 1931 Act (as it had effect before Part III of the 1996 Act came into force) shall (subject to rules made by the Board) be treated as qualifications prescribed under section 4(1)(a).

9 The reference in subsection (3) of section 8 to a person whose name has been removed from the Register under subsection (2) of that section shall be treated as including a reference to a person whose name was removed from the Register under section 13(5) of the 1931 Act before Part III of the 1996 Act came into force.

10 The reference to the Board in section 10(1)(b) shall be construed, in relation to the entry of a name in the Register before Part III of the 1996 Act came into force, as a reference to the Council.

Discipline

11 If—

(a) before Part III of the 1996 Act came into force, the Discipline Committee began an inquiry into any case in which it was alleged that a registered person had been guilty of conduct disgraceful to him in his capacity as an architect; but

(b) the case has not been decided or referred to the Professional Conduct Committee before this Act comes into force,

the case shall be referred to the Professional Conduct Committee which shall consider whether he is guilty of unacceptable professional conduct or serious professional incompetence.

12 (1) Subject to sub-paragraph (2), sections 14 to 18 have effect in relation to anything done or omitted to be done before this Act comes into force (including anything done before Part III of the 1996 Act came into force) as in relation to anything done or omitted to be done after this Act comes into force.

(2) The Professional Conduct Committee—

(a) may only make a disciplinary order in respect of anything done or omitted to be done by a person before Part III of the 1996 Act came into force if the Council could have removed his name from the Register under section 7 of the 1931 Act (as it had effect before Part III of the 1996 Act came into force); and

(b) may not make a reprimand or penalty order in respect of anything done or omitted to be done before Part III of the 1996 Act came into force.

13 (1) If a person's name was removed from the Register under section 7 of the 1931 Act before Part III of the 1996 Act came into force, he may at any time apply to the Board for his name to be re-entered in the Register.

(2) If he does so, the Board may direct that his name shall be re-entered in the Register.

(3) The Registrar shall serve on a person who applies for his name to be re-entered in the Register under this paragraph 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 paragraph to pay a fee of such amount, not exceeding the fee then payable by an applicant for registration in pursuance of section 4, as may be prescribed.

Status: This is the original version (as it was originally enacted).

- 14 If—
- (a) a person’s name was removed from the Register, or the Council determined that a person be disqualified for registration during any period, before Part III of the 1996 Act came into force; and
 - (b) the period of three months from the date on which notice of the removal or determination was served on him has not ended before this Act comes into force,

he may appeal under section 22 against the removal or determination at any time before the end of that period.

- 15 Section 12(7)(c) shall have effect as if it included a reference to a period of disqualification imposed by the Council.

Offence of practising while not registered

- 16 The repeal by this Act of Schedule 2 to the 1996 Act does not affect the continued operation of paragraphs 31 and 32 of that Schedule in relation to an offence committed before Part III of the 1996 Act came into force.

The Education Fund

- 17 (1) This paragraph applies if when this Act comes into force the assets of the Architects' Registration Council Education Fund have not been transferred by the Board.
- (2) The Board may transfer the assets of the Fund to such person and on such terms as may be approved by the Secretary of State.
- (3) The repeal by the 1996 Act of sections 1(1) and (4) to (6), 3 and 4 of the 1969 Act shall not come into force until the transfer is made; and until the transfer references in those provisions to the Council shall have effect as references to the Board.

- 18 A person to whom the assets of the Fund are transferred (whether under section 124 of the 1996 Act or paragraph 17) shall apply the assets, and all income arising from the assets, for the purposes authorised in subsection (4) of section 1 of the 1969 Act (assuming for this purpose that the reference in that subsection to the Council were a reference to the person to whom the assets of the Fund are transferred).

- 19 (1) In this Schedule—
- (a) “the 1931 Act” means the Architects (Registration) Act 1931;
 - (b) “the 1969 Act” means the Architects Registration (Amendment) Act 1969; and
 - (c) “the 1996 Act” means the Housing Grants, Construction and Regeneration Act 1996.
- (2) In this Schedule—
- (a) “the Council” means the Architects' Registration Council of the United Kingdom established under the 1931 Act, which was renamed as the Board by section 118(1) of the 1996 Act; and
 - (b) “the Discipline Committee” means the Discipline Committee constituted under the 1931 Act, which was abolished by section 118(2) of the 1996 Act.

Status: This is the original version (as it was originally enacted).

SCHEDULE 3

Section 27.

REPEALS AND REVOCATIONS

<i>Chapter or number</i>	<i>Short title or title</i>	<i>Extent of repeal or revocation</i>
21 & 22 Geo. 5 c. 33.	The Architects (Registration) Act 1931.	The whole Act.
1 & 2 Geo. 6 c. 54.	The Architects Registration Act 1938.	The whole Act.
S.I. 1987/1824.	The Architects' Qualifications (EEC Recognition) Order 1987.	The whole instrument.
S.I. 1988/2241.	The Architects' Qualifications (EC Recognition) Order 1988.	The whole instrument.
1996 c. 53.	The Housing Grants, Construction and Regeneration Act 1996.	Sections 118 to 125. In section 148, in subsection (2), the words "Part III (architects)," and, in subsection (3), the words "Part III (architects), and". Schedule 2.
