



Building Safety Act 2022

2022 CHAPTER 30

PART 5

OTHER PROVISION ABOUT SAFETY, STANDARDS ETC

Architects

157 Architects: discipline and continuing professional development

- (1) The Architects Act 1997 is amended as follows.
- (2) In section 3 (the register), after [subsection \(2\)](#) insert—
 - “(2A) The Register shall show disciplinary orders made in relation to a registered person for such period as may be prescribed.”
- (3) In section 9 (competence to practise)—
 - (a) in [subsection \(1\)](#), in the words after [paragraph \(c\)](#), after “practical experience” insert “or undertaken such recent training”,
 - (b) after [subsection \(1\)](#) insert—
 - “(1A) Before prescribing recent practical experience or training for the purposes of subsection (1), the Board shall consult the bodies representative of architects which are incorporated by royal charter and such other professional and educational bodies as it thinks appropriate.”, and
 - (c) after [subsection \(2\)](#) insert—
 - “(3) Where the Board decides that the name of a person to whom paragraph (b) of subsection (1) applies is by virtue of that subsection to be removed from Part 1 of the Register—
 - (a) the person shall be entitled to apply to the Board within a prescribed period for an extension of time to gain the prescribed experience or undertake the prescribed training or

*Changes to legislation: There are currently no known outstanding effects for the
 Building Safety Act 2022, Cross Heading: Architects. (See end of Document for details)*

to otherwise satisfy the Board of the person's competence to practise, and

- (b) the Board shall not remove the name of the person from the Register unless—
 - (i) the person has not made an application for an extension of time within the prescribed period,
 - (ii) an extension of time granted by the Board has expired and the Board is not satisfied that the person has gained the prescribed experience or undertaken the prescribed training or is otherwise competent to practise, or
 - (iii) the Board has decided not to grant an extension of time in respect of an application made by the person.

(4) For the purposes of this section, a person is competent to practise if the person has the skills, knowledge, experience and behaviours required for a person to practise as an architect.”

Commencement Information

II S. 157 in force at 28.6.2022, see s. 170(3)(f)

158 Architects: Appeals Committee

- (1) The Architects Act 1997 is amended as follows.
- (2) In section 1 (the Board)—
 - (a) after subsection (2) insert—

“(2A) There is to be an Appeals Committee of the Board.”;
 - (b) after subsection (4) insert—

“(4A) Part 2A of that Schedule makes provision about the Appeals Committee.”
- (3) In section 4 (registration: general)—
 - (a) in subsection (4)(b) for “refer the application to the Board” substitute “refuse the application”;
 - (b) in subsection (6)—
 - (i) omit “(4) or”;
 - (ii) for the words from “direct” to the end substitute “—
 - (a) direct the Registrar to enter the person's name in the Register if it is satisfied that the person is entitled to be registered, or
 - (b) direct the Registrar to refuse the application if it is not so satisfied.”
- (4) In section 6(4B) (notice of refusal of application) for the words from “in the case” to “section 4(2A)” substitute “of an application”.
- (5) In section 9 (competence to practise) after subsection (2) insert—

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“(2A) A notice under subsection (2) must state reasons for the decision.”

(6) In Part 5 (general and supplementary) before section 22 insert—

“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.”

(7) In section 22 (appeals)—

- (a) in subsection (1)—
 - (i) for paragraph (a) substitute—

“(a) a decision of the Appeals Committee under section 21A, on an appeal made by the person;”;
 - (ii) for paragraph (c) substitute—

“(c) the person’s name not being re-entered in the Register under section 18 as a result of section 9(1);”;
- (b) in subsection (2) omit “Subject to subsection (3),”;
- (c) omit subsection (3);
- (d) in the heading at the end insert “to the court”.

(8) In section 24(2) (service of documents) for “or 15(3)” substitute “, 15(3) or 21A(4)”.

(9) In Schedule 1 (the Board and its committees) after Part 2 insert—

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“PART 2A

THE APPEALS COMMITTEE

- 17B (1) The Board may make rules about—
- (a) the composition of the Appeals Committee;
 - (b) the selection and term of office of members of the Appeal Committee (including casual vacancies);
 - (c) the meetings and procedure (including chairing and quorum) of the Appeal Committee;
 - (d) votes of the Appeal Committee (including providing for a casting vote and the way in which it is to be exercised).
- (2) Before making rules about the composition of the Appeals Committee, the Board must consult the Secretary of State.”

(10) In Part 4 of that Schedule (general provisions), after “Professional Conduct Committee”, in each place it occurs, insert “, the Appeals Committee”.

Commencement Information

I2 S. 158 in force at 28.6.2022, see s. 170(3)(f)

159 Architects Registration Board: fees and discharge of functions by a committee

(1) In the Architects Act 1997, after section 24 insert—

“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;
 - (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.”

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- (2) In Schedule 1 to that Act (the Board and its committees), in paragraph 18(2)(b) (functions of the Board which may not be discharged by a committee) for “4(1) or (2)” substitute “4(2)”.
- (3) In consequence of the amendment made by subsection (2), in section 11(5) of the Professional Qualifications Act 2022 for the words from “after” to the end substitute “for “4(2)” substitute “4(1A) or (2)”.”

Commencement Information

I3 [S. 159](#) in force at 28.6.2022, see [s. 170\(3\)\(f\)](#)

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