

STATUTORY INSTRUMENTS

2008 No. 1331

**The Architects (Recognition of European Qualifications etc
and Saving and Transitional Provision) Regulations 2008**

Citation and commencement

1. These Regulations may be cited as the Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008 and shall come into force on 20th June 2008.

Amendment of Architects Act 1997

2. The Architects Act 1997 ^{M1} is amended in accordance with regulations 3 to 23.

Marginal Citations

M1 1997 c. 22.

Designation of Architects Registration Board as competent authority

^{F1}3.

Textual Amendments

F1 Regs. 3-5 revoked (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 1(1), 22(3), **Sch. 1 Pt. 1** (with s. 1(3)(4)); S.I. 2023/1363, reg. 2

Functions of the Registrar

^{F1}4.

Textual Amendments

F1 Regs. 3-5 revoked (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 1(1), 22(3), **Sch. 1 Pt. 1** (with s. 1(3)(4)); S.I. 2023/1363, reg. 2

The Register

^{F1}5.

Textual Amendments

F1 Regs. 3-5 revoked (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), ss. 1(1), 22(3), [Sch. 1 Pt. 1](#) (with s. 1(3)(4)); S.I. 2023/1363, reg. 2

Registration in Part 1 of the Register: general

6.—(1) In section 4 (registration: general)—

(a) for the side-note, substitute “ Registration in Part 1 of the Register: general ”;

^{F2}(b)

(c) for subsections (2A) and (2B) ^{M2}, substitute—

“(2A) For the purposes of subsection (1), a Directive-rights national shall be treated as having achieved a standard of competence equivalent to that demonstrated by satisfying subsection (1)(a) if—

(a) he produces evidence of a description specified in section 4A(1) and he is either—

(i) lawfully established as an architect in the relevant European State in which that evidence was issued, or

(ii) eligible to practise as an architect in that State, as confirmed by a competent authority in that State;

(b) he produces to the Registrar a certificate, awarded by a relevant European state other than the United Kingdom, that attests that Article 48(2) of the Directive (authorisation to use the title of architect by reason of being especially distinguished by quality of work in the field of architecture) applies to him; or

(c) he is a person—

(i) whose case falls within regulation 3(9)(a), (b), (c) or (e) of the European Communities (Recognition of Professional Qualifications) Regulations 2007,

(ii) to whom regulations 20 to 26 of those Regulations apply by reason of operation of regulation 3(4) of those Regulations, and

(iii) who is permitted to pursue the profession of architect in the United Kingdom by virtue of Part 3 of those Regulations (having, in particular, successfully passed any aptitude test that he may be required to undertake pursuant to that Part of those Regulations).”

^{M3}

^{F3}(2)

^{F3}(3)

Textual Amendments

F2 Reg. 6(1)(b) revoked (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), ss. 1(1), 22(3), [Sch. 1 Pt. 1](#) (with s. 1(3)(4)); S.I. 2023/1363, reg. 2

F3 Reg. 6(2)(3) revoked (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), ss. 1(1), 22(3), [Sch. 1 Pt. 1](#) (with s. 1(3)(4)); S.I. 2023/1363, reg. 2

Marginal Citations

- M2 Subsections (2A) and (2B) were inserted by [S.I. 2002/2842](#).
- M3 [S.I. 2007/2781](#).

Registration in Part 1 of the Register: European qualifications

^{F47}.

Textual Amendments

- F4 [Reg. 7](#) revoked (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), ss. 1(1), 22(3), [Sch. 1 Pt. 1](#) (with s. 1(3)(4)); [S.I. 2023/1363](#), reg. 2

Registration in Part 2 of the Register: Directive-rights nationals providing services

^{F58}.

Textual Amendments

- F5 [Reg. 8](#) revoked (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), ss. 1(1), 22(3), [Sch. 1 Pt. 1](#) (with s. 1(3)(4)); [S.I. 2023/1363](#), reg. 2

Registration: further procedural requirements

9. In section 6 (registration: further procedural requirements)—
- (a) in subsection (1), for “pursuance of section 4 or 5” substitute “ Part 1 of the Register ”;
 - (b) after subsection (2), insert—

“(2A) The Board may require an applicant for registration in Part 1 of the Register to pay a fee for taking an aptitude test which the applicant is required by the Board to take under regulation 25(1)(b) of the European Communities (Recognition of Professional Qualifications) Regulations 2007 on the basis that the circumstances are as mentioned in regulation 25(3)(b) of those Regulations (education and training received by the applicant covers substantially different matters from that required in the United Kingdom).”

^{M4}

;
 - (c) in subsection (3), for “pursuance of section 4 or 5” substitute “ Part 1 of the Register ”;
 - (d) after subsection (3) insert—

“(3A) The reference in subsection (3) to an application for registration in Part 1 of the Register does not include an application for registration in that Part made by a Directive-rights national who, in making the application, relies on section 4(2A).

(3B) Where a Directive-rights national applies to be registered in Part 1 of the Register and, in doing so, relies on section 4(2A), the Board shall—

 - (a) acknowledge receipt of the application within one month of receipt; and
 - (b) inform the applicant of any missing document required for the purposes of the application.

(3C) The Registrar shall deal expeditiously with all applications for registration.”;

- (e) in subsection (4) ^{M5} after “applicant” insert “ for registration in Part 1 of the Register ”;
- (f) for subsection (4A), substitute—
- “(4A) A notice under subsection (4) shall be served—
- (a) in the case of an application by a person who in making the application—
- (i) relies on subsection (1)(a) of section 4 without also relying on subsection (2A), or
- (ii) relies on section 4(2A),
- within three months beginning with the date on which the application is made;
- (b) in any other case, within six months beginning with the date on which the application is made.”;
- (g) in subsection (4B), for “under section 5 or to which section 4(2B) applies,” substitute “ by a person who in making the application relies on section 4(2A) ”; and
- (h) omit subsection (5).

Marginal Citations

M4 [S.I. 2007/2781](#).

M5 Subsections (4), (4A) and (4B) of section 6 were substituted for subsection (4) by [S.I. 2002/2842](#).

Issuing of certificates of architectural education

10. After section 6 insert—

“6A Issuing of certificates of architectural education

(1) Where a person requests the Board to issue a certificate of architectural education confirming that the person's training as an architect—

- (a) meets the minimum training conditions in Article 46 of the Directive,
- (b) gives that person entitlement under section 4 to be registered in Part 1 of the Register, or
- (c) includes prescribed or equivalent qualifications,

the Board may issue such a certificate to that person if the training does meet those conditions, gives that entitlement or includes those qualifications.

(2) The Board may require a person making a request under subsection (1) to pay a fee of a prescribed amount.”.

Penalty for obtaining registration or recognition by false representation

11. In section 7 (penalty for obtaining registration by false representation)—

- (a) in the side-note, after “registration” insert “ or recognition ”; and
- (b) for section 7(1), substitute—

“(1) A person commits an offence if the person intentionally—

- (a) becomes or attempts to become registered under this Act, or
- (b) does any of the things mentioned in subsection (1A) anywhere in or outside the United Kingdom.

(1A) Those things are—

- (a) making to the Board or to the Registrar,
 - (b) producing to the Board or to the Registrar,
 - (c) causing to be made to the Board or to the Registrar, or
 - (d) causing to be produced to the Board or to the Registrar
- any false or fraudulent representation or declaration (whether oral or written).”.

Retention of name in Register

^{F6}12.

Textual Amendments

F6 Regs. 12-19 revoked (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), ss. 1(1), 22(3), **Sch. 1 Pt. 1** (with s. 1(3)(4)); S.I. 2023/1363, reg. 2

Competence to practise

^{F6}13.

Textual Amendments

F6 Regs. 12-19 revoked (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), ss. 1(1), 22(3), **Sch. 1 Pt. 1** (with s. 1(3)(4)); S.I. 2023/1363, reg. 2

Disqualification in a relevant European State

^{F6}14.

Textual Amendments

F6 Regs. 12-19 revoked (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), ss. 1(1), 22(3), **Sch. 1 Pt. 1** (with s. 1(3)(4)); S.I. 2023/1363, reg. 2

Failure to notify change of address

^{F6}15.

Textual Amendments

F6 Regs. 12-19 revoked (1.1.2024) by [Retained EU Law \(Revocation and Reform\) Act 2023 \(c. 28\)](#), ss. 1(1), 22(3), **Sch. 1 Pt. 1** (with s. 1(3)(4)); S.I. 2023/1363, reg. 2

Removal of list of visiting EEA architects

^{F6}16.

Textual Amendments

F6 Regs. 12-19 revoked (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 1(1), 22(3), **Sch. 1 Pt. 1** (with s. 1(3)(4)); S.I. 2023/1363, reg. 2

Disciplinary orders

F6 17.

Textual Amendments

F6 Regs. 12-19 revoked (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 1(1), 22(3), **Sch. 1 Pt. 1** (with s. 1(3)(4)); S.I. 2023/1363, reg. 2

Application of discipline provisions to visiting EEA architects

F6 18.

Textual Amendments

F6 Regs. 12-19 revoked (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 1(1), 22(3), **Sch. 1 Pt. 1** (with s. 1(3)(4)); S.I. 2023/1363, reg. 2

Use of title “architect”

F6 19.

Textual Amendments

F6 Regs. 12-19 revoked (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 1(1), 22(3), **Sch. 1 Pt. 1** (with s. 1(3)(4)); S.I. 2023/1363, reg. 2

Appeals

20. For sections 22 (appeals) and 22A ^{M6}, substitute—

“22 Appeals

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

- (a) refusal of his application for registration in Part 1 of the Register;
- (b) failure of the Registrar to comply with section 6(4);
- (c) his name not being re-entered in, or his name being removed from, Part 1 of the Register by virtue of section 9;
- (d) the Board's ordering under section 10 that the Registrar remove his name from Part 1 of the Register; or
- (e) the making of a disciplinary order in relation to him.

(2) Subject to subsection (3), 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.

(3) Where an appeal under subsection (1)(a) is made by a person who relied on subsection (2A) of section 4 in applying for registration in pursuance of that section, the appeal must be made not later than four months after the date on which notice of the refusal is served on the person.

(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.

(6) If a person claims to be entitled to be registered in Part 2 of the Register but the person's name is not entered in that Part, the person may appeal to a county court or, in Scotland, to the sheriff.

(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.”.

Marginal Citations

M6 Section 22A was inserted by S.I. 2002/2842.

Administrative co-operation and confidentiality

21. After section 22 (appeals), insert—

“22B Administrative co-operation

(1) The Board, in its capacity as competent authority for the purposes of the Directive, is to—

- (a) work in close collaboration with competent authorities of other relevant European States, and
- (b) provide assistance to competent authorities of other relevant European States in accordance with and in order to facilitate the application of the Directive.

(2) The Board is to exchange professional-regulation information about—

- (a) registered persons who are Directive-rights nationals, or
- (b) Directive-rights nationals who have made an application for registration in the Register,

with competent authorities of other 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 another relevant European State, the Board—

- (a) is responsible for investigating and establishing the position in the case, and
- (b) is to 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 duties 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.

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;
- (b) the functions are functions under the Directive or under any enactment giving effect to the Directive; and
- (c) the information—
 - (i) is provided by a competent authority of another relevant European State, or
 - (ii) relates to an application made by a Directive-rights national 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 which, in the course of the carrying-out of functions of the authority under the Directive or under any enactment giving effect to the Directive, is disclosed by or on behalf of the authority to a competent authority of another relevant European State.

(5) The authorities within this subsection are—

- (a) the Board; and
- (b) the Registrar.”.

Interpretation

^{F7}22.

Textual Amendments

F7 Regs. 22-25 revoked (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 1(1), 22(3), **Sch. 1 Pt. 1** (with s. 1(3)(4)); S.I. 2023/1363, reg. 2

The Board and its committees

F7 **23.**

Textual Amendments

F7 Regs. 22-25 revoked (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 1(1), 22(3), **Sch. 1 Pt. 1** (with s. 1(3)(4)); S.I. 2023/1363, reg. 2

Transitional provisions

F7 **24.**

Textual Amendments

F7 Regs. 22-25 revoked (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 1(1), 22(3), **Sch. 1 Pt. 1** (with s. 1(3)(4)); S.I. 2023/1363, reg. 2

Revocation

F7 **25.**

Textual Amendments

F7 Regs. 22-25 revoked (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), ss. 1(1), 22(3), **Sch. 1 Pt. 1** (with s. 1(3)(4)); S.I. 2023/1363, reg. 2

Savings

F8 **26.**

Textual Amendments

F8 Reg. 26 revoked (10.2.2014) by *The Architects Act 1997 (Amendments etc) Order 2014* (S.I. 2014/4), arts. 1(1), **3**

Signed by authority of the Secretary of State for Communities and Local Government

Department for Communities and Local
Government

Iain Wright
Parliamentary Under Secretary of State

Changes to legislation:

There are currently no known outstanding effects for the The Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008.