
STATUTORY INSTRUMENTS

2008 No. 1331

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

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.”.

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, Section 21.