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STATUTORY INSTRUMENTS

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**2019 No. 717**

**The Architects Act 1997 (Amendment)  
(EU Exit) Regulations 2019**

**PART 2**

**Amendments to the Architects Act 1997**

3. The 1997 Act is amended in accordance with this Part.

**Designation of the Board as competent authority**

4. Omit section 1A (designation of the Board as competent authority).

**The Registrar**

5. In section 2 (the Registrar), omit subsection (3A).

**The Register**

6. In section 3 (the Register), omit subsection (1A).

**Registration**

7. In section 4 (registration in Part 1 of the Register: general)—
- (a) in the heading omit “in Part 1 of the Register”;
  - (b) in subsection (1), in the words before paragraph (a)—
    - (i) omit “in pursuance of this section”;
    - (ii) omit “in Part 1 of the Register”;
  - (c) in subsection (2A)—
    - (i) in the words before paragraph (a), for “Directive-rights national” substitute “person”;
    - (ii) in paragraph (a), for “evidence of a description specified” substitute “the evidence described”;
    - (iii) omit paragraphs (b) and (c);
  - (d) in subsection (4)—
    - (i) in the words before paragraph (a) omit “in pursuance of this section”;
    - (ii) in paragraph (a)—
      - (aa) omit “in pursuance of this section”;
      - (bb) omit “Part 1 of”;
  - (e) in subsection (5) omit “in pursuance of this section”;
  - (f) in subsection (6)—

- (i) omit “Part 1 of”;
  - (ii) omit “in pursuance of this section”.
- 8.** In section 4A (registration in Part 1 of the Register: European qualifications)—
- (a) in the heading omit “in Part 1 of the Register”;
  - (b) for subsection (1) substitute—
    - “(1) The evidence that a person is required to produce for the purposes of section 4(2A) (a) is evidence of formal qualifications listed in respect of a relevant European State in point 5.7.1 of Annex V to the Directive (qualifications in architecture satisfying the minimum training conditions mentioned in Article 46 of the Directive, including training which is, under Article 22(a), to be treated as meeting those conditions) accompanied, where appropriate, by the certificate listed in relation to that evidence in the column of that point of that Annex entitled “Certificate accompanying the evidence of qualifications”.”;
  - (c) in subsection (2)—
    - (i) in paragraph (b)—
      - (aa) for “from the competent authorities of a relevant European State confirmation” substitute “the person to produce written confirmation from the competent authority in a relevant European State”;
      - (bb) omit “attestations and”;
      - (cc) omit “other”;
    - (ii) in paragraph (c), in the words before sub-paragraph (i)—
      - (aa) for “evidence of formal qualifications has been issued by a competent authority in a relevant European State and” substitute “the person has produced confirmation from a competent authority in a relevant European State (see paragraph (b)) which”;
      - (bb) for “shall be entitled to verify with the competent authority in the relevant European State of origin of the award” substitute “may require the person to produce written confirmation from the competent authority in the relevant European State of origin of the award as to”;
  - (d) in subsection (3) omit “in Part 1 of the Register”.
- 9.** Omit sections 5A to 5E (provisions relating to persons registered in Part 2 of the Register).
- 10.** In section 6 (registration: further procedural requirements)—
- (a) in subsection (1) omit “in Part 1 of the Register”;
  - (b) omit subsection (2A);
  - (c) in subsection (3) omit “in Part 1 of the Register”;
  - (d) in subsection (3A)—
    - (i) omit “in Part 1 of the Register”;
    - (ii) omit “in that Part”;
    - (iii) for “Directive-rights national” substitute “person”;
  - (e) in subsection (3B), in the words before paragraph (a)—
    - (i) for “Directive-rights national” substitute “person”;
    - (ii) omit “in Part 1 of the Register”;
  - (f) in subsection (4) omit “for registration in Part 1 of the Register”.

11. In section 6A(1)(b) (issuing certificates of architectural education) omit “in Part 1 of the Register”.

#### **Removal from register etc.**

12. In sections 8 and 9 (removal from Register etc) omit “Part 1 of” in each place it occurs.

13. In section 10(1) (disqualification in a relevant European State)—

- (a) omit “Part 1 of” in each place it occurs;
- (b) in paragraph (aa) omit “other than the United Kingdom”.

14. In section 11 (failure to notify change of address), in the words before paragraph (a), for “person registered in Part 1 of the Register” substitute “registered person”.

#### **Use of title “architect”**

15. In section 20 (use of title “architect”)—

- (a) for “person registered in Part 1 of the Register” in each place it occurs, substitute “registered person”;
- (b) omit subsection (5).

#### **Appeals**

16. In section 22 (appeals)—

- (a) in subsection (1)—
  - (i) in paragraph (a) omit “in Part 1 of the Register”;
  - (ii) in paragraphs (c) and (d) omit “Part 1 of” in both places it occurs;
- (b) omit subsection (6).

#### **Administrative co-operation**

17. In section 22B (administrative co-operation)—

- (a) for subsections (1) and (2) substitute—
  - “(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.”;
- (b) in subsection (4)—
  - (i) in the words before paragraph (a)—
    - (aa) for “another” substitute “a”;
    - (bb) after “European State” insert “or a person who applies for registration”;

- (ii) in paragraph (a) for “is responsible for investigating and establishing” substitute “may investigate and establish”;
- (iii) in paragraph (b) for “is to” substitute “may”;
- (c) in subsection (5), for “duties” substitute “functions”.

### **Confidentiality**

#### **18.** In section 22C (confidentiality)—

- (a) in subsection (2)—
  - (i) omit paragraph (b) (but not the final “and”);
  - (ii) in paragraph (c)—
    - (aa) in sub-paragraph (i), for “another” substitute “a”;
    - (bb) in sub-paragraph (ii), for “by a Directive-rights national” substitute “in reliance on section 4(2A)”;
- (b) in subsection (4), for the words from “which,” to the end substitute “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”.

### **Interpretation**

#### **19.** In section 25 (interpretation):

- (a) in the definition of “the Directive”—
  - (i) in the words before paragraph (a), after “professional qualifications” insert “as it had effect immediately before exit day”;
  - (ii) in paragraph (a), for the words from “(see the amendments made” to the end (including the final “and”) substitute “as it had effect immediately before exit day.”;
  - (iii) omit paragraph (b);
- (b) omit the definition of “Directive-rights national”;
- (c) in the definition of “disqualifying decision”, in paragraph (a), omit “other than the United Kingdom”.

### **The Board and its committees**

#### **20.—**(1) Schedule 1 (the Board and its committees) is amended as follows.

#### (2) In paragraph 1(1)—

- (a) in paragraph (a), for “registered in Part 1 of the Register” substitute “a registered person”;
- (b) in paragraph (b), for “not registered in Part 1 of the Register” substitute “who are not registered persons”;
- (c) in paragraph (c), for “persons registered in Part 1 of the Register” substitute “registered persons”.

#### (3) In paragraph 7(2), for “registered in Part 1 of the Register” substitute “a registered person”.

#### (4) In paragraph 13—

- (a) in paragraph (b), for “persons registered in Part 1 of the Register” substitute “registered persons”;
- (b) in paragraph (c), for “registered in Part 1 of the Register” substitute “registered persons”.

(5) In paragraph 15(2), for “person registered in Part 1 of the Register” substitute “registered person”.

**Visiting architects from relevant European States**

**21.** Omit Schedule 1A (visiting architects from relevant European States).