
STATUTORY INSTRUMENTS

2019 No. 810

**EXITING THE EUROPEAN UNION
ARCHITECTS**

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

Made - - - - 4th April 2019

Laid before Parliament 5th April 2019

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by—

- (a) in relation to regulation 1, the provisions mentioned in paragraphs (b) and (c);
- (b) in relation to regulation 2, section 2(2) of the European Communities Act 1972 ^{F1};
- (c) in relation to regulations 3 and 4, section 8(1) of, and paragraph 21(b) of Schedule 7 to, the European Union (Withdrawal) Act 2018 ^{F2}.

The Secretary of State is a Minister designated ^{F3} for the purposes of section 2(2) of the European Communities Act 1972 in relation to the recognition of higher-education diplomas, formal qualifications, or experience in the occupation, required for the pursuit of professions or occupations.

The Secretary of State is of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft of the instrument being laid before, and approved by a resolution of, each House of Parliament ^{F4}.

F1 1972 c. 68. Section 2(2) was amended by the [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#), [section 27\(1\)\(a\)](#) and the [European Union \(Amendment\) Act 2008 \(c. 7\)](#), the Schedule, Part 1. It is prospectively repealed by the [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), [section 1](#) from exit day (see [section 20](#) of that Act).

F2 2018 c.16.

F3 S.I. 2002/248.

F4 Paragraph 38(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 allows for regulations under that Act to be combined with regulations, made under other enabling provisions, which are subject to the negative resolution procedure in Parliament.

PART 1

Introduction

Citation and commencement

1.—(1) These Regulations may be cited as the Architects Act 1997 (Swiss Qualifications) (Amendment) (EU Exit) Regulations 2019.

(2) This regulation and regulation 2 come into force on the day after the day on which these Regulations are made.

(3) Regulations 3 and 4 come into force immediately after the Architects Act 1997 (Amendment) (EU Exit) Regulations 2019 ^{F5} come into force.

F5 [S.I. 2019/717](#).

Commencement Information

I1 Reg. 1 in force at 5.4.2019, see reg. 1(2)

PART 2

Amendments to the Architects Act 1997 and the Architects Act 1997 (Amendment) (EU Exit) Regulations 2019

Amendments made under the European Communities Act 1972 coming into force on the day after the day on which these Regulations are made

2. In section 25(1) of the Architects Act 1997 ^{F6} (interpretation)—

(a) in the definition of “the Directive”—

(i) after paragraph (a) insert—

“(aa) any reference to the Directive includes (without prejudice to the operation of section 20A of the Interpretation Act 1978) a reference to the Directive as extended by the Swiss Agreement (see the amendments made to that Agreement by Decision No. 2/2011 of the EU-Swiss Joint Committee on 30th September 2011), and”;

(ii) in paragraph (b), after “EEA Agreement” insert “ and by the Swiss Agreement ”;

(b) at the appropriate place insert—

““the Swiss Agreement” means the Agreement between the European Community and its member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons signed at Luxembourg on 21st June 1999;”.

F6 [1997 c.22](#). Section 25 was amended by S.I.s 2002/2842, 2008/1331, 2011/1043 and 2014/4.

Commencement Information

I2 Reg. 2 in force at 5.4.2019, see reg. 1(2)

Amendments made under the European Union (Withdrawal) Act 2018 coming into force on [F7IP completion day]

3. In section 25(1) of the Architects Act 1997 (interpretation), for the definition of “the Directive” substitute—

““the Directive” means Council Directive [2005/36/EC](#) on the recognition of professional qualifications as it had effect immediately before [F8IP completion day] and any reference to the Directive includes (without prejudice to the operation of section 20A of the Interpretation Act 1978) a reference to the Directive as extended by the EEA Agreement and by the Swiss Agreement as those Agreements had effect immediately before [F8IP completion day];”.

- F7** Words in [reg. 3](#) heading substituted (31.12.2020 immediately before IP completion day) by [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), regs. 1(3), **8(a)**
- F8** Words in [reg. 3](#) substituted (31.12.2020 immediately before IP completion day) by [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), regs. 1(3), **8(a)**

Commencement Information

- I3** Reg. 3 in force at 31.12.2020 immediately after [S.I. 2019/717](#) comes into force, see reg. 1(3)

PROSPECTIVE

F94.

- F9** [Reg. 4](#) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Professional Qualifications and Services \(Amendments and Miscellaneous Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1038\)](#), regs. 1(3), **8(b)**

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

Ministry of Housing, Communities and Local
Government

Kit Malthouse
Minister of State

Status: *This version of this Instrument contains provisions that are prospective.*
Changes to legislation: *There are currently no known outstanding effects for the The Architects Act 1997 (Swiss Qualifications) (Amendment) (EU Exit) Regulations 2019. (See end of Document for details)*

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular, the deficiencies under paragraphs (c), (d), and (e) of section 8(2)) arising from the withdrawal of the United Kingdom from the European Union. They are also made under section 2(2) of the European Communities Act 1972 in part to amend domestic legislation.

Directive [2005/36/EC](#) (“the Directive”) is designed to remove obstacles to free movement of persons and services within the Community, so that nationals of the Member States have the right to pursue a profession in a Member State other than the one in which they have obtained their qualifications. This is achieved by the Directive providing for the automatic recognition of certain specified qualifications, and for a procedure for assessing other qualifications for the purpose of giving access to a profession. There is also a procedure to allow those wishing to provide services on a temporary and occasional basis to practise a profession on this basis.

Regulation 2 amends the definition of the Directive used in the Architects Act 1997 to make express provision for the implementation of the Directive as it is extended to Switzerland by the Agreement between the European Community and its member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons signed at Luxembourg on 21st June 1999. Regulation 3 further amends the Architects Act 1997 and regulation 4 amends the modifications made to that Act by regulation 30 of the Architects Act 1997 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/717) to take effect on exit day.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the public, private or voluntary sector is foreseen.

Status:

This version of this Instrument contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the The Architects Act 1997 (Swiss Qualifications) (Amendment) (EU Exit) Regulations 2019.