

*Changes to legislation: There are currently no known outstanding effects for the Architects Act 1997, SCHEDULE 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

Section 27.

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### *General transitionals and savings*

- 1 The substitution of this Act for the provisions repealed or revoked by this Act does not affect the continuity of the law.
- 2 Anything done, or having effect as if done, (including the making of rules) under or for the purposes of any provision repealed or revoked by this Act has effect as if done under or for the purposes of any corresponding provision of this Act.
- 3 Any reference (express or implied) in this Act or any other enactment, or in any instrument or document, to a provision of this Act is (so far as the context permits) to be read as (according to the context) being or including in relation to times, circumstances and purposes before this Act comes into force a reference to the corresponding provision repealed or revoked by this Act.
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  - (1) Any reference (express or implied) in any enactment, or in any instrument or document, to a provision repealed or revoked by this Act is (so far as the context permits) to be read as (according to the context) being or including in relation to times, circumstances and purposes after this Act comes into force a reference to the corresponding provision of this Act.
  - (2) In particular, where a power conferred by an Act is expressed to be exercisable in relation to enactments contained in an Act passed before or in the same Session as the Act conferring the power, the power is also exercisable in relation to provisions of this Act which reproduce such enactments.
- 5 Paragraphs 1 to 4 have effect in place of section 17(2) of the <sup>M1</sup>Interpretation Act 1978 (but are without prejudice to any other provision of that Act).

#### **Marginal Citations**

**M1** 1978 c. 30.

##### *First appointments to the Board*

- 6 The term of office of the members of the Board who were appointed by the Privy Council to take office on the day on which Part III of the 1996 Act came into force (and who remain members of the Board when this Act comes into force)—
  - (a) is one year beginning with that day in the case of three of those members;
  - (b) is two years beginning with that day in the case of another three of those members; and
  - (c) is three years beginning with that day in the case of the remaining two members.

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### *Registration*

- 7 If—
- (a) a person duly applied for registration under the 1931 Act before Part III of the 1996 Act came into force; but
  - (b) no decision on the application has been made before this Act comes into force,
- the application shall be dealt with in the same way as an application duly made after this Act comes into force (except that no further fee may be required to be paid).
- 8 Examinations in architecture which immediately before the day on which Part III of the 1996 Act came into force were recognised by the Council for the purposes of section 6(1)(c) of the 1931 Act (as it had effect before Part III of the 1996 Act came into force) shall (subject to rules made by the Board) be treated as qualifications prescribed under section 4(1)(a).
- 9 The reference in subsection (3) of section 8 to a person whose name has been removed from the Register under subsection (2) of that section shall be treated as including a reference to a person whose name was removed from the Register under section 13(5) of the 1931 Act before Part III of the 1996 Act came into force.
- 10 The reference to the Board in section 10(1)(b) shall be construed, in relation to the entry of a name in the Register before Part III of the 1996 Act came into force, as a reference to the Council.

### *Discipline*

- 11 If—
- (a) before Part III of the 1996 Act came into force, the Discipline Committee began an inquiry into any case in which it was alleged that a registered person had been guilty of conduct disgraceful to him in his capacity as an architect; but
  - (b) the case has not been decided or referred to the Professional Conduct Committee before this Act comes into force,
- the case shall be referred to the Professional Conduct Committee which shall consider whether he is guilty of unacceptable professional conduct or serious professional incompetence.
- 12 (1) Subject to sub-paragraph (2), sections 14 to 18 have effect in relation to anything done or omitted to be done before this Act comes into force (including anything done before Part III of the 1996 Act came into force) as in relation to anything done or omitted to be done after this Act comes into force.
- (2) The Professional Conduct Committee—
- (a) may only make a disciplinary order in respect of anything done or omitted to be done by a person before Part III of the 1996 Act came into force if the Council could have removed his name from the Register under section 7 of the 1931 Act (as it had effect before Part III of the 1996 Act came into force); and
  - (b) may not make a reprimand or penalty order in respect of anything done or omitted to be done before Part III of the 1996 Act came into force.
- 13 (1) If a person's name was removed from the Register under section 7 of the 1931 Act before Part III of the 1996 Act came into force, he may at any time apply to the Board for his name to be re-entered in the Register.

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- (2) If he does so, the Board may direct that his name shall be re-entered in the Register.
- (3) The Registrar shall serve on a person who applies for his name to be re-entered in the Register under this paragraph written notice of the decision on his application within the prescribed period after the date of the decision.
- (4) The Board may require a person whose name is re-entered in the Register under this paragraph to pay a fee of such amount, not exceeding the fee then payable by an applicant for registration in pursuance of section 4, as may be prescribed.
- 14 If—
- (a) a person’s name was removed from the Register, or the Council determined that a person be disqualified for registration during any period, before Part III of the 1996 Act came into force; and
- (b) the period of three months from the date on which notice of the removal or determination was served on him has not ended before this Act comes into force,
- he may appeal under section 22 against the removal or determination at any time before the end of that period.
- 15 Section 12(7)(c) shall have effect as if it included a reference to a period of disqualification imposed by the Council.

*Offence of practising while not registered*

- 16 The repeal by this Act of Schedule 2 to the 1996 Act does not affect the continued operation of paragraphs 31 and 32 of that Schedule in relation to an offence committed before Part III of the 1996 Act came into force.

*The Education Fund*

- 17 (1) This paragraph applies if when this Act comes into force the assets of the Architects’ Registration Council Education Fund have not been transferred by the Board.
- (2) The Board may transfer the assets of the Fund to such person and on such terms as may be approved by the Secretary of State.
- (3) The repeal by the 1996 Act of sections 1(1) and (4) to (6), 3 and 4 of the 1969 Act shall not come into force until the transfer is made; and until the transfer references in those provisions to the Council shall have effect as references to the Board.
- 18 A person to whom the assets of the Fund are transferred (whether under section 124 of the 1996 Act or paragraph 17) shall apply the assets, and all income arising from the assets, for the purposes authorised in subsection (4) of section 1 of the 1969 Act (assuming for this purpose that the reference in that subsection to the Council were a reference to the person to whom the assets of the Fund are transferred).
- 19 (1) In this Schedule—
- (a) “the 1931 Act” means the <sup>M2</sup>Architects (Registration) Act 1931;
- (b) “the 1969 Act” means the <sup>M3</sup>Architects Registration (Amendment) Act 1969; and
- (c) “the 1996 Act” means the <sup>M4</sup>Housing Grants, Construction and Regeneration Act 1996.

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(2) In this Schedule—

- (a) “the Council” means the Architects’ Registration Council of the United Kingdom established under the 1931 Act, which was renamed as the Board by section 118(1) of the 1996 Act; and
- (b) “the Discipline Committee” means the Discipline Committee constituted under the 1931 Act, which was abolished by section 118(2) of the 1996 Act.

**Marginal Citations**

**M2** 1931 c. 33.

**M3** 1969 c. 42.

**M4** 1996 c. 53.

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