



# Architects Act 1997

## 1997 CHAPTER 22

### PART II

#### REGISTRATION ETC.

##### *Registration*

#### **4 [F<sup>1</sup>Registration in Part 1 of the Register: general]**

- (1) A person who has applied to the Registrar in the prescribed manner for registration in pursuance of this section is entitled to be registered[F<sup>2</sup>in Part 1 of the Register] if—
- he holds such qualifications and has gained such practical experience as may be prescribed; or
  - he has a standard of competence which, in the opinion of the Board, is equivalent to that demonstrated by satisfying paragraph (a).
- (2) The Board may require a person who applies for registration on the ground that he satisfies subsection (1)(b) to pass a prescribed examination in architecture.
- [F<sup>3</sup>(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—
- he produces evidence of a description specified in section 4A(1) and he is either—
    - lawfully established as an architect in the relevant European State in which that evidence was issued, or
    - eligible to practise as an architect in that State, as confirmed by a competent authority in that State;
  - 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
  - he is a person—

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- (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).]
- (3) Before prescribing—
- (a) qualifications or practical experience for the purposes of subsection (1)(a); or
- (b) any examination for the purposes of subsection (2),
- the Board shall consult the bodies representative of architects which are incorporated by royal charter and such other professional and educational bodies as it thinks appropriate.
- (4) Where a person has duly applied for registration in pursuance of this section—
- (a) if the Registrar is satisfied that the person is entitled to be registered<sup>[F4]</sup> in pursuance of this section], he shall enter his name in<sup>[F5]</sup> Part 1 of] the Register; but
- (b) if the Registrar is not so satisfied, he shall refer the application to the Board.
- (5) The Registrar shall not consider an application for registration in pursuance of this section in any case in which it is inappropriate for him to do so (for instance because he is in any way connected with the applicant) but in such a case he shall refer the application to the Board.
- (6) Where a person's application is referred to the Board under subsection (4) or (5), the Board shall direct the Registrar to enter the person's name in <sup>[F6]</sup>Part 1 of] the Register if it is satisfied that he is entitled to be registered <sup>[F7]</sup>in pursuance of this section].
- <sup>[F8]</sup>(7) For the purposes of subsection (2A)(a), evidence is to be treated as issued in a relevant European State if it is issued in a country (or former country) whose territory at any time consisted of, or included, the whole or part of the territory of that State.]

#### Textual Amendments

- F1** S. 4 sidenote substituted (20.6.2008) by [Architects \(Recognition of European Qualifications etc and Saving and Transitional Provision\) Regulations 2008](#) (S.I. 2008/1331), regs. 1, **6(1)(a)**
- F2** Words in s. 4(1) inserted (20.6.2008) by [Architects \(Recognition of European Qualifications etc and Saving and Transitional Provision\) Regulations 2008](#) (S.I. 2008/1331), regs. 1, **6(1)(b)**
- F3** S. 4(2A) substituted (20.6.2008) for s. 4(2A)(2B) by [Architects \(Recognition of European Qualifications etc and Saving and Transitional Provision\) Regulations 2008](#) (S.I. 2008/1331), regs. 1, **6(1)(c)**
- F4** Words in s. 4(4)(a) inserted (20.6.2008) by [Architects \(Recognition of European Qualifications etc and Saving and Transitional Provision\) Regulations 2008](#) (S.I. 2008/1331), regs. 1, **6(2)(b)**
- F5** Words in s. 4(4)(a) inserted (20.6.2008) by [Architects \(Recognition of European Qualifications etc and Saving and Transitional Provision\) Regulations 2008](#) (S.I. 2008/1331), regs. 1, **6(2)(a)**
- F6** Words in s. 4(6) inserted (20.6.2008) by [Architects \(Recognition of European Qualifications etc and Saving and Transitional Provision\) Regulations 2008](#) (S.I. 2008/1331), regs. 1, **6(2)(a)**
- F7** Words in s. 4(6) inserted (20.6.2008) by [Architects \(Recognition of European Qualifications etc and Saving and Transitional Provision\) Regulations 2008](#) (S.I. 2008/1331), regs. 1, **6(2)(b)**

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**F8** S. 4(7) inserted (20.6.2008) by Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008 (S.I. 2008/1331), regs. 1, 6(3)

#### [<sup>F9</sup>4A Registration in Part 1 of the Register: European qualifications

- (1) The descriptions referred to in section 4(2A)(a) are—
- (a) evidence of formal qualifications listed 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”;
  - (b) evidence of formal qualifications as an architect which is required to be recognised under paragraph 3, 4 or 5 of Article 23 of the Directive (recognition of qualifications issued by the former Czechoslovakia, former Soviet Union, and former Yugoslavia), accompanied by—
    - (i) such attestation in respect of that evidence as is mentioned in that paragraph, and
    - (ii) such a certificate as is required by the second sub-paragraph of that paragraph;
  - (c) evidence of training which is required by paragraph 1 of Article 47 of the Directive to be recognised as satisfying Article 21 of the Directive (training provided by ‘Fachhochschulen’ in the Federal Republic of Germany), accompanied by such a certificate (certificate as to 4 years’ post-training experience) as is mentioned in that paragraph;
  - (d) evidence of training which is required by paragraph 2 of Article 47 of the Directive to be recognised as satisfying Article 21 of the Directive (training as part of social betterment schemes or part-time university studies), accompanied by evidence of—
    - (i) having passed such an examination as is mentioned in that paragraph, and
    - (ii) having worked as mentioned in that paragraph (7 years’ supervised work in the field of architecture);
  - (e) evidence of formal qualifications which is required by paragraph 1 of Article 49 of the Directive to be recognised by the United Kingdom (acquired rights: recognition of evidence of qualifications listed in Annex VI to the Directive and awarded in other relevant European States; and recognition of evidence of qualifications issued in the German Democratic Republic and certified as equivalent to evidence so listed); and
  - (f) evidence of formal qualifications in the form of a certificate which is required to be recognised by paragraph 2 of Article 49 of the Directive (acquired rights: rules governing the access to and pursuit of the activities of an architect as of dates specified for individual Member States).
- (2) Where a person applies for registration in pursuance of section 4 and, in doing so, relies on subsection (2A) of that section—
- (a) the Registrar may, for the purposes of deciding whether the person is entitled to be registered in pursuance of section 4, demand any documents within Annex VII to the Directive and may, where the demand relates to a document within point 1(d), (e) or (f) of that Annex, treat the demand as unsatisfied if

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- the document submitted to the Registrar in response to the demand is more than 3 months old when submitted;
- (b) in the event of justified doubts as to whether the person is entitled to be registered in pursuance of section 4, the Registrar may require from the competent authorities of a relevant European State confirmation of the authenticity of the attestations and evidence of formal qualifications awarded in that other relevant European State, as well as confirmation of the fact that the person fulfils the minimum training conditions set out in Article 46 of the Directive (including training which is, under Article 22(a), to be treated as meeting those conditions);
- (c) in case of justified doubt as to whether the person is entitled to be registered in pursuance of section 4, where evidence of formal qualifications has been issued by a competent authority in a relevant European State and includes evidence as to training received in whole or in part in an establishment legally established in the territory of another relevant European state, the Registrar shall be entitled to verify with the competent authority in the relevant European State of origin of the award—
- (i) whether the training course at the establishment which gave the training has been formally certified by the educational establishment based in the relevant European State of origin of the award;
  - (ii) whether the evidence of formal qualifications issued is the same as that which would have been awarded if the course had been followed entirely in the relevant European State of origin of the award; and
  - (iii) whether the evidence of formal qualifications confers the same professional rights in the territory of the relevant European State of origin of the award.
- (3) Subsection (4) applies to a person who is registered in Part 1 of the Register in pursuance of section 4 in reliance on subsection (2A) of that section.
- (4) The person, when using his academic title or any abbreviation of it—
- (a) may express the title or abbreviation in the language, or one of the languages, of the relevant European State in which the body conferring the title is located;
  - (b) must follow the title or abbreviation with the name and location of the body conferring the title.]

#### Textual Amendments

- F9** S. 4A substituted (20.6.2008) for s. 5 by [Architects \(Recognition of European Qualifications etc and Saving and Transitional Provision\) Regulations 2008 \(S.I. 2008/1331\)](#), regs. 1, 7

#### [<sup>F10</sup>5A Registration in Part 2 of the Register : Directive-rights nationals providing services

- (1) Schedule 1A (registration of person lawfully established as an architect in a relevant European State and wishing to provide services in the United Kingdom on a temporary and occasional basis) has effect.
- (2) No fee shall be charged for registration in Part 2 of the Register .

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#### Textual Amendments

**F10** Ss. 5A-5E inserted (20.6.2008) by [Architects \(Recognition of European Qualifications etc and Saving and Transitional Provision\) Regulations 2008 \(S.I. 2008/1331\)](#), regs. 1, **8(1)**

### **5B Titles to be used by persons registered in Part 2 of the Register**

- (1) Where a person is registered in Part 2 of the Register, the Registrar must in accordance with this section record the person's professional title against the person's name in that Part of the Register.
- (2) If the person satisfies the Registrar that the person would be entitled to be registered in Part 1 of the Register were the person to apply to be registered in that Part, the professional title to be recorded for the person shall be "architect".
- (3) In any other case—
  - (a) the professional title to be recorded for the person shall be as it is in the relevant European State in which the person is established as an architect,
  - (b) that title shall be recorded in the official language, or one of the official languages, of that State, and
  - (c) if the title that is to be recorded in accordance with paragraphs (a) and (b) is "architect" or is confusingly similar to "architect", the title to be recorded for the person shall be the title that is to be recorded in accordance with paragraphs (a) and (b) followed by the name of that State in brackets.

#### Textual Amendments

**F10** Ss. 5A-5E inserted (20.6.2008) by [Architects \(Recognition of European Qualifications etc and Saving and Transitional Provision\) Regulations 2008 \(S.I. 2008/1331\)](#), regs. 1, **8(1)**

### **5C Information to be given to recipients of the service**

- (1) Subsection (2) applies to a person ("P") if—
  - (a) P is entitled to be registered in Part 2 of the Register, and
  - (b) P's professional title falls to be recorded in that Part of the Register in accordance with section 5B(3).
- (2) Before P provides any services as an architect in the United Kingdom to another person, P shall give to that person the following information in writing—
  - (a) if P is registered in a commercial register or similar public register, the register in which he is registered, his registration number, or equivalent means of identification contained in that register;
  - (b) if the activity is subject to authorisation in the relevant European State in which P is established, the name and address of the competent supervisory authority;
  - (c) any professional association or similar body with which P is registered;
  - (d) P's professional title or, where no such title exists, P's formal qualification and the State in which it was awarded;
  - (e) if P performs an activity which is subject to VAT, the VAT identification number referred to in Article 22(1) of the sixth Council Directive [77/388/](#)

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EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes – Common system of value added tax: uniform basis of assessment; and

- (f) details of any insurance cover or other means of personal or collective protection with regard to professional liability which P has.

#### Textual Amendments

**F10** Ss. 5A-5E inserted (20.6.2008) by [Architects \(Recognition of European Qualifications etc and Saving and Transitional Provision\) Regulations 2008 \(S.I. 2008/1331\)](#), regs. 1, **8(1)**

### 5D Administrative co-operation with other relevant European States

- (1) Where a person seeks registration in Part 2 of the Register, re-registration in that Part or continuation of registration in that Part, the Registrar may ask the competent authorities of the relevant European State where that person is established as an architect, for each provision of services, to provide information relevant to the legality of that person's establishment and his good conduct, as well as the absence of any disciplinary or criminal sanctions of a professional nature.
- (2) Where a competent authority of a relevant European State other than the United Kingdom requests information of the kind described in subsection (1) in respect of a registered architect who is established in the United Kingdom and who wishes to provide services in that relevant European State, the Board shall provide the information in accordance with the provisions of Article 56 of the Directive.
- (3) The Registrar may make enquiries of registered persons where the Registrar considers it necessary to do so for the purposes of enabling the Board to discharge its duties under subsection (2).
- (4) Where a registered person receives enquiries under subsection (3), the person shall reply and, in replying, shall use the person's best endeavours to assist the Registrar.
- (5) The power under subsection (3) is not to be taken to prejudice any other power to make enquiries of registered persons.

#### Textual Amendments

**F10** Ss. 5A-5E inserted (20.6.2008) by [Architects \(Recognition of European Qualifications etc and Saving and Transitional Provision\) Regulations 2008 \(S.I. 2008/1331\)](#), regs. 1, **8(1)**

### 5E Complaints by recipients of services

- (1) In subsections (2) and (3) "service complaint" means a complaint by a recipient of services made against a person in respect of services provided, by that person as an architect on a temporary and occasional basis, in any relevant European State other than the relevant European State where that person is lawfully established as an architect.
- (2) The Board shall ensure the exchange with other competent authorities of all information necessary for service complaints to be correctly pursued.

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- (3) Where the Registrar knows the outcome of a service complaint but it appears to the Registrar that the person who made the complaint does not or may not know the outcome, the Registrar shall inform the person of the outcome of the complaint.]

#### Textual Amendments

**F10** Ss. 5A-5E inserted (20.6.2008) by [Architects \(Recognition of European Qualifications etc and Saving and Transitional Provision\) Regulations 2008 \(S.I. 2008/1331\)](#), regs. 1, **8(1)**

## 6 Registration: further procedural requirements.

- (1) The Board may require an applicant for registration in [<sup>F11</sup>Part 1 of the Register] to pay a fee of a prescribed amount.
- (2) The Board may require a candidate for any examination under section 4(2) to pay a fee of a prescribed amount.

[<sup>F12</sup>(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).]

- (3) The Board may prescribe the information and evidence to be provided to the Registrar in connection with an application for registration in [<sup>F13</sup>Part 1 of the Register].

[<sup>F14</sup>(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—
- acknowledge receipt of the application within one month of receipt; and
  - 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.]

[<sup>F15</sup>(4) The Registrar shall serve on an applicant[<sup>F16</sup>for registration in Part 1 of the Register] written notice of the decision on his application.

[<sup>F17</sup>(4A) A notice under subsection (4) shall be served—

- in the case of an application by a person who in making the application—
  - relies on subsection (1)(a) of section 4 without also relying on subsection (2A), or
  - relies on section 4(2A),

within three months beginning with the date on which the application is made;

- in any other case, within six months beginning with the date on which the application is made.]

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(4B) Notice of a refusal in the case of an application [<sup>F18</sup>by a person who in making the application relies on section 4(2A)] shall state reasons for the refusal.]

<sup>F19</sup>(5) .....

#### Textual Amendments

- F11** Words in s. 6(1) substituted (20.6.2008) by Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008 (S.I. 2008/1331), regs. 1, **9(a)**
- F12** S. 6(2A) inserted (20.6.2008) by Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008 (S.I. 2008/1331), regs. 1, **9(b)**
- F13** Words in s. 6(3) substituted (20.6.2008) by Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008 (S.I. 2008/1331), regs. 1, **9(c)**
- F14** S. 6(3A)-(3C) inserted (20.6.2008) by Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008 (S.I. 2008/1331), regs. 1, **9(d)**
- F15** S. 6(4)-(4B) substituted for s. 6(4) (23.12.2002) by S.I. 2002/2842, **art. 4(2)**
- F16** Words in s. 6(4) inserted (20.6.2008) by Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008 (S.I. 2008/1331), regs. 1, **9(e)**
- F17** S. 6(4A) substituted (20.6.2008) by Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008 (S.I. 2008/1331), regs. 1, **9(f)**
- F18** Words in s. 6(4B) substituted (20.6.2008) by Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008 (S.I. 2008/1331), regs. 1, **9(g)**
- F19** S. 6(5) omitted (20.6.2008) by virtue of Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008 (S.I. 2008/1331), regs. 1, **9(h)**

#### [<sup>F20</sup>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—
- meets the minimum training conditions in Article 46 of the Directive,
  - gives that person entitlement under section 4 to be registered in Part 1 of the Register, or
  - 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.]

#### Textual Amendments

- F20** S. 6A inserted (20.6.2008) by Architects (Recognition of European Qualifications etc and Saving and Transitional Provision) Regulations 2008 (S.I. 2008/1331), regs. 1, **10**

#### 7 Penalty for obtaining registration[<sup>F21</sup>or recognition] by false representation.

- [<sup>F22</sup>(1) A person commits an offence if the person intentionally—
- becomes or attempts to become registered under this Act, or
  - does any of the things mentioned in subsection (1A) anywhere in or outside the United Kingdom.



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(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]

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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**Textual Amendments**

- F21** Words in s. 7 side-note inserted (20.6.2008) by [Architects \(Recognition of European Qualifications etc and Saving and Transitional Provision\) Regulations 2008 \(S.I. 2008/1331\)](#), regs. 1, **11(a)**
- F22** S. 7(1)(1A) substituted (20.6.2008) for s. 7(1) by [Architects \(Recognition of European Qualifications etc and Saving and Transitional Provision\) Regulations 2008 \(S.I. 2008/1331\)](#), regs. 1, **11(b)**

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