



# Architects Act 1997

## 1997 CHAPTER 22

### PART V

#### GENERAL AND SUPPLEMENTARY

##### *General*

#### [<sup>F1</sup>22 Appeals.

- (1) A person may appeal to the High Court or, in Scotland, to the Court of Session if he is aggrieved by—
  - (a) refusal of his application for registration in Part 1 of the Register ;
  - (b) failure of the Registrar to comply with section 6(4);
  - (c) his name not being re-entered in, or his name being removed from, Part 1 of the Register by virtue of section 9;
  - (d) the Board's ordering under section 10 that the Registrar remove his name from Part 1 of the Register; or
  - (e) the making of a disciplinary order in relation to him.
- (2) Subject to subsection (3), an appeal under subsection (1)(a), (c), (d) or (e) must be made not later than three months after the date on which notice of the decision or order concerned is served on the person.
- (3) Where an appeal under subsection (1)(a) is made by a person who relied on subsection (2A) of section 4 in applying for registration in pursuance of that section, the appeal must be made not later than four months after the date on which notice of the refusal is served on the person.
- (4) The time limits for making an appeal under subsection (1)(b) are—
  - (a) where the appeal is made by a person who relied on subsection (2A) of section 4 in applying for registration in pursuance of that section, within seven months, and

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- (b) where the appeal is made by a person who, in applying for registration in pursuance of that section, relied on subsection (1)(a) of that section without also relying on subsection (2A) of that section, within six months, beginning with the date on which the person's application for registration is made.
- (5) An appeal under subsection (1)(b) to which subsection (4) does not apply must be made within nine months beginning with the date on which the person's application for registration is made.
- (6) If a person claims to be entitled to be registered in Part 2 of the Register but the person's name is not entered in that Part, the person may appeal to a county court or, in Scotland, to the sheriff.
- (7) On an appeal under this section the court concerned may make any order which appears appropriate, and no appeal shall lie from any decision of a court on such an appeal.]

#### **Textual Amendments**

**F1** S. 22 substituted (20.6.2008) for ss. 22, 22A by [Architects \(Recognition of European Qualifications etc and Saving and Transitional Provision\) Regulations 2008 \(S.I. 2008/1331\)](#), regs. 1, 20

#### **[<sup>F2</sup>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.

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- (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.

#### Textual Amendments

- F2** Ss. 22B, 22C inserted (20.6.2008) by [Architects \(Recognition of European Qualifications etc and Saving and Transitional Provision\) Regulations 2008 \(S.I. 2008/1331\)](#), regs. 1, **21**

## 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.]

#### Textual Amendments

- F2** Ss. 22B, 22C inserted (20.6.2008) by [Architects \(Recognition of European Qualifications etc and Saving and Transitional Provision\) Regulations 2008 \(S.I. 2008/1331\)](#), regs. 1, **21**

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## 23 Rules.

- (1) The Board may make rules generally for carrying out or facilitating the purposes of this Act.
- (2) The Board shall, before making any rules under this Act, publish a draft of the rules and give those to whom the rules would be applicable an opportunity of making representations to the Board.
- (3) The Registrar shall on payment of the prescribed charges supply a copy of any rules made under this Act and of any forms prescribed by such rules to any person applying for them.

## 24 Service of documents.

- (1) Any notice or document required to be served by or for the purposes of this Act may be sent by post, and when sent to any registered person shall be deemed to be properly addressed if addressed to him at his address in the Register.
- (2) Any notice relating to the refusal to register any person or required to be served by section 9(2), 10(2), 11(a), 14(4)(a) or 15(3) shall be sent by post as a registered letter.

### *Supplementary*

## 25 Interpretation.

[<sup>F3</sup>(1)] In this Act—

“the Board” means the Architects Registration Board;

[<sup>F4</sup> “competent authority” means any authority or body designated by a relevant European State for the purposes of the Directive as competent to—

- (a) issue, or receive, evidence of qualifications or other information or documents, or
- (b) receive applications, and take the decisions, referred to in the Directive ,

in connection with the profession of architect;]

[<sup>F5</sup> “the Directive ” means Council Directive [2005/36/ EC](#) on the recognition of professional qualifications, and—

- (a) 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 (see the amendments made to that Agreement by Decision of the EEA Joint Committee No. 142/2007 on 26<sup>th</sup> October 2007), and
- (b) any reference to an Annex to the Directive is, except where the reference to the Directive is to the Directive as extended by the EEA Agreement, a reference to the Annex as amended from time to time;

“Directive-rights national” means—

- (a) a national of a relevant European State other than the United Kingdom,
- (b) a national of the United Kingdom who is seeking access to, or is pursuing, the profession of architect by virtue of an enforceable Community right, or
- (c) a person who is not a national of a relevant European State but who is, by virtue of an enforceable Community right, entitled to be treated, for

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the purposes of access to and pursuit of the profession of architect, no less favourably than a national of a relevant European State, but does not include a person who, by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession, is not to benefit from Community provisions relating to the free movement of persons and services;]

“disciplinary order” has the meaning given by section 15;

[<sup>F6</sup>“disqualifying decision”, in relation to any person, means a decision which—

- (a) is made by a competent authority of a relevant European State other than the United Kingdom, and
- (b) has the effect in that State that the person is no longer lawfully established as an architect there or that the person is prohibited (even temporarily) from practising as an architect there;]

<sup>F7</sup> ...

“erasure order” shall be construed in accordance with section 18;

<sup>F7</sup> ...

<sup>F7</sup> ...

“penalty order” shall be construed in accordance with section 16;

“prescribed” means prescribed by rules made by the Board and “prescribe” means prescribe by rules;

“the Register” means the Register of Architects;

“registered person” means a person whose name is in the Register;

“the Registrar” means the Registrar of Architects;

[<sup>F8</sup> “relevant European State” means an EEA State; ]

“suspension order” shall be construed in accordance with section 17; <sup>F9</sup>...

[<sup>F10</sup>“third country” means a country other than a relevant European State; and]

“unacceptable professional conduct” has the meaning given by section 14.

<sup>F11</sup>(2) .....

#### Textual Amendments

- F3** Words in s. 25 (which becomes subsection (1)) inserted (23.12.2002) by S.I. 2002/2842, **art. 6(1)**
- F4** Words in s. 25(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, **22(1)(a)**
- F5** Words in s. 25(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, **22(1)(b)**
- F6** Words in s. 25(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, **22(1)(c)**
- F7** Words in s. 25(1) 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, **22(1)(d)**
- F8** Words in s. 25(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, **22(1)(e)**
- F9** Word in s. 25(1) 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, **22(1)(f)**
- F10** Words in s. 25(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, **22(1)(f)**

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**F11** S. 25(2) 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, **22(2)**

## 26 Consequential amendments.

In—

- (a) section 6 of the <sup>M1</sup>Inspection of Churches Measure 1955, in the definition of “qualified person”;
- (b) section 52(1) of the <sup>M2</sup>Cathedrals Measure 1963, in the definition of “architect”; and
- (c) section 20(1) of the <sup>M3</sup>Care of Cathedrals Measure 1990, in the definition of “architect”;

for “Architects Acts 1931 to 1996” substitute “ Architects Act 1997 ”.

### Marginal Citations

- M1** [1955 No. 1.](#)
- M2** [1963 No. 2.](#)
- M3** [1990 No. 2.](#)

## 27 Transitionals, repeals etc.

Schedule 2 (transitional provisions and savings) and Schedule 3 (repeals and revocations) have effect.

## 28 Short title, commencement and extent.

- (1) This Act may be cited as the Architects Act 1997.
- (2) This Act (apart from this section) shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- (3) This Act extends to Northern Ireland.

### Subordinate Legislation Made

- P1** [S. 28\(2\)](#) power fully exercised (9.7.1997): 21.7.1997 appointed day by [S.I. 1997/1672](#)

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