

*Status: Point in time view as at 20/06/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Architects Act 1997, SCHEDULE1A. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE1A

Section 5A(1)

#### VISITING ARCHITECTS FROM RELEVANT EUROPEAN STATES

##### Textual Amendments

- F1** Sch. 1A 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(2), [Sch.](#)

##### *Application and interpretation*

1. This Schedule applies to a Directive-rights national who is lawfully established as an architect in a relevant European State other than the United Kingdom.
2. (1) In this Schedule—
  - (a) “visiting practitioner” means a person to whom this Schedule applies;
  - (b) “home State”, in relation to a visiting practitioner, means the relevant European State in which the practitioner is lawfully established as an architect; and
  - (c) a reference to the provision of occasional services is a reference to the provision in the United Kingdom, on a temporary and occasional basis, of services as an architect.
- (2) Sub-paragraph (3) applies where, for purposes of this Schedule, it falls to be assessed whether the provision of services is on a temporary and occasional basis.
- (3) The temporary and occasional nature of the provision of the services shall be assessed case by case, in particular in relation to its duration, its frequency, its regularity and its continuity.

##### *Entitlement to be registered in respect of provision of occasional services: first year*

3. (1) A visiting practitioner who proposes to provide occasional services for the first time is entitled to be registered in Part 2 of the Register if the practitioner sends or produces to the Registrar—
  - (a) the required declaration, and
  - (b) the other required documents,but paragraph 5 contains provision about the duration of entitlement under this sub-paragraph.
- (2) The Registrar shall give effect to entitlement under sub-paragraph (1), except that the Registrar may refuse to do so if, even though there is at least one other State in which the visiting practitioner—
  - (a) is lawfully established as an architect, and

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- (b) is not prohibited (even temporarily) from practising as an architect, there is also at least one other State where a disqualifying decision is in force in respect of the practitioner; and in this sub-paragraph “other State” means a relevant European State other than the United Kingdom.
- (3) For the purposes of sub-paragraph (1) “the required declaration” is a written declaration that—
- (a) states the practitioner’s wish to provide occasional services, and
  - (b) contains details of the insurance cover, or other means of personal or collective protection, that the practitioner has with regard to professional liability.
- (4) For the purposes of sub-paragraph (1) “the other required documents” are—
- (a) if the practitioner is a national of a relevant European State, proof of nationality;
  - (b) if the practitioner is not a national of a relevant European State, proof of the Community right by virtue of which the practitioner is a Directive-rights national;
  - (c) evidence certifying successful completion of any professional training undertaken by the practitioner that is relevant to practise as an architect;
  - (d) evidence of any actual and lawful pursuit of the profession of architect undertaken by the practitioner in any relevant European State;
  - (e) a certificate (or certificates) issued by a competent authority in the practitioner’s home State confirming—
    - (i) that the practitioner is lawfully established as an architect in that State, and
    - (ii) that the practitioner is not prohibited (whether on a permanent or temporary basis) from practising as an architect there.
- (5) A declaration under sub-paragraph (3) may be supplied by any means.

*Registration in respect of provision of occasional services after first year*

4. (1) Sub-paragraph (2) applies where the Registrar receives the required renewal documents from a visiting practitioner who is entitled under this Schedule to be registered in Part 2 of the Register .
- (2) The visiting practitioner continues to be entitled to be registered in Part 2 of the Register , but paragraph 5 contains provision about the duration of entitlement continued under this sub-paragraph.
- (3) Sub-paragraph (4) applies where the Registrar receives the required renewal documents from a visiting practitioner who—
  - (a) is not entitled under this Schedule to be registered in Part 2 of the Register , but
  - (b) has been previously entitled under this Schedule to be registered in that Part.
- (4) The visiting practitioner is once again entitled to be registered in Part 2 of the Register , but paragraph 5 contains provision about the duration of entitlement continued under this sub-paragraph.
- (5) The Registrar shall give effect to entitlement under sub-paragraph (2) or (4).

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- (6) In relation to a visiting practitioner “the required renewal documents” are—
- (a) a renewal declaration; and
  - (b) each evidence of change document (if any).
- (7) In this paragraph “renewal declaration”, in relation to a visiting practitioner, means a written declaration that—
- (a) states the practitioner’s wish to provide occasional services in a further year; and
  - (b) contains details of the insurance cover, or other means of personal or collective protection, that the practitioner has with regard to professional liability.
- (8) Where a document—
- (a) is, in relation to a visiting practitioner, one of the other required documents for the purposes of paragraph 3(1), and
  - (b) substantiates a matter as respects which there has been a material change since the practitioner last (whether under paragraph 3 or this paragraph) supplied the then-current version of the document to the Registrar,
- the version of the document current when under this paragraph the practitioner supplies a renewal declaration to the Registrar is an “evidence of change” document for the purposes of sub-paragraph (6)(b).
- (9) A renewal declaration supplied under this paragraph may be supplied by any means.

*Duration of entitlements to be registered in Part 2 of the Register*

5. (1) Unless an entitlement under paragraph 3 or 4(4) is continued (or further continued) by paragraph 4(2), the entitlement ceases at the end of the year that begins with the day after the day on which the Registrar received the documents whose receipt gave rise to the entitlement.
- (2) Where an entitlement under paragraph 3 or 4(4) is continued (or further continued) by paragraph 4(2), the entitlement is extended so as to cease at the end of the year that begins with the day after the relevant day.
- (3) For the purposes of sub-paragraph (2)—
- (a) if the day on which the Registrar receives the documents whose receipt gives rise to the continuation (or further continuation) is an anniversary of the start day, “the relevant day” means the day on which the Registrar receives those documents;
  - (b) otherwise, “the relevant day” means the anniversary of the start day that is the first such anniversary to occur after the Registrar receives the documents whose receipt gives rise to the continuation (or further continuation).
- (4) In sub-paragraph (3) “the start day”, in relation to an entitlement under paragraph 3 or 4(4), means the day on which the Registrar receives the documents whose receipt gives rise to the entitlement.
- (5) An entitlement under this Schedule to be registered in Part 2 of the Register ceases if—
- (a) the visiting practitioner concerned becomes established in the United Kingdom as an architect; or
  - (b) it becomes the case—

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- (i) that the practitioner is not lawfully established as an architect in any of the other States, or
- (ii) that the practitioner is prohibited (on a permanent or temporary basis) from practising as an architect in each other State in which the practitioner is lawfully established as an architect;

and here “other State” means a relevant European State other than the United Kingdom.

*Deemed registration where person entitled to be registered is not registered*

6. A visiting practitioner who is entitled under this Schedule to be registered in Part 2 of the Register , but who is not registered in that Part, shall be treated as registered in that Part.

*Registrar’s power to remove person’s name from Part 2 of the Register*

7. (1) Sub-paragraph (3) applies where a person’s entitlement under this Schedule to be registered in Part 2 of the Register ceases by reason of the operation of provisions of this Schedule.
- (2) Sub-paragraph (3) also applies where—
- (a) a visiting practitioner is lawfully established as an architect in a relevant European State other than the United Kingdom and is not prohibited (whether on a permanent or temporary basis) from practising as an architect there, and
  - (b) a disqualifying decision is made against the practitioner in a different relevant European State that is not the United Kingdom.
- (3) If the person is registered in Part 2 of the Register , the Registrar may remove the person’s name from that Part.

*Saving for other powers to de-register or suspend registration*

8. Paragraphs 3 to 7 are not to be taken to prejudice the application, in relation to persons registered in Part 2 of the Register on the basis of entitlement under this Schedule, of any other provision of this Act under which a registered person’s name may be removed from Part 2 of the Register .

*Registrar’s duty to notify person appearing not to have entitlement*

9. Where the Registrar receives documents from a person and it appears to the Registrar—
- (a) that the documents were sent or produced to the Registrar for the purpose of establishing that the person is entitled to be registered, to continue to be registered or once again to be registered in Part 2 of the Register , but
  - (b) that the person is not so entitled,
- the Registrar shall, as soon as may be reasonably practicable after the Registrar comes to be of that view, serve on the person written notice that the Registrar is of that view.]

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