

EXPLANATORY MEMORANDUM TO

THE ARCHITECTS ACT 1997 (AMENDMENTS ETC.) ORDER 2018

2018 No. 947

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Ministry of Housing Communities and Local Government and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 This Order amends the Architects Act 1997 (the “Act”) to amend the membership of the Architects Registration Board (the “Board”) to reduce the size of the Board, to ensure that all of its members are appointed by the Privy Council, and to provide that the period of membership may not exceed eight years.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business.

4. Extent and Territorial Application

- 4.1 The extent of this instrument is the United Kingdom.
4.2 This instrument applies to all of the United Kingdom.

5. European Convention on Human Rights

- 5.1 The Minister of State for Housing, Kit Malthouse, has made the following statement regarding Human Rights:

“In my view the provisions of the Architects Act 1997 (Amendment) Order 2018 are compatible with the Convention rights.

6. Legislative Context

- 6.1 The Act regulates the professional use of the architect title which means that it is a criminal offence to use the title and operate as an ‘architect’ unless the person doing so is registered with the Architects Registration Board (ARB). The ARB was established under the Act to:
- Maintain a UK register of suitably qualified architects
 - Prescribe qualifications and experience required for inclusion in the register

- Issue a code of standards of conduct and practice and investigate/deal with complaints against architects relating to their professional competence
- Protect the use of the title ‘architect’
- Act as the UK competent Authority for the purposes of the Directive, arising from architects being a sectoral profession.

6.2 Schedule 1 to the Act sets out provisions relating to the Board and its committees. Paragraph 24 of Schedule 1 allows for amendments of that Schedule. This Order, under those powers, amends Schedule 1 in relation to the membership of the Board and other associated matters.

7. Policy background

What is being done and why?

7.1 MHCLG (then DCLG) published a report following a periodic review of architect regulations and the ARB at the end of March 2017, following a call for evidence and extensive consultation with the sector. The ARB has a governance board appointed in accordance with the Act, with the current membership being 15 – split between 8 lay members and 7 architect members elected by registered architects. The review concluded that these arrangements hindered board cohesiveness, with elected members having to address two sets of obligations – one to the Board and one to their electorate. The review also concluded that the approach was out of step with best practice and recent trends with other regulators, such as the General Medical Council and the General Dental Council, who operate with all appointed Boards.

7.2 These changes to the Act will replace the split board with one that is fully appointed, while retaining strong professional representation from the sector. It will allow a rebalancing of the Board to ensure that it is more representative of the whole sector and provide the opportunity for the Department to select the specific skills and experience needed to take the organisation forward and through the UK withdrawal from the EU, which (depending on the agreement reached to services) could have an impact on architects based in the EU, UK and internationally.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union or trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consultation outcome

9.1 These changes implement a recommendation from the ARB review that was supported. The Royal Institute of British Architects (RIBA), as the largest professional body for the sector, indicated that they support these changes, particularly as the Ministry is committed to ensuring that strong professional representation will remain as a key part of the new Board.

10. Guidance

10.1 The Ministry will work with RIBA to ensure that there is a wide understanding of the changes amongst the architectural profession.

11. Impact

- 11.1 There is no impact on business, charities or voluntary bodies.
- 11.2 There is no impact on the public sector.
- 11.3 An Impact Assessment has not been prepared for this instrument because there is no impact on business or the public sector.

12. Regulating small business

- 12.1 The legislation does not apply to activities that are undertaken by small businesses.

13. Monitoring & review

- 13.1 The regulation of architects is subject to periodic review.

14. Contact

- 14.1 William Richardson, Ministry for Housing, Communities and Local Government, William.richardson@communities.gsi.gov.uk
- 14.2 Chandru Dissanayeke, Deputy Director at the Ministry for Housing, Communities and Local Government, can confirm that this Explanatory Memorandum meets the required standard.
- 14.3 Kit Malthouse, Minister for Housing at the Ministry for Housing, Communities and Local Government, can confirm that this Explanatory Memorandum meets the required standard.