

2022 No. 1388

ARCHITECTS

**The Architects (Fees, Electronic Communications and
Miscellaneous Amendments) Regulations 2022**

<i>Made</i>	- - - -	<i>20th December 2022</i>
<i>Laid before Parliament</i>		<i>21st December 2022</i>
<i>Coming into force</i>		<i>31st January 2023</i>

The Secretary of State makes the following Regulations—

- (a) in exercise of the powers conferred by section 24A of and paragraph 24 of Schedule 1 to the Architects Act 1997(a);
- (b) as the appropriate Minister in exercise of the powers conferred by section 8 and section 9(6) of the Electronic Communications Act 2000(b); and
- (c) in exercise of the powers conferred by section 12(3) of and paragraph 12 of Schedule 4 to the European Union (Withdrawal Agreement) Act 2020(c)(d).

In accordance with paragraph 24(1) of Schedule 1 to the Architects Act 1997 the Secretary of State has consulted the Architects Registration Board and other such persons and bodies as the Secretary of State thought fit.

In accordance with section 8(3) of the Electronic Communications Act 2000, the Secretary of State considers that the authorisation of the use of electronic communication(e) by these Regulations is such that the extent (if any) to which records of things done for that purpose will be available will be no less satisfactory in cases where use is made of electronic communications than in other cases.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Architects (Fees, Electronic Communications and Miscellaneous Amendments) Regulations 2022 and come into force on 31st January 2023.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

(a) 1997 c. 22. Section 24A was inserted by section 159 of the Building Safety Act 2022 (c. 20).
(b) 2000 c. 7. See section 9(1) of the Electronic Communications Act 2000 for the meaning of “the appropriate minister”.
(c) 2020 c. 1.
(d) See section 12(4) of the European Union (Withdrawal Agreement) Act 2020 for the meaning of “professional qualification provisions” and section 12(8) for the meaning of “appropriate authority”.
(e) See section 15 of the Electronic Communications Act 2000 for the meaning of “electronic communication”.

(3) These Regulations apply in England and Wales, Scotland and Northern Ireland.

Fees

2.—(1) The Board^(a) may charge a fee in respect of the following services—

- (a) prescribing a qualification under section 4(1)(a) of the Act;
- (b) providing any document or information about a person whose name is entered on the Register^(b);
- (c) preparing or arranging any test prescribed under section 4(1A) of the Act.

(2) In respect of fees for the services in paragraph (1) the Board may prescribe—

- (a) who is liable to pay the fee;
- (b) how the fee is to be calculated;
- (c) how the fee is to be paid.

(3) The Board may prescribe different fees for different cases.

(4) The amount of a fee charged under paragraph (1) must not exceed the reasonable costs of providing the service, taking one year with another.

(5) In this regulation “the Act” means the Architects Act 1997.

Amendments to the Architects Act 1997

3.—(1) The Architects Act 1997 is amended as follows.

(2) In section 24—

(a) after subsection (1) insert—

“(1A) Any notice required to be served by section 11(a) is to be sent by post as a registered letter.”;

(b) in subsection (2)—

(i) omit “11(a),”;

(ii) for “sent by post as a registered letter.” substitute—

“sent—

- (a) by post as a registered letter, or
- (b) in accordance with subsection (4).”

(c) after subsection (2) insert—

“(3) Where a notice or document required to be served by or for the purposes of this Act is sent to a person in accordance with subsection (4), it is to be treated as having been served on the person unless the contrary is proved—

- (a) if the notice or document is sent on a working day, on the day on which it is sent, or
- (b) if the notice or document is sent on a day which is not a working day, on the next working day.

(4) A notice or document is sent to a person in accordance with this subsection if—

- (a) it is sent by a prescribed electronic communications method,
- (b) where rules made by the Board make such provision as is described in subsection (8), the method is prescribed for the purpose of serving a notice or document of that description, and

(a) The Board is the Architects Registration Board, see section 25 of the Architects Act 1997 (“the Act”).

(b) The Register is the register of architects provided for by section 3 of the Act, see section 25 of the Act.

(c) the conditions mentioned in subsection (5) are satisfied in relation to the sending of the notice or document.

(5) The conditions referred to in subsection (4)(c) are—

- (a) that the person to whom the notice or document is sent has agreed with a relevant body that a notice or document of that description may be served by that method and the agreement has not been withdrawn in accordance with subsection (6) before the notice or document is sent;
- (b) that, if that method consists of or involves sending an email to the person, the email is sent to an email address specified by the person for the purposes of the agreement.

(6) A person who has agreed to be served by a prescribed electronic communications method may give notice withdrawing the agreement to any of the relevant bodies.

(7) A withdrawal under subsection (6) takes effect five working days after the day on which the notice is received by the relevant body.

(8) Rules made by the Board under this section prescribing electronic communications methods may prescribe different methods for the purpose of serving different descriptions of notices or documents.

(9) In this section—

“electronic communications method” means a method of sending a notice or document that uses electronic communications (within the meaning of the Electronic Communications Act 2000);

“relevant body” means the Board, the Registrar or a committee of the Board;

“working day” means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.”

(3) In paragraph 19 of Schedule 1—

- (a) omit sub-paragraph (1);
- (b) in sub-paragraph (2) omit “Subject to that,” and after “determined by the Board” insert “and may include persons who are not members of the Board”.

Amendment to the Architects Act 1997 (Amendment) (EU Exit) Regulations 2019

4.—(1) The Architects Act 1997 (Amendment) (EU Exit) Regulations 2019(a) are amended as follows.

(2) In regulation 37(2)—

- (a) at the start of sub-paragraph (b) insert “subject to sub-paragraph (c),”
- (b) after sub-paragraph (b) insert—

“(c) where the qualifying applicant is a UK or Swiss national, sub-paragraph (b) only applies in relation to—

- (i) an application for registration made before the end of the period of four years beginning with IP completion day; and,
- (ii) any appeal made under section 22 of the 1997 Act in relation to such an application.”.

(a) S.I. 2019/717, as amended by S.I. 2020/1038.

Signed by authority of the Secretary of State for Levelling Up, Communities and Housing

Lee Rowley

Parliamentary Under Secretary of State

20th December 2022

Department for Levelling Up, Housing and Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision concerning the operation of the Architects Registration Board (“the ARB”) and the implementation, with respect to architects, of the agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on citizens’ rights following the withdrawal of the United Kingdom from the European Union and the Free Movement of Persons Agreement (the “Swiss Citizens Rights Agreement”).

Regulation 2 gives the ARB the ability to charge fees for certain services. The fees charged must not exceed the reasonable costs of providing the service, to be calculated taking one year with another so that if costs vary from year to year the fees need not.

Regulation 3 makes amendments to the Architects Act 1997 to facilitate the use of electronic communication by the ARB and changes the rules around membership of committees it establishes.

Regulation 4 amends the Architects Act 1997 (Amendment) (EU Exit) Regulations 2019 to implement fully the professional qualifications provisions of the Swiss Citizens Rights Agreement in respect of architects.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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£4.90

<http://www.legislation.gov.uk/id/uksi/2022/1388>

ISBN 978-0-34-824321-5



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