
STATUTORY INSTRUMENTS

2022 No. 1388

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

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

(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relevant body that a notice or document of that description may be served by that method and the agreement has not been withdrawn in accordance with subsection (6) before the notice or document is sent;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”.