



Board Meeting 29 November
2018
Agenda Item 7

Subject **Adjustments to ARB's General Rules**
Purpose **For Decision**
From **Head of Qualifications & Governance**

If you have any enquiries on this paper, please contact Emma Matthews at emmam@arb.org.uk or on 020 7580 5861

1. Summary

To consider the changes which need to be made to the General Rules as a result of the changes to the Architects Act 1997, which will become effective from 7 January 2019. To agree to publish a revised draft of the General Rules on ARB's website for a period of 14 days to allow any interested parties the opportunity of providing any representations they wish to in relation to the changes. To note that the details of any representations will be brought back to the Board for consideration at its meeting of 19 December 2018, when the Board will be asked to finalise a revised version of its Rules.

2. Recommendations

It is recommended that the Board:

- i. Agree the changes which need to be made to the General Rules as set out in Annexes A and B;
- ii. Agrees to publish a revised draft of the General Rules on ARB's website for a period of 14 days to allow any interested parties the opportunity of providing any representations they wish to make in relation to the changes; and
- iii. Notes that the details of any representations will be brought back to the Board for consideration at its meeting of 19 December 2018, when the Board will be asked to finalise a revised version of its Rules. The agreed Rules would then become effective on 7 January 2019.

3. Open Session

4. Contribution to the Board's Purpose and Objectives

The updating of the General Rules to reflect the recent changes to the Architects Act 1997 will enable ARB to continue the delivery of its strategic aims and fulfil its requirements under the Act.

5. Key Points

- i. Under Section 23(1) of the Architects Act 1997, the Board may make rules generally for carrying out or facilitating the purposes of this Act. The Board has established a set of General Rules for this purpose.

On 31 August 2018, the Government published a Statutory Instrument which makes changes to the Act in relation to the constitution of the Board and the Professional Conduct Committee. The revised legislation comes into effect on 7 January 2019.

The Board's General Rules require some updates to be made to them as a result of the some of the changes to the legislation so that key areas of the Rules will realign with the revised Act and the Board can continue to operate in accordance with the revised Act when it is first appointed.

Annex A sets out a tracked changes version of the proposed amendments which will realign the General Rules with the revised Act. **Annex B** is a clean copy of the proposed changes.

The Board is asked to note, however, that provision for the Vice Chair has been removed in the proposed revised version of the Rules. Neither the current Act nor the revised Act makes provision for a Vice Chair. This is therefore an area that the new Board should discuss once it has become established, i.e., whether it wishes to create a position for a Vice Chair and what processes it wishes to use in order to select a Vice Chair. In the event the new Board wishes to select a Vice Chair, an election process could be added to the General Rules. The revised Act does also enables the Board to make Rules to allow it to appoint a person to act as Chair of the Board for any period when there is no person appointed and to appoint Board members on a temporary basis in prescribed circumstances. Again these areas will be looked at by the new Board once it has become established. The new Board may wish to review other areas of the Rules and/or it may also need to make further adjustments to the General Rules in 2019 as a result of any legislative changes which result from the UK's exit from the EU.

- ii. The Board is asked to note that when it is establishing or updating its Rules, the Architects Act 1997 requires that a revised draft of the General Rules is published to provide the opportunity for representations to be made. The Act does not specify the method of publication nor the length of time any proposed updates should remain available when published. The Board may therefore determine this.

On the basis that the proposed amendments to the General Rules are required due to a changes in legislation it is recommended that the Board agrees to make the draft of the revised General Rules available on its website for a period of 14 days. The details of any representations received will then be brought back to the Board for consideration at its meeting of 19 December 2018. The agreed Rules would then become effective on 7 January 2019 in line with the revised legislation.

6. Resource implications

The changes will incur very few additional costs. Adjustments to the website version of the General Rules will need to be made. We no longer print hard copies of the General Rules and therefore no printed versions require adjustment.

7. Risk Implications

It is imperative that the Board's General Rules align with the relevant legislation. Any lack of alignment could cause issues in terms of ARB's ability to deliver its statutory functions and lead to poor governance arrangements. Updating the Rules so that they become effective from the same date as the new legislation becomes effective will ensure that the organisation and the new Board can continue to operate under the revised Act.

8. Communication

Some adjustments are being made to the Architects Act 1997 in relation to the constitution of the Board and the Professional Conduct Committee which become effective on 7 January 2019. The Board is updating its General Rules to reflect these amendments. The Board will issue a draft of the revised General Rules for a period of 14 days to allow any interested parties to provide any representations they wish to make. Any representations will be taken into consideration by the Board at its meeting of 19 December 2018. The new Board may wish to undertake a wider scale review of its Rules once it has become established.

9. Equality and Diversity Implications

We have looked at whether the changes have any equality and diversity implications and have not identified any.

10. Further Actions

If the Board agrees the recommendations, a short consultation will be undertaken and the details published on the ARB website for a period of two weeks, with any representations being brought back to the Board at its meeting on 19 December 2018 so that it can then make its final decision.