



Board Meeting 20 November
 2020
Agenda Item 26

Subject **Adjustments to ARB's General Rules – EU Exit Adjustments**
Purpose **For Decision**
From **Director of Professional Education**

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

1. Summary

[Note: This paper was written on 12 November 2020. Circumstances may have changed by the time of the Board meeting. If there has been a change in circumstances, the Executive will provide updates as appropriate.]

To consider the additions and adjustments that would need to be made to the General Rules in the event that the revised version of the Architects Act 1997, (which has been prepared should the UK and the EU be unable to reach an agreement by the end of the Implementation Period), comes into force from 1 January 2021.

To agree to publish a draft of the amended and additional Rules on ARB's website for a period of four weeks 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 circulated to the Board for consideration via write round, when the Board will be asked to finalise a revised version of its Rules.

2. Recommendations

It is recommended that the Board:

- i. Agrees the proposed additions and adjustments which need to be made to the General Rules as set out in **Annexes A and B**;
- ii. Agrees to publish the adjustments to the Rules on ARB's website for a period of four weeks to allow any interested parties the opportunity of providing any representations they wish to make in relation to the changes;
- iii. Notes that the details of any representations will be circulated to the Board for consideration via write round once the consultation has closed, when the Board will be asked to finalise a revised version of its Rules. The amendments and additions to the Rules would then become effective from the end of the Implementation Period and once the revised legislation becomes effective; and
- iv. Notes that a full, more in-depth review of the General Rules will be carried out in 2021.

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.

The Board will be aware that a revised version of the Act will become effective if the Implementation Period ceases without the UK and the EU having reached an agreement. In the event this legislation does become effective, we will need to make some minor adjustments to the General Rules as a result so that they will continue to align with the Act. As a result, and further to legal advice, we are recommending that the adjustments and additions outlined in **Annexes A and B** are considered and consulted upon. Annex A provides a tracked change version of the proposed adjustments to the Rules, whilst Annex B provides a clean copy of the Rules as they would look should the adjustments be included.

The adjustments solely relate to the revised version of the Act. No other changes have been included.

The Board may wish to note that a full, in-depth review of the General Rules is planned for 2021. A review of the Board's practical experience rule (Rules 15.3/15.4) will be undertaken as part of the Competence Review.

If the adjustments are not needed they will not be used, resulting in the relevant sections remaining unchanged.

- 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 in line with its [Code of Practice for Consultations](#).

It is recommended that the Board agrees to make the draft of the revised General Rules available on its website for a period of four weeks. We will alert people to the consultation through direct contact with relevant stakeholders, e.g., the RIBA, Schools of Architecture, our social media channels and our Ebulletin. The details of any representations received will then be circulated to the Board for consideration via write round, when the Board will be asked to agree a final version of the Rules.

Subject to the Board's agreement, the revised Rules would then become effective from 1 January 2020.

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 will ensure that the organisation and the Board can continue to operate under the Act.

8. Communication

The Board is making some additions and adjustments so that the organisation can continue to operate further to the end of the Implementation Period. The Board will issue, to relevant stakeholders, a draft of the revised General Rules for a period of four weeks to allow for any representations to be made. The details will be made available on ARB's website. We will also publicise the consultation via ARB's E-bulletin and social media channels. Any representations will be taken into consideration by the Board via write around before it makes any adjustments to the rules.

9. Equality and Diversity Implications

None identified.

10. Further Actions

If the Board agrees the recommendations set out in section 2 of this paper, a consultation will be undertaken and the details published on the ARB website for a period of four weeks, with any representations being brought back to the Board via write round so that it can then make its final decision.

A full, in-depth review of the General Rules will be undertaken in 2021.

A review of the practical experience rule (Rules 15.3/15.4) will be undertaken as part of the Competence Review.