



Subject Adjustments to ARB's General Rules – Temporary Appointments to the Board
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 on 020 7580 5861

1. Summary

To agree to add provisions to the General Rules which will allow the Board to deal with the temporary appointment of Board members should it need to and so that the Rules align with the requirements of the revised Architects Act 1997 which became effective on 7 January 2019.

2. Recommendations

It is recommended that the Board notes that no consultation responses were received and approves the additions to the General Rules as set out in **Annex A**.

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 7 January 2019, a revised version of the Architects Act 1997 came into force which made changes to the Act in relation to the constitution of the Board and the Professional Conduct Committee.

Schedule 1 of the Act states that:

'1.—(1) The Board is to consist of eleven members—

(a) a person appointed to be chair of the Board who is not registered in Part 1 of the Register;

(b) five other persons not registered in Part 1 of the Register, and (c) five persons

registered in Part 1 of the Register.

(2) The members are to be appointed by the Privy Council after consultation with the Secretary of State and such other persons or bodies as the Privy Council thinks fit.

(3) Rules made by the Board may make provision for the temporary appointment of a person to act as a member of the Board in such circumstances as may be prescribed.'

The Board may therefore make provisions for the temporary appointment to the Board in circumstances which it sets down in its rules under the legislation. In line with good governance practice, it would be prudent to make such rules in the event that the Board finds itself in a position whereby it needs to make a temporary appointment.

- 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](#).

The Board agreed at its meeting on 19 July 2019 to make the draft of the revised General Rules available on its website for a period of six weeks to allow interested parties to provide representations regarding the proposed adjustments. The details were made available on ARB's website on 22 July and the consultation period closed on 4 September 2019.

No consultation responses were received.

- iii. **Annex A** sets out the Board's proposed rules in this area which include the prescribed circumstances in which it could make a temporary appointment of a person to act as a member of the Board should it wish to do so.
- iv. The Board is asked to note that we will be undertaking a further review of the General Rules in their entirety later in 2019 to ensure that the rules remain fully aligned with the revised Architects Act 1997. The Board will also be asked at that point to consider adding further rules in relation to the temporary appointment of a chair, as well as any rule changes which may be required as a result of the UK's Exit from the EU in the event of a 'No Deal' exit occurring.

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 minor adjustments to its General Rules in order to comply with the provisions in Schedule 1 of the Architects Act 1997. The Board issued a draft of the revised General Rules for a period of six weeks to allow any interested parties to provide any representations they wish to make. The details were made available on ARB's website. We also publicised the consultation via ARB's E-bulletin and social media channels. Any representations will be taken into consideration by the Board at its meeting of 11 September 2019 before it makes any adjustments to the rules.

9. Equality and Diversity Implications

Equality, inclusion and diversity implications would need to be taken into consideration as part of any temporary appointment process.

10. Further Actions

If approved, the revised Rules will become effective immediately. We will update and publish the revised Rules on ARB's website following the Board's meeting on 11 September 2019.