



Appeals Committee

Proposed Appeals Committee Rules and changes to ARB's General Rules

Appeals Committee Rules

These Rules are made pursuant to section 21A, section 23 and paragraph 17B of Schedule 1 of the Architects Act 1997 (the “Act”)

1. Interpretation

1.1 In these Rules the words and phrases below shall, except where the contrary intention appears, have the following meanings:

“ARB” means the Architects Registration Board;

“Appeals Secretary” means the employee or employees of ARB designated from time to time by the Registrar to discharge the functions described in these Rules;

“the Board” has the same meaning as in Part I of the First Schedule of the Act;

“CPR” means the Civil Procedure Rules;

“Lay person” means a person other than a Registered Person;

“Register” “Registrar” and “Registered Person” shall have the same meaning as in the Act;

“Registrant” means a person whose name is on the Register;

“the Appeals Committee” is the Committee established pursuant to section 1(2A) of the Act;

“Initial decision” means a decision by ARB that is appealable to the Appeals Committee;

“Appellant” means a person who has submitted an appeal to the Appeals Committee;

“Eligible Member” means a member of the Appeals Committee who is a Legally Qualified Person;

“Legally Qualified Person” means:

(a) a person who for the purposes of the Legal Services Act 2007 is an authorised person in relation to an activity that constitutes a reserved legal activity (within the meaning of that Act);

(b) a solicitor or barrister in Northern Ireland; or

(c) a solicitor or advocate in Scotland.

2. Composition of the Appeals Committee

2.1 The Board shall appoint a minimum of five Members to the Appeals Committee at any time either to fill a casual vacancy or as an additional Member, in line with ARB’s appointments policy, and shall designate one or two Eligible Members as Chairs.

2.2 The Board may terminate the appointment of any Member at any time.

- 2.3 The quorum of the Appeals Committee is three which must include one designated Chair, at least one lay member and at least one Registrant Member.
- 2.4 Decisions will be by majority and the Chair will have a casting vote.
- 2.5 The Appeals Secretary will be responsible for convening meetings of the Appeals Committee and for the composition of a quorate panel of the Appeals Committee in relation to any particular appeal.

3. Making an appeal

- 3.1 Appeals must be made in writing electronically and addressed to the Appeals Secretary at the address provided on the ARB website.
- 3.2 The notice of appeal must attach all the documents relied upon by the Appellant in support of the appeal.
- 3.3 An appeal may be considered only following payment to the ARB of the appeal fee set annually by the Board and stated on ARB's website.
- 3.4 Appeals must be made within 28 days of the sending of written notice of the initial decision by post and electronically but this period may be extended if the Appellant produces evidence to the satisfaction of the Appeals Secretary that notice was not received in time to appeal.
- 3.5 No further appeal may be made in respect of a decision which has already been the subject of an appeal whether pending, determined or withdrawn.
- 3.6 The notice of an initial decision will include summary reasons and state:
- the time limit within which they can appeal;
 - the way in which an appeal can be made;
 - information about how to submit supporting evidence.

4. Screening of the appeal

- 4.1 The Appeals Secretary:
- a) will promptly acknowledge receipt of the appeal and indicate whether or not the appeal appears to them to be both in time and within the jurisdiction of the Appeals Committee and, if not, provide brief reasons and
- b) will indicate whether the form and information within the appeal is sufficient to allow the appeal to proceed and, if it is not, invite the Appellant to expand or amend the appeal documentation within 14 days of such notice

- c) will in the absence of jurisdiction, give written notice rejecting the appeal
- d) in the event that the Appellant fails to deal promptly with issues raised under rule 4.1(b) above to the satisfaction of the Appeals Secretary, may give written notice rejecting the appeal
- e) will otherwise convene the Appeals Committee to consider the appeal within three months of the receipt of the appeal or the compliance with rule 4.1(b) if later.

5. Proceedings of the Appeal Committee

- 5.1 The Appeals Committee may meet in person or electronically and may reach decisions on the papers alone where it considers it fair and appropriate to do so.
- 5.2 The Appeals Committee may direct the Appeals Secretary to require the Appellant to produce such additional documents as it considers reasonable or direct any other action which would have been available to the maker of the initial decision.
- 5.3 Appellants will generally not be able to make oral representations to the Committee but the Committee may exceptionally permit such representations where the Committee considers it essential to secure a fair and proper process.

6. Status of the Appellant while the appeal is being considered

- 6.1 For appeals against an initial decision involving an application for registration, the Appellant will remain unregistered pending the outcome of the appeal.
- 6.2 For appeals against an initial decision involving a Registered Architect, the Appellant will remain on the Register pending the outcome of the appeal.
- 6.3 The giving of notice of appeal does not extend any time limit in relation to any other step or action otherwise required of an Appellant.

7. Decisions

- 7.1 The Appeals Committee may make any decision that could have been made by the person who made the Initial decision.
- 7.2 The Appeals Secretary will send the Appellant written notice of the Appeals Committee's decision (the Decision Notice) within 7 days of the decision including:
 - a) the date of the decision
 - b) summary reasons

c) notice that a person may appeal to the High Court or, in Scotland, to the Court of Session if they are aggrieved by a decision of the Appeals Committee under section 21A Architects Act 1997 on their appeal; and that such an appeal must be made not later than three months after the date on which notice of the decision concerned is served on the person.

8. Service of Decision Notice

8.1 The Decision Notice may be served by any of the methods referred to in CPR 7.5 and shall be deemed served on the second business day after completion of the relevant step under CPR 7.5(1) notwithstanding rule 8.1 service by post to an address outside the UK shall be deemed served on the fifth business day after completion of the relevant step under rule 7.5(1).

9. Withdrawal of appeals

9.1 An appellant may withdraw their appeal at any time by written notice to the Appeals Secretary and upon receipt of such notice the Appeals Secretary will confirm that the appeal has been withdrawn.

10. Refund of appeal fee

10.1 The Appeals Committee may, if it considers that the appellant has been substantially successful in the appeal, direct that ARB refund the appeal fee.

10.2 In the event that an Appellant withdraws their appeal, no refund of the appeal fee will be made unless the Appeals Committee is satisfied both that a refund in whole or in part would be reasonable and that in the absence of a refund the Appellant would suffer financial or other hardship.

11. Adjustments

11.1 The Appeals Secretary in consultation with a Chair of the Appeals Committee may make any reasonable adjustment to the procedure or requirements of these Rules where such adjustment is required to comply with a legal duty or where procedural fairness requires in the particular circumstances such an adjustment.

ARB General Rules

Proposed changes (highlighted) to the Rules in order to accommodate the new Appeals Committee:

14. The Professional Conduct Committee, Appeals Committee and other Committees
- 14.1 For the purposes of paragraph 17 of Part III of the First Schedule of the Act, the Board will appoint members of the Professional Conduct Committee for such terms as the Board may determine but may not appoint a person who is or has been a member of the Board.
- 14.2 For the purposes of paragraph 17B of Part 2A of the First Schedule of the Act, the Board will appoint members of the Appeals Committee.
- 14.2 For the purposes of paragraph 21 of Part III of the First Schedule of the Act, in respect of Committees established by the Board (excluding the Professional Conduct Committee and the Appeals Committee established by Statute):
 - a. the term of office of members appointed to a Committee shall be as determined by the Board for that Committee;
 - b. where a Board member ceases to be a member of the Board, they shall immediately cease to be a member of any Committee to which they have been appointed by the Board unless the Board decides to appoint them to the Committee as a non-Board member;
 - c. the Board shall appoint a Chair of each Committee from among its members to preside at meetings, unless the Board determines that the Committee may appoint its own Chair, and in the event of a tie, he or she shall have an additional casting vote;
 - d. save as otherwise provided by Statute or Rules, the quorum for any meeting of the Committee shall be not less than half the number of members of that Committee, but the Board may determine a greater quorum;
 - e. a casual vacancy arising on the Committee shall be filled by the Board;
 - f. a Committee shall regulate its proceedings as far as possible in accordance with these Rules in respect of the smooth running of the meeting, voting and minutes, save that reference to the Chair shall refer to the Chair of the Committee. Committees shall determine the times, dates and place of their meetings;
 - g. every Committee established by the Board shall report its proceedings in writing to the Board;
 - h. a Board member may attend the meetings of any Committee of which they are not a member as an observer, provided their attendance is in the interests of furthering the Board's work and the Chair of the Committee is notified in advance. Observers shall have no right to speak at the meeting;

i. the Terms of Reference of each Committee shall be decided by the Board, and reviewed by both the relevant Committee and the Board as directed by the relevant Chair

14.3 In the event of a conflict between these Rules and the Professional Conduct Committee Rules, the Professional Conduct Committee Rules shall prevail.

14.4 In the event of a conflict between these Rules and the Appeals Committee Rules, the Appeals Committee Rules shall prevail.