



Subject Adjustments to ARB's General Rules – Temporary Appointments to the Board

Purpose For Decision

From Head of Qualifications & Governance

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1. Summary

To consider adding 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. To agree to publish a draft of the additional Rules on ARB's website for a period of 6 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 brought back to the Board for consideration at its meeting of 11 September 2019, 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 additions which need to be made to the General Rules as set out in **Annex A**;
- ii. Agrees to publish the additional Rules on ARB's website for a period of six weeks 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 11 September 2019, when the Board will be asked to finalise a revised version of its Rules. The additions to the Rules would then become effective immediately.

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.

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.

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 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.

- 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 six weeks. The details of any representations received will then be brought back to the Board for consideration at its meeting of 11 September 2019. Subject to the Board's agreement, the revised Rules would then become effective on the date of approval.

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 will issue 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 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 at its meeting of 11 September 2019 before it makes any adjustments to the rules.

9. Equality and Diversity Implications

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

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 six weeks, with any representations being brought back to the Board at its meeting on 11 September 2019 so that it can then make its final decision.