

ARB's General Rules

1. Commencement

1.1 These rules shall be known as the 'Architects Registration Board General Rules' and are made under section 3(2A), section 23(1), paragraph 1(3) of Part I, paragraph 4(3) of Part I, paragraph 7(1) of Part I, paragraph 10 of Part I, paragraph 12, paragraph 14(3) of Part II, paragraph 17 of Part II, paragraph 17B of Part 2A, paragraph 23 of Part IV to Schedule 1 of the Act.

1.2 These rules shall take effect on **[insert commencement date]**.

2. Interpretation

2.1 In these rules the expression:

'the Act' shall mean the Architects Act 1997 (as amended);

'the ARB' shall mean the Architects Registration Board;

'the Board' shall mean the board of the ARB, as referred to in Part I of Schedule 1 of the Act;

'the Chair' shall mean the Chair of the Board;

'Lay member' shall mean a member of the Board who is not registered in the Register;

'Registrant' shall mean a person registered in the Register;

2.2 The Interpretation Act 1978 shall apply for the purpose of interpretation of these rules as it applies for the purpose of interpretation of an Act of Parliament.

3. Meetings of the Board

3.1 In respect of meetings of the Board:

(a) ordinary Board meetings shall be held at intervals of no greater than four months;

(b) a special meeting of the Board for a specified purpose may be held if called for by:

(i) the Registrar, where the Registrar believes it is appropriate to do so;

(ii) a written request of at least four members of the Board; or

(iii) the Chair;

(c) at least five days' notice, or such lesser notice as the Registrar exceptionally considers reasonable in the circumstances, shall be given to all Board members for a special meeting;

(d) by the end of each calendar year, the Registrar shall publish a schedule of meetings, approved by the Board for the following year;

(e) the Board may amend the schedule of meetings at any time and, if it does so, the Registrar shall publish an amended schedule as soon as practicable.

4. The Agenda of the Board

- 4.1 The agenda shall be drawn up by the Registrar after consultation with the Chair.
- 4.2 A Board member may request an item be placed on the agenda for a meeting, but the Chair shall have the final decision on the agenda.
- 4.3 The agenda and supporting papers shall be circulated to Board members at least ten days in advance of the meeting. Where papers are submitted late, the Registrar shall give reasons in writing to the Board.
- 4.4 Late papers shall be provided as soon as possible.
- 4.5 The method of distribution of the agenda and papers shall be determined by the Registrar.
- 4.6 The agenda and papers for the open part of the Board meeting shall be available on the Board's website at least three days before the meeting or in the case of late papers, as soon as practicable after circulation to the Board.

5. Quorum of the Board

- 5.1 If a quorum of Chair, three Registrant and three lay members, is not present at the start of the time appointed for the meeting, that meeting shall nonetheless undertake the business before it.
- 5.2 A decision is made at a quorate meeting if a quorum is present at the time the decision is made.
- 5.3 Unless the Board decides otherwise, a decision shall take effect when made by a quorate Board.
- 5.4 Decisions when a quorum is not present shall be submitted to the next quorate meeting of the Board for recording.
- 5.5 Without prejudice to the requirement for a quorum to be present, the Chair may permit Board members to participate in meetings and vote by way of telephone or video conference where it is in the interests of the effective conduct of the Board's business to do so.

6. The running of Board meetings

- 6.1 It will be the responsibility of the Chair to:
- (a) decide on the order in which the Board members will speak, ensuring that adequate views are sought to make decisions and that members are given the opportunity to speak;
 - (b) determine which matters are or are not relevant to the business of the meeting;
 - (c) determine whether a vote is required;
 - (d) ensure the orderly conduct of business; and
 - (e) adjourn the meeting if necessary and determine the appropriate period for adjournment.
- 6.2 The order of business shall follow the agenda issued, unless otherwise directed by the Chair.

6.3 The Board may decide to accept items in addition to those included within the agenda if such additional business is proposed to be included by the Chair.

6.4 The Chair shall determine whether a vote is required and, if so, state the terms of the decision proposed to be voted upon.

6.5 Any recommendation may be amended by a majority of the Board.

6.6 A vote on an amended recommendation shall be held where the amendment is seconded by another member.

6.7 In the event of more than one seconded proposal for amendment, the Chair shall determine the order in which amendments are discussed and voted upon.

6.8 In the case of an equal number of votes, the Chair shall have a second or casting vote.

6.9 The Registrar, or another senior employee of the ARB if the Registrar is unavailable, shall attend all Board meetings and may address the Board on any item.

6.10 The Registrar, or another senior employee of the ARB attending in the Registrar's place, may be asked to withdraw for individual agenda items by the Chair.

6.11 Members of staff of the ARB may be invited to address the Board.

7. Rescinding of Board decisions

7.1 No proposal from any Board member, other than the Chair, to alter or rescind a decision which has been made by the Board within the preceding six months shall be accepted by the Chair for inclusion within the agenda unless it follows written notice to the Chair which includes, in addition to the name of the member who makes the proposal, the names of three other members in support.

8. Minutes of Board meetings

8.1 The minutes of all Board meetings shall include:

- (a) the names of every Board member present;
- (b) the names of any other person participating in the meeting;
- (c) apologies tendered by any Board member;
- (d) any declaration of interest; and
- (e) the withdrawal from the meeting of any Board member on account of a conflict of interest.

8.2 The minutes shall be limited to a brief summary of the reasons for any decision in relation to a vote which has been taken.

8.3 Following each meeting, draft minutes shall be circulated to all Board members for their comments.

9. Decisions outside of meetings

9.1 The Board or any Committee of the Board established under Part III of Schedule 1 of the Act, may make a decision other than at a meeting of the Board or the Committee if:

(a) the Chair, or in the case of a Committee the Chair of that Committee, shall have approved the proposed decision as appropriate for consideration without a meeting, and shall have set out the time within which a decision is required; and

(b) the proposed decision and relevant papers, if any, have been communicated to all Board or Committee members as the case might be by the Registrar or other member of the ARB's staff.

9.2 Voting will be by written or electronic communication and any decision made in this way is to be notified to all Board or Committee members thereafter, as the case might be.

9.3 A decision is made outside a meeting if a quorum approves the decision and, unless the Board decides otherwise, a decision shall take effect when so approved.

9.4 Decisions made outside a meeting shall be submitted to the next quorate meeting of the Board for recording.

10. Board and Committee Members' Expenses

10.1 Members of the Board, the Professional Conduct Committee, Appeals Committee or any other Committee established by the Board, may be paid a fee for attendance at meetings of the Board or its committees, and travelling and subsistence allowances, at rates agreed by the Board.

10.2 Fees and allowances shall be reviewed by the Board periodically and the Board will publish information in relation to fees paid on the ARB's website.

11. Delegated Authority

11.1 The Registrar shall have such functions as are:

(a) provided for by the Act; or

(b) directed by the Board.

11.2 The Registrar may delegate any of the functions in rule 11.1 to a member of the ARB's staff in accordance with a scheme of delegation approved by the Board.

12. Board Members

12.1 The Board shall consist of eleven members, a chair, five lay members and five Registrants.

12.2 The Chair and Board members are appointed by the Privy Council in accordance with the requirements of Part I of Schedule 1 of the Act and the Transitional Arrangements detailed in article 7 of the Architects Act 1997 (Amendments etc.) Order 2018.

12.3 The Board will designate one of its members as Senior Independent Board Member in accordance with the role description approved by the Board from time to time.

13. Temporary appointments

13.1 The Board may make a temporary appointment of a person to act as a member of the Board in the event of any vacancy, however arising, but that appointment will cease on the earliest of:

- (a) that person's resignation or their removal from the Board under Rule 14;
- (b) the relevant vacancy is filled in line with paragraph 1(2) of Part I of Schedule 1 of the Act);
- (c) the expiry of a period of one year from the date of the temporary appointment; or
- (d) the completion by the appointee of the maximum period of membership permitted by paragraph 5(2) of Part I of Schedule 1 of the Act.

13.2 The Board may extend the expiry period applying to a temporary appointment for the purposes of Rule 13.1(c) on not more than two occasions, by a period of not more than six months on each occasion.

13.3 Where a temporary appointment is proposed the Board shall form a selection panel consisting of three Board members, including the Chair, to identify candidates, conduct a selection process and report to the Board with recommendations.

13.4 The Board may appoint a person to act as the Chair for any period when:

- (a) there is no person appointed under paragraph 1 of Part I of Schedule 1 of the Act; or
- (b) in circumstances in which on any occasion or for any period the person so appointed is absent or unable for any reason to discharge their responsibilities.

13.5 A person appointed under rule 13.4:

- (a) may be an existing member of the Board or some other person; and
- (b) shall not be a Registrant .

13.6 An existing eligible Board member who has consented to act may be appointed under rule 13.4 by a resolution of the Board which has been proposed and seconded.

13.7 Alternatively the Board may form a selection panel consisting of three Board members, excluding the Chair, to identify candidates, conduct a selection process and report to the Board with recommendations.

13.8 The Board may limit the temporary appointment to any period or occasion and may at any time remove the temporary Chair and appoint another person.

13.9 A person appointed as temporary Chair may resign as such at any time.

13.10 The appointment of a temporary Chair will cease in the circumstances set out in rule 13.1.

13.11 The Board may extend the expiry period applying to a temporary appointment of a Chair for the purposes of 13.1(c) on not more than two occasions, by a period of not more than six months on each occasion.

14. Removal of Board Members

14.1 A Board member may be removed by a majority vote of the Board in the event that:

- (a) the individual is absent without permission of the Board from three consecutive meetings of the Board;

(b) a Board member is likely to be absent from the Board or Committee meetings for a period exceeding six months;

(c) the individual is a Registrant member who has ceased to be a Registrant; or

(d) the individual is a Registrant member who has been found guilty by the Professional Conduct Committee of unacceptable professional conduct or serious professional incompetence.

14.2 A Board member may be removed by a majority vote of the Board in the event that, in the reasonable opinion of the Board, they:

(a) are, having considered all reasonable adjustments, incapable of discharging their responsibilities as a Board member by reason of physical or mental illness;

(b) have materially failed to discharge, or have breached, their duty as a Board member;

(c) are unfit by reason of misconduct, either as a Board member or otherwise, to continue as a member of the Board; or

(d) have unreasonably conducted themselves so as materially to obstruct the proper and efficient discharge by the Board of its statutory duties;

14.3 In considering the application of the grounds in Rule 14.2, the Board take into account any facts or matters whether occurring before or after these Rules come into force.

14.4 No decision to remove a Board member shall be made unless:

(a) written notice of the intention to propose it, with particulars of the grounds relied upon have been given to the Board member not less than 21 days prior to the relevant meeting of the Board;

(b) the Board member has been invited by the Registrar to provide written representations for circulation to all members, such representations to be provided within 14 days of the notice referred to in rule 14.4(a) ; and

(c) the Board member has been provided with a reasonable opportunity to make oral representations to the Board.

14.5 A Board member in relation to whom such a decision is made ceases to be a member for all purposes immediately.

14.6 For the purpose of this rule, a majority vote shall mean a majority of Board members voting disregarding abstentions.

15. Common seal

15.1 The Common Seal of the Board shall be authenticated by:

(a) being affixed only at the direction of the Board, by a member of the Board or the Registrar; and

(b) attested by the signatures of the person who affixed it and another person who is either:

(i) a member of the Board; or

(ii) a member of the Board's staff.

16. The Professional Conduct Committee, Appeals Committee and other Committees

16.1 The Board shall appoint members of the Professional Conduct Committee and Appeals 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.

16.2 In respect of Committees established by the Board:

(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 has been appointed to any Committee and then 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 to preside at meetings;

(d) save as otherwise provided by statute or rules, the quorum for any meeting of any Committee shall be not less than half the number of members of that Committee, but the Board may determine a greater quorum;

(e) appointment to a casual vacancy arising on any Committee shall be made 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;

(g) the times, dates and place of meetings shall be determined by the relevant Committee;

(h) every Committee established by the Board shall report its proceedings to the Board by providing copies of its minutes and an annual report;

(i) 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, though as an observer they shall have no right to speak at the meeting;

(j) the Terms of Reference of each Committee shall be decided by the Board and reviewed by the Board from time to time.