

# ARB's Registration Rules

## 1. Commencement

1.1 These rules shall be known as the 'Architects Registration Board Registration Rules' and are made under section 3(2A), (3), section 4(1)(a), (1A), (2), section 6(1), (2), (3), section 6A, section 8(1), (2), (3), section 9(1), (3), section 18(2)(b), (3), (4), section 20(4) and section 23(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 ARB's portal' shall mean the online platform approved by the Board for the purpose of managing registration;

'disclosable criminal conviction or caution' shall mean a caution or conviction other than one which a person is entitled by law not to disclose;

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

'retention fee' shall mean the fee required by the ARB each calendar year under section 8(1) of the Act for the purposes of a Registrant retaining their name 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 to an Act of Parliament.

## 3. Applications for Registration or Re-entry

3.1 An applicant for registration or re-entry to the Register shall via the ARB's portal:

(a) complete the ARB's relevant form of application;

(b) any declaration required by the ARB;

(b) supply the evidence required by the ARB as appropriate to the section of the Act upon which the application is based;

(c) provide contact details in the form of their home address and an email address at which they can be contacted for the purposes of registration; and

(d) make payment of any prescribed fee.

#### 4. Qualifications and practical experience

4.1 The qualifications and practical experience prescribed by the ARB pursuant to section 4(1)(a) of the Act are that the person:

(a) holds qualifications listed in Schedule 1 of these rules at the date conferred on the applicant at:

(i) Part 1, Part 2 and Part 3; or

(ii) masters and postgraduate diploma level; and

(b) has recently completed a minimum of 24 months' practical experience under the direct supervision of a professional working in the construction industry which should include at least 12 months working in a Relevant European Territory, under the direct supervision of an architect.

4.2 Schedule 1 is published on the ARB's website.

4.3 For the purpose of this rule:

'months' shall mean calendar months of full time working, comprised of at least 20 hours a week. Reasonable time off for holidays and illness may be included in this period. Where the work is less than 20 hours per week, applicants will be expected to complete a commensurately longer period of experience;

'practical experience' shall mean experience which consists of activities which would typically be undertaken by an architect in practice;

'recently' shall mean at least 12 of the 24 months' experience should have been undertaken in the two years immediately before taking the Part 3 exam;

'direct supervision' shall mean the person supervising should have responsibility for and control over the work being undertaken;

'professional working in the construction industry' shall mean an architect registered in the territory where the experience is being undertaken, or a chartered or similarly qualified member of an appropriate professional body. The 'construction industry' will include qualified professionals;

'Relevant European Territory' shall mean the British Islands (the United Kingdom, the Channel Islands and the Isle of Man), States in the European Economic Area (EEA) and Switzerland;

'typically' shall mean involved in the procurement, design and management of the built environment.

#### 5. Prescribed Examinations

5.1 The examination in architecture prescribed by the ARB pursuant to section 4(2) of the Act, for determining competence pursuant to section 4(1)(b) of the Act, shall be one or more of the following:

(a) an examination conducted by the ARB or a Committee established by the Board;

(b) an examination in any subject area nominated by the ARB at final level conducted by a learning provider which awards a prescribed qualification;

(c) any other examination which the ARB may approve for this purpose; or

(d) any oral or written examination carried out under such procedures as the ARB may establish.

5.2 For the purpose of this rule, a 'learning provider' shall mean a qualifications provider listed in Schedule 1.

## **6. Recent practical experience and training – entry to the register**

6.1 Any person who falls within the categories described in:

- (a) section 9(1)(a) of the Act;
- (b) section 9(1)(b) of the Act, who is seeking re-entry under section 8 after being not entered in the Register for more than two years; or
- (c) section 9(1)(c) of the Act,

must have gained such recent practical experience and training as prescribed by the ARB in this rule.

6.2 The prescribed practical experience and training for the purposes of this rule shall be that the person has undertaken activities in the practice of architecture, during the period of two years immediately prior to the application, as are sufficient in the opinion of the ARB to maintain their competence to practise in respect of their work.

## **7. Continuing professional development – retention on the register**

7.1 For the purpose of a person falling within section 9(1)(b) of the Act who wishes their name to be retained in the Register, the prescribed recent practical experience and recent training shall be that contained in the Scheme for Continuing Professional Development published on the ARB's website.

7.2 In the case of a person falling with section 9(1)(b) of the Act who wishes their name to be retained in the Register:

- (a) a Registrant shall record their continuing professional development activities in compliance with the Scheme for Continuing Professional Development on the ARB's portal or another recording system recognised by the Board;
- (b) when required by the ARB, a Registrant shall declare whether they are:
  - (i) complaint with the scheme; or
  - (ii) seeking to defer submission;
- (c) the ARB may review a Registrant's CPD record annually.

7.3 Upon review of a Registrant's CPD record, the ARB may assess them as being:

- (a) compliant with the scheme;
- (b) requiring some further work to become compliant; or
- (c) not compliant.

7.4 In the case of a person assessed as being not compliant with the scheme under rule 7.3(c), the ARB shall within 28 days serve written notice under section 9(1)(b) of the decision not to retain them in, or remove them from, the Register.

7.5 Where a written notice is served informing a Registrant under section 9(1)(b) of a decision not to retain them in, or remove them from, the Register that notice shall inform the person of their right to appeal the decision to the Appeals Committee within 28 days of date of the notice.

7.6 Where a Registrant does not make their record available under rule 7.2(c), the ARB may determine it cannot be satisfied they have gained the recent practical experience or recent training prescribed in rule 7.1 or that they are competent to practise.

7.7 A decision under section 9(1)(b) shall take effect:

(a) in circumstances where a Registrant has applied to the ARB under section 9(3)(a) within 14 days of the written notice being served, after:

(i) the circumstances in section 9(3)(b) are satisfied; and

(ii) the expiration of the appeal period in rule 7.5;

(b) in circumstances where a Registrant has not applied to the ARB under section 9(3)(a) within 14 days of the written notice being served, upon the expiration of the appeal period in rule 7.5; or

(c) where an appeal has been submitted, upon the determination or abandonment of that appeal.

7.8 A person falling within section 9(1)(b) who wishes their name to be re-entered in the Register under section 8 having been not re-entered in, or removed from, the Register following a notice under section 9(2), must satisfy ARB that they are competent to practise in the manner specified to them by ARB.

7.9 For the purposes of this rule:

'continuing professional development activities' and 'the scheme' shall be construed in accordance with the Scheme for Continuing Professional Development published on the ARB's website and prescribed at rule 7.1; and

'CPD record' shall be construed in accordance with the recording of continuing professional development activities referred to in rule 7.2(a).

## **8. Renewal of registration**

8.1 A Registrant wishing to retain their registration shall via the ARB's portal:

(a) complete a declaration, including confirmation of:

(i) compliance with the standards of professional conduct and practise expected of registered persons, including receipt of any disclosable criminal convictions or cautions; and

(ii) compliance with the scheme referred to at rule 7.1;

(iii) having provided the ARB with an email address at which they can be contacted for the purposes of registration and undertaking to update the ARB should that email address change; and

(b) make payment of any prescribed fee.

8.2 For the purposes of this rule, 'disclosable criminal conviction or caution' shall mean a caution or conviction other than one which a person is entitled by law not to disclose.

## **9. Removal of registration – request**

9.1 Any Registrant who requests the removal of their name from the Register pursuant to section 3(3) of the Act, shall apply via the ARB's portal stating the grounds on which the application is made.

9.2 Any Registrant who requests the removal of their name from Register shall not be entitled to have their retention fee, or any part thereof, refunded.

9.3 Removal may be deferred where allegations of unacceptable professional conduct or serious professional incompetence are outstanding.

## **10. Removal of registration – non-payment of retention fee**

10.1 Upon sending a written demand for payment of a retention fee by email or post, where a Registrant fails to pay:

(a) within 60 days; or

(b) in the case of a Registrant who has had their name re-entered in the Register following a suspension order under section 17 of the Act, within 14 days,

the Registrar may remove their name from the Register.

10.2 For the purposes of section 8(3) of the Act, re-entry to the Register following removal for non-payment of the retention fee shall be subject to payment of the retention fee and a further fee as determined by the ARB.

10.3 The Registrar may, at their discretion, waive the whole or part of the further fee referred to in rule 10.2 after consideration of the circumstances affecting any particular case.

## **11. Removal of registration – fraud or error**

11.1 If the Registrar is satisfied that an entry in the Register has been obtained fraudulently or otherwise incorrectly made, the Registrar may remove the name of that person from the Register.

11.2 Where the Registrar decides to remove a person's name from the Register under this rule, the Registrar shall serve on that person notification of the reasoned decision and of their right to appeal within 28 days against the decision to the Appeals Committee.

11.3 A decision to remove an entry under this rule, shall take effect:

(a) upon the expiration of the appeal period specified in rule 11.2; or

(b) where an appeal has been submitted, the determination or abandonment of that appeal.

## **12. Re-entry to the Register following – failure to notify change of address**

12.1 In relation to any person applying for re-entry to the Register following removal under section 11 of the Act, the Registrar may waive or vary:

(a) the requirements of rule 3; or

(b) any procedures operated by the Board to establish an applicant's standard of competence for the purposes of section 4(1)(b) of the Act.

### **13. Re-entry to the Register following an erasure order**

13.1 A person seeking re-entry to the Register following removal by way of an erasure order must apply in a manner directed by the ARB.

13.2 Before the Board directs a person's re-entry to the Register, it shall consider the recommendation made to it by the Registrar.

13.3 The Board shall not direct a person's re-entry to the Register unless it is satisfied they have the recent practical experience and training prescribed under rule 6.1.

13.4 The prescribed period for the purposes of section 18(2)(b) of the Act shall be one year unless otherwise directed by the Board.

13.5 The prescribed period for the purposes of section 18(3) of the Act shall be 28 days.

### **14. Fees**

14.1 The amounts payable as fees under sections 6(1), 6(2), 6A(2), 8(1), 8(3), 18(4), 21A(2)(c) of the Act and shall be published by the ARB on its website.

14.2 For the purposes of section 8(1) of the Act, the retention fee shall be determined by the Board, and if there is any change to the fee, it shall be notified and circulated to architects in the October preceding the year in which a change takes place.

14.3 The method of payment shall be via the ARB's portal and where payment is made by other means the ARB may charge an additional fee on a cost recovery basis.

### **15. Publication of disciplinary orders**

15.1 Disciplinary orders made in relation to a registered person shall be shown in the Register for the following periods:

(a) where a Reprimand has been imposed, one year from the date of the decision of the Professional Conduct Committee;

(b) where a Penalty Order has been imposed, two years from the date of decision of the Professional Conduct Committee;

(c) where a Suspension Order has been imposed, two years following the end of the period of suspension.

### **16. Bodies Corporate, Firms and Partnerships**

16.1 Section 20(3) of the Act shall not be applied to any body corporate, firm or partnership unless it has provided to the Registrar the following current information:

(a) the practising name and address of the body corporate, firm or partnership;

(b) the names and addresses of the relevant Registrants and the addresses of the business premises at which they are in full time attendance;

(c) the address of any other premises at which business is conducted by the body corporate, firm or partnership; and

(d) certification by a Registrant that all work, so far as it relates to architecture, undertaken at any premises of the body corporate, firm or partnership is under the control and management of a Registrant.

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