

# Board Paper

for Open session

Subject:

General and Registration Rules

Board meeting:

16 July 2024

Agenda item: 7

Action:

- For noting
- For discussion
- For decision

## Purpose

To consider and approve proposed amendments to the General Rules, as well as the new Registration Rules and Continuing Professional Development Rules, for consultation.

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## Recommendations

It is recommended that the Board agrees to consult on:

- i. the draft General Rules at Annexe A; and
  - ii. the draft Registration Rules at Annexe B
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## Annexes

Annexe A – Proposed General Rules

Annexe B – Proposed Registration Rules

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## 1. Open Session

1.1. This paper is being taken in Open Session.

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## 2. Background and Key points

- 2.1. Section 23(1) of the Architects Act 1997 provides that the Board may make rules for carrying out or facilitating the purpose of the Act. The Act further dictates that where the legislation requires ARB to 'prescribe' any of its provisions, it means that provision must be put into a rule. Before finalising any rule, ARB must publish a draft and allow anyone to whom the rule might apply to make representations on it.
- 2.2. We believe that it is important that the Board makes a series of changes to the General Rules and to move the registration related rules to a new and separate document in order to accommodate the pathways to registration and to deal with the new Continuing Professional development (CPD) model. Creating separate sets of rules will allow clear and robust governance mechanisms to be in place that provide details of the Registration process and the Continuing Professional development (CPD) model in dedicated areas. It will also allow more transparent scrutiny and understanding of our proposed processes.
- 2.3. Before changes can be made to ARB's Rules, a consultation must be undertaken in line with the Act to allow representations to be made. It is proposed therefore that the details are published on the ARB website shortly after the Board's meeting on 16 July 2024 for a period of six weeks to allow interested parties the opportunity to make representations in relation to the proposed changes to the revised Rules. We have sought external legal advice which confirms that the six-week consultation period is appropriate for a consultation of this nature given that it is technical. The proposed revised Rules are intended to implement policy on which we, or the government, have already consulted and as such the topic of the consultation is whether the draft text successfully implements our policy intent, not the merits of the policy itself.

### **Proposed Revisions to the General Rules**

2.4 The General Rules are an important part of the governance structure which underpin the operation of the organisation. The overarching information in the

General Rules focuses in particular on the Board, its committees and governance framework of the organisation.

2.5 We propose that the Registration-related Rules which were included in the General Rules be removed and relocated within new Registration Rules. The remaining proposed revisions to the General Rules are minor in nature as set out in **Annexe A**. No policy adjustments have been proposed. In summary, the main revisions are as follows:

- Rule 4 – Adjustments have been made to simplify and clarify the wording regarding the development and agreement of the Board’s meeting agendas and to reflect current practice regarding the issuing of the Board’s papers to the Board.
- Rule 9 – Decisions outside of meetings: we are proposing amendments to simplify and clarify how the Board makes decisions outside of a Board or Committee meeting.
- Section 11 – Delegated Authority: the wording has been simplified and clarified.
- Rule 16 – Professional Conduct Committee, Appeals Committee and other committees: the wording has been simplified and has been adjusted to reflect current practices.

A series of additional minor ‘housekeeping’ adjustments to the General Rules to streamline them and reflect the relevant elements of legislation upon which the rules are based have also been proposed.

## **2.6 Proposed Registration Rules**

The new Registration Rules are set out in **Annexe B**.

2.7 Most of the new rules deal with the registration, retention and re-entry of architects onto the Register, and are simply being tidied up and moved across from the General Rules.

2.8 There are however a small number of new rules which either reflect recent ARB policy or legislative changes.

2.9 Rule 8 deals with the information that an architect must provide annually to retain their name on the Register. That information will include (alongside their CPD declaration which is dealt with below) a confirmation of their commitment to the standards of conduct and practice laid down in the Architects Code, a declaration of any disclosable criminal convictions, and confirmation that their contact details remain accurate. This rule elevates the renewal of registration beyond the simple

financial transaction of paying a fee – it is a commitment to ongoing professionalism and is consistent with the approach of other professional regulators.

- 2.10 The Registration Rules also provide that applications for registration, for renewal and for re-entry to the Register must be made via the MyARB portal. This is a policy previously agreed by the Board, and provides applicants and architects with increased efficiency, additional security for their personal and financial information, and saves processing costs that must otherwise be generally absorbed by the profession through higher retention fees. We must comply with the Equalities Act 2010 and reasonable adjustments will be provided if necessary.
- 2.11 Rule 10 provides that ARB can send the annual retention fee notice by email. Sending the 43,000 fee demands by electronic means will save an estimated £60,000 each year, along with being a more sustainable approach that avoids printing and postage. This is based on the cost to produce notices, manage those returned as undelivered, and send reminders.
- 2.12 Rule 11 provides ARB with the power to remove an architect from the Register where their entry has been because of fraud or error. This is a new provision, but common in other professional regulators, and prevents the need to admit someone to the Register, and immediately commence costly and protracted disciplinary investigations. Any such removals would be subject to the oversight of ARB's Appeals Committee.

#### Continuing Professional Development

- 2.13 Rule 7 contains provisions to formalise the requirement for all architects to comply with the Scheme for Continuing Professional Development, as previously agreed by the Board. This requirement is anchored within section 9 of the Architects Act, as amended by the Building Safety Act 2022.
- 2.14 The Rules clarify that an architect's CPD must be recorded on the MyARB platform or another recording platform specified by ARB (at present the only other recording platform specified has been that of the RIBA).
- 2.15 Architect's CPD records are subject to periodic review, and those who are not compliant with the scheme will be removed from the Register, after being provided with sufficient notice and informed of their rights of appeal to the Appeals Committee.

- 2.16 The Rules further provide ARB with a power to set out the evidence an individual who has been removed for CPD failure must provide to be reinstated to the Register.
- 2.17 It is important to note that under the timing of the Scheme, no architects will be removed from the Register for CPD failings until the start of 2026.
- 2.18. The Board is therefore asked to agree the proposed adjustments to the General Rules and the new Registration Rules, and CPD Rules, for consultation.
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### 3 Resource Implications

- 3.1 External legal advice has been sought in relation to the proposed revision of existing rules and the creation of new rules; provision for this review is covered by the Governance Department's 2024 budget.
- 3.1 The review of the General Rules, drafting of the Registration Rules and CPD Rules has required staff time. Staff across the organisation have worked with external advisers to review and draft the rules, and to stress test the rules before they reached the Board for consideration.
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### 4 Risk Implications

- 4.1 It is imperative that the Board's General Rules align with the relevant legislation and set an appropriate governance framework out for the organisation under the Architects Act 1997. Any lack of alignment could impact on 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 effectively under the Act.
- 4.2 The Architects Act is a comparatively thin piece of legislation, containing little detail of how it is to be implemented. While this gives ARB a degree of latitude in how it delivers its statutory obligations, it does provide scope for disagreement over legislative interpretation. This is why receiving sound legal advice and undertaking consultation is particularly important.
- 4.3 The accepted legal principle is that rules must not contradict anything contained within the statute, but can provide detail on how the intent of the Architects Act can be delivered in practice. Where the rules provide ARB with powers which are not specified in the Act, we have sought legal advice on the appropriateness of including them.

4.4 In particular, the powers to remove a fraudulent entry from the Register, and the power to send retention fee invoices by email only are open to a certain degree of judicial interpretation. The legal advice we have received provides confidence that the proposals are lawful and anchored within the statute, and we believe that both are in the public interest and would be welcomed by the profession. Nevertheless, the risk of legal challenge exists with any Rule making provision, and an important way of mitigating that risk is by openly consulting on the proposed changes.

4.5 Undertaking an effective consultation and allowing those to whom the rules will apply to make representations will allow for objections to be raised and amendments to be suggested, and the for the Board to consider those representations before finalising any provisions with additional confidence.

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## 5 Communications

5.1 The draft Rules will be published shortly after the 16 July 2024 Board meeting for a full public consultation as detailed under 2.3 of the paper. The consultation will run for six weeks, a reduced period compared to our strategic consultations (on CPD and education, for example) as the Rules consultation is technical in nature.

5.2 Whilst we expect the respondent base to be a relatively small one, we will still ensure the consultation is promoted widely through ARB Insight and social media, so that anyone with an interest has an opportunity to learn about the consultation and respond. We will also explain the draft Rules changes on our website, to help people understand the meaning and regulatory implications of the technical and often legalistic language.

5.3 The consultation questions will be centred on the proposed new powers contained within the Rules, and on whether the Rules accurately reflect the powers ARB already has. The consultation document and questions will be shared with the Board prior to publication.

5.4 Subject to the Board's approval following consultation, the revised and new sets of Rules will need to be published on ARB's website.

5.5 The consultation outcomes and updates to the relevant Rules will be brought to the Board at its meeting on 9 October 2024. Subject to the Board's approval, the revised General Rules and Registration Rules, including the CPD Rules will be published and

become effective on a date to be agreed by the Board. The aim is to ensure that these Rules are in place by end of 2024.

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## 6 Equality and Diversity implications

- 6.1 The EDI implications arising from the proposed changes to the General and Registration Rules have been considered as part of the drafting process.
- 6.2 While we believe that the rule changes will bring a wider benefit to those that are subject to the rules, it is important to acknowledge that some individuals may be adversely affected by our proposals to move exclusively to an online system of registration. Where any rule may have an impact on an individual's ability to comply as a result of a disability, ARB has an overriding legal duty to put in place a reasonable adjustment<sup>1</sup>.
- 6.3 Our duty to consider reasonable adjustments is an anticipatory one, meaning that we cannot simply wait for people to approach us if we know they may have difficulties with our proposals, particularly the use of the portal. Because of that we have already contacted those architects we understand may have a disability which could affect their ability to comply, to better understand what mitigating measures we might establish.
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## 7 Recommendations

- 7.1 It is recommended that the Board agrees to consult on:
- i) the draft General Rules at Annexe A; and
  - ii) the draft Registration Rules at Annexe B

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<sup>1</sup> Section 20, Equalities Act 2010

**Item 7**  
**Annexe A**

**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.

# **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) compliant 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 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.