EXPLANATORY MEMORANDUM TO

THE ARCHITECTS (FEES, ELECTRONIC COMMUNICATIONS AND MISCELLANEOUS AMENDMENTS) (AMENDMENT) REGULATIONS 2024

2024 No. 1017

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Ministry of Housing, Communities and Local Government and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Minister Ali at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

2.2 Chandru Dissanayeke, Director, Building Reform, at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Stephanie Griffiths at the Ministry of Housing, Communities and Local Government, email: stephanie.griffiths@communities.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The Architects (Fees, Electronic Communications and Miscellaneous Amendments) (Amendment) Regulations 2024 ("the Regulations") amend the Architects (Fees, Electronic Communications and Miscellaneous Amendments) Regulations 2022 ("the 2022 Regulations") which, among other things, allowed the Architects Registration Board ("the ARB") to charge fees for certain services.

4.2 The Regulations makes minor changes to the 2022 Regulations, stating specifically who is liable to pay the fees and how the fee is to be paid and requiring the ARB to publish details about their calculation.

Where does the legislation extend to, and apply?

4.3 The territorial extent of this instrument is United Kingdom.

4.4 The territorial application of this instrument is United Kingdom.

5. Policy Context

What is being done and why?

5.1 Currently, the ARB is able to determine who may be charged the fees set out in the 2022 Regulations as well has how those fees are calculated and paid. Currently, there is no requirement on the ARB to publish details about how the fees are calculated. The

Regulations change this by setting out precisely who should be charged the fees described in the 2022 Regulations and how they should be paid. They also introduce a requirement on the ARB to publish details about how the fee amounts have been calculated in order to improve transparency.

What was the previous policy, how is this different?

5.2 The Regulations make minor changes to the 2022 Regulations. The overall policy of allowing the ARB to charge the fees set out in the 2022 Regulations has not changed. Rather, these regulations specify who should be charged those fees and how they should be paid, rather than delegating those decisions to ARB as the 2022 Regulations did. The Regulations also seek to improve transparency around ARB fees by requiring details about the fees' calculation to be published. This will enable stakeholders to scrutinise the fees and ensure they are being charged on a cost-recovery basis only.

6. Legislative and Legal Context

How has the law changed?

6.1 The Regulations amend the 2022 Regulations which were made under powers in the Architects Act 1997 to make provision about fees the ARB could charge.

Why was this approach taken to change the law?

6.2 Amending regulations was the only way in which these changes to the law could have been made.

7. Consultation

Summary of consultation outcome and methodology

7.1 No consultation was undertaken on the changes made by the Regulations. As above, the regulations make minor changes to the 2022 Regulations and the general policy has not changed. The Ministry previously conducted a public consultation on proposed amendments to the Architects Act 1997, together with new measures for international architects. The consultation received 404 responses from individuals and organisations. The Government's response to the consultation was published on 8 June 2021 and can be found on gov.uk. 49% of respondents agreed with the proposals for the ARB to be granted a power to charge fees for its services but the majority of respondents preferred for chargeable services to be listed in legislation.

7.2 The Ministry conducted informal stakeholder engagement with the ARB throughout its policy development and continues to be in regular contact with the regulator.

8. Applicable guidance

8.1 No applicable guidance is provided alongside the regulations.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because no significant impact on the private, voluntary, or public sector is foreseen. The Ministry has assessed the business impact in compliance with the Better Regulation Framework and determined costs to be below the de minimis threshold.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities, or voluntary bodies.

9.3 The legislation does not have a significant impact on small or micro business.

9.4 There is no, or no significant, impact on the public sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring of this legislation is through the Ministry's established relationship with the ARB as its Arms' Length Body and regulator. The ARB will report on its activities in its annual report to Parliament. In addition, the provisions under this instrument will be monitored as part of the Ministry's usual sponsorship relationship with the ARB.

10.2 The instrument does not include a statutory review clause as the provisions in this instrument do not seek to regulate business or a voluntary or community body.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 The Parliamentary Under Secretary of State for Housing at the Ministry of Housing, Communities and Local Government, Minister Ali, has made the following statement regarding Human Rights:

"In my view the provisions of the Architects (Fees, Electronic Communications and Miscellaneous Amendments) (Amendment) Regulations 2024 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").