SUPPLIED FOR THE PUBLIC SERVICE



CHAPTER 54.

An Act to restrict the use of the name Architect to Registered Architects and to extend the time within which practising architects may apply for registration. [29th July 1938.]

A.D. 1938.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Use of title "Architect."

1.—(1) Subject to the provisions of this Act, a person shall not practise or carry on business under any name, style or title containing the word "Architect" unless he is a person registered under the principal Act :

Provided that nothing in this section shall affect—

(*a*) the use of the designation "Naval architect," "Landscape architect" or "Golf-course architect," or

(*b*) the validity of any building contract in customary form;

and where at the date of the passing of this Act any person—

(i) holds in the service of a local authority an office by virtue of which he has the control and management of the architectural work of the local authority; and

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(ii) is a member of any of the following institutions, that is to say—

The Institution of Civil Engineers;

The Institution of Structural Engineers;

The Chartered Surveyors' Institution; and

The Institution of Municipal and County Engineers;

nothing in this section shall prevent the use of the word "architect" in the description of that person as the holder of such an office in the service of that or any other local authority, if and so long as the local authority's servant or servants engaged under him for the purposes of such work is or include a person registered under the principal Act.

(2) In this section the expression "local authority" means a local authority within the meaning of the Local Government Superannuation Act, 1937, or the Local Government Superannuation (Scotland) Act, 1937.

1 Edw. 8. & 1 Geo. 6. cc. 68, 69.

(3) For the words "Registered Architects" in subsection (3) of section three of the principal Act, and for the words "Registered Architect" in section seventeen of that Act, there shall be respectively substituted the word "Architects" and the word "Architect."

(4) Section ten of the principal Act shall cease to have effect.

(5) This section shall come into operation on the first day of August nineteen hundred and forty.

Date of application for registration.

2.—(1) Notwithstanding anything in the principal Act, a person shall, on application made to the Council in the prescribed manner after the passing of this Act and before the first day of August nineteen hundred and forty, and on payment of the prescribed fee, be entitled to be registered under the principal Act, if he proves, to the satisfaction of the Council or, on an appeal under this section, to the satisfaction of the tribunal hearing the appeal, that at the date of the passing of this Act he was, or had been, practising as an architect in the United Kingdom or in some other part of His Majesty's Dominions.

(2) Where, upon an application made under this section, the Council decide not to register the applicant under the principal Act, he may, within one month from the date on which notice of the decision was served on

him under subsection (2) of section six of that Act, appeal to the Tribunal of Appeal constituted under the following provisions of this section (hereinafter referred to as "the Tribunal"); and on any such appeal the Tribunal may give such directions in the matter as it thinks proper, and the decision of the Tribunal shall be final and conclusive.

(3) The Tribunal shall consist of the following persons, not being members of the Council, that is to say:—

A chairman appointed by the Lord Chancellor;

One person appointed by the Minister of Health;

One person appointed by the Department of Health for Scotland;

One person appointed by the Governor of Northern Ireland;

One person appointed by the President of the Law Society;

One person appointed by the Chairman of the General Council of Solicitors in Scotland; and

One person appointed by the President of the Incorporated Law Society of Northern Ireland:

Provided that, unless and until this Act comes into operation in Northern Ireland, the members for the time being of the Tribunal shall not include any person appointed by the Governor of Northern Ireland or by the President of the Incorporated Law Society of Northern Ireland.

(4) The Council shall pay to any member of the Tribunal such remuneration (if any), and such travelling and other allowances, as may be determined by the Lord Chancellor; and any expenses reasonably incurred by the Tribunal shall be defrayed by the Council.

(5) Three shall be a quorum at any meeting of the Tribunal, and the Tribunal shall have power to act notwithstanding any vacancy among the members thereof; and the procedure of the Tribunal shall be such as it may determine.

Offences.

3. If any person contravenes the provisions of this Act, he shall be liable, on summary conviction, to a fine not exceeding fifty pounds and to a further fine not

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exceeding ten pounds for every day on which the offence continues after conviction therefor:

Provided that a person shall not be guilty of an offence by reason of the occurrence of such a contravention on any particular date, if he proves—

(*a*) in a case where the contravention is occasioned by the fact that an application on the part of the defendant for registration under the principal Act has not been granted, that notice of the decision of the Council not to grant the application had not been duly served under subsection (2) of section six of the principal Act before the said date; or

(*b*) in a case where the contravention is occasioned by the removal of the defendant's name from the Register, that notice of the removal had not been duly served under section eight of the principal Act before the said date; or

(*c*) that at the said date—

(i) the time for bringing any appeal under the principal Act or this Act against the said decision or removal, as the case may be, had not expired, or

(ii) such an appeal had been duly brought and had not been determined.

Interpretation.

4.—(1) In this Act the expression "principal Act" means the Architects (Registration) Act, 1931.

21 & 22 Geo. 5. c. 33.

(2) A person shall not, for the purposes of the principal Act and this Act, be treated as not practising by reason only that he is in the employment of another person.

Short title, construction and citation.

5.—(1) This Act may be cited as the Architects Registration Act, 1938.

(2) This Act shall be construed as one with the Architects (Registration) Acts, 1931 and 1934, and those Acts and this Act may be cited together as the Architects (Registration) Acts, 1931 to 1938.

Application to Northern Ireland.

6.—(1) This Act shall not extend to Northern Ireland unless and until provision to that effect is made by an Order of His Majesty in Council made in pursuance of a resolution passed by both Houses of the Parliament

of Northern Ireland and any such Order may make such adaptations of this Act in its application to Northern Ireland as may appear to His Majesty in Council to be necessary. A.D. 1938.

(2) In the event of this Act being so extended to Northern Ireland, then, for the purposes of section six of the Government of Ireland Act, 1920, this Act shall be deemed to be an Act passed before the appointed day. 10 & 11 Geo. 5. c. 67.

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FOR
SIR WILLIAM RICHARD CODLING, C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament