Draft Regulations laid before Parliament under section 18(1) of the Professional Qualifications Act 2022 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2022 No.

ARCHITECTS

The Architects Act 1997 (Amendment) Regulations 2022

Made - - - - ***

Coming into force in accordance with regulations 1(2) and 1(3)

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 4, 6 and 13(1) of the Professional Qualifications Act 2022 ("the 2022 Act")(**a**).

In accordance with section 15 of the 2022 Act, the Secretary of State has consulted the Architects Registration Board which is a regulator of the architectural profession and likely to be affected by these regulations.

In accordance with section 17(1) and (3) of the 2022 Act, the Secretary of State has consulted the Department of Finance in Northern Ireland and published a report on the consultation. The report complies with the requirements of section 17(5) and, in accordance with section 17(4), was published after the Department of Finance agreed to the description included in the report for the purposes of section 17(5).

In accordance with section 18(1) of the 2022 Act, a draft of this instrument has been laid before Parliament and approved by resolution of each House of Parliament.

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Architects Act 1997 (Amendment) Regulations 2022.

(2) Regulations 1 and 2 come into force on the day after the day on which these Regulations are made.

(3) All other regulations come into force 21 days after the day on which these Regulations are made.

(4) These Regulations extend to England and Wales, Scotland and Northern Ireland.

(5) In these Regulations "the Act" means the Architects Act 1997(**b**).

(**a**) 2022 c. 20. See section 16 for the definition of "appropriate national authority" and section 19 for the definitions of "regulator" and "regulated profession".
(**b**) 1997 c. 22

Amendment of Part 1 (The Architects Registration Board)

2.—(1) Part 1 of the Act is amended as follows.

(2) After section 1 (the Board) insert—

"**Authorisation for Board to enter into regulator recognition agreements**

1AA. The Board is authorised to enter into regulator recognition agreements in respect of architects.".

Amendment of Part 2 (Registration Etc)

3.—(1) Part 2 of the Act is amended as follows.

(2) In section 4 (registration: general)(**a**) omit subsections (2A) and (7).

(3) Omit section 4A (registration: European qualifications)(**b**).

(4) In section 6 (registration: further procedural requirements)(**c**)—

(a) omit subsections (3A) and (3B);

(b) in subsection (4A), for paragraph (a) substitute—

"(a) in the case of an application by a person who in making the application relies on section 4(1)(a), within three months beginning with the date on which the application is made;".

(5) In section 6A (issuing of certificates of architectural education)(**d**), in subsection (1)—

(a) omit paragraph (a);

(b) omit "does meet those conditions,".

(6) Omit section 10 (disqualification in a relevant European State)(**e**).

Amendment of Part 5 (General and Supplementary)

4.—(1) Part 5 of the Act is amended as follows.

(2) In section 22 (appeals to the court)(**f**)—

(a) omit subsection (1)(d);

(b) in subsection (2) omit ", (d)";

(c) for subsection (4) substitute—

"(a) Where an appeal under subsection (1)(b) is made by a person who, in applying for registration in pursuance of section 4, relied on subsection (1)(a) of that section, the appeal must be made within six months beginning with the day on which the person's application for the registration is made.".

(3) In section 22B (administrative co-operation)(**g**)—

(a) for the heading, substitute "Professional-regulation information";

(b) omit subsections (1) and (2);

(c) in subsection (4) omit—

(i) "a competent authority of a relevant European State or";

(**a**) Section 4 was amended by section 11(4) of the Professional Qualifications Act 2022, by section 158(3) of the Building Safety Act 2022 (c. 30), and by S.I. 2008/1331, 2011/2008 and 2019/717.
(**b**) Section 4A was inserted by S.I. 2008/1331 and amended by S.I. 2019/717.
(**c**) Section 6 was amended by S.I. 2008/1331, 2019/717.
(**d**) Section 6A was inserted by S.I. 2008/1331 and amended by S.I. 2019/717.
(**e**) Section 10 was amended by S.I. 2008/1331, 2019/717.
(**f**) Section 22 was substituted by S.I. 2008/1331 and relevant amendments were made by section 158(7) of the Building Safety Act 2022, and by S.I. 2019/717.
(**g**) Section 22B was inserted by S.I. 2008/1331 and amended by S.I. 2019/717.

(ii) paragraph (b) and the "and" before it;

(d) in subsection (5)—

(i) for "functions" substitute "function";

(ii) for "subsections (1)(b) and (4)(a)" substitute "subsection (4)(a)".

(4) Omit section 22C (confidentiality)(**a**).

(5) In section 24 (service of documents), in subsection (2) omit "10(2),".

(6) In section 25(1) (interpretation)(**b**)—

(a) omit the definitions of "competent authority", "the Directive", "disqualifying decision", "relevant European State", "the Swiss Agreement" and "third country";

(b) after the definition of "the Registrar" insert—

""regulator recognition agreement" has the meaning given by section 4 of the Professional Qualification Act 2022".

Saving provision

5. Where an application for registration made in reliance of section 4(2A) of the Act is received by the Architects Registration Board before the day on which this regulation comes into force, any provision made by or under the Act continues to apply in relation to the application (including any appeal arising from it) as if the amendments made to the Act by these Regulations had not been made.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

Name
Parliamentary Under Secretary of State
Date Department for Levelling Up, Housing and Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Architects Act 1997 ("the Act") (c.22) to remove retained EU law and to allow the Architects Registration Board ("the Board") to enter into regulator recognition agreements.

Regulation 2 inserts new section 1AA into the Act which authorises the Board to enter into regulator recognition agreements. The phrase 'regulator recognition agreement' is defined by section 4 of the Professional Qualifications Act 2022 (c.20) and means an agreement between a UK regulator of a profession and the overseas regulator of a corresponding profession which is about the recognition of professional qualifications or experience.

Regulation 3 removes section 4(2A) and (4A) from the Act. These were the provisions that gave effect to the EU system of mutual recognition of professional qualifications in relation to architects by providing that if a person had the qualifications and experience necessary to practice architecture in EEA states or Switzerland, they could register with the Board and practice in the UK. The regulation also removes related provisions in Part 2 of the Act. For example it omits section 6A(1)(a) which allowed the Board to confirm that a person's training met minimum EU standards. It also omits section 10 from the Act which made provision about persons who were disqualified as architects in EEA states or Switzerland.

(**a**) Section 22C was inserted by S.I. 2008/1331 and amended by S.I. 2019/717.
(**b**) Section 25(1) was amended by S.I. 2002/2482, 2008/1331, 2014/4, 2019/810, 717.

Regulation 4 makes amendments to Part 5 of the Act in consequence of the removal of the automatic recognition of EEA and Swiss qualifications.

Regulation 5 provides that the amendments made by these Regulations do not apply to an application for registration made in reliance of section 4(2A) before regulation 5 comes into force. For those applications, the Act applies without the amendments made by these Regulations.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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