

Comments on the Government's draft amendments to the Act *(draft amendments published in August 2007 for public consultation)*

Treaty obligations: From the end of 2007 extensive amendments to the Architects Act 1997 will have come into effect. These amendments will have been made pursuant to certain EU treaty obligations binding upon the UK and other states of the European Union. In that respect, amendment was inevitable and inexorable.

Neutral: While the amendments are certainly tedious and possibly unhelpful, they seem to be no other than a neutral and painstaking draftsman would have to compose, given the EU treaty obligations to which this country is a party and given the continuance of the statutory Register of Architects which the profession as a whole had wished upon itself over ten years ago.

Restrictions: The treaty obligations have become applicable in this way by reason of the restrictions obtaining (for well over sixty years) on the use of the simple word “architect” in connection with the statutory Register, operated under the legislation for which the executant body was renamed as the Architects Registration Board from 1997 (previously Architects’ Registration Council of the United Kingdom).

NDPB: From 1997 the Board has been expanding its activities with the paraphernalia of a logo for registrants, third party reviews, bulletins and whatnot. It has been classed as a “Non-Departmental Public Body” in the language being used by government departments. The majority of the Board is appointed by one such department and it has been assigned the function of the “competent authority” which has to be designated by every EU state. Most of the Union states have the distinction of being founded as republics or kingdoms in or after the nineteenth century. They are habituated to using the techniques of state bureaucracy for developing, directing, managing or controlling activities within and across their borders, adapted to their particular needs, policies, histories, traditions and cultures, and now having regard to the declared treaty aim of participating as an “ever closer union” in the global economy and world community.

Impact: Many practitioners will have paid little attention to the present amendments, beyond noticing that they result in the addition of a considerable number of pages of complicated text to a piece of Westminster legislation which was otherwise tolerably trim, neat and comprehensible as it had come to be presented in its consolidated form in the 1997 Act; that it is likely that there will be a commensurate need to expand the human and other resources employed by the Board for giving effect to the additional activity prescribed for the Board to perform; and that the impact upon the annual fee which the Act enables the Board to demand is unlikely to be favourable to architects in this country who by application or retention choose to become registrants on what will in future be “Part 1” of the Register. The general effect on teaching and practice is uncertain. (For an AARUK caution, see [An unequal standard across Europe](#)).

Disadvantage: In other words, the persons most likely to be disadvantaged are those who have qualified in this country and wish to carry on practice here using the title “architect”; and the only persons likely to be advantaged are those who derive satisfaction from their responsibilities as appointed members of the Board (who cannot themselves be practising architects), or others who are in competition with architects whose profession has been trammelled in this way by what amounts to an ineffectual restrictive practice which criminalises certain uses of an ordinary English word, and could be styled “coercive voluntarism”.

General public: The good news for the profession and its friends and clients at home and abroad,

for the general public and for policy-makers in European Union and other states is that from July 2007 the RIBA has made timely arrangements for a voluntary register of Chartered Practices, and for International Chartered membership: for preamble to the RIBA Charter go to [RIBA Charter and Byelaws](#); for Status of the ARB, Part 2 para.1 go to [Status of the ARB](#).

An AARUK contributor, *30 August 2007*.