

## *Architects Act 1997: Ambition, Rationalisation... Solution?*

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*AARUK invites inquirers and policy-makers to compare the following statements, and consider whether the ARB knows its own mind and business (emphasis added):*

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### 1. *An Ambition*

“PUBLIC RELATIONS... It seems that the role of a statutory regulatory body is not clearly understood... The fact is that the Architects Act 1997 gives us a clear mandate to operate. The Board's responsibility is to ensure that that mandate is delivered. ARB is not a club you can join if you wish. It is a regulatory body, with extensive responsibilities for registration, consumer support, validation and assessment, and regulation.”

- Dr Barbara Kelly, CBE, first chairperson of the Architects Registration Board in the Board's Annual Report for 1999/2000.

see further: Application to Quash - L.& L. cases for hearing 10/2/06

### 2. *A Rationalisation*

“The raison d'être of ARB is to regulate the name and title 'architect'”.

- Humphrey Lloyd, Q.C., third ARB chairperson, in a paper available from the Society of Construction Law (February 2003).

see further: SARB Part 2 - Judge Lloyd's Assertions - Protection of Title

### 3. *A Designation*

“REGULATION DEPARTMENT. Use of title 'architect' – Complaints about an architect – Professional Conduct Committee Hearings – Code of Conduct and Professional Standards – Registering as a company”

- ARB website, eBulletin/November/05 and site index.

see further: SARB Part 2 - Protection of Title - The Code and the PCC

### 4. *Information*

“The Board as 'Regulator'. It has been suggested that the Board is not a 'regulator' of the architects profession... The precise generic description that any individual chooses to give to the collection of statutory duties imposed upon, and the powers available to, the Board under the 1997 Act is in any event irrelevant for the purposes of the questions asked,” [by the Board when obtaining this information for its own use] “for they largely involve issues of statutory interpretation which require the legislation to be construed and not given epithets.”

- ARB website Press Gallery, summary of a barrister's opinion 10/11/2003.

see further: SARB Part 2 - Protection of Title - The Code and the PCC

#### 5. *An Observation*

“The words ‘regulator’ and ‘regulation’ are not used in the Act and that status is not conferred upon the Board. It could be argued that the Board’s assumption of this role is adverse to the public interest... A contrary proposition to the Board’s claim is that an essential characteristic of a regulatory body in this context is to have jurisdiction or control over particular functions or activities in the supply of goods or services... whether or not the regulatory method is in conjunction with a system of certificating or licensing (such as applies to solicitors or places of entertainment)... The Board's claim to regulatory status appears to be the result of want of understanding how it can usefully go about fulfilling the services that have been assigned to it by statute for the public benefit...”

- (Signed) article in RIBA Journal, June 2003.

see further: SARB Part 2 - General principles - Qualifications

#### 6. *A Solution?*

“An Act to amend... statutory provisions and rules of law in order to remove or reduce certain burdens affecting persons in the carrying on of trades, businesses or professions or otherwise and for other deregulatory purposes...”

- The long title of the Deregulation & Contracting Out Act 1994.

see further: RIBA website - ARB website

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