

The profession and the professional bodies will be aware that a question which inescapably arises in present circumstances is the validity of the twelve page paper headed *Architects Registration Board Framework Document* signed for the Department for Communities and Local Government (CLG) as a government department and dated 15 December 2009, and for the ARB and dated 5 January 2010. (To read or download it, go to the website of [CLG](#) or [ARB](#).)

It begins straightforwardly enough with a two-paragraph preamble of disarming candour. But it is with some dismay that there is found in the first numbered paragraph (1.1) the same sort of inaccurate paraphrase for which the CLG and the ARB have gained a certain notoriety. That is unfortunate if one of the purposes of the document was to soothe away concerns about a persistent misreading and misapplication of the Act.

And reading the next two paragraphs (1.2 and 1.3) of this first section, which is headed “Purpose of the Architects Registration Board”, it seems that its usefulness could be mistaken as a letter of comfort for the benefit of any Board member or a Registrar or auditor who had anxious qualms about such matters as incurring costs for investigating and prosecuting “unregistered individuals in business or practice who unlawfully call themselves an architect”, or engaging in a policy for promoting the status of the ARB as a “regulator”, or other questionable activities which appear to be authorised (for Treasury or political purposes) by the signature subscribed “On behalf of CLG”.

But the governing paragraphs of the preamble have already made as plain as can be that the document is extra-statutory: “*It does not create a legally binding contract. It does not convey any legal powers or responsibilities or have legal effect or consequences, nor does it fetter ARB’s discretion in relation to specific decisions.*” In other words, it disclaims sanctioning any aberrant or jactitious conduct on the part of the ARB or the Registrar (retro- or pro-spectively).

For whom is the window being dressed? Perhaps that is sufficiently indicated by the title of the Appendix on page 12: “*Government-wide corporate guidance*” and the rubric under it: “*ARB and CLG will work together to comply with this document and, as appropriate, with the following general guidance:*” viz. a list of 18 items, from “*Appropriate adaptations of sections of Corporate Governance in Central Government Departments: Code of Good Practice*” (a Treasury document) to “*Recommendations made by the Public Accounts Committee, or by other Parliamentary authority, that have been accepted by the Government and relevant to ARB*”. This sort of thing may be suitable for such bodies as CABE, but its relevance to ARB would seem to have more to do with its secondary function as EU “competent authority” than its primary function as keeper of the Register.

That may be as it may, but (while it must surely be supposed that the two persons acting as the signatories were in good faith) paragraph 1.1 is enough to suggest that the draftsman of the document can only have been materially careless or misinformed or disingenuous.

As at June 2010, a more accurate source of information about (1) the ARB as a corporate body, (2) the Board as the elected and appointed members who collectively have statutory responsibility for conducting and directing the affairs of the ARB, and (3) the legislation of the UK Parliament which is the sole primary source constituting the ARB and its Board, is the set

of articles listed on the Wikipedia category page “[Architects Registration in the United Kingdom](#)”. Among the articles the one headed “[Architects Act 1997](#)” had (as from May 2007) certain comments on the accuracy of the information shown at the CLG website for describing the Architects Registration Board , viz: that its summary of the effect of the legislation had a thread of inaccuracy in three out of four sentences, namely: stating “that ARB ‘succeeded’ ARCUK, when the legislation had expressly stated that it was the same body but with another name as from July 1997” (See [Continuity of Legislation](#)); stating “that it was established to guarantee the professional competence of architects to consumers, when there is nothing in the legislation or otherwise giving ARB either the legal powers or the funds to honour any such guarantee”; and “that all architects must be registered by ARB in order to practise legally in the United Kingdom, when under the legislation (see related articles) an architect, or any other person, is free to perform or supply the services of an architect subject only to the restrictions on the use of the vernacular word ‘architect’ contained in the legislation first enacted by Parliament in the 1938 Act.”

The same article also plainly stated: “From 21 July 1997, the governing Act for the keeping and publication of the statutory Register of Architects by the Architects Registration Board has been the Architects Act 1997 with the long title: *An Act to consolidate the enactments relating to architects*. The unbroken continuity from the originating Act of 1931 to the consolidating Act of 1997 is shown by paragraph 19(2)(a) of Schedule 2 in the 1997 Act: “‘the Council’ means the Architects’ Registration Council of the United Kingdom established under the 1931 Act, which was renamed as the Board by section 118(1) of the 1996 Act. However the Architects Registration Board (ARB) ... no longer has the power to make regulations which had previously been ascribed when it was constituted as the Architects’ Registration Council of the United Kingdom (ARCUK).”

The article further stated: “Under the legislation, the registration body has been a statutory corporation from its inception, first as a Council of numerous persons nominated mainly by professional bodies under the 1931 Act, and, from July 1997, as a Board of fifteen persons, of which the majority has been appointed by the Privy Council in the manner prescribed by paragraph 3(1) of Schedule 1 of the Act...”

See also AARUK Note “*Architects Act 1997 : questions concerning the amendment of June 2008 (AARUK [Case Study 3, Part 2](#)) 21 April 2009*”