

ARB Rules 19 and 20 as amended in 2008 may have inadvertently left Board members, officials or others with an impression that a registered person can be required by the Board to undertake “sufficient activities including continuing professional development and active engagement in the practice, or teaching or study of architecture in order to maintain competence to practise in accordance with the Board’s guidelines which shall be published from time to time”.

But regardless of the merits of any such guidelines, it is not within the provisions of the Act that the Board shall be able to put registered persons under requirement in this respect.

Initial and continuing registration is voluntary. Whether any architect who is entitled to be registered chooses to exercise the statutory right to be registered, or to discontinue registration by lapse of retention fee or otherwise at any time for any reason, is that person’s decision. A person may be denied registration only within the terms of the Act itself, which the Board cannot extend by Rules or otherwise.

Further, any person, whether or not a registered person, is free satisfactorily to comply with the guidelines; and to the extent that the guidelines describe commendable practice such a person may need no incentive of registration or continuing registration to do so. Similarly, any person can comply with good practice of the kind published by a professional body, such as the RIBA Plan of Work, whether or not s/he is or ever has been one of its members.

Before the amendment attention had been drawn to this issue in the note on “[Competence to practise – position of persons already on the Register](#)”.

See also points 2. to 5. in the Summary in a note included in AARUK Case Study 1 as “[explanatory introduction](#)”:

“... 2. Apart from officers, employees and agents of the Board, the Act creates no duties or obligations towards the Board which fall on any one else at all.

3. Section 3(4) states: “The Board shall publish the current version of the Register annually...” other provisions of Part II of the Act prescribe how the Register shall be kept up to date, and who shall be entitled to be registered; other provisions of Parts II and III prescribe for the Board the circumstances, events or conditions when a person’s name shall be removed from the Register; and other provisions prescribe for the Board certain ancillary, or derivative and secondary, duties in connection with the Board’s primary responsibility for the maintenance and regular publication of the Register of Architects.

4. Nothing in the Act itself creates any obligation which an architect owes to the Board.

5. It is self-evident that the Board owes a duty of care to registered persons first, to see that they are duly registered, and secondly, not to subject them to any demands or threats connected with registration which are not expressly within the Act.”

On “official statements inconsistent with the legislation enacted by the UK Parliament” see link from introduction on AARUK Home Page to explanatory notes “[... concerning the amendment of June 2008](#)” (21 April 2009, Case Study 3, Part 2).

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