

The right to have a name removed from the Register is thwarted.

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Some time before a hearing of the Professional Conduct Committee on 7 April 2008, it was reported the accused architect had asked that her name be removed from the Register. That request had been denied by the Registrar for on 9 April 2008 Building Design magazine revealed: “Arb refused so that disciplinary proceedings could be completed”.

Section 3(3) of the Act provides no power to the Registrar to deny a request for removal. It says, without proviso:

The Registrar shall make any necessary alterations to the Register and, in particular, shall remove from the Register the name of any registered person who has died or has applied in the prescribed manner requesting the removal of his name.

In a PCC decision three years earlier, the chairman appeared to be aware that the architect in that case had made a similar request, for in reasons given for the decision as prominently posted¹ on the Board’s website he said:

“Any dispute as to whether a person’s resignation from the register should be accepted or not is a dispute between that person and the Registrar. So far as the jurisdiction of this Committee is concerned, if a person’s name is on the register then this Committee must deal with any complaints which are brought before it. We have no option.

“As I say, if anybody wishes to challenge a decision of the Registrar to refuse a resignation from the register, then they must pursue it in another forum against the Registrar: it is not a matter for this Committee.”

Such passivity on the part of this committee of the Board is remarkable.

AARUK understands the reason given by successive Registrars in such circumstances has been “the public interest”. But given that the Act is silent on that, and in the absence of any permissive proviso or qualification that provides an exception in these circumstances, the Registrar in the proper discharge of her duty to comply with the Act is bound to remove a person’s name from the Register within a reasonable period of being requested to do so by that person. There is no compulsion for an architect to remain registered: it is an entirely voluntary choice.

1 Under section 15(4) of the Architects Act, the PCC (and not the Board) is to publish only the names of persons whom it has found guilty, a description of the conduct, incompetence or offence concerned, and the nature of any disciplinary order made. Nothing else is permitted.

[\[Back\]](#)

[\[Front Page\]](#)