

The word “best” occurs three times in the draft Code:-

- S4 *Carry out your work conscientiously and to the best of your ability*
- 1.2 *Where a conflict of interest arises you are expected to disclose it and to do your best to manage it to the satisfaction of all affected parties.*
- 4.3 *You are expected to maintain your professional independence and act according to your best professional judgment.*

This usage shows a failure on the part of the ARB to distinguish between excellence in professional practice and what the Board itself can prescribe, enjoin or require in respect of persons whose right it is under the Act to practise using the title “architect”. A firm publishing this sort of thing about itself would properly be considered to be using trade puffery or cant¹ unsuited to a professional practice worthy of the name. In the code which the ARB is required to issue under the Act it would be actively unhelpful as guidance, whether to persons in Part I or Part II of the statutory Register or to users of architectural services and the general public.

It may be argued that phrases such as “the best of your ability” are sufficiently overworked as to be meaningless or at best capable of varied interpretation and it follows that its use in this context is sloppy and imprecise. Similarly, it may be seen that the use of the superlative “best professional judgment” is unnecessary, for professional judgment ceases to be professional if it is in any way compromised.

Of greater concern is the use of “best” in conjunction with “ability” in the overarching Standard, clearly indicating that if an architect acts merely competently or, to use the words of the RIBA appointment forms, uses only “reasonable skill and care in conformity with the normal standards of the Architect’s profession”, that will be taken into account as being a failing of professional conduct².

Catch-all clauses such as these are inappropriate. The Register of Architects has the defined purpose of recording the names of every person “entitled to be registered” under the Act. A minimum qualification and a certain amount of practical experience is all that is required. It is not a register of excellence but a register of entitlement.

1 “What a brave language here is! next to canting.” [Ben Jonson, *The Alchemist*: Act 2 sc.2.1].

See also Jonson: “*The doctor here, / When he discourses of dissection, / Of vena cava and of vena porta... / What does he do but cant? Or if he run / To his judicial astrology, / And trowl out the trine, the quartile, and the sextile, Does he not cant?*” Cited by Brewer: “Cant...A whining manner of speech; class phraseology, especially of a religious nature (Latin, *canto*, to sing, whence chant). It is often derived from a proper name. We are told that Alexander and Andrew Cant (d.1664) maintained that all those who refused the ‘Covenant’ ought to be excommunicated, and that those were cursed who made use of the prayer-book. These same Cants, in their grace before meat, used to ‘pray for all those who suffered persecution for their religious opinions’. (*Mercurius Publicus*, No. ix., 1661.) The proper name Cant cannot have given us the noun and verb, as they were in familiar use certainly in the time of Ben Jonson (1574–1637), signifying ‘professional slang’, and ‘to use professional slang’.”

2 Architects Act 1997, s.13(4) “Failure by a registered person to comply with the provisions of the code ... shall be taken into account in any proceedings against him under section 14.”

Policy makers may hold that the Code's purpose is to describe conduct which by *serious* omission or contravention, may result in a disciplinary order³. The present draft must have been designed to obscure and detract from that objective.

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