

"BEFORE DEPUTY MASTER

IN THE HIGH COURT OF JUSTICE KNAPMAN CO/6834/2008

QUEEN'S BENCH DIVISION ON THE PAPERS"

ADMINISTRATIVE COURT

BETWEEN:

R

(on the application of IAN SALISBURY)

Claimant

and

THE ARCHITECTS REGISTRATION BOARD

Defendant

and

**THE PROFESSIONAL CONDUCT COMMITTEE OF THE ARCHITECTS
REGISTRATION BOARD**

Interested Party



CONSENT ORDER

UPON READING the Claim Form sealed herein on 21 July 2008 on behalf of the above-named Claimant

AND UPON READING the Witness Statement of AA Child dated 21 July 2008 together with the exhibits referred to therein, filed on behalf of the Claimant in support of this Claim.

AND pronouncing this Order in open Court without the requirement of the parties' attendance.

BY CONSENT

IT IS ORDERED that this Claim be allowed and the decision herein of the Architects Registration Board's Professional Conduct Committee ("PCC") dated 9 June 2008 that it was functus be quashed, on the grounds set out in the schedule hereto;

IT IS FURTHER ORDERED that the matter be remitted to a newly constituted PCC so that the newly constituted PCC can consider the legal arguments which the Claimant wished to make on 9 June 2008 as to the decision of the PCC dated 1 November 2007 to the effect that the Claimant was guilty of UPC. Those arguments being: (1) breach of natural justice/fairness; (2) the vires of the requirement to hold

P11; (3) what may constitute professional misconduct; and (4) whether the Claimant was guilty of unacceptable professional conduct ("UPC"). .

IT IS FURTHER ORDERED that the Defendant do pay the Claimant's costs of bringing the claim in the sum of £13,000 inclusive of VAT.

By the Court

ADMINISTRATIVE COURT OFFICE
BY CONSENT ORDER AS ASKED
[Signature]
27 JUL 2013
L. KNAPMAN
DEPUTY MASTER OF THE CROWN
OFFICE

SCHEDULE

1. By these proceedings the Claimant, a registered person under the Architects Act 1997 ("the 1997 Act"), seeks to judicially review a decision of the Professional Conduct Committee ("PCC") of the Architects Registration Board ("ARB") given on 9 June 2008.
2. The decision of the PCC sought to be impugned was that it was functus officio and accordingly that it was not open to it to consider case law and submissions sought to be made on behalf of the Claimant and relevant to the question whether the Claimant was guilty of unacceptable professional conduct.
3. For the reasons set out in the Claimant's Statement of Facts and Grounds the Defendant accepts that the decision of the PCC that it was functus officio is erroneous in law and should be quashed.
4. The parties are agreed that the matter should be remitted to a newly constituted PCC to consider the legal arguments which the Claimant wished to make on 9 June 2008 as to the decision of the PCC dated 1 November 2007 to the effect that the Claimant was guilty of UPC. Those arguments being: (1) breach of natural justice/fairness; (2) the vires of the requirement to hold PII; (3) what may constitute professional misconduct; and (4) whether the Claimant was thus guilty of UPC.

Dated this day of July 2009

Beauchcroft LLP

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[Signature]

and Solicitor for the Defendant
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