

CONSULTATION PAPER

REFORM OF ARCHITECTS REGISTRATION

Introduction

Baroness Denton announced on 27 October last year that the Government would examine, in consultation with the profession and others, measures which could be taken to simplify present arrangements for the registration of architects.

Broad agreement on what those measures should be has now been reached with the Architects Registration Council of the UK (ARCUK) and the Royal Institute of British Architects (RIBA).

This paper reviews the reasons for changing the present arrangements, explains the proposed measures, and invites comments on them before the necessary legislation is drawn up.

Reasons for changing the present arrangements

The current proposals for reform stem from a request from ARCUK to the Government, in 1992, that the Architects Registration Acts 1931-1969 should be reviewed. A review was carried out by Mr EJD Warne CB whose report was published by HMSO in 1993.

The Warne Report considered the views of architects, architectural bodies, and consumers and agreed with ARCUK that the main weaknesses of its structure were:

- excessively prescriptive and inflexible legislation;
- an excessively large Council and Board of Architectural Education (BAE);
- too short a term of office (one year) of Council members and of the BAE;
- imprecision in the definition of the duties and responsibilities of the Council;

- (23) (27) (+)
- a lack of balance on the Council (77 members) between representatives of the profession (70) and non-architects (7);
 - a preponderance of academics on the BAE;
 - cumbersome disciplinary procedures with a requirement for confirmation of findings by the full Council;
 - lack of control over the conditions for re-entry to the Register;
 - inadequate powers for delegation of non-policy decisions to the Registrar.

The present proposed reforms are aimed at overcoming these weaknesses in a way that is generally acceptable to the profession and public alike.

Overview of the proposed reforms

The main objective of the reforms is to create a small, focussed and effective registration body which represents the interests of both the profession and the general public. Its purpose would be to: set criteria for admission to the Register; prevent misuse of the title "architect"; discipline unprofessional conduct, and set fee levels.

Summary of the proposed changes to ARCUK

1. Change of name from "Council" to "Board"

ARCUK to remain as a legal entity, but its present name to be changed to "Architects Registration Board".

Although this change, in itself, will have no impact on the status or role of ARCUK it will suggest a smaller, tighter body and will mark the alterations to ARCUK's functions.

2. Size of the Board

The Board to have 15 members.

A small Board should be able to carry out its functions more efficiently and should help to minimise costs of registration fees.

3. Membership of the Board

The Board to be made up of 8 lay members, and 7 architects.

The increased representation of lay members should ensure that the wider public interest, particularly of consumers, is properly taken into account.

4. Method of selecting members

Lay members to be appointed by Government; architect members to be elected by all registered architects.

The lay appointments would be made following consultation with consumer and other relevant bodies in such a way as to ensure a proper balance of public interests. Elections would be carried out on the basis of a simple ballot of all registered architects. A chairman would be selected from among the lay members.

5. Length of Board membership

Appointments to be for 3 years with a maximum of 6 years continuous service, this to be followed by a 3 year break. The same time limits to apply to elected members. Initial appointments of lay members to be for 1, 2 and 3 years.

The length of membership is intended to be sufficient to allow members to make a useful contribution to the Board. The varying length of the initial appointments is intended to ensure a degree of continuity on the Board.

6. Power to make regulations

It is proposed that the Board be given statutory authority to make regulations consistent with the provisions of the legislation governing architects registration.

This would increase efficiency by allowing the Board to change its own regulations without approval from the Privy Council.

7. Registrar

There shall be an office of Registrar whose functions will be to maintain the register and carry out the instructions of the Board.

The Registrar would be a named appointee of the Board which would decide whether the Registrar should be an employee or a contractor. This is intended to ensure that the Registrar is identifiable and accountable, but to allow scope for different methods of appointment.

8. Committees

Board to have power to set up committees and power to delegate to committees except for matters concerning fees and registration criteria. The Board of Architectural Education to be abolished.

It is expected that the Board should be small enough to make most decisions. However, the power to delegate to committees is intended to give added flexibility to the Board. The Board of Architectural Education is unwieldy and is considered unnecessary to fulfil the functions of the proposed reformed Board

9. Statutory disciplinary committee

Board to have a statutory disciplinary committee.

Because of the sensitive nature of disciplinary cases, and because proper consideration of them can be time-consuming, it would be appropriate for disciplinary cases to be held before a small statutory committee composed of both architects and non-architects. This is the norm for other registration bodies. There should be a right of appeal to the full Board.

10. Setting criteria for registration

Board to set criteria for registration on the basis of practice prevailing in the architectural profession.

It is intended that the Board will be under a duty to consult fully with the profession over these criteria.

11. Time limits for prosecution

It is intended to consider whether the time limit for bringing prosecutions for misuse of title should be extended beyond the current 6 months.

An extension would allow the Board sufficient time to take effective action against misuse of title.

12. Criteria for disciplinary offences and proceedings

Board to publicise a statement of the criteria for disciplinary offences and proceedings.

This is intended to ensure that the criteria for disciplinary offences, and the rules for disciplinary proceedings, are made explicit.

13. Penalties

Board to have ability to impose a range of non-monetary penalties.

The single penalty currently available to ARCUK - removal of an architect from the register - is inappropriate for lesser offences. A wider range of penalties, including private censure, public reprimand and strike-off, would give the Board greater flexibility.

14. Education Fund

Education Fund to be wound up. Board to honour current commitments from existing fund. No further funds to be levied.

Although the importance of student grants is generally recognised, this is not an appropriate function of a professional registration body. RIBA has undertaken to set up and administer a new voluntary fund.

Submission of comments on the proposed reforms

If you have any comments on these proposed reforms which you would like to be taken into account before legislation is drawn up, please send them, by 16 September, to:

Robert Lowenstein
Department of the Environment
Room C1/01
2 Marsham Street
London SW1P 3EB

The Department may wish to publish responses to this consultation document in due course, or deposit them in the Libraries of the Houses of Parliament or the Department's library, unless we are specifically requested to treat a response as confidential. Confidential responses will nevertheless be included in any statistical summary of numbers of comments received and views expressed.

Further copies of this consultation paper

Further copies of this consultation paper may be obtained from Mr Bankole Payne at the above address, or on 071-276 6698.

53
of
en
pr
s,
)
te
L
m
e