
STATUTORY INSTRUMENTS

2019 No. 717

**The Architects Act 1997 (Amendment)
(EU Exit) Regulations 2019**

PART 3

Saving and transitional provision

Pending applications

22. Where an application for registration in reliance on section 4(2A) of the 1997 Act is received before the relevant date, any provision made by or under that Act continues to apply in relation to the application (including any appeal arising from it) without the amendments made by Part 2 of these Regulations.

Part 2 of the Register

23.—(1) Where, immediately before the relevant date, a visiting practitioner is entitled under paragraph 3 of Schedule 1A to the 1997 Act, or continues to be entitled under paragraph 4 of that Schedule, to be registered in Part 2 of the Register, any provision made by or under that Act continues to apply in relation to the provision of services on a temporary and occasional basis by the visiting practitioner without the amendments made by Part 2 of these Regulations.

(2) But the receipt by the Registrar on or after exit day of renewal documents does not give rise to any continuing entitlement under paragraph 4 of that Schedule (and, accordingly, the entitlement or continuing entitlement mentioned in sub-paragraph (1) ceases at the end of the relevant period mentioned in paragraph 5 of that Schedule).

(3) In this regulation—

“the Registrar” means the person appointed under section 2 of the 1997 Act;

“renewal documents” means the documents listed in paragraph 4(6) of Schedule 1A to that Act;

“visiting practitioner” has the same meaning as in paragraph 2(1)(a) of that Schedule.

Interpretation of saved provisions

24. Where a provision of the 1997 Act continues to apply by virtue of this Part, that provision has effect with the modifications in regulations 25 to 33.

25. Section 4A(2) (registration in Part 1 of the Register: European qualifications) has effect as if—

(a) in paragraph (b)—

(i) for “from the competent authorities of a relevant European State confirmation” there were substituted “the person to produce written confirmation from the competent authority in a relevant European State”;

(ii) “other” were omitted;

- (b) in paragraph (c), in the words before sub-paragraph (i)—
 - (i) for “evidence of formal qualifications has been issued by a competent authority in a relevant European State and” there were substituted “the person has produced confirmation from a competent authority in a relevant European State (see paragraph (b)) which”;
 - (ii) for “shall be entitled to verify with the competent authority in the relevant European State of origin of the award” there were substituted “may require the person to produce written confirmation from the competent authority in the relevant European State of origin of the award as to”.
- 26.** Section 5D (administrative co-operation with other relevant European States) has effect as if—
 - (a) in subsection (1)—
 - (i) for “ask the competent authorities of the relevant European State where that person is established as an architect, for each provision of services,” there were substituted “require the person”;
 - (ii) after “that person’s establishment” there were inserted “as an architect”;
 - (b) subsections (2) to (5) were omitted.
- 27.** Section 5E (complaints by recipients of services) has effect as if—
 - (a) in subsection (1), for the words from “, in any relevant European State” to the end there were substituted “in the United Kingdom, apart from when the person is lawfully established as an architect in the United Kingdom.”;
 - (b) for subsection (2) there were substituted—

“(2) The Board may exchange with a competent authority in a relevant European State any information it considers necessary for a service complaint to be pursued.”.
- 28.** Section 22B (administrative co-operation) has effect as if—
 - (a) for subsections (1) and (2) there were substituted—

“(1) The Board may, for the purposes of facilitating the recognition of the qualifications of architects—

 - (a) collaborate with competent authorities of relevant European States, and
 - (b) provide assistance to competent authorities of relevant European States in order to facilitate the accreditation in a relevant European State of registered persons or persons holding qualifications or experience prescribed under section 4(1)(a).

(2) The Board may exchange professional-regulation information about—

 - (a) persons who have made an application for registration under section 4(2A);
 - (b) registered persons who are practising or are seeking to practice as architects in a relevant European State,

with competent authorities of relevant European States.”;
 - (b) in subsection (4)—
 - (i) in the words before paragraph (a)—
 - (aa) for “another” there were substituted “a”;
 - (bb) after “European State” there were inserted “or a person who applies for registration”;
 - (ii) in paragraph (a), for “is responsible for investigating and establishing” there were substituted “may investigate and establish”;

- (iii) in paragraph (b), for “is to” there were substituted “may”;
- (c) in subsection (5), for “duties” there were substituted “functions”.

29. Section 22C (confidentiality) has effect as if—

- (a) in subsection (2)—
 - (i) paragraph (b) (but not the final “and”) were omitted;
 - (ii) in paragraph (c)—
 - (aa) in sub-paragraph (i), for “another” there were substituted “a”;
 - (bb) in sub-paragraph (ii), for “by a Directive-rights national” there were substituted “in reliance on section 4(2A)”;
- (b) in subsection (4), for the words from “which,” to the end there were substituted “which in the course of the carrying out of the authority’s functions under section 4 or 4A is disclosed by or on behalf of the authority to a competent authority of a relevant European State.”.

30. Section 25 (interpretation) has effect as if—

- (a) in the definition of “the Directive”—
 - (i) in the opening words, after “professional qualifications” there were inserted “as it had effect immediately before exit day”;
 - (ii) in paragraph (a), for the words from “(see the amendments made” to the end (including the final “, and”) there were substituted “as it had effect immediately before exit day.”;
 - (iii) paragraph (b) were omitted;
- (b) in the definition of “disqualifying decision”, in paragraph (a), the words “other than the United Kingdom” were omitted;
- (c) there were inserted at the appropriate place—

““enforceable EU right” means a right recognised and available in domestic law, immediately before exit day, by virtue of section 2(1) of the European Communities Act 1972;”.

31. Paragraph 7(2)(b) of Schedule 1A (visiting architects from relevant European States: Registrar’s power to remove person’s name from Part 2 of the Register) has effect as if the words “that is not the United Kingdom” were omitted.

32. Any reference to a relevant European State other than the United Kingdom has effect as if the words “other than the United Kingdom” were omitted.

33. Any reference to the European Union (Recognition of Professional Qualifications) Regulations 2015 has effect—

- (a) in relation to anything done before exit day, as if it were a reference to those Regulations as they had effect at that time;
- (b) otherwise, as if it were a reference to those Regulations as (and only to the extent that) they have effect, on or after exit day, in relation to an entitlement which arose before exit day or arises as a result of something done before exit day.