

Status: Point in time view as at 28/06/2022.

Changes to legislation: There are currently no known outstanding effects for the Architects Act 1997, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1.

THE BOARD AND ITS COMMITTEES

PART I

THE BOARD

[^{F1}Membership

Textual Amendments

- F1** Sch. 1 para. 1 substituted for Sch. 1 paras. 1-3 (7.1.2019) by [The Architects Act 1997 \(Amendments etc.\) Order 2018 \(S.I. 2018/947\)](#), arts. 1(1), **3(2)** (with art. 7)

- 1 (1) The Board is to consist of eleven members—
- (a) a person appointed to be chair of the Board who is not [^{F2}a registered person];
 - (b) five other persons [^{F3}who are not registered persons], and
 - (c) five [^{F4}registered persons].
- (2) The members are to be appointed by the Privy Council after consultation with the Secretary of State and such other persons or bodies as the Privy Council thinks fit.
- (3) Rules made by the Board may make provision for the temporary appointment of a person to act as a member of the Board in such circumstances as may be prescribed.]

Textual Amendments

- F2** Words in Sch. 1 para. 1(1)(a) substituted (31.12.2020) by [The Architects Act 1997 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/717\)](#), regs. 1(2), **20(2)(a)** (with regs. 22-47) (as amended by S.I. 2019/810, regs. 1(3), 4 and S.I. 2020/1038, regs. 1(3), Sch. 3 para. 4); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Sch. 1 para. 1(1)(b) substituted (31.12.2020) by [The Architects Act 1997 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/717\)](#), regs. 1(2), **20(2)(b)** (with regs. 22-47) (as amended by S.I. 2019/810, regs. 1(3), 4 and S.I. 2020/1038, regs. 1(3), Sch. 3 para. 4); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Sch. 1 para. 1(1)(c) substituted (31.12.2020) by [The Architects Act 1997 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/717\)](#), regs. 1(2), **20(2)(c)** (with regs. 22-47) (as amended by S.I. 2019/810, regs. 1(3), 4 and S.I. 2020/1038, regs. 1(3), Sch. 3 para. 4); 2020 c. 1, Sch. 5 para. 1(1)

Elected members

^{F12}

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Textual Amendments

- F1** Sch. 1 para. 1 substituted for Sch. 1 paras. 1-3 (7.1.2019) by [The Architects Act 1997 \(Amendments etc.\) Order 2018 \(S.I. 2018/947\)](#), arts. 1(1), **3(2)** (with art. 7)

Appointed members

F13

Textual Amendments

- F1** Sch. 1 para. 1 substituted for Sch. 1 paras. 1-3 (7.1.2019) by [The Architects Act 1997 \(Amendments etc.\) Order 2018 \(S.I. 2018/947\)](#), arts. 1(1), **3(2)** (with art. 7)

Term of office

- 4 (1) Subject to sub-paragraphs (2) and (3) [^{F5}and paragraph 5], the term of office of a member of the Board is [^{F6}four] years.
- (2) A member may resign at any time by notice in writing addressed to the Registrar.
- (3) The Board may prescribe grounds (such as repeated absence from meetings or unacceptable professional conduct) on which any member may be removed from office and the procedure for removal.

Textual Amendments

- F5** Words in Sch. 1 para. 4(1) inserted (7.1.2019) by [The Architects Act 1997 \(Amendments etc.\) Order 2018 \(S.I. 2018/947\)](#), arts. 1(1), **3(3)** (with art. 7)
- F6** Word in Sch. 1 para. 4(1) substituted (10.2.2014) by [The Architects Act 1997 \(Amendments etc.\) Order 2014 \(S.I. 2014/4\)](#), arts. 1(1), **2(b)(i)**

- [^{F75} (1) A person who has been a member of the Board may be appointed for one or more further periods (whether consecutive or not).
- (2) The length of any further period is to be determined by the Privy Council after consultation with the Secretary of State and such other persons or bodies as the Privy Council thinks fit, but any further term must not extend a person's period of membership beyond eight years (whether consecutive or not).
- (3) A person who has been removed from the Board under rules made under paragraph 4(3) may not be appointed to the Board for a further term.
- (4) A person who has been a member of the Board may not be appointed to the Professional Conduct Committee.]

Textual Amendments

- F7** Sch. 1 para. 5 substituted (7.1.2019) by [The Architects Act 1997 \(Amendments etc.\) Order 2018 \(S.I. 2018/947\)](#), arts. 1(1), **3(4)** (with art. 7)

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Casual vacancies

^{F8}6

Textual Amendments

- F8** Sch. 1 para. 6 omitted (7.1.2019) by virtue of [The Architects Act 1997 \(Amendments etc.\) Order 2018 \(S.I. 2018/947\)](#), arts. 1(1), **3(5)** (with art. 7)

[^{F9}Chair]

Textual Amendments

- F9** Word in Act substituted (7.1.2019) by [The Architects Act 1997 \(Amendments etc.\) Order 2018 \(S.I. 2018/947\)](#), **art. 2** (with art. 7)

[^{F10}7 (1) Rules made by the Board may make provision for the appointment of a person to act as chair of the Board for any period when there is no person appointed under paragraph 1 or in such other circumstances as may be prescribed.

(2) No person who is [^{F11}a registered person] is eligible for appointment under this paragraph.]

Textual Amendments

- F10** Sch. 1 para. 7 substituted (7.1.2019) by [The Architects Act 1997 \(Amendments etc.\) Order 2018 \(S.I. 2018/947\)](#), arts. 1(1), **3(6)** (with art. 7)
- F11** Words in Sch. 1 para. 7(2) substituted (31.12.2020) by [The Architects Act 1997 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/717\)](#), regs. 1(2), **20(3)** (with regs. 22-47) (as amended by [S.I. 2019/810](#), regs. 1(3), 4 and [S.I. 2020/1038](#), regs. 1(3), Sch. 3 para. 4); 2020 c. 1, Sch. 5 para. 1(1)

8 In the event of a tie in any vote of the Board the [^{F9}chair] shall have an additional casting vote.

Procedure

[^{F12}9 The quorum of the Board is—
(a) the chair of the Board;
(b) three members appointed under paragraph 1(1)(b), and
(c) three members appointed under paragraph 1(1)(c).]

Textual Amendments

- F12** Sch. 1 para. 9 substituted (7.1.2019) by [The Architects Act 1997 \(Amendments etc.\) Order 2018 \(S.I. 2018/947\)](#), arts. 1(1), **3(7)** (with art. 7)

10 The Board may make rules governing its meetings and procedure.

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Staff

- 11 (1) The Board may appoint staff.
- (2) The Board shall determine the period for which, and the terms on which, its staff are appointed.
- (3) Staff appointed by the Board shall have the duties which the Board directs.
- (4) The Board may, in addition to paying salaries to its staff, pay pensions to or in respect of them, or make contributions to the payment of such pensions, and pay them allowances, expenses and gratuities.

Seal

- 12 The Board shall have a common seal which shall be authenticated in the prescribed manner; and any document purporting to be sealed with the seal authenticated in that manner shall be receivable as evidence of the particulars stated in it.

PART II

THE PROFESSIONAL CONDUCT COMMITTEE

- [^{F13}13 The Professional Conduct Committee is to consist of—
- (a) at least three persons who are legally qualified;
- (b) at least three [^{F14}registered persons] of whom at least one must be a person whose address in the Register is in Scotland; and
- (c) at least three persons who are not legally qualified and are not [^{F15}registered persons].]

Textual Amendments

- F13** Sch. 1 para. 13 substituted (7.1.2019) by *The Architects Act 1997 (Amendments etc.) Order 2018 (S.I. 2018/947)*, arts. 1(1), **4(2)** (with art. 7)
- F14** Words in Sch. 1 para. 13(b) substituted (31.12.2020) by *The Architects Act 1997 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/717)*, regs. 1(2), **20(4)(a)** (with regs. 22-47) (as amended by S.I. 2019/810, regs. 1(3), 4 and S.I. 2020/1038, regs. 1(3), Sch. 3 para. 4); 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in Sch. 1 para. 13(c) substituted (31.12.2020) by *The Architects Act 1997 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/717)*, regs. 1(2), **20(4)(b)** (with regs. 22-47) (as amended by S.I. 2019/810, regs. 1(3), 4 and S.I. 2020/1038, regs. 1(3), Sch. 3 para. 4); 2020 c. 1, Sch. 5 para. 1(1)

- 14 (1) The members of the Professional Conduct Committee shall elect a [^{F9}chair] from among themselves.
- (2) The [^{F9}chair]—
- (a) may resign by notice in writing addressed to the Registrar; and
- (b) may be removed by a majority vote of the other members of the Professional Conduct Committee.
- (3) Rules made by the Board may make provision for the appointment of a person to act as [^{F9}chair] in the event of a vacancy in the office of [^{F9}chair] or in such other circumstances as may be prescribed.

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Textual Amendments

- F9** Word in Act substituted (7.1.2019) by [The Architects Act 1997 \(Amendments etc.\) Order 2018 \(S.I. 2018/947\)](#), [art. 2](#) (with [art. 7](#))

- 15 ^{F16}(1) Subject to sub-paragraph (2), the quorum of the Professional Conduct Committee is —
- (a) one member appointed under paragraph 13(a);
 - (b) one member appointed under paragraph 13(b); and
 - (c) one member appointed under paragraph 13(c).]
- (2) ^{F17}... Where the Committee is considering the case of a person whose address in the Register is in Scotland, the Committee is not quorate unless there is present a member of the Committee who is a ^{F18}registered person] and whose address in the Register is in Scotland.

Textual Amendments

- F16** Sch. 1 para. 15(1) substituted for Sch. 1 para. 15(1)(1A) (7.1.2019) by [The Architects Act 1997 \(Amendments etc.\) Order 2018 \(S.I. 2018/947\)](#), [arts. 1\(1\), 4\(3\)\(a\)](#) (with [art. 7](#))
- F17** Words in Sch. 1 para. 15(2) omitted (7.1.2019) by virtue of [The Architects Act 1997 \(Amendments etc.\) Order 2018 \(S.I. 2018/947\)](#), [arts. 1\(1\), 4\(3\)\(b\)](#) (with [art. 7](#))
- F18** Words in Sch. 1 para. 15(2) substituted (31.12.2020) by [The Architects Act 1997 \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/717\)](#), [regs. 1\(2\), 20\(5\)](#) (with [regs. 22-47](#)) (as amended by [S.I. 2019/810](#), [regs. 1\(3\), 4](#) and [S.I. 2020/1038](#), [regs. 1\(3\), Sch. 3 para. 4](#)); [2020 c. 1, Sch. 5 para. 1\(1\)](#)

- 16 In the event of a tie in any vote of the Professional Conduct Committee the ^{F9}chair] shall have an additional casting vote; and in any proceedings relating to a registered person the additional vote shall be cast in favour of that person.

Textual Amendments

- F9** Word in Act substituted (7.1.2019) by [The Architects Act 1997 \(Amendments etc.\) Order 2018 \(S.I. 2018/947\)](#), [art. 2](#) (with [art. 7](#))

- 17 The Board may make rules governing the selection and term of office of members of the Professional Conduct Committee (including casual vacancies).
- ^{F19}17A. In paragraph 13 the reference to a person who is legally qualified means—
- (a) a person who for the purposes of the Legal Services Act 2007 is an authorised person in relation to an activity that constitutes a reserved legal activity (within the meaning of that Act);
 - (b) a solicitor or barrister in Northern Ireland; or
 - (c) a solicitor or advocate in Scotland.]

Textual Amendments

- F19** Sch. 1 para. 17A inserted (7.1.2019) by [The Architects Act 1997 \(Amendments etc.\) Order 2018 \(S.I. 2018/947\)](#), [arts. 1\(1\), 4\(4\)](#) (with [art. 7](#))

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[^{F20}PART 2A

THE APPEALS COMMITTEE

Textual Amendments

F20 Sch. 1 Pt. 2A inserted (28.6.2022) by Building Safety Act 2022 (c. 30), ss. 158(9), 170(3)

- 17B (1) The Board may make rules about—
- (a) the composition of the Appeals Committee;
 - (b) the selection and term of office of members of the Appeal Committee (including casual vacancies);
 - (c) the meetings and procedure (including chairing and quorum) of the Appeal Committee;
 - (d) votes of the Appeal Committee (including providing for a casting vote and the way in which it is to be exercised).
- (2) Before making rules about the composition of the Appeals Committee, the Board must consult the Secretary of State.]

PART III

OTHER COMMITTEES

- 18 (1) The Board may establish such committees as it considers appropriate—
- (a) to discharge any of its functions under this Act other than those to which sub-paragraph (2) applies; or
 - (b) to assist the Board in the discharge by the Board of any of its functions.
- (2) This sub-paragraph applies to the following functions—
- (a) prescribing fees under section 6(1) or (2), 8(1) or (3) or 18(4); and
 - (b) acting under section [^{F21}4(2)], 5(1), 6(3), 9(1) or 13(1), (2) or (3).

Textual Amendments

F21 Word in Sch. 1 para. 18(2)(b) substituted (28.6.2022) by Building Safety Act 2022 (c. 30), ss. 159(2), 170(3)

- 19 (1) Any committee established by the Board may include persons who are not members of the Board; but if a committee is established to discharge any function of the Board, the majority of the members of the committee must be members of the Board.
- (2) Subject to that, the membership of any committee established by the Board shall be determined by the Board.
- 20 No vote of any committee established by the Board for the discharge of any of its functions shall be valid unless the majority of those voting are members of the Board.
- 21 The Board may make rules governing the term of office of members of any committee established by the Board (including casual vacancies) and the meetings

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and procedure (including [F22 chairing] and quorum) of any committee established by the Board.

Textual Amendments

F22 Word in Sch. 1 para. 21 substituted (7.1.2019) by [The Architects Act 1997 \(Amendments etc.\) Order 2018 \(S.I. 2018/947\)](#), arts. 1(1), 5 (with art. 7)

PART IV

GENERAL

- 22 (1) The Board, the Professional Conduct Committee [F23, the Appeals Committee] and any committee established by the Board may exercise its functions even though there is a vacancy among its members.
- (2) No proceedings of the Board, the Professional Conduct Committee [F23, the Appeals Committee] or any committee established by the Board are invalidated by any defect in the F24 ... appointment of a member.

Textual Amendments

F23 Words in Sch. 1 Pt. 4 inserted (28.6.2022) by [Building Safety Act 2022 \(c. 30\)](#), ss. 158(10), 170(3)

F24 Words in Sch. 1 para. 22(2) omitted (7.1.2019) by virtue of [The Architects Act 1997 \(Amendments etc.\) Order 2018 \(S.I. 2018/947\)](#), arts. 1(1), 6 (with art. 7)

- 23 The Board may by rules provide for the payment to members of the Board, the Professional Conduct Committee [F23, the Appeals Committee] or any committee established by the Board of—
- fees for attendance at meetings of the Board or committee; and
 - travelling and subsistence allowances in respect of attendance at such meetings or the conduct of business of the Board or committee.

Textual Amendments

F23 Words in Sch. 1 Pt. 4 inserted (28.6.2022) by [Building Safety Act 2022 \(c. 30\)](#), ss. 158(10), 170(3)

- 24 (1) The Secretary of State may, after consultation with the Board and such other persons or bodies as he thinks fit, by order amend the provisions of this Schedule.
- (2) An order under sub-paragraph (1) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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