

ISLE OF MAN OFFICE OF FAIR TRADING

Architects Act 1976

ARCHITECTS REGULATIONS 1980

This guidance should be read in conjunction with the Architects Act 1976.

Citation and Commencement

1. These Regulations may be cited as the Architects Regulations 1980.... *(They were approved by Tynwald on the 9th December 1980 and came into operation on the same date.)*

Interpretation

2. In these Regulations unless the context otherwise requires:-

“the Act” means the Architects Act 1976;

“Architects Appointment” means the Architects Appointment of the Royal Institute of British Architects from time to time published and as from time to time amended;

“the Board” means the Isle of Man Office of Fair Trading;

“the Isle of Man Register” means the Isle of Man Register of Architects established under Section 2 of the Act;

“the Committee” means the Architects Registration Committee being the Committee appointed by the Board under Section 8 of the Act or the Board itself should the Committee be for any reason unable to act;

“retention fee” means the fee to be paid in respect of the retention of any name in the Isle of Man Register during any year subsequent to the year in which the name was entered in the Register;

“re-registration” means the restoration of a person to the Register by virtue of Section 4(3) of the Act;

“the United Kingdom register” means the Register kept in pursuance of the Architect Registration Acts 1931 to 1969 (being Acts of Parliament):

All other expressions shall have the meanings ascribed to them in the Act.

Conditions of Registration

3. Any person registered in the United Kingdom Register shall, on application in the prescribed manner and on payment of the prescribed fee, be registered in the Isle of Man Register but in the case of any other applicant the Committee must in addition to the requirements under Section 3 sub-section (2) of the Act as to the good character of an applicant for registration and to the payment of the prescribed fee also satisfy themselves that the applicant:-

- (a) is qualified to be registered in the United Kingdom Register; or
- (b) was on the date the Act came into operation, a member of –
 - (i) The Institution of Civil Engineers; or
 - (ii) The Institution of Municipal Engineers; or
 - (iii) The Institution of Structural Engineers; or
 - (iv) The Royal Institution of Chartered Surveyors; or
 - (v) The Faculty of Architects and Surveyors; or
 - (vi) The Incorporated Association of Architects and Surveyors;

and has for a period of not less than seven out of the ten years preceding the date of his application, being a date prior to the appointed day (1/4/81), been practising or carrying on business in the Isle of Man under the style or title of Architect as his principle means of livelihood; or

- (c) has, for the period of not less than twenty out of the twenty five years preceding the date of his application, been practising or carrying on business in the Isle of Man under the style or title of Architect as his principal means of livelihood.

Applications for Registration or Re-registration in the Isle of Man Register

- 4. (a) An application for registration or re-registration in the Isle of Man Register shall be made on Form 1 as laid down in the Schedule to these Regulations and each application shall be accompanied by a fee of £40.00.
- (b) An applicant for registration or re-registration shall provide in addition such further information as the Committee may reasonably require and failure to provide such further information shall be sufficient reason for the Committee to refuse the application.
- (c) A body corporate shall not be eligible for registration.

Decision on Application for Registration

- 5. The Committee shall cause a written notice of its decision on any application for registration or re-registration in the Isle of Man Register to be served on the applicant within three months of receipt of such application and such written notice shall, in the event of a refusal of such application, state the reasons of the Committee for such refusal.

Contents of the Isle of Man Register

6. The Isle of Man Register shall contain the full name, qualifications (if any) and the business and home addresses of each person registered as an Architect together with his registration number and, if he is registered in the United Kingdom register, his registration number in that Register.

Copies of the Isle of Man Register

7. The Committee shall publish and offer for sale annually copies of the Isle of Man Register at the price of £1.00.

Certificate of Registration

8. Upon the approval of an application for registration or re-registration the Committee shall issue to the applicant a Certificate of Registration in the form of Form 2 laid down in the Schedule to these Regulations and an applicant shall be entitled to receive a certificate in respect of each of his places of business.
9. Any person whose name is removed from the register shall forthwith return to the Committee any Certificates of Registration issued to him.

Annual Retention

10. An application for the retention of a name in the Isle of Man Register shall be made before the 31st March in each year and shall be accompanied by a retention fee of £30.00 and if such fee be not paid within 28 days of written notice thereof having been given by the Board, the name shall be removed from the Register.
11. Any person whose name has been removed from the Isle of Man Register under the foregoing Regulations shall pay a penalty of £30.00 should his name be restored to the Register in accordance with Section 6 of the Act.

Provision of Required Information and Changes in Registered Particulars

12. Every registered Architect shall provide to the Committee such information as may be reasonably required for the purpose of ensuring that the particulars entered against his name in the Isle of Man Register are correct or that he is not in contravention of any provision of the Act or these Regulations and shall inform the Committee of any change in the particulars required to be entered in the Isle of Man Register within one month of the date of any such change.

Rules of Conduct

13. A registered Architect shall comply with the following rules of conduct and the Committee shall have regard to these Rules in conducting any enquiry under section 4 of the Act –
 - (a) An Architect shall faithfully carry out the duties which he undertakes. He shall also have a proper regard for the interests both of those who commission and of those who may be expected to use or enjoy the product of his work.

- (b) An Architect shall before making an engagement, whether by an agreement for professional services by a contract of employment or by a contract for the supply of services or goods, inform his client of the Architects Appointment and shall in particular have defined beyond reasonable doubt the terms of the engagement including the scope of the service, the allocation of responsibilities and any limitation of liability, the method of calculation of remuneration and the provision for termination.
- (c) An Architect shall arrange that the work of his office and any branch office insofar as it relates to architecture is under the control of an architect.
- (d) An Architect shall not sub-commission or sub-let work without the prior agreement of his client nor without defining the changes in the responsibilities of those concerned.
- (e) An Architect shall act impartially in all cases in which he is acting between parties. Where he has responsibilities as architect under a building contract, or is acting for the supervising officer, he shall interpret the conditions of such contract with fairness.
- (f) An Architect shall avoid actions and situations inconsistent with his professional obligations or likely to raise doubts about his integrity.
- (g) An Architect shall declare to any prospective client any business interest the existence of which, if not so declared, would or might be likely to raise doubts about his integrity by reason of an actual or apparent connection with or effect upon his engagement.
- (h) An Architect shall not simultaneously practice as, or purport to be, an independent consulting architect and engage in any of the following: the business of trading in land or buildings; or of property developers, auctioneers, or house or estate agents; or of contractors, sub-contractors, manufacturers or suppliers in or to the building industry, unless he is able to declare that his engagement in any such business is only occasional or subordinate to his practice, or vice versa, and that the combination would not prevent his compliance with the principles contained in this Regulation.
- (i) An Architect shall not and shall not purport to carry out the independent functions of an architect or of a supervising officer in relation to a contract in which he or his employer is the contractor.
- (j) An Architect shall ensure that whenever he offers or takes part in offering a service combining consulting services with contracting services the consulting services component is not represented as independent of the combined services.
- (k) An Architect shall not have or take as partner or co-director in his firm any person who
 - (i) is disqualified for registration by reason of the fact that his name has been removed from the Isle of Man Register or the United Kingdom Register; or
 - (ii) is disqualified for membership of the Royal Institute of British Architects by reason of expulsion under Byelaw 5.1 of that Institute; or

- (iii) is disqualified for membership of any of the bodies specified Section 1(2)(b) (ii) of the Act by reason of expulsion under the relevant disciplinary regulations; or
- (iv) is an undischarged bankrupt; or
- (v) engages in any of the occupations set out in paragraph (h) of these Regulations even though that person engages in any such occupation in a firm or company separate from the architectural firm unless he is able to declare that the taking of any such partner or co-director does not prevent compliance with the principles contained in that paragraph;

unless the Architects Registration Committee otherwise allows.

- (l) An Architect shall not take discounts, commissions, or gifts as an inducement to show favour to any person or body – nor shall he recommend or allow his name to be used as recommending any service or product in advertisements.
- (m) An Architect shall not improperly influence the granting of planning consents or statutory approvals.
- (n) An Architect who in circumstances not specifically covered in this Regulation finds that his interest whether professional or personal conflict so as to risk a breach of the principle in paragraph (f) hereof shall, as the circumstances may require, either withdraw from the situation or remove the source of conflict or declare it and obtain the agreement of the parties concerned to the continuance of his engagement.
- (o) An Architect shall have a proper regard for the professional obligations and qualifications of those from whom he receives or to whom he gives authority, responsibility or employment, or with whom he is professionally associated. An Architect who employs architects shall define their conditions of employment, authority, responsibility and liability.
- (p) An Architect shall rely only on ability and achievement as the basis for his advancement.
- (q) An Architect shall not give discounts, commissions, gifts or other inducements for the introduction of clients or of work.
- (r) An Architect who is offering services as an independent consulting architect shall uphold and apply the Architects Appointment and shall not quote a fee without having received from the prospective client an invitation to do so and sufficient information to enable the architect to know the nature and scope of the project and services required.
- (s) An Architect who is offering services as an independent consulting architect shall not revise a fee quotation to take account of the fee quoted by another architect for the same service.
- (t) An Architect shall not attempt to supplant another architect.

- (u) An Architect on being approached or instructed to proceed with work upon which he knows, or can ascertain by reasonable inquiry, that another Architect is or has been engaged by the same client shall notify the fact to such Architect.
- (v) An Architect may make his availability and experience known by means of direct approaches to individuals and organisations and by entries in any directory, provided that the information given is in substance and in presentation factual, relevant and neither misleading nor unfair to others nor otherwise discreditable to the profession. But he may not advertise consulting services by any public means, nor may he give monetary consideration for the publication or exhibition of his work.
- (w) An Architect shall enter only such architectural design competitions as are conducted in accordance with the RIBA Regulations for the promotion and conduct of competitions or otherwise approved by the Royal Institute of British Architects.

Disciplinary Proceedings

14. (a) The manner in which any inquiry held under Section 4 of the Act shall be at the discretion of the Committee and the Committee may:-
- (i) order the discovery of any documents necessary to assist the Committee;
 - (ii) call and hear witnesses whose evidence may be taken on Oath;
 - (iii) make any order as to the retention or removal of any name from the Isle of Man Register and, where an order for removal is made, its duration and provisions (if any) for application for reinstatement with or without fee.
- (b) The Committee, having held an inquiry as laid down in paragraph (a) of this Regulation and having found any complaint or information laid against a registered Architect justified on the facts presented, shall before it exercises its disciplinary powers under section 4 of the Act give notice to the registered Architect of its findings and of his right, on having made written application to the Committee within one month of the date of such notice, to appear in person or by Advocate to make representations as to the matter or matters which form the subject of such findings.

NOTES

- This guidance provides an overview of trading standards law as it applies to architects. It should not be treated as a substitute for or a definitive interpretation of the law and should be read in conjunction with the law.
- The schedule referred to in the text above is not included in this document as the forms laid down in the schedule are available from the Isle of Man Office of Fair Trading.
- The Architects Regulations 1980 were amended in 1982 and 2011.

To obtain copies of the Architects Act 1976, the Architects Regulations 1980 and the amending legislation you are advised to contact—

Tynwald Library
Legislative Buildings
Finch Road
Douglas
Isle of Man
IM1 3PW
Tel: (01624) 685520

- Contacting the OFT

Contact details—
Isle of Man Office of Fair Trading
Government Building
Lord Street
Douglas
IM1 1LE
Tel: 01624 686500
Fax: 01624 686504
Email: iomfairtrading@gov.im
Website: www.gov.im/oft

All enquiries concerning registration and general enquiries about the Act and the regulations made under the Act should be directed to the **Chief Inspector of Trading Standards**.