

## **The AIA and the UK Architects Act**

It is important that all members of the AIA UK Chapter are aware that the use of the title “architect” in the UK is protected under Section 20 of the Architects Act 1997. It can only be used in business or practice by someone who has had the education, training and experience needed to become an architect, and who is registered in the UK with the Architects Registration Board – the ARB.

Whereas most of our Chapter’s members are fully trained and experienced professionals, not all of us are ARB registered. Therefore, any member who claims to be an architect working in the UK without ARB registration could be prosecuted for committing an offence under the Act. If convicted, individuals would incur fines up to £2,500 (plus costs for each offense) and would also be stigmatised with a criminal record.

The ARB considers regulating the use of the title “architect” as one of its “highest profile activities”, and there is a possibility it could initiate legal proceedings against AIA architects unless individuals are seen to comply with the Act.

When this issue was brought to the Chapter’s attention in the 1990s, individual members began describing themselves as “US registered architects”; narrowing the focus of their services; or taking other precautions. For many years, this common sense, low key approach left our members undisturbed. However, ARB has recently notified an AIA member of potential prosecution under the Act simply for using a “US qualified Architect” description and the “AIA” abbreviation on an international LinkedIn page.

It is therefore strongly recommended that American or other non EU registered architects working in the UK visit the ARB website for an overview of the Act. The short publication entitled “What we do to regulate use of the title “architect”” is the best starting point and can be found in the ARB flyer attached.

If you are contacted by the ARB, we recommend that you return correspondence and proof to the ARB indicating that you will be attending to the violations listed quickly and efficiently. However, you should also seek whatever clarification is required direct from the ARB or from an independent legal advisor.

Although the UK Chapter is sending this warning to its membership, it is up to individual members - not the AIA - to ensure their own compliance.

The AIA UK Chapter must also consider its own situation in respect of the Act. As the Chapter is promoting the architecture in general and is not providing or advertising architectural services itself, we do not consider that we are in violation of the Act, nor is membership in the Chapter or participation in our events or governance a violation.

The AIA will continue discussions on this issue with the ARB and with the AIA National legal counsel, the RIBA and other involved parties to establish guidelines for compliance. One of our corporate sponsors, the legal firm Beale & Company, is also considering one of its future legal seminars to cover this and related topics.

We will, however, review our use of the individual title “architect” on our announcements, website and newsletters at least until we have confirmation from the ARB on what is acceptable usage.

The ARB publication “What we do to regulate the use of the title “Architect”” is a good starting point for a basic understanding of the issues. Some of the main points from that

publication and other ARB correspondence are identified below, but we advise that you should also refer to the ARB's website for more details and case studies:

- Anybody may provide architectural services in the UK, but they must not use the title "architect" if they are not ARB registered. The terms "architecture" and "architectural" are not protected, nor does there seem to be an embargo on other terms such as "designer".
- Abbreviations that include the term "architect" – specifically RIBA - are subject to prosecution, but the ARB has made clear this would also include "AIA".
- The use of the title "architect" is not acceptable even if qualified by denial of ARB registration or by reference to another jurisdiction (except for architects registered in the European Union where there are separate rules).
- The title "architect" can be used in a way that is not connected to building design or construction, for example as a software or landscape architect.
- As well as basic marketing tools such as business cards and websites, the ARB takes evidence from other official documents such as planning applications. It is possible, for example, that architect's appointment documents could be used, etc.
- Firms or partnerships can use "architect" in their business name as long as an ARB registered architect is in direct control of the architectural work.

We would like to hear from you if you have been approached by the ARB or are interesting in learning more about the topic. Please contact us by sending a message to

[secretary@aiauk.org](mailto:secretary@aiauk.org). We will also keep you informed of any future developments

By Lorraine King, Secretary UK Chapter