What we do to regulate use of the title ‘architect’

This leaflet is about the work we do to regulate the title ‘architect’.
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Architects Act 1997
Under Section 20 of the Architects Act 1997, the title ‘architect’ is protected. 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 with us.

Firms or partnerships can use ‘architect’ in their business name, as long as a registered architect is in direct control of the architectural work. When someone uses the title ‘architect’, it means that people can check with us that they are dealing with a trained and qualified professional. The Act also protects the public from dishonest individuals who deliberately mislead people by calling themselves something they’re not.

There are exceptions to the law, which allow landscape architects, golf course architects and naval architects to use the title legally. It is also important to understand that other variations on the word – such as ‘architecture’ and ‘architectural’ – are not protected terms and they are free for anyone to use.

It should also be understood that it is only the title ‘architect’ that is protected by law. Anybody may provide architectural services in the UK, but they must not use the title ‘architect’ if they’re not on our register.

Using the title ‘architect’
Regulating use of the title ‘architect’ is one of our highest profile activities.

We work closely with business directories to prevent false listings under the ‘Architects’ heading. This is so that anyone using an architect can be confident that they are working with someone who has the qualifications and experience they claim. We have asked the directories to put a note above their ‘Architects’ listing to encourage members of the public to check with us that their architect is registered.
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Context
The name ‘architect’ is sometimes used in a way that isn’t connected to building and design, for example, ‘software architect’ or ‘systems architect’ in the IT industry. We take the commonsense view and accept that no one could be misled into thinking this has something to do with the design and construction of buildings, and we wouldn’t normally take any action in these cases.

Section 20 Prosecutions
In England, Wales and Northern Ireland, we prosecute in the magistrates’ courts. Scottish law is slightly different, and our prosecutions there are through the Procurator Fiscal’s office. Before deciding whether to prosecute someone for misusing the title ‘architect’ there are two tests we must apply, both of which must be satisfied before we can proceed.

1. The ‘evidence’ test
Magistrates need clear evidence – for example, business cards, websites, planning applications or headed notepaper – that clearly shows that the individual or practice was claiming to be an architect when they weren’t on our Register. This is because if an offender is convicted, they may have to pay a fine (currently up to £2500 for each offence).

If we don’t have enough evidence to prosecute, we can ask the individual or practice to give us a written guarantee that they won’t repeat the offence. Or, we could send them a warning letter, telling them that they are at risk of being prosecuted if they continue to use a title they have no right to. Both methods are successful in protecting the public from unregistered and unqualified people.
2. The ‘public interest’ test

Prosecutors have to ask themselves whether a prosecution would be in the public interest. If, for example, the offender posed as an architect to make money and is likely to offend again, a prosecution would probably be in the public interest. If the offender gave a reasonable explanation why they called themselves an architect and it was unlikely to happen again, it may not be in the public interest to prosecute.

Use of the initials RIBA (Royal Institute of British Architects) etc.
The High Court has ruled that anyone using the initials ‘RIBA’ after their name is using the title ‘architect’. This means that even though someone may be a member of the professional body, they cannot use the letters ‘RIBA’ or ‘RIAS’ (Royal Incorporation of Architects in Scotland) after their name in business or practice unless they are on our register.