



Isle of Man

Ellan Vannin

AT 11 of 1976

ARCHITECTS ACT 1976



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ARCHITECTS ACT 1976

<i>Received Royal Assent:</i>	19 May 1976
<i>Passed:</i>	15 June 1976
<i>Commenced:</i>	15 June 1976

AN ACT to make provision for preventing unqualified persons from practising or carrying on business as architects; for the registration of architects; and for connected purposes.

GENERAL NOTE: The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.

1 Restriction on use of title “architect”, etc

[P1938/54/1 and 3]

- (1) Subject to the provisions of this section, a person shall not, after the appointed day —
- (a) practise or carry on business under any name, style or title containing the word architect; or
 - (b) take or rise any name, style, title or description implying, or otherwise pretend, that he is an architect,

unless he is an individual and is registered in the Isle of Man Register of Architects (in this Act referred to as “**the Isle of Man Register**”).

- (2) Nothing in subsection (1) above shall —
- (a) affect —
 - (i) the use of the designation “naval architect”, “landscape architect” or “golf course architect” by a person duly qualified to use the designation concerned; or
 - (ii) the validity of any building contract in customary form; or
 - (b) where, on the appointed day, any person —
 - (i) holds, in the service of the Government, a Board of Tynwald, a Statutory Board or of a local authority, an office by virtue of which he has the control and management of the architectural work of the Government or, as the case

may be, of the Board of Tynwald, Statutory Board or local authority; and

- (ii) is a member of any of the following bodies, namely —
 - (A) the Institution of Civil Engineers;
 - (B) the Institution of Municipal Engineers;
 - (C) the Institution of Structural Engineers;
 - (D) the Royal Institution of Chartered Surveyors;
 - (E) the Faculty of Architects and Surveyors;
 - (F) the Incorporated Association of Architects and Surveyors,

prevent the use of the word “architect”, or any grammatical variation of that word, in the description of that person as the holder of that office, if and so long as he holds that office and any of the persons engaged under him for the purposes of that architectural work are persons registered in the Isle of Man Register.

- (3) Any person who contravenes subsection (1) above shall, subject to subsection (4) below, be guilty of an offence and shall be liable —
 - (a) on conviction on information, to a fine;
 - (b) on summary conviction, to a fine not exceeding £5,000.
- (4) A person shall not be guilty of an offence under subsection (3) above, by reason of the occurrence of a contravention of subsection (1) above on any particular date, if he proves —
 - (a) that he had duly applied for registration in the Isle of Man Register before the appointed day and that he had not, at the time of the contravention, been notified that his application had been refused; or
 - (b) in a case where the contravention is occasioned by the removal of his name from the Isle of Man Register, that notice of the removal had not been served on him under section 7 of this Act; or
 - (c) that, at that date —
 - (i) the time for bringing an appeal under this Act against the refusal mentioned in paragraph (a) above or, as the case may be, against the removal mentioned in paragraph (b) above had not expired; or
 - (ii) such an appeal had been duly brought, but had not been determined.

2 Isle of Man Register of Architects

[P1931/33/3(3) and (4)]

- (1) The Isle of Man Office of Fair Trading (in this Act referred to as “**the Board**”) shall establish and maintain a register, to be called “the Isle of Man Register of Architects”, and shall cause to be registered therein the name and address of every person entitled to be registered in the Isle of Man Register and cause to be removed therefrom —
 - (a) the names of all persons who have made application to the Board, in the prescribed manner, requesting the Board to remove their names from the Register;¹
 - (b) the names of all persons registered in the Register who shall have died and any names or particulars inaccurately entered in the Register; and
 - (c) the names of all persons who, having been registered in the United Kingdom Register, have had their names removed from that Register pursuant to section 7 of the Architects (Registration) Act 1931 (an Act of Parliament) or any enactment of Parliament replacing that section,and shall from time to time cause to be made any necessary alterations in the Register.²
- (2) The Board shall, not later than fifteen months from the appointed day and annually thereafter, publish and offer for sale at the prescribed prices copies of the Isle of Man Register setting forth the names of the registered persons in alphabetical order according to their surnames, with their respective regular business addresses, and, subject to subsection (3) below, a copy of the Register certified by an officer of the Board, duly authorised in that behalf, to be a correct copy shall, until the contrary is proved, be evidence that any person named therein is duly registered in the Isle of Man Register.³
- (3) Where the name of a person does not appear in such a copy of the Isle of Man Register, a certificate under the hand of an officer of the Board, duly authorised in that behalf, of the entry of that person in the Register shall, until the contrary is proved, be evidence that that person is duly registered in the Isle of Man Register.⁴
- (4) A certificate issued in pursuance of subsection (3) above shall remain the property of the Board and shall be surrendered by the holder to the Board upon publication of the name in a copy of the Isle of Man Register or upon removal of the name from that Register.⁵
- (5) Any person who, having been required by the Board to surrender a certificate issued under subsection (3) above, refuses to do so shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.⁶

3 Qualifications for registration

- (1) Any person who is registered in the United Kingdom Register shall, on application to the Board in the prescribed manner and on payment of the prescribed fee, be entitled to be registered in the Isle of Man Register.⁷
- (2) Any person shall, on application to the Board in the prescribed manner and on payment of the prescribed fee, be entitled to be registered in the Isle of Man Register if he satisfies the Board that he is a person of good character and —
 - (a) that he is qualified to be registered in the United Kingdom Register; or
 - (b) that he was, at the date on which this Act comes into operation, a member of any of the institutions specified in section 1(2)(b)(ii) of this Act and that he 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), been practising or carrying on business in the Island under the style or title of architect as his principal means of livelihood; or
 - (c) that he has, for a period of not less than twenty out of the twenty-five years preceding the date of his application (being a date prior to the appointed day), been practising or carrying on business in the Island under the style or title of architect as his principal means of livelihood.⁸
- (3) The Board shall cause a written notice of its decision on any application for registration under subsection (2) above to be served on the applicant within the prescribed period, and, where the Board decides to refuse the application, the written notice shall state the reasons for the refusal.⁹

4 Removal of name from Isle of Man Register for criminal offence, etc

[P1931/33/7(1) and (5)]

- (1) If any person registered in the Isle of Man Register is convicted of a criminal offence in any part of the British Islands, or if the Board, after due enquiry, decides that any such person has been guilty of conduct disgraceful to him in his capacity as an architect, the Board may, subject to the provisions of this section, cause the name of that person to be removed from the Register; and, where the name of any person is duly removed from the Register under this section, he shall, subject to subsection (2) below, be disqualified for registration in the Isle of Man Register during such period after the removal of his name therefrom as the Board may determine on the occasion of the removal.¹⁰
- (2) Where the Board intends to remove the name of any person from the Isle of Man Register in pursuance of subsection (1) above, then, before so doing, the Board shall cause a written notice of its intention to be served on the person, and shall, on application made by that person in the

prescribed manner within one month from the date of the service of the notice, consider any representations with regard to the matter which may be made by him to the Board, either in person or by an advocate.¹¹

- (3) The Board may at any time, either of its own motion or on the application of the person concerned, cause the name of any person which has been removed from the Isle of Man Register under subsection (1) above to be restored to the Register, either without payment of a fee or on payment of such fee, not exceeding the prescribed fee, as the Board may determine.¹²

5 Removal of name from Isle of Man Register for failure to notify change of address

[P1931/33/11]

For the purpose of maintaining the Isle of Man Register, the Board may at any time, by notice in writing served on any person registered in the Register, inquire if that person has changed his regular business address; and, if no answer is received within six months from the service of that notice, the Board may remove the name of that person from the Register.¹³

6 Removal of name from Isle of Man Register for failure to pay retention fee

If any person registered in the Isle of Man Register fails within the prescribed period after the date on which the Board has caused to be served on him a written notice requiring the payment of any retention fee payable by him, to pay that fee to the Board, the Board may cause his name to be removed from the Register, but, if the Board so directs, his name may be restored to the Register on payment of the said retention fee together with such additional sum (if any) by way of penalty as may be prescribed.¹⁴

7 Notice of removal of name from Isle of Man Register

[P1931/33/8]

- (1) Where the Board causes the name of any person to be removed from the Isle of Man Register, it shall, subject to subsection (3) below, forthwith cause a written notice of the removal to be served on that person, and, where in connection with the removal, the Board has determined that the person in question shall, during any period, be disqualified for registration, the determination of the Board shall be specified in the notice.¹⁵
- (2) Every written notice under subsection (1) above shall state the reasons for removal and, where applicable, for the determination.

- (3) Nothing in subsection (1) and (2) above shall apply in a case where the Board causes the name of any person to be removed from the Isle of Man Register consequent on the death of that person.¹⁶

8 **[Repealed]**¹⁷

9 **Appeals**

[P1931/33/9]

- (1) Any person aggrieved by –
- (a) the refusal of the Board to register his name in the Isle of Man Register; or¹⁸
 - (b) the removal of his name from the Register; or
 - (c) a determination of the Board that he be disqualified for registration in the Register for any period,¹⁹

may, within three months from the date on which notice of the refusal, removal or determination was served on him, appeal to the Staff of Government Division, in accordance with rules of court, against the refusal, removal or determination; and, on any such appeal, the court may give such directions in the matter as it considers proper, and the order of that court shall be final.

- (2) The Board may appear as respondent on any appeal under subsection (1) above, and, for the purpose of enabling directions to be given as to the costs of any such appeal, the Board shall be deemed to be a party thereto, whether it appears on the hearing of the appeal or not.²⁰

10 **Procuring registration by false pretences**

[P1931/33/12]

Any person who, for the purpose of procuring himself to be registered in the Isle of Man Register –

- (a) makes a statement which he knows to be false in a material particular; or
- (b) recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £5,000.

11 **Service of notices**

[P1931/33/16]

Any notice required to be served on any person under this Act (other than a notice to a person acknowledging a request to remove his name from the Isle of Man Register) shall be served personally on that person, or sent to him at his last known address by registered post or by the recorded delivery service.

12 Regulations

[P1931/33/13(1)]

- (1) Subject to subsection (2) below, the Board may, after consultation with such organisations as appear to it to represent the interests of architects in the Island, make regulations generally for carrying this Act into effect, and, without prejudice to the generality of the foregoing, such regulations may prescribe —
- (a) anything which is required or authorised to be prescribed under this Act;
 - (b) the retention fees payable under this Act;
 - (c) the information to be furnished with any application for registration in the Isle of Man Register;
 - (d) the procedure and practice to be adopted in any inquiry under section 4 (1) of this Act,
- but so that no fee shall be prescribed except after consultation with the Treasury.²¹
- (1A) The Board may by regulations prescribe the acts and omissions which, if done by architects, or by architects in particular circumstances, constitute unprofessional conduct.²²
- (1B) The mention or lack of a mention in regulations under subsection (1A) of a particular Act or omission shall not be taken as conclusive of any question of conduct for the purposes of section 4(1) of this Act.²³
- (2) Regulations under subsection (1) or (1A) above shall not have effect until they have been approved by Tynwald.²⁴

13 Interpretation

- (1) In this Act, unless the context otherwise requires —
- “**the appointed day**” means such day, not being less than six months after the date on which this Act comes into operation, as the Governor shall, by order, declare to be the appointed day for the purposes of this Act;²⁵
- “**the Board**” has the meaning assigned to it by section 2(1) of this Act;²⁶
- “**the Isle of Man Register**” has the meaning assigned to it by section 1 (1) of this 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 that in which the name was entered in the Register.
- “**the United Kingdom Register**” means the Register kept in pursuance of the Architects Registration Acts 1931 to 1969 (being Acts of Parliament).

- (2) A person shall not be treated for the purposes of this Act as not practising or carrying on business by reason only of the fact that he is in the employment of another person.

14 Savings

[P1931/33/17]

Nothing in this Act shall prevent a partnership from —

- (a) practising or carrying on business as an architect; or
- (b) taking or using any name, style, title or description or otherwise pretending, that it is practising or carrying on such a business,

if the business of the partnership, so far as it relates to practise as an architect, is conducted by a person who is registered in the Isle of Man Register and is a partner in the firm.

15 Short title and commencement

This Act may be cited as the Architects Act 1976 and shall come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys.

ENDNOTES

Table of Endnote References

- ¹ Para (a) amended by SD155/10 Sch 8.
- ² Subs (1) amended by SD155/10 Sch 8.
- ³ Subs (2) amended by SD155/10 Sch 8.
- ⁴ Subs (3) amended by SD155/10 Sch 8.
- ⁵ Subs (4) amended by SD155/10 Sch 8.
- ⁶ Subs (5) amended by SD155/10 Sch 8.
- ⁷ Subs (1) amended by SD155/10 Sch 8.
- ⁸ Subs (2) amended by SD155/10 Sch 8.
- ⁹ Subs (3) amended by SD155/10 Sch 8.
- ¹⁰ Subs (1) amended by SD155/10 Sch 8.
- ¹¹ Subs (2) amended by SD155/10 Sch 8.
- ¹² Subs (3) amended by SD155/10 Sch 8.
- ¹³ S 5 amended by SD155/10 Sch 8.
- ¹⁴ S 6 amended by SD155/10 Sch 8.
- ¹⁵ Subs (1) amended by SD155/10 Sch 8.
- ¹⁶ Subs (3) amended by SD155/10 Sch 8.
- ¹⁷ S 8 repealed by Government Departments Act 1987 Sch 4.
- ¹⁸ Para (a) amended by SD155/10 Sch 8.
- ¹⁹ Para (c) amended by SD155/10 Sch 8.
- ²⁰ Subs (2) amended by SD155/10 Sch 8.
- ²¹ Subs (1) amended by Treasury Act 1985 Sch 2 and by SD155/10 Sch 8.
- ²² Subs (1A) inserted by Statute Law Revision Act 1989 s 2 and amended by SD155/10 Sch 8.
- ²³ Subs (1B) inserted by Statute Law Revision Act 1989 s 2.
- ²⁴ Subs (2) amended by Statute Law Revision Act 1989 s 2.
- ²⁵ ADO (ss 1 to 3) 1/4/1981 (GC296/80).
- ²⁶ Definition of 'the Board' previously definition of 'the Department' amended by GC192/86 and by SD155/10 Sch 8.