A Proposal for a Public Register of Civil Architecture: "firmness, commodity and delight" (28 September 2010)

It is likely that policy makers who are informed about matters reported elsewhere in these pages will feel that now is a time to be reconsidering the proposal that the Register of Architects (which was originated in the 1930s and was continued in the 1990s as a serviceable expedient) has now become wholly or mainly obsolete. But it is evident that among those presently taking an interest in reforming the current arrangements affecting architectural practice in this country (UK), while some have been urging the abolition of the Register of Architects altogether and the extinction of the ARB, there are others who have been resisting such a policy. This Note first draws attention to certain aspects affecting the merits of either side of that argument; and secondly takes up a proposal for the RIBA Trust and a Register of Civil Architecture.

Disapplying the Act in reforming arrangements affecting architectural practice

Concerning "the obligation imposed on the United Kingdom and other European governments" [infra] no further information has yet been made available to indicate that another solution would be better advised, or is to be preferred for reasons of principle, convenience or expediency, than as proposed in the AARUK Note on "*Rules & Responsibility*" [see 1 and 2 below]; and in this connection, the AARUK note of July 2010 is relevant [see 3 below].

It is understood that the Business Plan which has been adopted by the Board (by implication in furtherance of the departmental "framework" policy) is intended to be sufficiently flexible to allow for adjustment as circumstances may change, including allowing for a rearrangement of that kind. In particular, a revision would have to take into account the number of architects crossing any Directive territory border who actually need a UK "competent authority" certificate or otherwise to avail themselves of the UK "competent authority" for some other EU prescribed requirement in respect of which the UK government and other EU governments are obliged to comply. (The revision would have regard to the number(s) forecast for the purposes of (1) the formal legislation impact statement submitted to Parliament (2) the departmental "Framework" document signed up with ARB (3) the current ARB Business Plan.)

1. The gist of the AARUK Note on "*Rules & Responsibility*" was that it would be appropriate for the ARB-Government nexus to adopt a "Framework" which would curtail the ARB's operations to the least possible (the reasoning was given in the Note).

2. The Postscript of 2 August 2010 added:

> ...it appears that a way in which the operation of the Act could conveniently be adapted to current requirements would be the retaining of a modified version of Part IV of the Act to the effect that (a) the restriction in sub-section 20(1) (which now applies to "a person" other than one registered in Part 1 of the Register) would be disapplied; (b) the restriction in sub-sections 20(3) and (4) would remain in respect of bodies corporate, but would be disapplied in respect of any business carried on by a firm or partnership otherwise than as a body corporate; and (c) in respect of the restriction on bodies corporate the designation of the ARB as "competent authority" would be continued (for compliance with EU requirements concerning freedom of competition and establishment across borders), and with it the remainder of the Act which requires the ARB to maintain and publish the Register of Architects (subject to any

other modifications which may be deemed convenient in this connection)...

and it was remarked that:

> Until the detail of the Public Bodies (Reform) Bill is known it remains uncertain what means of repealing or modifying the Architects Act 1997 (as amended 2008) will then be available to the government.

3. Records held by the British Architectural Library show that from the 1890s the motivations for promoting and opposing a registration act had been mixed. But the content of the originating act of 1931 as amended by the act of 1938 shows that the decisive issue at that time was the importance attached to giving to architects the responsibility of superintending or supervising the building works of local authorities (for housing and other projects), rather than to persons professionally qualified only as municipal or other engineers. A significant indicator for this inference is in section 1 (1) of the 1938 act. (See also *the Simon Report*, HMSO 1944, reprint 1952, and a ruling of the King's Bench Divisional Court, *R. v. Architects' Registration Tribunal, ex p. Jagger*, [1945] 2 All E.R. 151, both mentioned in *The law relating to the architect* by E. J. Rimmer, Stevens 1952). By the 1970s that issue had had its day, to be replaced by another which has resulted in the current legislation: the Architects Act 1997 as amended. The issue which emerged in the 1970s developed into the obligation imposed on the United Kingdom and other European governments to comply with European Union Directives concerning the designation of "competent authorities" in connection with the mutual recognition of professional qualifications in favour of equal standards across borders, in furtherance of the single market policy.

Proposal for the RIBA Trust

The words "users of architectural services and the general public" occur in the current (Westminster) legislation governing the establishment and continuance of the Register of Architects [*Architects Act 1997, Schedule 1, paragraph 3*].

In the language of plain English, free from pedantry or artifice, those words exclude none who can think and feel about the "firmness, commodity and delight" [*Henry Wotton, 1624 for "firmitatis, utilitatis venustatis" of Vitruvius c. 25 CE*] which have long been held as principles which architecture serves (however verbally or tacitly expressed); and not excluding from among them, practitioners themselves and those for or with whom they work, who also are persons who can think and feel.

Similarly, the charter of the RIBA describes "Civil Architecture" as "an art esteemed and encouraged in all enlightened nations, as tending greatly to promote the domestic convenience of citizens, and the public improvement and embellishment of towns and cities" [*the preamble to the charter of 1837 re-issued with the supplemental charter 1971*].

Again, in the language of plain English, free from pedantry or party interest, the application of those principles ("firmness, commodity and delight") to works of architecture of all kinds need be excluded from no style whether denominated "post-modern", "international", "beaux arts" or by any other name or title of more than passing interest, subject only to quality and intent.

And, whatever the future of the Register of Architects, here is another proposal: that the RIBA Trust take the lead in arranging for the establishment of a Register of Civil Architecture of the Nineteenth and Twentieth Centuries (and later, the Twenty-first). The data already held in the library and archives of the RIBA would be a major resource. The purpose of the Register would be to focus on extending that collaboratively with other sources (such as English Heritage and CABE) both in the UK and overseas, according to recognised criteria. Taking a cue from awards which have been made of the RIBA Royal Gold Medal, it would be pointlessly restrictive to prescribe that entry in such a register should necessarily be limited to those who had been officially registered or certified or licensed to practice as an "architect".

Perhaps it would be interesting to see as part of each entry in the Register some mention whether the architect was known, or reputed, to have claimed to serve or deny the principles of "firmness, commodity and delight".

From an AARUK contributor, 28 September 2010