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GAELTACHT**

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AN TEIDIL: AILTIRE**

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**JOINT COMMITTEE ON ENVIRONMENT, CULTURE AND THE
GAELTACHT**

31ST DÁIL ÉIREANN / 24TH SEANAD ÉIREANN

**REPORT OF THE COMMITTEE ON
THE TITLE OF ARCHITECT**

JULY 2013

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1. RÉAMHRÁ / PREFACE

Mar Chathaoirleach ar Chomhchoiste an Oireachtais um Chomhshaol, Cultúr agus Gaeltacht, tá lúchair orm Tuarascáil an Choiste maidir leis an Teideal: Ailtire a sheoladh. Tá an Coiste tar éis a bheith ag obair ar an Tuarascáil seo le tamall maith anuas agus le linn an ama sin bhuail an Coiste le páirtithe leasmhara éagsúla agus breithníodh na saincheistanna go mionchruinn. Ba mhaith liom an deis seo a thógáil chun buíochas a ghabháil leo siúd a tháinig os comhair an Choiste agus a bhreithnigh an cheist seo leo.

Ba mhian liom ómós faoi leith a thabhairt d'ionadaithe Chumann Ailtirí na hÉireann agus Institiúid Ríoga Ailtirí na hÉireann mar gheall ar an gcúnamh agus an comhar a fuair an Coiste uathu ina chuid oibre.

Ba mhaith liom freisin ómós a thabhairt do chomhaltaí an Choiste agus d'fhoireann Rúnaireacht an Choiste as ucht a dtiomantais don tuarascáil seo a thabhairt chun críche agus na huaireanta fada a chaith siad, ag breithniú na saincheistanna lena mbaineann agus ag foirmlíú na Moltaí atá imrianaithe mar chuid den Tuarascáil seo.

Ba chleachtadh an-dúshlánach a bhí anseo agus bhí an Coiste ag iarraidh, ina Thuarascáil, leasanna na gcomhpháirtithe éagsúla a chóimheá, agus, a aithint ag an am céanna chomh tábhachtach atá sé ardchaighdeán i ngairm na hAiltireachta a chothabháil agus a chinntiú gur féidir leis an Stát bheith muiníneach go mbeidh siad siúd a chleachtann na gairme seo, agus a úsáideann an teideal Ailtire, inniúil go hiomlán ar an eolas agus na scileanna a bhfuil gá leo.

As Cathaoirleach of the Oireachtas Joint Committee on Environment, Culture and the Gaeltacht, I am delighted to launch the Report of the Committee on the Title of Architect. The Committee has been working on this Report for quite some time and during that time has met with the various interested parties and considered the issues in detail. I want to take this opportunity to thank those who came before the Committee and considered this issue with them.

I want to pay particular tribute to the representatives of the Architects Association of Ireland and the Royal Institute of the Architects of Ireland for their assistance to and cooperation with the Committee in its work.

I want to also pay tribute to the members of the Committee and the staff of the Committee secretariat for their commitment to completing this Report and for the long hours they put in, in considering the issues involved and in formulating the Recommendations that are outlined as part of this Report.

This has been a very challenging exercise and the Committee has sought, in its Report, to balance the interests of the various parties, while at the same time recognising the importance of maintaining high standards in the profession of Architecture and in ensuring that the State can be confident that those practising in this profession and using the title of Architect are fully competent in the knowledge and skills required.

Tá dualgas ar an Stát a chinntiú go bhfuil na foirgnimh agus na struchtúir a thógtar in Éirinn ar ardchaighdeán agus go bhfreastalaíonn siad ar riachtanais mhuintir na hÉireann i dtaca le cáilíocht, sábháilteacht, feiliúnacht agus inoiriúnaitheacht. Tá an gá ann freisin a chinntiú go bhfuil luach aeistéitiúil acu, go cuireann siad le tírdhreach na hÉireann agus go gcuireann siad go mór lenár gcreidiúnt náisiúnta agus cultúrtha. Ach, cé go mbeimis maidir leis sin ag cur romhainn ráiteas an Ailtire Mheiriceánaigh, Frank Lloyd Wright (1867 – 1959), a chomhlíonadh is é sin go bhfuil ‘sárfhilíocht ag teastáil le haghaidh sárailtireacht’. Ní foláir don ailtire bheith ina léirmhínteoir nua maith ar a linn féin, ar a ré féin, ar a aimsir féin.’, aithnímid freisin go bhfuil cuid mhór daoine oilte ag obair i ngairm na hailtireachta agus cé nach mbaineann siad an aidhm seo amach tá siad inniúil go maith ar fhreastal ar éileamh an phobail maidir le tionscadail éagsúla san éarnáil tithíochta agus tráchtála.

Is é atáthar a iarraidh sna moltaí sa Tuarascáil seo ná slí a sholáthar inar féidir leis na cleachtóirí sin gabháil do phróiseas, gan costas neamhriachtanach nó moill mhíchuí. Próiseas é ina bhféadfaidh siad a chruthú go bhfuil na scileanna agus an t-eolas riachtanach acu chun gur féidir an teideal Ailtire a dhámhachtain orthu féin agus trína bhféadfar éascú dóibh leanúint de ghairm na hAiltireachta a chleachtadh.

Tathantaímid ar an Aire Comhshaoil, Pobail agus Rialtais Áitiúil staidéar cúramach a dhéanamh ar an Tuarascáil seo agus ar ár moltaí agus tograí a thabhairt ar aghaidh a chosnóidh, ar thaobh amháin, ionracas Ailtireacht na hÉireann, agus, ag an am céanna a éascú dóibh siúd a chruthaigh a saineolas aitheantas agus deimhniú oifigiúil a fháil ar an saineolas seo.

The State has a duty of care to ensure that the buildings and structures erected in Ireland are of a high standard and meet the needs of the Irish people in terms of quality, safety, suitability and adaptability. There is also a need to ensure that they have an aesthetic value, that they add to the Irish landscape and that they redound to our national and cultural credit. However, while we might aspire in this regard to the statement by American Architect Frank Lloyd Wright (1867 – 1959) that ‘Every great architect is – necessarily – a great poet. He must be a great original interpreter of his time, his day, his age.’, we also recognise that there are many skilled people working in the profession of architecture who while not achieving this aim are quite capable of meeting the needs of public demand in respect of various projects in the domestic and commercial sector.

What the recommendations in this Report seek to do is to provide a means by which such practitioners can engage in a process, without unnecessary expense or undue delay. A process by which they can prove that they have the skills and knowledge necessary to be awarded the title of Architect and by which they can be facilitated in continuing to practice in the profession of Architecture.

We urge the Minister for Environment, Community and Local Government to study this Report and our recommendations with care and to bring forward proposals that will, on the one hand, protect the integrity of Irish Architecture, while at the same time facilitating those who have proven their expertise in obtaining official recognition and certification of this expertise.

Michael Mc Carthy TD
Cathaoirleach an Choiste
17/07/2013

2. INTRODUCTION

When a state starts to protect the use of the term “Architect” and confines it to those on the architects’ register, issues can arise relating to the position of existing self-trained practitioners, colloquially termed ‘grandfathers’. These issues have been successfully addressed by other Member States in so-called ‘grandfather’ clauses in legislation.

However, the ‘grandfather’ provisions introduced in the Building Control Act 2007 have been opposed by a grouping of those affected by them. A group called the Architects Alliance of Ireland (AAoI) is campaigning to have these provisions amended.

From 1 May 2008, the Building Control Act 2007 introduced Registration of the Title ‘Architect’ in Ireland. This title is protected. Unless the architect is registered, the title cannot be used alone or in combination with any other words or letters or name, title or description implying that the person is registered. A person found guilty of misuse of title is liable to a fine or imprisonment or both.

The practice is not protected, however. Those who are not registered as architects can continue in practice, as long as they do not use the title of architect.

Under the terms of the Building Control Act 2007, the Royal Institute of the Architects of Ireland (RIAI) was appointed as the State Registration Body and Competent Authority for architects, with regard, inter alia, to the relevant European Directives, as outlined below. The RIAI is a pre-existing professional body whose membership includes architects, graduates and architectural technicians.

The State has devolved the task of establishing and managing the register and associated processes to the RIAI, by making it a ‘Registration Body’ under section 13 of the Building Control Act 2007. The State has, through the same legislation, set out requirements for four decision making bodies; the Statutory Boards. They are:-

- (1) The Admissions Board.
- (2) The Technical Assessment Board.
- (3) The Professional Conduct Committee.
- (4) The Appeals Board.

The RIAI establishes and appoints the ordinary members of each board, on the basis of Ministerial nominations. A minority of the members of each board are members of the RIAI and these are described in the Building Control Act 2007 as ‘architects’ meaning that when appointed they must be registered. The Minister for Environment, Community and Local Government appoints the Chairperson of each Board, each of which has a legal background.

The RIAI has a Governing Council. It also has an executive, which carries out the work relating to recognition under the guidance and review of the Governing Council.

The RIAI is advised by the Higher Education and Training Awards Council / National Qualifications Authority of Ireland in its work.

3. THE BUILT ENVIRONMENT

3.1 Design Quality

The design quality of the built environment is a cultural concern which informed the formation and continuance of architecture as a profession, and is a key concern of the RIAI. It has resonance not only for residents of this country but worldwide.

Much of the recent research has been conducted by architects, geographers and others with an interest in traditional architecture. They continue to explore the broad relationships between culture and the built environment by describing the variations and distribution of built form within a particular culture or region.... (Lawrence, Denise L. and Setha M. Low; *The Built Environment and Spatial Form*; Annual Review of Anthropology; Vol. 19, 1990; pp.453-505).

Architecture developed as a profession in the nineteenth century and was one of the professions that developed in the wake of the original professions of medicine and law. The classic characteristics of a profession (See MacDonald, Keith M.; *The Sociology of the Professions*; London; Sage; 1995) are:-

- (1) It renders a specialised service based upon advanced knowledge and skill, addressing problems primarily on an intellectual plane rather than on a physical plane.
- (2) It involves a confidential relationship between a practitioner and a client or an employer.
- (3) It is charged with a substantial degree of public obligation by virtue of its profession of specialised knowledge.
- (4) It has a common heritage of knowledge, skill and status, to the cumulative store of which professionals contribute through their individual and collective efforts.
- (5) It performs its services to a substantial degree in the public interest, receiving its compensation through fees rather than through direct profit.
- (6) It is bound by a distinctive ethical code in its relationships with clients, colleagues, and the public.

3.2 Building Control and Health and Safety Regulations

The architectural profession is concerned with the technical sufficiency of buildings. In this, the public interest is secured under Building Regulations and other enactments.

Building Regulations are legal requirements for the design and construction of new buildings, extensions, material alterations to and certain changes in the use of buildings. The primary purpose of the Building Regulations is to provide for the health, safety and welfare of people in and around buildings. They also provide for conservation of fuel and energy and access for people with disabilities.

The law governing Building Regulations and procedures is primarily set out in the Building Control Acts 1990 – 2007, the Building Regulations and the Building Control Regulations 1997 – 2012.

The Minister for the Environment, Community and Local Government on 4 April, 2013 announced strict new measures for the control of building projects. The Building Control Amendment Regulations 2013 set out to prevent the future re-occurrence of poorly constructed dwellings, pyrite damage and structures breaching fire regulations.

Under Health and Safety legislation there is a duty on clients and designers to ensure that buildings are constructed, used and maintained in compliance with safety standards. The Safety Health and Welfare at Work Act 2005 requires designer competence and the undertaking of safety appraisals throughout the design and construction process (Act 10/2005:-

<http://www.irishstatutebook.ie/2005/en/act/pub/0010/print.html>).

Section 6 of the Building Control Act 1990 gives the Minister for Environment, Community and Local Government the power to require by regulation that builders and designers sign Certificates of Compliance and submit this to the local authority.

The Minister for Environment, Community and Local Government activated this requirement under the Building Control (Amendment) Regulations 2013 which from 1 March 2014 will require mandatory certificates of compliance at design and completion stages and the lodgement of drawings and inspection by professionals during the construction stage of all new buildings. The signing of Design Certificates and the inspection and final sign off by professionals will be limited to persons who are registered Architects, Building Surveyors or Chartered Engineers. These are the three broad professional groupings who commonly undertake design work in the Irish construction industry.

The following can sign as the Assigned Certifier, provided they are competent in relation to the particular works involved:-

- (1) Architects who are on a register under Part 3 of the Building Control Act 2007.
- (2) Building Surveyors who are on a register under Part 5 of the Building Control Act 2007.
- (3) Chartered Engineers under the section 7 of the Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969.

Assigned Certifiers will inspect building works at key stages during construction. The Assigned Certifier and the builders will both certify that a finished building complies with the requirements of the building regulations.

In summary, the new Building Control Amendment Regulations require:-

- (1) The submission of compliance drawings and documentation to local building control authorities;
- (2) The setting out and executing an inspection plan by the Assigned Certifier;

- (3) The signing of mandatory certificates of compliance by the designer prior to construction and by the Assigned Certifier and the Builder when a building is complete.

Compliance will be improved in future by the two main factors:-

- (1) If anyone signs a statutory certificate for a building which subsequently proves to be non-compliant, they can be held legally liable for the consequences.
- (2) Greater onus is now placed on professionals to provide consumers with a more comprehensive service and failure to do so incurs the risk of being censured, suspended or ultimately removed from their professional body.

The Minister for Environment, Community and Local Government recently set out the measures now being put in place to prevent the recurrence of failures that have occurred in the construction sector in recent years (Parliamentary Question 143; written answer, 13 March, 2013; 177 of 28 February 2013). He told Dáil Éireann that a definitive set of Building Control Amendment Regulations 2013 (since published; see above) was then being finalised for signature into law (Written Answer 177; 28 February 2013; Building Regulations; <http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/takes/dail2013022800061?opendocument&highlight=177>).

“The [then]proposed Building Control Amendment Regulations 2013 will strengthen the current arrangements in place for the control of building activity by requiring the following in relation to all significant building works:-

- (1) Drawings and particulars used for the purposes of construction to be submitted to the local building control authority.
- (2) Design to be undertaken and certified by competent professionals prior to works commencing.
- (3) Owners to formally assign a competent builder to undertake and certify the works.
- (4) Owners to formally assign a registered professional, to be known as the ‘Assigned Certifier’, who will be tasked with –
 - (4.1) Preparing an appropriate inspection plan for the building or works during construction,
 - (4.2) Carrying out inspections and overseeing inspection works by other parties in accordance with the inspection plan,
 - (4.3) Certifying the works for compliance with the building regulations on completion.
- (5) Statutory certificates of compliance from designers, builders and assigned certifiers to confirm compliance with the Building Regulations and accepting legal responsibility for their work.”

The Minister for Environment, Community and Local Government concluded his answer:-

“I am satisfied that the reforms proposed including the lodgement of drawings, inspection by registered professionals and statutory certification will result in the necessary improvement in the quality of buildings

The merits of a designer overseeing the implementation of their design cannot be overlooked.... Enforcement powers under the Building Control Acts 1990 to 2007 continue to be vested in the local building control authorities and it is here that independence is called for and in place.”

In answer to another parliamentary question the Minister for Environment, Community and Local Government stated:-

“The new regulations will provide for a transition period of 12 months which will, among other things, give sufficient time for eligible persons who have not already done so to apply for registration. The transition period will also provide for a smooth transition to the new requirements in terms of projects currently on site.”

(Parliamentary Written Answers; Nos. 429, 430, 434; 26 February 2013;

<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/takes/dail2013022600069?opendocument&highlight=429#WRS0345>).

4. ARCHITECT'S REGISTER

4.1 European Standards

The RIAI identified the need to establish a clearly expressed standard for entry to the architectural profession in Ireland based on the criteria set out in Article 46 of the Professional Qualifications Directive which applies across the EU. This Directive which came into force in October 2007, replaces the Architects Directive 85/384/EC [European Community] (Mutual Recognition of Professional Qualifications Directive (2005/36/EU;

http://ec.europa.eu/internal_market/qualifications/policy_developments/legislation/index_en.htm).

Compliance with Article 46 of this Directive is the criterion used in the Building Control Act 2007 for admission to the profession.

Article 46 –Training of Architects- sets out the requirements for the knowledge and skills of an architect. This forms the basis for the framework of competences, which must be demonstrated in order to be registered as an architect. The Competent Authority for Ireland under this Directive is the Royal Institute of the Architects of Ireland (RIAI).

However, the AAOI believe that the standard in the Act exceeds that of the current European Union Directive, described by them as the ‘gold-plating of a Directive’. The European Union Commission defines gold-plating as ‘transposition of EU [European Union] legislation, which goes beyond what is required by that legislation, while staying within legality’.

The RIAI ‘Standard of Knowledge, Skill and Competence for Professional Practice as an Architect’ describes the areas and levels of knowledge, skill and competence it requires of an architect at the professional level; that is at the level at which they are deemed to be capable of independent practice. Architects must demonstrate that they have achieved this standard if they wish to become Members or Fellows of the RIAI and / or be admitted to the Register for Architects, This is regardless of whether or not they envisage engaging in an independent practice. This standard is applied in all RIAI examinations and assessment mechanisms and it is integrated into all of the RIAI’s admission routes, including those for ‘grandfathers’.

4.2 Current Developments

On 2 January 2013, the Minister for Education and Skills outlined Ireland’s Education priorities for the European Union Presidency (Department of Education and Skills; 2 January, 2013; Minister Quinn outlines Ireland’s Education priorities for the European Union Presidency:-

<http://www.education.ie/en/Press-Events/Press-Releases/2013-Press-Releases/PR13-01-02.html>).

A number of legislative priorities in education were identified for the course of the Presidency, among which was a new Directive to amend Directive 2005/36 on the recognition of professional qualifications. This Directive sets out the procedures which must be adhered to by competent authorities (i.e. regulatory bodies) when recognising the qualifications of

professionals migrating from other European Union Member States, and related matters. The main aim of the proposal is to make it easier for qualified and skilled professionals to work in other Member States through the simplification of processes and better provision of information, and to reinforce protection for consumers and patients...

The Irish Times reported that the European Commission began work on modernising the 2005 Professional Qualifications Directive in 2010 (Quinn hopes to simplify EU-wide recognition of state qualifications; Irish Times; 3 January 2013).

Among its proposals for changes to the Directive are:-

- (1) The introduction of a European professional card to allow qualifications to be recognised more quickly;
- (2) Greater transparency on regulation and the number of regulated professions;
- (3) Clarifying language requirements for applicants;
- (4) Introducing alerts for professionals convicted of an offence or suspended.

According to the Department of Education and Skills 'Ireland is generally supportive of the commission's proposals as they should lead to a reduction in red tape faced by citizens moving between member states' (ibid). The Department added that Ireland hoped to secure a first reading of the Directive with the European Parliament during its Presidency, contingent on a number of factors and key stakeholders.

4.3 Royal Institute of the Architects of Ireland Admission Route via the 'Grandfather Clause'

The RIAI facilitates admission to the Architects Register for practically-trained architects.

The Building Control Act 2007 specifies the following categories of practically-trained practitioners as eligible for registration in the Architects Register:-

- (1) Those who have at least seven years practical experience of performing duties commensurate with those of an architect in the State, are at least 35 years of age and have passed a prescribed register admission examination may sit the Architects Register Admission Examination (ARAE) which is provided by ARAE Ltd, a University College Dublin campus company. This route is permanently available.
- (2) Those who have been assessed as eligible for registration by the Technical Assessment Board in accordance with the practical experience assessment procedures and who have ten years' experience in the field of architecture in the State on the commencement date of the section on 1 May 2008 [See Appendix 1 for the Technical Assessment practical experience procedures]. This route is self-extinguishing as the ten years must have elapsed by 1 May 2008.
- (3) Irish citizens who as attested by a certificate of the registration body are authorised to use the title of 'Architect' by virtue of the distinguished quality of their work in the field of architecture.

5. RESPONSE OF PRACTICALLY-TRAINED ARCHITECT'S TO THE LEGISLATION

The AAOI has assumed the role of representing the interests of self-trained practitioners who are no longer permitted to use the title of 'Architect' by Part 3 of the Building Control Act 2007. They have been campaigning for automatic registration as architects, without undergoing examinations / assessments, for those self-trained and established seven years prior to the enforcement of the Building Control Act 2007. They are advocating that these practitioners be registered by way of a 'grandfather' clause which they assert has been introduced in other European Union countries. However, any such change would require an amendment to the Irish legislation.

The Joint Committee on Environment, Culture and the Gaeltacht (the Joint Committee) held hearings to examine this matter. It was cognisant during its hearings that the Joint Committee on the Environment, Transport, Culture and the Gaeltacht in the previous Dáil Éireann and Seanad Éireann had also heard evidence on this matter and it included evidence from those hearings in its own proceedings.

The position of the AAOI is:-

- (1) The ARAE is an examination for practitioners who have gained seven years of experience at any given time. Since 2012 the cost of the ARAE was lowered to €8,500. The AAOI submitted to the Joint Committee that this is unaffordable for the large majority of self-taught architects due to the cost of the examination and the loss of income associated with it. AAOI believe that since 2009, only 30 architects approximately out of 'many hundreds' of potential applicants have successfully completed the ARAE examination.
- (2) The ARAE timetable is unsuitable for practicing architects, with many lectures and examinations organised during office hours, spanning a period of 50 working days, which the AAOI estimated in the Joint Committee hearings would take ten to 12 months. It believes that employees would not be able to pass the ARAE without the permission of their employers, without opting out of employment for many weeks. It contends that the self-employed would have problems in meeting the demands of clients while preparing and passing the ARAE. It believes that applicants would need to refuse projects and contracts to ensure success.

AAOI asserts:-

- (1) The Technical Assessment fees are inappropriate (lowered to €4,500 in 2011 from €6,500 in 2009).
- (2) The RIAI is setting academic and administrative standards that do not reflect the practice of architecture before the implementation of registration.
- (3) As the panels assessing applicants are composed of three RIAI – affiliated architects only, it would be difficult for any member of the Technical Assessment Board who is not a registered architect to challenge the opinion and position of RIAI members on architectural subjects.
- (4) The assessment is set up by 'their competitors'.

6. REGULATON OF THE PROFESSION

6.1 Setting Standards

The AAOI and the RIAI gave evidence to the Joint Committee.

The RIAI explained to the Joint Committee the role of the bodies setting standards for architects.

The RIAI was founded in 1839. Since then it has had a major involvement in education and standards.

In 1985, the European Union Architects Directive was introduced and that set the minimum standards for architects across the EU. Since 1972 the RIAI has had a professional practice examination. It requires a five-year, full-time course in architecture, a minimum of two years postgraduate experience, completion of analysis of a building project, a course of 15 days of lectures and a written and oral examination. That is the standard.

The AAOI stated to the Joint Committee:-

“The road to the regulation of the profession was paved in the 1997 Report of the Strategic Review of the Construction Industry, Building Our Future Together, published by the Department of the Environment, Heritage and Local Government.”

A recommendation was made for protecting the titles of ‘Architect’ and ‘Quantity survey’ (Committee hearing; 18 May 2010:- <http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/ENJ2010051800005?opendocument>).

The recommendation of the Strategic Review Committee was:-

“The Royal Institute of the Architects of Ireland and the Society of Chartered Surveyors should develop proposals for a technical basis for assessing qualification for registration for submission to the Department of Enterprise and Employment. The proposals should be formulated in consultation with other bodies representing architects and engineers, and should acknowledge the established right of those in practice, without formal qualifications, for many years (via a “grandfather clause”)
(Barry, Tony; Ireland; Department of the Environment; Construction Industry Council; Building our Future Together; Report of the Strategic Review Committee of the Construction Industry; Dublin, Stationery Office; 1997).

The Joint Committee noted this recommendation.

On the registration of professionals the Report stated:-

“The SRC [Society of Chartered Surveyors] has come to the view that there is a strong case for the protection of the titles of those qualified and legitimately practising as architects, engineers and quantity surveyors within the construction

industry. Those entitled to use these titles should be registered. The main reasons for this are the need to protect clients from the danger of inadequate service from those who describe themselves as professionals but are not professionally qualified and the need to maintain high standards within the industry.

Registers must be open to all who provide proof of having acquired education and training at an appropriate standard set by peer professionals and to all similar professionals practicing within the EU.” (*ibid*).

6.2 Graduates Affected by the Requirement for Registration

In addition to ‘grandfathers’, another category affected by the Building Control Act 2007, according to the AAoI, are ‘European Directive-compliant graduates in architecture, who are recognised throughout Europe except at home in Ireland solely because they have not taken the RIAI professional standard exams’.

The RIAI outlined its analysis of the position to the Joint Committee at the Joint Committee meeting on 3 July 2012:-

“In 1999 a group was formed with the RIAI and four other bodies representing architects without formal qualifications. A Framework was agreed and brought forward. The mechanisms in that Framework for Technical Assessment are exactly the same as those in the Act; there is no difference. This is not new and a surprise. Four categories were affected:-

- (1) Architects with qualifications who did not take professional practice examinations. Such persons might have 20 or 30 years’ experience and they must meet the professional practice standard to get on the register.
- (2) Architects with qualifications who do not meet the professional practice standard must be assessed also.
- (3) Those who chose conscientiously not to use the title of architect knowing what was involved and coming along.”

6.3 Professional Practice Regulations

The purpose of the RIAI Examination in Professional Practice (is to establish whether the candidate (http://www.riai.ie/education/riai_examinations/professional_practice_exam/):-

- (1) Fully understands the nature and responsibilities of professional practice.
- (2) Has sufficient knowledge of Irish law and contract procedures.
- (3) Has had enough practical experience of all the stages of a building project for independent practice as an architect in Ireland.

A candidate for the Examination in Professional Practice must have:-

- (1) A recognised qualification in architecture.
- (2) A minimum period of post-qualification supervised practical experience.
- (3) Integrity, judgement and the ability to apply intelligently the body of knowledge tested in the written papers are also assessed during the examination process.

A candidate for the RIAI Examination in Professional Practice is effectively a Graduate Trainee. RIAI Members are expected to provide appropriate supervision, with continuing guidance on correct procedures.

The quality of a candidate's experience is the single most important factor in examination success. A candidate needs a well-run practice with proper procedures, a good range of experience and appropriate responsibility combined with appropriate supervision. A candidate from a poorly managed practice or given inadequate guidance is at a severe disadvantage.

Post-qualification supervised practical experience must have been acquired under the supervision of a Member or Fellow of the RIAI or under an equivalent foreign registered architect.

6.4 Professional Practice Examination Cycle

The Professional Practice Examination Cycle starts on 1 March and finishes with the publication of examination results in March of the following year. The Cycle includes four sections:-

- (1) Written Examination.
- (2) Lecture Series.
- (3) Case Study.
- (4) Oral Examination.

6.4.1 Written Examination

A candidate must have accumulated at least one year of supervised practical experience before taking the Written Examination and at least two years of supervised practical experience before submitting a Case Study and taking the Oral Examination.

The Joint Committee believes that a safeguard should be established to ensure that registered architects do not take advantage of candidates required to accumulate 2 years' experience by expecting them to work in their practice for 2 years without remuneration in order to qualify for registration.

6.4.2 Lecture Series

The joint RIAI / University College Dublin Lecture Series are administered by the School of Architecture in that university. It covers the prescribed syllabus for the RIAI Examination in Professional Practice. The course is not mandatory, but candidates are strongly advised to attend.

6.4.3 Case Study Project

The Case Study Project which is to be the subject of the Case Study must be formally submitted to the Professional Practice Examination Board for approval. It may be:-

- (1) A completed building.
- (2) A substantial section of a completed or partially completed building complex (e.g. the office wing of an industrial complex or the 'functions' section in a hotel complex).
- (3) A partially completed building which is at least 50% through the estimated contract period.
- (4) The early stages of one project, e.g., up to planning decision stage, and the later stages of another project, e.g., tender and building contract stages. Proposals involving more than 2 projects will not be considered.
- (5) A 'monitored' project as described below.

The design, scale and complexity of the building are not the most important criteria. What matters more is that the project offers the candidate a good range of experience in relation to statutory, design team and legal and contractual procedures.

The project used as the basis of the Case Study Project should be one in which the candidate is or has been substantially involved either currently or within the previous two years. The most desirable Case Study Project is type (1) above, especially when the candidate has been involved in every stage of the project, but this is not essential.

6.4.4 Oral Examination

Candidates appear before the examiners and are questioned by the examiners on their work. This allows the examiners to probe their understanding of the subject.

6.5 Mentoring

Any practice employing a candidate for the RIAI Examination in Professional Practice must nominate a senior member of staff (FRIAI, MRIAI or equivalent) as Mentor. The Mentor's role is to provide advice and guidance to candidates and help ensure that they have access to the experience they need in preparing for the Examination.

6.6 Other Professional Examinations

Two third-level colleges, University College Dublin and the Dublin Institute of Technology, are now offering professional qualifications in architecture.

6.6.1 University College Dublin Professional Diploma (Architecture)

The Professional Diploma (Architecture) is the final professional examination for architectural graduates leading to a University College Dublin Level 4 (Masters) award which is equivalent to a National Qualifications Authority of Ireland Level 9 award. The programme includes lectures, tutorials, academic support and examinations in five modules.

(<http://www.ucd.ie/eacollege/architecture/graduatetaughtprogrammes/professionaldiplomaarchitecture/professionaldiplomaarchitecture/>)

Eligibility – Bachelor of Architecture, or equivalent, graduates can apply for this programme. The programme is flexible, allowing graduates to complete it over a number of years, while completing a minimum of two years professional practical experience. This can be undertaken either in paid employment (minimum 21 hours per week) or in an approved internship scheme, in Ireland or in any other country.

6.6.2 Professional Diploma in Architectural Practice

Dublin Institute of Technology – the Dublin School of Architecture – has commenced a new professional practice programme in architecture, the Professional Diploma in Architectural Practice, in January 2012. The programme comprises three 5-credit lecture-based modules and one 15 credit case study module. Each of the three lecture modules may also be taken individually as Continual Professional Development.

(<http://www.dit.ie/architecture/urban-design/programmes/level9professionaldiplomainarchitecturalpracticedt119/>)

As two third-level colleges are now offering professional diplomas in architecture, the RIAI will discontinue its professional training element by 2014.

However candidates in the third-level courses will continue to be assessed by registered architects.

7. TECHNICAL ASSESSMENT

7.1 Part 3 Building Control Act 2007: Procedure

The RIAI described the Technical Assessment to the Joint Committee as follows:-

The Act states that the requirements for taking a Technical Assessment are –

- (1) Ten years' experience in the field of architecture.
- (2) Work of an equivalent scale of complexity to that of the average architect.
- (3) A portfolio of a minimum of four projects.
- (4) Compliance with Article 46 of the Directive.

The RIAI outlined the support it offered to candidates. It had outlined the 11 requirements in Article 46 in a series of indicators that made it easier for candidates to understand what was required of them. Its Admissions Director was in regular contact with candidates and its staff was available at any time to give advice and information. Information was also available on its website and it provided briefing sessions to candidates.

The RIAI could not give direction or evaluations, but it did offer advice. When it received an application, it carried out a check to make sure that the various elements were actually there so that a candidate did not have to go back to the start due to a lack of some minor piece of paperwork. That was the process. The RIAI was not involved in the decision.

The time it took to process a Technical Assessment from the time an application was submitted to a decision being taken on it could vary, but in a straightforward case, it took about two to three months. If additional information was required by the Board, the process could take up to six months. In exceptional circumstances, as when the Board had not been appointed by the Minister for Environment, Community and Local Government, a delay of about five months occurred.

7.2 Application and Outcomes

Up to 1 February 2013, three-plus years after coming into operation, fifteen applications had been received under the statutory Technical Assessment 'grandfather' procedure.

Eleven of these applications had completed the Technical Assessment process, eight of which had been deemed eligible for registration and three of which had been deemed ineligible for registration by the Technical Assessment Board. Applicants had a right of appeal to the Appeals Board established under Part 3 of the Act.

Four of the above eleven applications were still in the process. In two of these applications, active additional information request processes had been initiated by Assessors and issued by the Board and in one application, an active additional information request process had been

initiated and issued by the Board. One other application was awaiting appointment of Assessors by the Board.

As eleven applicants had completed the Technical Assessment process and eight had been deemed eligible for registration as architects, this suggests that a sizeable group of practically trained architects have yet to apply. The Joint Committee suggests that the low numbers coming forward to date are disappointing.

Profile of Technical Assessment Applicants (by Number of Applicants)									
Decade of Birth		Initial Field of Study or Work		Gender		Current Role*		Region	
1940s	2	Architectural Technology	7	Male	14	Partner / Self-Employed	13	Ireland East excluding Dublin	5
1950s	5	Surveying and Building	3	Female	1	Employee	2	Ireland - Dublin	4
1960s	7	Architecture (partial)	2					Ireland West	4
1970s	1	Building Technology	1					Ireland South	1
		Construction Technology	1					European Union outside Ireland	1
		Design (Interior)	1						
Totals	15		15		15		15		15

* Please note that 'Partner / Self-Employed' does not necessarily denote large practices but also includes individuals working alone/on a self-employed basis.

Source: RIAI

Of the eight practically-trained architects who have succeeded to register by means of the Technical Assessment, four are architectural technologists, two were born prior to 1950 and one is an employee of a practice rather than a company principal. This suggests that the Technical Assessment process is suitable for older applicants, architectural technologists and persons operating at an employee level engaged in relevant work.

As three applicants currently have access to the Appeal Process provided under section 25 of the Act it is not appropriate to comment on this issue. However, the following table, the information in which is sourced from the RIAI, provides some insight:-

Summary information on which of the criteria set down in section 22(7) of the Building Control Act have contributed to 'ineligible' decisions to date		Cited as a factor contributing to ineligibility (by Number of Times)
(1)	Whether or not for the period referred to in subsection (1), the applicant had been performing duties commensurate with those of an architect;	2
(2)	Whether or not the work submitted was equivalent to the work of an architect, having regard to its scale, complexity and quality;	1
(3)	Whether or not the applicant can demonstrate that he or she has acquired the competencies specified in Article 46 of the Directive;	3
(4)	Whether or not the work submitted had been realised by the applicant, and, if the applicant was not totally responsible, what level of responsibility by the applicant for the work could be established, and, in addition, shall have regard to the opinion of the architects referred to in section 21(5) as to whether the applicant is eligible for registration pursuant to this section (but that opinion shall not be binding on the Board).	1

7.3 Pilot Technical Assessment Procedure

In preparation for conducting the procedure above, the RIAI organised a pilot Technical Assessment procedure in 2008.

A weighted random sample of 20 ‘grandfathers’ was selected from 153 applicants and invited to participate in the Pilot upon payment of a €2,000.00 fee (RIAI). The sample was weighted to ensure it reflected the characteristics of the various categories of ‘grandfathers’, such as architectural technologists and older employees.

Eighteen applicants submitted their portfolios and nine were successful in demonstrating the competencies required.

These nine successful architects in the Pilot added to the eight successful statutory applicants above mean that 17 ‘grandfather’ architects are now eligible for registration as a result of the Technical Assessment process.

One successful pilot scheme applicant now sits on the RIAI’s Board of Architectural Education Admissions Committee, which considers applications for membership, as opposed to registration. Another successful statutory scheme applicant is now an architect member of the RIAI Visiting Board panel for architectural technology programmes. The Visiting Boards carry out the assessment work required for the accreditation of degree programmes. (RIAI personal communication).

As the Pilot procedure was invaluable to the RIAI in developing and refining the Technical Assessment process, the unsuccessful applicants were allowed to apply *ab initio* for the actual Technical Assessment at a reduced cost of €2,500.00. They were not identified as having participated in the Pilot Scheme if they applied under the statutory scheme.

7.4 Architects Register Admission Examination

The ARAE is a permanent ‘grandfather’ route to the Register of Architects in Ireland. It is an opportunity for experienced practitioners to formalise their professional standing. It is accredited by the RIAI. ARAE Ltd. is a University College Dublin campus company established in 2009.

Total Fees are €8,500 for Stages 1, 2 and 3.

The ARAE Examination is offered on an annual basis subject to a minimum number of eligible candidates, in any given year, or for any given stage or assessment.

Architect’s Register Admission Examination Applicant and Candidate Numbers to Date			
Examination Year	Number of Applicants ¹	Examination Candidates ²	Complete to Date ²
2010	42	28	27
2011	7	4	3
2012	15	13	6
2013	20	Not yet available	Not Yet Available
	84	45	

1. Examination candidates are those who have demonstrated the Eligibility Requirements at Stage 1.
 2. Candidates who have successfully completed the ARAE at March 2013, that is, passed the ARAE.

ARAE: accessed at: http://www.arae.ie/docs/ARAE%20Statistics%20July12.pdf			
Also: personal communication			
Architect's Register Admission Examination Statistical Results by Subject			
	Pass Rate		
	2010	2011	2011
STAGE 1- Assessment of Experience (Eligibility)			
Stage 1 Submission	78%	57%	86%
STAGE 2- Assessment of Competence (Design)			
Critical Analysis	89%	86%	53%
Structure and Technology	54%	91%	63%
Environment and Performance	71%	89%	81%
History and Culture	82%	57%	76%
Design Project	46%	89%	56%
Average	60%	82%	66%
STAGE 3- Assessment of Competence (Practice)			
Architectural Practice	96%	100%	Examination December 2012
Construction Legislation	100%	80%	Examination December 2012
Procurement and Contracts	100%	100%	Examination December 2012
Case Study	85%	75%	Examination December 2012
Practical Experience (Oral Exam)	81%	71%	Examination January 2013
Average	92%	85%	
ARAE: accessed at: http://www.arae.ie/docs/ARAE%20Statistics%20July12.pdf			

As a result of success in the ARAE, 37 practically-trained architects are now eligible for registration as architects in addition to the 17 who have qualified via the Technical Assessment route (nine from the Pilot Technical Assessment and eight from the statutory Technical Assessment). Therefore, 54 'grandfathers' have now qualified for registration as architects, via the routes for 'grandfathers' set out in the Building Control Act 2007.

153 applications were received for the Pilot Technical Assessment process and while it is difficult to estimate the number of 'grandfathers' who may apply for Technical Assessment in the future, the RIAI estimates that there are now 50 to 80 'grandfathers' who have a serious intention to qualify but have yet to undergo an assessment process. If this estimate is reliable, the figures available to date might suggest that an estimated one in four of applicants in this situation have already applied via the 'grandfather' admission routes.

11 'grandfathers' who have undergone the ARAE or Technical Assessment have been deemed ineligible to register. Those who have sat the ARAE may re-sit the modules in which they have been unsuccessful at a cost of €250.00 to €300.00. They may avail of tutoring when doing this. In this way the ARAE offers multiple opportunities to develop skills and competencies and to attain the Standard.

The Committee notes the small numbers who have qualified since this process began and that 54 applicants have now qualified as architects via the 'grandfather' route as set out in the Building Control Act 2007.

7.5 Special Distinction Route

As yet no applications have been received by the RIAI for the Special Distinction route. To be assessed in this way, candidates must demonstrate that the high quality of their work is recognised by their peers, as evidenced by architectural awards, prizes, competitions and journal reviews their work has received. Ms Eileen Gray (1878–1976) is an example of a distinguished self-trained architect. Another example is Peter Rice (1935–1992), a structural engineer who became an Honorary Fellow of the Royal Institution of British Architects and

the second engineer to be awarded the Royal Gold Medal for Architecture by the Royal Institute of British Architects. These honours were awarded for his work, among others, on Sydney Opera House in Australia and the Centre Pompidou and the Louvre Pyramid in Paris, France.

However, those who commission architectural competitions have tended to set rules confining entrants to those on the Architects Register and on the Minister for Environment, Community and Local Government's List.

Members of the RIAI may only participate in architectural competitions approved by the RIAI. If the RIAI have not approved a competition, a member must seek and obtain its approval before participating in that competition.

The RIAI estimates that the cost of such a Special Distinction assessment would be in the region of €3,000.00.

7.6 Cost and Duration

The Joint Committee asked the RIAI to outline the average duration and the cost to the applicant of the Technical Assessment. The RIAI responded:-

“On the Technical Assessment, we have detailed testimonies from a number of people who have been through the process.

From what we know, if someone is in full-time work, it will take approximately six months to prepare an application if one works some evenings and at weekends. Most people found they needed to take off a week at the end to correlate everything.

The cost is currently €4,500.00. It was initially assessed by forensic accountants as costing €6,500.00.

As the registration body, we are required to submit to the Minister [for the Environment, Community and Local Government] full details of all costs for his approval and such approval has been given. I accept and understand the reason people will be concerned about the cost, which is a considerable amount nowadays. However, it equates to the cost of most postgraduate courses and is a statutory requirement. The RIAI would be glad to work with the Joint Committee or the Department of Education and Skills or the Department of the Environment, Community and Local Government on providing some form of grant support to those who need it because none is currently available.”

However, the AAoI explained to the Joint Committee that applicants had informed it that their experience had been more onerous than this.

“It was the cost to the applicants of carrying out the preparation about which we were concerned... The people to whom I spoke did not take six months to prepare, they took a year. The difficulty with which they were faced is that they were obliged to produce ten projects for each of the ten years in order to be able to cross-reference the 63-point checklist of skills against their past performance. They were also obliged to provide evidence of ownership of the projects. The

provision of that evidence is onerous because, for example, evidence from clients – the obvious source – is not accepted if one is self-employed.”

In response the Joint Committee stated that it understood that in portfolio preparation the entity for which one does work can verify that it is one’s work. Such an entity could be a firm, an entity or a local authority.

A potential candidate who had started the Technical Assessment procedure also explained to the Joint Committee that she had found the burdens of preparation too heavy. She stated:-

“I decided to undergo Technical Assessment when it was first introduced. I attended one of the briefing sessions given by Mr Graby and I was very impressed with what he had to say. I began to put together my portfolio but I started to run into problems when I came across the competencies relating to Article 46, which relate to the fine arts and the more theoretical side of architecture. I would not have been using these in my day-to-day work and they were not really applicable to me. Another colleague of mine was also preparing a portfolio but we both gave up on and shelved them. Another problem I encountered was the fact that an architect with whom I had worked had returned to Germany. Getting verifications was, therefore, a non-runner.

Just getting my projects together and putting them into order for the portfolio would have taken three months. I was working on it at a fairly constant pace. If I had begun doing the drawings and all the rest...

I would dispute that it would take six months. To do a good job it would take the best part of nine months to a year. Plus, to do that I would have to take time out of work so my income would be reduced. At that stage the cost was €8,500.00. I do not know if Mr Graby appreciates it but one would have to get someone to bind it and do a good job with the presentation. It is not as easy as just talking about €4,500.00.

..... It is the Technical Assessment, with Part 3, that we have the issue with. The bar has been raised so high for grandfathers, if members wish to call us that, or people with 20 years’ experience who have been doing the job in a competent way. I am also a member of the Irish Building Control Institute, IBCI, and I am very conscious of standards. I would agree with regulation but it must be inclusive of people who have prior standing in the community.

The two biggest concerns I would have is filling out the competencies for Article 46----- the European standard.

If the Chairman reads through them he will see it is broadened out to 63 small sections. One must show those competencies within one’s projects.”

These points were supplemented by the AAoI:-

“..... the competencies that are demanded to be ticked off include adequate knowledge of the history and theories of architecture and knowledge of the fine arts as an influence on the quality of architectural design. That is information which could be procured and studied. I cannot quibble about that...

In order to have the relevant box ticked, we are obliged to do more than that to which I refer - - by showing where, in our past work, we applied this esoteric knowledge. We are saying that the test is not applicable.”

The RIAI disagreed with this point, stating:-

“Consider the issue of esoteric knowledge of the fine arts. There are 40,000 protected structures in Ireland. An architect needs to know and understand what he is looking at, albeit not in detail. He needs to know the age of the building and its background. This is not esoteric knowledge, however. It is basic. The other requirements in the Directive are very much about understanding the technical aspects of construction, urban design, planning issues, etc. There is nothing esoteric about this.”

7.6.1 Cost and Duration of Qualification to Graduate Architects

The input of time required for the professional practice examination taken by graduates is understood to be in the region of 240 hours (RIAI).

Fee Cost of Attaining Qualifications in Architecture at University College Dublin that would Comply with the Requirements of the Building Control Act 2007 (Section 14.2.a)			
Bachelor of Architecture (5 years)	Year 1	€7,477.50	Note:- For those eligible to benefit from the free fees scheme this fee would be reduced to €1,657.50 per year = €8,287.50. The fee cost to the State in this instance would be €29,100.00.
	Year 2	€7,477.50	
	Year 3	€7,477.50	
	Year 4	€7,477.50	
	Year 5	€7,477.50	
	Total	€37,387.50	
Professional Diploma (Architecture)	plus two years professional practice experience	€2,100.00	Note:- This fee is tax deductible, assuming a lower level graduate wage this would mean a tax credit deduction of 20% or €420.00, leaving the candidate with an actual fee of €1,680.00.
Application fee for registration / membership		€145.00	
Total outlay in fees alone		€39,632.50	Time taken: Eight years minimum

Contribution by the State		
	Free fees eligible candidate (with tax deduction on professional diploma)	Non free fees eligible candidate (with tax deduction on professional diploma)
Cost to the individual*	€10,112.50	€39,212.50
Cost to the State**	€29,520.00	€420.00
% of fee costs covered by the State	74.5%	1.06%

* Costs assigned to individuals do not account for lost earnings, accommodation, travel or repeat years or examinations.

** Costs assigned to the State do not account for capital or core grants made to educational institutions.

Total fees under new Bologna process (based on current University College Dublin fees and assuming no increase in the annual fee for the Masters component or annual increases)	
Free fees eligible candidate on a programme comprising a three year Level 8 plus a two year Level 9 (with tax deduction on professional diploma)	
Cost to the individual*	€21,752.50
Cost to the State**	€17,880.00
% of fee costs covered by the State	45.11%

Sources:-

<http://www.ucd.ie/registry/adminservices/fees/undergraduate.htm#2>

http://www.ucd.ie/arcel/architecture/postgraduate/course_info_2010-11.pdf

<http://www.revenue.ie/en/tax/it/leaflets/it1.html#section3>

‘Grandfather’ and Graduate Costs Compared Cost of Registration as an Architect	
Grandfather: Technical Assessment	€4,500
Grandfather: ARAE	€8,500
Graduate: free fees candidate	€10,112.50
Graduate: free fees under Bologna process	€21,752.50

Source: Committee, RIAI

7.7 European Union Commission Position on ‘Grandfathers’

The AAOI asserted to the Joint Committee at the latter’s meeting on 3 July 2012:-

“...The European Union Commissioner has said there is no impediment under European Union law to the making of a grandfather clause for architects in Ireland. The Commissioner wrote, ‘In other words, the Directive does not prohibit Member States from granting access to the profession of architect on their own territory to persons whose qualifications do not meet the Article 46 requirements’”.

(<http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/DebatesWebPack.nsf/committeetakes/ENJ2012070300003?opendocument>)

In this the AAOI was referring to the Joint Answer given by Mr Barnier on behalf of the European Commission to Ms Nessa Childers MEP and Ms Marian Harkin MEP (E-012450/2011 and E-000673/2012 – 21 February 2012):-

“.....Directive 2005/36/EC [European Community] facilitates the free movement of architects in the single market by establishing rules according to which Member States which limit access to the profession of architect to holders of particular qualifications must recognise qualifications which were obtained in another Member State.

Article 46 of the Directive defines minimum training requirements for architects.

Qualifications which meet these requirements are listed in Annex V of the Directive.

Their holders can benefit from automatic recognition when they move to another Member State.

The minimum training requirements referred to in Article 46 are not binding on Member States.”

In other words, the Directive does not prohibit Member States from granting access to the profession of architect on their own territory to persons whose qualifications do not meet the Article 46 requirements, including any persons whose qualifications would be subject to a ‘grandfathering’ clause. However, these persons would not be able to benefit from the automatic recognition of their qualifications in another Member State. They would be subject to the General System of recognition, in accordance with Article 10 of the Directive, which entails the comparison of their qualifications with those required in the host Member State.

This seems to be a reiteration of the position that the practice of architecture is not protected. Unregistered architects are barred only from using the title of architect but are not barred from practicing as architects.

The Minister for Environment, Community and Local Government, in response to Parliamentary Questions on this matter replied:-

“I am aware of the response given by the European Commission on 21 February 2012 to Question No. E-012450/2011 in the European Parliament. I am satisfied that the Building Control Act 2007 is in keeping with the requirements of relevant EU [European Union] legislation and, in particular, the provisions of Directive 2005/36/EC [European Community] as regards the free movement of workers within the single market and the recognition by Member States of the qualifications of individuals from other Member States.

I refer to the reply to Question No 27 of 30 November 2011 which sets out the arrangements already in place under the Building Control Act 2007 for the registration of practically trained persons as architects. To date 31 practically trained persons have been deemed eligible for inclusion on the register of architects. Of these, 6 underwent the technical assessment process and 25 underwent the register admission examination.

I have no plans to amend the Act along the lines suggested. I would encourage members of the alliance to pursue the routes to registration which are currently open to them with a view to joining the small and growing numbers of practically trained architects already on the register.”

8. ACCESS TO PROFESSION OF ARCHITECTURE

8.1 Entry to Profession

Some members of the AAOI asserted to the Joint Committee that in their opinion the RIAI was a ‘closed shop’. The term ‘closed shop’ is a colloquial term used in industrial relations in reference to a ‘union membership agreement’, where management agrees to employ only members of a specified trade union (Torrington, Derek; Personnel Management; A New Approach; accessed at <http://www.collinsdictionary.com/dictionary/english/closed-shop>).

At a meeting of the previous Joint Committee on the Environment, Heritage and Local Government in the previous Dáil Éireann and Seanad Éireann on 18 May 2010, the RIAI refuted this analogy, stating:-

“The Competition Authority recommended a separate and independent body but also said that if the State, by legislation, decided RIAI and SCS [Society of Chartered Surveyors] should be the registration bodies there should be a majority of non-professionals on the key committees of Admissions and Conduct. That is included in the Act and is independent. The Building Control Bill was published in 2005, and in May 2009, the Minister [for Environment, Community and Local Government] appointed the non-professionals to the Technical Assessment board and this enabled the register to be launched in November.”

The RIAI elaborated further:-

“Reference was made to a ‘closed shop’. This is not a ‘closed shop’. Some 2,700 architects are on the register. If Committee members want to see competition, they should put 2,700 architects in one room and watch what happens. They compete all the time.....

Some 61 people are in the process of going through ‘grandfather’ schemes, while 31 have been through the two systems. The pass rate is over 85%. By comparison, the pass rate is between 70 and 75% for the professional practice examination for graduates...

Mr Montaut referred to the Minister [for Environment, Community and Local Government]’s List. This is now closed, but those involved were assessed under Article 3 of the Architects Directive. This is the same as Article 46. Some two thirds have passed the Technical Assessment referred to. This involves an initial examination and a degree of distinguished practice. ... This is not a ‘closed shop’. It is disappointing that the Alliance appears to be suggesting there is some kind of discrimination. The system is working and providing assistance and opportunities for architects to move forward if they do not have listed formal qualifications.”

The suggestion that the RIAI is a ‘closed shop’ did not gain traction with some members of the Joint Committee. Referring to the figures, as quoted above, that 54 ‘grandfather’ architects had gained admission to the Register via the Technical Assessment or ARAE routes, a member of the Joint Committee stated:-

“I am not clear about how the concept of fair competition, to which Mr Montaut refers, could in any way be enhanced by permitting individuals who do not meet basic minimum standards to operate as registered architects. ... Would he not agree, leaving aside his stated views and those of the Alliance, that this would possibly bestow an unfair advantage on a very small minority of current actors in the sector?”

I have some empathy for the Alliance’s situation, but given the evidence that a considerable number of individuals have gone through the Technical Assessment process and have been registered successfully over the last two years, Mr Montaut cannot really say in conscience that a closed shop is being operated by any stretch of the imagination. That does not stand up to scrutiny, based on the figures that have been proffered to us in recent times.”

The full summary of the Competition Authority’s position is contained in their Report *Architects* (March 2006); accessed at:-

<http://www.tca.ie/images/uploaded/documents/architects%20executive%20summary.pdf>

Box 1 Competition Authority News Release

The Competition Authority today (7th March 2006) published its final report on competition issues associated with the architectural profession. Currently competition in the architectural profession seems to be working well for consumers and the economy as a whole. However the Competition Authority is concerned that proposed changes in how the architectural profession is regulated in Ireland will have negative consequences for consumers and for some members of the profession.

The proposed changes to how architects will be regulated in the future are outlined in the Building Control Bill 2005. The Competition Authority is particularly concerned about the level of influence and control given to the Royal Institute of Architects in Ireland (RIAI) over the system that determines who is allowed to use the title “architect”. The RIAI represents the vast majority of architects in Ireland. The Competition Authority is also concerned about the composition of the proposed boards and committees which will scrutinise and regulate the architectural profession according to the Building Control Bill; appointments to these decision making bodies should not be made by the RIAI.

The Competition Authority is further concerned with safeguards regarding the substance of the proposed Code of Professional Conduct. In order to avoid any possible conflicts of interest the Competition Authority has proposed the creation of an Architects Council of Ireland as an independent, transparent and accountable agency to regulate the architectural profession. The establishment of the Architects Council of Ireland would bring the regulation of architects into line with other professions in Ireland such as doctors and dentists and with other sectors of the economy such as financial services. In countries such as the UK, Australia, Finland and the Netherlands, the registration of architects is controlled by a similar independent body. According to Declan Purcell, Director of the Competition Authority’s Advocacy Division, “The Competition Authority has only a small number of concerns about how the architectural profession operates in Ireland. Unlike some other professions we have reviewed, architects are not restricted by layers of unjustified or disproportionate restrictions on competition. “However the Competition Authority is concerned about a number of changes which have been proposed in the way that architects are regulated. If these proposals are implemented, in the way they are currently presented, it will establish in law a conflict of interest where the RIAI will represent the interest of its members while at the same time will be responsible for the rules and practices which are designed to protect the public interest.”

Additional recommendations relate to the few remaining areas where the Competition Authority's has identified that competition in architectural services is unnecessarily restricted:

- The eligibility of practically-trained architects to enter architectural competitions for public sector projects;
- The limits of the Law Society's list on who can provide Opinions on Compliance with Building Regulations;
- The lack of flexibility in the levels of professional indemnity insurance recommended by the Irish Public Bodies Mutual Insurances Limited; and
- The need for flexibility in architectural education through the provision of part time and modular courses.

A number of the concerns identified by the Competition Authority in its Preliminary Report on the architectural profession have now been addressed.

- The rules of the RIAI which unnecessarily restricted advertising by architects were removed in May 2004;
- The RIAI no longer publishes information showing percentage fees for different project types. The only fee information now published by the RIAI is contained in an independent survey which includes information on percentage, fixed and time based fees;
- There has been a significant increase in the number of architecture training places in Ireland with the opening of new schools of architecture in Waterford and Limerick in 2005.

Another new school will open in Cork in 2006.

The Competition Authority's final report on the architectural profession is available from the Authority's website at www.tca.ie/professions.html

Source: Competition Authority; accessed at:-
[http://www.tca.ie/images/uploaded/documents/2006-03-07%20News%20Release%20\(Architects\).pdf](http://www.tca.ie/images/uploaded/documents/2006-03-07%20News%20Release%20(Architects).pdf)

8.2 Technical Assessment of Panel of Architects

The AAoI outlined to the Joint Committee its objection to 'grandfathers' being assessed by registered architects:-

"The Technical Assessment panel is the group that carries out the detailed assessment of candidates. That panel is made up of three [RIAI] Institute architects alone. They carry out the assessment, the interview and decide who is in and who is out. They give an opinion to the Board. The Board is, as Mr Graby described, made up of more lay people than architects, by a majority of one. One can imagine the difficulty with which such a Board may be faced in overturning a decision made by three registered architects. Whether one accepts there is a difficulty, the Assessment is undertaken by three architects, selected by the [RIAI] Institute. There is no demand for them to have proper training in carrying out such assessments; the one demand is that they are registered architects. We are demanding something different in the Act because we insist that what is in it is unreasonable."

The RIAI disagreed with this, stating:-

“..There is no secret about the fact that there is a panel of three architects appointed by the Board, not by the Royal Institute of the Architects of Ireland. They were trained at a cost to the Royal Institute of the Architects of Ireland specifically in interview techniques. It was provided for in the Act, because HETAC [Higher Education and Training Awards Council] advised the Department of the Environment, Community and Local Government, that if one was assessing equivalence of qualifications the person who carries out the initial assessment should have the same qualification. That is very basic....

.What is the concern about using Article 46, which replaced Article 43, as the basic standard in this country? It is the minimum European standard. What is there to fear from that?

....The Technical Assessment Board consists of a majority of non-architects who are nominated by the Minister for the Environment, Communications and Local Government and the Chair is required to be a junior counsel. The Admission Board has a majority of non-architects and the Chair in that case is a senior counsel. In terms of the Technical Assessment, the Board sets the standard and acts in accordance with the provisions of the Act. For example, it interviews and appoints the expert assessors and comes to its own view without any input at any time from the RIAI. It has re-interviewed candidates and holds the transcripts of interviews. It has examined submissions and has, from time to time, sought additional information. It is completely independent.”

8.3 Higher Education and Training Awards Council Guidelines on assessment by Experts

The Higher Education and Training Awards Council guidelines on assessment candidates are published in ‘Assessment and Standards, December 2009; Implementing the National Framework of Qualifications, and applying the European Standards and Guidelines; Higher Education and Training Awards Council, May 2009; Accessed at:-

<http://www.hetac.ie/docs/Fina%20English%20Assessment%20and%20Standards%202009.pdf>

The extract on who is qualified to assess candidates is:-

“Student assessment procedures are expected to be undertaken by those who understand the role of assessment in the progression of students towards the achievement of the knowledge and skills associated with their intended qualification.

Assessors should only be requested to assess learning outcomes which they are competent to assess. Each assessor’s contribution is part of a team effort that is designed to help learners, through assessment, to attain the intended learning outcomes and other objectives of the programme. Accordingly, assessors need to have a deep understanding of the programme assessment strategy, as well as the module assessment strategies for the modules directly involving them. Understanding the role of assessment in the learning process demands a certain expertise in the discipline of teaching and learning (theory and practice).

The explicit professional competences, roles, responsibilities, ethical standards and accountability required of the persons and committees involved in making assessment decisions and recommendations should be described and communicated by the provider to those persons and committees.

There should be clear ethical guidelines governing a person's involvement in assessment related processes. The guidelines should address ethical requirements that flow from the necessity for fairness and consistency, including objectivity, confidentiality, declaration of interests, and the avoidance of conflicts of interest.

Providers should offer appropriate development opportunities to their staff which allow them to demonstrate and enhance their expertise in assessment and in the design, maintenance and review of module and programme assessment strategies.”

9. 'GRANDFATHER' CLAUSE IN OTHER JURISDICTIONS

9.1 Legislation in Other Countries

The AAOI have pointed to several countries where legislation includes a 'grandfather' clause, authorising established self-taught architects to continue practicing.

- (1) In Belgium, the 'Loi du 20 fevrier 1939' allowed experienced self-trained architects in practice to register.
- (2) In France, the 'Loi n° 77-2 du 3 janvier 1977 sur l'architecture' allowed self-trained architects with five years of experience to register.
- (3) In Italy, the 'legge 24 june 1923 No. 1395' allowed self-trained architects with ten years of experience to register.
- (4) In The Netherlands, the 'wep op de architectentitel van 7 juli 1987' along with additional procedures, allowed architects with ten years of experience and architects aged 40 years old or over, with five years of experience, to access the register.
- (5) In the United Kingdom, the 'Architects (Registration) Act 1931' enabled self-trained architects with two years of experience to register.

In this section a brief examination follows of systems in three countries which contained a self-extinguishing time limit similar to that set for the Irish Technical Assessment procedure, as above.

9.2 France

According to the Conseil National de l'Ordre Architectes, the Regional Council of the Order of Architects (Conseil Regional) carries out the registration of architects after verifying that they meet the requirements of the Loi n° 77-2 du 3 janvier 1977 sur l'architecture / Law of January 3, 1977 and its implementing regulations.

This opened the Titre d'Agrée en Architecture / Certified Architect to people who did not have formal qualifications as an architect.

By holding the Titre d'Agrée en Architecture, such people have the same rights and are held to the same obligations as architects (Personal communication with the offices of the Conseil National de l'Ordre Architectes, France).

This procedure has been closed since 6 July 1977.

Candidates for certification in architecture had to demonstrate activity of architectural design by any means possible including contracts, records of professional references (with maps, photos ..), employer's certificate, proof of professional liability insurance, business tax, file building permit ... (Personal communication with offices of Conseil National de l'Ordre des Architectes, France).

The Regional Council of the Order of Architects verified that the documents were either originals or certified copies (at the time by the mayor) before transmitting them to the Regional Commission for review.

Below, is an unofficial translation of Article 37 of the Law of January 3, 1977:-

Any person who, without carrying the title of architect, acted as sole or principal and under his personal responsibility before the publication of this Act in architectural design activity in the field of building construction, is listed on the application a regional roll, under the title of certified architecture, under the conditions laid down in Article 23, if she enjoys his civil rights, has the character necessary and also fulfils one of the following two conditions –

- (1) Having exercised liberally, exclusive and constant subscribing annually or more contracts of insurance covering its liability for contractor and having been subject to a license or a tax professional supervisor in building or architectural firm from a date prior to 1 January 1972, continuously, until the filing of the application;
- (2) Being recognized qualified by the Minister of Culture on presentation of professional credentials and after notice of a regional commission, including, in equal numbers, architects and representatives of the professions covered by this article.

Applications for registration must be filed within six months after the publication of this law.

Subject to having completed the filing of this application, these professionals can perform the tasks referred to in Article 3 until the intervention of a final decision.

9.3 The Netherlands

The law giving effect to the registration system in the Netherlands was introduced on 1 October 1988 with provision for a five-year transition period until 1 October 1993.

The Bond van Nederlandse Architecten / the Royal Institute of Dutch Architects is the professional organization of architects in the Netherlands.

9.3.1 Registration Requirements

The following is taken from an RIAI paper on the registration system in the Netherlands. The paper reports on a meeting between the General Secretary of the RIAI and the Director of the Stichten Bureau Architectenregister in the Hague on 1 October 1993, the day the protection of the title ‘Architect’ came into force in the Netherlands.

“Four routes to registration are available, of which three are examinations leading to degrees.

Route 2 was an alternative to examinations, that is, a ‘grandfather’ route. If an applicant had a minimum of ten years practical experience prior to 1988 this experience was assessed by a Review Body. The section in the

Directive dealing with those persons who had five years practical experience prior to 1985 and who had reached the age of 40 was seen as a sub-section of this particular method of registration and was assessed in the same way.”

9.3.2 Review Body

The paper continues:-

“The Review Body is defined in the registration legislation as consisting of six architects and the Chairman, the Chairman being a lawyer with considerable experience in the construction industry. The BNA [Bond van Nederlandse Architecten / the Royal Institute of Dutch Architects] nominated four architects. Two other bodies representing other groups of architects, not all of whom had recognised qualifications, were asked to nominate two other architects.

The Director of the SBA [Stichten Bureau Architectenregister] emphasised that all the six architects on the Review Body were persons of acknowledged standing and experience at the highest level available in the Netherlands and that the quality of the Review Body was the most important element in the system.

In the case of the unsuccessful applicants most had carried out work at a domestic level and in some cases had produced houses of a reasonably modest standard. Most of the dossiers submitted by unsuccessful applicants conveyed a lack of understanding of the basics of architecture, particularly once the candidates moved outside small domestic scale work. Many of the successful applicants had carried out a wide range of work over many years to a reasonably acceptable standard.”

9.3.3 Standards

The Director of the Stichten Bureau Architectenregister remarked:-

“The Government of the Netherlands and the SBA [Stichten Bureau Architectenregister] in considering the Certificates given to persons meeting the criteria of the Review Body had particular regard to Articles 3 and 4(b) of the EC [European Community] Architects' Directive in that the Certificates provided must be equivalent to the successful completion of an examination to degree standard.”

9.3.4 Application Procedure

The Director of the Stichten Bureau Architectenregister outlined the outcome:-

“1,200 persons applied, seeking application through the ten years and five years practical experience provisions as listed in the EC [European Community] Architects' Directive. Each applicant was asked to submit a minimum of 4 photographs of work which they had designed. In the case of persons working in architectural practices, this had to be supported by verification from their employers. They were required to submit detailed

Curriculum Vitae. The basis of the selection was that technical competence was accepted if the person could prove they had practised for ten years. The assessors concentrated on establishing whether the person had conceptual ability to design buildings to an appropriate standard. Approximately 500 of those who applied were accepted on the basis of the initial submission. The remaining 700 were asked to submit further information, including detailed drawings, etc. Each person was then interviewed by the Review Body for an hour, on average. The persons being assessed were allowed to have legal representation and the interviews were recorded. 300 of the 700 interviewed were rejected.”

9.4 The United Kingdom

It will be seen that evidence of verification and competency was required in a similar manner in the United Kingdom, where the system of registration of architects developed over several decades. Key dates included:-

1905 The Royal Institute of British Architects established a policy to secure satisfactory training of architects by statutory means. The Institute’s Education Policy was adopted for statutory powers to secure satisfactory training for architects by way of registration of title, by and through the Institute;

1908 The Royal Institute of British Architects Licentiate Class was established to cater for architects who could show evidence of competence, without exams. On closure in 1913, over 2,000 had been accepted.

Harry Barnes a Fellow of the Royal Institute of British Architects, Chairman of the Registration Committee, wrote in 1934 (in J. A. Gotch PPRIBA (editor). The Growth and Work of the Royal Institute of British Architects (1934)) in the chapter on statutory registration:-

“Under the purview of the Board of Architectural Education no one will enjoy the title of 'Registered Architect' without giving evidence of his capacity, and under that of the Discipline Committee no one will retain the title whose character has been weighed in the balance and found wanting.”

The Architects (Registration) Act 1931 enabled the Register of Architects to be established under the Architects' Registration Council of the United Kingdom, a statutory body. The Council was to be composed of representatives of all architectural bodies in the United Kingdom in proportion to the numbers of their memberships on the Register, and representatives from government departments and related professional bodies. Under the Council, the Royal Institute of British Architects system of examinations, etc. was accepted for registration.

Extract from Architects (Registration) Act 1931 (now repealed)

Section 6. Qualifications for registration.

- (1) Subject to the provisions of this Act, a person shall, on application made to the Council in the prescribed manner and on payment of the prescribed fee, be entitled to be registered under this Act, if the Council are satisfied on a report of the Admission Committee—
 - (a) that he is an architect member of the Royal Academy or of the Royal Scottish Academy; or
 - (b) that his application for registration was made within two years from the commencement of this Act and that at the commencement of this Act he was, or had been, practising as an architect in the United Kingdom; or
 - (c) that he has passed any examination in architecture which is for the time being recognised by the Council; or
 - (d) that he possesses the prescribed qualifications.
- (2) The Council shall cause a written notice of their decision on any application for registration to be served on the applicant within the prescribed period after the date of decision.
- (3) Where the Board recommend to the Council the recognition of any examination in architecture, the Council shall recognise that examination for the purpose of paragraph (c) of subsection (1) of this section.
- (4) For the purpose of paragraph (d) of subsection (1) of this section, the prescribed qualifications may include the passing of any examinations in architecture, the holding of which may have been recommended to the Council by the Board, and in that event the Council shall direct the Board to hold those examinations, and those examinations shall be held by the Board accordingly at least once in each year and at such times and places as the Board may determine. Save as aforesaid, the Council shall not prescribe as a qualification for registration the passing of any examination held by or under the authority of the Council or the Board.

It can be seen from this brief overview that countries had varying procedures of assessment and verification in place to enable grandfathers to be registered.

10. SOLUTIONS PROPOSED TO THE JOINT COMMITTEE ON ENVIRONMENT, CULTURE AND THE GAELTACHT

10.1 Grant Support

The RIAI told the Joint Committee that it would be glad to work with it, the Department of Environment, Community and Local Government and the Department of Education and Skills in providing some form of grant support to those who need it, because none was currently available.

For example, if the State were to pay half of the costs of the Technical Assessment, approximately €2,250.00 per applicant and 50 applicants were to avail of the grant, this would cost the State €112,500.00. This is a similar cost to the State subvention for three graduate architects.

In view of the position of the State finances, an alternative might be the application of tax relief to the costs of taking the ARAE, the Technical Assessment and the Special Distinction procedures.

10.2 Potential for additional Royal Institute of the Architects of Ireland Supports

Technical Assessment is designed to assess whether work done over time, in the past, meets a specific standard. The assessment mechanism as implemented by the RIAI on behalf of the Board is designed to assess work done and does not require formal instruction.

The RIAI has gained some experience from operating both the pilot and the statutory system. The RIAI experience of the system to date is that the areas of weakness commonly, although not exclusively, relate to candidates' knowledge of regulatory compliance, legislation and practice and contract administration.

These areas are covered in European Union undergraduate programmes and developed and refined in the post graduate professional training phase and could be covered through access to the professional practice programme and Continual Professional Development, if applicants so wish.

The RIAI is willing to organise further educational sessions including sessions with a specific focus on:-

- (1) Self-assessment by applicants of the ten years they have spent performing duties commensurate with those of an architect. Identifying what those duties are and how to present them. A presentation on these details might be of help.
- (2) Approaching the preparation of a portfolio, choosing projects, useful information resources to support interpretation of the work done.
- (3) Notification of Continual Professional Development opportunities of specific relevance.

10.3 Change in Assessment Standard

The AAoI suggested:-

“Providing a technical assessment for architects which is equivalent to the Technical Assessment already provided in the Act for surveyors. These are fellow construction professionals. We would expect to provide evidence of five years of prior-establishment, which is the same as applied to those on the Minister [for Environment, Community and Local Government]’s list and covered by the Act. This is our preferred solution.

... we are also tabling an alternative solution. It is intended to answer a genuine legal obligation which may be found for architect ‘grandfathers’ to demonstrate more than prior establishment in order to be registered in the State.

The solution has two parts, because it deals with qualifications. The first part, labelled B1, would provide for registration of those with relevant third level qualifications or accreditation by relevant established professional bodies - subject to providing evidence of having made their livings as architects for five years prior to the Act.

The second part, labelled B2 of this solution, is for those of us without academic qualifications or accreditations of that kind and it would provide registration of those who pass or have passed the post-graduate written examination for architects conducted by University College Dublin – subject to providing evidence of having made their livings as architects for ten years prior to the Act.”

The AAoI offered three proposals:-

- (1) That ‘Grandfathers’ with five-years-experience undergo an equivalent technical assessment to surveyors.
- (2) That graduate architects with five years’ experience be registered without undergoing the professional training element described above.
- (3) That ‘grandfathers’ with ten years’ experience who pass the post-graduate architect’s examination, be registered.

Proposal 1 relaxes the standard specified in the Act and halves the number of years needed for eligibility to undergo Technical Assessment.

Proposal 2 applies to those who have successfully passed a five-year, full-time course in architecture, or its equivalent, and suggests that they be allowed to forego the professional training specified by the RIAI register (above) entailing a minimum of two years postgraduate experience, completion of analysis of a building project, a course of 15 days of lectures and a written and oral examination.

Proposal 3 suggests that those ‘grandfathers’ with 10-years-experience who pass the postgraduate examination described in Proposal 2 be registered. However, they wish only to sit the written elements of the examination. The reason offered is that the written examinations are anonymous, whereas the other elements are not (AAoI Personal communication)

Proposals 1 and 2 would have the effect of reducing the length of time of qualifying for the Register. However, a 5-year practical service requirement is lower than the educational / professional experience requirement in Ireland and in European Union Member States generally and is therefore unlikely to be accepted. A 5-year service requirement is not commensurate with qualifications achieved by the generality of registered architects in Ireland.

Proposal 3 acknowledges the input of educational courses in achieving the Standard for the Register.

Professional Diploma (Architecture)	
Plus two years professional practice experience	
Fee	€2,100.00

This is the preparatory programme for the postgraduate examination referred to in section 14(2)(a)(I) of the Act. ‘Grandfather’ candidates have taken the University College Dublin provided Professional Practice Lecture Series on a Continuing Professional Development basis to help prepare for the examination. The RIAI engaged with University College Dublin when the final shape of the Act was clear and asked if access to the lecture series could be provided to prospective applicants. The university agreed to do this and provides Continual Professional Development access to the lecture series module.

The University College Dublin programme details can be found at:-

http://www.ucd.ie/eacollege/architecture/graduatetaughtprogrammes/professional_diploma/

and the following information is available at:-

http://www.ucd.ie/eacollege/architecture/graduatetaughtprogrammes/professional_diplomaarchitecture/professionalpracticelecturecourse/

The RIAI regards this as a useful support in preparation for Technical Assessment for architects.

A significant development in University College Dublin is that the programme is to go online in September 2013 as part of the university’s strategic drive to promote programme delivery online.

However, Proposal 3 does not address the RIAI’s professional training aspect of architecture and does not take sufficient account of the strong element of consumer protection incorporated in the professional element of the training.

10.4 Accredited Prior Learning Standards to be Applied by Third-Level Education

The Joint Committee questioned witnesses as to their opinions on removing the RIAI from the process, and instead having a system whereby universities set down criteria for Accredited Prior Learning. Under such a system, applicants with five or six years’ experience would be eligible to be assessed for registration, subject to an agreed standard for Accredited Prior Learning.

The AAoI asserted that the involvement of the Department of Education and Skills in monitoring access to the Part III university examinations would, in its opinion, underline the credibility of the solution.

The RIAI informed the Joint Committee that Higher Education and Training Awards Council had advised the Department of Environment, Community and Local Government, that if one was assessing equivalence of qualifications, the initial assessor should have the same qualification, in this case architecture.

The Joint Committee later sought advice from an Emeritus Professor of Architecture on this matter. That Professor disagreed with the above approach and gave the personal opinion that academics had their own values which might be different from professional values. The Professor gave the opinion that the professional competencies required for registration as an architect include practical knowledge such as ‘buildability’ and dealing with clients. These competencies were hard to teach and were best addressed through professional training.

In addition, the postgraduate Professional Architecture Diplomas offered by University College Dublin and the Dublin Institute of Technology would have the architecture trainees’ professional work assessed by registered architects.

10.5 Independent Assessment of Applicants

The Joint Committee considered the option that an independent assessment be organised through SOLAS (Seirbhísí Oideachais Leanúnaigh agus Scileanna), a new agency proposed in the Further Education and Training Bill 2013. In such a scenario the independent assessors would not be affiliated to the RIAI. The question would then arise as to who the independent assessors would be. As outlined above, professional architect assessors would be required by the Quality and Qualifications Ireland organisation.

A difficulty with this proposal is that SOLAS and its predecessor FÁS (An Foras Áiseanna Saothair – Training and Employment Authority) are conceived primarily as training bodies for the trades sector and are not geared towards the professions. Accordingly, SOLAS would have to be re-structured to provide professional training.

10.6 Ministerial sign off on new prescribed Register Admission Examination

The AAoI suggested that the Minister for Environment, Community and Local Government should sign off on a prescribed Register Admission Examination. However, a prescribed Register Admission Examination already exists—the ARAE outlined above. Through this 37 ‘grandfathers’ have already qualified for admission to the Register.

Accordingly, what is being suggested is an additional Prescribed Register Admission Examination, which could be made available at centres across Ireland. There are Schools of Architecture in Cork, Dublin, Limerick and Waterford. A significant development in University College Dublin is that their programme is to go online in September 2013.

10.7 Establishment of a Separate Registration Board to Regulate Architects?

Such a Registration Board would maintain the Register of Architects. This model would resemble the structure in some European countries. For example, Germany, the Netherlands and the United Kingdom each have a Board for regulating architects in addition to the architect professional bodies.

In Germany, the Bundes Architektenkammer and the BDA regulate the profession of architecture and in the Netherlands the Bond van Nederlandse Architecten / the Royal Institute of Dutch Architects and the Stichten Bureau Architectenregister perform this function.

In the United Kingdom the Architects Registration Board is the independent regulator of architects. This is an independent public interest body established under UK legislation in 1997 to regulate the profession of architecture. The Board regulates architects to ensure that good standards are maintained within the profession for the benefit of the public and of architects.

Its work is overseen by a board of 15 members, seven of whom are architects elected by the profession and eight of whom are members of the public appointed by the Privy Council.

Anyone involved in designing and constructing buildings, and describing themselves as an architect, must be registered with the Board. The Board can take action if someone wrongly calls themselves an architect. The duties of the Board, outlined in the 1997 Architects Act, cover five main areas:-

- (1) Prescribing – or ‘recognising’ - the qualifications needed to become an architect.
- (2) Keeping the United Kingdom Register of Architects.
- (3) Ensuring that architects meet their standards for conduct and practice.
- (4) Investigating complaints about an architect’s conduct or competence.
- (5) Ensuring that only people on their register offer their services as an architect.
- (6) Act as the United Kingdom’s Competent Authority for architects.

The Royal Institute of British Architects is the professional body providing the standards, training, support and recognition for architects.

10.8 Royal Institute of the Architects of Ireland Remain as Competent Authority?

The Joint Committee considered the idea that the RIAI remain the Competent Authority as specified by the Building Control Act 2007, and that the Higher Education and Training Awards Council / National Qualifications Authority of Ireland be represented on the RIAI Council and Boards.

10.9 Royal Institute of the Architects of Ireland to bear cost of successful appeals

The Joint Committee considered the idea that the cost of Technical Assessment appeals be borne by the RIAI if the appeal was successful.

10.10 Royal Institute of the Architects of Ireland to provide student membership to Applicants

The Joint Committee considered the idea that the RIAI should enrol 'grandfather' applicants as student members of the RIAI for a transition period. The aim of this idea is to encourage a greater rapport between 'grandfather' applicants and the RIAI. Student membership for 'grandfathers' should be free of charge and entitle them to a range of benefits and services to aid their professional development. These benefits could include:-

- (1) Being part of a prestigious Institute.
- (2) Advice on whether their portfolio and credentials were more suited to the Technical Assessment or the ARAE route.
- (3) Mentoring on professional requirements.
- (4) Free use of the RIAI library and Information centre.
- (5) RIAI newsletter featuring information about architectural events.
- (6) Preferential rates for seminars and lectures at the RIAI.
- (7) Discounted subscription to the RIAI magazine.
- (8) Funding opportunities available for students.

11. CONCLUSION

The Joint Committee welcomes the evidence that two ‘grandfather’ routes appear to be working for applicants in providing registration as architects. These are the Technical Assessment procedure and the ARAE. The result has been the registration of 17 architects through Technical Assessment (nine through the pilot Technical Assessment, eight through the statutory Technical Assessment) and 37 architects through the ARAE. These 54 architects are now registered or eligible to be registered.

However, the key issue of this Report is to address the reasons why other potential applicants have not yet commenced the process of being assessed. The Joint Committee recognises the need to address the barriers they perceive as preventing them from doing so and in the process ensuring that while necessary and essential standards are maintained, unnecessary conditions and demands are not being imposed. In this regard, the Joint Committee is making a number of proposals that it hopes will make the procedures involved more accessible and will thus encourage potential applicants to accept and participate in the various options open to them in seeking registration as architects.

The Joint Committee notes that the parties to this issue have different views on how it can be addressed and hopes that this Report will help bring a greater understanding between the various parties that will lead to agreement and resolution.

The AAoI has also expressed a willingness to sit equivalent assessment as in the Building Surveyor examinations. As outlined by the Minister for Environment, Community and Local Government above, success in the Building Surveyor examinations would entitle holders to become Assigned Certifiers under the proposed new Building Regulations-

However, the AAoI proposal that applicants be confined to written examinations does not address the professional aspect of architecture as represented by the RIAI.

The Joint Committee agrees with the RIAI that more support must be offered to applicants to assist them in attaining the required Standard as specified in the Act and accordingly welcomes the willingness of the RIAI to offer more supports to those who wish to register as architects. In this regard, the Joint Committee recommends that the RIAI extend its Student Membership to applicants for the transition period specified in the Building Regulations. The Joint Committee also recommends that the Minister for Environment, Community and Local Government extend the transition period of the proposed Building Regulations to two years as this would facilitate the RIAI in implementing a practical scheme of mentoring for applicants. The Joint Committee urges the RIAI to do this.

However, there are still a number of areas of disagreement between it and the AAoI in this regard.

The Joint Committee recognises that the assessment procedures required by the Act are onerous, but it also recognises that the State has a duty of care in who it allows to be licenced as an architect. It recognises that while high standard must be maintained, certain measures can be taken that will assist and facilitate applicants while at the same time not impinging on these standards

The Building Surveyor route is open to those applicants who do not wish to apply for membership of the RIAI. They can be certified as Assigned Certifiers. However, those who wish to use the title of architect in conducting their business must engage with the RIAI.

Technical Assessment does not recognise skills attained after 2008. All skills have to be illustrated through examples in the portfolio of historic work. Therefore this is an all-or-nothing assessment.

If the Technical Assessment deems applicants' skills to be commensurate with those of an architect, they are eligible to register as architects. If it does not, there is no possibility to re-sit, as work completed after 2008 is not eligible. Candidates ineligible for registration have no qualification to show for their outlay of €4,500.00. Potential candidates may hesitate to undertake Technical Assessment if they are unable to predict whether they will be successful. However, if candidates were confident of success, then Technical Assessment would be a lower-cost option than the ARAE which costs €8,500.00. Candidates who are deemed ineligible in Technical Assessment could next pursue the ARAE, but the combined cost of the two routes would amount to €13,000.00 in addition to the time and costs associated with preparation.

The ARAE, meanwhile, provides 'grandfathers' with the option of attaining skills and qualifications into the future. If candidates do not reach the standard in certain areas, the ARAE gives the opportunity to acquire skills in areas that are weak and to re-sit the relevant modules at a modest cost.

12. COMMITTEE RECOMMENDATIONS

- (1) That the Minister for Environment, Community and Local Government, notwithstanding the existence of the Technical Assessment, give consideration to the inclusion of a typical, self-extinguishing 'grandfather' clause in the Building Control Act 2007 – as is provided in other State legislation.
- (2) That the Special Distinction Route for registration as an architect be made more open by allowing 'grandfathers' to enter architectural competitions conducted in the State.
- (3) That the process by which professionally trained graduate architects and experienced practitioners in the profession (those applying under a 'grandfather' clause) can apply for registration as architects be rationalised. That in this regard the Royal Institute of the Architects of Ireland provide 'candidate' status allowing full access to improved and enhanced supports from the Institute in terms of Continuous Professional Development material, mentoring and so on while the process is on-going. That candidate status should be available at a low cost, and be open for up to two years from commencement of the candidate process. That candidates applying under a 'grandfather' clause be permitted to use the title 'architect' while the process is underway.
- (4) That the Royal Institute of the Architects of Ireland does all in its power to ensure the process and completion of the task of applying for registration as an architect be simplified. That any unnecessary costs are removed and that every assistance and advice possible is given to candidates and potential candidates.
- (5)
 - (a) That Qualifications Quality Ireland be given a specific role in providing education to potential applicants for registration as architects and that it be given a monitoring and overseeing role in the examination process for applicants applying for registration as architects.
 - (b) That Qualifications Quality Ireland, in consultation with the Royal Institute of the Architects of Ireland, set the standards necessary for Technical Assessment.
- (6) That the Technical Assessment Board established by the Minister for Environment, Community and Local Government to look at the issue of the Title of Architect be asked to advise on the applicability of Irish law and how it facilitates or not the easy transfer of skills across the European Union and the recognition of skills gained outside Ireland in Ireland.
- (7)
 - (a) That the formal qualifications required under Irish domestic legislation for registration as an architect should not exceed the formal qualifications required for mutual recognition under the relevant European Directive.
 - (b) That the Minister for Environment, Community and Local Government should take pre-emptive steps to prevent any intervention at European Union level into the operation of the Building Control Act 2007.
- (8) That the Minister for Environment, Community and Local Government consult with the Minister for Education and Skills on the appropriateness of any proposals that are put in place with respect to the training to be provided and the educational standard required of applicants seeking registration as architects under any 'grandfather' clause.

- (9) That the annual fee charged to register or to renew registration as an architect should reflect the actual cost necessary for maintaining the register alone.
- (10) That the Minister for Environment, Community and Local Government review and give fresh consideration to the recommendation by the Competition Authority for the establishment of an Independent Register for architects.
- (11) That the Minister for Environment, Community and Local Government consider ways in which the cost of preparing and applying for registration might be reduced for ‘grandfathers’. The options of providing grants and / or tax relief should be considered.
- (12) That the Minister for Environment, Community and Local Government consider the proposals in the European Ombudsman’s Report Reference Number S2013-173417 of 7 May 2013 as they pertain to the implementation of the provisions in the Building Control Act 2007.
- (13) That the Minister for Environment, Community and Local Government take special note of the recommendation in the 1997 Report of the Construction Industry Council entitled ‘Ireland Building Our Future Together Strategic Review of the Construction Industry’ published by the Department of the Environment, Heritage and Local Government in 1997 that:-

“The Royal Institute of the Architects of Ireland and the Society of Chartered Surveyors should develop proposals for a technical basis for assessing qualification for registration for submission to the Department of Enterprise and Employment. The proposals should be formulated in consultation with other bodies representing architects and engineers, and should acknowledge the established right of those in practice, without formal qualifications, for many years (via a “grandfather clause”)”
- (14) That the Minister for Environment, Community and Local Governments take special cognisance of the Report entitled ‘Competition in Professional Services Architects’ published by the Competition Authority in March 2006.
- (15) That the Minister for Environment, Community and Local Government take special cognisance of the March 2014 operational date for mandatory building certification which will add restriction of ‘function’ to the practice of architecture in Ireland (Statutory Instrument No. 80 of 2013 Building Control (Amendment) Regulations 2013.

Appendix 1. TECHNICAL ASSESSMENT BOARD PRACTICAL EXPERIENCE ASSESSMENT PROCEDURES

The Building Control Act Section 21 provides for the establishment by the registration body of a Technical Assessment Board to consider applications for registration from persons who are not eligible for registration under Section 14. The Board will be comprised of a Chairperson and seven members as follows:-

- (i) Three architects to be nominated by the registration body;
- (ii) Four persons (who are not architects) to be nominated by the Minister;
- (iii) The chairperson, who will be appointed by the Minister, will be a solicitor, barrister or a former judge of the Circuit Court, High Court or Supreme Court.

The Technical Assessment Board shall appoint a panel of architects for assessment of applications under Section 22.

Section 22 provides for the procedure of the Technical Assessment Board in the assessment of applications from persons who have ten years' experience in the field of architecture in the State, on the commencement date of the section. It cites the documentation to be submitted by applicants for registration, the criteria and format to be used for assessment of applications. It specifies that the Board may interview applicants, if considered necessary. Where interviews are considered necessary, four board members will be present and the interview may be recorded in writing or any other format as the board may decide. The interviewee may, at his/her own expense, be accompanied by a professional advisor, including a lawyer. Applicants must be notified of the decision taken by the Board. Where a decision is favourable, the board will notify the registrar who will arrange to register the applicant, on payment of appropriate fee.

Section 23 provides for the establishment by the registration body of a Professional Conduct Committee to examine complaints made in regard to alleged professional misconduct. The Board will be comprised of a Chairperson and 11 members as follows:-

- (1) Five architects to be nominated by the registration body;
- (2) Six persons (who are not architects) to be nominated by the Minister, one of whom will be nominated by the Minister with the consent of the Minister for Enterprise, Trade and Employment;
- (3) The chairperson, who will be appointed by the Minister, with the consent of the Minister for Enterprise, Trade and Employment, will be a solicitor, barrister or a former judge of the Circuit Court, High Court or Supreme Court. Section 24 provides for the establishment by the registration body of an Appeals Board. The Board will be comprised of a Chairperson and five members as follows:-

- (3.1) Two architects to be nominated by the registration body, neither of whom will be a member of any other Board or Committee established under this Part;
- (3.2) Three persons (who are not architects), two of whom will be nominated by the Minister and 1 will be nominated by the Minister with the consent of the Minister for Enterprise, Trade and Employment, none of whom will be a member of any other Board or Committee established under this Part;
- (3.3) The chairperson, who will be appointed by the Minister, will be a solicitor, barrister or a former judge of the Circuit Court, High Court or Supreme Court. Section 25 sets out the procedures for making an appeal to the Appeals Board by persons who are adversely affected by decisions of the Admissions Board, the Technical Assessment Board or the Professional Conduct Committee. It details the requirements for processing of the appeal by the Board and informing the appellant of the outcome of the appeal. The appeal must be in writing, relate to either procedural or substantive matters and be lodged within three months of the date of the decision being appealed. A witness at a hearing will have the same immunities and privileges as a witness before the High Court. The procedures of the Appeals Board shall make provision for:-

- (3.3.1) Notification of the appellant, the Chairperson of the relevant Board or Committee, and any other person whose evidence may be required to attend before the Board on a particular date and time at a specified venue;
- (3.3.2) Advising the appellant of the right to present the case or, at their own expense, through a legal representative;
- (3.3.3) The examination of witnesses (iv) whether evidence should be taken under oath;
- (3.3.4) Recording of evidence.

The Board, having considered an appeal, may:-

- (i) confirm the decision of the relevant Board or Committee, subject to an amendment;
- (ii) Annul the decision and direct the relevant Board or Committee to make a new decision; or
- (iii) Give such other direction as it thinks fit.

The Chairperson shall then notify the appellant by pre-paid registered post of the decision taken, the date of same and the reasons for the decision, and of the appellant's right of appeal to the High Court. The relevant Board or Committee against whose decision the appeal was lodged shall also be informed of the decision. Where the appellant had made a complaint to the Professional Conduct Committee under Part 6, the registered architect against whom the complaint was made, shall also be notified of the decision of the Board. Section 26 provides for the right of appeal to the High Court by persons adversely affected by a decision of the Appeals Board. The appeal must be lodged within three months of the date of the decision of the Appeals Board. The Court may:-

- (i) Confirm the decision of the Appeals Board, subject to any amendment the Court may decide;
- (ii) Overturn the decision and direct the Appeals.

Registration of the Title 'Architect'

Information for potential Technical Assessment applicants

RIAI Information Paper 1: November 2008: Issue No. 4.

The Technical Assessment Board is to be appointed under Section 21 of the Act and will consist of a chairperson and seven ordinary members, to include three architects nominated by the RIAI and four persons, who are not architects, nominated by the Minister. The Chairperson will be a solicitor, a barrister or a former judge of the Circuit Court, High Court or Supreme Court and will be appointed by the Minister.

The Technical Assessment Board will establish a panel of expert architects with the necessary expertise to carry out the assessments. For each assessment, the Board will appoint a panel of no less than three Assessors who will:-

- (a) Examine the documents and any additional information requested;
- (b) Interview the applicant; and
- (c) Give the Board their opinion as to whether the applicant is eligible for registration.

The Board will have regard to the opinion of the architect Assessors as to whether or not the candidate is eligible, however, the opinion of the panel of architect Assessors is not binding on the Board.

Appendix 2. TERMS OF REFERENCE OF COMMITTEE

a. Functions of the Committee – derived from Standing Orders [DSO 82A; SSO 70A]

- (1) The Select Committee shall consider and report to the Dáil on—
 - (a) such aspects of the expenditure, administration and policy of the relevant Government Department or Departments and associated public bodies as the Committee may select, and
 - (b) European Union matters within the remit of the relevant Department or Departments.
- (2) The Select Committee may be joined with a Select Committee appointed by Seanad Éireann to form a Joint Committee for the purposes of the functions set out below, other than at paragraph (3), and to report thereon to both Houses of the Oireachtas.
- (3) Without prejudice to the generality of paragraph (1), the Select Committee shall consider, in respect of the relevant Department or Departments, such—
 - (a) Bills,
 - (b) proposals contained in any motion, including any motion within the meaning of Standing Order 164,
 - (c) Estimates for Public Services, and
 - (d) other matters as shall be referred to the Select Committee by the Dáil, and
 - (e) Annual Output Statements, and
 - (f) such Value for Money and Policy Reviews as the Select Committee may select.
- (4) The Joint Committee may consider the following matters in respect of the relevant Department or Departments and associated public bodies, and report thereon to both Houses of the Oireachtas—
 - (a) matters of policy for which the Minister is officially responsible,
 - (b) public affairs administered by the Department,
 - (c) policy issues arising from Value for Money and Policy Reviews conducted or commissioned by the Department,
 - (d) Government policy in respect of bodies under the aegis of the Department,
 - (e) policy issues concerning bodies which are partly or wholly funded by the State or which are established or appointed by a member of the Government or the Oireachtas,
 - (f) the general scheme or draft heads of any Bill published by the Minister,
 - (g) statutory instruments, including those laid or laid in draft before either House or both Houses and those made under the European Communities Acts 1972 to 2009,
 - (h) strategy statements laid before either or both Houses of the Oireachtas pursuant to the Public Service Management Act 1997,
 - (i) annual reports or annual reports and accounts, required by law, and laid before either or both Houses of the Oireachtas, of the Department or bodies referred to in paragraph (4)(d) and (e) and the overall operational results, statements of strategy and corporate plans of such bodies, and

- (j) such other matters as may be referred to it by the Dáil and/or Seanad from time to time.
- (5) Without prejudice to the generality of paragraph (1), the Joint Committee shall consider, in respect of the relevant Department or Departments—
- (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 105, including the compliance of such acts with the principle of subsidiarity,
 - (b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,
 - (c) non-legislative documents published by any EU institution in relation to EU policy matters, and
 - (d) matters listed for consideration on the agenda for meetings of the relevant EU Council of Ministers and the outcome of such meetings.
- (6) A sub-Committee stands established in respect of each Department within the remit of the Select Committee to consider the matters outlined in paragraph (3), and the following arrangements apply to such sub-Committees—
- (a) the matters outlined in paragraph (3) which require referral to the Select Committee by the Dáil may be referred directly to such sub-Committees, and
 - (b) each such sub-Committee has the powers defined in Standing Order 83(1) and (2) and may report directly to the Dáil, including by way of Message under Standing Order 87.
- (7) The Chairman of the Joint Committee, who shall be a member of Dáil Éireann, shall also be the Chairman of the Select Committee and of any sub-Committee or Committees standing established in respect of the Select Committee.
- (8) The following may attend meetings of the Select or Joint Committee, for the purposes of the functions set out in paragraph (5) and may take part in proceedings without having a right to vote or to move motions and amendments—
- (a) Members of the European Parliament elected from constituencies in Ireland, including Northern Ireland,
 - (b) Members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
 - (c) at the invitation of the Committee, other Members of the European Parliament.

b. Scope and Context of Activities of Committees (as derived from Standing Orders [DSO 82; SSO 70])

- (1) The Joint Committee may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders.
- (2) Such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil and/or Seanad.
- (3) It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice given by the Chairman of the Select Committee, waives this instruction on motion made by the

Taoiseach pursuant to Dáil Standing Order 26. The Chairmen of Select Committees shall have responsibility for compliance with this instruction.

- (4) The Joint Committee shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Committee of Public Accounts pursuant to Dáil Standing Order 163 and/or the Comptroller and Auditor General (Amendment) Act 1993.
- (5) The Joint Committee shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—
 - (a) a member of the Government or a Minister of State, or
 - (b) the principal office-holder of a body under the aegis of a Department or which is partly or wholly funded by the State or established or appointed by a member of the Government or by the Oireachtas:

Provided that the Chairman may appeal any such request made to the Ceann Comhairle / Cathaoirleach whose decision shall be final.

Appendix 3. MEMBERS OF COMMITTEE

Mr James Bannon TD	(Fine Gael)	
Mr Paudie Coffey TD	(Fine Gael)	
Mr Noel Coonan	(Fine Gael)	Leas-Chathaoirleach
Ms Marcella Corcoran Kennedy TD	(Fine Gael)	
Mr Barry Cowen TD	(Fianna Fáil)	
Mr Luke Flanagan TD	(Independent)	
Mr Kevin Humphreys TD	(Labour)	
Mr Michael Mc Carthy TD	(Labour)	Cathaoirleach
Mr Tony Mc Loughlin TD	(Fine Gael)	
Ms Michelle Mulherin TD	(Fine Gael)	
Ms Catherine Murphy TD	(Independent)	
Mr Gerald Nash TD	(Labour)	
An t-Uasal Seán Ó Fearghaíl TD	(Fianna Fáil)	
Mr Brian Stanley TD	(Sinn Féin)	
An t-Uasal Peadar Tóibín TD	(Sinn Féin)	
Senator Cáit Keane	(Fine Gael)	
Senator Denis Landy	(Labour)	
An Seanadóir Fiach Mac Conghail	(Neamhspleách)	
Senator Catherine Noone	(Fine Gael)	
An Seanadóir Labhrás Ó Murchú	(Fianna Fáil)	
Senator Ned O'Sullivan	(Fianna Fáil)	