

# Protecting the 'royals' has a price?

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**A**rchitects' Alliance is a recently created, unincorporated association that presently speaks for 170 non-registered architects from across the state. Membership is being formalised and requires the making of a statutory declaration of establishment (as evidence of having earned one's living as an architect for ten years and more).

In his letter in last month's issue (p17), the director of RIAI Ltd (the institute) stressed the consumer benefits, as he conceived them, of 'protecting the title of architect', and he did so without touching upon the benefits this supposed protection brings to his royal organisation. Those benefits include the transfer of many of its internal operating duties to RIAI Ltd (the statutory registration body). This new department is to be funded entirely by registered practitioners, whether or not they are institute members. The annual registration fees are also to cover the operating costs of the third member of this trinity, RIAI Ltd (the

competent authority).

The letter boasted of the High Court-like powers permitted under part 3 of the *Building Control Act 2007*, but neglected to mention the diminished rights of consumers (clients) and of defendants (architects) when a complaint is heard.

The following extract from *John Bull's Other Homes* (Murray Fraser, Liverpool University Press, 1996) is informative.

"The RIAI was formed in 1839. Membership stood at about 65 architects in the 1880s and this barely rose to around 100 members in the period just before the First World War. The business of the RIAI was riven from the turn of the century by a growing division with a splinter association in Belfast, the Ulster Society of Architects, and by a fruitless obsession with the idea of securing compulsory legal registration for the use of the title 'architect'."

A second informative extract is from Wikipedia, 'Architects registration in the United Kingdom'. Although about the longer-established UK system, its arguments are readily transposed to Ireland:

"In relation to statutory protection of title, three aspects of the field in which architects practise invite examination. In summary:

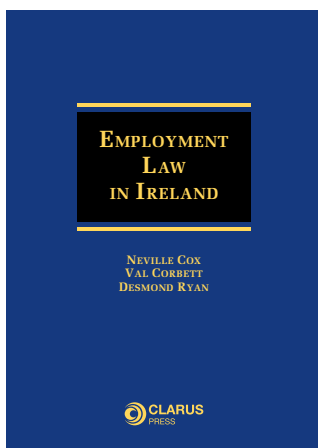
- *The design quality of the built environment*: this is essentially a cultural concern which was and remains one of the principal reasons for the formation and continuance of the Royal Institute of British Architects as a chartered body. It has connotations not only for the United Kingdom but worldwide. It is beyond the ambit of statutory protection of title.
- *The technical sufficiency of buildings*: the public interest is secured in the United Kingdom under building regulations and other enactments. This too is beyond the statutory protection of the title 'architect'.
- *The business of architectural practice*: contracts of engagement for professional services are always between a business entity (whether individual, firm, partnership, or company) and the client, and are governed by the general law, including consumer

protection legislation where applicable. Protection of the title 'architect' for business entities is of no practical relevance for securing the performance of architectural services.

"In the light of experience since the inception of the register under the 1931 act, and more particularly under the Architects Registration Board's regime from 1997, the recurring question has been whether protection of title serves useful purposes in respect of the three aspects mentioned above."

Unlike Britain, our registration standards were decided in full knowledge of the relevant European directive (2005/36/EC on the mutual recognition of professional qualifications) and there can be no excusing its over-zealous and restrictive transposition into law. In addition, registration as enacted suffers from two major weaknesses, viz the absence of a 'grandfather clause' and the absence of an independent registration body. Consumer protection will remain diminished by part 3 of the *Building Control Act 2007* until those defects are corrected. **G**

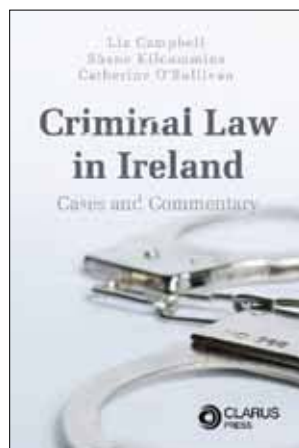
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