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## Submission to the Independent Review of the Arrangements for the Registration of Architects under the Building Control Act 2007

May 2013



**The Competition Authority**  
An tÚdarás Iomáíochta

Mr Garrett Fennell  
Solicitor  
Architect's Register Review

**By Email: architectsreview@environ.ie**

10 May 2013

**Re: Review of Arrangements for Registration of Architects**

Dear Mr Fennell,

Thank you for your invitation to the Competition Authority to make a submission to your review of the arrangements for the registration of architects under the Building Control Act 2007. As requested, we have kept our submission as brief as possible and within the scope of the terms and reference as outlined.

*Welcome an Independent Review*

- 1.1 The Competition Authority welcomes the decision to carry out an independent review of arrangements for the registration of architects under the Building Control Act 2007. We are aware of on-going concerns among a number of practically-trained architects who feel that the routes to registration currently available to them are inadequate or inappropriate, and do not afford them a realistic prospect of registration. An independent assessment of their concerns, carried out as part of an overall review of the arrangements for registration generally, should help to shed some light on the validity of the concerns expressed and identify practical proposals for change, in the event that current arrangements are judged to be unsatisfactory.

*Support for Registration generally*

- 1.2 Our 2006 Report<sup>1</sup> supported the introduction of a registration system for Architects. We did so primarily because it affords protection to consumers who are infrequent purchasers of architectural services, by providing some indication of the competence, experience and qualifications of the service provider.

*Independence of the Registration Body*

- 1.3 In our 2006 Report we recommended that the registration body for architects should be independent of existing professional representative organisations. This was to avoid any possible conflict of interest between a representative body (whose job it is to protect the interests of members) and a regulator (whose duty is to protect

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<sup>1</sup> *Competition in Professional Services: Architects*, (2006), Competition Authority

consumers and the public interest). We also noted the potential for conflicts of interest within the profession itself, between those who are members of the main professional representative body (the Royal Institute of Architects of Ireland - RIAI) and those who are not.

- 1.4 Our recommendation on this matter was not accepted. Under the Building Control Act 2007 the RIAI was appointed as the new registration body and Competent Authority for architects.
- 1.5 Our concerns about the duality of the RIAI role as regulator and representative body were partly addressed in the Building Control Act 2007 by strengthening the independence of many of the Boards and Committees responsible for carrying out the regulatory functions of the RIAI (the Technical Assessment Board, Professional Conduct Committee, etc.). Actual and apparent independence is a vital and necessary element of public trust in the system of regulation.

*Concerns expressed regarding the registration of practically-trained architects*

- 1.6 The main concern expressed to the Competition Authority about the current registration system is that it fails to provide a suitable route to registration for practically-trained architects, who have lengthy experience working as architects in Ireland but who lack formal educational qualifications in architecture. Regardless of the causes, it is certainly the case that the technical assessment process set down under Section 14 (2) (d) of the Building Control Act 2007, which was envisaged as a key route to registration for this group of applicants, has had negligible take up. Only 8 successful applicants have registered under this route since November 2009.
- 1.7 We have received complaints that the technical assessment process is unduly onerous and that it sets the bar too high in terms of the level of architectural competence/experience which applicants must demonstrate. These complaints allege that the RIAI, by setting inappropriate standards, is acting in an anti-competitive manner to keep potential competitors out of the market. The RIAI counters that the competencies required are no more than the minimum required to comply with the standards set down under Article 46 of the EU Professional Qualifications Directive.
- 1.8 The nature of any registration system is that it sets standards. It must do so, if it is to act as an effective indicator of quality. Many of the questions at the heart of the current review relate to this issue of standards and, in particular, whether the level at which they are set under the current process of technical assessment is appropriate. We do not have the expertise to adjudicate on this issue. For this reason, we welcome an independent review of the concerns expressed. Any changes introduced on foot of an independent review should enhance the actual and perceived independence of the registration process itself.

*Other issues relating to registration*

*(i) Recognition of Irish Architects in Europe*

- 1.9 Under EU Directive 2005/36/EC (Recognition of Professional Qualifications), one of the relevant criteria for recognition in Europe is Membership of the RIAI. We recommended in our 2006 Report that the

Minister for the Environment, Heritage and Local Government seek to amend the Directive to ensure that recognition for Irish architects required simply that they be on the Register of Architects, with no requirement for membership of the RIAI. The RIAI has stated that it is working on proposals to amend the Directive to grant appropriate recognition to those on the Register who do not qualify for the assignment MRIAI or who chose not to take out membership of the RIAI. It is important that this process be completed as soon as possible. As it stands now, architects who succeed in registering by completing the Technical Assessment process or the Register Admission Examination are given the assignment – MRIAI (Irl). This certifies them as eligible to practice as an architect in Ireland, but it does not give them any automatic right to practice in other EU Member States. In effect, there are two different “classes” of registered architect, with members of the RIAI enjoying superior rights and entitlements. We would like to see this issue prioritised in the Department’s agenda.

(ii) *Provision of Part-Time and Modular Courses in Architecture*

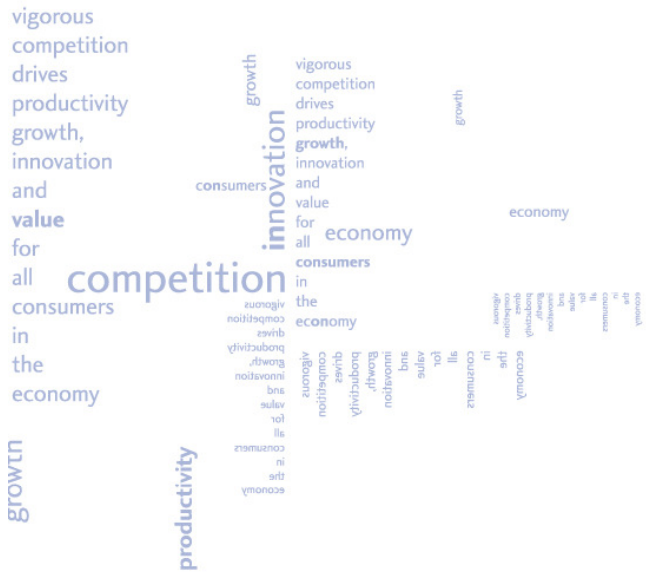
- 1.10 One of the recommendations in our 2006 Report was that the educational institutions should provide more flexible ways of training architects. Since the Report was published, the number of full-time, accredited courses in architecture has grown from two to four. This has opened up opportunities for those wishing to enter the profession via the standard route of full-time university-based courses. There are, however, no part-time or modular routes available for people for whom full-time courses are not an option due to work or family commitments, or for those who have qualifications or experience in a related field, who wish to have access to an abbreviated course in architecture which takes account of their prior learning. The RIAI currently insists that architects wishing to register via the educational qualifications route complete a five-year, full-time course in one of the courses it prescribes. The rationale for this restriction is not clear – other professions such as barristers offer part-time routes to qualification without any perceived adverse effect on the quality of output. The Authority believes that the absence of part-time or modular training options may act as a barrier to entry to the profession to persons who are perfectly capable of qualifying.

Should you wish to discuss any of the above in greater detail or the issues relating to registration generally please do not hesitate to contact us.

Regards,



Patrick Kenny  
Acting Chairperson



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