1.3.1 Interpretation

"Applicant" means a body corporate, firm or partnership which wishes to carry on business under a name, style or title containing the word "architect".

"Business", in the context of these rules is as defined in Section 18 subsection (8) of the Building Control Act 2007, that is, "business" includes any undertaking which is carried on for fee or reward or in the course of which services are provided otherwise than free of charge.

"Participant" in the context of these rules means a person with an interest in the business either as a partner, as an individual owner (sole owner) or as a shareholder in a body corporate/company.

"Panel" a panel of individuals with the skills to consider applications made under these rules on behalf of the RIAI. For the purpose of considering applications under this section the RIAI Executive may appoint a Panel of experts from a List of suitable experts approved by RIAI Council. That list may include members of the RIAI with the requisite understanding of practice formation, external individuals with similar expertise and members of the RIAI executive who are appointed at Senior/Director level or who have specific expertise of relevance to this task. The Panel shall consist of no less than three members when making decisions and shall always include at least one architect.

1.3.2 Section 18 subsection (3) of the Building Control Act 2007 shall not apply in relation to any business unless

a) the participants in that business have applied to the Registration Body for confirmation Section 18 subsection (3) applies to it, and

b) the participants in that business have provided to the Registration Body such information as to allow the Registration Body to determine whether Section 18 subsection (3) applies, and

c) the Registration Body has issued a certificate confirming that Section 18 subsection (3) applies, and

the certification issued by the Registration Body remains current.

1.3.3 Applicants for a Notice of Determination that Section 18 subsection (3) applies to a business shall be made to the Registrar and shall, in the first instance, by considered by the Registrar or the Registrar’s nominee(s).

1.3.4 The Registrar may refer applications made under these rules to a Panel of experts if he or she considers this necessary (for example in a complex structure where expertise is required). The decisions of the Panel shall be returned to the Registrar for confirmation. Where the Registrar is not in a position to come to a decision he or she shall refer the application to RIAI Council.

1.3.5 The information which must be provided to the Registration Body by an Applicant in order to determine whether Section 18 subsection (3) applies shall be provided in the format prescribed by the RIAI and shall include:

1. Where the business is incorporated a statement setting out the following details for a specified date (which should be within one week of the date of application):
a. The name, registration number and registered address of the business.

b. The structure of the business e.g. the individual(s), partnerships or corporate bodies being the legal entity behind the business name.

c. In the case of companies, the company type and status of the business, including relevant dates.

2. Where the business is not incorporated a statement setting out the following details for a specified date (which should be within one week of the date of application):

a. The trading name or business name and place of business.

b. The structure of the business e.g. the individual(s), partnerships or corporate bodies being the legal entity behind the business name.

c. In the case of a business proposing to incorporate within the current calendar year the proposed business type.

3. A complete list of participants in the business (e.g. shareholders/partners) indicating proportion of the business controlled by that participant and the registration status of each individual participant in the business (this refers to registration as an architect, not company registration). Where a company is involved, this must comply with the current share register held by the company for inspection.

4. A general statement as to the nature of the business and a detailed statement of the extent to which the business relates to architecture.

5. Specific details setting out the organisation and management of the business as it relates to architecture (whether this is the entire business or part of the business).

6. Details of all premises from which business, so far as it relates to architecture, is done.

7. Details of the organisational structure of the company indicating the names and registration status of those in management positions relating to the business of architecture.

8. The specified fee.

9. And, where a business is wholly or partially owned by another company, then (a) the information set out at point (i) above shall also be required for the parent company, in addition to (b) a statement setting out the relationship between the parent company and the applicant business as it relates to the management and control of the business so far as it relates to architecture.

The Registration Body may, at any time, seek further information or verification from the applicant.

1.3.6 An applicant shall, within a period of 5 days receive

1. a Notice of Determination from the Registration Body as to whether it has received such information to allow it to determine that Section 18 subsection (3) applies, or

2. advice that further information is required and including a new timeframe for a decision, or

3. advice that the application is being considered by the expert panel and including a new timeframe for a decision

1.3.7 The Notice of Determination referred to in Rule 1.3.3 above will be issued to the Applicant.

1.3.8 The Registration Body shall retain a central register, in a format chosen by the Registration Body which is kept in accordance with the law in relation to Data Protection and Freedom of
Information, of those applicants who have been issued with current confirmations by the Registration Body that Section 18 subsection (3) applies to them.

1.3.9 The Registration Body will at its discretion publish summary information listing the following details of such applicants referred to in Rule 6 above: business name and registered address.

1.3.10 A notification under Rule 6 above by the Registration Body that Section 18 subsection (3) applies to an Applicant shall be effective only until the end of the calendar year specified in the decision. If the Applicant wishes to receive a determination from the Registration Body that Section 18 subsection (3) applies to it for any subsequent period, then the Applicant must make a fresh application. If at any specific point in time a body corporate, firm or partnership is not in receipt of written notification from the Registration Body that it has been determined by the Registration Body that Section 18 subsection (3) applies to the Applicant at that specific point in time, then Section 18 subsection (3) does not apply to the body corporate, firm or partnership at that point in time.

1.3.11 Where an applicant has been notified by the Registration Body that the Registration Body has decided that Section 18 subsection (3) applies to it, and where that Applicant subsequently seeks to change its name, style or title this change must be advised to the Registration Body a minimum of eight weeks before the change is intended to take effect. The Registration Body may decide that this will require a new process of compliance demonstration and notification. The Registration Body will advise the applicant of whether or not a new process will be required within a period of four working weeks from receipt of advice from the company. If a new process is required it will proceed ab initio.

1.3.12 Where an applicant has been notified by the Registration Body that the Registration Body has decided that Section 18 subsection (3) applies to it and where that Applicant subsequently proposes a material change in its ownership or management which will result in a change to any of the information provided under Rule 3, then the Applicant must inform the Registration Body without delay. The Registration Body may decide that the proposed change will require a new process of compliance demonstration to it on foot of these Rules. The Registration Body will advise the Applicant of whether or not a new process of compliance demonstration will be required within a period of four working weeks from receipt of advice from the Applicant. If a new process is required it will proceed ab initio.

1.3.13 In the event that an Applicant undergoes a material change in ownership or management as envisaged in Rule 11 above and does not inform the Registration Body as required under Rule 11, then, from the date of the material change, any notification previously made under Rule 6 shall cease to have effect.

ENDS/