

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Fifth Delegated Legislation Committee

ARCHITECTS ACT 1997 (SWISS QUALIFICATIONS)
(AMENDMENT) (EU EXIT) REGULATIONS 2019

Thursday 9 May 2019

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Monday 13 May 2019

© Parliamentary Copyright House of Commons 2019

This publication may be reproduced under the terms of the Open Parliament licence, which is published at www.parliament.uk/site-information/copyright/.

The Committee consisted of the following Members:

Chair: PHILIP DAVIES

Black, Mhairi (<i>Paisley and Renfrewshire South</i>) (SNP)	† Malthouse, Kit (<i>Minister for Housing</i>)
† Blackman-Woods, Dr Roberta (<i>City of Durham</i>) (Lab)	† Morgan, Stephen (<i>Portsmouth South</i>) (Lab)
† Burghart, Alex (<i>Brentwood and Ongar</i>) (Con)	† Pow, Rebecca (<i>Taunton Deane</i>) (Con)
† Burt, Alistair (<i>North East Bedfordshire</i>) (Con)	Turley, Anna (<i>Redcar</i>) (Lab/Co-op)
† Creasy, Stella (<i>Walthamstow</i>) (Lab/Co-op)	† Twist, Liz (<i>Blaydon</i>) (Lab)
† Davies, Chris (<i>Brecon and Radnorshire</i>) (Con)	† Warman, Matt (<i>Boston and Skegness</i>) (Con)
† Dhesi, Mr Tanmanjeet Singh (<i>Slough</i>) (Lab)	† Wragg, Mr William (<i>Hazel Grove</i>) (Con)
† Graham, Luke (<i>Ochil and South Perthshire</i>) (Con)	
† Harrison, Trudy (<i>Copeland</i>) (Con)	Zoe Grunewald, <i>Committee Clerk</i>
Killen, Ged (<i>Rutherglen and Hamilton West</i>) (Lab/Co- op)	† attended the Committee

Fifth Delegated Legislation Committee

Thursday 9 May 2019

[PHILIP DAVIES *in the Chair*]

Architects Act 1997 (Swiss Qualifications) (Amendment) (EU Exit) Regulations 2019

11.30 am

The Minister for Housing (Kit Malthouse): I beg to move,

That the Committee has considered the Architects Act 1997 (Swiss Qualifications) (Amendment) (EU Exit) Regulations 2019 (S.I., 2019, No. 810).

The regulations were made on 5 April 2019. They are part of the Government's programme of legislation to ensure that, should the United Kingdom leave the European Union without a deal or implementation period, there continues to be a functioning legislative and regulatory regime.

On 28 March, we—including some of us in this room—amended the Architects Act 1997 to continue to recognise European economic area-qualified architects in a no-deal scenario. This statutory instrument extends those provisions to Swiss-qualified architects. Leaving the EU with a deal remains the Government's priority—that has not changed—but the responsible thing to do is to make the necessary no-deal preparations, to ensure that the country is prepared for every eventuality.

The regulations are made using powers under the European Union (Withdrawal) Act 2018 to fix legal deficiencies in retained EU law to reflect that the UK will no longer be an EU member state after exit day. The regulations also use powers in the European Communities Act 1972 to implement EU legislation in domestic legislation, which are available only as long as the UK remains a member state.

As stated previously, the architectural sector is a global leader and plays a significant role in the British economy, with an export surplus of £437 million in 2015 and involvement in key global projects such as Vessel in New York and Pulkovo airport in St Petersburg. That is a position that we want to protect and enhance over the coming years by ensuring that UK architect businesses continue to have access to the brightest and best talent available.

I will provide some context and background to the regulations, including a description of our earlier statutory instrument amending the Architects Act in a no-deal scenario. As I explained on 14 March, in the debate on the then draft Architects Act 1997 (Amendment) (EU Exit) Regulations 2019, the mutual recognition of professional qualifications directive enables the recognition of qualifications obtained in other member states. That applies to EEA and Swiss nationals, and includes the recognition of suitably qualified architects. The arrangement is reciprocal, allowing UK and other EEA or Swiss nationals the opportunity easily to register to practise across Europe and Switzerland, and allows UK practices to recruit the best European and Swiss talent.

The Architects Act 1997 sets out the specific procedures for registering as an architect in the UK. The registration of EEA and Swiss architects is carried out by the competent authority, the Architects Registration Board, which is an arm's length body of my Department. There are three routes to recognition for EEA or Swiss architects wishing to register in this country. Their main route to recognition in the UK is through an automatic recognition system. To qualify for automatic recognition, an EEA or Swiss national needs to meet three tests: an approved qualification, which means one listed in annex V to the mutual recognition of professional qualifications directive; access to the profession of architect in an EEA member state or Switzerland; and a statement from their home competent authority to confirm that they are fit to practise.

A second route, known as “general systems”, provides for recognition for EEA and Swiss nationals who do not have an approved qualification. The applicant is offered compensation measures—that is, the opportunity to undertake additional training to make up any differences in qualification. It is a long and costly process, which on average only four people pursue annually. The third route facilitates the temporary or occasional provision of service. It allows EEA or Swiss professionals to work in the UK in a regulated profession on a temporary basis, while remaining established in their home state. Typically, fewer than 20 EEA or Swiss architects pursue that option at any one time.

If the UK leaves the EU without a deal, the mutual recognition of professional qualifications directive will no longer apply in the UK. The 2019 regulations made on 28 March ensure that UK architectural practices will continue to be able to recruit the best European talent and maintain their global reputation as world leaders in the field of architecture by preserving the main route to recognition.

The mutual recognition of professional qualifications directive was extended by what is commonly referred to as the agreement on the free movement of persons between the EU member states and Switzerland, which allowed Swiss nationals to benefit from the recognition routes described. Due to the requirement of the European Communities Act powers, which exist only as long as the UK is a member state, to include Swiss qualifications, we assessed that there was a substantial risk that all EEA-qualified architects who wish to register in the UK would be without legislative cover if the 2019 regulations were not made before 29 March. However, the extension to exit day has allowed us extra time to lay legislation to provide parity between EEA and Swiss-qualified architects, as currently exists, in a no-deal scenario.

Mr Tanmanjeet Singh Dhesi (Slough) (Lab): I thank the Minister for highlighting the various qualifications and regulations with regard to the Architects Act. Can he confirm whether there will be any watering down of the regulations in place between the UK and the EU post Brexit?

Kit Malthouse: I am coming to that. If the hon. Gentleman will bear with me, I will explain the effect of the instrument.

The policy intention is to provide the sector with confidence that almost all applicants can register in the same way after exit day as they do currently. That is the

approach favoured by the sector, which recognises that the skills brought by EEA and Swiss architects contribute positively to the UK's reputation as a world leader in architecture. The approach of continued recognition also received support in the debates on the 2019 regulations.

The instrument allows applications made before exit day to be concluded under the current system as far as possible. For future applications, it will freeze the list of approved qualifications in the EU's mutual recognition of professional qualifications directive. As a result, after EU exit, in a no-deal scenario, an individual holding an approved EEA or Swiss qualification will be able to join the UK register of architects if they have access to the profession of architect in their home state. Through the legislation, that process will be open to anyone with a Swiss qualification and access to the profession in Switzerland, regardless of citizenship.

We will, however, remove general systems as a route to registration, as that is a long and costly process that is not often utilised. It places a significant and unnecessary burden on individuals and the Architects Registration Board. Therefore, applicants without an approved qualification will be able to register via the route currently utilised by third-country nationals.

The instrument does not change any part of the 2019 regulations, but simply extends the provisions to include Swiss qualifications. Although the number of Swiss architects registering in the UK is low—77 in the last 10 years—and accounts for less than 1% of the total recognition decisions via that route, we felt that it was imperative to preserve the rights that Swiss-qualified architects enjoy and provide parity between EEA and Swiss-qualified architects.

The regulations, alongside those made on 28 March, serve a specific purpose to prioritise stability and certainty if the UK leaves the EU without a deal or an implementation period by ensuring that EEA and Swiss-qualified architects can continue to register and practise in the UK. The regulations ensure that the UK will continue to have access to Swiss talent after we have left the EU, thereby helping to maintain the UK's reputation as a global leader in architectural services. Thereafter, they provide a stable basis for Parliament to change the law, where it is in the UK's best interest to do so.

To conclude, the instrument is necessary to ensure that the Architects Act continues to function appropriately if the UK leaves the EU without a deal or an implementation period. I hope that hon. Members will join me in supporting the regulations, which I commend to the Committee.

11.38 am

Dr Roberta Blackman-Woods (City of Durham) (Lab): It is a pleasure to serve under your chairmanship, Mr Davies. I thank the Minister for outlining what the statutory instrument contains. It is clear that it follows on from the SI that was made on 28 March and relates to a relatively small subset of that larger group of European architects that that SI referred to. On that basis, I will keep my remarks short, but I want to ensure that we have a complete understanding of what the Government seek to do.

Architects are one of the seven sectoral professions that benefit from automatic recognition under the current system, so if an EU, EEA or Swiss citizen meets the

minimum harmonised standards, as set out in the directive, they are eligible to register and practise in the UK as an architect. The Architects Registration Board is responsible for the registration of all architects in the UK.

When, or if, we leave the EU, the directive will no longer apply. The SI ensures that the existing process for recognising EU and EEA-qualified applicants seeking to register as architects in the UK will operate effectively should we leave without a deal.

Kit Malthouse *indicated assent.*

Dr Blackman-Woods: The Minister is nodding, so I assume that I have got that right. The current process will be frozen immediately before exit day, hence the need to plan ahead. The reason that Swiss architects were not considered last time is that neither the 2019 regulations nor the 1997 Act referred to the Swiss agreement. Is that correct?

Kit Malthouse *indicated assent.*

Dr Blackman-Woods: Good—we can make progress. It is a pity that we have to put time in to preparing for a no-deal exit that the Government could clearly have taken off the table much earlier. Nevertheless, we are where we are and I prefer to focus my comments on the importance of supporting the architectural profession in the UK and ensuring that, post Brexit, it is able to draw on the expertise and creativity of architects right across Europe, including in Switzerland. That is especially important as the sector contributes about £4 billion—perhaps considerably more, even £5 billion—to the economy, and grows in importance all the time.

We need to maintain our position as a major global player in architecture. That has been recognised by the Royal Institute of British Architects, which has been clear that the sector is calling for access to the best talent and skills and common standards and compliance costs post Brexit. RIBA has made it clear that the architectural scene could be stricken by a shortage of talent should Brexit mean that free movement comes to an end and no mutual recognition of professional qualifications agreement is in place. Will the Minister comment on that? At the moment, it is not entirely clear that there will be an MRPQ agreement or that the Government are working on that.

I know from what the Minister said in a previous Delegated Legislation Committee that he is aware of the importance of the sector. *Hansard* notes that he recognised the sector's exports surplus in particular, which was £437 million in 2015. As we recognise the importance of the sector, we need to ask a few questions. Such SIs put temporary solutions in place, but what additional resources can the Minister give to ensure that the long-term issue of registration and recognition of Swiss architects will be resolved?

I have asked the Minister about reciprocal agreements before but, in the light of this SI, I need to ask again. What reciprocal agreements have been put in place and are the Government working on them? The sector says that they are hugely important: 74% of architects believe that access to the EU is necessary and that without it, the industry's future growth could be stymied. Sixty per cent. of architects surveyed by RIBA said that they

[Dr Blackman-Woods]

have considered leaving Britain because of Brexit, which is 20% more than when the survey was first carried out in 2016. Brexit has already had an impact on the revenue stream of 68% of architects, and 43% of practices have had projects cancelled. We must ensure that no further damage is inflicted on the sector, and everybody seems to say that work on a detailed and inclusive MRPQ must happen as soon as possible.

Has the Minister made an estimate of the cost to businesses or architects' practices of putting this new system in place? Also, what exactly will happen to the ARB after Brexit? Will it be given additional resources, or will the Government meet it to ensure that it is able to deal with this situation post Brexit?

In the last SI Committee related to the 1997 Act, questions were put to the Minister on how, if this does not work and there is not an MRPQ that everybody signs up to, we may end up in a situation where architects wishing to come and work in this country from across Europe, including Switzerland, will have to apply through the tier 2 visa process. The Minister did not answer questions about whether they will have to take that route or whether the Government will develop another route for them. Obviously, as this is a concern to the sector, I am very keen that he comments on that.

Clearly this SI is a tidying-up exercise. We do not wish to vote against it, because we want to support the architectural profession and ensure that, if UK architects want to employ architects from Switzerland, they are able to. However, I will be grateful if the Minister addresses the questions that have been raised.

11.46 am

Kit Malthouse: I thank the hon. Member for City of Durham for her constructive approach. She is quite right that this is a temporary fix for a situation in which mutual recognition falls away as part of our exit from the EU. We are committed to trying to find a permanent solution. We are jointly holding fruitful and ongoing conversations about mutual recognition with the Department for Business, Energy and Industrial Strategy and our professional partners across the world.

Obviously, as we move into a post-EU world, that work will accelerate, not least because it is in our interest, particularly for this sector. Our architects are world renowned and famed across the globe for their expertise, ingenuity and innovation. I think a British

architect designed the new airport in Hong Kong. We are, of course, famous for our bridges; we build lots of them around the world. This is a great export industry that we wish to encourage, as well as being part of our armoury, if you like, of soft power around the world. We build the great buildings and edifices, from the Bundestag in Germany right through to that airport in Hong Kong. We are keen to support the industry.

Part of the reason for this SI was to maintain standards. By freezing the recognition of qualifications at the point of exit, we provide ourselves with a period of security in which we can be clear that those people coming in to practise architecture in this country do so on a stable basis. However, it is of course the job of the ARB to continually review qualifications from around the world to make sure that they are up to standard, because it has a general duty to ensure that anybody practising architecture in this country does so correctly and to the right standard.

As we discussed in the last SI Committee to deal with the subject, we believe that the cost of this is minimal. Fundamentally, this SI achieves the same thing by a slightly different route. It gives powers to the ARB to require information to be provided in different ways from how it is currently provided. Given that the general route towards qualification to practise in this country is being removed—as I said, that places a burden on the ARB as well as individuals—there may well be a reduction in overall costs through the removal of that rather cumbersome route to qualify.

As the hon. Lady says, this is essentially a tidying-up exercise for a very small number of architects; we are talking about an average of something like seven people registering a year. We felt it was better to be belt and braces than to leave it loose, not least because one of our greatest or most acclaimed architects, Norman Foster, is resident in Switzerland and may wish to move backwards and forwards. That is not to say that we are legislating specifically for him; we are also legislating for the many young, exciting and interesting architects from this country and Switzerland who may decide to practise in the other country. On that note, I thank the Committee for listening carefully to the information that has been provided, and I hope it will support the regulations.

Question put and agreed to.

11.50 am

Committee rose.