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# Code of Professional Conduct

## Guidance Note 3

### Advertising

#### 3.1 Advertising Architectural Services

In advertising their services members must ensure that the information they include is factual and relevant, does not mislead and is not unfair to anyone else. All marketing and promotional material *should*:

- be legal, decent, honest and truthful;
- be prepared with a sense of responsibility to consumers, to society generally and to the environment and natural resources;
- respect the principles of fair competition (see Guidance Note 2 on competition);

*and should not*:

- imply expertise or resources beyond those which can be provided;
- unfairly discredit competitors either directly or by implication;
- encourage or condone unacceptable behaviour.

#### 3.2 Practice Names and Descriptions

The manner in which members present their practices should not be misleading, and must comply with all relevant legislation, such as the Architects Act 1997, if protected words or titles/descriptions are used. A practice name and description should not imply the ability to provide technical resources and services when the practice cannot do so.

#### 3.3 Historic Names

Where a practice name comprises the name(s) of its founder(s), now departed, the business stationery should include the date when the practice was established, e.g. “Estd 1920”, so that it is clear that the founder(s) are no longer participating in the work of the firm.

#### 3.4 Identifying Principals

Business stationery must include the names of the principals so that it is clear who is in charge of the practice. The only exception is when the number of principals exceeds twenty, in which case reference can be made to a list of names being available at the practice’s registered office.

Further guidance for principals on their practice names and the correct use of the RIBA crest and affix is provided in the following Annex.

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## GN3 ANNEX

### Business Names

1. **Members' Entitlements**

The RIBA's Charter bestows the status of 'Chartered Architect' on chartered members. Practising members using this title must also be registered wherever registration is a requirement under the law. Accordingly, a practising 'Chartered Architect' in the UK must be both a chartered member of the RIBA *and* registered at the ARB.

2. Where the 'chartered' status is applicable to individuals, members should be careful when using 'Chartered ArchitectS' (plural) in their letterheadings, practice names, or elsewhere.

3. **Practice Descriptions**

For example, '*Smithson, Johnson and Partners, Chartered Architects*' means that *all* the partners in this practice are chartered architects. If this is not the case, then the description is misleading about the professional and registered status of the people in charge of the business, and should be modified to reflect the correct position.

4. If the names of the founders form the business name, then it is inevitable that over time those people will be replaced by new principals. The historic name may be retained, however, and it is up to the practice to determine whether the names of any current principals are substituted for those of the founders. The practice may continue to refer to itself as 'Chartered Architects' *only* if its current principals are chartered members of the Royal Institute<sup>1</sup>. Therefore, 'Chartered Architects' must be corrected or removed if the new principals are *not* registered and chartered members of the RIBA. The names of the current principals must be clearly listed on the business stationery.

5. **The omission of names from business stationery**

Names of partners and associates (or a reference to where a list of them is held), or directors in the case of companies, should be included on the practice stationery, otherwise it is impossible to tell whether the name of the practice is accurate and properly reflects its ownership and control.

6. **Chartered Practices**

In 2007, the Privy Council extended the right to use the 'chartered' status to practices which qualify under the RIBA's Chartered Practice Scheme. Those practices may define themselves as an 'RIBA Chartered Practice'. At least one of the full-time principals must be a Chartered Member of the RIBA, and at least one in eight of all the staff must be an architect registered at the Architects Registration Board (in the UK – or its equivalent overseas). One in ten of all staff must be an RIBA Chartered Member. Nevertheless, care should still be taken in describing a multi-disciplinary business as 'Chartered

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<sup>1</sup> and/or the Royal Incorporation of Architects in Scotland

Architects' when referring to its composition and the services offered (see below).

7. **Multi-Disciplinary Practices**

In multi-disciplinary practices, members should take care how they list the professional status of the people in the business. For instance, '*Chartered Architects and Chartered Town Planners*' can be interpreted to mean that the practice comprises people who are both architects *and* town planners (and chartered members of both relevant institutes). '*Chartered Engineers, Surveyors and Architects*' can be interpreted to mean that everyone in the business is an engineer-surveyor-architect (and similarly members of all relevant institutes). Members should therefore take care in combining professional titles to avoid implying that it is the *members* of the firm who are multi-disciplinary rather than the firm itself.

8. **The Potential to Mislead**

There is enormous potential to mislead. Rather than implying that all the named partners/directors/associates are members of professional chartered bodies (if it is not true), it might be more accurate to describe the services provided rather than the professional status of those who are providing them: 'Architecture Surveying Planning Engineering', for instance. Large multi-disciplined organisations may *not* refer to themselves as 'Chartered Architects' in their letterheadings simply because a small minority of their staff are chartered members of the RIBA.

9. **Accuracy**

Business titles should accurately reflect the services which can be provided and should not exaggerate the firm's expertise and resources.

## RIBA Crest

### 10. **Members' Entitlements**

In May 1984, the RIBA Council agreed that chartered members may use the RIBA crest in the following circumstances :

#### i. **Private Sector**

Where a chartered architect is a principal in an organisation (i.e. a director, partner or sole principal), the crest may be used on stationery and in publicity, provided that the business to which the use relates is one/more of the following :

- consulting architectural services
- development
- contracting (including design and build)

The crest *cannot* be used by an organisation where neither partners nor directors are chartered architects.

#### ii. **Public Sector**

Chartered members who are

- chief officers;
- their designated deputies;
- the most senior in their authorities; or
- heads of architectural departments

may use the crest on their stationery (for correspondence, reports, business cards etc.) in conjunction with their name. Neither the department, nor the overall authority, can use the crest indiscriminately simply because a member of staff is a chartered architect.

#### iii. **Educational Sector**

Chartered members in teaching positions may use the crest on their personal stationery.

#### iv. **Social Use**

Chartered members may use the crest on private personal stationery for social purposes (e.g. writing paper bearing private addresses).

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## RIBA Affix and the need to be registered

### 11. **Members' Entitlements**

The Royal Institute's Charter and Byelaws entitle all chartered members to use 'RIBA' after their name.

### 12. **Registration**

However, where the law requires a practising architect to be registered members must comply in order to use the affix legally. The exceptions are explained in the following paragraph.

### 13. **Non-registered**

In the UK Chartered Members who may use the affix *without* being registered are:

- the fully retired – undertaking no practice of architecture whatsoever, and
- those in other non-practising types of occupation.

Un-registered Chartered Members who practice architecture and do not use the title 'architect', may *not* use the affix, as it has been established in law that to do so would constitute a breach of section 20 of the Architects Act 1997<sup>2</sup>.

### 14. In the UK the Architects Registration Board requires anyone undertaking **any type** of work that could be described as 'architecture' to be registered, regardless of their age or retirement status. The ARB has issued a guidance note (on Section 20 of the Architects Act 1997) which includes a list of the type of activities it will treat as 'practice or business related to architecture'. These are :-

- Arbitration
- Building contracting
- Building services engineering
- Conservation
- Expert Witness
- Interior Design
- Project Management
- Space planning
- Structural engineering
- Surveying

The ARB is careful to state that this list is *not* exhaustive, merely illustrative of those activities it regards as demonstrating the practice of architecture. Members working abroad should check the equivalent criteria with the registration body in their country of residence.

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<sup>2</sup> Via a case fought up to the High Court, the ARB established that the affix 'RIBA' can only mean 'architect' for the purposes of section 20 of the Architects Act 1997.

15. **The retired, occasional worker**

A retired member in the UK who continues to use the affix and occasionally undertakes any of the above architectural activities, will be breaking the law if their name is no longer on the ARB Register. This is regardless of how infrequent or short-lived such undertakings may be. Members working in architecture and using the affix in a professional capacity must be registered.

16. A member who intends to semi-retire / work part-time / take up another occupation in addition to architectural practice, must remain registered for as long as he or she continues to practice any form of architecture.

17. **Use of the Affix in Business Names**

The affix is exclusive to chartered members of the Royal Institute and should not be used as part of a business name on its letterhead or anywhere else.