

BILL No. 18 OF 1956.

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A BILL

Intituled

AN ORDINANCE TO CONSOLIDATE AND AMEND THE LAW RELATING TO OPTICIANS.

Enacted by the Legislature of British Guiana:—

1. This Ordinance may be cited as the Opticians Ordinance, 1956. Short title.
2. In this Ordinance—
  - “medical practitioner” means a medical practitioner registered under the provisions of the Colonial Medical Service Ordinance; Interpretation.
  - “optician” means any person entitled under the provisions of section 5 of this Ordinance to be registered as an optician; Cap. 134
  - “the Board” means the medical board established under the provisions of the Colonial Medical Service Ordinance;
  - “the secretary” means the secretary to the Board. Cap. 134.
3. (1) The secretary shall keep a register, (hereinafter referred to as “the Register”) in the form contained in the schedule to this Ordinance in which he shall enter the names and particulars required of all persons entitled to be registered as opticians under the provisions of section 5 of this Ordinance. Opticians Register. Schedule.
  - (2) The secretary shall enter in the Register the names of all persons who were, at the commencement of this Ordinance, registered under the provisions of the Opticians Ordinance.
  - (3) The secretary shall enter in the Register the names and particulars required of all persons whom the Board shall direct to be registered. Cap. 138
4. (1) The Governor shall appoint an optician duly registered under the provisions of this Ordinance to sit as an additional member of the Board when the Board is exercising any of its functions under the provisions of this Ordinance. Appointment of additional member of the Board.
  - (2) Every such appointment shall be in writing and shall, subject to the provisions of subsection (3) of this section, be for a period of two years.
  - (3) Where any person, appointed as aforesaid, leaves the Colony or fails to attend three consecutive meetings of the Board in the exercise of its functions under the provisions of this Ordinance, he shall be deemed to have vacated his seat as an additional member of the Board.
  - (4) The Governor may appoint a fit and proper person duly qualified under the provisions of subsection (1) of this section for the unexpired term of office of any member appointed under the provisions of subsection (1) of this section who has died, resigned, has been deemed to have vacated his seat, or for any other reason has become unable to carry out his duties as a member of the Board for the purposes of this Ordinance.

Qualifications for registration.

5. (1) Any person who—

- (a) is the holder of a certificate or diploma which is recognised by the Board as furnishing a sufficient guarantee that the holder thereof is possessed of the requisite knowledge and skill for the efficient practice of sight-testing and dispensing optical prescriptions; and
- (b) satisfies the Board that he is of good moral character,

shall be entitled to apply to be registered under the provisions of this Ordinance.

(2) The Board shall, as soon as possible after the commencement of this Ordinance, and thereafter from time to time as the Board may think fit, publish in the Gazette a list of such certificates and diplomas recognised by the Board as affording a sufficient guarantee that the holder thereof is possessed of the requisite knowledge and skill for the efficient practice of sight-testing and the dispensing of optical prescriptions.

Application for registration.

6. (1) Any person who desires to be registered under the provisions of this Ordinance shall make application in writing in that behalf to the secretary and shall submit such evidence as shall satisfy the Board that he is entitled to be registered under the provisions of this Ordinance. Every such applicant shall forward with his application a fee of five dollars which shall be returned if the application is rejected by the Board.

(2) The secretary shall forthwith lay such application before the Board, and the Board shall, if satisfied that the applicant is entitled to be registered under the provisions of this Ordinance, direct the secretary to register the applicant.

(3) The Board may require any applicant to submit such further evidence as the Board may require for the purpose of ascertaining that he is a fit and proper person to be registered under the provisions of this Ordinance and may for the like purpose, require the applicant to be examined as hereinafter prescribed.

(4) Notwithstanding the provisions of subsection (1) of this section, the Board may require any applicant to appear before the Board and be examined by the Board for the purpose of ascertaining whether the applicant possesses the requisite knowledge and skill for the efficient practice of sight-testing and dispensing prescriptions.

Registration.

7. Where the Board is satisfied that any applicant qualified to be registered under subsection (1) of section 5 of this Ordinance is possessed of the requisite knowledge and skill for the efficient practice of sight-testing and dispensing optical prescriptions and is of good moral character, the Board shall direct the secretary to register the applicant under the provisions of this Ordinance.

Appeal.

8. Any person aggrieved by the refusal of the Board to register such person as an optician under the provisions of this Ordinance may appeal to the Governor in Council, and the decision of the Governor in Council shall be final.

Publication of copy of Register.

9. (1) The secretary shall, in the month of February in each year, cause to be published in the Gazette a copy of the Register.

(2) The secretary shall also publish in the Gazette each subsequent registration or cancellation of registration.

(3) A copy of the Register for the time being published in the Gazette and of any subsequent notice published in the Gazette under the provisions of this section shall be *prima facie* evidence that the persons therein specified are registered under this Ordinance, and the absence of the name of any person therefrom shall be *prima facie* evidence that such person is not registered under this Ordinance:

Provided that in the case of a person whose name does not appear in such copy, a certified copy under the hand of the secretary of the entry of the name of such person in the Register shall be evidence that such person is registered under this Ordinance.

Removal from the Register.

10. Where any optician registered under this Ordinance has been convicted of any felony or misdemeanour, or after due enquiry by the Board, is found to have been guilty of infamous conduct in his practice as an optician, the Board may, with the

approval of the Governor in Council, cause the name of such optician to be erased from the Register.

11. The Board may, in its discretion, direct that any name erased from the Register be restored to the Register upon the payment of a fee of five dollars.

Board may restore name to Register.

12. (1) The secretary shall, on the instructions of the Board, insert in the Register any alteration in the name or address of any person registered which may come to his knowledge of any additional qualification approved and accepted by the Board.

Power of Board to make alterations in Register.

(2) The secretary shall, on the instructions of the Board, erase from the Register —

- (a) the name of any person who has died;
- (b) any entry which has been incorrectly or fraudulently made;
- (c) the name of any person absent from the Colony for three consecutive years.

13. (1) Any person who, not being registered under the provisions of this Ordinance—

Offences.

- (a) carries on the business of an optician; or
- (b) tests the sight of any person; or
- (c) dispenses any optical prescription; or
- (d) fits, adjusts or renews any lens for use in spectacles; or
- (e) takes or uses the title of optician; or
- (f) takes or uses any name, title, addition or description implying that he is registered under this Ordinance or is specially qualified to practise sight-testing,

shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding two hundred and fifty dollars or to imprisonment for six months.

(2) Any person who knowingly makes, or causes or procures, or attempts to cause or procure or permits any false entry to be made in the Register or in any copy thereof or who fraudulently procures or attempts to procure the registration of himself or any other person under the provisions of this Ordinance shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five hundred dollars or to imprisonment not exceeding twelve months.

(3) Any person who, whether registered under this Ordinance or not, not being a medical practitioner—

- (a) holds himself out as being qualified to practise medical or surgical treatment of the eye; or
- (b) without the supervision of a medical practitioner, administers any drug for the purpose of paralysing the accommodation of the eye or otherwise for facilitating the measurement of the powers of vision; or
- (c) treats any disease of the eye by the use of drugs; or
- (d) carries out or attempts to carry out any examination or treatment outside of the scope of practice of an optician,

shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding two hundred and fifty dollars or to imprisonment for six months.

14. Where it is proved that any person has on any occasion used test lenses, spectacles or trial frames for the purpose of fitting any other person with spectacles, or has used an ophthalmoscope, retinoscope or other apparatus which may be used to measure refraction, visual acuity or muscular equilibrium, such person shall be deemed to be carrying on the business of an optician.

Evidence of carrying on the practice of an optician

15. The Board may, with the approval of the Governor in Council, make rules for the better carrying out of their functions under the provisions of this Ordinance and for the guidance of opticians in the general conduct of their practice.

Rules.

16. This Ordinance shall not apply to any medical practitioner registered under the provisions of the Colonial Medical Service Ordinance.

Exemption.

17. The Opticians Ordinance is hereby repealed.

Cap. 134

Repeal of Cap. 138.

## SCHEDULE

Section 3.

## OPTICIANS REGISTER.

Name	Address	Date of Qualification	Date of Registration

## OBJECTS AND REASONS.

This Bill seeks to consolidate and amend the law relating to opticians in accordance with a decision of the medical board at a meeting held on the 1st October, 1952, and is based upon a draft submitted by the Board.

2. Clause 3 seeks to provide for the keeping of a Register of opticians.

3. Clause 4 provides for the appointment by the Governor of a duly registered optician to sit as an additional member of the medical board when the Board is exercising any of its functions relating to opticians.

4. Clause 5 seeks to prescribe the qualifications for registration as an optician.

5. Clause 6 seeks to prescribe the procedure to be followed by a person who desires to be registered.

6. Clause 7 seeks to provide for the registration of fit and proper persons as opticians.

7. Clause 8 seeks to provide a right of appeal to the Governor in Council in respect of a refusal of the Board to register an applicant.

8. Clause 9 seeks to provide for the annual publication in the Gazette of a copy of the Register.

9. Clauses 10 and 11 seek to enable the Board with the approval of the Governor in Council to remove the name of an optician from the Register in certain circumstances and to enable the Board in its discretion to direct the restoration to the Register of any name so removed.

10. Clause 12 seeks to empower the Board to alter the Register in certain respects so as to keep it up to date.

11. Clause 13 (1) seeks to make it an offence for any person not registered under the Ordinance to carry on the business of an optician or perform certain specified functions in relation thereto.

Clause 13 (2) seeks to make it an offence for any person knowingly to procure a false entry or fraudulently to procure any entry in the Register.

Clause 13 (3) seeks to make it an offence for any person other than a medical practitioner to hold himself out as being qualified to practise medical or surgical treatment of the eye or perform certain specified functions in relation thereto.

12. Clause 15 seeks to enable the Board with the approval of the Governor in Council to make Rules for carrying out their functions under the Ordinance and for the guidance of opticians in the general conduct of their practice.

13. Clause 16 exempts from the scope of the Ordinance any medical practitioner registered under the Colonial Medical Service Ordinance.

14. Clause 17 seeks to repeal the Opticians Ordinance.

PERCIVAL A. CUMMINGS

Member for Labour, Health and Housing.

(P.H. 72/3/11)

(Leg. Bill No. 18/1956.)