

# LEGISLATIVE COUNCIL

(Constituted under the British Guiana  
(Constitution) (Temporary Provisions)  
Order in Council, 1953.)

FRIDAY, 22ND JUNE, 1956

The Council met at 2 p.m.

## PRESENT

His Honour the Speaker, Sir  
**Eustace Gordon Woolford, O.B.E., Q.C.**

### *Ex-Officio Members :—*

The Hon. the Chief Secretary,  
**Mr. M. S. Porcher, (Acting).**

The Hon. the Attorney General,  
**Mr. C. Wylie, Q.C., E.D.**

### *Nominated Members of Executive*

#### *Council :—*

The Hon. Sir Frank McDavid,  
**C.M.G., C.B.E.** (Member for Agriculture,  
Forests, Lands and Mines).

The Hon. P. A. Cummings (Member  
for Labour, Health and Housing).

The Hon. W. O. R. Kendall (Member  
for Communications and Works).

The Hon. G. A. C. Farnum, O.B.E.  
(Member for Local Government, Social  
Welfare and Co-operative Development).

The Hon. R. B. Gajraj.

The Hon. R. C. Tello.

### *Nominated Unofficials :—*

**Mr. W. A. Phang.**

**Mr. E. F. Correia.**

**Mr. H. Rahaman**

**Miss Gertie H. Collins.**

**Mrs. Esther E. Dey.**

**Dr. H. A. Fraser.**

Clerk of the Legislature—

**Mr. I. Crum Ewing.**

Assistant Clerk of the Legislature—

**Mr. E. V. Viapree.**

### *Absent*

The Hon. the Financial Secretary,  
**Mr. F. W. Essex.** —on leave.

**Mr. L. A. Luckhoo, Q.C.**  
—on leave.

**Mr. W. J. Raatgever, C.B.E.**  
—Deputy Spcaker—on leave.

**Mr. W. T. Lord, I.S.O.**  
—on leave.

**Mr. J. I. Ramphal.** —on leave.

**Mr. T. Lee.**

**Mr. W. A. Macnie, C.M.G., O.B.E.**  
—on leave.

**Mr. C. A. Carter.** --on leave.

**Rev. D. C. J. Bobb.** --on leave.

**Mr. R. B. Jailal.** —on leave.

**Mr. Sugrim Singh.**

The Speaker read prayers.

The Minutes of the meeting of the  
Council held on Thursday, the 21st of  
June, 1956, as printed and circulated,  
were taken as read and confirmed.

## LEAVE TO MEMBERS

**Mr. Speaker :** The hon. Mr. Macnie is unable to be present today and has asked to be excused. The same thing applies to the Rev. Mr. Bobb, Mr. Raatgever and Mr. Carter.

## ORDER OF THE DAY

AUDIT DEPARTMENT (AMENDMENT)  
BILL, 1956.

**The Chief Secretary :** I beg to move the first reading of the Bill intitled :

“An Ordinance further to amend the Audit Department Ordinance for the purpose of increasing the salaries of the Director of Audit and the Senior Auditor.”

**The Attorney General** I beg to second the motion.

Question put, and agreed to.

Bill read a first time.

CIVIL LIST (AMENDMENT NO. 2)  
BILL, 1956

**The Chief Secretary :** I beg to move the first reading of the Bill intitled :

“An Ordinance further to amend the Civil List Ordinance by increasing the amount which shall be payable to Her Majesty for defraying the expenses of certain services.”

**The Attorney General :** I beg to second the motion.

Question put, and agreed to.

Bill read a first time.

## OPTICIANS BILL, 1956

**Mr. Cummings** (Member for Labour, Health and Housing) : I beg to

move the second reading of the Bill intitled :

“An Ordinance to consolidate and amend the law relating to opticians.”

In doing so, I wish to begin by intimating that I propose to ask Council to approve in Committee stage of what appears to be quite a number of amendments, but there is really only one amendment and the others are consequential on that one. The amendment does not in any way interfere with the policy of the Bill, as indicated when it was published. The object of this Bill is set out in the long title and, as hon. Members will observe, I propose to ask, in the Committee stage, for an amendment to the long title which should read :

“An Ordinance to consolidate and amend the law relating to the regulation of the practice of sight testing and for purposes connected therewith.”

For quite a long time representations have been made by the Medical Board to the Director of Medical Services, and also by the opticians themselves, for better control of the people who go in for sight-testing and the dispensing of optical prescriptions. In England recently, a Committee, after sitting in the matter, has reported. Their recommendations have not yet been implemented but, according to their findings, there are two recognised branches of the sight-testing profession—one known as ophthalmic opticians who do sight-testing and also prescribe glasses, while the others are known as dispensing opticians who merely prescribe. The dispensing opticians are not qualified to test sight and they do not test. There is a neutral word which is used by the Americans to cover practitioners in both branches of sight-testing, and that is “Optometrist”. Following upon representations made by the Association, I am going to invite the Council to agree that in the

amendments proposed the word "Optician" should be changed to the word "Optometrist" which, I have been informed and am satisfied, will cover both branches of the profession.

The reason for this legislation is set out in the Objects and Reasons of the Bill, and we shall be satisfied if these amendments are made, since they are in accordance with a decision of the Medical Board. One of these amendments provide for the keeping of a Register of Opticians or Optometrists, who must be persons qualified, and there is also the procedure for persons entitled to practise. Another amendment—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. The Bill also provides a right of appeal to the Governor in Council in respect of a refusal of the Board to register an applicant. There is also provision for 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 at its discretion to direct the restoration to the Register of any name so removed. Then there are the usual penalties provided for offences committed under the Bill.

There was considerable unrest at a certain stage of the measure when opticians felt that their representations were not being considered, but their fears were quite unjustified because the delay with the Bill was due to the fact that Government wanted to give full effect to their representations. Those considerations have been given and the objections have been met. I am now in a position to say that the opticians are almost unanimous in their acceptance of the proposed legislation.

**The Attorney General :** I beg to second the motion.

**Mr. Speaker :** Does any Member wish to discuss the principle of the Bill? The question is that the Bill be read a second time.

Question put; and agreed to.

Bill read a second time.

**Mr. Speaker :** I accept your assurance that the principle of the Bill has been discussed with representatives of the profession, but I would like to know whether the amendments you propose to make have also been brought to their notice.

**Mr. Cummings :** These amendments are the result of representations made by members of the profession; they are agreed amendments.

**Mr. Speaker :** There are also Members of the Council not present today who do not know of the proposed amendments. Are you satisfied that they are not controversial?

**Mr. Cummings :** Your Honour will see, when we come to deal with the amendments, that they are merely consequential. I am sorry that I have to make them today, but we did not wish the Bill to be held up for another month.

**Mr. Speaker :** They do not affect the unanimity received from those interested?

**Mr. Cummings :** No, Sir.

#### COUNCIL IN COMMITTEE

Council resolved itself into Committee to consider the Bill clause by clause.

Clause 1.—*Short title.*

**Mr. Correia :** I would like to ask the hon. Member in charge of the Bill whether the word "optometrist" which he proposes to substitute for the word "optician", appears in the Medical Journal and covers both sections of the profession?

**Mr. Cummings :** I do not know whether this is the stage at which the hon. Member should ask that, but if you wish, Sir, I can answer it now. We are using the word the Americans use, which has been recognized in this country for some time, and all the certificates of registration describe those practitioners as optometrists. It was suggested that the words "optical practitioner" should be substituted, but the Medical Board took objection on the ground that the public might be misled into believing that some of those people were ophthalmologists. Consequently, the neutral word "optometrists" was adopted, as it embraces dispensing and sight-testing. Clause 3 (1) refers to the definition of an optician as being:

"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."

**Mr. Gajraj :** The hon. Member has read clause 5 of the Bill and not clause 3, as he said.

**Mr. Cummings :** I am sorry; it was due to my lenses. (*Laughter*). I actually read clause 5 which is the relevant clause.

**The Chairman :** Is the hon. Member, Mr. Correia, satisfied with the explanation?

**Mr. Correia :** I am afraid I will have to accept the explanation by the hon. Member, but whether the word "optometrist" does cover both branches of the profession I have my doubts.

**Mr. Cummings :** I move the deletion of the word "Opticians" in clause 1, and the substitution of the word "Optometrists".

Clause 1, as amended, agreed to.

Clause 2—*Interpretation*.

**Mr. Cummings :** I move the deletion of the word "optician" which appears in two places in the second paragraph, and the substitution therefor of the word "optometrist".

Clause 2, as amended, agreed to.

Clause 3. —*Opticians Register. Schedule.*

**Mr. Cummings :** I move the deletion of the word "opticians" in the clause and the marginal note, and the substitution of the word "optometrist".

Clause 3, as amended, agreed to.

Clause 4—*Appointment of additional member of the Board.*

**Mr. Cummings :** I move the deletion of the word "optician" in the first line of subclause (1) and the substitution of the word "optometrist".

Clause 4, as amended, agreed to.

Clauses 5, 6 and 7 passed as printed.

Clause 8.—*Appeal.*

**Mr. Cummings :** I move the deletion of the word "optician" in the second line of clause 8 and the substitution of the word "optometrist".

Clause 8, as amended, agreed to.

Clause 9 passed as printed.

Clause 10. — *Removal from the Register.*

**Mr. Cummings:** I move the deletion of the word "optician" appearing in the first, fourth and sixth lines of clause 10, and the substitution of the word "optometrist".

**The Chairman:** I observe that the clause refers to conviction for felony, which involves a trial by a jury. What kind of offence by an optometrist is contemplated?

**Mr. Cummings:** I do not think this is intended to be in relation to the practice of his profession. One of the qualifications for registration is that he must be of good moral character.

**The Chairman:** The clause also provides for removal from the register of a person "found to have been guilty of infamous conduct." What kind of conduct is being aimed at?

**Mr. Cummings:** Practitioners will have to observe certain rules of ethics, similar to those relating to midwives. If they contravene those rules their conduct would be deemed infamous, and they would be struck off the register. I admit that "infamous" is a rather wide word but it will be limited by ethical regulations.

**The Chairman:** I suppose that is why they are to be represented on the Medical Board.

**Mr. Cummings:** That is one of the reasons. It was recommended by the Association that they should have their own Board.

Clause 10, as amended, agreed to.

Clauses 11 and 12 passed as printed.

Clause 13 — **Offences.**

**Mr. Cummings:** In sub-clause (1) (a), substitute the word "optometrist" for the word "optician", and also in paragraph (e) of the same sub-clause.

**The Chairman:** Does that affect the meaning?

**Mr. Cummings:** No sir. In sub-clause (3), paragraph (b), insert the words "otherwise than in accordance with the provision of a certificate issued by the Board under sub-section (4) of this section between the words "administers" and "any" in the second line. Paragraph (b) would then read:

"(b) without the supervision of a medical practitioner, administers otherwise than in accordance with the provision of a certificate issued by the Board under sub-section (4) of this section any drug for the purpose of paralyzing the accommodation of the eye or otherwise for facilitating the measurement of the powers of vision; or".

In paragraph (d) of the same subclause—

"(d) carries out or attempts to carry out any examination or treatment outside the scope of practice of an optician,"

substitute the word "optometrist" for the word "optician" in the third line.

Also, insert a new subclause, (4) reading as follows—

"(4) The Board may, if satisfied that any person registered under the provisions of section 5 of this Ordinance, possesses a sufficient degree of skill for the efficient and safe administration of any drugs for any of the purposes specified in paragraph (b) of sub-section (3) of this section, issue a certificate to such person authorising the use by such

[Mr. Cummings]

person of such drugs as may be specified therein for any of the purposes set out in such certificate."

Agreed to.

Clause 13 passed as amended.

Clause 14 — *Evidence of carrying on the practice of an optician.*

**Mr. Cummings:** Insert the words "or has used any drug for any of the purposes specified in paragraph (b) of sub-section (3) of section 13 of this Ordinance" between the words "equilibrium" and "such" in the fifth line, and substitute the word "optometrist" for the word "optician" in the last line.

The Clause would then be read:

"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, or has used any drug for any of the purposes specified in paragraph (b) of sub-section (3) of section 13 of this Ordinance, such person shall be deemed to be carrying on the business of an optometrist."

Agreed to.

Clause 14 passed as amended.

Clause 15 — *Rules.*

**Mr. Cummings:** Substitute the word "optometrists" for the word "opticians" in the fourth line.

Agreed to.

Clause 15 passed as amended.

**Mr. Cummings:** In the Schedule, substitute the word "OPTOMETRISTS" for the word "OPTICIANS".

Agreed to.

Schedule passed as amended.

**Mr. Cummings:** Amend the Long Title to read as follows —

"An Ordinance to consolidate and amend the law relating to the regulation of the practice of sight testing and for purposes connected therewith."

Agreed to.

Title and enacting clause passed as amended.

**Mr. Cummings:** As regard item 1 on the list of amendments, there is no need to alter the word "optician" because I am informed that the 'arrangement of sections' is not part of the Bill.

**The Attorney General:** The Commissioner who revised the laws has put this arrangement of sections into the revised laws, and so we are also putting it in on all occasions to be consistent.

Council resumed.

**Mr. Cummings:** I beg to move that this Bill be read a third time and passed.

**The Attorney General:** I beg to second the motion.

Question put, and agreed to.

Bill read a third time and passed.

**Mr. Speaker:** I would just like to say something about the cost of these optical instruments: I understand that they cost more to purchasers in British Guiana than they do in other British Colonies. I think one reason is that the lenses come from neighbouring America.

**Mr. Cummings:** We can make inquiries into the matter.

**The Chief Secretary:** Sir, I think we can meet next week.

**Mr. Cummings:** I want to mention that if I am here next Thursday I would like to take the second reading of the Pharmacy and Poisons Bill.

**Mr. Speaker:** It will be put on the Order Paper. Council is adjourned until Thursday, 28th June next, at 2 p.m.