

CHAPTER 138.**OPTICIANS.**

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CHAPTER 138.**OPTICIANS.**

27 of 1933.
13 of 1952.

An Ordinance to make provision for the registration of Opticians, to regulate the practice of sight-testing and for purposes incidental thereto.

[26TH MARCH, 1934.]

Short title.

1. This Ordinance may be cited as the Opticians Ordinance.

Interpreta-
tion.

2. In this Ordinance unless the context otherwise requires—
“ Board ” means the medical board constituted under the provisions of the Colonial Medical Service Ordinance ;

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“ medical practitioner ” means a medical practitioner registered under the provisions of the Colonial Medical Service Ordinance ;

13 of 1952,
s. 2.

“ optician ” means any person entitled under the provisions of section 5 of this Ordinance to be registered as an optician ;

“register” or “Opticians Register” means the register of opticians required to be kept in accordance with this Ordinance ;

“secretary” means the secretary to the medical board.

3. (1) The secretary shall keep a register in the form contained in the schedule to this Ordinance (to be styled the Opticians Register) of all persons registered as opticians under this Ordinance.

Register of
opticians.
Schedule.

(2) The secretary shall enter in the register the names and particulars required of all persons whom the Board shall direct to be registered.

4. No person shall, unless duly registered under the provisions of this Ordinance—

No person
to practise
as an
optician
unless
registered.
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s. 3.

(a) carry on the business of an optician ;

(b) test the sight of any person ;

(c) dispense any optical prescription ;

(d) fit, adjust or renew any lens for use in spectacles ;

(e) take or use the title of optician (either alone or in combination with any other words) ; or

(f) take or use any name, title, addition or description implying that he is registered under this Ordinance or is specially qualified to practise sight-testing.

5. The following persons upon satisfying the Board by documentary or other evidence that they are fit and proper persons and are otherwise qualified to be registered and upon payment of a fee of five dollars shall be entitled to be registered under this Ordinance namely :—

Persons
entitled to be
registered.

(a) Any person qualified or entitled to practise sight-testing in the United Kingdom under any Act for the time being in force or who holds the sight-testing Diploma of the Worshipful Company of Spectacle Makers or the British Optical Association, both of London, England ;

(b) Any person who holds a diploma, licence or certificate granted to him by any University, College or Institution in a British Possession or Foreign country recognised by the Governor in Council and published in the Gazette as furnishing a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of sight-testing ;

(c) Any person who at the commencement of this Ordinance has been domiciled in the Colony for not less than five years and also is and has been for not less than five years *bonâ fide* engaged in the practice of sight-testing in this Colony and whom the Board permits to be registered after having passed an examination in manner hereinafter specified.

Examination
by Board of
applicants
under
sec. 5 (c).

6. (1) Any person who comes within the provisions of paragraph (c) of section 5 of this Ordinance, and who wishes to be registered under this Ordinance, may make application in writing to the Board through its secretary for his examination under this Ordinance.

(2) For the purposes of such examination the Board shall nominate three persons who shall be medical practitioners or two medical practitioners and a registered optician to be the examiners. The Board shall fix the time and place for holding the examination.

The secretary shall notify the applicant of such time and place, and the secretary shall attend at such examination and give the necessary clerical assistance to the examiners.

(3) Each examiner shall be entitled to be paid for each candidate examined a fee of five dollars. Any candidate who presents himself for examination shall be required to pay to the secretary, before the examination, the fees payable to the examiners.

(4) The candidate for examination shall first satisfy the Board that he is a fit and proper person and that he was at the date of the commencement of this Ordinance *bonâ fide* engaged in the practice of sight-testing in this Colony, and domiciled in this Colony in the manner required by paragraph (c) of section 5 of this Ordinance. The Board if so satisfied shall direct the examiners appointed by the Board to examine such candidate and such examiners shall with reasonable despatch fully and fairly examine such candidate; and, if they find him sufficiently informed and skilled for the efficient practice of sight-testing, they shall report their findings to the Board who shall give him a certificate to that effect, and direct the secretary to register such person, and he shall then be entitled to be registered under this Ordinance upon payment of the registration fee.

Application
for
registration.

7. (1) Where any person desires to be registered under this Ordinance, he shall make application to the secretary and shall submit such evidence as shall satisfy the Board that he is

eligible to be registered and is a fit and proper person to be so registered.

(2) The secretary shall forthwith lay such application before the Board, and the Board, if satisfied that such person is eligible and is a fit and proper person to be registered, shall direct the secretary to register such person.

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

Publication of copy of register and evidence of registration.

(2) The secretary shall also cause to be published in the Gazette a notice of each cancellation of registration.

(3) A copy of the register for the time being published in the Gazette and of any subsequent notice in accordance with the provisions of this section shall be evidence in all cases (until the contrary be made to appear) that the persons therein specified are registered under this Ordinance, and the absence of the name of any person from such copy shall be evidence (until the contrary be made to appear) 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.

9. The use of test lenses, spectacles, trial frames, ophthalmoscope, retinoscope, or any apparatus that may be used to measure refraction, or visual acuity, or muscular equilibrium, shall be deemed conclusive evidence of the practice of sight-testing.

Evidence of practice of sight-testing.

10. Every person registered under this Ordinance shall be entitled to practise sight-testing in this Colony and to demand and recover reasonable charges for professional services or optical aid rendered by such person, and the cost of merchandise supplied by him. And no person, unless he is so registered, shall be entitled to recover any fee or charge in any court for performing any act or giving any advice as an optician.

Registered opticians entitled to recover charges.

11. If any optician registered under this Ordinance is convicted of felony or misdemeanour before the Supreme Court, or, after due inquiry, is adjudged by the Board to have been guilty of disgraceful conduct in his practice as an optician, the Board may cause the name of such optician to be erased from the register.

Erasing from register name of optician guilty of crime or disgraceful conduct.

Name may
be restored
to register.

12. If the Board thinks fit, it may, in any case direct any name erased from the register to be restored thereon on the payment of such fee, not exceeding the registration fee, as the Board may fix.

Alterations
and erasures
in register.

13. (1) The secretary shall on the instructions of the Board from time to time insert in the register any alteration which may come to his knowledge in the name or address of any person registered.

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

(a) the name of every deceased person entered therein ;

(b) any entry which has been incorrectly or fraudulently made.

Penalty for
secretary
making false
entry, etc.

14. Any secretary or other person who shall fraudulently make or cause or permit to be made any false or incorrect entry in the register or any copy thereof shall on conviction be liable to imprisonment with or without hard labour for a term not exceeding two years.

Offences.

15. Any person

(a) Who shall fraudulently procure or attempt to procure himself or any other person to be registered under this Ordinance, or who shall aid or abet in such fraudulent procurement or attempt ; or

(b) Who, not being registered under this Ordinance, shall use or take the name or title of or hold himself out or pretend to be an optometrist, optician, or doctor or professor of optometry or any name, title, description or addition whether expressed in words or letters or both implying such qualifications or that he is a person specially qualified to practise sight-testing ; or

(c) Who, whether registered under this Ordinance or not and not being a medical practitioner assumes the title of oculist or eyesight specialist, or uses or causes to be used in connection with his business, trade, calling or profession, any written words, titles, initials, additions or abbreviations which are intended to represent or may reasonably cause any person to believe that he is qualified to practise medical or surgical treatment of the eye ; or

(d) Who, whether registered under this Ordinance or not and not being a medical practitioner or acting under the instructions 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 treats any disease of the eye by the use of drugs ; or

(e) Who contravenes the provisions of section 4 of this Ordinance,

shall be guilty of an offence under this Ordinance, and shall on summary conviction be liable to a penalty not exceeding two hundred and forty dollars.

16. (1) Nothing in this Ordinance contained shall extend to Exemptions. prejudice or in any way affect Medical Practitioners.

(2) Nothing in this Ordinance shall so operate as to prohibit

(a) any registered chemist and druggist or registered sicknurse and dispenser from dispensing, selling or supplying any drugs subject to the restrictions imposed by the Pharmacy and Poisons Ordinance ; or

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(b) any wholesale dealer from supplying frames, ophthalmic lenses, or spectacles in the ordinary course of wholesale business ; or

(c) any registered chemist and druggist or registered sick-nurse and dispenser from selling, from a permanent place of business and otherwise than in compliance with a prescription given by a medical practitioner or a registered optician, spectacles kept in stock in a state ready for use.

SCHEDULE.

s. 3.

OPTICIANS REGISTER.

Name.	Address.	Date of Qualification or Examination.	Date of Registration.