

OPTICIANS (REGISTRATION) ACT

CHAPTER 29.51

Act 36 of 1960

Amended by 5 of 1968

LAWS OF TRINIDAD AND TOBAGO

***Opticians (Registration) Act* Chap. 29.51**

CHAPTER 29.51

OPTICIANS (REGISTRATION) ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Establishment of Opticians Registration Council.
4. Incorporation and Seal of Council
5. Opticians register
6. Qualification for registration.
7. Existing practitioners.
8. Nature of services.
9. Application for registration.
10. Procedure for registration:
11. Fees.
12. Annual licence fee.
13. Publication in the *Gazette*.
14. Unauthorised practice or assumption of title.
15. Possession of sight testing apparatus.
16. Recovery of charges for services.
17. Discipline.
18. Appeals to Supreme Court.
19. Maintenance of Register.
20. False entry on Register.
21. Offences.
22. Savings and exemptions.
23. Penalties..
24. Laying of complaints &c. on Council. Penalties payable to Council. .
25. Regulations.
26. Collection and disposal of fees.

An Act to make provision for the Registration of Opticians, to regulate the practice of sight testing, and for purposes incidental thereto.

(15TH APRIL 1960)

1. This Act may be cited as the Opticians (Registration) Act.

LAWS OF TRINIDAD AND TOBAGO

Opticians (Registration) Act Chap. 29.51

2. In this Act -

"**Council**" means the Opticians Registration Council constituted under this Act;

"**diploma**" means any diploma, degree, fellowship, membership, licence, certificate or other status or form of recognition granted by a University, College or duly licensed body conferring authority to practise sight testing or to compound and dispense lenses in the country or place where granted;

"**dispensing optician**" means a person registered and licensed as such under this Act;

"**lens**" means a lens ground for use in eye glasses; ,

"**medical practitioner**" means a medical practitioner registered as a member of the Medical Board under the Medical Board Act;

"**optometrist**" means a person registered and licensed as such under this Act;

"**ophthalmic prescription**" means the order or direction of a medical practitioner or of an optometrist specifying that eye glasses, lenses or prisms be compounded and dispensed as prescribed therein for the person named in such order or direction;

"**Register**" means the register of optometrists and dispensing opticians kept pursuant to this Act;

"**secretary**" means such person as may from time to time be appointed by the Council to be secretary;.

"**sight testing**" means the employment of any means other than drugs, medicine or surgery for the measurement of the powers of vision.

3.(1) There shall be established a Council to be known as the Opticians Registration Council which shall consist of seven members, of whom two shall be medical practitioners nominated by and representative of the Medical Board, three optometrists to be appointed by the Minister after consultation with the Ophthalmic Opticians Association, one dispensing optician to be appointed by the Minister and the Chief Medical Officer or his nominee.

(2) A Chairman shall be appointed by the Council from amongst its members

(3) Four members shall form a quorum for the transaction of any business.

4. (1) The Opticians Registration Council is hereby created a body corporate.

(2) The seal of the Council shall be kept in the custody of the Chairman or the secretary and shall be authenticated by the Chairman or the secretary and one other member of the Council authorised by the Council to act in that behalf.

Opticians (Registration) Act Chap. 29:51

(3) All documents, other than those required by law to be under seal, made by, and all decisions of the Council may be signified under the hand of the Chairman or the secretary.

5. (1) The secretary shall keep a register, to be styled the Opticians Register, containing the names and such other particulars as the Council shall prescribe of all persons whom the Council shall direct to be registered under this Act

(2) The Register shall be in two parts, showing separately the names of persons registered as optometrists and those of persons registered as dispensing opticians.

6.(1) Upon furnishing evidenced satisfactory to the Council of good character, any person who holds -

(a) a fellowship diploma of the British Optical Association or of the Worshipful Company of Spectacle Makers; or

(b) a diploma which is recognised by the Council as evidence of satisfactory qualification as an optometrist, shall be entitled to be registered under this Act as an optometrist.

(2) Upon furnishing evidence satisfactory, to the Council of good character, any person who holds-

(a) a diploma from the Association of Dispensing Opticians. of the United Kingdom; or

(b) a diploma which is recognised by the Council as evidence of satisfactory qualification as a dispensing optician, shall be entitled to be registered under this Act as a dispensing optician.

7.(1) Notwithstanding the provisions of section 6(1), all persons who at the date of the coming into force of this Act were registered as opticians under the Opticians (Registration) Ordinance.(repealed by this Act) and whose names were on the register thereby established, shall be entitled to be registered as optometrists under this Act without making application therefore and shall be so registered.

Opticians (Registration) Act Chap. 29:51

(2) Notwithstanding the provisions of section 6(2), any person who-

(a) is able to furnish evidence satisfactory to the Council that he had acquired the necessary skill as a dispensing optician by practical experience in dispensing.

(b) has been resident in Trinidad and Tobago for the two years immediately preceding the date of the commencement of the Act; and

(c) makes application to the Council within six months of the date of the commencement of this Act;

shall upon furnishing evidence satisfactory to the Council of character be entitled to be registered as a dispensing optician.

8 (1) An optometrist shall be entitled to practice sight testing and to prescribe, compound and dispense ophthalmic prescriptions.

(2) A dispensing optician shall be entitled to compound and dispense ophthalmic prescriptions.

9 (1) Subject to section 7 any person desiring to be registered as an optometrist or as a dispensing optician shall make application to the secretary and shall submit such evidence as shall satisfy the Council that he is eligible to be registered and is a fit and proper person to be so registered.

(2) The secretary shall, without delay, inform every applicant of the decision of the Council with respect to his application.

10. The secretary shall submit such application to the Council and the Council if satisfied that such person is eligible and is a fit and proper person to be registered as an optometrist or as a dispensing optician, as the case may be, shall direct the secretary to register such person accordingly.

11. The fee payable for registration as an optometrist shall be \$24.00 and for registration as a dispensing optician, \$18.00.

12(1) Every optometrist and every dispensing Optician shall pay to the secretary an annual licence fee of \$5.00 payable in the month of January in each year-commencing the year following his initial registration.

(2) The secretary shall issue to such person a licence to practise as an optometrist or as a dispensing optician as the case may be which shall remain in force up to the 31st December next after the issue thereof, unless the same be in the interval cancelled or suspended by order of the Council. The licence shall be signed by the Chairman, of the Council and by the secretary.

Opticians (Registration)

(3) If any person; registered under this Act fails to pay the annual licence fee for the three months after it becomes due, his registration shall be deemed to be suspended; but the Council may restore the effectiveness of the registration upon payment of the licence fee and such further sum by way of fine as shall seem proper to the Council.

13.(1) The secretary, in the month of February each year, shall cause to be published in the gazette a copy of the Register showing the names of persons who are registered under this Act as optometrists and as dispensing opticians; and the absence of the name of any person from the list of names so published shall be *prima facie* evidence that such person is not so registered.

(2) The secretary shall also cause to be published in the *Gazette* a notice of each subsequent registration or suspension or cancellation of registration and of each restoration 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 *prima facie* evidence of the entry recorded with respect to persons described therein.

(4) A certificate signed by the Chairman of the Council and by the secretary with regard to whether any particular person is or is not registered under this Act shall be conclusive with regard to the status of that person.

14.(1) Any person who not being an optometrist, either for or without reward, practices as an optometrist or takes or uses the title of optometrist, either alone or in combination with any other works or any name, title, addition or description, implying that he is an optometrist or that he is a person qualified to practise sight testing, is guilty if an offence.

(2) Any person who not being an optometrist or a dispensing optician either for or without reward, compounds or dispenses an ophthalmic prescription or takes or uses any name or title, addition or description implying or calculated to convey the impression that he is an optometrist or a dispensing optician is guilty of an offence.

(3) In any prosecution under this Act it shall be sufficient proof of an offence if it is proved that the accused has done or committed a single act of unauthorised practice or has committed on a single occasion any of the acts prohibited under this section.

(4) This section does not apply to medical practitioners.

Opticians (Registration)

15. A dispensing optician may lawfully be in possession of test lenses, lensometer and such other instruments, apparatus or machinery as may be required for dispensing ophthalmic prescriptions; but subject as provided herein, in any prosecution under this Act, the use by any person other than an optometrist of test lenses, 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.

16. (1) Every optometrist shall be entitled to demand and recover reasonable charges for sight testing and other services which by this *Act* he is authorised to perform including the cost of merchandise supplied in connection therewith.

(2) Every dispensing optician shall be entitled to demand and recover reasonable charges for dispensing eye glasses or lenses or prisms in accordance with an ophthalmic prescription including the cost of any merchandise supplied in connection therewith.

(3) No person unless he is authorised under this or any other Act to perform the services referred to in sub-section (1) or (2), shall be entitled to claim or to recover any fee or charge for such services.

17. (1) If any person registered under this Act

(a) is convicted, of an offence which if committed in Trinidad and Tobago would render such person liable to conviction on indictment; or

(b) is guilty of any infamous, disgraceful or improper conduct or negligence in a professional respect,

the Council, after due enquiry, may-

(i) censure or reprimand such person

(ii) suspend such person for any period not to exceed two years

(iii) by resolution declare that such person is in its opinion

unfit to be registered as an optometrist or dispensing

optician as the case may be, and, if the Minister consents,

may give a written order to the secretary to cancel the

registration of such person and to strike his name from the

Register.

Opticians (Registration)

(2) The secretary shall comply forthwith with any order of cancellation of registration made under subsection (1) and shall send a true copy thereof to the person concerned by pre-paid registered post addressed to him at his last known address.

(3) An optometrist or dispensing optician who has been suspended or whose name has been struck off the Register in accordance with subsection (1), shall forthwith cease to practise and shall not resume practice until the period of suspension has expired or his name has again been entered in the Register in accordance with this Act; and any person who Contravenes the provisions of this subsection is guilty of an offence.

(4) It shall be within the power of the Council where it thinks proper, with the consent of the Minister to order that the name of any person whose registration has been cancelled be restored to the Register.

18. Any person aggrieved by the refusal of the Council to register his name on the Register or by the erasure of his name from the Register may, within six weeks after the date on which notice thereof was given to him by the secretary appeal against the refusal to register or the erasure as the case may be to a Judge in Chambers and the Judge may give such decision in the matter as he thinks proper including any directions as to the cost of the appeal.

19. (1) The secretary shall on the instructions of the Council 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 instruction of the Council erase from the Register
- (a) the name of every deceased person;
 - (b) the name of every optometrist or dispensing optician ordered by the Council to be erased under the provisions of section 17;
 - (c) any entry which has been incorrectly or fraudulently made.

20. Any person who fraudulently makes, or causes or permits to be made, any false or incorrect entry in the Register or any copy thereof, is liable on summary conviction to imprisonment for a period of two years.

21. (1) Any person who –

- (a) procures or attempts to procure by or for himself or any other person registration under this Act by means of any false, deceptive or fraudulent act, conduct or statement, written or verbal, or who aids or

abets others therein; or

(b) not being an optometrist or a dispensing optician under this Act, sells eye glasses or lenses or spectacle frames (other than sunglasses, sun shades or hand magnifying glasses) kept in stock in a state ready for use; or

(c) is registered under this Act and not being a medical practitioner takes, uses or assumes the title or degree of Doctor or any words, letters abbreviations or designation signifying or likely to be taken as signifying the word "Doctor", is guilty of an offence.

(2) Nothing contained in this subsection (1)(b) shall be deemed to prevent the sale of eye glasses or lenses, in a retail establishment which is under the direct control and supervision of a person who is registered as an optometrist under this Act.

22. (1) Nothing in this Act shall be deemed to affect or interfere with the practice of medicine by medical practitioners.

(2) Nothing in this Act shall so operate as to prohibit any wholesale dealer from supplying frames, ophthalmic lenses or spectacles to optometrists or dispensing opticians in the ordinary course of wholesale business.

23. Any person guilty of an offence under this Act for which no penalty is specifically provided is liable on summary conviction to a fine of one thousand five hundred dollars and to imprisonment for six months.

24. (1) Any information or complaints for any offence against this Act or any regulations made thereunder may be made or laid in the name of the Council by the secretary or any member of the Council duly authorised in that behalf by resolution of the Council; and any member authorised in that behalf by resolution of the Council may conduct the proceedings in a summary court in all cases in which the Council is a complainant.

(2) All penalties, fines, costs and expenses recovered for offences against this Act or any regulation made thereunder shall be received by the court and paid to the secretary for the use of the Council.

25. The Council may, with the approval of the Minister, make such regulations as it considers necessary for carrying the purposes and provisions of this Act into effect, and without restricting the generality, may make regulations for all or any of the following purposes:

- (a) for prescribing a code of ethics to be observed by persons registered under this Act;
- (b) for the good government of the Council and for the proper conduct of its affairs;
- (c) for regulating the time, manner and place of meeting of the Council and the proceedings thereof;
- (d) for regulating the manner of applying and using the funds of the Council;
- (e) controlling the operations and defining the functions of manufacturing opticians;
- (f) for prescribing anything required or authorised to be prescribed;
- (g) for prescribing in respect of any contravention or failure to comply a penalty on summary conviction of a fine of five hundred dollars or imprisonment for three months.

26. All fees payable under this Act shall be paid to the Council officer to be used for carrying the purposes of this Act into effect.