



TRINIDAD AND TOBAGO

No. 36—1960

[L.S.]

I ASSENT,

SOLOMON HOCHOY

Governor.

31st December, 1960.

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

[On Proclamation]

Commencement

ENACTED by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof.

Enactment.

1. (1) This Ordinance may be cited as the Opticians (Registration) Ordinance, 1960.

Short title and commencement

(2) This Ordinance shall come into operation on such day as the Governor may appoint by Proclamation published in the *Royal Gazette*.

Interpretation.

2. In this Ordinance—

“Council” means the Opticians Registration Council constituted under this Ordinance;

“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 Ordinance;

“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 Ordinance;

“Minister” means the member of the Cabinet for the time being charged with the administration of the subject of health;

“optometrist” means a person registered and licensed as such under this Ordinance;

“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 therein prescribed for the person named in such order or direction;

“Register” means the register of optometrists and dispensing opticians kept pursuant to this Ordinance;

“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.

Establishment
of Opticians
Registration
Council.

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 Director of Medical Services 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) Pending the appointment of a Council as herein provided, the members of the Opticians Registration Board appointed under the Opticians (Registration) Ordinance, shall constitute the first Council, and the members thereof shall continue in office until their successors are appointed in accordance with this Ordinance. Ch. 12. No. 3.

4. (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 Ordinance. Opticians Register.

(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.

5. (1) Upon furnishing evidence satisfactory to the Council of good character, any person who holds— Qualification for registration.

(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 Ordinance 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 Ordinance as a dispensing optician.

6. (1) Notwithstanding the provisions of subsection (1) of section 5, all persons who at the date of the coming into force of this Ordinance were registered as opticians under the Opticians (Registration) Ordinance, and whose names were on the register thereby established, shall be entitled to be registered as optometrists under this Ordinance without making application therefor and shall be so registered. Existing practitioners.

(2) Notwithstanding the provisions of subsection (2) of section 5, 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 ophthalmic prescriptions for a period of not less than five years prior to the date of the commencement of this Ordinance; and
- (b) has been resident in Trinidad and Tobago for the two years immediately preceding the date of the commencement of this Ordinance; and
- (c) makes application to the Council within six months of the date of the commencement of this Ordinance, shall upon furnishing evidence satisfactory to the Council of good character be entitled to be registered as a dispensing optician.

Nature of services.

7. (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.

Application for registration.

8. (1) Subject to section 6 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.

Procedure for registration.

9. 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.

Fees.

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

Annual licence fee.

11. (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 day of 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.

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

12. (1) The secretary, in the month of February each year, shall cause to be published in the *Royal Gazette* a copy of the Register showing the names of persons who are registered under this Ordinance 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.

Publication in
Royal Gazette.

(2) The secretary shall also cause to be published in the *Royal 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 *Royal 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 therein described.

(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 Ordinance shall be conclusive with regard to the status of that person.

13. (1) Any person who not being an optometrist shall either for or without reward practise as an optometrist or take or use the name or title of optometrist, either alone or in combination with any other word or words or any name, title, addition or description, implying that he is an optometrist or that he is a person qualified to practise sight testing, shall be guilty of an offence.

Unauthorised
practice or
assumption of
title.

(2) Any person who not being an optometrist or a dispensing optician shall either for or without reward compound or dispense an ophthalmic prescription or take or use

any name or title, addition or description implying or calculated to convey the impression that he is an optometrist or a dispensing optician shall be guilty of an offence.

(3) In any prosecution under this Ordinance 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.

Possession of
sight testing
apparatus.

14. 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 herein provided, in any prosecution under this Ordinance, 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.

Recovery of
charges for
services.

15. (1) Every optometrist shall be entitled to demand and recover reasonable charges for sight testing and other services which by this Ordinance 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 Ordinance to perform the services referred to in subsection (1) or (2) of this section, shall be entitled to claim or to recover any fee or charge for such services.

Discipline.

16. (1) If any person registered under this Ordinance—

(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 or disgraceful 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.

(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 prepaid 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 Ordinance; and any person who contravenes the provisions of this subsection shall be 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.

17. 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 it thinks proper including any directions as to the cost of the appeal.

Appeals to
Supreme Court

18. (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.

Maintenance of
Register.

(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 16 hereof;
- (c) any entry which has been incorrectly or fraudulently made.

19. Any 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 be liable, on summary conviction, to imprisonment for a period of two years.

False entry on
Register.

Offences.

20. (1) Any person who—

- (a) shall procure or attempt to procure by or for himself or any other person registration under this Ordinance by means of any false, deceptive or fraudulent act, conduct or statement, written or verbal, or who shall aid or abet therein; or
- (b) not being an optometrist under this Ordinance shall sell eye glasses or lenses (other than sun glasses, sun shades or hand magnifying glasses) kept in stock in a state ready for use; or
- (c) is registered under this Ordinance 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",

shall be guilty of an offence.

(2) Nothing contained in paragraph (b) of subsection (1) 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 Ordinance.

Savings and exemptions.

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

(2) Nothing in this Ordinance 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.

Penalties.

22. Any person guilty of an offence under this Ordinance for which no penalty is specifically provided shall be liable on summary conviction to a fine of five hundred dollars or to imprisonment for six months or to both such fine and such imprisonment.

Collection and disposal of fees.

23. All fees payable under this Ordinance shall be paid to the Council to be used for carrying the purposes of this Ordinance into effect.

Repeal.
Ch. 12. No. 3.

24. The Opticians (Registration) Ordinance is hereby repealed.

Passed in Council this twenty-eighth day of October in the year of Our Lord one thousand nine hundred and sixty.

G. R. LATOUR
Clerk of the Council.