

R.R. 25/1940

CHAPTER 12. No. 3.

OPTICIANS (REGISTRATION).

Ordinance
Ch. 12. No. 3—
1940.

AN ORDINANCE TO MAKE PROVISION FOR THE REGISTRATION OF OPTICIANS, TO REGULATE THE PRACTICE OF SIGHT-TESTING, AND FOR PURPOSES INCIDENTAL THERETO.

Commence-
ment.

[2nd January, 1933.]

Short title.

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

Interpre-
tation.

2. In this Ordinance—

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

“ medical practitioner ” means a medical practitioner registered as a member of the Medical Board of Trinidad, under the provisions of the Medical Board Ordinance;

“ Optician ” means a sight-testing optician;

“ Register ” or “ Opticians Register ” means the register of Opticians to be kept in pursuance of this Ordinance;

“ secretary ” means such person as may from time to time be appointed by the Opticians Registration Board to be secretary to the Board.

Constitution
of the
Opticians
Registration
Board.

3. (1) For the purposes of this Ordinance, there shall be established a Board to be known as the Opticians Registration Board, consisting of the Director of Medical Services, two medical practitioners and two Opticians who in the opinion of the Governor are eligible to be registered or who are actually registered under this Ordinance, to be from time to time appointed by the Governor.

(2) The Director of Medical Services shall be the Chairman of the Board, and in his absence the Board may appoint a Chairman from among its members. Three members shall form a quorum.

(3) Any vacancy occurring on the Board shall be filled in the manner set out in subsection (1) hereof.

(4) A secretary shall be appointed from time to time by the Board, and he shall carry out the instructions of the Board.

4. (1) The secretary shall keep a Register, in the form contained in the Schedule hereto, to be styled the Opticians Register, of all persons registered as Opticians under this Ordinance. Register of Opticians.

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

5. No person, unless duly registered under the provisions of this Ordinance, shall practise sight-testing in the Colony either for or without reward, or carry on business as an Optician, or take or use the name or title of Optician (either alone or in combination with any other word or words) or any name, title, addition or description, implying that he is registered under this Ordinance, or that he is a person specially qualified to practise sight-testing. No person to practise sight-testing unless registered.

6. The following persons, upon satisfying the Board by documentary or other evidence that they are of good moral character and of their right to be registered and upon payment of a fee of \$24, 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 Commonwealth country or foreign country

recognised by the Board as furnishing a sufficient guarantee of the possession of 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 *bona 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 the manner hereinafter specified.

Examination
by Board of
applicants
under
section 6 (c).

7. (1) Any person who comes within the provisions of paragraph (c) of the preceding section, 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 two persons who need not be members of the Board, one being a medical practitioner and the other an Optician registered under this Ordinance, to hold such examination. 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 a fee of \$4.80. 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 of good moral character, and that he was at the date of the commencement of this Ordinance *bona fide* engaged in the practice of sight-testing in this Colony, and domiciled in this Colony in the manner required by paragraph (c) of the preceding section. 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 of \$24.

8. (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.

Application
for registra-
tion.

(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.

9. (1) Every Optician registered under this Ordinance shall pay to the secretary an annual registration fee of \$9.60 payable in the month of January in each year commencing from the year following his initial registration.

Registration
Fees.

(2) The secretary shall issue to such Optician a certificate which shall remain in force up to the 31st of December next after the issue thereof, unless the same be in the interval cancelled by order of the Board.

(3) If any Optician fails to pay the said annual fee of \$9.60, the Board may order his name to be erased from the Register, and may call upon the Optician to produce his certificate for cancellation.

(4) All initial registration fees and all annual fees received by the secretary shall be forthwith paid over by him to the Accountant General for the use of the Colony.

10. (1) The secretary, in the month of February in each year, shall cause to be published in the *Royal 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 *Royal Gazette* a notice of each subsequent registration or cancellation 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 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.

Evidence of practice of sight-testing.

11. 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.

Registered opticians entitled to recover charges.

12. 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.

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

13. If any Optician registered under this Ordinance is convicted of felony or misdemeanor 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.

Name may be restored to register.

14. 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.

15. (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) the name of every Optician ordered by the Board to be erased under the provisions of section 9 hereof;

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

16. 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 be liable, on summary conviction, to imprisonment for two years.

Penalty for secretary making false entry in or copy of Register.

17. Any person—

Offences.

(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 5 of this Ordinance,

Penalty. shall be liable, on summary conviction, to a fine of two hundred and forty dollars.

Exemptions. 18. (1) Nothing in this Ordinance contained shall extend to prejudice or in any way affect medical practitioners.

(2) Nothing in this Ordinance shall so operate as to prohibit (a) any licensed druggist from dispensing, selling or supplying any drugs; or (b) any wholesale dealer from supplying frames, ophthalmic lenses, or spectacles in the ordinary course of wholesale business; or (c) any person 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.

(Section 4)

SCHEDULE.

Opticians Register.

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