

OPTICIANS (REGISTRATION) ACT

CHAPTER 29:51

Act
36 of 1960
Amended by
5 of 1968
27 of 1987

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LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF THE ATTORNEY GENERAL AND LEGAL AFFAIRS

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CHAPTER 29:51

OPTICIANS (REGISTRATION) ACT

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CHAPTER 29:51

OPTICIANS (REGISTRATION) ACT

36 of 1960. **An Act to make provision for the Registration of Opticians, to regulate the practice of sight testing, and for purposes incidental thereto.**

Commencement.
40/1961. [15TH APRIL 1961]

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

Interpretation.
[27 of 1987]. **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;

Ch. 30:01. “drug” has the meaning assigned to it in the Food and Drugs Act;

“lens” means a lens ground for use in eye glasses;

Ch. 29:50. “medical practitioner” means a medical practitioner registered as a member of the Medical Board under the Medical Board 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;

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

“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 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 to be appointed by the Minister and consisting of—

Establishment of Opticians Registration Council. [27 of 1987].

- (a) two dispensing opticians nominated by the Dispensing Opticians Associations;
- (b) two medical practitioners, one an ophthalmologist, nominated by the Medical Board, and the other, the Chief Medical Officer or his alternate;
- (c) three optometrists nominated by the Trinidad and Tobago Optometrist Association.

(2) The Chairman shall be the Chief Medical Officer or his alternate who shall have an original and a casting vote.

(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.

Incorporation and Seal of Council. [5 of 1968].

(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.

(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.

Opticians Register. [27 of 1987].

(2) The Register shall be in three parts, showing separately—

- (a) the names of individuals registered as optometrists;
- (b) the names of individuals registered as dispensing opticians; and
- (c) the names of firms or companies registered to carry on the practice of optometry or dispensing opticians.

Qualification
for registration.
[27 of 1987].

6. (1) Upon furnishing evidence 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.

(3) Every firm or company desirous of carrying on the business of providing ophthalmic or dispensing service is required to apply to be registered under this Act and any such firm or company engaging in such business without being so registered is guilty of an offence.

(4) Where the applicant for registration under this Act is a firm or company, registration shall be conditional upon the

applicant having on its staff at least one individual who is himself registered under this Act as an optometrist or 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 therefor and shall be so registered.

Existing practitioners.

Ch. 12 No. 3. (1950 Ed.).

(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 ophthalmic prescriptions for a period of not less than five years prior to the date of the commencement of this Act; and
- (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 good character be entitled to be registered as a dispensing optician.

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

Nature of services. [27 of 1987].

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

(3) Notwithstanding any rule of law to the contrary optometrists are entitled to obtain and administer for external use only, in sight-testing, the diagnostic drugs listed in the Schedule.

Schedule.

(4) A dispensing optician entitled to fit contact lenses is permitted to use the drug fluorescein in sterile impregnated paper-strip form.

(5) No person registered under this Act shall be entitled to use diagnostic drugs unless he is—

- (a) an optometrist who qualified not earlier than 1960; or
- (b) an optometrist who qualified before 1960 but who satisfies the Council that he has successfully completed a course recognised by the Council in the use of drugs.

(6) The Minister, acting on the advice of the Council, may by Order, vary the Schedule by adding thereto or deleting therefrom.

Restrictions on the fitting of contact lenses. [27 of 1987].

8A. No person registered under this Act shall be entitled to fit contact lenses unless he is—

- (a) an optometrist who qualified not earlier than 1960;
- (b) an optometrist who qualified before 1960 but who satisfies the Council that he is proficient in the fitting of contact lenses; or
- (c) a dispensing optician who satisfies the Council that he is proficient in the fitting of contact lenses.

Application for registration. [27 of 1987].

9. (1) Subject to section 7 any individual, firm or company desiring to be registered under this Act shall make application to the Secretary and submit such evidence of eligibility for registration as shall be satisfactory to the Council.

(2) The Secretary shall as soon as possible after a decision has been reached by the Council in respect of any application for registration, inform the applicant of such decision.

Procedure for registration. [27 of 1987].

10. The Secretary shall submit each application to the Council and the Council if satisfied that the applicant is eligible and fit and proper to be registered under this Act shall direct the Secretary to register such applicant accordingly on payment of the registration fee.

Fees. [27 of 1987].

11. The fees payable under this Act shall be those prescribed in the Regulations.

12. (1) The Secretary shall issue to every individual, firm or company registered under this Act a licence, signed by the Chairman of the Council and by the Secretary, to practise as an optometrist or a dispensing optician, as the case may be, and such licence shall expire on the 31st day of December next after the issue thereof, unless it is cancelled or suspended earlier by order of the Council.

Annual
licence fee.
[27 of 1987].

(2) Every licensee under this section shall pay to the Secretary an annual licence fee payable in the month of January in each year commencing with the year immediately following his initial registration.

(3) If any licensee fails to pay the annual licence fee for three months after it becomes due, the 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 may seem proper.

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.

Publication in
the *Gazette*.

(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.

Unauthorised practice or assumption of title.

14. (1) Any person who not being an optometrist, either for or without reward, practises as an optometrist or takes or uses 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, is guilty of 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.

Possession of sight-testing apparatus.

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.

Recovery of charges for services.

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 subsection (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—

Discipline.
[5 of 1968].

- (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.

(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.

Appeals to
Supreme Court.

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.

Maintenance
of Register.

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.

False entry
on Register.

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.

Offences.
[5 of 1968].

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 therein; or
- (b) not being an optometrist or a dispensing optician under this Act, sells eye glasses or lenses or spectacle frames (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 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 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. Savings and exemptions.

(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. Penalties.

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. Laying of complaints, etc., on Council.

(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. Penalties payable to Council. [5 of 1968].

25. The Council may, with the approval of the Minister, make such Regulations as it considers necessary for carrying the Regulations. [5 of 1968].

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.

Collection and disposal of fees.

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

Section 8(3).
[27 of 1987].

SCHEDULE

Topical Anaesthetics for facilitating—

- (a) *the measurement of intracular pressure;*
- (b) *ocular prosthesis—*
 - (i) Amethocaine not over 0.5 per cent;
 - (ii) Benoxinate (oxybuprocaine hydrochloride) not over 0.4 per cent;
 - (iii) Proparacaine hydrochloride not over 0.5 per cent.

Diagnostic Staining Dyes—

- (a) Rose Bengal 1 per cent solution;
- (b) Fluorescein in sterile impregnated paper-strip form.

SUBSIDIARY LEGISLATION

**OPTICIANS (REGISTRATION AND LICENCE FEES)
REGULATIONS**

69/1993.
[113/2006
13/2013].

made under section 25

1. These Regulations may be cited as the Opticians (Registration and Licence Fees) Regulations. Citation.

2. Registration fees are as follows:

Registration fees.

- | | |
|-------------------------------------------------------------------------------------------|-----------|
| (a) an optometrist | \$100.00; |
| (b) a dispensing optician | \$100.00; |
| (c) a firm or company carrying on the practice of optometry or dispensing opticians... .. | \$500.00. |

3. Fees for a licence to practise are as follows:

Licence fees.

- | | |
|-------------------------------------------------------------------------------------------|-------------|
| (a) an optometrist | \$300.00; |
| (b) a dispensing optician | \$200.00; |
| (c) a firm or company carrying on the practice of optometry or dispensing opticians... .. | \$1,000.00. |
-