

THE OPTICIANS ACT
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SCHEDULE

THE OPTICIANS ACT

Cap. 269.
Act
7 of 2011
Sch.

[14th December, 1926.]

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

Short title.

2. In this Act—

Interpreta-
tion.

“optometry” or “the practice of optometry” means the employment of any methods for the estimation of errors of refraction of the human eye, and the prescribing or adapting of lenses to correct such errors.

3. The office of the Registrar-General of Births and Deaths shall be the registry of qualified opticians and the Registrar-General of Births and Deaths shall be the Registrar under this Act.

Registry and
Registrar.

4. The Registrar shall open and thereafter keep, as nearly as may be according to the Form in the Schedule, a register of qualified optometry practitioners.

Register of
practitioners
to be kept.
Schedule.

5. A copy of the register as it stands at any such time, shall be published by the Registrar in the first *Gazette* issued after each first day of June and December in every year.

Copy of
register to
be published
in *Gazette*.

Any copy of the *Gazette* containing the most recent copy of the register, shall be *prima facie* evidence in all legal proceedings that the persons therein specified are registered under this Act; and the absence of the name of any person from such copy shall be *prima facie* evidence that such person is not registered under this Act.

Registered
practitioners
entitled to
recover
charges.

6. Every person registered under this Act shall be entitled to practise optometry in this Island and to demand and recover reasonable charges for professional services and/or optical aid rendered by such person, and the cost of merchandise supplied by him.

Only regis-
tered practi-
tioners entitled
to practise
optometry.

7. No person, unless duly registered under the provisions of this Act, shall practise optometry in this Island either for or without reward nor carry on business under any title, name or description implying that he is registered under this Act. 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 optometry.

Persons
entitled to be
registered.

8. The following persons, upon satisfying the Registrar by documentary or other evidence that they are of good moral character and of their right to be registered, and upon payment of the registration fee of two dollars and ten cents, shall be entitled to be registered under this Act—

(a) Any person qualified or entitled to practise 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, at the passing of this Act, has been domiciled in Jamaica for not less than two years and also is and has been for not less than two years, *bona fide* engaged in the practice of optometry in this Island, and who holds a diploma, licence or certificate granted to him by any university, college or institution recognized by

the Minister, after and in consequence of his having passed through the course of study and examination in optometry, prescribed by such university, college or institution.

- (c) Any person who, at the passing of this Act, has been domiciled in Jamaica for not less than five years and also is and has been for not less than five years *bona fide* engaged in practice of optometry in this Island, and whom the Minister for special cause shown, permits to be registered without examination.

9. Any person who, at the passing of this Act, is *bona fide* engaged in the practice of optometry in this Island and also any person not qualified to be registered under section 8, but who in either such case holds a diploma, licence, or certificate granted to him by any university, college, or institution recognized by the Minister, after and in consequence of his having passed through the course of study and examination in optometry prescribed by such university, college, or institution, and who wishes to be registered under this Act, may make application in writing to the Minister to appoint a Board of Examiners for his examination under this Act.

Persons to
make
application
to Minister
for regis-
tration.

10. On receipt of such application the Minister shall appoint three persons, two of whom shall be registered medical practitioners and the third shall be duly registered under this Act, as a Board of Examiners, and the persons so appointed shall thereupon fix a time and place for holding the examination. The Minister shall appoint one of such registered medical practitioners to be the chairman of the Board of Examiners.

Constitution
of Board of
Examiners.

Appointment
of secretary
and fee
payable to
examiners
and
secretary.

11. The Minister shall appoint some fit and proper person to act as secretary to such Board and shall pay to each examiner for each examination, a fee of two dollars and ten cents, and to the secretary a fee of two dollars and ten cents.

Require-
ments for
candidates
for exam-
ination.

12. The candidate for examination shall first satisfy the Board of Examiners that he is of good moral character, and that he was at the date of the passing of this Act *bona fide* engaged in the practice of optometry in this Island, and that he attended a university, college or institution recognized by the Minister and/or that he holds a diploma, licence or certificate granted to him as aforesaid, and the Board of Examiners, if so satisfied, shall, with reasonable dispatch fully and fairly examine such candidate accordingly; and if they find him sufficiently informed and skilled, they shall give him a certificate to that effect, and he shall then be entitled to be registered under this Act, upon payment of the registration fee.

Examination
fee.

13. Any candidate who presents himself for examination shall be required to deposit with the secretary, before the examination, the sum of ten dollars and fifty cents, to be applied in payment of the fees mentioned in the preceding sections, and which shall not in any case be returned to the candidate.

Duties of
Registrar.

14. The Registrar shall erase from the register any entry which has been incorrectly and fraudulently made, and shall erase the name of any person who shall die, or who has given notice that he has ceased to practise.

The Registrar shall also, provided he first obtains the sanction of the Minister, erase the name of any person convicted of felony or misdemeanour, either before or after the passing of this Act, and either before or after registration.

15. Any person—

Offences.

- (a) who shall fraudulently procure or attempt to procure himself or any other person to be registered under this Act, or who shall aid or abet in such fraudulent procurement or attempt; or
- (b) who, not being registered under this Act, shall hold himself out of pretend to be, or use or take the name or title of optometrist, optician, or doctor or professor of optometry of any name, title or addition implying such qualification or that he is a person specially qualified to practise optometry;
- (c) who whether registered under this Act or not and not being a registered 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 or abbreviation of words, titles, or initials which are intended or may reasonably cause any person to believe that he is qualified to practise medical or surgical treatment of the eye;
- (d) who whether registered under this Act or not and not being a registered medical practitioner or acting under the instructions of a registered 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,

shall be guilty of an offence under this Act, and shall on summary conviction before a Resident Magistrate be liable to a penalty not exceeding five hundred thousand dollars, or to be imprisoned, with or without hard labour, for a term not exceeding six months:

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Provided always, that a person shall not be guilty of any offence under clause (b) if he shows that he has been registered and continues to be entitled to be registered under this Act, but that his name has been erased on the ground only that he ceased to practise in the Island.

Penalty for
Registrar
making
false entry,
etc.
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16. Any Registrar or other person who knowingly 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 guilty of a misdemeanor and be liable to a fine not exceeding one million dollars or imprisonment with or without hard labour for a term not exceeding two years.

Regulations.
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16A.—(1) The Minister may make regulations for the better carrying out of the provisions and purposes of this Act.

(2) Notwithstanding section 29(b) of the *Interpretation Act*, regulations made under this section may provide in respect of a breach of any of the provisions thereof for the imposition of penalties on summary conviction in a Resident Magistrate's Court of a fine not exceeding one million dollars or imprisonment for a term not exceeding twelve months or both such fine and imprisonment.

Minister
may amend
monetary
penalties.
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16B. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.

Exemptions.

17.—(1) Nothing in this Act contained shall extend to prejudice or in any way affect duly registered medical practitioners.

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

- (a) any registered chemist or druggist from dispensing, selling or supplying any drugs or applying them to secure local anaesthesia for the purpose of removing any foreign body from the eye;
- (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 registered medical practitioner, or a registered optician, spectacles kept in stock in a state ready for use.

OPTICIANS

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SCHEDULE

(Section 4)

Name	Address	Date of qualification or examination	Date of registration