

OPTICIANS (REGISTRATION) ACT

Act 7 of 1962 – 1 July 1962

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OPTICIANS (REGISTRATION) ACT

1. Short title

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

2. Interpretation

In this Act—

“Board” means the Opticians Registration Board established under section 3;

“dispensing optician” means a person who—

- (a) fits and supplies optical appliances in accordance with a prescription from an ophthalmic optician, an *opticien-lunetier* or an ophthalmologist; and
- (b) after satisfying the Board that he is suitably qualified—
 - (i) fits and supplies contact lenses; and
 - (ii) uses such medication as surface anaesthetics and colouring agents as may be necessary for that purpose;

“ophthalmic optician” means a person who—

- (a) evaluates visual acuity and prescribes, fits and supplies optical appliances for remedial purposes; and
- (b) uses such equipment and such medication as miotics, cycloplegics, mydriatics, surface anaesthetics and colouring agents as may be necessary for that purpose;

“ophthalmologist” means a medical practitioner who holds a recognised post-graduate qualification in ophthalmology;

“optical appliance” means an appliance designated to correct, remedy or relieve a defect of sight;

“optician” means a dispensing optician, an ophthalmic optician or an *opticien-lunetier*;

“*opticien-lunetier*” means a person who—

- (a) evaluates visual acuity and prescribes, fits and supplies optical appliances for remedial purposes in respect of persons above the age of 16; but
- (b) does not use any medication for that purpose except for the fitting of contact lenses;

“Permanent Secretary” means the Permanent Secretary of the Ministry responsible for the subject of health;

“register” means the register of opticians referred to in section 4.

[S. 2 amended by Act 13 of 1985.]

3. The Board

(1) There is established for the purposes of this Act an Opticians Registration Board.

(2) The Board shall consist of—

- (a) the Permanent Secretary as Chairperson;
- (b) the Chief Medical Officer;
- (c) 2 ophthalmologists;
- (d) a dispensing optician;
- (e) an ophthalmic optician; and
- (f) an *opticien-lunetier*.

(3) The members specified in subsection (2) (c) to (f) shall be appointed by the Minister.

(4) The members specified in subsection (2) (d) to (f) shall be appointed after consultation with the Association of Opticians.

(5) Every appointed member shall hold office for a period of one year and shall, at the end of his term of office, be eligible for reappointment.

(6) Four members of the Board shall constitute a quorum.

[S. 3 amended by Act 13 of 1985.]

4. Register of opticians

The Permanent Secretary shall keep a register in the form set out in the Schedule, which shall contain the names, addresses, qualifications and such other particulars as may be prescribed, of all persons who are registered as opticians.

5. Right to practise as optician

No person, unless registered under this Act, shall—

- (a) practise sight-testing or dispensing for or without reward;
- (b) carry on business as an optician; or
- (c) take or use any name, title, addition or description implying that he is registered under this Act.

6. Persons entitled to be registered

(1) Subject to subsection (2)—

- (a) any person who satisfies the Board that he holds—
 - (i) a qualification as an ophthalmic optician or dispensing optician recognised by or acceptable to the General Optical Council of the United Kingdom;
 - (ii) a qualification as an ophthalmic optician or dispensing optician or any comparable qualification acceptable to the Board and recognised in the country in which the qualification was obtained as entitling that person to practise as such in that country;
 - (iii) a qualification as *opticien-lunetier* delivered by a recognised educational institution in France, entitling the holder to practise as such in that country;
- (b) any person whom the Board has, under section 8, authorised to be registered;
- (c) any body corporate which satisfies the Board that one of its directors or employees is an optician and practising as such,

shall be eligible for registration as an optician under this Act.

(2) No person shall be registered as an optician except—

- (a) on production of a certificate of morality issued under the Certificate of Morality Act, to the effect that he is of good character; and
- (b) on payment to the Accountant-General of a fee of 100 rupees or such other fee as may be prescribed.

[S. 6 amended by Act 13 of 1985.]

7. Examination of applicants

(1) Subject to subsection (2), any dispensing optician registered under section 6 (1) (a) who wishes to be registered as an *opticien-lunetier* may apply in writing to the Board to sit for an examination under this Act.

(2) No person shall apply under subsection (1) unless—

- (a) he holds a qualification as dispensing optician recognised by or acceptable to the General Optical Council of the United Kingdom;
- (b) he has on 1 March 1985 been—
 - (i) domiciled in Mauritius for not less than 2 years;

- (ii) registered as a dispensing optician under this Act; and
- (c) he has been engaged in the practice of dispensing lenses and optical appliances—
 - (i) for not less than 10 years; or
 - (ii) where an ophthalmologist or an ophthalmic optician certifies that the applicant has undergone practical training in evaluating visual acuity under his supervision and to his satisfaction, for not less than 5 years.

(3) For the purpose of the examination under subsection (1), the Board shall nominate 3 examiners who may not be members of the Board, 2 of whom shall be ophthalmologists and the third one an ophthalmic optician registered under this Act.

(4) No person shall sit for the examination—

- (a) except on payment of a fee of 100 rupees; and
- (b) unless he satisfies the Board that he is of good character.

(5) The Board, if satisfied under subsection (4), shall direct the examiners to examine the candidate.

(6) (a) Where the examiners find the candidate sufficiently informed and skilled for the efficient practice of sight-testing, they shall report their findings to the Board which shall give to the candidate a certificate entitling him to register as *opticien-lunetier*.

(b) The candidate shall then be entitled to be registered under this Act upon payment of the registration fee.

[S. 7 amended by Act 13 of 1985.]

8. Application for registration

(1) Any person desiring to be registered under this Act shall apply in writing to the Chairperson of the Board and submit evidence of his eligibility for registration.

(2) (a) The Chairperson shall lay the application and evidence before the Board.

(b) Where the Board is satisfied that an applicant is eligible and is a fit and proper person to be registered, it shall direct that the applicant be registered.

9. Changes in register

(1) (a) The Board may cause to be erased from the register—

- (i) the name of any person registered under this Act who is convicted, in Mauritius or elsewhere, of an offence involving fraud or dishonesty, or is adjudged by the Board after due inquiry to have been guilty of infamous or disgraceful conduct in a professional capacity;

- (ii) the name of every deceased person entered on the register;
and
- (iii) an entry incorrectly or fraudulently made in the register.

(b) An optician whose name has been erased from the register shall have a right of appeal to the Supreme Court within a period of 3 months.

(2) The Board may, where it thinks fit, direct any name erased from the register to be restored on the payment of such fee, not exceeding the amount of the registration fee specified in section 6 as the Board may fix.

10. Evidence of practice of sight-testing

The use of test lenses, ophthalmoscopes, retinoscopes, or any apparatus that may be used to measure refraction, visual acuity, or muscular equilibrium shall be deemed conclusive evidence of the practice of sight-testing.

11. Offences

(1) Any person who—

- (a) fraudulently procures or attempts to procure himself or any other person to be registered under this Act, or who aids or abets in such fraudulent procurement or attempt;
- (b) not being registered under this Act, uses or takes the name or title of or holds himself out or pretends 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;
- (c) whether registered under this Act 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;
- (d) whether registered under this Act or not and not being a medical practitioner or acting under the instructions of a medical practitioner, administers or uses any drug other than those authorised by this Act for the purpose of paralysing the accommodation of the eye, facilitating the measurement of the powers of visions or treating any disease of the eye; or
- (e) contravenes section 5,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding 3 months.

(2) Prosecution for an offence under this Act may be instituted by—

- (a) the Chairperson of the Board; or

- (b) an officer of the Ministry responsible for the subject of health deputed in writing by him; or
- (c) a police officer.

[S. 11 amended by Act 13 of 1985.]

12. Saving

Nothing in this Act shall—

- (a) apply to medical practitioners;
- (b) prevent—
 - (i) a licensed pharmacist from dispensing, selling or supplying any drugs; or
 - (ii) a dealer from supplying frames, ophthalmic lenses, or spectacles in the ordinary course of wholesale business.

SCHEDULE

[Section 4]

Register

Name of person	If body corporate name of qualified director	Registered as ophthalmic optician or dispensing optician or both	Address	Qualification or examination and date	Other particulars
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