



BELIZE

**OPTICIANS ACT
CHAPTER 322**

REVISED EDITION 2011
SHOWING THE SUBSTANTIVE LAWS AS AT 31ST
DECEMBER , 2011

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2011.

This edition contains a consolidation of amendments made to the Act by Act No. 15 of 2004.

CHAPTER 322**OPTICIANS****ARRANGEMENT OF SECTIONS**

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CHAPTER 322

OPTICIANS

Ch.82,
R.L., 1958.
CAP.254.
R.E.1980-1990.
40 of 1963.
8 of 1978.
21 of 1982.
22 of 1987.
15 of 2004.

[10th September, 1927]

Short title.

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

Interpretation.

2. In this Act, unless the context otherwise requires,

21 of 1982.

“Council” means the Medical Council of Belize established under section 3 of the Medical Practitioners Registration Act, Cap. 318;

15 of 2004.

“Council for Human and Social Development” means the organ of the CARICOM Community empowered by Article 35 of the Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy in establishing common standards and measures for accreditation or mutual recognition of diplomas, certification and other evidence of qualification of nationals of CARICOM Member States.

“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;

“Register” means the “Opticians’ Register” kept under section 4 of this Act;

“Registrar” means the Registrar General.

Registry and Registrar.

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

4.-(1) The Registrar shall keep, as nearly as may be in accordance with the form in the First Schedule, an “Opticians’ Register” in which he shall enter the names of all persons entitled to be registered as optometry practitioners under this Act, and he shall give to each person at the time of registration a certificate in the form of the Second Schedule for which the stamp duty prescribed by the Stamp Duties Act, Cap. 64 shall be paid.

Keeping and publication of Register. 8 of 1978.

(2) The Registrar in the month of January in each year shall publish in the *Gazette* a copy of the said register.

(3) Any copy of the *Gazette* containing the most recent copy of the Register shall be sufficient evidence in all legal proceedings, unless the contrary is shown, that the persons therein specified are registered under this Act, and the absence of the name of any person from such copy shall be sufficient evidence, unless the contrary is shown, that such person is not registered under this Act.

(4) In the case of a person whose name does not appear in the copy of the *Gazette*, a certified copy under the hand of the Registrar of the entry of the name of such person in the Register shall be evidence that such person is registered under this Act.

5. Any person registered under this Act shall be entitled to practice optometry in Belize 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.

Registered practitioners entitled to recover charges.

6.-(1) No person, unless duly registered under this Act, shall practice optometry in Belize either for or without reward nor carry on business under any title, name or description implying that he is registered under this Act.

Only registered practitioners entitled to practice optometry.

(2) The use of test lenses, spectacles, trial frames, an ophthalmoscope, a 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.

7. The following persons, upon satisfying the Council by documentary or other evidence that they are of good moral character and of their right to be registered, and upon payment of a stamp duty prescribed by the Stamp Duties Act, are entitled to be registered under this Act,

(a) any person qualified or entitled to practice in the United Kingdom optometry under any Act for the time being in force or who holds the Sight Testing Diploma of the Worshipful Company of Spectacle Makers and/or the British Optical Association both of London, England;

15 of 2004.

(b) any person who holds a diploma, licence or certificate granted to him by any University, college, or institution recognised by the Council or by the Council for Human and Social Development as furnishing a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of optometry.

Registration of persons in Register. 21 of 1982.

8.-(1) Any person who desires to be registered under this Act shall make application to the Director of Health Services and shall submit such evidence as may be necessary to establish that he is entitled to be registered.

(2) The Director of Health Services shall forthwith lay such application before the Council, and the Council if satisfied that such person is of good moral character and is entitled to be registered, shall direct the Registrar to register such person.

(3) The Registrar shall thereupon register such person and publish notice thereof in the Gazette.

(4) Where the Council declines to direct the Registrar to register any person who applies to be registered, such person may appeal to a judge in chambers, by petition to be lodged with the Registrar.

(5) The Registrar shall, within ten days after the petition is lodged, bring it to the notice of a judge who shall hear and determine the appeal.

(6) Where the judge thinks that the applicant is of a good moral character and is entitled to be registered under this Act, a direction to that effect shall be issued to the Registrar and the order of the court shall be final and conclusive and not subject to an appeal to any other court.

9.—(1) The Registrar shall erase from the Register any entry which has been incorrectly or fraudulently made, and shall erase the name of any person who dies, or who has given notice that he has ceased to practice, or who has been continually absent from Belize for a period of three consecutive years.

Duties of Registrar.

(2) The Registrar shall also, provided he first obtains the sanction of the Minister, erase the name of any person convicted of a felony.

40 of 1963.

10.—(1) Where any person registered under this Act after due inquiry is judged by a majority of the Council to have been guilty of any infamous or disgraceful conduct in any professional respect, the Council may, if it sees fit, direct the Registrar to erase the name of such person from the Register.

Disgraceful conduct.
21 of 1982.

(2) Any person registered under this Act who is aggrieved by the judgment of the Council given in pursuance of subsection (1) of this section may appeal by petition to be lodged with the Registrar who shall confirm such judgment and order the costs to be paid by the unsuccessful party.

11.—(1) Any person,

Offences.

(a) who 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; or

- (b) who, not being registered under this Act, holds himself out or pretends to be, or uses or takes the name or title of optometrist, optician, or Doctor or Professor of Optometry or any name, title or addition implying such qualification or that he is a person specially qualified to practice optometry; or
- (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 practice medical or surgical treatment of the eye; or
- (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, commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding twelve months.

(2) A person shall not be guilty of any offence under paragraph (b) of this subsection, 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 practice in Belize.

12. Any person who knowingly fraudulently makes, or causes or permits to be made, any false or incorrect entry in the Register, or any copy thereof, commits an offence and is liable on conviction on indictment to imprisonment for a term not exceeding two years.

Obtaining entry by false representations.

13.—(1) Nothing in the Act shall extend to prejudice or in any way affect any registered medical practitioner.

Exemptions.

(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 in 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.

FIRST SCHEDULE

OPTICIANS ACT
Opticians' Register
[Section 4 (1)]

Name	Address	Identification	Date of Registration
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SECOND SCHEDULE

OPTICIANS ACT
Certificate of Registration
[Section 4 (1)]

BELIZE:

I HEREBY certify that in accordance with the provisions of the Opticians Act, Cap. 322, I have this day entered the name of-----
of -----in Belize, in the Opticians' Register.

GIVEN under my hand at Belize City in Belize, this----- day of -----, 20 .

Registrar General
