

# **Optometrists and Opticians Bill**

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**Bill No. 24/2007.**

*Read the first time on 21st May 2007.*

## **OPTOMETRISTS AND OPTICIANS ACT 2007**

**(No. of 2007)**

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A BILL

*i n t i t u l e d*

An Act to provide for the registration of optometrists and opticians, to regulate their practices and to provide for purposes connected therewith, to repeal the Contact Lens Practitioners Act (Chapter 53A of the 2002 Revised Edition) and to make a consequential amendment to the Central Provident Fund Act (Chapter 36 of the 2001 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

## PART I

## PRELIMINARY

**Short title and commencement**

1. This Act may be cited as the Optometrists and Opticians Act 2007  
5 and shall come into operation on such date as the Minister may, by  
notification in the *Gazette*, appoint.

**Interpretation**

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

10 “Board” means the Optometrists and Opticians Board established  
under section 4;

“certificate of registration” means a certificate of registration issued  
by the Board under section 17;

“Director” means the Director of Medical Services;

15 “eye care” means any form of healthcare that is related to the  
diagnosis and treatment of eye or vision-related conditions;

“inspector” means an inspector appointed by the Board under  
section 31(1);

“institution of higher learning” means a polytechnic or university;

20 “medical practitioner” means a person who is registered under the  
Medical Registration Act (Cap. 174);

“member” means a member of the Board;

“ophthalmologist” means a person who is, by virtue of registration in  
the Register of Specialists under the Medical Registration Act,  
entitled to practise as a specialist in ophthalmology;

25 “optical appliances” means lenses, spectacles, eyeglasses, artificial  
eyes, contact lenses or appurtenances thereto for the aid or  
correction of visual or ocular anomalies of the eyes;

“optician” means a person who is registered in the Register of  
Opticians under this Act;

30 “opticianry” or “the practice of opticianry” means any of the acts or  
activities specified in Part I of the Schedule;

“optometrist” means a person who is registered in the Register of Optometrists under this Act;

“optometry” or “the practice of optometry” means any of the acts or activities specified in Part II of the Schedule;

5 “practising certificate” means a practising certificate issued under section 18;

“refraction” means an eye examination to measure the power of vision;

10 “Register of Opticians” means the Register of Opticians kept and maintained under section 13(1)(b);

“Register of Optometrists” means the Register of Optometrists kept and maintained under section 13(1)(a);

“registered person” means a person who is registered under section 15 for the carrying out of any practice of optometry or opticianry;

15 “Registrar” means the Registrar of the Board;

“registration” means the registration of any person under section 15 as an optometrist or optician;

“regulations” means regulations made under section 37.

### **Application**

20 **3.** This Act shall not apply to any ophthalmologist in relation to his practice of optometry or opticianry.

## **PART II**

### **OPTOMETRISTS AND OPTICIANS BOARD**

#### **Establishment of Optometrists and Opticians Board**

25 **4.—(1)** There shall be established a body to be called the Optometrists and Opticians Board, which shall consist of not less than 10 and not more than 12 members appointed by the Minister, of whom —

(a) at least 2 shall be optometrists;

(b) at least 2 shall be opticians;

30 (c) at least one shall be an ophthalmologist;

(*d*) one shall be the Director or his representative;

(*e*) one shall be the Director-General of Education or his representative; and

5 (*f*) at least one shall be a person who is neither an optometrist, an optician nor a medical practitioner, to represent the interests of persons receiving optometry and opticianry services.

(2) Every member shall hold office for a term not exceeding 3 years and shall be eligible for reappointment.

10 (3) The Minister may, at any time, revoke the appointment of any member (other than a member in subsection (1)(*d*) or (*e*)) without assigning any reason.

### **Functions of Board**

5. The functions of the Board are —

15 (*a*) to approve or reject applications for registration under this Act and to approve any such applications subject to such restrictions as it may think fit;

(*b*) to accredit courses in the practice of optometry and opticianry in Singapore for the purposes of registration;

20 (*c*) to issue guidelines on the standards for the practice of optometry and opticianry;

(*d*) to make recommendations to the appropriate authorities for the training and education of optometrists and opticians;

(*e*) to determine and regulate the conduct and ethics of optometrists and opticians; and

25 (*f*) generally to do all such acts, matters and things as are necessary to be carried out under or for the purposes of this Act.

### **Chairman of Board**

6.—(1) The Minister shall appoint one of the members to be the Chairman of the Board.

30 (2) The Chairman shall preside at any meeting of the Board and, in his absence, the members present shall elect from among themselves one member to preside over the meeting.

### **Disqualifications from membership of Board**

7. No person shall be appointed or shall continue to hold office as a member if —

- (a) he is not a citizen or a permanent resident of Singapore;
- 5 (b) he is an undischarged bankrupt;
- (c) he has been convicted in Singapore or elsewhere of any offence involving fraud, dishonesty or moral turpitude; or
- (d) he is totally or partially incapacitated by a mental or physical disability.

### 10 **Filling of vacancies**

8.—(1) The office of a member shall become vacant if the member —

- (a) dies;
- (b) resigns his office;
- 15 (c) becomes subject to any of the disqualifications specified in section 7; or
- (d) has his appointment revoked before the expiry of the term for which he has been appointed.

(2) The Minister may remove from office any member who is absent without leave of the Board from 3 consecutive meetings of —

- 20 (a) the Board; or
- (b) any committee of which he is a member appointed by the Board.

(3) Any question as to whether a person has ceased to be a member shall be determined by the Minister whose decision shall be final.

25 (4) If any vacancy arises among the members, the Minister may appoint a person to fill the vacancy in the manner in which the appointment to the vacant office was made, and that person shall hold office for as long as the member in whose place he was appointed would have held office.

30 (5) No act done by or under the authority of the Board shall be invalid in consequence of any defect that is afterwards discovered in the appointment or qualification of the members or any of them.

**Meetings and quorum of Board**

9.—(1) The Board shall meet at such times and places as the Registrar may appoint.

5 (2) At any meeting of the Board, 5 members shall form a quorum and no business shall be transacted at any meeting unless a quorum is present.

(3) The Chairman or member presiding at any meeting of the Board shall have an original vote and, in the case of an equality of votes, a casting vote.

10 (4) Subject to subsection (2), the Board may act notwithstanding any vacancy in the membership of the Board.

(5) Subject to the provisions of this Act, the Board may regulate its own procedure.

(6) The Board shall keep minutes of its proceedings in such form or manner as it thinks fit.

**15 Appointment of committees and delegation of powers**

10.—(1) The Board may appoint one or more committees for any general or special purpose which, in the opinion of the Board, may be better dealt with or managed by a committee.

20 (2) The Board may delegate any of its powers or functions (except the power of delegation conferred by this subsection) to any committee so appointed, with or without restrictions or conditions as the Board thinks fit.

25 (3) The number and term of office of the members of a committee appointed under this section and the number of those members necessary to form a quorum shall be fixed by the Board.

(4) A committee appointed under this section may include persons who are not members of the Board.

30 (5) The Board may continue to exercise any power conferred upon it or perform any function under this Act notwithstanding the delegation of such power or function under this section.

**Disclosure of interest**

11.—(1) If a member is, directly or indirectly, interested in a matter under consideration by the Board and is present at a meeting of the Board



at which the matter is the subject of consideration, the member shall, at the meeting and as soon as practicable after it commences, disclose his interest in that matter and may, with the permission of the Board, participate in its consideration of that matter, but shall not vote on any question with respect to that matter.

(2) No act or proceedings of the Board shall be questioned on the ground that a member has contravened this section.

### PART III

#### REGISTRATION OF OPTOMETRISTS AND OPTICIANS

##### 10 **Appointment of Registrar**

**12.**—(1) For the purposes of this Act, the Minister shall appoint a member to be the Registrar of the Board.

(2) The Minister may appoint any person to act as Registrar during the absence from Singapore or incapacity from illness or otherwise of the Registrar.

##### **Registers**

**13.**—(1) The Registrar shall keep and maintain the following registers:

- (a) a Register of Optometrists containing the names of persons registered as optometrists under section 15; and
- 20 (b) a Register of Opticians containing the names of persons registered as opticians under section 15.

(2) The Register of Optometrists and the Register of Opticians shall contain the following particulars of every registered person:

- (a) his name and residential address;
- 25 (b) information as to whether he is practising as a proprietor or an employee;
- (c) the registered name of the business or eye care establishment that he operates or is employed by;
- (d) the address of his most current place of work;
- 30 (e) the date of his registration as an optometrist or optician;

(f) the qualifications by virtue of which he is registered and the date on which he obtained those qualifications; and

(g) such other particulars as the Board may determine.

(3) A registered person shall inform the Registrar in writing of —

5 (a) any change in his name, residential address, practice address or other particulars as may be prescribed, within 28 days of the occurrence of the change; and

(b) any alteration or addition to his qualifications.

10 (4) Any person who fails to comply with subsection (3)(a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

15 (5) A person who makes a report of a change in his residential address under section 8 of the National Registration Act (Cap. 201) shall be deemed to have complied with subsection (3)(a) in relation to his residential address on the date on which he makes the report.

(6) The Registrar may disclose any information in the Register of Optometrists or the Register of Opticians to any person prescribed by the regulations, if such disclosure is in accordance with such conditions as may be specified in those regulations.

20 (7) Subsection (6) is without prejudice to any other right or duty to disclose the information under any general or written law.

### **Alteration of registers**

**14.** The Registrar shall —

25 (a) insert in the Register of Optometrists or the Register of Opticians (as the case may be) any alteration to the name, address or other particulars of any registered person which may come to his knowledge;

30 (b) correct any error in any entry in the Register of Optometrists or the Register of Opticians (as the case may be) which may come to his knowledge;

(c) remove from the Register of Optometrists or the Register of Opticians (as the case may be) the name of any person —

(i) whose registration has been cancelled under any provision of this Act; or

- (ii) who is deceased; and
- (d) insert in the Register of Optometrists or the Register of Opticians (as the case may be) any alteration to the qualifications or any additional qualifications of a registered person.

5 **Registration of optometrists and opticians**

**15.**—(1) Any person who desires to carry out any practice of optometry or opticianry shall make an application for registration to the Board in accordance with the regulations.

10 (2) The Board may, subject to the regulations, register a person to carry out any practice of optometry or opticianry, as the case may be.

(3) The Minister may, in respect of the practice of optometry or opticianry, by regulations make provisions for or with respect to the following matters:

- (a) the different classes of registration;
- 15 (b) the form and manner of application, and the application fee, for each class of registration;
- (c) the qualifications and other requirements for each class of registration;
- (d) the conditions, restrictions and duration of each class of registration;
- 20 (e) the circumstances in which a class of registration may be altered or renewed and the fees payable in respect thereof;
- (f) the course, qualifying examination and evaluation for the purpose of any class of registration, the fees payable for such course, examination and evaluation, and the conditions upon
- 25 which an applicant may be exempted from such course, examination or evaluation; and
- (g) the practice and conduct of optometrists or opticians, including the carrying out of the practice of optometry or opticianry, the use of any means of giving publicity to their practice and the use
- 30 of titles and qualifications.

### **Refusal of registration**

16.—(1) The Board may refuse to register any applicant who —

(a) in the opinion of the Board, may not be registered in accordance with the regulations;

5 (b) in the opinion of the Board, is not of good reputation and character; or

(c) fails to satisfy the Board that he is able to effectively and safely carry out the practice of optometry or opticianry.

10 (2) Where the Board refuses to register an applicant, the Board shall by notice in writing inform the applicant of such refusal.

(3) Any person who is aggrieved by any refusal of the Board under subsection (1) may, within 30 days of the notice given under subsection (2), appeal to the Minister whose decision shall be final.

### **Certificate of registration**

15 17.—(1) Upon the registration of a person, the Board shall issue to him a certificate of registration and specify in the certificate the practice or practices of optometry or opticianry for which the person is registered.

20 (2) Where a person has had his registration in respect of any practice of optometry or opticianry cancelled or suspended under section 20, he shall surrender his certificate of registration to the Board —

(a) within 14 days of being notified by the Board of such cancellation or suspension; or

(b) in a case where an appeal is pending under section 22, within such period as the Board may specify.

25 (3) Any person who fails to comply with subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

### **Practising certificate**

30 18.—(1) A registered person who desires to obtain a practising certificate for the practice of optometry or opticianry for which he is registered shall make an application to the Board in such form and manner as the Board may require.

(2) The application shall be accompanied by the prescribed fee.

(3) A practising certificate shall be valid for such period as the Board may determine.

(4) An application for the renewal of a practising certificate shall be made no later than 30 days before the expiration of the practising certificate and shall be made in such form and manner as the Board may require.

(5) A registered person who applies for a practising certificate later than 30 days before the expiration of the practising certificate shall be liable to pay to the Board such late application fee as may be prescribed.

(6) Where a person has had his registration in respect of any practice of optometry or opticianry cancelled or suspended under section 20, he shall surrender his practising certificate to the Board —

(a) within 14 days of being notified by the Board of such cancellation or suspension; or

(b) in a case where an appeal is pending under section 22, within such other period as the Board may specify.

(7) Any person who fails to comply with subsection (6) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

### **Publication of list of registered persons**

**19.** The Registrar shall, from time to time, prepare and publish on an Internet website a list of the names, addresses, qualifications and dates of qualifications of all persons who —

(a) are registered as optometrists or opticians; and

(b) have in force practising certificates.

### **Power of Board to cancel registration, etc.**

**20.—(1)** Any complaint concerning the conduct of a registered person in his professional capacity shall be made to the Board in such form and manner as the Board may require.

(2) Where the Board receives any complaint against a registered person under subsection (1) or otherwise comes to know of any information concerning the conduct of a registered person in his professional capacity, the Board shall notify the registered person of the complaint or

information and give him an opportunity to be heard either personally or by counsel.

(3) The Board may cancel the registration of a registered person if the Board is satisfied that the registered person —

- 5        (a) has obtained his registration by a fraudulent or an incorrect statement;
- (b) has had any of his qualifications by virtue of which he was registered withdrawn or cancelled by the authority through which it was acquired or by which it was awarded;
- 10       (c) has had his registration in any other country for the practice of optometry or opticianry withdrawn, suspended or cancelled;
- (d) has ceased to carry on the practice of optometry or opticianry for which he is registered;
- (e) has failed to comply with any condition to which his registration is subject;
- 15       (f) has contravened any regulation made under this Act relating to the practice and conduct of optometrists or opticians that applies to him;
- (g) has been convicted of an offence in Singapore or elsewhere involving fraud or dishonesty;
- 20       (h) has been convicted of an offence in Singapore or elsewhere implying a defect in character which renders him unfit to remain on the Register of Optometrists or the Register of Opticians;
- (i) has been guilty of any professional misconduct or negligence;
- 25       (j) has been guilty of any improper act or conduct in his practice as an optometrist or optician which renders him unfit to remain on the Register of Optometrists or the Register of Opticians;
- (k) is unable to carry out the practice of optometry or opticianry for which he is registered safely or effectively by reason of any
- 30        mental or physical disability; or
- (l) has failed to pay any penalty imposed on him under subsection (4)(b).

(4) Where a registered person is liable to have his registration cancelled on any of the grounds referred to in subsection (3)(e) to (l), the Board

may, instead of cancelling his registration, take one or more of the following measures:

- (a) censure him;
- (b) impose on him a penalty not exceeding \$10,000;
- 5 (c) order that his registration be subject to such conditions as may be imposed by the Board for a period not exceeding 3 years;
- (d) suspend his registration for a period not exceeding 3 years.

(5) Where the Board determines that there are no merits in any complaint or information received by it concerning any registered person,  
10 it may dismiss the complaint or information.

(6) Every penalty imposed under subsection (4)(b) shall be recoverable as a debt due to the Government.

(7) Notwithstanding that any appeal under section 22 is pending, the decision of the Board to cancel or suspend the registration of a registered  
15 person, or to impose any penalty on him under subsection (4)(b), shall take effect on the date the decision has been communicated to him, unless the Board or the High Court otherwise directs.

(8) While the registration of a registered person for the carrying out of a practice of optometry or opticianry remains suspended, he shall not be  
20 regarded as a registered person in respect of that practice of optometry or opticianry for the purposes of this Act, but on the expiry of his suspension, his rights and privileges under this Act shall be revived.

(9) Where a person is registered in respect of 2 or more practices of optometry or opticianry, the Board may take action under this section in  
25 relation to his registrations for both or all of those practices of optometry or opticianry without having to institute separate proceedings.

### **Costs**

**21.**—(1) Where the Board cancels the registration of a registered person under section 20(3) or takes any action against him under section 20(4),  
30 the Board may order him to pay such sums as it thinks fit in respect of the costs and expenses of or incidental to any inquiry or investigation conducted or the taking of action against him.

(2) The High Court shall have jurisdiction to tax the sums ordered to be paid under subsection (1), and such sums shall be recoverable as a debt due to the Government.

### **Appeal**

5     **22.**—(1) Any person who is aggrieved by a decision of the Board under section 20(3), (4) or (5) may, within 14 days of the date of the decision of the Board or within such further period as the High Court may allow, appeal to the High Court against the decision.

10     (2) There shall be no further appeal against the decision of the High Court pursuant to subsection (1).

### **Conviction final and conclusive**

15     **23.** The Board in taking action under section 20, and the High Court on appeal from an order of the Board under section 22, shall accept the conviction of a registered person for a criminal offence as final and conclusive.

### **Restoration of registration**

**24.**—(1) A person whose registration has been cancelled under section 20 may apply to the Board for his name to be re-registered.

20     (2) The Board may, after considering all relevant circumstances, and upon the compliance by the applicant of all conditions imposed by the Board, if any, and the payment of the prescribed fee, re-register him.

   (3) No application for re-registration shall be made to the Board —

   (a) before the expiration of 3 years from the date of the cancellation; and

25     (b) more than once in any period of 12 months.

## **PART IV**

### **OFFENCES**

#### **Unlawful engagement in optometry or opticianry**

**25.**—(1) No person shall —

30     (a) carry out any practice of optometry or opticianry; or



(b) advertise or otherwise hold himself out to be qualified to carry out any practice of optometry or opticianry,

unless he is a qualified person in respect of the practice of optometry or opticianry in question, and he carries out that practice in accordance with the prescribed conditions.

(2) No person shall employ any person who is not a qualified person in respect of a practice of optometry or opticianry to carry out that practice of optometry or opticianry.

(3) Subsections (1) and (2) are subject to any transitional or saving provisions as may be provided for by section 41 or by the regulations.

(4) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both.

(5) In any proceedings for a contravention of subsection (2), it shall be a defence for the defendant to prove that —

(a) he did not know that the person he employed was not a qualified person in respect of the practice of optometry or opticianry in question; and

(b) he had exercised due diligence to ascertain if the person was a qualified person.

(6) In this section, “qualified person”, in relation to a practice of optometry or opticianry, means a person who is —

(a) registered to carry out; and

(b) has in force a practising certificate which authorises him to carry out,

that practice of optometry or opticianry.

### **Recovery of fees or charges**

**26.** No person shall be entitled to demand, claim, accept, receive, retain or sue for or recover any fee or charge in any court for any act done in contravention of section 25.

**Fraudulent registration, etc.**

27. Any person who —

- 5 (a) procures or attempts to procure registration as an optometrist or optician under this Act, a certificate of registration or a practising certificate, by knowingly making or producing or causing to be made or produced any false or fraudulent declaration, certificate, application or representation, whether in writing or otherwise;
- (b) wilfully makes or causes to be made any false entry in the Register of Optometrists or the Register of Opticians;
- 10 (c) forges or alters a certificate of registration or practising certificate;
- (d) fraudulently or dishonestly uses as genuine a certificate of registration or practising certificate which he knows or has reason to believe is forged or altered; or
- 15 (e) buys, sells or fraudulently obtains a certificate of registration or practising certificate,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

20 **Jurisdiction of court**

**28.** Notwithstanding anything to the contrary in the Criminal Procedure Code (Cap. 68), a District Court shall have jurisdiction to try any offence under this Act and shall have power to impose the full penalty or punishment in respect of the offence.

25 **Composition of offences**

**29.—**(1) The Board may, in its discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding —

- 30 (a) one half of the amount of the maximum fine that is prescribed for the offence; or
- (b) \$2,000,

whichever is the lower.

(2) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

(3) All sums collected under this section shall be paid into the Consolidated Fund.

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## PART V

### MISCELLANEOUS

#### **Accreditation and Examinations Committees**

**30.**—(1) The Board may appoint one or more committees in accordance with section 10, to be known as Accreditation and Examinations Committees, to carry out the following functions:

- (a) to determine the standard and content of qualifying examinations for the purpose of registration under section 15;
- (b) to assess and determine the standard and content of courses for the purpose of registration under section 15;
- 15 (c) to accredit all courses for the purpose of registration under section 15 and for continuing professional development;
- (d) to organise and conduct the examinations; and
- (e) to issue certificates to persons who have passed the examinations.

20 (2) The Board may authorise any institution of higher learning to carry out the functions referred to in subsection (1)(d) and (e).

#### **Inspectors**

**31.**—(1) The Board may appoint one or more public officers or officers of the Board as inspectors —

- 25 (a) to investigate the commission of an offence under this Act;
- (b) to investigate any complaint or matter in respect of which the Board may take action against registered persons under section 20; and
- 30 (c) to assess the quality and appropriateness of the facilities and services provided and the practices and procedures being carried out in relation to any practice of optometry or opticianry.

(2) For the purposes of subsection (1) —

(a) an inspector may —

5 (i) require any person to furnish any information that is within his knowledge that the inspector believes on reasonable grounds to be connected with any suspected contravention of this Act;

10 (ii) require any person to produce any book, document, paper or other record, or other article, which may be related to the subject-matter of the investigation for inspection by the inspector and for making copies thereof; and

(iii) examine orally any person supposed to be acquainted with the facts and circumstances relevant to the carrying out of the provisions of this Act; and

15 (b) an inspector who is duly authorised by the Board in writing may, without warrant, enter, inspect and search any premises which is used or proposed to be used, or in respect of which there is reasonable cause to believe is being used for the carrying out of any practice of optometry or opticianry, and may —

20 (i) inspect any apparatus, appliance, equipment or instrument used or found on the premises;

(ii) inspect, test, examine, take and remove any chemical, pharmaceutical or any other substance found on the premises;

25 (iii) inspect, test, examine, take and remove any container, article or other thing that the inspector reasonably believes to contain or to have contained any chemical, pharmaceutical or any other substance found on the premises;

30 (iv) inspect any test or procedure performed or carried out on the premises in order to ensure compliance with the provisions of this Act;

35 (v) inspect and make copies of and take extracts from, or require the person having the management or control of the premises to provide copies of or extracts from, any book, document, record or electronic material relating to the

affairs of the premises or the facilities or services provided or the practices or procedures being carried out thereat;

- 5 (vi) inspect and make copies of and take extracts from, or require any licensee or person having the management or control of the premises to provide copies of or extracts from, the medical record of any person who has been or who is being treated or examined at the premises, notwithstanding that the prior consent of such person has not been obtained;
- 10 (vii) take such photographs or video recording as he thinks necessary to record the premises or part thereof, including any apparatus, appliance, equipment, instrument, article, book, document or record (including a medical record) found on the premises; and
- 15 (viii) seize and remove from the premises any book, record, document, apparatus, equipment, instrument, material, chemical, pharmaceutical or any other substance which the inspector reasonably believes to be the subject-matter of, or to be connected with, an investigation under subsection (1)(a) or (b).

20 (3) A statement made by any person under subsection (2)(a)(i) or (iii) —

- (a) shall be reduced to writing and read over to him; and  
 (b) shall, after correction, be signed by him.

(4) Any person who, without lawful excuse —

- 25 (a) refuses to answer any question put to him by an inspector or gives a false answer to such question;  
 (b) refuses or fails to comply with any requirement of the inspector under subsection (2); or  
 30 (c) wilfully obstructs an inspector in the exercise of his authority under subsection (2),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

### **Assessor to Board**

**32.**—(1) For the purposes of advising the Board and any committee appointed by the Board, the Board may appoint an assessor to the Board who shall be an advocate and solicitor of not less than 10 years' standing.

5 (2) The assessor shall not participate or sit in any deliberations of the Board or its committees unless invited to do so, and his participation shall be limited only to questions of law arising from the proceedings.

(3) The Board may pay to the assessor such remuneration, to be paid as part of the expenses of the Board, as the Board may determine.

### 10 **Protection against liability**

**33.** No action shall lie against the Board, any committee or inspector appointed by the Board, or any member or employee of the Board or committee, for any act or thing done under this Act in respect of any matter or thing done in good faith for the purposes of carrying out the provisions of this Act.

### **Service of documents**

**34.**—(1) Any notice, order or document required or authorised by this Act to be served on any person may be served on the person —

20 (a) by delivering it to the person or to some adult member or employee of his family or household at his last known place of residence;

(b) by leaving it at his usual or last known place of residence or place of business in an envelope addressed to the person;

25 (c) by sending it by registered post addressed to the person at his usual or last known place of residence or place of business; or

(d) in the case of an incorporated company, a partnership or a body of persons —

30 (i) by delivering it to the secretary or other like officer of the company, partnership or body of persons at its registered office or principal place of business; or

(ii) by sending it by registered post addressed to the company, partnership or body of persons at its registered office or principal place of business.

(2) Any notice, order or document sent by registered post to any person in accordance with subsection (1) shall be deemed to be duly served on the person at the time when the notice, order or document, as the case may be, would in the ordinary course of post be delivered and, in proving  
 5 service of the notice, order or document, it shall be sufficient to prove that the envelope containing the same was properly addressed, stamped and posted by registered post.

(3) Any notice, order or document required or authorised by this Act to be served on the owner or occupier of any premises may be served by  
 10 delivering it or a true copy thereof to some adult person on the premises or, if there is no such person on the premises to whom it can with reasonable diligence be delivered, by affixing the notice, order or document to some conspicuous part of the premises.

(4) Any notice, order or document required or authorised by this Act to be served on the owner or occupier of any premises shall be deemed to be  
 15 properly addressed if addressed by the description of the owner or occupier of the premises without further name or description.

### **Exemption**

**35.**—(1) The Minister may, in his discretion and subject to such  
 20 conditions as he thinks fit, by order published in the *Gazette*, exempt any person or class of persons from all or any of the provisions of this Act.

(2) Nothing in this Act shall prohibit a person who is undergoing a course of instruction in the practice of optometry or opticianry, or any aspect thereof, which is accredited by the Board, from engaging in any  
 25 aspect of the practice of an optometrist or optician as a part of the course of instruction.

### **Amendment of Schedule**

**36.** The Minister may, after consultation with the Board, by order published in the *Gazette*, amend the Schedule.

### **Regulations**

**37.**—(1) Subject to the provisions of this Act, the Minister may, after consulting the Board, make such regulations as may be necessary or expedient to give effect to the provisions and purposes of this Act and for the due administration thereof.

(2) Without prejudice to the generality of subsection (1), regulations may be made to —

- (a) provide for the duties of the Registrar;
- (b) regulate the registration of optometrists and opticians;
- 5 (c) provide for the form of the Register of Optometrists and the Register of Opticians, the particulars to be entered therein and the mode in which each Register shall be kept;
- (d) regulate the issue and renewal of practising certificates;
- (e) regulate the removal and restoration of names in the Register of  
10 Optometrists and the Register of Opticians;
- (f) regulate the procedure of any committee appointed by the Board and the conduct of any proceedings of the committee;
- (g) provide for payment of fees to any member or any committee appointed by the Board;
- 15 (h) provide for the duties and functions of, and payment of remuneration to, the assessor appointed under section 32;
- (i) regulate the professional practice, ethics, conduct and discipline of registered persons;
- (j) regulate the use by registered persons of any means of giving  
20 publicity, whether by advertisements or otherwise, to their practice as optometrists and opticians;
- (k) regulate the procedures or methods used in the testing of sight and eyes and the prescription, dispensing, fitting, supply and sale of optical appliances;
- 25 (l) regulate the quality of optical appliances which may be sold or supplied by registered persons;
- (m) regulate the use and storage by registered persons of any machinery, equipment or other facility for the testing of sight and eyes and the supply and fitting of optical appliances;
- 30 (n) prescribe the forms necessary for the administration of this Act;
- (o) prescribe the manner in which and the time within which an application under this Act is to be made;



(p) provide that any person who contravenes any regulation made under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both;

5 (q) prescribe the offences which may be compounded;

(r) prescribe such other matters as are necessary or authorised to be prescribed under this Act; and

(s) provide for such incidental, supplementary or transitional provisions as may be necessary or expedient.

10

## PART VI

### REPEAL, SAVINGS AND TRANSITIONAL PROVISIONS

#### **Interpretation of this Part**

**38.** In this Part —

“appointed day” means the date of commencement of this Act;

15 “licence”, in relation to a licensed contact lens practitioner, means the licence granted to him under the repealed Act;

“licensed contact lens practitioner” means a person who, immediately before the appointed day, was holding a valid licence granted to him under the repealed Act (whether provisionally or otherwise) authorising him to practise as a contact lens practitioner under the provisions of that Act;

20 “repealed Act” means the Contact Lens Practitioners Act (Cap. 53A) repealed by this Act.

#### **Repeal**

25 **39.** The Contact Lens Practitioners Act (Cap. 53A) is repealed.

#### **Consequential amendment to Central Provident Fund Act**

**40.** Paragraph 6 of the First Schedule to the Central Provident Fund Act (Cap. 36) is amended by deleting item (11).

### **Persons licensed under repealed Act**

41.—(1) Notwithstanding anything in this Act, every licensed contact lens practitioner shall be deemed to be registered as an optician and have in force a practising certificate which authorises him to carry out any practice of opticianry under this Act, subject to such conditions or restrictions that the Minister may prescribe.

(2) For avoidance of doubt, nothing in subsection (1) shall prevent a licensed contact lens practitioner from —

(a) applying to be registered as an optometrist; and

(b) applying for a practising certificate to carry out any practice of optometry,

under this Act, subject to such conditions or restrictions that the Minister may prescribe.

### **Pending investigations, proceedings, etc.**

42.—(1) This Act shall not apply to any investigation, proceedings or appeal commenced under the repealed Act before the appointed day and that is still pending on that day, and the provisions of the repealed Act shall continue to apply to such investigation, proceedings or appeal as if this Act had not been enacted.

(2) For the purposes of subsection (1), the Contact Lens Practitioners Board shall continue to exist to complete its hearing of any proceedings that are pending on the appointed day and make such order or decision as it could have made under the repealed Act.

(3) Any order or decision made by the Contact Lens Practitioners Board pursuant to the provisions of the repealed Act shall be deemed to be, and shall have the same force and effect of, an order or decision made by the Optometrists and Opticians Board under this Act.

(4) Nothing in this section shall prejudice section 16 of the Interpretation Act (Cap. 1).

## THE SCHEDULE

Sections 2 and 36

### PART I

#### ACTS OR ACTIVITIES CONSTITUTING "OPTICIANRY" OR "THE PRACTICE OF OPTICIANRY"

5

1. Refraction for persons of 8 years of age or older.
2. Interpreting prescriptions of medical practitioners and optometrists.
3. Supplying, preparing and dispensing of all optical appliances, except for contact lenses.
- 10 4. Fitting, adjusting and adapting of all optical appliances, except for contact lenses, to the human face and eyes in accordance with the prescriptions of legally qualified medical practitioners and optometrists.

### PART II

#### ACTS OR ACTIVITIES CONSTITUTING "OPTOMETRY" OR "THE PRACTICE OF OPTOMETRY"

15

1. Refraction.
  2. Prescribing of optical appliances.
  3. Detecting abnormalities of the eye using the following methods:
    - (a) binocular vision tests;
    - 20 (b) ophthalmoscopy or fundoscopy;
    - (c) retinoscopy;
    - (d) slit-lamp examination;
    - (e) tonometry; and
    - (f) visual field testing.
  - 25 4. Any other type of practice of eye care which is part of the practice of opticianry.
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## EXPLANATORY STATEMENT

This Bill seeks to provide for the registration of optometrists and opticians, to regulate their practices and to provide for purposes connected therewith, to repeal the Contact Lens Practitioners Act (Cap. 53A) and to make a consequential amendment to the Central Provident Fund Act (Cap. 36).

### PART I

#### PRELIMINARY

Clause 1 relates to the short title and commencement.

Clause 2 defines certain terms used in the Bill.

Clause 3 provides that the Bill will not apply to any ophthalmologist in relation to his practice of optometry or opticianry.

### PART II

#### OPTOMETRISTS AND OPTICIANS BOARD

Clause 4 relates to the establishment of the Optometrists and Opticians Board (the Board).

Clause 5 sets out the functions of the Board.

Clause 6 provides for the appointment of the Chairman of the Board.

Clause 7 sets out the disqualifications from membership of the Board.

Clause 8 sets out the circumstances under which the office of a member of the Board becomes vacant and provides for the filling of such vacancies.

Clause 9 provides for the power of the Registrar of the Board (the Registrar) to call a meeting of the Board, the quorum for a meeting and the voting rights at a meeting.

Clause 10 provides for the appointment of committees and the delegation of powers by the Board.

Clause 11 provides that a member of the Board must disclose his interest in a matter which is the subject of consideration of the Board.

### PART III

#### REGISTRATION OF OPTOMETRISTS AND OPTICIANS

Clause 12 provides for the Minister to appoint a member of the Board to be the Registrar, and for the appointment of a person to act as Registrar during the absence from Singapore or incapacity from illness or otherwise of the Registrar.

Clause 13 provides for the keeping and maintenance of a Register of Optometrists and a Register of Opticians, and the particulars to be entered in those Registers.

Clause 14 requires the Registrar to make alterations to the Register of Optometrists or the Register of Opticians in certain circumstances, for example, by inserting a change in the particulars of a registered person, correcting an error in an entry, and removing the name of a person whose registration has been cancelled.

Clause 15 provides for the registration of persons who desire to carry out any practice of optometry or opticianry. The Minister may make regulations to provide for, among other things, different classes of registration, the form and manner of application for registration, the qualifications for registration, and the practice and conduct of registered persons.

Clause 16 sets out the circumstances under which the Board may refuse to register a person, and the right of a person aggrieved by such refusal to appeal to the Minister.

Clause 17 provides for the issue of a certificate of registration by the Board to a registered person.

Clause 18 provides for the issue of a practising certificate to a registered person.

Clause 19 requires the Registrar to publish on an Internet website a list of registered persons who have in force practising certificates.

Clause 20 empowers the Board to cancel the registration of a registered person in certain circumstances or, alternatively, to suspend his registration, impose a financial penalty, order his registration to be conditional on his compliance with specified conditions, or censure him.

Clause 21 empowers the Board to order a registered person to pay its costs and expenses if the Board has taken disciplinary action against him under clause 20.

Clause 22 provides for appeals to the High Court by persons aggrieved by decisions of the Board under clause 20.

Clause 23 provides that a conviction of a registered person will be accepted as final and conclusive for the purposes of proceedings under clauses 20 and 22.

Clause 24 empowers the Board to re-register a person whose registration has been cancelled.

#### PART IV

#### OFFENCES

Clause 25 prohibits the carrying out of any practice of optometry or opticianry by any person who is not a qualified person. The clause also prohibits a person who is not a qualified person from holding himself out as being qualified to carry out any practice of optometry or opticianry. The clause further prohibits a person from employing a person who is not a qualified person from carrying out any practice of optometry or opticianry. A qualified person is one who is registered to carry out, and who has in force a practising certificate authorising him to carry out, any practice of optometry or opticianry.

Clause 26 provides that a person may not recover any fee or charge in any court for an act done in contravention of clause 25.

Clause 27 makes the doing of certain acts an offence, such as the wrongful procurement of registration, a certificate of registration or a practising certificate, the wilful falsification of any entry in the Register of Optometrists or the Register of Opticians, the forgery or alteration of a certificate of registration or practising certificate, the fraudulent use of such a certificate which has been forged or altered, and the buying and selling of such a certificate.

Clause 28 provides that a District Court will have jurisdiction to try any offence under the Bill and will have power to impose the full penalty or punishment in respect of the offence.

Clause 29 empowers the Board to compound any offence which is prescribed as a compoundable offence.

## PART V

### MISCELLANEOUS

Clause 30 enables the Board to appoint one or more committees to be responsible for accrediting courses, for determining the standard and contents of examinations for purposes of registration and for organising and conducting such examinations.

Clause 31 enables the Board to appoint one or more public officers or officers of the Board as inspectors to investigate the commission of an offence under the Bill, or any complaint or matter in respect of which the Board may take disciplinary action against a registered person under clause 20, and provides for the powers of such inspectors in carrying out investigations.

Clause 32 provides for the appointment of an assessor to the Board, being an advocate and solicitor of not less than 10 years' standing, to advise the Board and any committee appointed by the Board.

Clause 33 provides that no legal proceedings will lie against the Board, its committees, its inspectors or any of the Board's members or employees for anything done under the Bill in the absence of bad faith.

Clause 34 relates to the service of notices, orders and documents under the Bill.

Clause 35 empowers the Minister to exempt, by order published in the *Gazette*, any person or class of persons from all or any of the provisions of the Bill.

Clause 36 empowers the Minister to amend the Schedule by order published in the *Gazette*.

Clause 37 empowers the Minister to make regulations for the purposes of the Bill.

## PART VI

### REPEAL, SAVINGS AND TRANSITIONAL PROVISIONS

Clause 38 defines certain terms used in Part VI.

Clause 39 repeals the Contact Lens Practitioners Act (Cap. 53A).

Clause 40 makes a consequential amendment to the Central Provident Fund Act (Cap. 36) arising from the repeal of the Contact Lens Practitioners Act.

Clause 41 contains a saving provision that is applicable to persons who had been licensed as contact lens practitioners under the repealed Act immediately before the commencement of the Bill.

Clause 42 provides for the continuation and completion of disciplinary proceedings against contact lens practitioners under the repealed Act.

The Schedule sets out the acts or activities constituting “opticianry”, “the practice of opticianry”, “optometry” and “the practice of optometry”.

### EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.

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