

OPTICAL BILL 1991

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A BILL

i n t i t u l e d

An Act to provide for the registration of persons practising as opticians and optometrists, to control the practice of optometry, and for matters connected therewith.

[]

BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

PART I

PRELIMINARY

1. (1) This Act may be cited as the Optical Act 1991. Short title and commencement.
- (2) This Act shall come into force on such date as the Minister may appoint by notification in the *Gazette*, and the Minister may—
 - (a) appoint different commencement dates for different provisions of this Act;
 - (b) appoint different commencement dates for different parts of Malaysia.
2. In this Act, unless the context otherwise requires— Interpretation.

"Chairman" means Chairman of the Council;

"Council" means the Malaysian Optical Council constituted under section 3;

"Deputy Director General" means the Deputy Director General of Health, Malaysia;

"Director General" means the Director General of Health, Malaysia;

Act 30. "higher educational institution" means a University or University College established under the Universities and University Colleges Act 1971;

Act 50. "medical practitioner" means a person registered under the Medical Act 1971;

"member" means a member of the Council;

"ophthalmic lens" means a lens which is used to correct, remedy or relieve any refractive abnormalities or optical defects of sight;

"ophthalmologist" means a person who is registered under the Medical Act 1971 and who specialises in the care of eye conditions;

"optical appliance" means an appliance designed to correct, remedy or relieve any refractive abnormalities or optical defects of sight;

"optometry" means the employment of methods for the measurement of the powers of vision, or the adaptation of ophthalmic lenses or prisms for the aid of the powers of vision, or both;

"Register" means a Register kept in accordance with section 17;

"registered optician" means an optician registered under section 18;

"registered optometrist" means an optometrist who is registered under section 19;

"registered person" means a person registered under section 18 or 19 and includes a person provisionally registered under subsection (3) of section 18;

"Registrar" means the Registrar referred to in section 16.

PART II

THE MALAYSIAN OPTICAL COUNCIL

3. There is hereby established a body corporate with perpetual succession and a common seal and which may sue and be sued in its name to be called the Malaysian Optical Council. Establishment of Council.

4. (1) The Council shall consist of the following members: Composition of Council.

- (a) the Director General who shall be the Chairman;
- (b) the Deputy Director General who shall be the Deputy Chairman;
- (c) two ophthalmologists resident in Malaysia, one of whom shall be from the public sector, to be appointed by the Minister;
- (d) two registered optometrists resident in Malaysia to be elected by registered optometrists resident in Malaysia;
- (e) two registered opticians resident in Malaysia to be elected by registered opticians resident in Malaysia;
- (f) one representative from any higher educational institution offering a course or programme in optometry, to be appointed by the Minister.

(2) Notwithstanding subsection (1), the first Council shall consist of the following members:

- (a) the Director General who shall be the Chairman;
- (b) the Deputy Director General who shall be the Deputy Chairman;
- (c) two ophthalmologists resident in Malaysia, one of whom shall be from the public sector, to be appointed by the Minister;
- (d) two persons who are resident in Malaysia and are qualified to be registered as optometrists under this Act, to be appointed by the Minister;

- (e) two persons who are resident in Malaysia and are qualified to be registered as opticians under this Act, to be appointed by the Minister;
- (f) one representative from any higher educational institution offering a course or programme in optometry, to be appointed by the Minister.

(3) If the Chairman is unable to exercise his functions under this Act or any regulations made under this Act due to illness, absence from Malaysia or any other cause, his functions shall be exercised by the Deputy Chairman.

(4) Without prejudice to subsection (3), the Chairman may delegate any of his functions to the Deputy Chairman who, in exercising such functions, shall be subject to the control, supervision and direction of the Chairman.

Tenure of office.

5. (1) Subject to subsection (2), a member who is appointed or elected under subsection (1) or (2) of section 4 shall hold office for a term of three years and is eligible for reappointment or re-election.

(2) The Minister shall, in appointing the members referred to in paragraphs (c), (d) and (e) of subsection (2) of section 4, ensure that the term of office of one of the members to be appointed under each of such paragraphs expires one year earlier than the term of office of the other member appointed under the same paragraph.

(3) Where the office of a member becomes vacant before the expiration of his term of office, the person appointed or elected to fill the vacancy shall hold office for the unexpired portion of the term of office of the member whose office has become vacant.

Remuneration.

6. (1) Subject to subsection (2), a member is not entitled to be paid in respect of duties or functions performed by him in pursuance of this Act.

(2) A member of the Council is entitled to reimbursement for any expenses reasonably incurred by him in the performance of his duties or functions under this Act.

7. No person shall be appointed or elected to be a member unless he is a citizen of Malaysia. Citizenship.

8. A member who is appointed or elected under subsection (1) or (2) of section 4 shall be deemed to have vacated his office— Vacation of office.

- (a) if his appointment is terminated; or
- (b) if he becomes an undischarged bankrupt; or
- (c) if he is certified to be of unsound mind; or
- (d) if he has been convicted by a court in Malaysia or elsewhere of any offence involving fraud, dishonesty or moral turpitude, or of any offence punishable with imprisonment (whether in itself only or in addition to or in lieu of a fine) for more than two years; or
- (e) if he resigns his office in writing addressed to the Chairman and the resignation is accepted by the Chairman; or
- (f) if he is absent without leave of the Council for three consecutive meetings of the Council; or
- (g) if he ceases to be an ophthalmologist, a registered optician or a registered optometrist.

9. (1) Subject to subsection (2), a meeting of the Council shall be convened by the Chairman by notice in writing to the other members and the meeting shall be held at the time and place specified in the notice. Meetings of the Council.

(2) The Minister may, by notice in writing to each member, direct that a meeting be held at the time and place specified in the notice.

(3) The Council shall meet at least once in six months.

Procedure
at meetings.

10. (1) The Chairman, if present, shall preside at all meetings of the Council.

(2) If the Chairman is absent from any meeting of the Council the Deputy Chairman shall preside and if both are absent the members present at the meeting shall elect one of themselves to preside at that meeting.

(3) The Chairman or the Deputy Chairman, when he is presiding at a meeting, shall have a casting vote.

(4) At a meeting of the Council, five members constitute a quorum.

(5) All questions before a meeting of the Council shall be decided by a simple majority of the members present and voting.

(6) Subject to this Act, the procedure of the Council shall be as the Council determines.

Committees.

11. (1) The Council may appoint committees to assist it in carrying out its functions under this Act.

(2) The Council may delegate any of its functions under this Act, other than this power of delegation, to any committee appointed from amongst members of the Council.

(3) A delegation under subsection (2) is revocable by the Council and shall not prevent the Council from carrying out any of its functions under this Act.

Public
Authorities
Protection
Act.
Act 198.

12. The Public Authorities Protection Act 1948 shall apply to any action, suit, prosecution or proceeding against the Council or against any member, officer, servant or agent or the Council in respect of any act, neglect or default done or committed by him in such capacity.

Public
servants.
*F.M.S.
Cap. 45*

13. All members of the Council, while discharging their duties as such members, shall be deemed to be public servants within the meaning of the Penal Code.

14. The Minister may, from time to time, issue general directions not inconsistent with the provisions of this Act and the Council shall give effect to such directions. Power of the Minister to issue directions.

15. The Council shall furnish the Minister with all such returns and information with respect to its activities as the Minister may from time to time require. Returns.

PART III

REGISTRATION OF OPTICIANS AND OPTOMETRISTS

16. (1) For the purposes of this Act there shall be a Registrar. Registrar.

(2) The Director General shall be the Registrar.

(3) The Minister may appoint a public officer, who need not be a member of the Council, to be the Deputy Registrar.

(4) The Registrar may delegate any of his functions under this Act or any regulations made under this Act to the Deputy Registrar who, in exercising such functions, shall be subject to the control, supervision and direction of the Registrar.

17. (1) The Registrar shall cause the following Registers to be kept in the prescribed form: Register.

(a) a Register of opticians;

(b) a Register of optometrists.

(2) Without prejudice to subsection (1), the Registers may contain such particulars as may be determined by the Council.

(3) The Registrar shall be responsible for the maintenance and custody of the Registers in accordance with the provisions of this Act and the regulations made under this Act.

(4) The Registers shall be deemed to be public documents within the meaning of the Evidence Act Act 56 1950.

(5) A certificate under the hand of the Registrar that any person—

- (a) is or is not registered under this Act; or
- (b) was or was not at any time registered under this Act,

shall be conclusive evidence of the matters referred to therein.

Persons
entitled to
be registered
as opticians.

18. (1) Any person is entitled to be registered as an optician if he satisfies the Council that he is not less than eighteen years of age, is a fit and proper person to be registered as an optician and holds any of the qualifications specified in the First Schedule.

(2) The Council may authorise the registration of any person as an optician if he satisfies the Council that he is not less than eighteen years of age, is a fit and proper person to be registered as an optician and—

- (a) was engaged in the practice of prescribing and dispensing ophthalmic lenses for a period of not less than one year immediately prior to the coming into force of this Act; or
- (b) holds a qualification which is not specified in the First Schedule but is deemed suitable by the Minister, after consulting the Council, for purposes of registration.

(3) The Council may, subject to such conditions or restrictions as the Council may impose, allow a person—

- (a) who is attending a course leading to any of the qualifications specified in the First Schedule; and
- (b) who is required to undergo practical training as part of such course,

to be provisionally registered in the Register of opticians for the duration of such practical training and, notwithstanding section 29, such person may practise as if he was a registered optician.

(4) Where the Council is satisfied that a person who is provisionally registered under subsection (3)—

- (a) is not or is no longer attending a course leading to any of the qualifications specified in the First Schedule; or
- (b) is not or is no longer undergoing practical training as part of such course; or
- (c) has contravened any condition or restriction imposed upon him,

the Council may revoke the provisional registration of such person and order his name to be struck off the Register.

19. (1) Any person is entitled to be registered as an optometrist if he satisfies the Council that he is not less than eighteen years of age, is a fit and proper person to be registered as an optometrist and holds any of the qualifications specified in the Second Schedule.

Persons entitled to be registered as optometrists.

(2) The Council may authorise the registration of any person as an optometrist if he satisfies the Council that he is not less than eighteen years of age, is a fit and proper person to be registered as an optometrist and holds a qualification which is not specified in the Second Schedule but is deemed suitable by the Minister, after consulting the Council, for purposes of registration.

20. (1) Subject to the provisions of this Act and regulations made thereunder, any person who seeks to be registered under this Act may apply to the Registrar in the prescribed form.

Mode of registration.

(2) Registration under this Act shall be effected by entering in the Register the applicant's particulars as prescribed upon payment of the prescribed fee.

(3) Every entry in the Register shall be signed by the Chairman.

(4) Where a person is registered under this Act, the Council shall cause to be issued to him a certificate of registration under the hand of the Chairman.

(5) The provisions of this section shall apply to an application for provisional registration under subsection (3) of section 18 and to the provisional registration itself.

Council's
disciplinary
jurisdiction.

21. (1) The Council shall have disciplinary jurisdiction over all registered persons.

(2) The Council may exercise disciplinary jurisdiction over any registered person—

- (a) whose registration has been obtained by fraud or misrepresentation; or
- (b) whose diploma, certificate or other qualification has been withdrawn or cancelled by the university, college or body by which it was conferred; or
- (c) who has been convicted by a court in Malaysia or elsewhere of any offence involving fraud, dishonesty or moral turpitude or who has been sentenced to imprisonment (whether in itself only, or in addition to or in lieu of a fine) for a term of more than one year; or
- (d) who was not at the time of his registration entitled to be registered.

Disciplinary
punishments

22. (1) The Council may, in the exercise of its disciplinary jurisdiction, impose any of the following punishments:

- (a) order the name of the registered person to be removed from the Register; or
- (b) order the name of the registered person to be suspended from the Register for such period as it may think fit; or
- (c) make any of the above orders but suspend the application thereof subject to such conditions as it may think fit for a period or periods not exceeding two years; or
- (d) order the registered person to be reprimanded.

(2) The Council may, in any case, make such order as it deems fit with regard to the payment of the costs of the Registrar and of any complainant or of the registered person.

(3) Any costs awarded under subsection (2) may be recovered as a civil debt.

23. (1) Before making any disciplinary order, the Council shall hold an inquiry. Inquiry.

(2) The registered person against whom any complaint is made may be represented by a counsel or any person authorised by the registered person in writing.

(3) In conducting the inquiry the Council shall not be bound by the provisions of the Evidence Act 1950 or by any legal procedure but may conduct the inquiry in a manner it deems fit.

(4) The Council may appoint a counsel to assist it,

(5) The Council may suspend temporarily the registration of the registered person pending the decision of the Council or the disposal of any appeal.

24. (1) Where the name of a registered person has been ordered by the Council to be removed from the Register, that person shall deliver his certificate of registration to the Council within fourteen days of the receipt of the order. Surrender of certificate of registration.

(2) Any person who fails to comply with subsection (1) commits an offence.

25. (1) Any person who is aggrieved by any order made in respect of him by the Council under section 22 may appeal, in accordance with the regulations made under this Act, to the Appeal Board constituted under subsection (6) and the Appeal Board may thereupon affirm, reverse or vary the order appealed against or may give such orders as it may deem just or proper. Appeals.

(2) The Appeal Board may, in any case, make such order as it deems fit with regard to the payment of costs, and any costs awarded may be recovered as a civil debt.

(3) Notwithstanding subsection (1), the Appeal Board shall not have power to hear an appeal against an order made under section 22 unless notice of the appeal is given within one month of the service of the order.

(4) The Council shall give effect to any decision made by the Appeal Board.

(5) The decision of the Appeal Board shall be final.

(6) For the purposes of this section, there shall be established an Appeal Board consisting of —

(a) a Judge of the High Court, as Chairman, who shall be appointed by the Yang di-Pertuan Agong after consultation with the Lord President; and

(b) two other persons who shall be appointed by the Yang di-Pertuan Agong.

(7) A member of the Appeal Board shall, unless he sooner resigns his office or his appointment is revoked, hold office for such term as may be specified in the instrument appointing him and shall be eligible for reappointment.

(8) Subject to this Act and the regulations made under this Act, the procedure of the Appeal Board shall be as the Board determines.

Removal of
name by
reason
of physical
or mental
infirmity.

26. (1) Without prejudice to the provisions of subsection (4) of section 18 and the provisions of section 22, the Council may order the name of any registered person to be removed from the Register if the Council is satisfied that such registered person is incapable, by reason of physical or mental infirmity, of carrying out his duties as an optician or optometrist.

(2) For the purpose of satisfying itself that any registered person is incapable, by reason of physical or mental infirmity, of carrying out his duties as an optician or optometrist, the Council shall appoint a Medical Review Board which shall consist of not less than three medical practitioners to inquire into each case and to make such recommendation as the Board deems proper.

(3) The provisions of sections 24 and 25 shall apply to any person whose name has been ordered to be removed from the Register under this section.

27. Without prejudice to any other provision of this Act, if the Council is satisfied that a registered person—

Alterations to the Registers.

(a) is deceased; or

(b) is no longer practising as an optician or optometrist in Malaysia; or

(c) is admitted to or confined in any mental hospital under the provisions of any law,

the Council shall cause his name and all particulars relating to him to be removed from the appropriate Register.

28. (1) Where the name of a registered person has been removed from the Register, he may apply for his name to be restored in the Register on the ground that by reason of a specified change in circumstances that had occurred since the date of the removal it is just that his name be so restored.

Restoration of name in Register.

(2) The Council may in its discretion, upon application made to it, order that the names of the applicant be restored in the Register.

(3) A person who is aggrieved by a decision of the Council under subsection (2) may appeal to the Minister whose decision shall be final and conclusive.

PART IV

THE PRACTICE OF OPTOMETRY

Only registered persons may practise optometry.

29. (1) No person shall practise optometry unless he is a registered person.

(2) Notwithstanding subsection (1) but subject to section 30, no person shall prescribe or dispense contact lenses unless he is a registered optometrist.

(3) Subsections (1) and (2) shall not apply to a medical practitioner.

(4) Any person who contravenes this section commits an offence.

Council may permit opticians to prescribe and dispense contact lenses.

30. (1) Notwithstanding subsection (2) of section 29, the Council may, on the application of a registered optician—

(a) who has been prescribing and dispensing contact lenses for a period of three years or more immediately prior to the date of coming into force of this Act; or

(b) who has been prescribing and dispensing contact lenses for a period of less than three years immediately prior to the date of coming into force of this Act and, subject to subsection (2), has passed, within a period of six years from the date of coming into force of this Act, such examination as may be set by the Council,

permit him to continue prescribing and dispensing contact lenses.

(2) No person shall be allowed to sit for the examination referred to paragraph (b) of subsection (1) unless he has completed, within one year of the date of coming into force of this Act, a training course approved by the Council and has been engaged in the practice of prescribing and dispensing contact lenses for a period

which shall not be less than the difference between a period of three years and the period during which he has been prescribing and dispensing contact lenses immediately prior to the date of coming into force of this Act.

(3) Notwithstanding subsection (2) of section 29 and solely for the purposes of paragraph (b) of subsection (1), a registered optician referred to in that paragraph may continue to prescribe and dispense contact lenses for a period not exceeding six years from the date of coming into force of this Act.

(4) Notwithstanding subsection (2) of section 29 and subsection (1) of this section, the Council may, on the application of a registered optician and upon being satisfied that the applicant has received proper training, and is competent, in the prescribing and dispensing of contact lenses, permit him to prescribe and dispense contact lenses.

(5) The Council may, before giving its permission under subsection (4), require the applicant to pass such examination as may be set by the Council.

(6) The permission referred to in subsections (1) and (4) shall be given in writing in such form as the Council may determine.

31. (1) No person other than a medical practitioner shall employ a method for the measurement of the powers of vision which involves the use of drugs.

Prohibition against the use of drugs to measure powers of vision

(2) Notwithstanding subsection (1)—

(a) a registered optometrist; and

(b) a registered optician who is permitted to prescribe and dispense contact lenses under this Act,

may use for refractive purposes such drugs as may be deemed suitable by the Council from time to time.

Annual
practising
certificate.

32. (1) A registered person who intends to practise as an optician or optometrist after the thirty-first day of December of any year shall, not later than the first of December of that year, make an application in the prescribed form and pay the prescribed fee for a certificate to practise as an optician or optometrist during the following year.

(2) Upon receipt of the application and payment mentioned in subsection (1), the Registrar shall issue to the applicant an annual practising certificate authorising the applicant to practise as an optician or optometrist during the year for which the certificate is issued.

(3) Subject to subsection (4), a certificate issued under subsection (2) shall be in force until the thirty-first day of December of the year for which the certificate is issued.

(4) A registered person who fails to apply for an annual practising certificate in the manner and within the period laid down in subsection (1) may, upon making an application in such form and on payment of such additional fee as may be prescribed, be granted an annual practising certificate for the following year, if the application is made during the month of December of any year, or for the remainder of the year, if the application is made on or after the first day of January of any year.

(5) Notwithstanding anything to the contrary in this Act, a registered person may practise as an optician or optometrist without an annual practising certificate up to the thirty-first day of December of the year in which he is first registered as an optician or optometrist and, for the purpose of this Act and any regulations made under this Act, he shall be deemed to have an annual practising certificate for that period.

(6) An annual practising certificate and an application for an annual practising certificate shall

contain the address of the principal place of practice and all other places of practice of the applicant, and any change in any such address shall be notified by the registered person to the Registrar and an endorsement of such change on the annual practising certificate shall be obtained from the Registrar within thirty days of such change.

(7) Any person who fails to notify the Registrar, as required under subsection (6), of any change of address commits an offence.

(8) A certificate under the hand of the Registrar that any person—

- (a) is or is not the holder of an annual practising certificate; or
- (b) was or was not at any time a holder of an annual practising certificate.

shall be conclusive evidence of the matters referred to therein.

33. A person who—

- (a) practises as an optician or optometrist without a valid annual practising certificate; or
- (b) is in partnership with a person who practises as an optician or optometrist without a valid annual practising certificate; or
- (c) employs a person who practises as an optician or optometrist without a valid annual practising certificate,

Practising
without
annual
practising
certificate.

commits an offence and shall not be entitled to recover any fee, reward, disbursement or cost incurred during the time when he or any other person mentioned in paragraph (b) or (c) does not have an annual practising certificate.

PART V

GENERAL

- Fraudulent registration. 34. A person who is registered or who attempts to get himself or any other person to be registered under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration either orally or in writing commits an offence.
- Offences. 35. (1) A person who is not registered under this Act commits an offence if he—
- (a) wilfully and falsely takes or uses the name or title of "optician" or "optometrist"; or
 - (b) wilfully and falsely pretends to be a registered person; or
 - (c) wilfully and falsely pretends to be qualified to practise optometry; or
 - (d) wilfully and falsely takes or uses any name, title, addition or description implying that he is a registered person or that he is recognised by law as an optician or optometrist; or
 - (e) wilfully and falsely takes or uses any name, title, addition or description, or uses any instrument, calculated to induce any person to believe that he is qualified to practise optometry; or
 - (f) uses the term "optician" or "optometrist" or the equivalent of either of these terms in any other language on the signboard over his place of practice in purported practice of optometry; or
 - (g) holds himself out, by advertisement or otherwise, as being qualified or authorised to practise optometry.
- (2) A person or a firm commits an offence if in the course of a business carried on by the person or firm—
- (a) any person employed by the person or firm; or

(b) any member of the firm,
practises optometry without being registered under this Act.

(3) A person who commits an offence under this section shall be liable on conviction to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

36. (1) Subject to subsection (2), no person shall sell any optical appliance unless the sale is effected by or under the supervision of a medical practitioner or a registered person. ^{Optical appliances.}

(2) Subsection (1) shall not apply to the sale of an optical appliance—

- (a) to a medical practitioner or a registered person;
or
- (b) to a manufacturer of or dealer in optical appliance for the purpose of his business; or
- (c) to any authority or person responsible for the management of—
 - (i) a hospital;
 - (ii) a clinic;
 - (iii) a nursing home; or
 - (iv) any other institution which provides medical or surgical treatment and which is approved by the Minister; or
- (d) to a government department; or
- (e) for the purpose of its export.

(3) Any person who contravenes subsection (1) commits an offence.

(4) On any prosecution for selling an optical appliance in contravention of subsection (1), it shall be a defence for the defendant to prove that he sold the appliance as an antique and that he did not know and

had no reason to believe that the appliance was bought for the purpose of being used to correct, remedy or relieve a defect of sight.

General
penalty.

37. (1) A person who commits an offence under this Act for which no specific penalty is provided shall be liable on conviction—

- (a) in respect of a first offence, to a fine not exceeding one thousand ringgit;
- (b) in respect of a second or subsequent offence, to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(2) In the case of a continuing offence, a person convicted under this Act shall be liable to a further fine of fifty ringgit for each day the offence continues after conviction in addition to the penalties provided for under paragraphs (a) and (b) of subsection (1).

Power to
enter
premises
and examine
and seize
documents
etc.

38. (1) For the purposes of this Act, a public officer authorised in writing by the Director General may enter during normal business hours the premises in which a registered person is practising optometry or in which there is reasonable ground to believe that a person is practising optometry and—

- (a) may examine any documents, apparatus or article stored or used in connection with the practice;
- (b) where a person is practising optometry without being registered under this Act, may seize any documents, apparatus or articles stored or used in connection with the practice; and
- (c) may require that such information relating to the practice as the authorised person may specify be provided to him.

(2) Any person who—

- (a) intimidates, obstructs or molests an authorised person in the performance of such authorised person's duty; or

- (b) refuses to permit an authorised person to examine any documents, apparatus or articles; or
- (c) refuses to produce any documents, apparatus or articles for examination by an authorised person; or
- (d) refuses to surrender any documents, apparatus or articles to an authorised person; or
- (e) refuses to provide any information required by an authorised person; or
- (f) attempts to do any of the above acts.

commits an offence.

(3) Where an authorised person seizes any documents, apparatus or articles, he shall give a signed receipt for the documents, apparatus or articles.

(4) Any person exercising powers under this section shall produce his letter of authorisation on demand.

39. A public officer authorised in writing by Director General may conduct any prosecution in respect of any offence under this Act. Conduct of prosecution.

40. (1) Where a body corporate commits an offence under this Act, every director and manager thereof shall, unless he proves that the offence is committed without his knowledge, be guilty of that offence. Body corporate and partnership.

(2) Where a partnership commits an offence under this Act, every partner shall, unless he proves that the offence is committed without his knowledge, be guilty of that offence.

41. The Minister, after consulting the Council, may by order published in the *Gazette* add to, delete from or amend the list of registrable qualifications in the Schedules. Power of Minister to amend Schedules.

Regulations. 42. (1) The Minister, after consulting the Council, may make regulations to prescribe anything which under this Act is required or permitted to be prescribed and generally to carry out the objects and purposes of this Act.

(2) In particular and without prejudice to the generality of subsection (1), such regulations may prescribe any or all of the following:

- (a) the duties of the Registrar;
- (b) the form of the Register, the contents thereof and the mode in which it shall be kept;
- (c) the fees to be paid under this Act and such exemptions therefrom as the Minister may deem appropriate;
- (d) the form and manner in which applications for registration and for annual practising certificates shall be made;
- (e) the manner of proving qualifications to practise as an optician or optometrist;
- (f) the management of the property of the Council and audit of its accounts;
- (g) the procedure to be followed in relation to inquiries held under this Act;
- (h) the procedure to be followed in relation to appeals under section 25;
- (i) to procedure for the election of members to the Council;
- (j) the manner of conducting examinations and the subjects to be examined;
- (k) the manner in which the training courses referred to in section 30 shall be conducted and the syllabi for such courses;
- (l) the form of any certificate or other document required under this Act.

FIRST SCHEDULE
(Section 18)

LIST OF REGISTRABLE QUALIFICATIONS FOR
OPTICIANS

<i>Country in which qualification is granted</i>	<i>Name of Institution granting qualification</i>	<i>Description of qualification</i>
India	Shri Vaishnav Polytechnic	Diploma in Optometry
	Municipal Eye Hospital Kamathipura, Bombay	Diploma in Optometry
	Sarojini Devi Eye Hospital, Hyderabad	Diploma in Optometry
	Government Eye Hospital Egmore, Madras	Diploma in Optometry
	Sitapur Eye Hospital, Sitapur	Diploma in Optometry
Indonesia	Akademi Refraksionis Optisien, Surabaya	Diploma in Optometry
Philippines	Central College of Philippines	Doctor of Optometry
	South Western University	Doctor of Optometry
United Kingdom	The Association of Dispensing Opticians	Fellow of the Association of Dispensing Opticians
	Bradford Technical College	Fellow of the Association of Dispensing Opticians
	City and East London College of Applied Optics	Fellow of the Association of Dispensing Opticians
	Glasgow College of Technology	Diploma in Ophthalmic Dispensing

SECOND SCHEDULE
(Section 19)

LIST OF REGISTRABLE QUALIFICATIONS
FOR OPTOMETRISTS

<i>Country in which qualification is granted</i>	<i>Name of Institution granting qualification</i>	<i>Description of qualification</i>
Australia	Queensland University of Technology	Bachelor of Applied Science (Optometry)
	University of Melbourne	Bachelor in Optometry
	University of New South Wales	Bachelor in Optometry
Canada	University of Waterloo	Doctor of Optometry

<i>Country in which qualification is granted</i>	<i>Name of Institution granting qualification</i>	<i>Description of qualification</i>
Hong Kong	Hong Kong Polytechnic Institute of Medical and Health Care	Bachelor of Science Diploma in Optometry
India	Elite School of Optometry, Madras	Bachelor in Optometry
Malaysia	Universiti Kebangsaan Malaysia	Sarjana Muda Optometri
New Zealand	University of Auckland	Bachelor of Science in Optometry
Nigeria	University of Benin	Bachelor of Science in Optometry
United Kingdom	University of Aston in Birmingham	Bachelor of Science in Ophthalmic Optics
	University of Bradford	Bachelor of Science in Ophthalmic Optics
	City University London	Bachelor of Science in Ophthalmic Optics
	University of Manchester Institute of Science and Technology	Bachelor of Science in Ophthalmic Optics
	University of Wales Institute of Science and Technology, Cardiff	Bachelor of Science in Ophthalmic Optics
	Glasgow College of Technology	Bachelor of Science in Optometry
	United States of America	Indiana University, Bloomington
	Ohio State University	Doctor of Optometry
	University of California, Berkeley	Doctor of Optometry
	University of Houston	Doctor of Optometry
	University of Alabama in Birmingham	Doctor of Optometry
	New York State University	Doctor of Optometry
	Illinois College of Optometry, Chicago	Doctor of Optometry
	The New England College of Optometry, Boston	Doctor of Optometry
	Pacific University of Oregon	Doctor of Optometry
	Southern College of Optometry, Memphis	Doctor of Optometry
	The Southern California College of Optometry	Doctor of Optometry
	Ferris State University	Doctor of Optometry
	University of Missouri, St. Louis	Doctor of Optometry

EXPLANATORY STATEMENT

This Bill seeks to provide for the registration of opticians and optometrists and for the control of the practice of optometry.

2. *Part I* of the Bill, besides providing for the short title and definitions, seeks to allow the Minister to appoint the date of coming into force of the Bill.

3. *Part II* of the Bill seeks to provide for the establishment of the Malaysian Optical Council. Members of the Council will include ophthalmologists, optometrists and opticians representing the public and private sectors. The Director General of Health will be the Chairman. *Clauses 5, 6 and 7* seek to provide for the tenure of office, remuneration and citizenship requirement of a member of the Council. *Clause 8* deals with vacation of office by a member of the Council. *Clause 10* seeks to provide for the procedure at meetings of the Council. *Clause 11* seeks to allow the Council to appoint committees to assist it in carrying out its functions. *Clause 14* seeks to confer on the Minister the usual power to issue general directions to the Council. *Clause 15* seeks to provide that Council shall furnish returns and information which the Minister may require.

4. *Part III* of the Bill deals with the registration of opticians and optometrists. *Clause 16* seeks to appoint the Director General to be the Registrar and *clause 17* seeks to provide for the two separate Registers for opticians and optometrists, respectively. *Clauses 18 and 19* and the *Schedules* set out the qualifications in respect of which the holders can be registered as opticians or optometrists. Provisions are made in respect of persons who have been practising as opticians prior to the coming into force of the proposed Act. If a person has been practising as an optician for one year or more before the date of coming into force of the Act, he may be registered as an optician. Persons who hold qualifications listed in the Schedules or who hold qualifications not listed in the Schedules but are deemed suitable for registration may also be registered under the proposed Act. *Clause 20* seeks to provide for the mode of registration. *Clause 21* seeks to set out the Council's disciplinary jurisdiction. *Clause 22* seeks to set out the disciplinary punishments which the Council can impose. *Clause 23* seeks to provide for an inquiry to be held by the Council before making a disciplinary order. *Clause 24* seeks to require a person whose name has been removed from the Register to surrender his certificate of registration. *Clause 25* seeks to provide for an opportunity to appeal against the Council's decision. *Clause 26* seeks to provide for the power of the Council to remove from the Register the names of persons who have become incapable of performing the duties of an optician or optometrist because of physical or mental infirmity. *Clause 27* seeks to empower the Council to remove the names of certain other persons from the Register. *Clause 28* seeks to allow

a registered person whose name has been removed from the Register to apply for the restoration of his name in the Register if he satisfies the Council that by reason of a change in circumstances since the date of the removal of his name it is just that his name be restored. It also provides for appeals to the Minister.

5. *Part IV* of the Bill deals with the practice of optometry. *Clause 29* seeks to allow only registered persons to practise as opticians or optometrists. *Clause 30* enables the Council to permit certain opticians to prescribe and dispense contact lenses although generally the Bill does not allow opticians to do so. *Clause 31* seeks to prohibit the use of drugs to measure the powers of vision. *Clause 32* deals with the annual practising certificate and *clause 33* seeks to make it an offence for a registered person to practise without a valid annual practising certificate.

6. *Part V* of the Bill contains general provisions. *Clause 34* deals with fraudulent registration. *Clause 35* deals with offences generally. *Clause 36* seeks to place certain restrictions on the sale of optical appliances. *Clause 37* seeks to provide for the penalties which can be imposed on a person convicted of an offence under the Bill. *Clause 38* seeks to allow public officers authorised by the Director General to inspect premises used by persons practising optometry. It also seeks to allow such public officers to seize documents, apparatus and articles. *Clause 39* seeks to allow public officers authorised by the Director General to conduct prosecutions under the Bill. *Clause 40* seeks to make the director or manager of a body corporate or the partner of a firm also guilty of an offence committed by the body corporate or firm unless it is proved that the offence is committed without his knowledge. *Clause 41* seeks to allow the Minister after consulting the Council to amend the Schedules. *Clause 42* seeks to allow the Minister, after consulting the Council, to make regulations.

FINANCIAL IMPLICATIONS

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

[PN. (U²) 1020.]