

1966/48



THE OPTICIANS REGULATIONS 1966

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 12th day of April 1966

Present:

THE RIGHT HON. KEITH HOLYOAKE, C.H., PRESIDING IN COUNCIL

PURSUANT to the Opticians Act 1928, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Opticians Regulations 1966.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“The Act” means the Opticians Act 1928:

“Diploma” means the Diploma of Optometry of the University of Auckland.

3. Administration—(1) The determination of the Board on any matter confided to it under the Act or these regulations shall be sufficiently authenticated if set out in writing signed by the Registrar or by the Secretary of the Board.

(2) The Board may from time to time procure the appointment of some officer of the Public Service to be Secretary of the Board.

(3) The fact that any person describes himself in any document or signs any document as the Secretary of the Board shall be prima facie evidence that he is the Secretary of the Board for the time being.

4. Educational qualifications, training, and examination—(1) The course of training prescribed for the purposes of paragraph (c) of subsection (1) of section 6 of the Act shall consist of the course leading to the Diploma and the further course of training required by paragraph (b) of subclause (2) of this regulation.

(2) Subject to the proviso to paragraph (c) of subsection (1) of section 6 of the Act, no person shall be accepted as a candidate for examination under the Act until he satisfies the Board—

(a) That he holds or is entitled to hold the Diploma; and

(b) That after passing the examination for the Diploma he has duly undergone for a period of not less than one year a further course of training approved by the Board, either generally or in relation to any particular person or class of persons, in methods of estimating errors of refraction of the human eye, and in prescribing and adapting lenses to correct such errors, at the University of Auckland, or in one or more hospitals or other institutions, or under the supervision of one or more registered opticians, or partly in one way and partly in another or others, as the Board may from time to time signify.

(3) The subjects in which a candidate for examination under the Act may be examined shall be the subjects named and described in the First Schedule hereto.

5. Conduct of examinations—(1) The Board shall make provision for holding an examination under the Act at least once in every year.

(2) Examinations under the Act shall be held at such times and places as the Board may from time to time determine.

(3) Every person desiring to present himself for examination under the Act shall make application to the Board in form 1 in the Second Schedule hereto.

(4) Every such application shall be accompanied by such evidence as the Board may require that the applicant holds or is entitled to hold the Diploma and has undergone the further course of training required by paragraph (b) of subclause (2) of regulation 4 hereof, or, in the case of an applicant to whom the proviso to paragraph (c) of subsection (1) of section 6 of the Act applies, that he has undergone training either wholly or partly outside New Zealand and that the training undergone by him is equivalent to both the course leading to the Diploma and the further course of training required by paragraph (b) of subclause (2) of regulation 4 hereof.

(5) The Board may at any time before or after a candidate has applied to be examined or been examined require further evidence to its satisfaction of the identity of the candidate or of his having undergone training as an optician for any period required by these regulations or as to his having obtained the Diploma or other educational qualification.

(6) The Board shall from time to time appoint two or more persons to act as examiners, of whom one shall be a registered medical practitioner and the other or another shall either be a registered optician or be possessed of qualifications sufficient, in the opinion of the Board, to entitle him to be registered as an optician.

6. Applicants not qualified by prescribed examination—The qualifications which may be recognised by the Board for the purposes of paragraph (b) of subsection (1) of section 6 of the Act shall be the

qualifications set out in the Third Schedule hereto, but the holding of any certificate, diploma, degree, licence, or other documentary evidence of any qualification referred to in that Schedule shall not entitle the holder thereof to be registered under this Act unless the Board is satisfied that he has received satisfactory training qualifying him to practise as an optician as provided in the said paragraph (b).

7. Registration—(1) Every application for registration under paragraph (b) of subsection (1) of section 6 of the Act shall be made in form 2 in the Second Schedule hereto, and shall be accompanied by the prescribed fee.

(2) Every application for registration under paragraph (c) of subsection (1) of section 6 of the Act shall be made in form 3 in the Second Schedule hereto, and shall be accompanied by the prescribed fee.

(3) If the Board refuses to register the applicant, and no appeal is lodged within the prescribed time against such refusal to register, or if the refusal is upheld on appeal, the fee paid shall be returned to the applicant.

(4) The particulars to be entered in the register of persons registered as opticians under the Act shall be as follows:—

- (a) Registration number:
- (b) Date of registration:
- (c) Name in full:
- (d) Postal address:
- (e) Qualifications.

(5) A certificate of registration shall be in form 4 in the Second Schedule hereto.

(6) Any person registered as an optician who is at any time the holder of any qualification other than that by virtue whereof he is registered may apply to the Board for entry in the register of such further qualification, and, if the Board is of the opinion that such further qualification is of a kind that would (coupled with satisfactory training) enable him to be registered as an optician under the Act, the Board may direct that an entry of such further qualification be made in the register accordingly.

8. Fees—(1) The fee for examination shall be £5:

Provided that in the event of failure the candidate may apply for re-examination on payment of a further fee of £3.

- (2) The fee for registration under section 6 of the Act shall be £5.
- (3) The fee for a certificate of registration under the Act shall be 10s.
- (4) The fee for an annual practising certificate shall be £1.

9. Appeals—(1) Where the Board makes in respect of any person a decision from which that person has a right of appeal under the Act, the Registrar shall forthwith inform that person of the Board's decision.

(2) If the person decides to appeal from that decision, he shall, within the time prescribed by section 12 of the Act, give to the Registrar notice of appeal in form 5 in the Second Schedule hereto.

(3) The assessors on the Board of Appeal shall be appointed by the Minister of Health. One such assessor shall be appointed on the recommendation of the appellant and the other on the recommendation of the Board.

(4) As soon as practicable after receiving the notice of appeal the Registrar shall inform the appellant of the name of the person appointed to act as assessor on behalf of the Board at the hearing, and of the name of the Magistrate who will be the Chairman of the Board of Appeal, and shall at the same time send to the Magistrate a copy of the Board's decision and of the notice of appeal.

(5) The Board of Appeal shall hear and determine the appeal at such convenient place and time as may be decided by the Magistrate.

(6) The Magistrate shall cause at least seven days' previous notice of the place and time of hearing to be given to the assessors, the Board, and the appellant.

(7) At the hearing of the appeal the appellant may himself appear and give evidence, and may either be heard in person or be represented by some other person or by a solicitor or counsel; and evidence may be given on behalf of the Board by any person, whether a member thereof or not, appointed by the Board, and any such person may be heard on its behalf, or it may be represented by a solicitor or counsel.

(8) The order made in respect of the appeal shall be in writing signed by the Magistrate and at least one of the assessors. A copy of the order shall be given to both the appellant and the Board; and the Board shall forthwith give effect to the order.

10. Revocations and saving—(1) The regulations specified in the Fourth Schedule hereto are hereby revoked.

(2) Notwithstanding anything in subclause (1) of this regulation, any person who was a pupil within the meaning of the regulations thereby revoked immediately before the commencement of these regulations shall be entitled to undergo and complete the course of training and examinations therein prescribed and to obtain registration as an optician as if these regulations had not been made.

SCHEDULES

Reg. 4 (3)

FIRST SCHEDULE

SYLLABUS OF SUBJECTS IN WHICH CANDIDATES MAY BE EXAMINED

(1) Refraction, including all phases of objective and subjective refraction.

(2) Detection of abnormal conditions, including ophthalmoscopy, biomicroscopy, visual field testing, and other procedures.

(3) Anomalies of binocular vision, including amblyopia, strabismus, and aniseikonia.

(4) Contact lens fitting and subnormal vision care.

(5) Dispensing procedures and fabrication of optical appliances.

SECOND SCHEDULE

Reg. 5 (3)

Form 1

Opticians Act 1928

APPLICATION TO TAKE THE PRESCRIBED EXAMINATION

To the Secretary, Opticians Board,
Department of Health,
Wellington.

I, [*Full name of applicant*], of [*Address of applicant*], desire to take the prescribed examination to be held at [*Place*] on [*Date*].

I enclose herewith the examination fee of £.....

I am years of age, having been born on the [*Insert date*] at [*Insert place of birth*].

*Appended hereto is the Diploma of Optometry (*or a certified copy of the Diploma of Optometry*) conferred on me by the University of Auckland and [*State number*] certificate/s of my subsequent training as an optician.

*Appended hereto are [*State number*] certificates showing the training that I have undergone.

Dated at this day of 19.....

.....
(Signature.)

*Delete if inapplicable.

Reg. 7 (1)

Form 2

Opticians Act 1928

APPLICATION FOR REGISTRATION BY THE HOLDER OF A RECOGNISED QUALIFICATION

I, [*Insert full name*], of [*Insert place of abode and occupation*], hereby apply to be registered as an optician in accordance with the provisions of paragraph (b) of section 6 (1) of the Opticians Act 1928, and I enclose herewith a certificate (*or documentary evidence*) that I am the holder of a recognised qualification, namely

I solemnly and sincerely declare that:

1. I was born on the [*Insert date*] at [*Insert place of birth*].
2. The following are particulars of my training:
 - (a) Length of training:
 - (b) Where obtained:
 - (c) Under whom:
3. I have passed the following examinations, namely
4. Annexed hereto and marked "A" and "B" respectively are a certificate as to my character and reputation signed by and a certificate as to my character and reputation signed by

SECOND SCHEDULE—*continued*

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

.....
(Signature of Applicant.)

Declared at this day of 19.....

Before me:

.....
Justice of the Peace, Solicitor, or
other person authorised to take
statutory declarations.

NOTE—(1) Please send this application and the accompanying documents by registered post. Certificates and other documents relating to academic qualifications will be returned after the application has been dealt with.

(2) Please enclose the registration fee of £5. This fee will be refunded if the applicant is refused registration.

Reg. 7 (2)

Form 3

Opticians Act 1928

APPLICATION FOR REGISTRATION BY PERSON QUALIFIED BY EXAMINATION
UNDER THE ACT

I, [*Insert full name*], of [*Insert place of abode and occupation*], hereby apply to be registered as an optician in accordance with the provisions of paragraph (c) of section 6 (1) of the Opticians Act 1928.

I solemnly and sincerely declare that:

1. I passed the examination conducted by the Opticians Board in [*Month*], [*Year*].

2. I was born on the [*Insert date*] at [*Insert place of birth*].

3. Annexed hereto and marked "A" and "B" respectively are a certificate as to my character and reputation signed by and a certificate as to my character and reputation signed by

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

.....
(Signature of Applicant.)

Declared at this day of 19

Before me:

.....
Justice of the Peace, Solicitor, or
other person authorised to take
statutory declarations.

NOTE—Please enclose the registration fee of £5. This fee will be refunded if the applicant is refused registration.

SECOND SCHEDULE—continued

Reg. 7 (5)

Form 4

Opticians Act 1928

CERTIFICATE OF REGISTRATION AS OPTICIAN

I hereby certify that [Insert Full Name and Qualifications shown in the Register], of [Insert Address shown in Register], is registered as an optician under the Opticians Act 1928, and that he has been so registered since [Insert Date of Registration].

Given under my hand at Wellington this day of 19.....

.....
Registrar.

Reg. 9 (2)

Form 5

Opticians Act 1928

NOTICE OF APPEAL

To the Registrar, Opticians Board,
Department of Health,
Wellington.

TAKE notice that I, [Insert full name], of [Insert full postal address], hereby appeal under section 12 of the Opticians Act 1928 against the decision of the Opticians Board, conveyed to me by letter dated the day of 19.....

The following are the grounds upon which I make my appeal:

I hereby recommend of as an assessor for the purposes of this appeal.

Dated at this day of 19.....

Signature of Appellant:

I hereby consent to act as an assessor for the purposes of this appeal.

Signature:

THIRD SCHEDULE

Reg. 6

QUALIFICATIONS THAT MAY BE RECOGNISED BY THE BOARD

Fellowship of the Worshipful Company of Spectacle Makers, London.

Fellowship of the British Optical Association, London.

Diploma of the Licentiate of Optometric Science of the College of Optometry, Melbourne.

Degree of Bachelor of Applied Science of the Victorian College of Optometry, Melbourne.

Degree of Bachelor of Science (Optometry) of the University of New South Wales.

Degree of Bachelor of Optometry of the University of New South Wales.

Reg. 10 (1)

FOURTH SCHEDULE

REGULATIONS REVOKED

Title	Reference
The Opticians Regulations 1930 (Reprinted with Amendments Nos. 1 to 4 in Statutory Regulations 1946, Serial number 1946/217)	<i>Gazette</i> , 1930, page 2024
The Opticians Regulations 1930, Amendment No. 4	S.R. 1941/199
The Opticians Regulations 1930, Amendment No. 5	S.R. 1951/66
The Opticians Regulations 1930, Amendment No. 6	S.R. 1951/227
The Opticians Regulations 1930, Amendment No. 7	S.R. 1954/39
The Opticians Regulations 1930, Amendment No. 8	S.R. 1962/33
The Opticians Regulations 1930, Amendment No. 9	S.R. 1963/141

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations consolidate and amend the Opticians Regulations 1930. The principal changes are consequential on the establishment of the Diploma of Optometry by the University of Auckland and involve the recognition of this Diploma as the basic qualification for persons trained in New Zealand.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 14 April 1966.

These regulations are administered in the Department of Health.