



THE STATUTES OF THE REPUBLIC OF SINGAPORE

**OPTOMETRISTS AND OPTICIANS
ACT 2007**

2020 REVISED EDITION

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Optometrists and Opticians Act 2007

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An Act to provide for the registration of optometrists and opticians, to regulate their practices and to provide for purposes connected therewith.

[22 February 2008]

PART 1

PRELIMINARY

Short title

1. This Act is the Optometrists and Opticians Act 2007.

Interpretation

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

“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;

[Deleted by Act 11 of 2023 wef 01/05/2023]

“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;

“medical practitioner” means a person who is registered under the Medical Registration Act 1997;

“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 1997, entitled to practise as a specialist in ophthalmology;

“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;

“opticianry” or “the practice of opticianry” means any of the acts or activities specified in Part 1 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 2 of the Schedule;
- “practising certificate” means a practising certificate issued under section 18;
- “refraction” means an eye examination to measure the power of vision;
- “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;
- “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

3. This Act does not apply to any ophthalmologist in relation to his or her practice of optometry or opticianry.

PART 2

OPTOMETRISTS AND OPTICIANS BOARD

Establishment of Optometrists and Opticians Board

- 4.—(1) There is established a body called the Optometrists and Opticians Board, which consists of not less than 10 and not more than 12 members appointed by the Minister, of whom —

- (a) at least 2 must be optometrists;
- (b) at least 2 must be opticians;

- (c) at least one must be an ophthalmologist;
- (d) one must be the Director-General of Health or his or her representative;

[Act 11 of 2023 wef 01/05/2023]

- (e) one must be the Director-General of Education or his or her representative; and
- (f) at least one must 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 holds office for a term not exceeding 3 years and is eligible for re-appointment.

(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 —

- (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;
- (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
- (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.

Chairperson of Board

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

(2) The Chairperson presides at any meeting of the Board and, in his or her absence, the members present must elect from among themselves one member to preside over the meeting.

Disqualifications from membership of Board

7. A person is disqualified to be or from being a member of the Board if the person —

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

Filling of vacancies

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

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

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

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

(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 is to hold office for as long as the member in whose place he or she was appointed would have held office.

(5) No act done by or under the authority of the Board is 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 is to meet at such times and places as the Registrar may appoint.

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

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

(4) Subject to subsection (2), the Board may act despite 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 must keep minutes of its proceedings in such form or manner as the Board thinks fit.

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.

(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.

(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 are to be fixed by the Board.

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

(5) The Board may continue to exercise any power conferred upon it or perform any function under this Act despite the delegation of the 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 must, at the meeting and as soon as practicable after it commences, disclose the member's interest in that matter and may, with the permission of the Board, participate in its consideration of that matter, but must not vote on any question with respect to that matter.

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

PART 3

REGISTRATION OF OPTOMETRISTS AND OPTICIANS

Appointment of Registrar

12.—(1) For the purposes of this Act, the Minister must 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 must keep and maintain the following registers:

- (a) a Register of Optometrists containing the names of persons registered as optometrists under section 15;

(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 must contain the following particulars of every registered person:

- (a) the registered person's name and residential address;
- (b) information as to whether the registered person is practising as a proprietor or an employee;
- (c) the registered name of the business or eye care establishment that the registered person operates or is employed by;
- (d) the address of the registered person's most current place of work;
- (e) the date of the registered person's registration as an optometrist or optician;
- (f) the qualifications by virtue of which the registered person is registered and the date on which the registered person obtained those qualifications;
- (g) such other particulars as the Board may determine.

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

- (a) any change in the registered person's 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 the registered person's qualifications.

(4) A 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.

(5) A person who makes a report of a change in his or her residential address under section 10 of the National Registration Act 1965 is deemed to have complied with subsection (3)(a) in relation to the person's residential address on the date on which the person 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 the disclosure is in accordance with any conditions specified in those regulations.

(7) Subsection (6) does not affect any other right or duty to disclose the information under any general or written law.

Alteration of registers

14. The Registrar must —

- (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 the Registrar's knowledge;
- (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 the Registrar's 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 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.

Registration of optometrists and opticians

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

(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 provide for or with respect to the following matters:

- (a) the different classes of registration;
- (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;
- (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 the course, examination and evaluation, and the conditions upon which an applicant may be exempted from the course, examination or evaluation;
- (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 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;
- (b) in the opinion of the Board, is not of good reputation and character; or
- (c) fails to satisfy the Board that he or she is able to effectively and safely carry out the practice of optometry or opticianry.

(2) Where the Board refuses to register an applicant, the Board must by written notice inform the applicant of the refusal.

(3) A 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 is final.

Certificate of registration

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

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

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

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

(3) A 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

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

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

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

(4) An application for the renewal of a practising certificate must be made no later than 30 days before the expiry of the practising certificate and must 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 expiry of the practising certificate is liable to pay to the Board such late application fee as may be prescribed.

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

(a) within 14 days of being notified by the Board of the 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) A 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 must, 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 or her professional capacity must 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 or her professional capacity, the Board must notify the registered person of the complaint or information and give that registered person an opportunity to be heard either in person or by counsel.

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

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

(4) Where a registered person is liable to have his or her registration cancelled on any ground mentioned in subsection (3)(e) to (l), the Board may, instead of cancelling the registration, take one or more of the following measures:

- (a) censure the registered person;
- (b) impose on the registered person a penalty not exceeding \$10,000;
- (c) order that the registered person's registration be subject to such conditions as the Board may impose for a period not exceeding 3 years;
- (d) suspend the registered person's 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, it may dismiss the complaint or information.

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

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

[40/2019]

(8) While the registration of a registered person for the carrying out of a practice of optometry or opticianry remains suspended, he or she is not 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 the registered person's suspension, his or her rights and privileges under this Act are 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 relation to his or her 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 the registered person under section 20(4), the Board may order the registered person to pay any sums that 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 the registered person.

(2) The General Division of the High Court has jurisdiction to tax the sums ordered to be paid under subsection (1), and the sums are recoverable as a debt due to the Government.

[40/2019]

Appeal

22.—(1) A 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 General Division of the High Court may allow, appeal to the General Division of the High Court against the decision.

[40/2019]

(2) There is no further appeal against the decision of the General Division of the High Court pursuant to subsection (1).

[40/2019]

Conviction final and conclusive

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

[40/2019]

Restoration of registration

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

(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 the person.

- (3) No application for re-registration is to be made to the Board —
- (a) before the expiry of 3 years from the date of the cancellation; and
 - (b) more than once in any period of 12 months.

PART 4

OFFENCES

Unlawful engagement in optometry or opticianry

25.—(1) A person must not —

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

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

(2) A person must not 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 Part 6 or by the regulations.

(4) A 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 is a defence for the accused to prove that the accused —

- (a) did not know that the person employed was not a qualified person in respect of the practice of optometry or opticianry in question; and
- (b) 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 the person to carry out,

that practice of optometry or opticianry.

Recovery of fees or charges

26. A person is not 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 —

- (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;
- (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 the person knows or has reason to believe is forged or altered; or

- (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.

Jurisdiction of court

28. Despite anything to the contrary in the Criminal Procedure Code 2010, a District Court has jurisdiction to try any offence under this Act and has the power to impose the full penalty or punishment in respect of the offence.

Composition of offences

29.—(1) The Board may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

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

(2) On payment of the sum of money mentioned in subsection (1), no further proceedings are to be taken against that person in respect of the offence.

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

PART 5

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;
- (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;
- (e) to issue certificates to persons who have passed the examinations.

(2) The Board may authorise any institution of higher learning to carry out the functions mentioned 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 —

- (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
- (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 —
 - (i) require any person to provide any information that is within his or her knowledge that the inspector believes on reasonable grounds to be connected with any suspected contravention of this Act;
 - (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
- (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 —
- (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;
 - (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;
 - (iv) inspect any test or procedure performed or carried out on the premises in order to ensure compliance with the provisions of this Act;
 - (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 at the premises;

- (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, even though that person's prior consent has not been obtained;
- (vii) take such photographs or video recording as the inspector thinks necessary to record the premises or part of the premises, including any apparatus, appliance, equipment, instrument, article, book, document or record (including a medical record) found on the premises; and
- (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).

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

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

(4) Any person who, without lawful excuse —

- (a) refuses to answer any question put to the person by an inspector or gives a false answer to the question;
- (b) refuses or fails to comply with any requirement of the inspector under subsection (2); or
- (c) wilfully obstructs an inspector in the exercise of the inspector's 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 must be an advocate and solicitor of at least 10 years' standing.

(2) The assessor must not participate or sit in any deliberations of the Board or its committees unless invited to do so, and the assessor's participation is 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.

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 —

- (a) by delivering it to the person or to an adult member or employee of the person's family or household at the person's last known place of residence;
- (b) by leaving it at the person's usual or last known place of residence or place of business in an envelope addressed to the person;
- (c) by sending it by registered post addressed to the person at the person's 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 —

- (i) by delivering it to the secretary or other similar 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) is 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 service of the notice, order or document, it is sufficient to prove that the envelope containing the notice, order or document 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 delivering it or a true copy of it to an 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 a 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 is deemed to be 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, subject to any conditions that the Minister thinks fit, by order 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 prohibits 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 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 consulting the Board, by order 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 of this Act.

(2) Without limiting subsection (1), regulations may be made to —

- (a) provide for the Registrar's duties;
- (b) regulate the registration of optometrists and opticians;
- (c) provide for the form of the Register of Optometrists and the Register of Opticians, the particulars to be entered in the Register of Optometrists and the Register of Opticians and the mode in which each Register must be kept;
- (d) regulate the issue and renewal of practising certificates;
- (e) regulate the removal and restoration of names in the Register of 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 the payment of fees to any member or any committee appointed by the Board;
- (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 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;
- (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;
- (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;
- (q) prescribe the offences that 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.

PART 6

SAVING AND TRANSITIONAL PROVISIONS

Interpretation of this Part

38. In this Part —

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

“licensed contact lens practitioner” means a person who, immediately before 22 February 2008, was holding a valid licence granted to the person under the repealed Act (whether provisionally or otherwise) authorising the person to practise as a contact lens practitioner under the provisions of that Act;

“repealed Act” means the Contact Lens Practitioners Act (Cap. 53A, 2002 Revised Edition) repealed by this Act.

Persons licensed under repealed Act

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

(2) To avoid doubt, nothing in subsection (1) prevents 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.

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

(2) This section does not affect section 16 of the Interpretation Act 1965.

THE SCHEDULE

Sections 2 and 36

PART 1

ACTS OR ACTIVITIES CONSTITUTING
“OPTICIANRY” OR “THE PRACTICE OF OPTICIANRY”

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 (whether or not they fall within the definition of “optical appliances” in section 2).
4. Fitting, adjusting and adapting of all optical appliances, except for contact lenses (whether or not they fall within the definition of “optical appliances” in section 2), to the human face and eyes in accordance with the prescriptions of legally qualified medical practitioners and optometrists.

PART 2

ACTS OR ACTIVITIES CONSTITUTING
“OPTOMETRY” OR “THE PRACTICE OF OPTOMETRY”

1. Refraction.
2. Prescribing of optical appliances and contact lenses (whether or not they fall within the definition of “optical appliances” in section 2).
3. Detecting abnormalities of the eye using the following methods:
 - (a) binocular vision tests;
 - (b) ophthalmoscopy or fundoscopy;
 - (c) retinoscopy;
 - (d) slit-lamp examination;
 - (e) tonometry;
 - (f) visual field testing.
4. Interpreting prescriptions of medical practitioners and optometrists.

THE SCHEDULE — *continued*

5. Supplying, preparing and dispensing of all optical appliances and contact lenses (whether or not they fall within the definition of “optical appliances” in section 2).

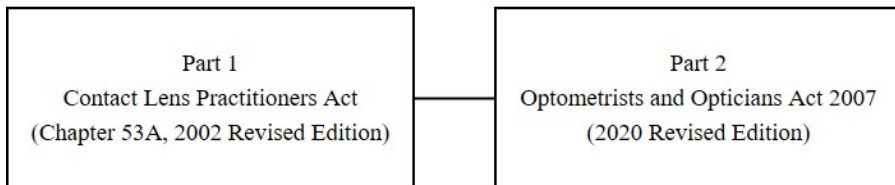
6. Fitting, adjusting and adapting of all optical appliances and contact lenses (whether or not they fall within the definition of “optical appliances” in section 2) to the human face and eyes in accordance with the prescriptions of legally qualified medical practitioners and optometrists.

[S 249/2009]

LEGISLATIVE HISTORY
OPTOMETRISTS AND OPTICIANS
ACT 2007

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

PICTORIAL OVERVIEW OF PREDECESSOR ACTS



LEGISLATIVE HISTORY DETAILS

PART 1
CONTACT LENS PRACTITIONERS ACT
(CHAPTER 53A, 2002 REVISED EDITION)

1. Act 25 of 1995 — Contact Lens Practitioners Act 1995

Bill	:	21/1995
First Reading	:	25 May 1995
Second and Third Readings	:	7 July 1995
Commencement	:	1 February 1996

2. 1996 Revised Edition — Contact Lens Practitioners Act (Chapter 53A)

Operation	:	30 April 1996
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3. Act 4 of 2001 — Health Sciences Authority Act 2001

(Amendments made by section 42 read with item (1) of the Second Schedule to the above Act)

Bill	:	3/2001
First Reading	:	12 January 2001
Second and Third Readings	:	22 February 2001
Commencement	:	1 April 2001 (section 42 read with item (1) of the Second Schedule)

4. 2002 Revised Edition — Contact Lens Practitioners Act (Chapter 53A)

Operation	:	31 December 2002
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PART 2
OPTOMETRISTS AND OPTICIANS ACT 2007
(2020 REVISED EDITION)

5. Act 36 of 2007 — Optometrists and Opticians Act 2007

Bill	:	24/2007
First Reading	:	21 May 2007
Second and Third Readings	:	17 July 2007
Commencement	:	22 February 2008

6. G.N. No. S 92/2008 — Optometrists and Opticians Act (Amendment of Schedule) Order 2008

Commencement	:	22 February 2008
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7. 2008 Revised Edition — Optometrists and Opticians Act (Chapter 213A)

Operation	:	31 December 2008
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8. G.N. No. S 249/2009 — Optometrists and Opticians Act (Amendment of Schedule) Order 2009

Commencement	:	1 June 2009
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9. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019
(Amendments made by section 28(1) read with item 107 of the Schedule to the above Act)

Bill	:	32/2019
First Reading	:	7 October 2019
Second Reading	:	5 November 2019
Notice of Amendments	:	5 November 2019
Third Reading	:	5 November 2019
Commencement	:	2 January 2021 (section 28(1) read with item 107 of the Schedule)

10. 2020 Revised Edition — Optometrists and Opticians Act 2007

Operation	:	31 December 2021
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11. Act 11 of 2023 — Healthcare Services (Amendment) Act 2023
(Amendments made by the above Act)

Bill	:	6/2023
First Reading	:	6 February 2023
Second and Third Readings	:	6 March 2023

Commencement : 1 May 2023

Abbreviations

(updated on 29 August 2022)

G.N.	Gazette Notification
G.N. Sp.	Gazette Notification (Special Supplement)
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian)
M.	Malaya/Malaysia (including Federated Malay States, Malayan Union, Federation of Malaya and Federation of Malaysia)
Parl.	Parliament
S	Subsidiary Legislation
S.I.	Statutory Instrument (United Kingdom)
S (N.S.)	Subsidiary Legislation (New Series)
S.S.G.G.	Straits Settlements Government Gazette
S.S.G.G. (E)	Straits Settlements Government Gazette (Extraordinary)

COMPARATIVE TABLE
OPTOMETRISTS AND OPTICIANS
ACT 2007

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	2008 Ed.
<i>[Omitted as spent]</i>	40—(1)
<i>[Omitted as spent]</i>	(2)
40—(1)	(3)
(2)	(4)