

# A BILL

## FOR

AN ACT TO REPEAL THE OPTOMETRISTS AND DISPENSING OPTICIANS (REGISTRATION, ETC.) ACT, CAP. O9, LAWS OF THE FEDERATION OF NIGERIA, 2004, AND ENACT THE OPTOMETRISTS AND DISPENSING OPTICIANS REGISTRATION COUNCIL OF NIGERIA TO REGULATE THE TRAINING AND PRACTICE OF THE PROFESSION OF OPTOMETRY AND DISPENSING OPTICS; AND FOR RELATED MATTERS

*Sponsored by Hon. Benjamin Okezie Kalu*

*Co-Sponsors:*

Hon. Shehu Saleh Rijau	Hon. Mark Bako Useni
Hon. Abdullahi Kalambaina	Hon. Olumide Osoba
Hon. Joseph Bassey	Hon. Nasiru Shehu
Hon. Joshua Audu Gana	Hon Jafaru Gambo Leko

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows-

1 PART I - ESTABLISHMENT, ETC. OF THE OPTOMETRISTS AND DISPENSING  
2 OPTICIANS REGISTRATION COUNCIL OF NIGERIA

3 1.-(1)There is hereby established for Optometrists and Dispensing  
4 Opticians a body to be known as the Optometrists and Dispensing Opticians  
5 Registration Council of Nigeria (in this Act referred to as "the Council").

Establishment  
of the Optometrists  
and Dispensing  
Opticians Registration  
Council of Nigeria

6 (2)The Council shall be charged with the duties of-

7 (a) determining what standards of knowledge and skill are to be  
8 attained by persons seeking to become members of the profession of  
9 optometry and dispensing optics and improving those standards from time  
10 to time as circumstances may permit;

11 (b) securing in accordance with the provisions of this Act, the  
12 establishment and maintenance of a register of persons registered under this

1 Act as members of the profession of optometry and dispensing optics and the  
2 publication from time to time of lists of those persons;

3 (c) conducting examinations in the relevant profession, and awarding  
4 certificates or diplomas to successful candidates as appropriate; and for such  
5 purpose the Council shall prescribe fees to be paid in respect thereof; and

6 (d) performing the other functions conferred on the Council by this  
7 Act.

Membership  
of the Council

8 **2.-(1)**The Council shall comprise the following members, that is -

9 (a) a Chairman, who shall be a registered Optometrist of not less than  
10 fifteen years post-registration experience and shall be appointed by the  
11 President, on the recommendation of the Minister;

12 (b) the President of Nigerian Optometric Association;

13 (c) the President of the Association of Nigerian Dispensing Opticians;

14 (d) two optometrists to represent schools involved in training  
15 members of the profession on rotation basis for three years;

16 (e) one person to represent the Federal Ministry of Health who shall  
17 be the most senior Optometrist;

18 (f) one person to represent the National Eye Centres in rotation on  
19 rotation basis for three years;

20 (g) one representative of the armed forces who shall be a registered  
21 Optometrist;and

22 (h) six Directors of Optometric Services (or the most senior  
23 Optometrist) of State Ministries of Health, one from each of the six geopolitical  
24 zones to represent each zone.

25 (2)All the appointments in subsection (1) of this section shall be made  
26 by the President, on the recommendation of the Minister having consulted with  
27 the Association.

28 (3)The provisions of the First Schedule to this Act shall have effect  
29 with respect to the matters therein mentioned in relation to the Council.



1 to be audited within six months after the end of each year to which the accounts  
2 relate by a firm of auditors appointed from the list of auditors and in accordance  
3 with the guidelines supplied by the Auditor-General for the Federation.

Control of the  
Council by the  
Minister

4 **6.** The Minister may give to the Council directions of a general  
5 character or relating generally to particular matters (but not to any individual  
6 person or case) with regard to the exercise by the Council of its functions and it  
7 shall be the duty of the Council to comply with the directions.

Registrar and  
other employees  
of the Council

8 **7.-(1)** It shall be the duty of the Council to appoint a fit and proper  
9 registered person to be the Registrar for the purposes of this Act.

10 (2) The Registrar shall, in addition to his other functions under this  
11 Act, be the secretary to the Council and shall on the instruction of the chairman  
12 of the Council convene meetings of the Council or of any committee of the  
13 Council and shall keep minutes of the proceedings of all such meetings.

14 (3) The Council may appoint such other persons to be employees of  
15 the Council as the Council may determine to assist the Registrar in the exercise  
16 of his functions under this Act.

17 (4) The Council may, whenever the Registrar is absent or for any other  
18 reason is unable to discharge the functions of his office, appoint an acting  
19 Registrar to discharge those functions.

20 (5) The Registrar who shall be appointed by Council, shall hold office  
21 for a tenure of four years and shall be eligible for reappointment for a second  
22 and final tenure of four years.

23 **PART II - REGISTRATION AND RELATED MATTERS**

Preparation and  
maintenance of  
register

24 **8.-(1)** It shall be the duty of the Registrar to prepare and maintain, in  
25 accordance with rules made by the Council under this section, a register of the  
26 names, addresses, approved qualifications and of such other particulars as may  
27 be specified, of all persons who are entitled in accordance with the provisions  
28 of this Act to be registered as optometrists or dispensing opticians and who  
29 apply in the specified manner to be so registered.

30 (2) Subject to the following provisions of this section, the Council

1 shall make rules with respect to the form of keeping of the register and the  
2 making of entries therein, and in particular-

3 (a) regulating the making of application for registration and  
4 providing for the evidence to be produced in support of such application;

5 (b) providing for the notification to the Registrar by the person to  
6 whom any registered particulars relate, of any change in those particulars;

7 (c) authorizing a registered person to have any qualification which  
8 is, in relation to the relevant profession whether an approved qualification or  
9 an accepted qualification for the purposes of subsection (2) of section 10 of  
10 this Act, registered in relation to his name in addition to or, as he may elect,  
11 in substitution for any other qualifications so registered;

12 (d) specifying the fees to be paid to the Council in respect of the  
13 entry of names on the register and authorising the Registrar to refuse to enter  
14 a name on the register until any fee specified for entry has been paid;

15 (e) specifying any other matter so required under the foregoing  
16 provisions of this section, but rules made for the purposes of paragraph (d) of  
17 this subsection shall not come into force until they have been approved by  
18 the Minister.

19 (3) It shall be the duty of the Registrar-

20 (a) to correct, in accordance with the directions of the Council, any  
21 entry in the register which the Council directs him to correct as being in the  
22 opinion of the Council an entry which was incorrectly made;

23 (b) to make from time to time any necessary alterations to the  
24 registered particulars of registered persons;

25 (c) to remove from the register the name of any registered person  
26 who has died or has become insane or who has, for any other reason, ceased  
27 to be qualified to be a member of the profession.

28 (4) If the Registrar-

29 (a) sends by post to any registered person a registered letter  
30 addressed to him at his address on the register enquiring whether the

1 registered particulars relating to him are correct and receives no reply to that  
2 letter within three months from the date of posting it; and

3 (b) upon the expiration of that period sends in like manner to the  
4 person in question a second letter and receives no reply to that letter within  
5 three months from the date of posting it, the Registrar may remove the  
6 particulars relating to the person from the register; but the Council may direct  
7 the Registrar to restore to the register any particulars removed therefrom under  
8 this subsection.

Publication of  
the register and  
lists of corrections

9 9.-(1) It shall be the duty of the Registrar-

10 (a) to cause the register to be printed, published and put on sale to  
11 members of the public not later than two years from the beginning of the year in  
12 which this Act comes into force;

13 (b) in each year after that in which a register is first published under  
14 paragraph (a) of this subsection, to cause to be printed, published and put on  
15 sale as aforesaid either a corrected edition of the register or a list of alterations  
16 made to the register since it was last printed; and

17 (c) to cause a print of each edition of the register and of each list of  
18 corrections to be deposited at the principal office of the Council, and it shall be  
19 the duty of the Council to keep each register and lists so deposited open at all  
20 reasonable times for inspection by members of the public.

21 (2) A document purporting to be a print of an edition of a register  
22 published under this section by authority of the Registrar in the current year or  
23 documents purporting to be prints of an edition of a register so published in the  
24 current year, shall (without prejudice to any other mode of proof) be admissible  
25 in any proceedings as evidence that any person specified in the documents, or  
26 the documents read together as being registered, is so registered and that any  
27 person not so specified is not so registered.

Registration as  
Optometrist or  
Dispensing  
Optician

28 10.-(1) Subject to section 28 of this Act and to rules made under  
29 subsection (2) of section 8 of this Act, a person shall be entitled to be registered  
30 under this Act and being so registered to receive a registration certificate if-

1 (a) he has attended a course of training approved by the Council  
2 under section 18 of this Act;

3 (b) the course was conducted at an institution so approved or  
4 partly at one such institution and partly at another;

5 (c) he holds at least one of the qualifications prescribed in the Third  
6 Schedule to this Act for the purpose of registration on a particular register  
7 and has complied with the other requirements prescribed under subsection  
8 (2) of section 8 of this Act;

9 (d) he holds a certificate of experience issued in pursuance of  
10 section 21 of this Act;

11 (e) he is of good character; and

12 (f) he thereafter pays any prescribed fees.

13 (2) Subject as aforesaid, a person shall also be entitled to be  
14 registered under this Act and being so registered to receive a registration  
15 certificate if he satisfies the Council that-

16 (a) he holds a qualification granted outside Nigeria for the time  
17 being accepted by the Council for the purposes of this subsection as respects  
18 the profession;

19 (b) in the country in which the qualification was granted he was  
20 under no legal disability in the practice of the profession;

21 (c) he holds a certificate of experience issued in pursuance of  
22 section 21 of this Act;

23 (d) he is of good character; and

24 (e) he thereafter pays any prescribed fee.

25 (3) The Council shall, from time to time, publish in the Federal  
26 Gazette particulars of the qualifications for the time being accepted as  
27 aforesaid.

28 (4) The qualifications specified in the Third Schedule to this Act are  
29 those accepted for the time being by the Council as the minimum  
30 qualifications for the purpose of registration on the relevant register

1 established under section 8 of this Act.

2 (5) Subject as aforesaid, a person shall be entitled to be temporarily  
3 registered under this Act in the cases specified in section 11 of this Act.

Temporary  
registration

4 **11.**-(1) Where a person satisfies the Council-

5 (a) that he has been selected for employment for a specified period in a  
6 capacity in which a registered person under this Act would normally be  
7 employed and that he is or intends to be in Nigeria temporarily for the purpose  
8 of serving for that period in the employment in question;

9 (b) that he holds or has passed examinations necessary for obtaining  
10 some qualification granted outside Nigeria which is for the time being accepted  
11 by the Council for the purposes of this section as respects the capacity in which,  
12 if employed, he is to serve; and

13 (c) he pays any fee prescribed for registration, the Council may, if it  
14 thinks fit, give a direction that he shall be temporarily registered.

15 (2) The temporary registration of a person shall continue only while  
16 he is in such employment as is mentioned in subsection (1)(a) of this section  
17 and shall cease-

18 (a) on the termination of the period of employment specified to the  
19 Council under that subsection; or

20 (b) on the termination of the said employment before the end of that  
21 period, whichever first occurs.

22 (3) Nothing in subsection (2) of this section shall preclude the Council  
23 from giving a further direction under subsection (1) of this section in respect of  
24 a specified period, the commencement of which coincides with the termination  
25 of another such period.

26 (4) A person who is temporarily registered shall, in relation to his  
27 employment mentioned under subsection (1) (a) of this section, and to things  
28 done or omitted to be done in the course of that employment, be deemed to be  
29 fully registered, but in respect of other matters he shall be treated as not so  
30 registered.

1 (5) In case of doubt as to whether a person's employment has been  
2 terminated, the decision of the Council shall be conclusive for the purposes  
3 of subsection (2) of this section.

4 (6) The Registrar, as directed from time to time by the Council,  
5 shall remove from the register the name of any person ceasing to be entitled  
6 to the benefit of this section.

7 PART III - PRIVILEGES OF REGISTERED PERSONS AND OFFENCES BY  
8 UNREGISTERED PERSONS

9 **12.** A certificate required by any written law from any class of  
10 persons for whom a register is maintained under this Act shall not be valid  
11 unless the person signing it is registered in accordance with this Act. Certificate invalid  
if given by  
unregistered person

12 **13.**-(1) Subject to the provisions of this Act, no person, not being  
13 registered on the appropriate register, shall be entitled to hold any  
14 appointment in the civil service of the Federation or of a State or in any  
15 public or private establishment, body or institution, if the holding of such  
16 appointment involves the performance by him in Nigeria of any act  
17 pertaining to the profession. Appointment not  
to be held by  
unregistered persons

18 (2) Nothing in this section or in any other provisions of this Part of  
19 this Act shall prevent a person from holding any appointment referred to in  
20 subsection (1) of this section while he is undergoing training for the purpose  
21 of becoming qualified for registration under this Act and the training is done  
22 under the supervision of persons who are registered on the appropriate  
23 register.

24 **14.** Any person who, not being registered on any register  
25 established under section 8 of this Act, holds himself out to be so registered  
26 or uses any name, title, description or symbol calculated to lead any person  
27 to infer that he is so registered or is a member of the profession, shall be  
28 guilty of an offence and liable on conviction for a first offence to a fine of not  
29 less than N10,000 and not more than N50,000 or to imprisonment for a term  
30 of two years or to both such fine and imprisonment, and on conviction for a Prohibition of  
falsely professing  
to be a registered  
person

1 second or any subsequent offence to imprisonment for a term of not less than  
2 three years and not more than five years.

Recovery of  
fees

3 **15.**-(1) Subject to the provisions of this Act, a registered member of  
4 the profession shall be entitled to recover his fees for professional service by  
5 action in any court of competent jurisdiction.

6 (2) No fees shall be recoverable by legal proceedings in respect of any  
7 act pertaining to the profession of a registered person when performed by a  
8 person who is prohibited from performing such act for gain.

Offences

9 **16.**-(1) Any person who for the purpose of procuring the registration  
10 of any name, qualification or other matter-

11 (a) makes a statement which he believes to be false in a material  
12 particular; or

13 (b) recklessly makes a statement which is false in a material  
14 particular,  
15 is guilty of an offence.

16 (2) If the Registrar or any other person employed by the Council  
17 willfully makes any falsification in any matter relating to any register  
18 maintained under this Act he is guilty of an offence.

19 (3) A person guilty of an offence under this section shall be liable on  
20 conviction in a High Court, to a fine not exceeding N1,000 or to imprisonment  
21 for a term not exceeding two years, or to both such fine and imprisonment.

22 (4) Where an offence under this Part of this Act which has been  
23 committed by a body corporate is proved to have been committed with the  
24 connivance of or is attributable to any neglect on the part of any director,  
25 manager, secretary or other similar officer of the body corporate or any person  
26 purporting to act in any such capacity, he as well as the body corporate, shall be  
27 deemed to be guilty of that offence and shall be liable to be proceeded against  
28 and punished accordingly.

Burden of proof

29 **17.** In any criminal proceedings against any person upon a charge of  
30 having performed an act which constitutes an offence if performed by an

1 unregistered person, the person charged shall be deemed to be unregistered  
2 unless he proves the contrary.

3 PART IV - TRAINING

4 18.-(1) Subject to subsection (2) of this section, the Council may Approval of  
5 approve for the purposes of section 10 of this Act- courses

6 (a) any course of training which is intended for persons seeking to  
7 become members of the profession under this Act and which the Council  
8 considers is designed to confer on persons completing the training sufficient  
9 knowledge and skill for the practice of the profession;

10 (b) any institution whether in Nigeria or elsewhere which the  
11 Council considers is properly organised and equipped for conducting the  
12 whole or any part of the course of training approved by the Council under  
13 this section; or

14 (c) any qualification which, as a result of examinations taken in  
15 conjunction with the course of training approved by the Council under this  
16 section is granted to candidates reaching a standard at the examination  
17 indicating, in the opinion of the Council, that they have sufficient  
18 knowledge and skill to practice the profession to which the qualification  
19 relates.

20 (2) The Council shall, from time to time, publish in the Federal  
21 Gazette a list of qualifications relating to the profession approved by it for  
22 the purposes of subsection (1) of this section.

23 (3) The Council may, if it thinks fit, withdraw any approval given  
24 under this section in respect of any course, qualification or institution; but  
25 before withdrawing such an approval the Council shall-

26 (a) give notice that it proposes to do so to persons in Nigeria  
27 appearing to the Council to be persons by whom the course is conducted or  
28 the qualification is granted or the institution is controlled, as the case may  
29 be;

30 (b) afford each such person an opportunity of making

1 representation to the Council with regard to the proposal; and

2 (c) take into consideration any representation made as respects the  
3 proposal in pursuance of paragraph (b) of this subsection.

4 (4) As respects any period during which the approval of the Council  
5 under this section for a course, institution or qualification is withdrawn the  
6 course or qualification shall not be treated as approved under this section; but  
7 the withdrawal of such an approval shall not prejudice the registration or  
8 eligibility for registration of any person who by virtue of the approval was  
9 registered immediately before the approval was withdrawn.

10 (5) The giving or withdrawal of an approval under this section shall  
11 have effect from such date, after the execution of the instrument signifying the  
12 giving or withdrawal of the approval, as the Council may specify in that  
13 instrument; and the Council shall-

14 (a) as soon as may be, publish a copy of every such instrument in the  
15 Federal Gazette; and

16 (b) not later than seven days before its publication as aforesaid, send a  
17 copy of the instrument to the Minister.

Supervision of  
instruction and  
examinations  
leading to approved  
qualification

18 **19.**-(1) It shall be the duty of the Council to keep itself informed of the  
19 nature of-

20 (a) the instruction given at approved institutions to persons attending  
21 approved courses of training; and

22 (b) the examinations as a result of which approved qualifications are  
23 granted, and for the purpose of performing that duty, the Council may appoint,  
24 either from among its own members or otherwise, persons to visit approved  
25 institutions or attend such examinations.

26 (2) It shall be the duty of a person appointed under this section to  
27 report to the Council on-

28 (a) the adequacy of the instructions given to persons attending  
29 approved courses of training at institutions visited by him;

30 (b) the adequacy of examinations attended by him; and

1 (c) any other matter relating to the institutions or examinations on which the  
2 Council may, either generally or in a particular case, request him to report,  
3 but no such person shall interfere with the giving of any instruction or the  
4 holding of any examination.

5 (3) On receiving a report made in pursuance of this section, the  
6 Council shall as soon as may be send a copy of the report to the person  
7 appearing to the Council to be in charge of the institution or responsible for  
8 the examinations to which the report relates requesting that person to make  
9 representations to the Council within such time as may be specified in the  
10 request, not being more than one month beginning with the date of the  
11 request.

12 **20.**-(1) The Council may consider and if it thinks fit, report to the  
13 Minister upon all matters relating to the professional and technical training  
14 and other qualifications required for admission to the profession under this  
15 Act and the conditions of practice after registration.

Power of the  
Council to consider  
matters relating  
to training

16 (2) The Minister may require the Council to advise him on any  
17 matter referred to in subsection (1) of this section.

18 **21.**-(1) A person who, after obtaining an approved qualification,  
19 satisfies the conditions mentioned in subsection (2) of this section shall be  
20 entitled to receive free of charge a certificate of experience in the prescribed  
21 form from the person in charge of the institution mentioned in that  
22 subsection.

Certificate of  
experience

23 (2) The conditions which a person must satisfy under subsection  
24 (1) of this section, are-

25 (a) he shall have served his time for the prescribed period in  
26 Nigeria with a view to obtaining a certificate of experience;

27 (b) he shall have acquired during his employment practical  
28 experience under the personal supervision and guidance of one or more  
29 registered optometrist or dispensing optician, as the case may be, for such  
30 periods as may be prescribed; and

1 (c) the manner in which he carried out the duties of his employment  
2 and his conduct during the period of his employment shall have been  
3 satisfactory.

4 (3) It shall be the duty of the employer being a registered optometrist  
5 or dispensing optician, as the case may be supervising the work of persons  
6 employed with a view to obtaining a certificate of experience, to ensure that the  
7 person is afforded proper opportunities of acquiring the practical experience  
8 required for the purposes of paragraph (b) of subsection (2) of this section.

9 (4) Where after having served his time as mentioned in paragraph (a)  
10 of subsection (2) of this section a person is refused a certificate of experience he  
11 shall be entitled-

12 (a) to receive from his employer particulars in writing of the grounds  
13 of the refusal; and

14 (b) to appeal from the refusal to a committee of the Council in  
15 accordance with rules made by the Council in that behalf (including rules as to  
16 the time within which appeals are to be brought), and on any such appeal the  
17 committee shall either dismiss the appeal or itself issue the certificate of  
18 experience in question or give such other directions in the matter as it considers  
19 just.

20 (5) Regulations may provide for the issue of certificate of experience  
21 in respect of employment and institutions outside Nigeria.

22 PART V - PROFESSIONAL DISCIPLINE

Establishment  
of the Disciplinary  
Committee and  
the Investigating  
Panel

23 22.-(1) There shall be established a body to be known as the  
24 Optometrists and Dispensing Opticians Disciplinary Committee (in this Act  
25 referred to as the "Disciplinary Committee") which shall be charged with the  
26 duty of considering and determining any case referred to it by the Investigating  
27 Panel established by the following provisions of this Act.

28 (2) The Disciplinary Committee shall consist of the chairman of the  
29 Council and six other members of the Council, including members holding

1 office by virtue of paragraphs (b), (c) and (d) of subsection (1) of section 2 of  
2 this Act.

3 (3) There shall be a body to be known as the Optometrists and  
4 Dispensing Opticians Investigating Panel (in this Act referred to as "the  
5 Investigating Panel") which shall be charged with the duty of-

6 (a) conducting preliminary investigation into any case where it is  
7 alleged that a registered person has misbehaved in his capacity as such or  
8 should for any other reason be the subject of proceedings before the  
9 Disciplinary Committee; and

10 (b) deciding whether the case should be referred to the Disciplinary  
11 Committee.

12 (4) The Investigating Panel shall be appointed by the Council and  
13 shall consist of five members of the Council, but a member of the  
14 Disciplinary Committee shall not be a member of the Investigating Panel.

15 (5) The provisions of the Second Schedule to this Act shall as far as  
16 they are applicable to the Disciplinary Committee and the panel  
17 respectively, have effect with respect to those bodies.

18 **23.**-(1) The chairman shall preside at every meeting of the  
19 Disciplinary Committee.

Proceedings of  
the Disciplinary  
Committee

20 (2) At any meeting of the Disciplinary Committee three members  
21 present shall form a quorum.

22 (3) Any question proposed for decision by the Disciplinary  
23 Committee shall be determined by the majority of the members present and  
24 voting.

25 (4) At all meetings of the Disciplinary Committee each member  
26 present shall have one vote and, in the event of an equality of votes, the  
27 chairman shall have, in addition to a deliberative vote, a casting vote.

28 **24.**-(1) Where-

29 (a) a person registered under this Act is convicted by any court or  
30 tribunal in Nigeria or elsewhere having power to award punishment for an

Penalties for  
unprofessional  
conduct

1 offence (whether or not an offence punishable with imprisonment) which in the  
2 opinion of the Disciplinary Committee is incompatible with the status of  
3 membership of the profession; or

4 (b) a registered person is adjudged by the Disciplinary Committee  
5 guilty of infamous conduct in a professional respect; or

6 (c) the Disciplinary Committee is satisfied that the name of any  
7 person has been fraudulently registered, the Disciplinary Committee may give  
8 any of the directions mentioned in subsection (2) of this section.

9 (2) The Disciplinary Committee may give a direction under this  
10 subsection-

11 (a) ordering the Registrar to strike the person's name off the relevant  
12 part of the register;

13 (b) suspending that person from practice for such period as may be  
14 specified in the direction;

15 (c) reprimanding the person;

16 (d) ordering the person to pay to the Council any costs of and  
17 incidental to the proceedings incurred by the Council;

18 (e) cautioning him and binding him over for a period not exceeding  
19 one year on one or more conditions as to his conduct during the period,  
20 and any such direction may, where appropriate, include provision requiring the  
21 refund of money paid or the handing over of documents or any other thing as  
22 the case may require.

23 (3) In any inquiry under this section, any finding of fact which is  
24 shown to have been made in-

25 (a) any criminal proceedings in a court in Nigeria; or

26 (b) any civil proceedings in a court in Nigeria,

27 shall be conclusive evidence of the fact found.

28 (4) If after due inquiry, the Disciplinary Committee is satisfied that  
29 during the period of binding over under paragraph (e) of subsection (2) of this  
30 section a person has not complied with the conditions imposed thereunder, the

1 Disciplinary Committee may, if it thinks fit, impose anyone or more of the  
2 penalties mentioned in subparagraph (a), (b), (c) or (d) of that subsection.

3 (5) A certificate under the hand of the chairman that any costs have  
4 been ordered to be paid under this section shall be conclusive evidence  
5 thereof.

6 **25.**-(1) Where the name of a person has been struck off the register  
7 in pursuance of a direction given under section 24 of this Act, the  
8 Disciplinary Committee may, if it thinks fit, at any time direct the restoration  
9 of the person's name to the register.

Restoration of  
registration

10 (2) An application for the restoration of a person's name to a  
11 register shall not be made to the Disciplinary Committee before the  
12 expiration of such period from the date of the striking off (and where he has  
13 duly made such an application, from the date of his last application) as may  
14 be specified in the direction.

15 (3) There shall be payable to the Council by any person on the  
16 restoration of his name to a register in pursuance of a direction given under  
17 this section, the like fees as would be payable by that person on first  
18 becoming registered in that register.

19 **26.**-(1) If it is proved to the satisfaction of the Disciplinary  
20 Committee that any entry made in a register has been fraudulently or  
21 incorrectly made, the Disciplinary Committee may direct that the entry shall  
22 be struck off from the register.

Striking of entries  
from the register  
on ground of fraud  
or error

23 (2) A person may be registered in pursuance of any provisions of  
24 this Act notwithstanding that his name has been struck off in pursuance of a  
25 direction given under subsection (1) of this section, but if his name was  
26 struck off on ground of fraud he shall not be registered except if an  
27 application in that behalf is made to the Disciplinary Committee; and on any  
28 such application the Disciplinary Committee may, if it thinks fit, direct that  
29 he shall not be registered or shall not be registered until the expiration of  
30 such period as may be specified in the direction.

1 (3) Any reference in this Act to the striking off from or the restoration  
2 to a register of the name of a person shall be construed as including a reference  
3 to the striking off from or the restoration to the register of any other registrable  
4 particulars relating to that person.

Appeal to the  
Federal High  
Court

5 27.-(1)Where the Disciplinary Committee-

6 (a) makes a finding and imposes a penalty on a registered person  
7 under section 24 of this Act;

8 (b) rejects an application for restoration of a name to the register  
9 under section 25 of this Act; or

10 (c) directs the striking off of an entry from a register under section  
11 26(1) of this Act, the Registrar shall give the person to whom the proceedings  
12 relate notice in writing thereof and such person may, within twenty-eight days  
13 from the date of service on him of the notice, appeal to the Federal High Court.

14 (2) On any appeal under this section, the Council shall be the  
15 respondent.

16 (3) No direction for the striking off of the name of a registered person  
17 from a register under sections 24 and 26 of this Act shall take effect until the  
18 expiration of the time for appealing or if an appeal is brought, until such time as  
19 the appeal is disposed of, withdrawn or struck out for want of prosecution, as  
20 the case may be.

21 (4) The Federal High Court may, on an appeal under this section-

22 (a) confirm, vary or set aside any finding of fact, penalty imposed or  
23 direction given by the Disciplinary Committee; or

24 (b) confirm the rejection by the Disciplinary Committee of the  
25 application for restoration or direct the restoration of the same to the register; or

26 (c) make such other order as to costs or otherwise, as may, to it, seem  
27 just.

28 PART VI - MISCELLANEOUS

Regulations

29 28. Any power to make regulations, rules or orders conferred by this  
30 Act shall include-

1 (a) power to make provisions for such incidental and  
2 supplementary matters as the authority making the instrument considers  
3 expedient for the purposes of the instrument; and

4 (b) power to make different provisions for different circumstances.

5 **29.** In this Act, unless the context otherwise requires-

Interpretation

6 "accepted qualification" means a degree, diploma or other certificate  
7 prescribed under section 10 of this Act;

8 "Council" means the Optometrists and Dispensing Opticians Registration  
9 Council of Nigeria established under section 1 of this Act;

10 "dispensing optics" means the art and skill of fabricating, fitting and  
11 dispensing of optical aids and eye wear;

12 "Minister" means the Minister charged with responsibility for matters  
13 relating to health;

14 "optometry" means a health-care profession specialising in the art and  
15 science of vision care and whose scope of practice includes-

16 (a) eye examinations to determine refractive errors and other  
17 departures from the optimally healthy and visually efficient eye,

18 (b) correction of refractive errors using spectacles, contact lenses,  
19 low vision aids and other devices,

20 (c) correction of errors of binocularity by means of vision training  
21 (orthoptics),

22 (d) diagnosis and management of minor ocular infections which  
23 do not pose a threat to the integrity of the ocular or visual system, and

24 (e) ocular first aid;

25 "profession" means the profession of optometry or dispensing optics;

26 "register" means a register maintained under this Act and "registered" shall  
27 be construed accordingly;

28 "Registrar" means the Registrar appointed under section 7 of this Act;

29 "registration certificate" means a registration certificate issued under  
30 section 10 of this Act; and

1 "student" means a person receiving basic training in an approved training  
2 school for the purpose of the profession covered by this Act.

Short title

3 **30.** This Bill may be cited as the Optometrists and Dispensing  
4 Opticians (Registration, etc.) Act (Repeal and Enactment) Bill, 2024.

5 SCHEDULES

6 FIRST SCHEDULE

7 *[Section 2 (3).]*

8 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

9 *Qualification and tenure of office of members*

10 1.-(1) A person other than a person appointed under section 2 (1) (e),  
11 (g), (h), (i) and (j) of this Act shall not be a member of any Council unless he is a  
12 citizen of Nigeria and is fully registered or in the case of the first members of  
13 the Council, is eligible for registration.

14 (2) Where a member of the Council ceases to hold office before the  
15 date when his term of office would have expired by effluxion of time, the body  
16 or person by whom he was appointed or elected shall as soon as may be appoint  
17 or, as the case may be, elect a person to fill the vacancy for the residue of the  
18 term aforesaid, so however that the foregoing provisions of this subparagraph  
19 shall not apply where a person holding office as a member of the Council  
20 ceases to hold office at the time when the residue of his term does not exceed  
21 one year.

22 (3) Subject to the provisions of this paragraph, a member of the  
23 Council, other than a public officer, shall hold office for a period of three years  
24 from the date of his appointment and shall be eligible for re-appointment for a  
25 further period of three years; thereafter he shall no longer be eligible for re-  
26 appointment.

27 (4) A member of the Council other than a public officer may resign his  
28 appointment by a letter addressed to the Minister and the resignation shall take  
29 effect from the date of the receipt of the letter by the Minister.

30 (5) The Minister may appoint any person who is registered to be a

1 temporary member of the Council during a long absence or the temporary  
2 incapacity by illness of any member; and that person may, while the  
3 appointment subsists, exercise the functions of a member under this Act.

4 (6) The foregoing provisions of this section shall be without prejudice to the  
5 provisions of section 11 of the Interpretation Act, which relates to  
6 appointment.

7 *Proceedings of the Council.*

8 2. Subject to the provisions of this Act and of section 27 of the  
9 Interpretation Act (which provides for decisions of a body to be taken by a  
10 majority of the members of the body and for the chairman to have a second  
11 or casting vote), the Council may make standing orders regulating the  
12 proceedings of the Council or of any committee thereof and elect a  
13 temporary vice-chairman in the absence of the chairman for the conduct of  
14 the affairs of the Council.

15 3. The quorum of the Council shall be seven and the quorum of any  
16 committee of the Council shall be determined by the Council.

17 4. At any time while the office of the chairman is vacant or the  
18 chairman is in the opinion of the Council temporarily or permanently unable  
19 to perform the functions of his office, the vice-chairman shall perform those  
20 functions and references in this Schedule to the chairman shall  
21 be construed accordingly.

22 5.-(1) Subject to the provisions of any applicable standing orders,  
23 the Council shall meet whenever summoned by the chairman; and if the  
24 chairman is required to do so by notice given to him by not less than six other  
25 members, he shall summon a meeting of the Council to be held within  
26 twenty-one days from the date on which the notice is given.

27 (2) At any meeting of the Council, the chairman or, in his absence,  
28 the vice-chairman shall preside, but if both are absent the members present  
29 at the meeting shall appoint one of their number to preside at that meeting.

30 (3) Where the Council wishes to obtain the advice of any person on

1 a particular matter, the Council may co-opt him as a member for such period as  
2 it thinks fit, but a person who is a member by virtue of this sub-paragraph shall  
3 not be entitled to vote at any meeting of the Council and shall not count towards  
4 a quorum.

5 (4) Notwithstanding anything to the contrary, the first meeting of the  
6 Council shall be summoned by the President who may give such directions as  
7 to the procedure to be followed at that meeting as he may deem fit.

8 *Committees*

9 6.-(1) The Council may appoint one or more committees to carry out,  
10 on behalf of the Council, such of its functions as the Council may determine.

11 (2) A committee appointed under this paragraph shall consist of the  
12 number of persons determined by the Council and not more than one-third of  
13 those persons may be persons who are not members of the Council who shall  
14 hold office on the committee in accordance with the terms of the instrument by  
15 which they are appointed.

16 (3) A decision of a committee of the Council shall be of no effect until  
17 it is confirmed by the Council.

18 *Miscellaneous*

19 7.-(1) The fixing of the seal of the Council shall be authenticated by  
20 the signature of the chairman or of some other member authorised generally or  
21 specially by the Council to act for that purpose.

22 (2) Any contract or instrument which if made or executed by a person  
23 not being a body corporate would not be required to be under seal may be made  
24 or executed by a person generally or specially authorised by the Council to act  
25 for that purpose.

1 SECOND SCHEDULE

2 *[Section 22 (5)]*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY  
4 COMMITTEE AND THE INVESTIGATING PANEL

5 *The Disciplinary Committee*

6 1.-(1) The Chief Justice of Nigeria shall make rules as to the  
7 procedure to be followed and the rules of evidence to be observed in  
8 proceedings before the Disciplinary Committee.

9 (2) The rules shall in particular provide-

10 (a) for ensuring that notice of proceedings shall be given at such  
11 time, and in such manner as may be specified by the rules, to the person who  
12 is the subject of the proceedings;

13 (b) for determining who, in addition to the person aforesaid, shall  
14 be a party to the proceedings;

15 (c) for ensuring that any party to the proceedings, shall, if he so  
16 requires, be entitled to be heard by the Disciplinary Committee;

17 (d) for enabling any party to the proceedings to be represented by a  
18 legal practitioner;

19 (e) subject to the provisions of section 24 (2) (d) of this Act, for the  
20 costs of proceedings before the Disciplinary Committee;

21 (f) for requiring, in a case where it is alleged that the person who is  
22 the subject of the proceedings is guilty of infamous conduct in any  
23 professional respect, that where the Disciplinary Committee adjudges that  
24 the allegation has not been proved, it shall record a finding that the person is  
25 not guilty of such conduct, in respect of the matter to which the allegation  
26 relates;

27 (g) for publishing in the Federal Gazette of notice of any direction  
28 of the Disciplinary Committee which has taken effect providing that a  
29 person's name shall be struck off a register.

30 2.-(1) For the purpose of advising the Disciplinary Committee on

1 questions of law arising in proceedings before it, there shall in all such  
2 proceedings be an assessor to the Disciplinary Committee who shall be  
3 appointed by the Council on the recommendation of the Attorney-General of  
4 the Federation and shall be a legal practitioner of not less than seven years  
5 standing.

6 (2) The Attorney-General of the Federation shall make rules as to the  
7 functions of assessors appointed under this paragraph, and in particular such  
8 rules shall contain provisions for securing-

9 (a) that where an assessor advises the Disciplinary Committee on any  
10 question of law as to evidence, procedure or any other matter specified by the  
11 rules, he shall do so in the presence of every party or person representing a party  
12 to the proceedings who appears thereat or, if the advice is tendered while the  
13 Disciplinary Committee is deliberating in private, that every such party or  
14 person as aforesaid shall be informed as to what advice the assessor has  
15 tendered;

16 (b) that every party or person as aforesaid shall be informed if in any  
17 case the Disciplinary Committee does not accept the advice of the assessor on  
18 such a question as aforesaid.

19 (3) An assessor may be appointed under this paragraph either  
20 generally or for any particular proceedings or class of proceedings, and shall  
21 hold and vacate office in accordance with the terms of the instrument by which  
22 he is appointed.

23 *The Investigating Panel*

24 3.-(1) The quorum of the panel shall be three.

25 (2) The Investigating Panel may, at any of its meetings attended by not  
26 less than four members of the Investigating Panel, make standing orders with  
27 respect to the Investigating Panel.

28 (3) Subject to the provisions of any such standing orders, the  
29 Investigating Panel may regulate its own procedure.

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*General*

4. A person ceasing to be a member of the Disciplinary Committee or the Investigating Panel shall be eligible for re-appointment as a member of that body.

5. The Disciplinary Committee or Investigating Panel may act notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body, or subject to section 24(4) of this Act, by reason of the fact that any person who was not entitled to do so took part in the proceedings of that body.

6. The Disciplinary Committee and the Investigating Panel may each sit in two or more places.

7. Any document authorised or required by virtue of this Act to be served on the Disciplinary Committee or the Investigating Panel shall be served on the Registrar.

8. Any expenses of the Disciplinary Committee or the Investigating Panel shall be defrayed by the Council.

THIRD SCHEDULE

*[Sections 10 (1) and (4).]*

ACCEPTED MINIMUM QUALIFICATION FOR THE PURPOSE OF REGISTRATION  
ON THE REGISTER ESTABLISHED UNDER THIS ACT

Profession	Accepted Qualification for registration
	1. Diploma in Optometry obtained before 1976
	2. B.Sc. in Optometry
	3. O.D (Doctor of Optometry)
	4. Any equivalent qualification from any recognized institution.

- 1 Dispensing Optics
- 2 1. Certificate of the National Institute
- 3 2. Diploma in Dispensing Optics
- 4 3. Any equivalent qualification from a
- 5 recognized institution

EXPLANATORY MEMORANDUM

*(This note does not form part of the above Bill but is intended to explain its purport)*

This Bill seeks to repeal and enact the Optometrists and Dispensing Opticians Registration Council of Nigeria Act, charged with the duty, amongst others, of regulating and controlling the education, training and practice of Optometry and Dispensing Optics and allied matters in Nigeria.