

CHAPTER 23

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SCHEDULE

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CHAPTER 23

THE OPTOMETRY ACT

An Act to provide for the establishment of the Council, to regulate the conduct of Optometrists and Ophthalmic Opticians, the registration of Optometrists and Ophthalmic Opticians and to provide for related matters.

[1st May 2008]

[GN. No. 50 of 2008]

Act No.
12 of 2007

PART I

PRELIMINARY PROVISIONS

Short title	1. This Act may be cited as the Optometry Act.
Application	2. -(1) This Act shall apply to Mainland Tanzania. (2) This Act shall apply to Optometrists and Ophthalmic Opticians irrespective of whether or not such persons are fully, provisionally or temporarily registered.
Interpretation	3. In this Act, unless the context otherwise requires- “approved organisation” means an organisation that fulfills conditions requisite for establishment and management of private optometry facility or clinic; “approved person” means an Optometrist, Ophthalmologist and Ophthalmic Optician registered under this Act; “certificate” means a document issued by the Council to a person certifying that such person has undergone a course of study leading to award of a diploma, degree or any other document indicating the level of knowledge and skill acquired by him;

“Council” means the Optometry Council established under section 4;

“enrolled body corporate” means a body corporate enrolled in the list of bodies corporate practising optometry;

“licence” means a permit authorising the holder to practice as an Optometrist or Ophthalmic Optician;

“Minister” means the Minister responsible for health;

“Optometrist” means a primary health care provider of the eye and visual system;

“Ophthalmic Optician” means a person engaged in the testing of sight and supplying optical appliances;

“Ophthalmologist” means a medical practitioner specialised in eye treatment and surgery;

“optical appliance” means an appliance designed to test, detect, correct, remedy or relieve a defect of sight, this includes optical instruments and tools;

“optical instruments” means instruments used to test and detect defect of sight;

“optical tools” means tools used to make visual aids;

“optometry” means health profession specialised in the provision of vision care, examination and diagnosis of vision problems and eye diseases;

“optometry clinic” means optometry clinic which deals with sight testing, visual analysis and corrections of visual defect;

“optometry facility” means an optical surfacing unit, optical laboratory, optical factory and manufacturing, supplying and distributing units of optical appliances;

“Registrar” means the Registrar of the Council appointed under section 7;

“Register” means a Register of Optometrists;

“registered Optometrist” means Optometrist registered under this Act; and

“Roll” means the Roll of Ophthalmic opticians kept by the Registrar in which the names of persons enrolled therein are entered.

PART II

ESTABLISHMENT OF THE COUNCIL

Establishment of Council 4.-(1) There is hereby established a Council to be known as the Optometry Council.

- (2) The Council shall be a body corporate and shall-
 - (a) have perpetual succession and a common seal;
 - (b) in its corporate name be capable of-
 - (i) suing or being sued;
 - (ii) holding and purchasing or acquiring in any other way and disposing of any movable or immovable property; and
 - (iii) entering into contracts or other transactions and doing all other acts and things which a body corporate may lawfully perform;
 - (c) have power to borrow such sums as it may require for its purpose; and
 - (d) exercise the powers and perform the functions conferred upon it by or under this Act.

(3) The provisions of the Schedule to this Act shall have effect as to the appointment of members to the Council, composition, proceedings of the Council and other matters relating to the Council.

Functions and powers of Council 5.-(1) The Council shall be the sole authority for registering and enrolling all Optometrists and Ophthalmic Opticians.

- (2) In particular and without prejudice to the generality of subsection (1), the functions of the Council shall be to-
 - (a) scrutinise, regulate, approve, monitor and evaluate the implementation of the curricula of optometry;
 - (b) publish annually in the *Gazette* as soon as practicable in the year and on such other occasions as it may deem fit, the names and particulars of Optometrists and Ophthalmic Opticians contained in the Register and Roll;
 - (c) issue and cancel registration certificates and licence to practice;

- (d) make entry into the Register or Roll and to amend any particulars entered therein and replace any certificate or licence which have been lost or destroyed;
- (e) advise the Minister on issues pertaining to optometry;
- (f) prescribe the duties of the Registrar to the Council;
- (g) prescribe standards and conditions for establishing new schools of optometry, approved organisations, approved persons, approved optometry facilities and clinics;
- (h) keep and maintain register of schools of optometry, approved organisations, approved persons, approved optometry facilities and clinics;
- (i) establish committees, approve names of proposed committee members and to prescribe their functions;
- (j) prescribe standards and conditions for establishing optometry clinic and facilities;
- (k) approve hospitals or other institutions for the purpose of enabling persons who have been provisionally registered to obtain experience necessary to enable them qualify for full registration;
- (l) raise funds and prescribe procedures and guidelines relating to their use and accounting;
- (m) prescribe modalities for the acquisition and upkeep of the Council's properties and assets;
- (n) make, issue, promote and oversee adherence to a code of conduct and where necessary to exercise disciplinary measures;
- (o) authorise and supervise all activities related to vision testing and distribution of optical appliances;
- (p) prescribe the standards and conditions of ophthalmic materials to the required standards and approve them;
- (q) inspect and prescribe standards of all manufactured ophthalmic materials, appliances and approve them; and
- (r) grant licenses for establishing optometry clinics and facilities.

Establishment of committees **6.**-(1) There shall be established an Education Committee, the Registration and Finance Committee as well as the Ethical and Disciplinary Committee.

(2) Members of each Committee shall include-

- (a) the Chairman who shall be appointed by the Council from amongst its members; and
- (b) not less than three and not more than five members who shall be appointed by the Chairman of the Council upon the approval of the Council.

(3) Each Committee may co-opt for a particular purpose any person to be a member of the Committee and any member so co-opted shall not have the right to vote during the deliberations of the Committee.

(4) The Council may, establish not more than two other committees and may delegate to such committees functions as the Council may deem appropriate to delegate.

(5) The term of office and other conditions for appointment to the committee shall be determined by the Council.

Appointment, functions and powers of Registrar

7.-(1) The Minister shall appoint a Registrar of the Council who shall be an Optometrist registered under this Act.

(2) The Registrar shall be the Secretary to the Council.

(3) The Registrar shall hold office for such period and upon such terms and conditions as the Council may determine, or as may be specified in the instrument of his appointment.

(4) The functions of the Registrar shall be to-

- (a) implement the decisions of the Council;
- (b) make proposals for the formulation of policies to be adopted by the Council;
- (c) establish and maintain relationship with organisations, institutions and agencies as may be appropriate for facilitating the implementation of the policies and the carrying out of the functions of the Council;
- (d) keep and maintain, on behalf of the Council, the Register and the Roll;

- (e) make necessary alteration and corrections in the Register or the Roll in relation to any entry as may be directed by the Council;
- (f) record all minutes of the Council and its committees and to keep properly all the records and documents of the Council; and
- (g) carry on any other function which may be assigned to him by the Council.

(5) The Registrar shall have power to enter into any building or premises for the purpose of doing anything which may be directed by the Council and in his absence he may assign in writing any other officer of the Council to carry on this assignment as provided for under this Act.

(6) The Chairman may, in writing, require the Registrar to submit a report on any matter affecting the affairs of the Council.

(7) The Registrar shall, within a period of three months after the end of the year, submit to the Council an annual report on the affairs and activities of the Council.

Appointment of
Deputy Registrar

8.-(1) There shall be a Deputy Registrar who shall be appointed by the Minister and who shall be optometrist to assist the Registrar in the performance of his duties and, on such other functions as may be directed by the Council.

(2) Subject to the provisions of subsection (1), in the event of the absence of the Deputy Registrar, any other officer of the Council shall carry out the functions of the Registrar in his behalf as the Chairman of the Council may designate in writing.

Staff of Council

9. The Council may appoint such other person to the services of the Council.

PART III

REGISTRATION AND ENROLMENT

(a) Registration

Register of Optometrists

10.—(1) There shall be the Register of Optometrists which shall be kept and maintained by the Registrar.

(2) The Register shall contain the names, addresses, qualifications and other particulars of Optometrists entitled for registration.

Qualifications for registration of Optometrist

11. Subject to the provisions of this Act and any conditions for admission to the Register or any part thereof imposed by regulations made thereunder, a person shall be entitled for registration under this Act if he has—

- (a) undergone the course of study leading to the award of diploma, advanced diploma, degree or masters in optometry from a recognised training institution;
- (b) any other additional qualifications recognised; and
- (c) practical experience for a period of one year in any institution recognised by the Council.

Procedure for registration

12.—(1) A person, who wishes to obtain registration under this Act, shall submit an application in a prescribed form to the Registrar.

(2) An application under subsection (1) shall be accompanied by—

- (a) a certified copy or copies of certificates for academic qualifications of the applicant;
- (b) an application fee as may be prescribed; and
- (c) such other documents containing information as may be required by the Council.

(3) The Registrar shall, after receiving an application, refer the application together with his recommendations to the Council for consideration and determination.

(4) The Council may—

- (a) approve the application and direct the Registrar to register the applicant; or

(b) reject an application and direct the Registrar to inform the applicant accordingly stating the reasons for the Council's decision.

Recognition of other qualifications

13.—(1) For the purposes of registration under this Act, the Council may after—

- (a) taking into account admission requirements into optometry schools;
- (b) assessing the curriculum followed by optometry schools; and
- (c) evaluating the professional standards exhibited by a person holding himself as having qualifications to practice optometry,

recognise such other qualifications as guaranteeing requisite knowledge and skill other than qualifications referred to under section 11.

(2) The qualifications recognised for the purposes of subsection (1), shall, by notice, be published in the *Gazette* as soon as the Council recognises them and the Registrar shall after the 1st day of January and not later than the 31st day of March each year, publish all such qualifications.

(3) The Council may, if professional standards so require, withdraw recognition of qualifications referred to under subsection (1).

(4) Where the Council withdraws recognition of any other qualifications, such withdrawal shall not affect the registration of any person already registered.

Provisional registration of Optometrists

14.—(1) A person otherwise qualified to be registered under section 11 but who is not entitled to be registered as such by reason only of the fact that he does not have the requisite practical experience, but produces evidence satisfactory to the Council that he has been offered employment in an institution approved by the Council and that such employment would afford him opportunity to obtain the required experience, shall be eligible for provisional registration.

(2) A person who is provisionally registered shall be deemed to be registered as far as it is necessary to enable him to be employed for the purpose stated in subsection (1) and to carry out responsibilities of a registered optometrist practitioner but not otherwise.

(3) The provisions of this section shall apply for the purpose of enabling persons referred to in subsection (1) to acquire such practical experience in optometry for one year.

Registration of persons qualified outside Tanzania

15. Where a person applying for registration is a citizen or non-citizen of Tanzania and has qualifications obtained from an institution of learning outside Tanzania but recognised by the Council, that person shall be eligible for provisional registration lasting for a period of one year.

Maintenance of Register of persons provisionally registered

16.-(1) The Registrar shall maintain a separate Register into which the names of persons provisionally registered under section 14 shall be entered and upon such persons being fully registered their names shall be removed from the Register of the persons provisionally registered.

(2) A person provisionally registered shall be titled to practice as an Optometrist registered under section 14 but not otherwise.

Temporary registration

17.-(1) A person who is not a citizen of Tanzania shall be entitled to a temporary registration if he satisfies the Council that-

- (a) he is not ordinarily resident in Tanzania;
- (b) he is or intends to be employed in Tanzania was in capacity for which he is applying for the express purpose of carrying out specific assignment in research, teaching or investing in optometry; and
- (c) he is or immediately before entering Tanzania was in practice as optometrist or ophthalmic optician and that he is eligible for registration or enrolment under the provisions of this Act.

(2) Without prejudice to the provisions of subsection (1), a person intending to be temporarily enrolled shall, together with an application form, submit to the Registrar-

- (a) a certified certificate of full registration issued by a recognised body established in a country in which he practiced;
- (b) a certified certificate of good standing issued in the country in which he last practiced;
- (c) testimonials offered to him by the institution or established institutions in which he last practiced; and
- (d) a curriculum vitae.

(3) A person temporarily enrolled shall not establish and operate any optometry facility or clinic.

(4) Registration of person under this section shall remain valid in so far as that person is in the employment in respect of which a temporary registration was issued and shall cease upon termination of such employment.

(5) Temporary registration granted under this Act shall be for a period of three years but may be renewed.

(b) Enrolment

Qualifications
for enrolment
as Ophthalmic
Optician

18.-(1) There shall be the Roll of Ophthalmic Opticians which shall be kept and maintained by the Registrar.

(2) A person shall be entitled to be enrolled as Ophthalmic Optician if-

- (a) he has successfully completed a course of study leading to an award of a certificate in Ophthalmic Optics; or
- (b) he produces evidence to the satisfaction for the Council that he is certified or enrolled or that he has been and is still entitled to be certified or enrolled as Ophthalmic Optician in any country for the time being prescribed in regulation made under this Act.

(3) The Roll shall contain names, addresses, qualifications and other particulars of Ophthalmic Opticians entitled for enrolment.

Procedures for enrolment

19.-(1) A person who wishes to be enrolled under this Act shall submit an application in the prescribed form to the Registrar.

(2) An application under subsection (1), shall be accompanied by-

- (a) a certified copy or copies of certificates for academic qualifications;
- (b) an application fee as may be prescribed; and
- (c) such other documents containing information as may be required by the Council.

(3) The Registrar shall, after receiving an application, refer the application together with his recommendation to the Council for consideration and determination.

(4) The Council may, after consideration of the matter-

- (a) approve the application and direct the Registrar to enroll the applicant; or
- (b) reject an application and direct the Registrar to inform the applicant accordingly stating the reasons for the Council's decision.

Temporary enrolment

20.-(1) A person who is not a citizen of Tanzania shall be entitled to a temporary enrolment if he satisfies the Council that-

- (a) he is not ordinarily a resident in Tanzania;
- (b) he is or intends to be employed in Tanzania in the capacity for which he is applying for the express purpose of carrying out specific assignment in research or teaching; and
- (c) he is or immediately before entering Tanzania was in practice as Optometrist or Ophthalmic Optician and that he is eligible for registration or enrolment under the provisions of this Act.

(2) Without prejudice to the provisions of subsection (1), a person intending to be temporarily enrolled shall, together with an application form, submit to the Registrar-

- (a) a certified certificate of full registration issued by a recognised body established in a country in which he practiced;

(b) a certified certificate of good standing issued in the country in which he last practiced;

(c) testimonials offered to him by the institution or established institutions in which he last practiced; and

(d) a curriculum vitae.

(3) A person temporarily enrolled shall not establish and operate any optometry facility or clinic.

(4) Enrolment of person under this section shall remain valid in so far as that person is in the employment in respect of which a temporary enrolment was issued and shall cease upon termination of such employment.

PART IV

CANCELLATION AND SUSPENSION

Cancellation or suspension of certificates

21. The Council may, subject to section 25 and if it is satisfied that terms and conditions of registration or enrolment have been breached-

(a) cancel or suspend the certificate; and

(b) direct the Registrar to-

(i) notify the person whose certificate has been cancelled requiring him to stop practicing; or

(ii) remove the name of the person whose certificate has been cancelled from the Register or Roll.

Procedure for cancellation or suspension

22.-(1) Where a registered or enrolled person is in violation of the terms and conditions of his registration or enrolment, the Registrar shall, on the direction of the Council, serve to that person a notice in writing specifying the nature of default.

(2) Upon receipt of the notice under subsection (1), the person to whom the notice is served shall within the time specified in the notice make representation in writing to the Registrar on the rectification of the default.

(3) Where the person under subsection (2) fails to rectify the default within the time specified in the notice or fails to make representation satisfactory to the Registrar, the Registrar

shall recommend to the Council for cancellation or suspension of the certificate issued to that person.

(4) The Council shall, if it is satisfied with the recommendations made under subsection (3), direct the Registrar to cancel or suspend the Certificate of Registration or Enrolment.

Reinstatement

23.—(1) A person whose certificate has been cancelled or suspended may be required to apply for reinstatement of his registration or enrolment to the Registrar within the period of six months from the date of cancellation or suspension.

(2) Where the person under subsection (1) fails with good cause to submit an application for reinstatement of his registration or enrolment within the period of six months, the Council may direct that such person be reinstated in the Register or Roll after passing an examination or paying a penalty fee as may be determined by the Council.

PART V

INQUIRIES AND APPEALS

Receipt of
complaint by
Registrar

24.—(1) The Registrar shall receive all complaints submitted to the Council against any Optometrist or Ophthalmic Optician.

(2) Every complainant shall be required to give all necessary information in relation to the complaint in question.

Conduct of
preliminary
inquiry

25.—(1) The Council may, on its absolute discretion, initiate any preliminary inquiry on an Optometrist or Ophthalmic Optician if it is satisfied that information received by it would warrant the conduct of preliminary inquiry.

(2) Where the Registrar is satisfied in view of the nature of the complaint and representation made by an Optometrist or Ophthalmic Optician that holding of the preliminary inquiry is necessary, he shall submit to the Council all necessary information received and shall make recommendations to the effect that preliminary inquiry be held by the Council.

(3) In conducting a preliminary inquiry, the Registrar shall be accompanied by at least two persons not being members of the Council appointed by the Council to assist him to collect evidence.

(4) Where the Registrar has completed preliminary inquiry he shall report to the Council and upon being satisfied with the evidence collected it shall decide whether or not to hold the inquiry.

(5) Procedures for conducting inquiry shall be as may be prescribed in the regulations.

Council's decisions and appeals

26.-(1) A decision of the Council with respect to application for registration, enrolment, de-registration or removal from the Register or Roll shall be stated categorically and the reasons for such decision shall be given as may enable a person in respect of whom a decision has been made understand the nature of the decision.

(2) A decision of the Council shall be communicated to a person concerned by a registered mail.

(3) A person aggrieved by the decision of the Council may appeal to the Minister.

PART VI

DUTIES OF OPTOMETRISTS AND OPHTHALMIC OPTICIANS

Duties of
Optometrists
and Ophthalmic
Optician

27.-(1) It shall be the duty of every Optometrist and Ophthalmic Optician to attend their patients with clear knowledge, skills and right attitude.

(2) A person registered or enrolled under this Act, shall be in breach of principles of professional conduct and personal behaviors if-

- (a) he neglects or disregards professional responsibilities to patients with respect to their care and treatment;
- (b) he abuses professional privileges or skills;

(c) his personal behavior and conduct are derogatory to the reputation of the profession;

(d) he disparages his professional colleagues; or

(e) he associates with unqualified persons in discharging his professional duties and carrying out his professional responsibilities.

(3) Notwithstanding the provisions of subsection (1), it shall be the responsibility of any Optometrist and Ophthalmic Optician to abide by the code of conduct as may be prescribed.

Ownership and management of optometry facility and optometry clinic

28.—(1) A person shall not own or manage an optometry clinic or facility in accordance with the provisions of this Act unless—

- (a) that person is a fully registered Optometrist;
- (b) he is an Ophthalmologist; or
- (c) he is enrolled as an Ophthalmic Optician with experience of not less than three years.

(2) An organisation shall not own or manage an optometry clinic or facility in accordance with the provisions of this Act unless it is an approved organisation.

Conditions to operate optometry facility or clinic in hospitals, health centers, dispensary, etc.

29. A person shall not be allowed to operate an optometry facility or clinic within the hospital, dispensary, clinic or any other health facility without prior obtaining registration in accordance with the provisions of this Act.

PART VII

FINANCIAL PROVISIONS

Funds of Council

30.—(1) The funds and resources of the Council shall consist of—

- (a) the sums of money as may be appropriated by the Parliament;
- (b) proceeds derived from sale of Council's property;
- (c) all fees payable under this Act;
- (d) such donations, grants, bequeaths or loans as the Council may receive from any person or organisations; and

(e) any other income identified by the Council and legally obtained.

(2) The funds and resources of the Council shall be applied for the purposes for which the Council is established and in accordance with the directions of the Council.

(3) An expenditure shall not be made out of the funds of the Council unless such expenditure has been approved by the Council.

(4) The Registrar shall keep proper audited accounts and other records relating to or in respect of the funds and resources of the Council.

Financial year
of Council

31. The financial year of the Council shall be, in respect of the first accounting period, the period starting from the date of commencement of this Act and ending on 30th June and in respect of the subsequent accounting period, twelve months ending 30th June.

Estimates of
income and
expenditure of
Council

32.-(1) The Registrar shall, within a period of three months before the end of each financial year, prepare and submit to the Council for approval, estimates of income and expenditure of the Council for the next ensuing financial year.

(2) Upon approval of estimates by the Council, the Registrar shall forward such estimates to the Minister for approval with or without variation.

Remuneration
of members of
Council

33. Members of the Council and the committees shall be paid from the funds of the Council such allowances as the Minister may determine.

Annual report

34. The Council shall, within six months after the close of the financial year, cause to be prepared and submitted to the Minister a report dealing generally with the activities and operations of the Council during that year accompanied by-

- (a) a copy of the audited accounts of the Council;
- (b) a copy of the auditor's report on the accounts; and
- (c) such other information as the Minister may direct.

Laying of
accounts
before National
Assembly

35. The Minister shall, as soon as practicable after receiving the document referred to under section 34, lay before the National Assembly the audited accounts of the Council, together with the auditor's report on the accounts and the annual report of the Council.

Offences for
illegal practicing

36.—(1) A person who practices as an Optometrist or Ophthalmic Optician without being registered or enrolled, commits an offence and on conviction shall be liable to a fine of not less than one million shillings but not exceeding two million shillings or to imprisonment for a term of two years or to both.

(2) A person who owns an optometry facility or optometry clinic contrary to the provisions of this Act, commits an offence and on conviction shall be liable to a fine of not less than one million shillings but not exceeding five million shillings or to imprisonment for a term of five years or to both.

(3) In addition to the penalty which may be imposed in pursuance to the provisions of subsections (1) and (2), the trial court may order that any drugs, medicines, corrective lenses, retinoscopes, trial frames, slit lamps, keratometer, trial cases, tools, machinery or any other ophthalmic diagnostic instruments or appliances used by or belonging to or found in possession of a person convicted be forfeited, destroyed or otherwise disposed of.

Prohibition

37. A person registered or enrolled under this Act who allows, associates or otherwise causes a person who is not registered or enrolled as such to practice as Optometrist or Ophthalmic Optician, commits an offence and on conviction shall be liable to a fine of not less than five hundred thousand shillings but not exceeding one million shillings or to imprisonment for a term of five years or to both.

Procurement of
illegal registration
or enrollment

38. A person who-

- (a) procures or attempts to procure registration or enrollment by production of any false or fraudulent statement or document; or
- (b) deliberately makes or causes to be made any falsification in any matter relating to the Register or Roll;
- (c) assist or aids any person to commit any of the acts prescribed under this section,

commits an offence.

General penalty

39.-(1) An Optometrist or Ophthalmic Optician who-

- (a) having been summoned by the Council fails-
 - (i) to attend before the Council; or
 - (ii) without reasonable excuse to produce any book or documents which he is required to produce;
- (b) without lawful excuse, refuse to answer any question put to him in the cause of the proceedings of the Council; or
- (c) fails to observe or breaches any other provisions of this Act,

commits an offence and on conviction shall be liable to a fine of not less than five hundred thousand shillings but not exceeding one million shillings.

(2) A manufacturer, distributor, supplier or approved organisation which-

- (a) manufactures, distributes and supplies optometry appliances which do not meet Council's prescribed standards;
- (b) willfully and falsely use any name or label implying a quality of a product;
- (c) manufactures, supplies and distributes optometry appliances and instruments without being approved by the Council; or
- (d) sells optical appliances to non-Optometrist, Ophthalmic Optician, Ophthalmologist or approved organisation or institution,

commits an offence and on conviction shall be liable to a fine not less than one million shillings but not exceeding five million shillings or to imprisonment for a term of not less than six months but not exceeding one year or to both.

Restriction on
sale and supply of
optical appliances

40.—(1) A person shall not sell or supply any optical appliances unless the sale is effected by—

- (a) the supervision of an Ophthalmologist, a registered Optometrist or Ophthalmic Optician; or
- (b) a prescription made by an Ophthalmologist, a registered Optometrist or Ophthalmic Optician in an optometry facility or optometry clinic.

(2) A person who contravenes the provisions of subsection (1), commits an offence and on conviction shall be liable to a fine not exceeding ten million shillings or to an imprisonment for a term not exceeding five years.

PART IX

MISCELLANEOUS PROVISIONS

Letter of
authorisation
for visiting
Optometrists
or Ophthalmic
Opticians

41.—(1) Where the Registrar or any person appointed by the Council is satisfied, in relation to any person who is not ordinarily a resident in Tanzania, such a person—

- (a) holds a certificate which furnishes a sufficient guarantee of the possession by him of the requisite knowledge and skill for the efficient practice of optometry or ophthalmic optics;
- (b) has sufficient practical experience for the efficient practice of optometry or ophthalmic optics;
- (c) satisfies all conditions specified under section 18;
- (d) desires to provide optometry or ophthalmic services upon a patient or patients; or
- (e) has a letter of good standing from optometry regulatory authority of a country in which he attained the qualification,

he may, after consultation with the Council, grant a letter authorising that person to render optometry or ophthalmic optical services to a patient or patients specified in such a letter.

(2) A person holding a letter of authorisation issued under subsection (1), shall be deemed to be duly registered or enrolled as an Optometrist or Ophthalmic Optician in relation to the services provided to the patient or patients named in the letter.

(3) The letter of authorisation issued under subsection (1) shall be valid for a period of three months from the date of issuance.

Registrar may call for further information

42.-(1) The Registrar may, on his own motion or on the instruction of the Council, in writing request any Optometrist or Ophthalmic Optician who is applying for registration or enrollment under this Act to furnish all or any information regarding-

- (a) possession of further qualifications guaranteeing eligibility for registration as applied by him;
- (b) if employed, whether he is in private practice or is in the employment of any organisation or institution;
- (c) the name of the organisation or institution by which he is employed; and
- (d) any issue which is necessary for facilitating registration or enrollment.

(2) An Optometrist or Ophthalmic Optician who receives a request for any such additional information shall comply with such request.

Consideration of applications

43. Notwithstanding any provision relating to applications which may be made under this Act, the Registrar shall process application submitted to him within ninety days from the date of lodging the application and forward to the Council for determination.

Issuance of certificates

44. Every person who is registered, enrolled or granted a letter of authorisation in pursuance to this Act shall be issued with a certificate as may be prescribed.

Inspection of optometry facility and optometry clinics

45.—(1) All optometry facilities and clinics shall be supervised and inspected by the Registrar or any other officer appointed by the Council.

(2) Where, during the carrying out of inspection, the Registrar or any other officer duly appointed makes a finding that an approved person in respect of whose optometry facility or clinic inspection has been done is conducting himself in a manner derogatory of or incompatible with the optometry profession, he shall make a report disclosing such findings to the Council.

Limitation of liability

46. No matter or thing done or omitted to be done by the Council, committees, the Registrar or any other person empowered to perform any function under this Act shall, if done or omitted to be done in good faith in execution or purported execution of his functions under this Act, render the Council, committees, the Registrar or such any other person, personally liable for the matter or thing done.

Seal of Council

47.—(1) The seal of the Council shall be kept under the custody of the Registrar.

(2) The affixing of the seal of the Council on any document shall be authenticated by the signature of the Chairman and the Registrar.

(3) A document purporting to be an instrument issued by the Council and authenticated in the manner provided for under subsection (2) shall be deemed to be a valid instrument and admissible in evidence.

Appointment of supervisory authorities

48.—(1) The Minister may, after consultation with the Council, appoint such registered or enrolled persons or other persons to be supervisory authorities at district and regional levels.

(2) Persons appointed under subsection (1), shall perform supervisory functions over Optometrists, Ophthalmic Opticians and facilities within their respective districts or regions.

Regulations

49.-(1) The Minister may make regulations generally providing for the better carrying out of the provisions of this Act.

(2) Notwithstanding the provisions of subsection (1), the Minister may make regulations-

- (a) regulating the practice of Optometrists, Ophthalmic Opticians, approved persons and approved organisations;
- (b) prescribing procedures for conducting inquiry;
- (c) prescribing qualification, which shall be recognised as entitling the holder for registration or enrollment under this Act;
- (d) prescribing procedures for registration and enrolment under this Act;
- (e) prescribing ethics in the practice of the Optometry and Ophthalmic Optician profession;
- (f) prescribing rules regulating the standards of professional conduct for Optometrists and Ophthalmic Opticians or with respect to optometry profession;
- (g) prescribing the supply and fitting of contact lenses by registered Optometrists or enrolled Ophthalmic Opticians;
- (h) prescribing various forms to be used under this Act;
- (i) prescribing fees and other charges;
- (j) prescribing procedure for appeals under this Act;
- (k) prescribing the functions of the committees established under this Act;
- (l) prescribing conditions for the licensing of optometry facilities and clinics;
- (m) prescribing conditions and procedures for optometry investment by foreigners in the country;
- (n) prescribing conditions for retaining the names of registered Optometrist or enrolled Ophthalmic Optician;
- (o) prescribing procedure for supervision at the regional and district levels; and
- (p) any matter which is permitted or required by this Act to be prescribed.

(3) The Minister may, after consultation with the Council, prescribe the code of conduct and ethics to be observed by Optometrists and Ophthalmic Opticians.

(4) The code of conduct and ethics made under subsection (3), shall be published in the *Gazette*.

Repeal and
savings
Act No.
9 of 1966

50.—(1) [Repeals the Opticians Act]

(2) Notwithstanding the provisions of subsection (1)–

- (a) all rules made under the repealed Act shall, in so far as they are not inconsistent with the provisions of this Act, remain in force until they are revoked;
- (b) anything done or any action taken or purported to have been done or taken under the repealed Act shall be treated as if they have been done or taken under this Act.

SCHEDULE

(Made under section 4(3))

APPOINTMENT, COMPOSITION AND PROCEEDINGS OF THE COUNCIL

Composition
of Council and
tenure of office

1.—(1) The Council shall consist of members namely–

- (a) a Chairman who shall be appointed by the Minister;
- (b) two members representing Optometrists or Ophthalmic Optician from the public sector;
- (c) one member representing Optometrist or Ophthalmic Optician from private sector;
- (d) one Optometrist or Ophthalmic Optician from private hospitals;
- (e) one Optometrist or Ophthalmic Optician from voluntary agencies;
- (f) the president of the Tanzania Optometry Association;
- (g) the Director responsible for preventive services in the Ministry of Health;
- (h) the Principal from the School of Optometry;
- (i) the representative from the Medical Council of Tanganyika;
- (j) Law Officer representing the Office of the Attorney General; and
- (k) one representative from the consumers.

(2) The members of the Council shall be appointed by the Minister.

(3) A member of the Council shall, unless he resigns or his appointment is revoked by the Minister, hold office for a period of three years from the date of appointment and shall be eligible for re-appointment.

(4) A person who is a member by virtue of his office shall cease to be a member upon ceasing to hold office in respect of which he is a member of the Council.

(5) The Minister may fill any casual vacancy occurring in the membership, and may revoke any appointment of any member, and appoint a replacement in accordance with the system of representation contained in subparagraph (1).

Election of Vice-Chairman

2.-(1) The Members shall elect a Vice-Chairman of the Council from amongst their number.

(2) The Vice-Chairman shall, subject to his continuing to be member, hold office for a term of three years from the date of his election, but shall be eligible for re-election.

Meeting of Council

3.-(1) The Council shall ordinarily meet at such times and places as it deems necessary for transaction of its business, but shall meet at least once in every six months.

(2) The Chairman or in his absence, the Vice-Chairman, may at any time call a special meeting of the Council, upon a written request by the majority of the members in office.

(3) The Chairman or in his absence, the Vice-Chairman, shall preside at every meeting of the Council and in the absence of both the Chairman and the Vice-Chairman, the members present shall appoint a member from amongst themselves to preside over the meeting.

Absent members to be represented

4. Where a member of the Council who is a member by virtue of his office is unable for any reason to attend any meeting of the Council he may nominate another person from his organisation to represent him in the meeting.

Quorum

5. The quorum at any meeting of the Council shall be half of the members in office.

Decision of Council

6.-(1) Subject to subparagraph (2), matters proposed to be deliberated upon at a meeting of the Council shall be decided by a majority of the votes of the members present and voting, in the event of an equality of votes, the person presiding over the meeting shall have a casting vote in addition to his deliberative vote.

(2) Notwithstanding the provisions of subparagraph (1), where the Chairman so directs a decision may be made by the Council without a meeting by circulation of the relevant papers among the members, and the expression of the views of the members in writing, shall constitute

the decision of the Council, but any member may require that the decision be deferred and the subject matter be considered at a meeting of the Council.

Minutes of meetings **7.**-(1) The Secretary shall record and keep minutes of all business conducted or transacted at the meeting, and the minutes of each meeting of the Council shall be read and confirmed or corrected and confirmed at the next meeting of the Council and signed by the person presiding over the meeting and the Secretary.

(2) Minutes of the Council purporting to be signed by a person presiding over the meeting and the Secretary shall in the absence of proof of error be deemed to be a correct record of the meeting which the minutes purport to be.

Validity of proceedings **8.** Any act or proceedings of the Council shall not be invalid by reason of existence of any vacancy amongst its members or by reason of any defect in the appointment of any member.

Council may regulate its own proceedings **9.** Subject to the provisions of this Schedule, the Council may regulate its proceedings.

Proof of documents **10.** A document purporting to be made under the hand of the Registrar with respect to the decision or any resolution of the Council and having been issued on behalf of the Council, shall be receivable in all courts of law or tribunals or other bodies authorised to receive evidence and shall, unless the contrary intention is shown, be deemed and without further proof, to be sufficient evidence of what is contained in that document.