

# STATES OF JERSEY

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## **DRAFT OPTICIANS (REGISTRATION) (AMENDMENT) (JERSEY) LAW 200**

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**Lodged au Greffe on 13th May 2003  
by the Health and Social Services Committee**

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**STATES GREFFE**





Jersey

## **DRAFT OPTICIANS (REGISTRATION) (AMENDMENT) (JERSEY) LAW 200**

### **European Convention on Human Rights**

The President of the Health and Social Services Committee has made the following statement –

In the view of the Health and Social Services Committee the provisions of the Draft Opticians (Registration) (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator S. Syvret**

## REPORT

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### **Sale of 'ready readers'**

On 21st May 2002, the States, on adopting a proposition of Deputy Alan Breckon of St. Saviour–

- '(a) agreed, in principle, that the optical appliances commonly known as "ready readers" should be available for purchase in the Island by persons over the age of 16 without restriction; and*
- (b) requested the Health and Social Services Committee to bring forward for approval before the end of November 2002 the necessary amendments to the Opticians (Registration) (Jersey) Law 1962 to give effect to the proposal and requested the Policy and Resources Committee to allocate the necessary law drafting time to enable this matter to be included in the 2002 Legislation Programme.'*

Article 13 of the Opticians (Registration) (Jersey) Law 1962, currently restricts the sale of optical appliances subject to certain specific exceptions, unless under the supervision of a registered medical practitioner or a registered optician.

The proposed Law makes an amendment to the above Article, to enable –

*"a sale for a person not under the age of 16 of spectacles which have two single vision lenses of the same positive spherical power not exceeding 4 dioptres, where the sale is wholly for the purpose of correcting, remedying or relieving the condition known as presbyopia."*

The opportunity has also been taken, with the advice of the Attorney General, to bring up to date the penalties for offences under this Law.

### **Statement of financial/manpower implications**

There are no financial or manpower implications for the States arising from the adoption of this draft Law.

### **European Convention on Human Rights**

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the Committee in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). Although the Human Rights (Jersey) Law 2000 is not yet in force, on 7th May 2003 the Health and Social Services Committee made the following statement before Second Reading of this projet in the States Assembly –

In the view of the Health and Social Services Committee the provisions of the Draft Opticians (Registration) (Amendment) (Jersey) Law 200- are compatible with the Convention Rights.

## Explanatory Note

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This draft Law would amend the Opticians (Registration) Law 1962.

*Article 1* is an interpretation clause.

*Article 2* increases the maximum penalty for an offence under Article 5 of the principal Law (relating to the abuse of certificates and the fraudulent obtaining of registration) from a fine of £100 and imprisonment for one year to imprisonment for 2 years and an unlimited fine.

*Article 3* alters the maximum penalty for an offence under Article 12 of the principal Law (relating to the testing of eyesight by unqualified persons) from a fine of £250 to a fine of level 3 on the standard scale (currently £2000).

*Article 4* exempts, from the requirement in Article 13 of the principal Law that optical appliances may only be sold under the supervision of a qualified person, the sale of “ready readers” for persons who are not under the age of sixteen.

It also alters the maximum penalty for an offence under Article 13 of the principal Law from a fine of £250 to a fine of level 3 on the standard scale.

*Article 5* alters the maximum penalties for offences under Article 14 of the principal Law (relating to the use of the titles of an optician by persons and bodies corporate not entitled to do so) from a fine of £250 to imprisonment for one year and a fine of level 4 on the standard scale (currently £5000).

*Article 6* provides for the citation of the amending Law and for it to come into force on the seventh day after its registration.





Jersey

# DRAFT OPTICIANS (REGISTRATION) (AMENDMENT) (JERSEY) LAW 200

A LAW to amend the Opticians (Registration) (Jersey) Law 1962.<sup>[1]</sup>

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*Adopted by the States* [date to be inserted]

*Sanctioned by Order of Her Majesty in Council* [date to be inserted]

*Registered by the Royal Court* [date to be inserted]

**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

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## 1 Interpretation

In this Law, “principal Law” means the Opticians (Registration) (Jersey) Law 1962<sup>[2]</sup>

## 2 Amendment of Article 5

In Article 5 of the principal Law,<sup>[3]</sup> for the words “shall be liable in respect of each offence to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding one year” there shall be substituted the following words –

“shall be liable to imprisonment for a term not exceeding two years or to a fine, or both”.

## 3 Amendment of Article 12

For Article 12(2) of the principal Law<sup>[4]</sup> there shall be substituted the following paragraph –

“(2) Any individual who contravenes the provisions of this Article shall be liable to a fine not exceeding level 3 on the standard scale.<sup>[5]</sup>”.

## 4 Amendment of Article 13

(1) After Article 13(2) of the principal Law<sup>[6]</sup> there shall be inserted the following paragraphs –

“(2A) Paragraph (1) of this Article shall not apply to a sale for a person not under the age of 16 of spectacles which have two single vision lenses of the same positive spherical power not exceeding 4 dioptries, where the sale is wholly for the purpose of correcting remedying or relieving the condition known as presbyopia.

(2B) For the purposes of paragraph (2A) of this Article, lenses are to be taken to have the same positive spherical power if the difference between them is within the tolerances relating to the power of such lenses specified from time to time in the British Standard Specification.”.

(2) For Article 13(4) of the principal Law<sup>[7]</sup> there shall be substituted the following paragraph –

“(4) Any person who contravenes the provisions of this Article shall be liable to a fine not exceeding level 3 on the standard scale.<sup>[8]</sup>”.

## 5 Amendment of Article 14

(1) In Article 14(1) of the principal Law, for the words “shall be liable to a fine not exceeding two hundred and fifty pounds” there shall be substituted the following words –

“shall be liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding level 4 on the standard scale,<sup>[9]</sup> or both”.

(2) In Article 14(2) of the principal Law,<sup>[10]</sup> for the words “shall be liable to a fine not exceeding two hundred and fifty pounds” there shall be substituted the following words –

“shall be liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding level 4 on the standard scale,<sup>[11]</sup> or both”.

## 6 Citation and commencement

(1) This Law may be cited as the Opticians (Registration) (Amendment) (Jersey) Law 200-.

(2) This Law shall come into force on the seventh day following its registration.



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[1] *Volume 1961-1962, page 601.*

[2] *Volume 1961-1962, page 601.*

[3] *Volume 1961-1962, page 605.*

[4] *Volume 1961-1962, page 611.*

[5] *Volume 1992-1993, page 437.*

[6] *Volume 1961-1962, page 612.*

[7] *Volume 1961-1962, page 612.*

[8] *Volume 1992-1993, page 437.*

[9] *Volume 1992-1993, page 437.*

[10] *Volume 1961-1962, page 613.*

[11] *Volume 1992-1993, page 437.*