

CASE NO. VOL. NO. PAGE  
Cite as: **R. v. Smith, 1997 NSCA 202**

**LINDA SMITH** **HER MAJESTY THE QUEEN**  
(Appellant) - and - (Respondent)

C.A.C. No. **138657** Halifax, N.S. **BATEMAN, J.A.**  
(Orally)

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**APPEAL HEARD:** November 27, 1997

**JUDGMENT DELIVERED:** November 27, 1997

**WRITTEN RELEASE OF ORAL:** December 3, 1997

**SUBJECT:** Appeal from Summary Conviction Appeal Court on charge under **Dispensing Opticians' Act**.

**SUMMARY:** Assistant to an optometrist conducted optical dispensing functions. Assistant was not licensed under **Dispensing Opticians' Act**. Found not guilty by Provincial Court judge. Reversed on appeal to Supreme Court - new trial ordered.

**ISSUES:** Whether s. 17 of **Act**, which exempts optometrist from being licensed under that **Act**, permits the optometrist to delegate certain functions to assistant.

**RESULT:** Appeal dismissed. Appeal Court judge made no error in reversing conviction and ordering a new trial.

**This information sheet does not form part of the court's decision. Quotes must be from the decision, not this cover sheet. The full court decision consists of 2 pages.**