

**ENVIRONMENTAL LAW  
OF LAGOS STATE**

**A Law to provide for the Management, Protection and Sustainable  
Development of the Environment in Lagos State**

# **ENVIRONMENTAL LAW OF LAGOS STATE.**

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SCHEDULE.

# **ENVIRONMENTAL LAW OF LAGOS STATE 2011**

## **A Law to provide for the Management, Protection and Sustainable Development of the Environment in Lagos State**

### **COMMENCEMENT**

The Lagos State House of Assembly enacts as follows:

### **PART I**

#### **Administration of Environmental Matters in Lagos State**

##### **Organs and Bodies**

1. The Ministry of the Environment (referred to in this Law as “The Ministry”) shall be responsible for the overall management of the environment of Lagos State.

##### **Constitution of authorities and boards under the supervision of the Ministry of Environment**

- 2 (1) Without prejudice to any existing law, the following Agencies shall constitute the Authorities or Boards under the supervision of the Ministry:
  - (a) Lagos State Environmental Protection Agency (LASEPA);
  - (b) Lagos Water Corporation (LWC);
  - (c) Lagos Waste Management Authority (LAWMA);
  - (d) Lagos State Signage and Advertisement Agency (LASAA);
  - (e) Lagos State Parks and Garden Agency(LASPARK);
  - (f) Lagos State Wastewater Management Office (LSWMO);
  - (g) Lagos State Environmental Sanitation Enforcement Agency (LSESEA);
  - (h) Lagos State Water Regulatory Commission(LSWRC)
  - (i) Public Utilities Monitoring and Assurance Unit (PUMAU); and

- (j) Any other agency or board as may be established under the Law of the State
- (2) For the purpose of this Law, the Ministry shall when required, delegate to any Department, Authority, Agency or Board specific responsibilities and functions for implementation.
- (3) For the purpose of this law, “Commissioner” means the Commissioner for Environment.

### **Powers of the Ministry**

- 3** (1) For the purpose of full implementation and enforcement of this Law, the Ministry shall, without prejudice to other powers conferred on it by the Honourable Commissioner for Environment and any other Law of the State.
- (a) be responsible for initiation, formulation and implementation of policies and coordination of environmental programmes in Lagos State.
  - (b) collaborate, consult and cooperate to the maximum extent practicable with any federal agency, state and local government, statutory bodies and research agencies on matters and facilities relating to environmental protection.
  - (c) on regular basis, promote cooperation in environmental sciences and technologies with appropriate Federal Agencies, relevant State Ministries and agencies in other countries and international bodies connected with the protection of environment.
  - (d) Promote sustainable conservation and ecological policy for the State including but not limited to promotion of aesthetics, biodiversity, parks and gardens, landscaping and forest conservation.
- (2) The Ministry shall provide technical assistance to other institutions and individuals on all environmental matters.
- (3) In the formulation of policies on environmental matters in the State, the Ministry shall:

- (a) Integrate sustainable development principles in the policies of the State and advise the State on appropriate location for citing environmental projects/programmes across the state among its other functions;
  - (b) offer advice to the State Government on projects/programmes with socio economic and environmental impact as it may consider necessary or as may be referred to it from time to time;
  - (c) be responsible for formulation of legislation, standards and regulations of environmental matters in Lagos State;
  - (d) formulate guidelines for discussion fostering inter-ministerial and inter-agency discussions on environmental matters of Lagos State;
  - (e) adopt measures towards having a healthy and business friendly environment in Lagos State;
  - (f) consider all matters referred to it by the State Executive Council, the general public, association and groups etc.;
  - (g) execute other environmental functions and programmes as may be assigned to it by the Executive Governor of Lagos State;
  - (h) liaise with the Agencies of other tiers of Governments including the Federal Government and donor agencies in the execution of its environmental policies;
  - (i) ensure and integrate public awareness and public participation mechanisms in its decision-making processes with a view to ensuring that the general public is enlightened and afforded opportunity to contribute to environmental matters;
  - (j) promote investment in waste management and development of waste management infrastructure; and
  - (k) collate and process data on waste generation and management as well as provide analysis on impact of waste and waste management on the environment.
- (4) Perform oversight responsibilities on the agencies and authorities enumerated in section 2(1) of this section.

## **Establishment of Lagos State Environmental Trust Fund**

- 4 (1) There is established a Fund to be known as the Lagos State Environmental Trust Fund (hereinafter referred to in this law as the **“Fund”**) which shall be the depository of all monies received under this Law. These monies shall be managed by an independent trustee or a number of independent trustees.
- (2) There is hereby established a Board of Trustees of the Fund to be known as the Lagos State Environmental Trust Fund Board of Trustees (referred to in this Law as the **(“Trust Fund Board”)**)
- (3) The Board:
- (a) shall be a body corporate with perpetual succession and a common seal;
  - (b) may sue and be sued in its corporate name; and
  - (c) may acquire, hold, manage and dispose of property for the purpose of discharging its functions under this Law.

## **Sources of the Fund**

- 5 (1) The sources of money payable into the Fund shall consist of -
- (a) such sums of money as may be appropriated by the State House of Assembly;
  - (b) such sums of money as may be payable to the Fund by way of donation, gifts, loans, grants, by the state government, other agencies, individuals, corporates bodies or another government or international organizations or bequest;
  - (c) all fees, charged by the Authorities or agencies under this Law or its subsidiary legislation for any license issued pursuant to this Law;
  - (d) all other sums or property which may in any manner become payable to or vested in the Fund in respect of any matter incidental to its powers and duties;
  - (e) any income generated by any project financed by Fund, due allowance being made for any necessary expenses which may be met by any such project;

- (f) Other sums accruing to the fund from any other source

### **Objects of the Fund**

6 (1) The objects of the Trust Fund shall include:

- (a) To promote the development and improvement of the state's environmental performance and sustainability;
- (b) To create a system that can attract funds from persons, organizations and authorities in tackling environmental issues;
- (c) To provide assistance for action-oriented projects with tangible, measurable results, aimed at protecting, preserving and enhancing the state's natural environment
- (d) To promote community based recycling, waste re-use, and waste prevention projects;
- (e) To encourage the provision, maintenance, and improvement of public parks or other public amenity;
- (f) To fund the conservation or promotion of biological diversity through the provision, conservation, restoration or enhancement of a natural habitat or the maintenance or recovery of a species in its natural habitat;
- (g) To promote the innovative use of amenities to enhance, maintain or introduce real community led social, economic or environmental improvements;
- (h) To fund and promote the creation of job opportunities for the youth in waste management, and waste recycling;
- (i) To subsidize the waste collection and disposal cost of indigent households under this law;
- (j) To ensure that the environmental needs of all hitherto underserved areas of Lagos State are catered for;
- (k) To re-train local itinerant waste collectors on environmentally sustainable ways of collecting, reusing and recycling waste;

- (l) to promote research in both the public and the private sectors into environmental problems of any kind and, in particular, to encourage and support:
  - i. research into and development of local solutions to environmental problems;
  - ii. discovery of new methods of operation for industries in Lagos State that are less harmful to the environment;
  - iii. research into general environmental problems; and
  - iv. assessment of environmental degradation.
- (m) to promote environmental education and, in particular, to encourage the development of educational programs in both the public and the private sectors that will increase public awareness of environmental issues of any kind;
- (n) to fund the acquisition of land for national parks and other categories of dedicated and reserved land for the national parks estate;
- (o) to fund the declaration of areas for marine parks and for related purposes;
- (p) to promote waste avoidance, resource recovery and waste management (including funding enforcement and regulation and local government programs);
- (q) to fund environmental community groups on campaigns relating to waste reduction, management, reuse and recycle; and
- (r) to fund the purchase of water entitlements for the purposes of increasing environmental flows for the State's rivers and restoring or rehabilitating major wetlands.

### **Allocation of the Fund and Guarantees**

**7 (1)** There shall be charged on and paid out of the Fund all such sums of money as may be expended for:

- (a) management of environment;



- (b) payment of fees to service providers, concessionaires and contractors under this law;
  - (c) Operation of landfill sites;
  - (d) Operation of recycling plants;
  - (e) Operation of incineration facilities;
  - (f) Subsidy for waste collection from indigent, low income and Underserved Areas ; and
  - (g) other administrative functions of the Fund and fees payable to the trustees.
- (2) (a) The State shall secure the payment in respect of contracted services and concessions for long term infrastructure investments with an Irrevocable Service Payment Order as the first line charge on the State's Internally Generated Revenue.
- (b) In the event that the State's Internally Generated Revenue is insufficient or unavailable to discharge its obligations, the State shall apply monies due to it from the monthly allocations from State's Federal Allocation Account and/or any other source to secure its payment obligations to contractors and concessionaires under this law.

### **The Trust Fund Board**

**8 (1)** Members of the Trust Fund Board shall consist of the following:

- (a) The Office of the Chairman will be vested in the person of the Commissioner of the Environment;
- (b) a senior representative of the Ministry of Environment being a person not lower than the office of a Director;
- (c) a senior representative of the Ministry of Finance being a person not lower than the office of a Director;
- (d) a law officer from the Office of the Attorney-General;

- (e) The Executive Secretary shall be a senior member of an organization involved in environmental management, billing and/or training services
  - (f) A nominee from **the trustees charged with administering the fund**
- (2) Not less than three of the members shall be women

### **Tenure of Office**

- (3) The members of the Trust Fund Board shall hold office on part time basis for a minimum period of Two (2) years and may be eligible for re-appointment for a further term of two (2) years.

### **Cessation of Membership**

- (4) The Chairman or a member of the Trust Fund Board shall cease to hold office if he:
- (a) resigns his appointment by giving two (2) months notice in writing to the Governor;
  - (b) becomes unfit or unable to discharge the functions of his office either by reason of infirmity or mental incapacity;
  - (c) is convicted of a felony involving dishonesty or moral turpitude;
  - (d) becomes bankrupt or makes a compromise with his creditors; and
  - (e) is guilty of serious misconduct in relation to his duties.
- (5) The Chairman or any other member of the Trust Fund Board may be removed from office by the Governor, if he is satisfied that it is not in the interest of the Fund or public interest that the Chairman or such a member should continue in office.

### **Meetings of the Trust Fund Board**

- (6) The Board shall meet once every month and extraordinary meetings may be convened in case of exigencies.

- (7) The chairman shall preside at any meeting of the Board but in his absence, the members present shall appoint any of the members of the Board to preside at the meeting.

### **Quorum**

- (8) A minimum of five (5) members shall form the quorum for a meeting which shall include:
- (a) the Commissioner of Environment or his representative.
  - (b) The Commissioner of Finance or his representative.
  - (c) A nominee from **the trustees firms charged with administering the fund**
  - (d) The Executive Secretary

### **Seal**

- (9) The Common seal of the Trust Fund Board shall be as may be determined by the Board and the affixing of the seal shall be authenticated by the signatures of the Chairman and the secretary.

### **Committees of the Trust Fund Board**

- (10) The Board may appoint one or more sub-committees(s) to carry out on behalf of the Trust Fund Board, such of its functions as the Board may determine.

### **Power to Co-opt**

- (11) The Trust Fund Board may co-opt persons who are not members of the Board to any meeting of the Board or any sub-committees and such person may take part in the deliberation of the Board or any sub-committee but shall not be entitled to vote at the meeting of the Board or any of its sub-committees.

### **Voting**

- (12) Any issue arising at the meeting of the Board shall be determined by a majority of the votes of the members present and voting.

- (13) The person presiding shall have a deliberative vote and in the event of an equality of votes on any issue, a casting vote.

### **Executive Secretary**

- 9 (1) There shall be for the Board, an Executive Secretary who shall be appointed by the Chairman

### **Responsibilities of the Executive Secretary**

- 10 (1) The Executive Secretary shall subject to the general directives of the Board be responsible for:
- (a) the day to day administration of the Fund;
  - (b) keeping the books and proper records of the proceedings of the Board;
  - (c) accounting for all moneys collected, paid or otherwise expended under this Law;
  - (d) the administration of the Secretariat of the Board; and
  - (e) the general direction and control of all other employees of the Fund.

### **Report and Audit**

- 11 (1) The Board shall cause to be kept and maintained proper books of accounts and records with respect to -
- (a) the receipt and expenditure of moneys and other of the Fund financial transaction of the Fund;
  - (b) the assets and liabilities of the Fund, and shall cause to be made out, for every financial year, a balance sheet and a statement showing details of the income; and
  - (c) expenditure of the Fund and all its assets and liabilities.

- (2) The Trust Fund Board shall:
- (a) cause to be prepared not later than 31<sup>st</sup> day of October in each year, an estimate of income and expenditure of the Fund;
  - (b) cause the account to be audited annually by external auditors appointed by the Board from a list of approved auditors provided by the Auditor-General of the State.
  - (c) submit to the Accountant-General and the Governor;
    - i. copy of the audited account of the Board;
    - ii. copy of the general report and full report of the external auditor; and
    - iii. detailed report of the state of affairs of the Board for the financial year, including a statement of the change in the general Fund arising from the activities of the Board during the year reported upon.

### **Annual Report**

**12** (1) The Trust Fund Board shall cause to be prepared and submitted to the Commissioner within six months after the close of each financial year an annual report detailing generally activities and operations of the Board during that year.

- (2) The report shall be accompanied by:
- (a) a copy of the audited accounts of the Fund together with the, auditor's report on the accounts;
  - (b) a statement on implementation of all directions given by the Commissioner to the Board during a year in question; and
  - (c) such other information as the Commissioner may direct.
  - (d) The Board shall also submit to the Commissioner such other reports on its financial affairs as the Commissioner may by writing request.
  - (e) The Commissioner shall, as soon as the report is submitted to him, lay before the House of Assembly the audited accounts of the

Fund together with the auditor's report if any on the accounts and the annual report of the Fund.

### **Bank Accounts and Finance**

- 13** (1) The Trust Fund Board shall open and maintain an account or accounts with commercial banks.
- (2) All income and property as well as all revenues of the Fund acquired in accordance with section 5 above shall be applied exclusively to the fulfillment of the objectives of the Fund.
- (3) The Board may, with approval of the Commissioner of Finance, obtain loans or credit facilities from any institution for the purposes of this law upon such terms and conditions relating to repayment of the principal and the payment of interests.
- (4) The Board may invest any part of the moneys available in any account of the Fund which is not for the time being required for the purposes of the functions of the Board.

### **Budget**

- 14** (1) Not less than two months before the beginning of every financial year the Board shall, at a meeting, pass a detailed budget in this Law called the "Annual Budget" of the amounts respectively:
- (2) expected to be received; and
- (3) expected to be disbursed, by the Board during that financial year and, whenever circumstances so require, the Board may pass a supplementary budget in any financial year.
- (4) Where in any financial year the Fund requires to make any disbursement not provided for, or of an amount in excess of the amount provided for in the annual budget for any year, the Board shall, at a meeting, pass a supplementary budget detailing such disbursement.
- 15** (1) There is hereby established **Public Utilities Monitoring and Assurance Unit” (PUMAU)** under the Ministry of Environment

- (a) The Unit shall be made up of such members as may be determined by the Commissioner.
- (b) The Unit shall:
  - i. Coordinate the modalities of billing, revenue assurance, and enforcement of tariff.
  - i. Take charge of the issuance of bills, collection of tariffs and disbursement of the funds to private operators.
  - ii. Consistently monitor and evaluate the billing and collection of tariffs in order to promote accountability and transparency.
  - iii. Ensure that the method of billing and collection of tariffs are in line with international best practices.
  - iv. Shall provide support and training to personnel including private operators in the billing and collection of tariffs.

### **Right to clean, safe and healthy environment**

- 16** (1) Every person living in Lagos shall have a right to clean, safe and healthy environment.
- (2) The right to clean, safe and healthy environment shall include the access by any citizen to the various public elements or segments of the environment for recreational, educational, health, spiritual, cultural and economic purposes.

### **Right to sue**

- 17** (1) Every person may, where a right referred to in section 17 is threatened or has been breached as a result of an act or omission which is likely to cause harm or has caused harm to human health or the environment, bring an action against the person whose act or omission is likely to cause harm or has caused harm to human health or the environment.
- (2) The action referred to in subsection (1) may seek to-
- (a) prevent, stop or discontinue any activity or omission, which is likely to cause harm or has caused harm to human health or the environment;

- (b) compel any public officer to take measures to prevent or discontinue any act or omission, which is likely to cause harm to human health or environment;
- (c) require that any on-going activity or omission be subjected to an environment audit or monitoring;
- (d) require the person whose activity or omission is likely to cause harm to human health or the environment, to take measures to protect the environment or human health;
- (e) compel the persons responsible for the environmental degradation to restore the degraded environment as far as practicable to its condition immediately prior to the damage; and
- (f) provide compensation for any victim of harm or omission and the cost of beneficial uses lost as a result of an activity that has caused harm to human health or the environment.

## **PART II**

### **Integrated Pollution Control**

#### **Interpretation**

**18** (1) The following provisions have the effect for the interpretation of this Part.

- (a) “Court” means High Court of the State, the Magistrates’ Court of Lagos State or any other Court or Tribunal that may be created by the House of Assembly for the purpose of adjudicating on this law or any other environmental law that may be enacted.
- (b) “Discharge” means any emission (other than natural seepage), intentional or unintentional, and include but not limited to, spilling, leaking, pumping, pouring, emitting, emptying, or dumping or placing of any substances into any land, water or air so that such substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters or land.
- (c) “Enforcing Authority” for the purpose of this Part of this Law means Lagos State Environmental Protection Agency established



under Cap. L.23, Laws of Lagos State, 2004, or any other appropriate authority as may be designated by the Ministry.

- (d) The “Environment” includes water, air, and land and the interrelationship which exist among and between water, air, and land and all living things and the medium of air includes the air within buildings and air without other natural or man-made structures above or below ground.
- (e) “Harm” means harms to the health of living organisms or other interference with the ecological systems of which they form part and, in the case of man, includes offences caused to any of his senses or harm to his property, and “harmless” has a corresponding meaning.
- (f) “Healthcare waste” means waste from any of the following premises or processes –
  - i any premises forming part of a hospital, trade-medical centres, clinic or maternity home; or
  - ii any premises forming part of a medical laboratory, scientific, medical or health research institutions.
  - iii. active pharmaceutical waste from pharmaceutical companies
- (g) “Hazardous or special waste” means controlled waste in respect of which regulations are in force under Harmful Waste (Special Criminal Provision) Act, CAP H1, Laws of the Federation of Nigeria, 2004 and other federal or state laws and regulations or any other Regulations relevant thereto and applicable within the State and any solid, liquid, gaseous or sludge waste which by reason of its chemical reactivity, environmental or human hazardousness, its infectiousness, toxicity, explosiveness and corrosiveness is harmful to human health, life or environment;
- (h) “Ministry” means Lagos State Ministry of the Environment.
- (i) “Permit” means a permit for a process (whether on premises or by means of mobile plant) granted under section 22 below, and a reference to the conditions of any permit is reference to the conditions subject to which at any time the permit has effect.
- (j) “Pollution” means any direct or indirect alteration of the physical,

thermal, chemical, biological, or radio-active properties of any part of the environment by discharging, emitting, or depositing of wastes so as to adversely affect any beneficial use, to cause a condition which is hazardous to public health, safety or welfare, or to animals, birds, wildlife, fish or aquatic life, or to plants or to cause contravention of any condition, limitation, or restriction which is the subject to a licence under this Law

- (k) “Pollution of the environment” means pollution of the environment arising from the negligent or deliberate release (into any environmental medium) from any process of substances including noise which are capable of causing harm to human life or any other living organisms supported by the environment or which damage the ecosystem or which results in damage to material property, or impair or interfere with amenities, ecosystem and other legitimate uses of the environment and shall include;
- (l) “Process” means any activity carried out within Lagos State, whether on premises or by means of mobile plant, which is capable of causing pollution of the environment and “activity” shall include industrial or commercial activities or activities of any nature whatsoever (including the keeping of a substance)
- (m) A substance is “released” into any environmental medium whenever it is released directly into that medium within or outside the State and “release” includes-
  - i in relation to air, any emission of the substance into the air;
  - ii in relation to water, any entry (including any discharge) of the substance into water;
  - iii in relation to land, any deposit, keeping or disposal of the substance in or on land; and for this purpose “water” and “land” shall be construed in accordance with subsections (i) and (ii) below:
- (n) For the purpose of determining into what medium a substance is released –
  - i. Any release into
    - a. the sea or the surface of the seabed within the State

- b. any river, watercourse, lake, loch or pond (whether natural or artificial or above or below ground) or reservoir or the surface of the riverbed or of other land supporting such waters, or ground waters is release into water;
- ii. Any release into –
  - a. land covered by water falling outside paragraph (a) above or the water covering such land or;
  - b. the land beneath the surface of the seabed or of other land supporting waters falling within paragraph (ii)(a) above, is release into land.
  - iii. Any release into a public drainage or sewer shall be treated as a release into water, but a public drainage or sewer and its contents shall be considered in determining whether there is a pollution of the environment at any time;
- (o) In subsection m(i)(b) above, “ground waters” mean any waters contained in underground strata, or in –
  - i. a well, borehole or similar work sunk into underground strata, including any passage constructed in connection with the well, borehole or work for facilitating the collection of water in the well, borehole or work; or
  - ii. any excavation into underground strata where the level of water in the excavation depends wholly or mainly on water entering it from the strata;
  - iii. any excavated borehole or well that is not in use should be properly de-commissioned;
- (p) "Mobile plant" means plant which is designed to move or to be moved whether on roads or otherwise and which is used to carry out one or more activities listed in the Regulation made under section 5 below;
- (q) “Substance” means any organic or inorganic substance, whether in solid or liquid form or in the form of a gas or vapour, of a particular molecular identity including –

- i. any combination of such substances occurring in whole or in part as a result of a chemical or biological reaction or occurring in nature; and
- ii. any element or uncombined radical;
- iii. any pesticide whether manufactured, processed, or distributed in trade for use as pesticide; toxic or radioactive waste;
- iv. gaseous wastes or gases containing substances including but not limited to oxides of sulphur, oxides of nitrogen, hydrogen, sulphite, carbon monoxide, ammonia, chlorine, smoke and metallic dusts and particulates;
- v. solid, liquid, gaseous or oil, and hazardous waste; effluents, or combination of solid wastes, which because of the quantity, concentration, or physical, chemical or infectious characteristics may-
  - a. cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or
  - b. pose a substantial threat or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

### **Power to Make Regulation**

**19** (1) Without prejudice to the powers conferred on the Commissioner of the Environment under the Lagos State Environmental Protection Agency Law, Cap. L23, 2004 , the enforcing authority shall, after careful investigation, prescribe by regulations any description of process as process or establish standards, objectives or requirements in relation to particular prescribed processes or particular substances for the purpose of carrying into effect the provisions of this Law.

(2) Regulations made under subsection (1) above shall impose:

- (a) acceptable standards or criteria to control the pollution of the environment;
- (b) standards for effluent;

- (c) water quality standards and monitoring reflecting the latest scientific knowledge on:
  - i. the kind and extent of identifiable effects on health and welfare including, but not limited to plankton, fish, shellfish, wildlife, plants life, shorelines, beaches aesthetics and recreation which may be expected from the presence of pollutants in any water body, including ground water;
  - ii. on the concentration and dispersal of pollutants on them by products, through biological, physical and chemical processes; and
  - iii. on the effects of pollutants on biological community diversity, productivity, stability, including information on the factors affecting rates of eutrophication and rates of organic and inorganic sedimentation for varying types of receiving waters ;
- (d) Hazardous waste including but not limited to electronic wastes and healthcare waste and chemical waste.
- (e) emission standards for each category or subcategory of major sources and areas sources of hazardous air pollutants listed for regulation;
- (f) separately, for each environmental medium, the substances the release of which into that medium is to be subject to control; and
- (g) emission standards for each category or subcategory of major sources and areas of sources of hazardous air pollutants listed for regulation pursuant to subsection (1) of this section.
- (h) in relation to releases of any substance from prescribed processes into any environment medium, prescribe standard limits for-
  - i. the concentration, the amount or the amount in any period of that substance which may be so released; and
  - ii. any other characteristics of that substances in any circumstances in which it may be so released;
- (i) in relation to releases of any substance from prescribed processes into any environment medium, prescribe standard requirements for the measurement or analysis of, or releases of, substances for which limits have been set under paragraph (f) above; and

- (j) emission standards from vehicles, plants and equipment including generating plants.
  - (k) noise standard for any product or class (or class thereof) which emits noise capable of adversely affecting the public health or welfare; or
  - (l) noise standard for any product or class (or class thereof) which is sold wholly or in part on the basis of its effectiveness in reducing noise.
  - (m) noise pollution standard in any residential, religious, commercial, industrial or any other premises with a view to controlling the psychological and physiological effects of noise on humans and the effects of noise on domestic animals, wildlife and property.
  - (d) procedure for application for permit under this Law.
- (3) Without prejudice to foregoing section, the enforcing authority shall in relation to emission standards regulated under this subsection and applicable to new or existing sources of hazardous air, water, and land pollutants require the maximum degree of reduction in emission of the hazardous air, water and land pollutants (including a prohibition on such emissions, where achievable) that the enforcing authority, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable through the application of measures, process, methods, systems or techniques including, but not limited to, measures which –
- (a) reduce the volume of, or eliminate emissions of, such pollutants through process changes, substitutions of materials or other modifications,
  - (b) enclose systems or process to eliminate emissions,
  - (c) collect, capture or treat such pollutants when released from a process, stack or storage or fugitive emission point,
  - (d) are designs, equipment, work practice, or operational standards (including requirements for operator training or certification).
- (4) The enforcing authority may, after careful investigation, and in collaboration with the Ministry, other relevant State and Federal

Ministries and Agencies connected with environmental, health and safety matters and industries prepare or develop comprehensive programme for preventing, reducing or eliminating the pollution of the air, land and navigable water and underground waters and improving the sanitary condition land, air as well as of surface and underground waters of Lagos State.

- (5) The enforcing authority shall develop comprehensive framework of regulation, standards and policies to protect the environment;
- (6) Without prejudice to the foregoing section, the enforcing authority shall in relation to any developmental activities or processes to be undertaken within the State require, appraise and ensure that a detailed environmental impact assessment report is produced and complied with.

### **Prohibition of discharge of substances, etc into the environment**

- 20** (1) No person shall, except under a permit granted by the enforcing authority and in accordance with the conditions attached to the permit, carry on a prescribed process or activities or discharge any substances into the environment after the commencement of this Law other than as determined for that process by or under Regulation made pursuant to section 19(1) above.

### **Application for permit**

- 21** (1) An application for a permit shall be made to the enforcing authority in accordance with the procedure prescribed under Regulations made pursuant to section 19(1) above.
- (2) An application shall not be granted unless the enforcing authority considers that the applicant will be able to carry on the process so as to comply with the conditions which would be included in the permit.

### **Dumping and Burying of Toxic or Radioactive, Medical Waste and Harmful Wastes**

- 22** As from the commencement of this Law no person or group of persons shall dispose of, dump or bury or cause or allow to be buried or dumped in or over any land or water within the State any solid or liquid, or toxic, hazardous or radioactive substance or harmful waste as may be designated as such without the express participation of the enforcing authority and in accordance with the regulation or guideline of the enforcing authority.

## **Control of emissions from plants and equipment**

- 23** (1) All emissions from vehicles, plants and equipment including generating plants in residential, commercial and industrial areas within the State shall meet air emission standards prescribed by the enforcing authority in accordance with Section 19.
- (2) As from the commencement of this Law, every person who sells or maintains any plant and equipment including electricity generating plants and other plants with an emission level above agreed emission standards subject to the provisions of Section 19(2)(j) above shall apply for a permit from the enforcing authority which permit shall be granted with or without any condition.

## **Prohibition of air pollution by discharge of injurious gases etc.**

- 24** No person shall discharge into the environment any inadequately filtered and purified gaseous wastes, gases containing substances or hazardous substances which causes or likely to cause pollution to, or harmful or injurious to the environment of the State.

## **Prohibition of manufacturing or storage of chemicals in residential and commercial areas of the State**

- 25** (1) No person shall carry on the business of manufacturing or business of storage of chemicals, lubricants, petroleum products, cement (except for use in construction), gases or carry on the containerizing of any oil/lubricant/petroleum product without a permit.
- (2) No manufacturing business or storage business of chemicals, lubricants, petroleum products, cement (except for use in construction), gases or carry on the containerizing of any oil/lubricant/petroleum product in a residential premise.
- (3) Any person or body engaged in storage of chemicals, lubricants, petroleum products, cement (except for use in construction), gases or carry on the containerizing of any oil/lubricant/petroleum product stated above shall procure an insurance policy from an approved insurance company.



## **Treatment or purification of waste**

- 26 No person shall discharge or cause to be discharged into the environment any hazardous waste or chemical substances listed in any federal or state law in force except in accordance with those Regulations or in accordance with any regulation made pursuant to section 19 of this Law.

## **Prohibition of the use of chemicals in streams and bodies of water**

- 27 No person shall use any prohibited herbicides, insecticides or other chemicals to kill any species in water bodies or for any purpose deposit, dump, discharge any dangerous substances, herbicides or insecticides, petroleum or chemical substances listed in any federal or state law or regulation in rivers, lakes and streams within the State.

## **Registration of Underground Storage Tanks (UST) and Surface Storage Tanks (SST)**

- 28(1) Every owner or occupier of a facility who uses, stores, keeps and maintains an Underground Storage Tanks (UST) and Surface Storage Tanks (SST) shall register such tanks with the enforcing authority and such registration shall be renewed bi-annually (every 6 months).
- (2) Prior to the issuance of registration of an Underground Storage Tanks (UST) and Surface Storage Tanks (SST), a facility monitoring and inspection exercise shall be carried out on all sites with surface or underground tanks periodically to determine the integrity of the facility involved and soil test of the immediate environment shall be carried out as required. The result of such tests shall be made available to the facility owner on request. The enforcing authority shall upon reasonable satisfaction that the owner or occupier has satisfied the environmental standards imposed by it, shall register the facility and issue a certificate of compliance to by the owner or occupier.
- (3)(a) Where test(s) result has confirmed a leakage or inadequacy for use, the certificate of compliance issued with respect to such SST or UST shall be immediately suspended and the tank must be:
- i. emptied and usage discontinued immediately;
  - ii. OR decommissioned and removed from the ground within 7 days;
  - iii. OR remedial activity on the soil shall be undertaken.

- (b) The certificate of compliance that is suspended pursuant to Subsection (3)
  - i. of this section shall not be revalidated except and until the remedial activities in Subsection (3) (a) (i)-(iii) have been carried out or has otherwise been reasonably satisfied and a new tank has been assessed and declared fit by the enforcing authority.
  - ii. The permit shall be renewed biannually for an amount payable and to be determined by the enforcing authority; and a compliance certificate shall thereafter be issued

### **Control of Effluent**

- 29(1) No housing estate, hotel, commercial facility, waste management facility, Hospital, abattoir and livestock shall discharge or cause to be discharged any trade and industrial effluent into the public drain or natural environment without a permit from the Agency.
- (2) Pursuant to sub-section 1 of this section, no effluent so discharged shall exceed the permissible limits/levels as contained in Schedule 1.

### **Fees and Charges for Permit**

- 30(1) There shall be charged by and paid to the enforcing authority such fees and charges as may be prescribed from time to time, by regulation.

### **Revocation of Permit**

- (2) The enforcing authority may revoke a permit by notice in writing to the person holding the permit for cause.
- (3) Without prejudice to the generality of sub-section (2) above, the enforcing authority may revoke a permit where it has reason to believe that a prescribed process for which the permit is in force has not been carried on and it has so been for a period of twenty four months or that a material condition of the permit has been breached.
- (4) The revocation of a permit under this section shall have effect from the date specified in the notice, and the period between the date on which the notice is served and the date so specified shall not be less than fifty six days.

## Inspection and Supervision

31(1) The enforcing authority may appoint any of its officials as inspectors (under whatever title it may determine) such persons as it thinks necessary for carrying this Part into effect in relation to prescribed processes.

### Power of Inspectors

- (2) An inspector appointed under this Part may, on production (if so required) of his authority, exercise any of the powers in subsection (3) below for the purposes of the discharge of the functions of the enforcing authority.
- (3) Those powers, so far as exercisable in relation to premises, are exercisable in relation –
  - (a) to premises on which a prescribed process is, or is reasonably believed to be carried on; and
  - (b) to premises on which a prescribed process has been carried on the condition of which is reasonably believed to be such as to give rise to a risk of serious pollution of the environment.
- (4) The powers of an inspector referred to above are –
  - (a) at any time between the hours of 6am and 6pm or, in a situation in which in his opinion there is an immediate risk of serious pollution of the environment at any time, to enter premises which he has reasonable proof to believe it is necessary for him to enter,
  - (b) on entering any premises by virtue of paragraph (a) above to take with him-
    - i. a person duly authorised by the enforcing authority and if the inspector has reasonable proof of any serious obstruction in the execution of his duty, a police officer or such number of police officers as he may deem fit; and
    - ii. equipment or materials required for any purpose for which the power of entry is being exercised.
  - (c) to make such examination and investigation as may in circumstances be necessary;

- (d) to take such measurements and photographs and make such recordings as he considers necessary for the purpose of any examination or investigation under paragraph (c) above;
- (e) to take samples of or substances found in or any premises which he has a verifiable suspicion are in contravention of this law, and of the air, water or land in, or in the vicinity of, the premises;
- (f) to require the production of, or where the information is recorded in computerised form, the furnishing of extracts from, any records which are required to be kept under this Part or where it is necessary for him to see for the purposes of an examination or investigation under paragraph (c) above and to inspect and take copies of, the records;
- (g) to seal the premises, where there is immediate risk of life, property or the environment;
- (h) any other power for the purpose mentioned in subsection (1) above which is conferred by regulation made by the enforcing authority;
- (i) to investigate and monitor compliance with the terms of the permits issued by the enforcing authority;
- (j) to appraise any environmental technical report of any industrial and commercial activities as it relates to their goods and services within the State which is submitted to the enforcing authority either by the proponent of a project or any federal agency to ensure compliance with the Environmental Policy of the State;
- (k) to investigate, monitor, report and take appropriate action on non-compliance of the laid down regulation with impact mitigation measures of proposed developmental projects contained in any EIA Report submitted to it in respect of any activities or processes undertaken within the State;
- (l) to appraise and monitor environmental technical reports (ETR) submitted by companies;
- (m) to conduct regular survey and monitoring of water bodies and soil including landfill sites, agricultural farms among other things;
- (n) to collect and analyse water and soil samples with a view to developing baseline data;

- (o) to investigate public complaints on environmental pollution matters contained in this Part.
- (5) Where, in the case of any article or substance found by him on any premises which he has power to enter, an inspector has reasonable cause to believe that, in the circumstances in which he finds it, the article or substance is a cause of imminent danger of serious harm he may seize it and cause it to be rendered harmless (whether by destruction or otherwise).
- (6) Before any article or substance is rendered harmless under subsection 5 above –
- (a) any article that forms part of a batch of similar articles; or
  - (b) any substances
- (7) Where any article or substance has been seized and rendered harmless under this section, the inspector shall, as soon thereafter, prepare and sign a written report giving particulars of the circumstances in which the article or substance was seized and so dealt with by him, and shall –
- (a) give a signed copy of the report to a responsible person at the premises where the article or substance was found by him; and
  - (b) unless that person is the owner of the article or substance, also serve a signed copy of the report on the owner;
  - (c) and if, where paragraph (b) above applies, the inspector cannot after reasonable inquiry ascertain the name or address of the owner, the copy may be served on him by giving it to the person to whom a copy was given under paragraph (a) above or pasted at a conspicuous part of the premises and providing corroborative proof of service.

### **Power to deal with imminent danger of serious harm**

- 32** (1) If the enforcing authority is of the opinion, as respects the operation of a facility, installation of mobile plant that the operation of the facility, installation or mobile plant, or the operation of it in a particular manner,

involves an imminent risk of serious pollution, it may arrange for steps to be taken to remove that risk.

- (2) Where there is any breach of this Part of this Law or Regulations made pursuant to this Law causes any pollution, the enforcing authority may arrange for steps to be taken towards remedying the effects of the pollution.
- (3) Where the enforcing authority intends to arrange for steps to be taken under subsection (2) above, it shall, at least give seven days notice before the steps are taken and notify the operator of the steps that are to be taken.
- (4) Subject to sub-section (5) below, where the enforcing authority arranges for steps to be taken under this section it shall recover the cost of taking those steps from the operator concerned.
- (5) No costs shall be recoverable under sub-section (4) where the enforcing authority arranges for steps to be taken under sub-section (1) if the operator shows that there was no imminent risk of serious pollution requiring any such steps to be taken and no other costs shall be recoverable which the operator shows to have been unnecessarily incurred by the enforcing authority.

### **Obstruction of duly authorized person**

- 33** (1) Any person who obstructs the enforcing authority or any of its officials from carrying out its function under this Part and under this Law generally commits an offence, and on conviction shall in case of an individual be liable to a fine of N50,000 (Fifty Thousand Naira) or to imprisonment for two (2) weeks, or to both such fine and imprisonment.
- (2) Where the offence under this section is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to have been attributable to any act on the part of any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he shall be guilty of that offence and shall be liable to a fine of N250,000 (Two Hundred and Fifty Thousand) or to imprisonment for two (2) months, or to both such fine and imprisonment.

### **Offences and penalties**

- 34** (1) It is an offence for a person -

- (a) to knowingly or negligently contravene any provision of this Law or any provision of the Regulation made pursuant to section 20 of this Law;
- (b) to fail to comply with or to contravene a condition of a permit;
- (c) to knowingly or negligently introduce into the public drainage or sewer system or into a publicly owned treatment works any pollutant or hazardous substance which such persons knew or reasonably should have known could cause personal injury or property damage other than in compliance with the requirement of this Law or other regulations or permits;
- (d) to prevent any other person from appearing before or from answering any question to which an inspector may require an answer;
- (e) to fail to comply with the requirements of an enforcement notice or a suspension notice;
- (f) to fail, without reasonable excuse, to comply with any requirement imposed by a notice under any Regulation made pursuant to section 19 of this Law.
- (g) to make a statement which he knows to be false or misleading in a material particular, or recklessly make a statement which is false or misleading in a material particular, where the statement is made –
- (i) in purported compliance with a requirement to furnish any information or under any provision of this Law or any Regulations made pursuant to section 19 of this Law; or
- (ii) for the purpose of obtaining the grant of a permit to himself or any other person, or the variation, transfer or surrender of a permit;
- (h) to intentionally make a false entry in any record required to be kept under the condition of a permit;
- (i) with intent to deceive, to forge or use a document issued or authorised to be issued under a condition of a permit or required for any purpose under a condition of a permit or to make or have in his possession a document so closely resembling any such document as to be likely to deceive;

- (j) to fail to comply with an order made by a court.
- (2) A person guilty of an offence under sub-section 1 (a), (b), (d) or (i) of this section shall be liable –
- (a) on summary conviction, in the case of an individual to a fine not less than ₦100,000 (One Hundred Thousand Naira);
  - (b) on summary conviction, in the case of a corporate body to a fine not less than ₦2,000,000 (Two Million Naira);
  - (c) on conviction on indictment, in the case of an individual to a fine of ₦250,000 (Two Hundred and Fifty Thousand Naira) or to imprisonment for a term not exceeding two years or to both;
  - (d) on conviction on indictment, in the case of a corporate body to a fine not less than ₦5,000,000 (Five Million Naira).
- (3)(1) A person guilty of an offence under sub-section 1 (c), (e), (f), (g) and (h) of this section shall be liable –
- (a) on summary conviction, in the case of an individual, to a fine not less than ₦200,000 (Two Hundred Thousand Naira)
  - (b) on summary conviction, in the case of a corporate body, to a fine not less than ₦1,000,000 (One Million Naira).
  - (c) on conviction on indictment, in the case of an individual, to a fine of ₦100,000 (One hundred Thousand Naira) or to imprisonment for a term not exceeding one year or to both.
  - (d) on conviction on indictment, in the case of a corporate body to a fine not less than ₦2,000,000 (Two Million Naira).
- (4) Where an offence under this Law or regulations made pursuant to this Law is committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.



- (5) Where the affairs of a body corporate are managed by its members, sub-section (4) shall apply in relation to the acts or defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (6) Where the commission by any person of an offence under this Law or any regulation made pursuant to this Law is due to the act or default of some other person, that other person may be charged with and convicted of the offence by virtue of this sub-section whether or not proceedings for the offence are taken against the first-mentioned person.

### **Spiller's Liability**

- 35** (1) Except where an owner or operator can prove that a discharge was caused solely by a natural disaster or an act of war or by sabotage by a third party provided reasonable and practicable measures care and skill has been taken by the owner or operator to prevent such sabotage such owner or operator of any vessel or onshore or offshore facility from which the hazardous substances is discharged in violation of any section of this Part, shall in addition to the penalty specified in that section be liable for-
- (a) the cost of removal thereof, including any costs which may be incurred by any Government body or agency in the restoration or replacement of natural resources damaged; and
  - (b) cost of third parties in the form of reparation, restoration, restitution or compensation as may be determined by the enforcing authority from time to time.
- (2) The owner or operator of a vessel or onshore or offshore facility from which there is a discharge in violation of this Law shall, to the fullest extent possible, act to mitigate the damage by-
- (a) giving immediate notice of the discharge to the enforcing authority and any other relevant agencies;
  - (b) beginning immediate clean-up operations following the best available clean-up practice and removal methods as may be prescribed by regulations made under section 19 of this Law, and
  - (c) promptly complying with such other directions as the enforcing authority may from time to time, prescribe.

## **Enforcement by Court**

- 36** If the enforcing authority is of the opinion that proceedings for an offence under section 34 would afford an ineffectual remedy against a person who has failed to comply with the requirements of an enforcement notice or a suspension notice, the enforcing authority may initiate proceedings in Court for the purpose of securing compliance with the notice.

## **Prosecution of Offenders**

- 37** Without prejudice to the foregoing, prosecution for offences under this Law shall be instituted before the Court by the Attorney-General of the State or such officer in the Ministry of Justice provided that he may authorize
- (a) the enforcing authority or any of its officer; or
  - (b) if he so desires direct, any other legal practitioner in Nigeria to undertake the prosecution directly on his behalf or to assist in the prosecution.

## **PART III**

### **Solid Waste Management**

#### **Interpretation**

- 38** (1) The following provisions have the effect for the interpretation of this Part.
- (a) “Authority” means the Lagos Waste Management Authority established under the Lagos Waste Management Law, Cap 27 vol. 40 2007 and shall be the enforcing authority for this Part.
  - (b) “Controlled solid waste” means household, industrial, construction, commercial or healthcare waste, waste generated by public institutions, any such hazardous or special waste; and
    - i. “household waste” means waste from –

- a. domestic property, that is to say, a building or self-contained part of a building which is used wholly for the purpose of living accommodation;
  - b. a residential home;
  - c. premises forming part of a University or School or other educational establishment or nursing home which is not a public institution; and
  - d. a mobile home or caravan.
- ii. “industrial waste” means waste from any of the following premises—
    - a. any Factory (within the meaning of the Factories Act);
    - b. any premises used for the purposes of, or in connection with, the provision to the public of transport services by land, water or air;
    - c. any premises used for the purposes of, or in connection with, the provision to the public of postal or telecommunication services.
  - iii. “commercial waste” means waste from premises used wholly or mainly for the purposes of a trade or business or the purposes of sport, recreation or entertainment, or any other commercial activities excluding —
    - a. household waste
    - b. industrial waste
    - c. waste generated by public institutions
    - d. hazardous waste
    - e. other waste of any description prescribed by Regulations made by the Commissioner for the Environment for the purposes of this section
- (c) “Concessionaire“ means a duly licensed and approved waste collector who has been granted concession by the Authority in collaboration with a Local Government Council or Councils to

charge for, collect and dispose of waste within the local government area.

- (d) “healthcare waste” means solid and semi-solid waste from any of the following premises –
  - i. any premises forming part of a hospital, trado-medical centres, clinic or maternity home; or
  - ii. any premises forming part of a medical laboratory, scientific, medical or health research institutions.
  - iii. active pharmaceutical waste from pharmaceutical companies.
- (e) “Designated Public Place” means A **public space** is a social space that is generally open and accessible to people including street Roads (including the pavement), public squares, parks and beaches)
- (f) “Public Institution” includes schools, government hospitals, courts, residential apartments, offices, business premises, foreign missions and any other place whatsoever, owned and directly controlled by any government.
- (g) “Waste” includes-
  - i. Any substance which constitutes a scrap material or other unwanted surplus substance arising from the application of any process; and
  - ii. Any substance or article which requires to be disposed of as being broken, worn out, contaminated or otherwise spoiled
  - iii. Anything which is discarded or otherwise dealt with as if it were waste shall be presumed to be waste unless the contrary is proved.
- (h) “Waste disposal contractor” means a person who in the course of a business, collects, keeps, treats or disposes of waste, being –
  - i. a company or business name formed for all or any of those purposes by persons or a partnership or an individual or companies;
  - ii. and operating a vehicle or any other form of mobile equipment or contraption of whatever form for all or any of those purposes; and

- iii. “company” or “business name” shall have the same meaning as in the Companies and Allied Matters Act, 2004.

### **Functions of the Authority**

**39** (1) It shall be the duty of the Authority to –

- (a) Liaise with the Ministry, Local Government and all relevant agencies, boards and authorities to ensure the achievement of overall objectives of Part III of this Law;
- (b) make regulations from time to time for the standard of collection and disposal of the controlled waste collected in the State by the Authority, Local Government Councils, and waste disposal contractors or by any other person authorized by it within the State;
- (c) define environmental aspects of the State waste management sector strategy in close collaboration with other key stakeholders;
- (d) Collect and dispose of waste from public institutions;
- (e) monitor environmental impact of the waste management system related to air, water, and soil pollution, and adapting standards and regulation, as well as environment protection strategy and policies as appropriate;
- (f) inspect waste management facilities permitted by enforcing agent after the completion of their construction and on a regular basis while under operation to ensure their compliance with relevant environmental laws, regulations, standards and conditions of operation;
- (g) clean streets, roads and designated public places;
- (h) make regulations for the Local Governments Councils and waste disposal contractors with respect to the for standard collection, removal and disposal of domestic, commercial, construction, garden, and solid and semi-solid waste associated with electronic and healthcare waste;
- (i) remove and dispose of abandoned and scrapped vehicles ;
- (j) remove and dispose of animal carcass from public places ;

- (k) prepare and update from time to time the master plans for waste collection and disposal in the cities, towns and villages in the State and control resultant waste system within the State;
- (l) approve and monitor all solid waste disposal systems in the State;
- (m) make provision for waste management services to State agencies, local governments, industries, business entities and private persons within the State by receiving waste at the Authority's facilities pursuant to contractual agreement between the Authority and such other party;
- (n) issue, suspend, renew and revoke licences of private waste collectors, operators of landfill sites, incinerators and waste recycling plants;
- (o) maintain a central data base information system for collation of data;
- (p) develop guidelines and targets for waste avoidance and volume reduction through source reduction and waste minimisation measures, including composting, re-use, recovery and green charcoal process;
- (q) regulate proper segregation and containerisation of waste through policy formulation and public awareness;
- (r) preserve proper collection, transportation, treatment and disposal of waste by adopting best environmental practice;
- (s) receive tenders and award outsourced public service contracts and concessions to operators of landfill sites, incinerators and waste recycling plants;
- (t) tracking performance of service providers and managing the contracts of service providers and consultants under this Law;
- (u) Provide support services on waste management-related inquiries or complaints through a call center. The call center shall be under the supervision of Authority.
- (v) promote private investment in solid waste management.

- (w) promote research and development programs for improved waste management and resource conservation techniques, effective institutional arrangement for waste reduction, reuse, collection, treatment, separation and recovery; and
  - (x) do all such acts as are necessary or incidental to the proper discharge of its duties under this law;
- (2) The Authority may carry out its functions –
- (a) in association with any other person or body lawfully empowered to do so in accordance with the provisions of this law or any other law;
  - (b) by granting franchise or entering into partnership with the private sector regarding waste management or performance of any of its statutory functions or related functions in accordance with applicable regulations or guidelines;
- (3) The Authority may, subject to the provision of any other relevant Law require a waste generator, licensee, service provider or person involved in or associated with the provision of domestic and or commercial waste collection service within a specific area to furnish information to the Authority which may from time to time be reasonably required for the information system and this may include-
- (a) significant source of waste generation and the identification of the generators of waste;
  - (b) quantities and classes of waste generated;
  - (c) management of waste by waste generators;
  - (d) waste handling , waste treatment and waste disposal facilities;
  - (e) population and development profiles ;
  - (f) reports on progress in achieving waste management targets;
  - (g) management of radioactive and hazardous waste;
  - (h) any other information required by legislation, regulations or guidelines.

- (4) The Authority shall have power to:-
- (a) charge commercial tariffs, which may vary from area to area and make direct charges on users for services rendered where such circumstances may arise ;
  - (b) provide other related services for a fee as may be determined from time to time.

### **Power of the Authority**

- 40(1) The Authority shall have powers to discharge its functions and manage its operations and affairs as specified in Sections 2, 4, 5, 6, 7 and 8 of the Lagos State Waste Management Authority Law Cap 27 vol. 40 2007 as may be amended from time to time.
- (2) The provisions of Section 4 (1) (a) of the Lagos State Waste Management Authority Law Cap 27 vol. 40 2007 is hereby repealed.
- (3) The provisions of section 7(1) and 2 of the Lagos State Waste Management Authority Law Cap 27 vol. 40, 2007 are hereby repealed.
- (4) The provisions of Paragraph 5 (1)b of the 1<sup>st</sup> Schedule to the Lagos State Waste Management Authority Law Cap 27 vol. 40, 2007 as it relates to the removal of the Managing Director is hereby repealed.
- (a) The office of Managing Director is hereby replaced with the office of the Executive Vice-Chairman who shall be the Chief Executive Officer and whose appointment and removal shall be determined by the Governor subject to the approval of the House of Assembly;
  - (b) The Executive Vice Chairman shall be responsible for the execution of the policy of the Authority and for the day to day administration of its affairs in accordance with the provisions this Law and the Lagos State Waste Management Authority Law Cap 27 vol. 40, 2007
  - (c) The remuneration of the Chairman, Executive Vice Chairman and all members of the Governing Board of the Authority shall be determined and reviewed from time to time by the House of Assembly.
- (5) For the purpose of performing and discharging its functions under this Part, the Authority shall have the power to:



- (a) collect and dispose of waste from street, roads and designated public place in accordance with this Law;
  - (b) collect and dispose waste from public institutions;
  - (c) ensure that waste is collected by the licensed collectors, transported and disposed of in accordance with the provisions of this Law;
  - (d) take all practical measures to promote and support the minimization of waste and the recovery of waste, particularly at the point at which it is produced;
  - (e) provide waste and/or litter receptacles in public places;
  - (f) in partnership and/or collaboration with a Local Government Council, prepare and implement, a long-term plan for the management of waste within its area of jurisdiction that conforms to the requirements of the State Environmental Policy and the requirements of the Authority for each Local Government Council in its Area and such plan of management shall be published by the Authority in the Official Gazette;
  - (g) issue, renew and revoke licence of private waste collectors, operators of landfill sites, incinerators and waste recycling plants;
  - (h) provide other related services for a fee as may be determined from time to time;
- (6) The Authority in conjunction with the Local Government Council may engage waste disposal contractors to collect and/or dispose of waste from streets, roads and designated public place within the State.

### **Power to make regulations**

- 41** (1) The Authority shall have powers to make regulations that shall be published in the Official Gazette subject to the approval of the State Executive Council for the purpose of giving effect to the provisions of this Part of this Law.
- (2) Without derogating from the generality of subsection (1) of this section, the regulations made by the Authority may provide for all or any of the following;

- (a) the duties, powers, rights and obligations of a licensee;
- (b) the procedure for applying for licences, requirements for information and documentation for to be submitted by the Applicants;
- (c) the procedure for amending and cancellation of licenses;
- (d) fees and tariffs payable by industrial and commercial waste generators;
- (e) the determination of standards of performance that will be required from licensees;
- (f) the information and/or returns that will be required from licensees from time to time and the manner in which it is to be provided;
- (g) fees, levies and other charges that may be payable by licensees;
- (h) the regulation of Un-served areas;
- (i) fines and penalties payable by licensees and/or waste generators for breach of any of the provisions of this law or the Regulations; and
- (j) such other regulations as may be required.

### **Fees and charges for services of the authority**

**42** (1) The Authority shall have power to:-

- (a) Approve and review, after due consultation with the Private Operators the rate of tariff to be paid by residential waste generators; provided that the tariff shall be subject to the final approval of the Governor.
  - (b) Determine and charge tariff payable by public institutions for waste collection services rendered;
- (2) Subject to the provisions of this Law, a **Public Utilities Levy shall be the payable tariff for all Environmental Utilities/Matters under this Law.**

- (a) The Public Utilities Levy shall be payable by all household/residential, public, commercial and industrial waste generators.
  - (b) The Public Utilities Levy shall replace all service fees previously payable by waste generators for waste collection and disposal.
  - (c) Residential waste generators shall pay their Public Utilities Levy into any of the designated accounts listed in the Public Utilities Levy Notice.
  - (d) Commercial and industrial waste generators shall deal directly with approved private operators on a contract basis.
  - (e) The Public **Utilities Monitoring and Assurance Unit” (The Unit)** shall cause to be issued to every residential premises, a Public Utilities Levy Notice.
    - i. The Public Utilities Levy Notice shall be delivered to the occupier.
    - ii. If there is no occupier or agent available to take delivery, the Public Utilities Levy Notice shall be posted on the property or left at any conspicuous place on the property and such posting shall be deemed sufficient delivery of the notice.
    - iii. The person liable to pay the Public Utilities Levy shall within 30 calendar days after the date of delivery of the Public Utilities Levy Notice pay that amount at one of the designated banks specified in the Demand Notice.
    - iv. Where a person who has received a Public Utilities Levy Notice fails to pay the amount within the period specified in the notice, the bill payable shall be increased by 25 percent of the bill charged.
    - v. Where a person who is in default beyond 60 days of receipt of the Public Utilities Levy, the bill payable shall be increased by 50% of the bill charged.
- (3) The following procedure shall be adopted in fixing and arriving at tariff payable under this part of this law:
- (a) Tariff payable by residential waste generators:

- i. Private Operators shall come up with an audit of their contract areas;
  - ii. The audit shall be forwarded to the Authority accompanied with the economic cost of collecting waste in such areas as well as a mark-up on the cost being the return the Private Operator seeks to make from collecting waste in the area;
  - iii. The tariff shall be agreed on at a joint session of the Authority and the Private Operators after presentations have been made to the Authority.
  - iv. The tariff agreed on at a joint session of the Authority and the Private Operators shall be subject to the final approval of the Governor.
- (b) Commercial waste generators shall engage approved private operators and the fee payable by commercial waste generators shall be agreed on a contract basis between the parties.
- (4) (a) The Commissioner of Environment shall ensure that all collections from the Public Utilities Levy are paid and deposited in each designated bank in accordance with this Law.
- (b) At the beginning of each month, the Commissioner for Environment shall determine the total amount of Public Utilities Levy payments on deposit in the designated banks.
- (c) The Commissioner for Environment shall in conjunction with the Public Utilities Monitoring and Assurance Unit pay the service fees of each private operator in accordance with the terms of its contract with the Authority. Provided that such payments shall be made not later than Ten (10) days after the beginning of each month.
- (5) The Unit shall have the powers to establish tariff methodologies that reflect the terms and conditions of the licence issued to the private waste collectors, private operators of land fill sites, incinerators and recycling plant.
- (6) In establishing tariff methodologies, the Unit may differentiate among waste generators on the basis of differences in earnings, location within the state (with particular emphasis on indigent and low income areas and

such other criteria as may affect the cost of providing service and may allow a lifeline tariff for some waste generators).

- (7) The Unit shall fix the date on which the tariff methodology shall come into operation and it shall cause notice to be given in the official gazette of that date.
- (8) Every licensee shall keep at his office a current copy of the tariff methodology applicable to that licensee and shall make a copy available for inspection on request by any person free of any charge during the licensee's normal working hours;
- (9) Any fines or penalties levied against a licensee in terms of this Part or any other law or regulation shall not be rechargeable to the licensee's customers.
- (10) Any person or licensee who contravenes or condones the contravention of subsection (12) of this section shall be liable to a fine of two times the charge to the licensee's customers or to imprisonment of not more than one year or to both such fine and imprisonment.
- (11) Notwithstanding the provisions of any Law, any person who fails or neglects to pay any tariff, fees or charges, after adequate notice in writing of the same has been served on him, shall be deemed to be a debtor and such debt shall be recoverable by a civil action in the appropriate court.
- (12) The owner /occupier of premise shall pay the prescribed tariff for the provision of waste collection service as and when due.

### **Waste Collection licence**

- 43** (1) No person shall operate any waste collection, transportation, recycling and disposal business or for free without a license issued by the Authority.
- (2) Upon an application by any person or body corporate the Authority may, subject to the payment of prescribed fees and demonstration of competence in term skills and equipment and other requirements, issue a license as set out in this Law.
  - (3) Notwithstanding the provision of subsection (1), no person or operator may collect or transport any form of waste other than that specified in its

licence and for the purpose of this section the category of waste shall include –

- (a) domestic waste
  - (b) commercial (bulk containerised) waste;
  - (c) industrial waste;
  - (d) special industrial waste;
  - (e) hazardous waste;
  - (f) recyclable waste;
  - (g) healthcare waste; and
  - (h) Building waste
- (4) Any license issued prior to the commencement of this Law shall within 60 (Sixty) days of the commencement of this law be submitted to the Authority for review and brought into compliance with the provisions and requirements under this Law. Provided that any pre-existing license not submitted for review pursuant to this section shall be deemed revoked.
- (5) Any licence issued pursuant to the provisions of this Section shall-
- (a) not be assigned without the prior written consent of the Authority; and
  - (b) subject to the provision of this Law or any valid pursuant to the provisions of this Law remain valid for one year.
- (6) The provisions of Sections 19, 20, 21, 22 and 24 the Environmental Sanitation Law of Lagos State, Cap E5, Laws of Lagos State, 2003 and Sections 9, 10, and 11 of the Lagos State Management Authority Law, Cap 27 Vol. 40 2007 are hereby repealed.

### **Power to make regulation on Grant of licence**

- 44** (1) The Authority may, by regulations make provisions as to the conditions, which are, or are not, to be included in a licence, and regulations under this subsection may make different provisions for different circumstances.

- (2) The licenses issuable under this Part are:
- (a) Waste collection/Street Cleaning license;
  - (b) Transfer Loading Station (TLS) operation licence;
  - (c) Waste Depot license;
  - (d) Landfill operation license;
  - (e) Mechanised Street Sweeping license;
  - (f) Marine Sanitation license;
  - (g) Manpower Supply and Training license;
  - (h) Incineration license; and,
  - (i) Drainage Management license
- (3) An application for the issuance of any licence listed in subsection (2) of this section shall be in writing and addressed to the Authority in such terms and manner as may be prescribed.
- (4) The Authority shall upon the payment of a prescribed fee and satisfaction of the prescribed conditions by an applicant, issue a license to any person who applies under this Part. The Authority may by regulations made from time to time prescribe the fees and conditions for the issuance and renewal of a license which may relate –
- (a) to activities which the licence operator or contractor may undertake; and
  - (b) to the precautions to be taken and works to be carried out in connection with or in consequence of those activities and accordingly requirements may be imposed in the licence which are to be complied with before the activities which the licence authorizes have begun or after the activities which the licence authorizes have ceased.
- (5) Any license issued pursuant to this section shall be renewed every twelve calendar months from the date of issuance. A licensee wishing to renew shall not later than 2 weeks before the expiry of the license, apply for a

new license to take effect from the date the current license expires and such renewal shall be subject to the same consideration as an application for the grant of a license.

- (6) Where it appears to the authority that the provisions of this part are not being carried into effect by a licensee or a condition of the license has been breached or the licensee has ceased to be eligible or it is in the interest of the public to do so, the Authority may-
  - (a) suspend the operation of such licensee until the conditions which caused the order of suspension to be issued have been rectified; or
  - (b) revoke the license
- (7) Pursuant to the provision of this section, all commercial and industrial entities shall patronise approved private operators for the collection and transportation of their waste to designated disposal sites.
- (8) (a) The Private Operator and/or its Technical Partner must:
  - i. Have the managerial, technical and financial capability to efficiently perform the activities as required in the license applied for hereunder, the size and complexity notwithstanding;
  - ii. Have a good reputation and proven track record for performing the activities as required in the license applied for;
  - iii. Agree to abide by the Authority's rules with respect to abuse or any market power and restriction of competition.
- (b) For the purpose of this part, a prospective licensee and/or its technical partner shall in addition to other requirements to be determined by Authority from time to time:
  - i. Submit a full Scoping Study of their plans;
  - ii. Undertake all risk insurance with respect to the waste disposal vehicles and any other facility used by the prospective licensee;
  - iii. Provide an acceptable Health Safety and Environment (HSE) Policy.
  - iv. Provide its employees with adequate personal protective equipment.



- v. Carry out a periodic test on its vehicles and facilities to ensure that they are still fit for purpose and in good working condition.
  - vi. Shall have a local presence with its business offices within its operational area(s)/zone(s).
- (c) Where a Prospective licensee applying for licensee under this Part of this Law has a technical partner, it must show either of the following:
- i. That the Technical Partner has a beneficial stake in the equity of the Private Operator; or
  - ii. That there exists a Technical Services Agreement between the Private Operator and its Technical Partner.
- d. Private operators holding a Waste Collection/Street Cleaning licence shall at all times maintain a personal injury and life assurance cover for its employees engaged in street sweeping, with a reputable insurance company.

### **Non-transferable licence**

- 45** (1) A licence issued under section 45 above shall not be transferable by the holder to another person or entity, except in accordance with Section 51 below.
- (2) The Authority may, subject to the provision of any other relevant Law require a waste generator, licensee, service provider or person involved in or associated with the provision of domestic or and or commercial waste collection service within a specific area to furnish information to the Authority which may from time to time be reasonably required for the information system and this may include –
- (a) significant sources of waste generation and the identification of the generators of waste;
  - (b) quantities and classes of waste generated;
  - (c) management of waste by waste generators;
  - (d) waste handling, waste treatment and waste disposal facilities;

- (e) population and development profiles;
- (f) reports on progress in achieving waste management targets
- (g) markets for waste by class of waste or category; and
- (h) any other information required by legislation, regulations or guidelines.

### **Notice to produce licence**

**46** Subject to the provisions of the Constitution of the Federal Republic of Nigeria, 1999, the Authority may from time to time by notice in writing addressed to a private waste collector or waste disposal contractor require him to produce to it, a true copy of his licence, and any officer of the Authority may be authorized to enter the premise of a private waste collector between the hours of 9am and 5pm for the purpose of inspecting his licence.

### **Grant of Concession**

**47** (1) The Ministry of Environment may in collaboration with the Authority and any Local Government within the state grant concessions to holders of approved licenses under this Law.

(2) For the purpose of this section, all concessionaires must be holders of a valid license under this part, and must have satisfied all the conditions stipulated in the requirements for a licensee under this law and shall provide evidence of at least 2 cities or municipalities or governments for which the prospective concessionaire has provided solid waste management services for within the last five (5) years whether in Nigeria or in other jurisdictions, including the name, address, electronic mail and other relevant details of the government agencies that granted the concession or contract.

(3) Concessions may be granted for disused, dilapidated or abandoned State owned facilities and landfill sites on a Build Operate and Transfer (BOT) basis.

(4) For the purpose of this Part, a concessionaire must be a holder of any of the following licenses:

- (a) Waste collection/Street Cleaning license;

- (b) Transfer Loading Station (TILS) operation licence;
- (c) Landfill operation license;
- (d) Marine Sanitation license;
- (d) Incineration license; and,
- (e) Drainage Management license
- (f) such other license as the authority may from time to time prescribe

### **Collection of Waste**

- 48(1)** The occupier of the premises on which domestic or bulky waste is generated must ensure that such waste is collected and disposed within a reasonable time.
- (2) A licensed operator may collect domestic and or bulky waste, and deposit same at designated recycling facility of any other facility authorised by the Authority.
  - (3) Notwithstanding the provisions of this Section, the owner or occupier of any premises on which garden waste is generated may, with the written approval of the Authority, compost the waste on such property.
  - (4) The owner or occupier of the premises on which construction waste is generated, must ensure that-
    - (a) until disposal, all construction waste, together with any container used for the storage, collection or disposal thereof, is kept on such premises;
    - (b) the premises on which the construction waste is generated, does not become unsightly or cause a nuisance as result of accumulated building construction waste;
    - (c) any construction waste which is blown off the premise is promptly retrieved; and
    - (d) pursuant to any directive from relevant government agency any structure necessary to contain the construction waste is provided.

- (5) Notwithstanding the provisions of subsection [4] of this Section, the Authority may specify conditions for the storage and removal of building waste on a verge.
- (6) Every receptacle used for the storage and removal of construction waste may be placed on a verge if-
  - (a) the name, address and telephone number of the person in control of that receptacle is clearly on it;
  - (b) it is fitted with reflective materials which must completely outline the front and the back thereof; and
  - (c) it is covered at all times other than when actually receiving, waste or being emptied of, waste so that no displacement of its contents can occur.
- (7) The owner or occupier of premises on which garden, bulky or construction waste is generated must ensure that same is collected by a licensed operator or any other person so authorised by the Authority.
- (8) A licensed operator may collect garden, bulky or building waste and shall deposit same at a designated recycling facility or any other facility as may be designated for same.

### **Healthcare, Industrial and Biomedical Solid Waste**

- 49** (1) No person may carry on any activity which will cause the generation of special industrial, hazardous or healthcare waste, without notifying the Authority in writing, prior to the commencement of such activity. Provided that if such waste is being generated as a result of activity which commenced prior to the commencement of this law, the generator must notify the Authority as contemplated in this subsection within 30 (Thirty) days of the commencement of this Law.
- (2) The Authority may require that the notification referred to in subsection (1) must be accompanied by-
    - (a) an analysis of the composition of the proposed, waste certified by qualified chemist or waste expert; and
    - (b) an estimated quantity waste to be generated

- (3) The person referred to in subsection (1), must notify the Authority in writing of any change occurring with respect to the generation, composition and quantity of waste.
- (4) Special industrial, hazardous and healthcare waste must in an approved receptacle and for such periods as may be prescribed by the Authority.
- (5) Special industrial, hazardous and healthcare waste shall be collected and disposed by an approved operator licenced to collect and dispose such waste in accordance with the provision of this Law or any regulation or guideline issued by the Authority.
- (6) A licensee must dispose of special industrial, hazardous and healthcare waste at a waste treatment and disposal facility designated by the Authority or such other facility as may be so authorised.
- (7) No obnoxious, toxic or poisonous waste shall be deposited in the Waste bin not so designated for that purpose.
- (8) Failure to comply with the provisions of this section shall attract a fine of N200,000 (Two Hundred Thousand Naira) for individuals and N1,000,000 (One Million Naira) for corporate bodies.

### **Transfer of licence**

- 50**(1) A licence may be transferred to another person in accordance with subsections (2) to (5) below and may be so transferred whether or not the licence is partly revoked or suspended.
- (2) Where the holder of a licence desires that the licence be transferred to another person (“the proposed transferee”) the licence holder and the proposed transferee shall jointly make an application to the Authority for a transfer of it.
  - (3) An application under subsection (2) above for the transfer of a licence shall be made in such form and shall include such information as the Authority prescribes by regulations and shall be accompanied by the prescribed fee payable under the regulation.
  - (4) If, on such an application, the authority is satisfied that the proposed transferee is a fit and proper person the authority shall effect a transfer of the licence to the proposed transferee, and shall cause the licence to be endorsed with the name and other particulars of the proposed transferee

as the holder of the licence from such date as may be agreed with the applicants and specified in the endorsement.

- (5) If within the period of 90 days beginning with the date on which Authority receives an application for the transfer of a licence, or within such longer period as the Authority and the applicants may at any time agree in writing, the Authority has neither effected a transfer of the licence nor given notice to the applicants that the Authority has rejected the application, the Authority shall be deemed to have accepted the application.

### **Prohibition of unauthorised or harmful disposal, deposit or treatment etc of waste**

- 51(1)(a)** No person shall collect, transport, sort, recover, treat, dispose of or otherwise manage waste in a manner that results in an adverse effect, or creates a significant risk of an adverse effect occurring;
- (b) No person shall dump waste of any description at any place other than a waste disposal site designated by the Authority;
- (c) A person shall not treat, keep or dispose of controlled waste, or knowingly cause or knowingly permit controlled waste to be treated, kept or disposed of –
- i. in or on any land, or
  - ii. by means of any mobile vehicle or plant, except under and in accordance with a waste management licence;
- (d) A person shall not treat, keep or dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health.
- (2) Any person who contravenes subsection (1) above commits an offence and shall upon conviction be liable to a fine of N50,000 for an individual person and N500,000 for a corporate entity, and on subsequent commission of the same offence shall upon conviction be liable to imprisonment of a term not exceeding two years for an individual person and in the case of a corporate person, its Directors and Management Staff responsible for the day to day operation of the company for a term not exceeding two years for each of such Director(s) or Management staff of the Company, and the Company shall be liable to a fine of N1,000,000.

## **Healthcare, individual and biomedical waste**

- 52** (1) A person shall not dispose of waste in such a manner that it becomes litter or is likely to become litter.
- (2) A person who contravenes subsection (3)(a) above commits an offence and shall, on conviction, be liable to a fine not less than N25,000.00.
- (3) Where controlled waste is carried in and deposited from a vehicle, the person who controls or is in a position to control the use of the vehicle shall, for the purposes of subsection (1) above, be treated as knowingly causing the waste to be deposited whether or not he gave any instruction for this to be done.

## **Receptacles for waste**

- 53** (1) Every owner or occupier of a tenement shall provide covered waste receptacles outside the tenements to be used for depositing waste, and the Authority may by notice in writing to such an owner or occupier prescribe the receptacles of a kind and number specified.
- (2) In making prescriptions under subsection 1 above, the Authority may by notice under that subsection, make provisions with respect to –
- (a) the size, construction and maintenance of the receptacles;
- (b) the placing of the receptacles for that purpose of facilitating the emptying of them, and access to the receptacles for that purpose;
- i. the substances or articles which may or may not be put unto the receptacles or compartments of receptacles of any description and the precautions to be taken where particular substances or articles are put into them; and
- ii. the steps to be taken by occupiers or owners of premises to facilitate the collection of waste from receptacles.
- (3) The above provisions in subsection (2) above shall be applicable to household waste, industrial waste, commercial waste and clinical waste.

## **Prohibition of obnoxious waste in receptacles**

- 54** No obnoxious, toxic or poisonous waste shall be deposited in the waste receptacles mentioned in sections 37 above.

### **Prohibition of certain waste disposal practices**

- 55 (1) No person shall burn or cause to be burnt on any tenement waste of any description.
- (2) No person shall deposit or dump or cause to deposit or dump or cause to be deposited or dumped into a river, lagoon, stream, lake, pond, sea or any body of water, roadmaps, beautified sites, setbacks, waste of any description.

### **Clearing wrongfully deposited waste**

- 56 (1) If any controlled waste is deposited in or on any land in contravention of the provisions of this Law, the Authority may by notice served on him, require the occupier or owner of the tenement or property to do either or both of the following that is –
- (a) to remove the waste from the land within a specified period not less than a period of seven (7) days beginning from the day of the service of the notice.
- (b) to take within such a period specified steps with a view to eliminating or reducing the consequences of the deposit of the waste.
- (2) Where any person who is served with a notice under subsection 1 above fails, refuses or neglects to take any step as is specified in the notice, the Authority may revoke any relevant permit in respect of the affected premises and either impose sanction on the person or refer the matter to the Environmental Law Appeal Tribunal.

### **Requirement of waste disposal vehicles to be covered**

- 57 Any vehicle or contraction used for transporting or conveying waste shall be covered and of the approved description and in such a way that the contents thereof do not litter the highway of any road in the State.



## **Waste recycling plans**

- 58** It shall be the duty of the Authority as respects household, green/garden and commercial waste to –
- (1) carry out an investigation with a view to deciding what arrangements are appropriate for dealing with the waste by separating, labelling or otherwise packaging waste for the purpose of recycling it;
  - (2) decide what arrangements are needed for that purpose;
  - (3) prepare a statement (“the plan”) for the arrangements made and proposed to be made by the Authority and other persons for dealing with waste in those ways;
  - (4) carry out from time to time further investigations with a view to deciding what changes in the plan are needed;
  - (5) make modification of the plan which it thinks appropriate in consequence of any such further investigation;
  - (6) take such steps as in its opinion will give adequate publicity in each Local Government Area of the State to the plan or any modification of it; and
  - (7) send to the Local Government Councils, waste disposal contractors or operators and such other relevant persons a copy of the plan or, as the case may be, particulars of the modification.

## **Power on recycling waste**

- 59** Without prejudice to the foregoing section, the Authority shall, for the purpose of recycling waste, have powers to –
- (1) make arrangements with waste disposal contractors or operators for them to recycle waste with respect to which the Authority has duties under section 40 above or agree with another person for its disposal or treatment;
  - (2) make arrangement with waste disposal contractors or operators for them to use waste for the purpose of producing from it heat or electricity or such other products that they may be considered of valuable;

## Landfills

- 60(1) The State Government shall after due consideration of environmental and social factors designate any place within the State as sanitary land fill area where the waste collected from the user shall be dumped.
- (2) Upon such designation of such area as a sanitary land fill site, the Authority shall exercise the right to design, plan, operate, manage, construct and maintain such designated places;
  - (3) The Authority may when it deems fit after due consideration of the of environmental and social factors, shall have the sole right to approve the design and plan of a designated landfill area concessioned by the Authority to private licensee;
  - (4) The Authority when necessary may concession the management, construction and maintenance of a designated landfill area to private contractors;
  - (5) Factors to be considered in designating an area as a sanitary landfill shall include –
    - (a) Area capacity and availability;
    - (b) Proximity to sensitive groundwater resources;
    - (c) Proximity to perennial surface water;
    - (d) Occurrence to flooding;
    - (e) Local ecological conditions;
    - (f) Current and future land use;
    - (g) Seismic condition;
    - (h) Geological condition;
    - (i) Soil/Land condition;
    - (j) Topography;
    - (k) Environmental friendly technology

## Special or Hazardous Waste

- 61(1)** If the Commissioner and/or the Authority considers that controlled waste of any kind is or may be so dangerous or difficult to treat, keep or dispose of that special provision is required for dealing with it, the State Government and/or the Authority shall make provisions by regulations for the treatment, keeping or disposal of waste of that kind (“hazardous waste”).
- (2) Without prejudice to the generality of subsection (1) above, the regulations may include provision –
- (a) for the giving of directions by the Authority with respect to matters connected with the treatment, keeping or disposal of special waste;
  - (b) for ensuring that special waste is not, while awaiting treatment or disposal in pursuance of the regulation, kept at any one place in quantities greater than those which are prescribed and in circumstances which differ from those which are prescribed;
  - (c) for requiring the owner or occupier of premises on which special waste is situated to give notice of that fact and other prescribed information to the authority;
  - (d) for the keeping of the records by the Authority and by persons who import, export, produce, keep, treat or dispose of special waste or deliver it to another person for treatment or disposal, for the inspection of the records and for the furnishing by such persons to the Authority of copies of information derived from the records; providing that a contravention of the regulations shall be an offence and prescribing the maximum penalty for the offence.

## Offences

- 62 (1)** Without prejudice to the provisions of section 32(2) and (3) of this Law, any person who contravenes any provisions of this Part is guilty of an offence and on conviction shall be liable to a fine not exceeding N200,000 (Two Hundred thousand naira) or to three months imprisonment.
- (2) Where the offence is committed by a corporate body, company or firm other than a waste collector or operator, the company, corporation, or firm shall be liable on conviction to a fine not exceeding N500,000 (Five

Hundred Thousand Naira) and in addition the Secretary or Director or Manager of the said corporate body shall be liable to a fine of N250,000 (Two Hundred and Fifty Thousand Naira only) or to three months imprisonment.

- (3) Where the offence is committed by a licensed waste collector or operator, the Authority may in addition to subsection (2) of this Law suspend or cancel any licence issued pursuant to Section 45 of this Law.
- (4) The provisions of this part shall be enforced by officers of the Lagos State Environmental Protection Agency in conjunction with the expanded Neighbourhood Safety Corps (Environmental Unit)

## **PART IV**

### **Statutory Nuisances and Litters**

#### **Interpretation:**

**63** The following definitions apply for the interpretation of this Part.

- (a) “appropriate officer” means any officer appointed by the Ministry, relevant agencies or Local Government to carry out the functions under this Part including but not limited to Environmental Health Officer and Environmental Sanitation Corp.
- (b) "best practicable means" is to be interpreted by reference to the following provisions –
  - i. "practicable" means reasonably practicable having regard among other things to local conditions and circumstances, to the current state of technical knowledge and to the financial implications;
  - ii. the means to be employed include the design, installation, maintenance, manner and periods of operation of plant and machinery, and the design, construction and maintenance of buildings and structures;
  - iii. the test is to apply only in so far as it is compatible with any duty imposed by law;

- iv. the test is to apply only in so far as it is compatible with safety and safe working conditions, and with the exigencies of any emergency or unforeseeable circumstances; and, in circumstances defined under sections of the Factories Act, Cap. 126, Laws of the Federation is applicable, regard shall also be had to guidance given in it.
- (c) "chimney or exhaust pipes" includes structures and openings of any kind from or through which smoke may be emitted;
- (d) "court" means Special Offences Court established under this Law or any court so designated by Law.
- (e) "dust" does not include dust emitted from a chimney as an ingredient of smoke;
- (f) "fumes" means any airborne solid matter smaller than dust;
- (g) "gas" includes vapour and moisture precipitated from vapour;
- (h) "educational institution", means—
  - i. any university established under the federal or state laws whether publicly or privately funded;
  - ii. the Open University;
  - iii. any secondary or tertiary institutions, Polytechnic or Colleges which provides higher education or further education (or both) which is full-time or part time education whether privately or publicly funded.
- (i) "enforcing authority" means the Ministry, Relevant Agencies, Local Government Council or any agency authorised by Law to perform such functions specified in this Part.
- (j) "industrial, trade or business premises" means premises used for any industrial, trade or business purposes or premises not so used on which matter is burnt in connection with any industrial, trade or business process, and premises are used for industrial purposes where they are used for the purposes of any treatment or process as well as where they are used for the purposes of manufacturing;

- (k) "local authority" means local government or Local Council Development Areas within Lagos State as contained in the 1999 Constitution of the Federal Republic of Nigeria and such other local government as may be created under the Laws of Lagos State from time to time or any of its officers authorised to perform its duty under this Part.
- (l) "noise" includes means any pollution caused by sound that is intrinsically objectionable or that may cause adverse effect in human health, life or the environment and vibration;
- (m) "notice" means a street litter control notice;
- (n) "open land" means land in the open air;
- (o) "the premises", in relation to a notice, means the premises in respect of which the notice is issued;
- (p) "person responsible", in relation to a statutory nuisance, means the person to whose act, default or sufferance the nuisance is attributable;
- (q) "prejudicial to health" means injurious, or likely to cause injury, to health;
- (r) "premises" includes land and, subject to section 47 (n) above , any vessel;
- (s) "private dwelling" means any building, or part of a building, used or intended to be used, as a dwelling;
- (t) "smoke" includes soot, ash, grit and gritty particles emitted in smoke; and any such expressions used in the Public Health Law, Cap P25, Laws of Lagos State 2003 shall have the same meaning in this Part as in that Law and shall apply for the interpretation and the operation of this Part.
- (u) "street" means a relevant highway, a relevant road or any other highway or road over which there is a right of way on foot
- (v) "structural nuisance" in relation to residential premises include but not limited to absence of kitchen accommodation, absence of toilets, bathrooms, dilapidated walls, defective septic tank and conversion of kitchen accommodation into living accommodation.

- (w) “vegetation” includes over-grown weeds, wild trees, shrubs, lawns and wild growing trees.

### **Statutory Nuisance**

64(1) Subject to subsections (2) to (5) below, the following matters constitute "statutory nuisances" for the purposes of this Part, that is to say –

- (a) any premises which is structurally defective such as to constitute structural nuisance, or in such a state so as to be prejudicial to health or constitute nuisance;
- (b) smoke emitted from premises so as to be prejudicial to health or constitute nuisance;
- (c) fumes or gases emitted from premises so as to be prejudicial to health or constitute nuisance;
- (d) any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or constitute nuisance;
- (e) any accumulation or deposit which is prejudicial to health or constitute nuisance;
- (f) any animal kept in such a place or manner as to be prejudicial to health or constitute nuisance;
- (g) noise emitted from premises so as to be prejudicial to health or constitute nuisance;
- (h) any other matter declared by any enactment to be a statutory nuisance; and it shall be the duty of the enforcing authority separately and jointly with every local government council to cause its area to be inspected from time to time to detect any statutory nuisances which ought to be dealt with under section 59 below and, where a complaint of a statutory nuisance is made to it by a person living within an area, to take such steps as are reasonably practicable to investigate the complaint.

(2) Subsection (1)(b) above does not apply to—

- (a) dark smoke emitted from a chimney of a building or a chimney serving the furnace of a boiler or industrial plant attached to a building or for the time being fixed to or installed on any land,
  - (b) smoke emitted from a railway locomotive steam engine, or
  - (c) dark smoke emitted otherwise than as mentioned above from industrial or trade premises.
- (3) Subsection (1)(c) above does not apply in relation to premises other than private dwellings.
- (4) Subsection (1)(d) above does not apply to steam emitted from a railway locomotive engine.
- (5) Subsection (1)(g) above does not apply to noise caused by aircraft.

### **Appointment of Environmental Health Officers**

- 65** There shall be appointed within the State, in every Local Government and relevant agencies, Environmental Health Officers who whilst on duty in any place, whether in a township or not, shall have power to direct the sanitary work of such place and to give instructions to all sanitary inspectors, whether in the employment of the government or not.

### **Duties of Environmental Health Officers**

- 66** It shall be the duty of every environmental health officers to inspect the areas to which he is appointed and to abate nuisances and otherwise to enforce the powers vested in him relating to public health.

### **Cleanliness of Premises**

- 67** As from the commencement of this law, every owner, tenant and occupier of any building shall ensure the cleanliness of his premises, particularly the backyard, courtyard, front yard and the surrounding gutters and drainages.

### **Cleanliness of Markets**

- 68** As from the commencement of this law, every owner, tenant and occupier of any shop, kiosks, space or stall in any market within the State shall on regular basis ensure the cleanliness of his space and



appurtenances particularly the backyard, courtyard, frontyard and the surrounding gutters as well as ensuring sustainable disposal of waste generated within the shop, kiosks, space or stall.

### **Cleanliness of toilets/bathrooms and the general environs of restaurants/hotels, etc**

69 As from the commencement of this law, every owner or operator of a restaurant, hotel, night club or school shall ensure the cleanliness of all toilets and bathrooms within the premises and its environs.

### **Prohibition of Bush Burning**

70 No person within Lagos State shall burn or cause to be burnt refuse of any type weeds, grass, tyres, cables or wastes of any description or use tyres as sources of fuel.

### **Prohibition of Noise in Private and Public Places**

71 (1) It is an offence to:

- (a) display or engage in the business of selling of musical records and playing of any musical instruments, songs, lyrics and/or usage of public address system in public places;
  - (b) use of public address system or loud speakers to propagate beliefs or ideals, advertise any good or solicit and disseminate information in any residential place.
  - (c) use public address system or loud speakers to solicit for passengers or advertise the sale of goods at parks, markets or public places;
- (2) No person or group of persons or organisation shall use a public address system that causes or is likely to cause nuisance or discomfort to the general public to disseminate information, propagate beliefs and/or ideals or engage in activities without a permit from the enforcing authority.

### **Prohibition of pasting of handbills by individuals and protection of Government posters etc.**

72 Without prejudice to any existing law, no person shall –

- (1) paste any handbill, poster, notice, sign or advertisement on side-walks, trees, bridges, abutment, public dustbin hydrant, highway or on any street without the permission of the Lagos State Signage and Advertisement Agency or any other agency;
- (2) tear down, deface or destroy any notice handbill, sign; advertisement or poster put up or posted by or under the direction of the Government or any of its agency; provided that such posters and handbills are pasted with the permit of LASAA, on designated flat surfaces approved by the agency with the Local Government Area.

### **Abuse of Setback on Public Infrastructures**

**73** (1) Notwithstanding any permit given under any law, no person shall –

- (a) Construct or put any structure on drainage alignment, sewers, rail tracks, footpaths or on the required road or setbacks;
  - (b) Use any road, street or other setback as a mechanic workshop or motor park;
  - (c) abandonment of any vehicle on highways;
  - (d) Display, sell or buy goods on drainage alignments, roads, rail tracks, bridges and road setbacks;
  - (e) Cook or sell any food on roads, rail tracks, bridges and road setbacks;
  - (f) Defecate or urinate in the drainage or any open space; and
  - (g) Organise or hold social parties or religious activities on any road, and /or obstruct any road.
- (2) No person shall allow cattle, goats, sheep or other animals to roam on the road, street or any open space.

## **Prohibition of Cutting of Roads or Setbacks without Approval**

- 74** (1) No person shall dig across any road or setback for any purpose without a prior written approval or permit of the Ministry of Works or any its agency or parastatals.
- (2) It shall be the duty of the person who lawfully digs a road or setback to reinstate the part of the road dug within seven days.
- (3) The reinstatement referred to in subsection (2) of this section shall not be considered done until an assessment is made by the appropriate Ministry or the Local Government as the case may be.

## **Summary Proceedings for Statutory Nuisances**

- 75**(1) Where the enforcing authority is satisfied that a statutory nuisance or offences created under this Part exist, or is likely to occur or recur, in the area of its authority, the enforcing authority shall serve a notice ("an abatement notice") imposing all or any of the following requirements –
- (a) requiring the abatement of the nuisance or prohibiting or restricting its occurrence or recurrence;
- (b) requiring the execution of such works, and the taking of such other steps, as may be necessary for any of those purposes, and;
- (c) the notice shall specify the time within which the requirements of the notice are to be complied with.
- (2) The abatement notice shall be served—
- (a) except in a case falling within paragraph (b) or (c) of this subsection, on the person responsible for the nuisance;
- (b) where the nuisance arises from any defect of a structural character, on the owner of the premises;
- (c) where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, on the owner or occupier of the premise
- (3) The person served with the notice may appeal against the notice to the Court within the period of seven days beginning with the date on which he was served with the notice.

- (4) If a person on whom an abatement notice is served, without reasonable excuse, contravenes or fails to comply with any requirement or prohibition imposed by the notice, he shall be guilty of an offence.
- (5) Except in a case falling within subsection (6) below, a person who commits an offence under subsection (4) above shall be liable on summary conviction to a fine not exceeding N10,000 for each day on which the offence continues after the expiration of the notice.
- (6) A person who commits an offence under subsection (4) above on industrial, trade or business premises shall be liable on summary conviction to a fine not exceeding N500,000.
- (7) Subject to subsection (8) below, in any proceedings for an offence under subsection (4) above in respect of a statutory nuisance it shall be a defence to prove that the best practicable means were used to prevent, or to counteract the effects of, the nuisance.
- (8) The defence under subsection (7) above is not available—
  - (a) in the case of a nuisance falling within paragraphs (a), (d), (e), (f) or (g) of section 64(1) above except where the nuisance arises on industrial, trade or business premises;
  - (b) in the case of a nuisance falling within paragraph (b) of section 64(1) above except where the smoke is emitted from a chimney; and
  - (c) in the case of a nuisance falling within paragraph (c) or (h) of section 64 (1) above.
- (9) Paragraphs (b) and (c) of subsection (8) above apply whether or not the relevant notice was subject to appeal at the time when the offence was alleged to have been committed.

### **Joint Liability**

- 76(1) Where more than one person is responsible for a statutory nuisance, section 75 above shall apply to each of those persons whether or not any one of them is responsible for the act that would by itself amount to a nuisance.
- (2) Where a statutory nuisance which exists or has occurred within the area of a local authority, or which has affected any part of that area, appears to

the local authority to be wholly or partly caused by some act or default committed or taking place outside the area, the local authority may act under section 59 above as if the act or default were wholly within that area, except that any appeal shall be heard by a magistrates' court having jurisdiction where the act or default is alleged to have taken place.

- (3) Where an abatement notice has not been complied with the local authority may, whether or not they take proceedings for an offence under section 59(4) above, abate the nuisance and do whatever may be necessary in execution of the notice.
- (4) Any expenses reasonably incurred by a local authority in abating, or preventing the recurrence of, a statutory nuisance under subsection (3) above may be recovered by them from the person by whose act or default the nuisance was caused and, if that person is the owner of the premises, from any person who is for the time being the owner thereof; and the court may apportion the expenses between persons by whose acts or defaults the nuisance is caused in such manner as the court consider fair and reasonable.
- (5) If a local authority is of opinion that proceedings for an offence under section 48 (4) above would afford an inadequate remedy in the case of any statutory nuisance, they may, subject to subsection (6) below, take proceedings at the Court for the purpose of securing the abatement, prohibition or restriction of the nuisance, and the proceedings shall be maintainable notwithstanding the local authority have suffered no damage from the nuisance.
- (6) In any proceedings under subsection (5) above in respect of a nuisance falling within paragraph (g) of section 64 (1) above, it shall be a defence to prove that the noise was authorised by a notice under the Noise Regulation made pursuant to this Law or Factories Act.

### **Summary Proceedings by Persons Aggrieved by Statutory Nuisances**

- 77(1) The Court may act under this section on a complaint made by any person on the ground that he is aggrieved by the existence of a statutory nuisance.
- (2) If the Court is satisfied that the alleged nuisance exists, or that although abated it is likely to recur on the same premises, the court shall make an order for either or both of the following purposes—

- (a) requiring the defendant to abate the nuisance, within a time specified in the order, and to execute any works necessary for that purpose;
  - (b) prohibiting a recurrence of the nuisance, and requiring the defendant, within a time specified in the order, to execute any works necessary to prevent the recurrence; and may also impose on the defendant a fine not exceeding N50,000.
- (3) If the Court is satisfied that the alleged nuisance exists and is such as, in the opinion of the court, to render premises unfit for human habitation, an order under subsection (2) above may prohibit the use of the premises for human habitation until the premises are, to the satisfaction of the court, rendered fit for that purpose.
- (4) Proceedings for an order under subsection (2) above shall be brought—
- (a) except in a case falling within paragraph (b) or (c) below, against the person responsible for the nuisance;
  - (b) where the nuisance arises from any defect of a structural character, against the owner of the premises;
  - (c) where the person responsible for the nuisance cannot be found, against the owner or occupier of the premises.
- (5) Where more than one person is responsible for a statutory nuisance, subsections (1) to (4) above shall apply to each of those persons whether or not what any one of them is responsible for would by itself amount to a nuisance.
- (6) Before instituting proceedings for an order under subsection (2) above against any person, the person aggrieved by the nuisance shall give to that person such notice in writing of his intention to bring the proceedings and the notice shall specify the matter complained of.
- (7) The notice of the bringing of proceedings in respect of a statutory nuisance required by subsection (6) above which is applicable shall not be less than five days' notice.
- (8) A person who, without reasonable excuse, contravenes any requirement or prohibition imposed by an order under subsection (2) above shall be guilty of an offence and liable on summary conviction to a fine not

exceeding N50,000 together with a further fine of an amount equal to N5,000 for each day on which the offence continues after the conviction.

- (9) Subject to subsection (10) below, in any proceedings for an offence under subsection (8) above in respect of a statutory nuisance it shall be a defence to prove that the best practicable means were used to prevent, or to counteract the effects of, the nuisance.
- (10) The defence under subsection (9) above is not available—
  - (a) in the case of a nuisance falling within paragraph (a), (d), (e), (f) or (g) of section 64(1) above except where the nuisance arises on industrial, trade or business premises;
  - (b) in the case of a nuisance falling within paragraph (b) of section 64(1) above except where the smoke is emitted from a chimney;
  - (c) in the case of a nuisance falling within paragraph (c) or (h) of section 64(1) above; and
  - (d) in the case of a nuisance which is such as to render the premises unfit for human habitation.
- (11) If a person is convicted of an offence under subsection (8) above, the court may, after giving the enforcing authority or the local authority in whose area the nuisance has occurred an opportunity of being heard, direct the authority to do anything which the person convicted was required to do by the order to which the conviction relates.
- (12) Where on the hearing of proceedings for an order under subsection (2) above it is proved that the alleged nuisance existed at the date of the making of the complaint, then, whether or not at the date of the hearing it still exists or is likely to recur, the court shall order the defendant (or defendants in such proportions as appears fair and reasonable) to pay to the person bringing the proceedings such amount as the court considers reasonably sufficient to compensate him for any expenses properly incurred by him in the proceedings.
- (13) If it appears to the Court that neither the person responsible for the nuisance nor the owner or occupier of the premises can be found the court may, after giving the local authority in whose area the nuisance has occurred an opportunity of being heard, direct the Ministry or local government authority to do anything which the court would have ordered that person to do, without prejudice to the primary liability of the

person(s) responsible for the nuisance or the owner or occupier of the premises.

### **Power to Seal Premises**

- 78(1) If an order of the court or notice of the Environmental Health Officer or any authorised person for the abatement of a nuisance by the occupier or owner is not complied with because the occupier or owner cannot be found or because the occupier or owner is imprisoned, the health officer may apply to the court for an order to have the nuisance abated and all costs of and expenses incurred in connection therewith shall be paid to the Ministry or Local Government as the case maybe, by the occupier or owner and may be recovered as a debt.
- (2) If no owner or occupier can be found or if the expenses are not paid within three months after the completion of the abatement of such nuisance, the court may after pasting notice of sale on the property, order the premises upon which the work shall have been done, or any part thereof, or any movable property found thereon belonging to such occupier or owner to be sold at market rate to defray the said cost and expenses.
- (3) The rules of court relating to sales in execution of decrees shall, *mutatis mutandis*, apply to such sale.

### **Right of Entry**

- 79(1)(a) It shall be lawful for the Environmental Health Officer or any authorised officer to enter any premises at any time between the hours of six in the morning and ten in the evening for the purposes of examining as to the existence thereon of any nuisance, or until a nuisance found to exist has been abated or the works ordered to be done are completed or the closing order is cancelled as the case may be and when a nuisance order has not been complied with or has been infringed, to enter the premises at all reasonable hours for the purpose of securing the execution of the order.
- (b) If the admission to premises is refused, the court may require the person having the custody of the premises to admit the health officer into the premises during the prescribed hours and if no person having custody of the premises is found the court may authorise the health officer to forcibly enter on such premises.



- (2) Any such order shall continue in force until the work for which the entry was necessary has been done.
- (3) Any person who refuses to obey such order or in any way hinders, prevents or obstructs the execution of the order shall be liable to a fine of not more than Five Thousand Naira (N5,000).

### **Cost of Execution Relating to Nuisance**

**80** All reasonable costs and expenses incurred in serving the notice, making a complaint or obtaining an order or in carrying the order into effect shall be deemed to be money paid at the request of the person on whom the order is made, or if no order is made, but the nuisance is proved to have existed when a notice was served or the complaint made, then of the person by whose act, default or sufferance the nuisance was caused; and in the case of nuisances caused by the act or default of the owner of the premises, such cost and expenses may be recovered from any person who is for the time being the owner of such premises.

### **Provisions Relating to Litters**

**81(1)** The following are "principal litter authorities"—

- (a) Local Governments,
- (b) Ministry

Provided that the Commissioner may, by order, designate other descriptions of local authorities as litter authorities for the purposes of this Part; and any such authority shall also be a principal litter authority.

- (2) Subject to subsection 8 below, land is "relevant land" of a principal litter authority if, not being relevant land falling within subsection (7) below, it is open to the air and is land (but not a highway) which is under the direct control of such an authority to which the public are entitled or permitted to have access with or without payment.
- (3) Subject to subsection (8) below, land is "relevant land" of a designated statutory undertaker if it is land which is under the direct control of any statutory undertaker or statutory undertaker of any description which may be designated by the Commissioner by order, for the purposes of this Part, being land to which the public are entitled or permitted to have access with or without payment or, in such cases as may be prescribed in

the designation order, land in relation to which the public have no such right or permission.

- (4) Subject to subsection (8) below, land is "relevant land" of a designated educational institution if it is open to the air and is land which is under the direct control of the governing body of or such body or of the education authority responsible for the management of, any educational institution or educational institution of any description.
- (5) Subject to subsection 8 below, "State or Federal Land" is relevant if the land is acquired and owned and controlled by the State or Federal Government or any of its agencies in accordance with the provisions of the Land Use Act.
- (6) Every highway maintainable at the public expense other than a trunk road which is a special road is a "relevant highway" and the local authority which is, for the purposes of this Part, "responsible" for so much of it as lies within its area is, subject to any order under subsection (11) below—
- (7) The Commissioner may, by order, as respects relevant highways or relevant roads, relevant highways or relevant roads of any class or any part of a relevant highway or relevant road specified in the order, transfer the responsibility for the discharge of the duties imposed by section 66 below from the local authority to any other authority; but he shall not make an order under this subsection unless—
  - (a) he consults the local authority; and
  - (b) it appears to him to be necessary or expedient to do so in order to prevent or minimise interference with the passage or with the safety of traffic along the highway or, in road in question; and
  - (c) where, by an order under this subsection, responsibility for the discharge of those duties is transferred, the authority to which the transfer is made is, for the purposes of this Part, "responsible" for the highway, road or part specified in the order.
- (8) Land is "relevant land within a litter control area of a local authority" if it is land included in an area designated by the local authority to which the public are entitled or permitted to have access with or without payment.
- (9) A place on land shall be treated as "open to the air" notwithstanding that it is covered if it is open to the air on at least one side.

## **Duty of Owner, Tenant, Occupier, etc.**

- 82** As from the commencement of this Law, every owner, tenant and occupier of any building shall
- (a) Keep clean the sidewalks and gutter area (45 cm from the side walk into the street) along the building frontage, sides and back at all times;
  - (b) Bind all old newspapers, loose papers, rubbish and rags before putting out for collection;
  - (c) Put refuse into securely tied plastic bags or leak proof dustbins or litter bins with tightly fitting lids;
  - (d) Keep refuse dustbins or litter bins where appropriate within their premises until the time of collection;
  - (e) Ensure that refuse dustbins or litter bins are covered at all times with tight fitting cover;
  - (f) Not dump yard sweepings, hedge cuttings, grass, leaves, earth, stones, bricks or business waste with household refuse;
  - (g) Not use dustbins or litter bins which may be leaking or permitting litter to escape or which might injure people handling them; and
  - (h) Not litter, sweep out, or throw ashes, refuse, paper, nylon and rubbish into any street, public or vacant plot.

## **Use of Sanitary Litter Bins**

- 83(1)** No pedestrian shall dispose of any scrap paper, newspaper, candy wrapper, fruit skin and similar refuse anywhere except in litter bins.

## **Vehicles to Carry Litter Bins**

- 84 (1)** As from the commencement of this law, every commercial vehicle in the State shall carry a litter bin for the use of the occupiers or passengers.
- (2) No occupier or passenger shall throw any litter, fruit skins, scrap paper or other item onto the road from any vehicle.

- (3) Where no bin is provided, the driver shall be liable, in addition to any other person, for any contravention of subsection (2) of this section.

### **Obstruction and Improper Disposal or Dumping of Refuse**

- 85(1) All side-walks shall be free from obstruction to allow free flow of pedestrian and vehicular traffic.
- (2) All streets shall be free from obstruction and from construction or demolition materials.
- (3) No person shall use another person's dustbin in front of his or another's building far or near from where he resides or works.
- (4) No person shall dump indiscriminately any domestic, industrial or commercial waste, or discarded vehicle spare parts or tyres along highways, roads, channels, gorges, vacant land directly or through private operators except at designated refuse disposal sites.

### **Prohibition of Street Trading**

- 86 As from the commencement of this Law, it is an offence to engage in the unlicensed selling, hawking, marketing, and trading of any items, goods, ware or merchandise of any sort along the major highways and streets of Lagos.

### **Prohibition of Illegal Market**

- 87 It is an offence under this Part to organise operate own use and sell any items, goods, ware or merchandising of any sort except in any recognised or approved market by the State Government.

### **Offence of Leaving Litter**

- 88 (1) If any person throws down, drops or otherwise deposits in, into or from any place to which this section applies, and leaves, anything whatsoever in such circumstances as to cause, or contribute to, or tend to lead to, the defacement by litter of any place to which this section applies, he shall, subject to subsection (2) below, be guilty of an offence.
- (2) No offence is committed under this section where the depositing and leaving of the thing was—
- (a) authorised by law, or

- (b) done with the consent of the owner, occupier or other person or authority having control of the place in or into which that thing was deposited.
- (3) This section applies to any public open place and, in so far as the place is not a public open place, also to the following places—
- (a) any relevant highway or relevant road and any trunk road which is a special road;
  - (b) any place on relevant land of a principal litter authority;
  - (c) any place on relevant land of any designated statutory undertaker;
  - (d) any place on relevant land of any designated educational institution;
  - (e) any place on relevant land within a litter control area of a local authority.
- (4) In this section "public open place" means a place in the open air to which the public are entitled or permitted to have access without payment; and any covered place open to the air on at least one side and available for public use shall be treated as a public open place.
- (5) A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding ₦50,000.
- (6) A local authority, with a view to promoting the abatement of litter, may take such steps as the authority think appropriate for making the effect of subsection (5) above known to the public in their area.
- (7) In any proceedings for an offence under this section it shall be lawful to convict the accused on the evidence of one witness.

### **Fixed Penalty Notices for Leaving Litter**

- 89(1)** Where on any occasion an authorised officer of a litter authority finds a person who he has reason to believe has on that occasion committed an offence under section 88 below in the area of that authority, he may give that person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.

- (2) Where a person is given a notice under this section in respect of an offence—
  - (a) no proceedings shall be instituted for that offence before the expiration of seven days following the date of the notice; and
  - (b) he shall not be convicted of that offence if he pays the fixed penalty before the expiration of that period.
- (3) A notice under this section shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall state—
  - (a) the period during which, by virtue of subsection (2) above, proceedings will not be taken for the offence;
  - (b) the amount of the fixed penalty; and
  - (c) the person to whom and the address at which the fixed penalty may be paid.
- (4) The fixed penalty payable to a litter authority in pursuance of a notice under this section shall, subject to subsection (5) below, be N20,000.
- (5) The Commissioner may by order substitute a different amount for the amount for the time being specified as the amount of the fixed penalty in subsection (4) above.

### **Duty to Keep Land and Highways Clear of Litter etc.**

**90** (1) It shall be the duty of—

- (a) each local authority, as respect for any relevant road for which it is responsible;
- (b) Lagos State Waste Management Authority, as respect of any relevant highway and any trunk road which is a special road and any relevant highway or relevant road for which he is responsible;
- (c) each principal litter authority, as respects its relevant land;
  - i. the governing body of each designated educational institution or such body or, as the case may be, the education authority

- responsible for the management of the institution, as respects its relevant land; and
- ii. the occupier of any relevant land within a litter control area of a local authority, to ensure that the land is, so far as is practicable, kept clear of litter and refuse.
- (2) Subject to subsection (6) below, it shall also be the duty of—
    - (a) each local authority, as respects any relevant highway or relevant road for which it is responsible,
    - (b) The Commissioner of the Environment and Lagos State Waste Management Authority, as respects any trunk road which is a special road and any relevant highway or relevant road for which he is responsible, to ensure that the highway or road is, so far as is practicable, kept clean.
  - (3) In determining what standard is required, as respects any description of land, highway or road, for compliance with subsections (1) and (2) above, regard shall be had to the character and use of the land, highway or road as well as the measures which are practicable in the circumstances.
  - (4) It shall be the duty of a local authority, when discharging its duty under subsection (1)(a) or (2) above as respects any relevant highway or relevant road, to place and maintain on the highway or road such traffic signs and barriers as may be necessary for giving warning and preventing danger to traffic or for regulating it and afterwards to remove them as soon as they cease to be necessary for those purposes; but this subsection has effect subject to any directions given under subsection (5) below.
  - (5) In discharging its duty under subsection (1)(a) or (2) above to keep clear of litter and refuse or to clean any relevant highway or relevant road for which it is responsible, the local authority shall comply with any directions given to it by the highway or roads authority with respect to—
    - (a) the placing and maintenance of any traffic signs or barriers;
    - (b) the days or periods during which clearing or cleaning shall not be undertaken or undertaken to any extent specified in the direction;
  - (6) And for the purpose of enabling it to discharge its duty under subsection (1)(a) or (2) above as respects any relevant highway or relevant road the local authority may apply to the highway authority or roads authority for

that authority to exercise its powers under relevant section of Road Traffic Regulation Law (Temporary Prohibition or Restriction of Traffic).

### **Power of the Commissioner**

- 91(1) The Commissioner may, by order, prescribe descriptions of land which may be designated under subsection (3) below as, or as part of, a litter control area.
- (2) The power of the Commissioner to prescribe descriptions of land under subsection (1) above includes power to describe land by reference to the ownership or occupation of the land or the activities carried on it.
- (3) Any principal litter authority other than a local government, agencies, may in accordance with the following provisions of this section, by order designate any land in their area as, or as part of, a litter control area.
- (4) No order under subsection (3) above designating any land shall be made unless the authority is of the opinion that, by reason of the presence of litter or refuse, the condition of the land is, and unless they make a designation order is likely to continue to be, such as to be detrimental to the amenities of the locality.
- (5) An authority proposing to make a designation order in relation to any land shall—
- (a) notify persons who appear to the authority to be persons who will be affected by the proposed order;
  - (b) give them an opportunity to make representations about it within the period of seven days beginning with the service of the notice; and
  - (c) take any representations so made into account in making their decision.
- (6) A designation order under subsection (3) above shall identify the land to which it applies and shall be in such form as the Commissioner may by order prescribe.



## Summary Proceedings by Persons Aggrieved by Litter

- 92 (1) The Court may act under this section on a complaint made by any person on the ground that he is aggrieved by the defacement, by litter or refuse, of—
- (a) any relevant highway;
  - (b) any trunk road which is a special road;
  - (c) any relevant land of a principal litter authority;
  - (d) any State land;
  - (e) any relevant land of a designated statutory undertaker;
  - (f) any relevant land of a designated educational institution; or
  - (g) any relevant land within a litter control area of a local authority.
- (2) The court may also act under this section on a complaint made by any person on the ground that he is aggrieved by the want of cleanliness of any relevant highway or any trunk road which is a special road.
- (3) A principal litter authority shall not be treated as a person aggrieved for the purposes of proceedings under this section.
- (4) Proceedings under this section shall be brought against the person who has the duty to keep the land clear under section 90(1) above or to keep the highway clean under section 90 (2) above, as the case may be.
- (5) Before instituting proceedings under this section against any person, the complainant shall give to the person not less than five days written notice of his intention to make the complaint and the notice shall specify the matter complained of.
- (6) If the court is satisfied that the highway or land in question is defaced by litter or refuse or, in the case of a highway, is wanting in cleanliness, the court may, subject to subsections (7) and (8) below, make an order ("a litter abatement order") requiring the defendant to clear the litter or refuse away or, as the case may be, clean the highway within a time specified in the order.

- (7) The Court shall not make a litter abatement order if the defendant proves that he has complied, as respects the highway or land in question, with his duty under section 90(1) and (2) above.
- (8) The Court shall not make a litter abatement order where it appears that the matter complained of is the result of directions given to the local authority under section 74(6) above by the highway authority.
- (9) A person who, without reasonable excuse, fails to comply with a litter abatement order shall be guilty of an offence and liable on summary conviction to a fine not exceeding N10,000 for each day on which the offence continues after the conviction.
- (10) In any proceedings for an offence under subsection (9) above it shall be a defence for the defendant to prove that he has complied, as respects the highway or land in question, with his duty under section 90(1) and (2) above.
- (11) Where the court is satisfied on the hearing of a complaint under this section—
  - (a) that, when the complaint was made to it, the highway or land in question was defaced by litter or refuse or, as the case may be, was wanting in cleanliness, and
  - (b) that there were reasonable grounds for bringing the complaint, the court shall order the defendant to pay such reasonable sum to the complainant as the court may determine in respect of the expenses incurred by the complainant in bringing the complaint and the proceedings before the court.

### **Summary Proceedings by Litter Authorities**

**93** (1) Where a principal litter authority is satisfied as respects—

- (a) any relevant State or Federal land,
- (b) any relevant land of a designated statutory undertaker,
- (c) any relevant land of a designated educational institution, or
- (d) any relevant land within a litter control area of a local authority

- (e) that it is defaced by litter or refuse or that defacement of it by litter or refuse is likely to recur, the authority shall serve a notice (a "litter abatement notice") imposing either the requirement or the prohibition or both the requirement and the prohibition specified in subsection (2) below.
- (2) The requirement and prohibition referred to in sub-section (1) above are as follows, namely-
- (a) a requirement that the litter or refuse be cleared within a time specified in the notice;
  - (b) a prohibition on permitting the land to become defaced by litter or refuse.
- (3) The litter abatement notice shall be served—
- (a) as respects relevant State land, on the appropriate State or Federal authority;
  - (b) as respects relevant land of a designated educational institution, on the governing body of the institution or in on such body or, as the case may be, on the education authority responsible for the management of the institution;
  - (c) in any other case, on the occupier of the land or, if it is unoccupied, on the owner of the land.
- (4) The person served with the notice may appeal against the notice to the Court by way of summary application within the period of fourteen days beginning with the date on which the notice was served.
- (5) If, on any appeal under subsection (4) above, the appellant proves that, as respects the land in question, he has complied with his duty under section 66 above, the court shall allow the appeal.
- (6) If a person on whom a litter abatement notice is served, without reasonable excuse, fails to comply with or contravenes the requirement or prohibition imposed by the notice, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale together with a further fine of an amount equal to one-twentieth of that level for each day on which the offence continues after the conviction.

- (7) In any proceedings for an offence under subsection (6) above it shall be a defence for the person charged to prove that he has complied, as respects the land in question, with his duty under section 90(1) above.
- (8) If a person on whom a litter abatement notice is served fails to comply with the requirement imposed by the notice in respect of any land, the authority may, subject to subsection (9) below—
  - (a) enter on the land and clear the litter or refuse; and
  - (b) recover from that person the expenditure attributable to their having done so, except such of the expenditure as that person shows was unnecessary in the circumstances.
- (9) Subsection (8) above does not apply in relation to relevant State or Federal land or relevant land of statutory undertakers.

### **Street Litter Control Notices**

- 94(1)** A principal litter authority may, with a view to the prevention of accumulations of litter or refuse in and around any street or open land adjacent to any street, issue notices ("street litter control notices") imposing requirements on occupiers of premises in relation to such litter or refuse, in accordance with this section and section 120 below.
- (2) If the authority is satisfied, in respect of any premises which have a frontage on a street in their area, that—
    - (a) there is recurrent defacement by litter or refuse of any land, being part of the street or open land adjacent to the street, which is in the vicinity of the premises, or
    - (b) the condition of any part of the premises which is open land in the vicinity of the frontage is, and if no notice is served is likely to continue to be, detrimental to the amenities of the locality by reason of the presence of litter or refuse, or
    - (c) there is produced, as a result of the activities carried on the premises, quantities of litter or refuse of such nature and in such amounts as are likely to cause the defacement of any part of the street, or of open land adjacent to the street, which is in the vicinity of the premises, the authority may

serve a street litter control notice on the occupier or, if the premises are unoccupied, on the owner of the premises.

- (3) There shall be issued a notice which shall, —
- (a) identify the premises and state the grounds under subsection (2) above on which it is issued;
  - (b) specify an area of open land which adjoins or is in the vicinity of the frontage of the premises on the street;
  - (c) specify, in relation to that area or any part of it, such reasonable requirements as the authority considers appropriate in the circumstances; and, for the purposes of paragraph (b) above, an area which includes land on both sides of the frontage of the premises shall be treated as an area adjoining that frontage
- (4) In this section—
- (a) "notice" means a street litter control notice;
  - (b) "open land" means land in the open air;
  - (c) "the premises", in relation to a notice, means the premises in respect of which the notice is issued;
  - (d) "specified area" means the area specified in a notice under subsection (3)(b) above; and
  - (e) "street" means a relevant highway, a relevant road or any other highway or road over which there is a right of way on foot.

### **Obstruction of Duly Authorized Person**

**95** Any person who obstructs the Ministry or Local Government Authority or any of their agencies or authorities or officials from carrying out any function under this Law commits an offence, and on conviction shall be liable to a fine of N250,000.00 (Two Hundred and Fifty Thousand Naira) or to imprisonment for 3 months, or to both such fine and imprisonment.

### **Street Litter: Supplementary Provisions.**

**96(1)** The Commissioner may by order prescribe—

- (a) the descriptions of commercial or retail premises in respect of which a street litter control notice may be issued;
  - (b) the descriptions of land which may be included in a specified area; and
  - (c) the maximum area of land which may be included in a specified area; and different descriptions or maximum dimensions may be prescribed under paragraph (b) or (c) above for different cases or circumstances.
- (2) The power to describe premises or land under subsection (1)(a) or (b) above includes power to describe the premises or land by reference to occupation or ownership or to the activities carried on there.
- (3) The land comprised in a specified area—
- (a) shall include only land of one or more of the descriptions prescribed under subsection (1)(b) above;
  - (b) shall not include any land which is not—
    - i. part of the premises,
    - ii. part of a street,
    - iii. relevant land of a principal litter authority, or
    - iv. and under the direct control of any other local authority; and
  - (c) shall not exceed any applicable maximum area prescribed under subsection (1)(c) above; but a specified area shall not include any part of the premises which is or is part of a litter control area.
- (4) The requirements which may be imposed by a notice shall relate to the clearing of litter or refuse from the specified area and may in particular require—
- (a) the provision or emptying of receptacles for litter or refuse;
  - (b) the doing within a period specified in the notice of any such thing as may be so specified; or

- (c) the doing (while the notice remains in force) at such times or intervals, or within such periods, of any such thing as may be so specified; but a notice may not require the clearing of litter or refuse from any carriageway, except at a time when the carriageway is closed to all vehicular traffic.
- (5) In relation to so much of the specified area as is not part of the premises the authority shall take account, in determining what requirements to impose, of their own duties under this Part or otherwise, and of any similar duties of any other local authority, in relation to that land.
- (6) An authority proposing to serve a notice shall—
  - (a) inform the person on whom the notice is to be served;
  - (b) give him the opportunity to make representations about the notice within the period of fourteen days beginning with the day on which he is so informed; and
  - (c) take any representations so made into account in making their decision.
- (7) A person on whom a notice is served may appeal against the notice to a magistrate's court by way of summary application; and the court may quash the notice or may quash, vary or add to any requirement imposed by the notice.
- (8) If it appears to the authority that a person has failed or is failing to comply with any requirement imposed by a notice the authority may apply to the court by way of summary application for an order requiring the person to comply with the requirement within such time as may be specified in the order.
- (9) A person who, without reasonable excuse, fails to comply with an order under subsection (8) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding N5,000 for each day on which the offence continues after the conviction.

## PART V

### Wastewater Management

#### Interpretation

- 97 The following provisions have the effect for the interpretation of this part,
- (a) “Office” means Lagos State Wastewater Management Office
  - (b) “Wastewater” means spent water including all faecal matter from toilet flush, urinal, kitchen, bathroom, laundry wastewater and soak away leachates from all premises both Public and Private
    - i. “Industrial Wastewater” means waste in liquid form resulting from any process of industry, trade, and business, regardless of volume or pollutant content. Waste in liquid form consisting of toilet flush, urinal, kitchen, bathroom, laundry, and soak away leachate are not considered industrial wastewater.
    - ii. “Commercial Wastewater” means wastewater from Trade, Office buildings, Hotels, Eateries, High rise buildings, Bus terminals, Abattoirs and lavage, Animal husbandry, Industrial Laundry (Dry cleaning services) and industrial car wash;
    - iii. “Medical Wastewater” means wastewater from Hospitals, Clinics, Mobile Hospitals, Medical Laboratories, Pharmaceuticals and Mortuaries.
  - (c) “Premises” means, residential homes, mobile homes, markets, schools, health institutions, petrol stations, military and para-military formations, Police formation, bus terminals, other locations and public places, hotels ,Eateries, markets, buildings, lands, tenements, easements high rise buildings ,housing estates, hospitals, industries, abattoir, livestock, public toilet, mobile toilet and hereditaments of any tenure whether open or enclosed, whether built or not, whether public or private , and whether maintained under statutory authority or not;
  - (d) “Sewerage system” means a system of sewers, pumping stations, sewage treatment plants and treatment works for the collection, treatment and disposal of sewage, recycle and recovery of by-products. Sewerage system includes any system that does the



aforementioned maintained, acquired, constructed and managed by or on behalf of the Local Government, State Government, Federal Government and the Private Sector property or on any private property

- (e) “Pre-treatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of the pollutant properties in municipal, industrial, commercial and medical wastewater prior to or in lieu of discharging into Public or Privately Owned Treatment Works (POTW) or public sewer drainage
- (f) “POTW” means any device or system used in the treatment (including recycle and reclamation) of municipal wastewater or industrial wastes of a liquid nature which is owned by a Public or Private entity. A POTW includes any sewers, pipes, or other conveyances including wastewater haulage trucks which convey wastewater to a POTW providing treatment
- (g) “Sanitary appliances” includes wash hand basins, bathtubs, showers, sinks, urinals, toilet bowls and other water related appliances in all premises
- (h) “Sanitary facilities” includes bathrooms, toilets ,facilities for washing and sanitary appliances, wastewater treatment plants ,septic tanks, soak away pit, cesspool in all premises, whether above or below the ground, which connect directly or otherwise to a private or public sewerage system
- (i) “Facility” means wastewater treatment plant
- (j) “Wastewater grids ”means wastewater catchment areas in all Local Government Areas of the State that have been identified/delineated for the provision of sewerage facility to be concessioned through Public Private Partnership, or any arrangement as specified by the Office.
- (k) “Wastewater Concessionaire” means:
  - i. A person that is duly appointed by the Office to design, build, operate and maintain facilities within designated catchment area(s)
  - ii. A company, organization or business formed for any of those purposes.

- (l) “Facility Manager” means
  - (i) A person that is duly appointed/recognised by the Office to operate and maintain wastewater treatment plants both government-owned and privately-owned within designated catchment areas.
- (m) “Revenue Collector” means a person or organization/company duly registered by the Office for the collection of monthly wastewater management charges from all premises in the State on behalf of the Office on terms consistent with the financial regulations of the State.
- (n) “Discharge Point” means designated locations within the State for the collection and treatment/pre-treatment of domestic, commercial, and pre-treated medical and industrial wastewater.
- (o) “Wastewater Dislodger” means a person or organization/company duly registered by the Office who in the course of a business collects, transports or disposes domestic, commercial and pre-treated medical and industrial wastewater to designated discharge point and operates a vehicle or any mobile equipment or contraption of whatever form that is duly registered/permissible for all or any of those purposes.
- (p) “Ministry” means Ministry of the Environment.
- (q) “Commissioner” means Honourable Commissioner for the Environment.
- (r) “Wastewater management charges” means monthly fees payable by owner/occupier of all premises in the State for sustainable wastewater management where such tenement does not pay land use charge.
- (s) “Owner” includes the person for the time being receiving the rent of the premises, whether on his own account or as agent or trustee or a receiver, or who would receive the rent if the premises were to be let to a tenant or any person whose name is entered in the Valuation List authenticated under Land Use Tax Law of Lagos State.

- (t) “Occupier” means owner or tenant living in any premises

### **Functions of the Office**

**98** It shall be the duty of the Office to-

- (a) Provide, improve and extend a system of public sewers (whether inside its area or elsewhere) and to cleanse and maintain those sewers as to ensure that the area is and continues to be drained; and
- (b) Make provision for the emptying of on-site sewage collection systems, and sewers and such further provision (whether inside its area or elsewhere) as is necessary from time to time for dealing, by means of sewage disposal works or otherwise, with the contents of the tanks or containers or sewers.
- (c) Enter into partnership with Investors, financial institution on behalf of LASG for provision of entire sewerage or any part thereof wastewater treatment plants in designated catchments locations within the State.
- (d) Approve and monitor all wastewater disposal points and regulate all activities therefrom.
- (e) Establish and regularly review wastewater management charges in the State.
- (f) Monitor and regulate construction of wastewater treatment plants both public and private, septic tanks, Public Toilet, Mobile Toilet, Cesspool in the State.
- (g) Monitor and regulate the periodic evacuation of septic tanks in all premises in the State
- (h) Monitor and regulate operations of wastewater evacuation trucks, mobile toilets.
- (i) Concession, register, certify and renew licenses and permits to all persons or organization in the business of wastewater treatment plants consultancy and contracting, wastewater collection, treatment and disposal.
- (j) Revoke, Suspend, transfer license, permit and concession.

## **Administration of this Part**

- 99**(1) The Office shall be responsible for the administration of this Part subject to the general and special directions of the Commissioner.
- (2) The Office may in writing appoint any public officer or any officer of the Office or of any other statutory authority to be an authorized officer for the purposes of this Law.
- (3) The functions, duties and powers which are imposed or conferred upon the Office under this Act may be performed or exercised by any authorized officer subject to the direction and control of the Office.

## **Construction and Maintenance of Public Sewerage Systems**

**100**(1) The Office —

- (a) may cause to be made and constructed any public sewerage system;
- (b) shall maintain and keep in repair every public sewerage system; and
- (c) may enlarge, alter or otherwise improve or discontinue, close up or destroy any public sewerage system which the Office thinks is useless or unnecessary.
- (2) For the purposes of subsection (1), the Office may —
- (a) lay pipes in, under or over any premises, street or building and keep the pipes there;
- (b) tunnel or bore under any premises, street or building;
- (c) carry the sewerage system across, through, along or under any premises or the cellar, basement or vault of any building; and
- (d) carry out any works requisite for, or incidental to, the purposes of subsection (1)
- (3) In the carrying out of any works under this section, the Office shall cause as little damage as possible and shall make full compensation for any damage done.

- (4) If by reason of the alteration or closing up of any public sewerage system any person is deprived of the lawful use of any sewer, the Office shall with due diligence provide some other sewer as effectual as the one so deprived.
- (5) The Office may serve a notice on the owner or supplier of any gas, electricity, water or telecommunication services to alter the course or position of any wire, line, cable, pipe, tube, casing, duct, post, structure or other apparatus which belongs to that owner or is maintained by that owner or supplier and to repair any road surface thereby disturbed if, in the opinion of the Office, such alteration is, required for the purposes of subsection (1).
- (6) The Office may give notice to the owner or occupier of any premises requiring him to remove any object or structure described in the notice which is erected on or attached to, or projects from, the land or building if in the opinion of the Office the removal of the object or structure is required for the purposes of subsection (1).
- (7) Any costs and expenses incurred by an owner, supplier or occupier under subsection (5) or (6) shall be borne by the Office.

### **Sewers may be Emptied into Sea**

**101** The Office may —

- (a) cause any sewer to be emptied into the sea or other fit place;
- (b) cause the sludge from any sewer to be conveyed by a proper channel to the most convenient site for its deposit; and
- (c) sell or otherwise dispose of the sludge for agricultural or any other purpose deemed most expedient so long as it shall not become a nuisance.

### **Premises not Provided with Adequate Sewerage System**

**102** (1) If it appears to the Office that any premises are not provided with an adequate sewerage system, the Office may, by notice in writing, require the owner or occupier of the premises to construct such sewerage system, or to make such alteration to the existing sewerage system as he considers necessary.

- (2) The Office may, at any time by notice in writing, require the owner or occupier of any premises served by any sewerage system to make a sufficient drain-line emptying into any public sewer and to disconnect and demolish at his own expense any sewerage system rendered useless or unnecessary thereby.
- (3) The Office may, by notice in writing, require the owner or occupier of any premises to cause all sewage from that premises to be discharged into such sewerage system as it may direct.

### **Office may take over Control, etc., of Private Sewerage Systems**

- 103**(1) The Office may take over the control, supervision, maintenance and repair of any private sewerage system to such extent as the Office thinks fit and may charge fees therefore.
- (2) The Office may, at any time, vary or rescind any decision to control, supervise, maintain and repair a private sewerage system.
  - (3) Fees charged by the Office for the control, supervision, maintenance and repair of a private sewerage system under subsection (1) shall be payable by the owner of the sewerage system.

### **Sewerage Systems to be kept in proper Order at Cost of Owners**

- 104**(1) Every sewerage system shall be altered, repaired and kept in proper order at the cost and expense of the owner of the premises to which the sewerage system belongs or for the use of which it is maintained.
- (2) The Office may, by notice in writing, require the owner of any premises referred to in subsection (1) to alter, repair or put the sewerage system in good order in the manner required by the Office.
  - (3) Where the Office is satisfied that it is immediately necessary to alter, repair or put in good order and condition any sewer, drain-line, privy, cesspool, septic or other tank, toilet, urinal, water-closet, sink, bath or lavatory or any appurtenance thereof, any authorized officer may enter upon any premises and carry out or cause to be carried out such alterations, repairs, works, acts or things as are necessary for any of those purposes.
  - (4) Any expenses reasonably and necessarily incurred in carrying out the works referred to in subsection (3) may be recovered from the owner of the premises when the work is completed.

## **Sewerage Systems, etc., not to be constructed or altered without Office's Certificate or Approval**

- 105**(1) No person shall construct, alter, discontinue or close up any sewerage system or sanitary facilities without obtaining, in respect of those works, a clearance certificate or the approval of the Office.
- (2) Where any sewerage system or sanitary facilities are constructed, altered, discontinued or closed up in contravention of subsection (1), the Office may serve upon any person specified in subsection (3) a notice requiring him to demolish or make good the sewerage system or sanitary facilities to its original state and condition within such time as may be specified in the notice.
- (3) The notice referred to in subsection (2) may be served on all or any of the following persons:
- (a) any person who does or causes or permits to be done any of the acts referred to in subsection (1);
  - (b) the owner or occupier of the premises to which the sewerage system or sanitary facilities referred to in subsection (2) belong or for the use of which they are maintained;
  - (c) any person having power to construct, alter or demolish the sewerage system or sanitary facilities referred to in subsection (2).
- (4) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding N250,000.
- (5) This section shall not apply to the repair, replacement or removal of, or any addition to, sanitary facilities or sanitary appliances in a building.

## **Buildings without Adequate Sanitary Facilities**

- 106**(1) If it appears to the Office that any building or part thereof is without adequate sanitary facilities, it may by notice in writing require the owner or occupier of the building
- (a) to provide or install such sanitary facilities as the Office may consider adequate; or

- (b) to alter, improve, demolish or resite any sanitary facilities in such manner as the Office may require, within such time as may be specified in the notice.
- (2) All sanitary facilities provided or installed in any building shall be maintained, repaired and renewed to the satisfaction of the Office by the owner or occupier of the building.
- (3) All costs and expenses incurred for the provision, installation, alteration, demolition or re-siting of sanitary facilities under this section shall be borne by the owner or occupier of the building or the relevant part of the building.

### **Power to inspect Sewerage Systems and Sanitary Facilities**

**107(1)** Any authorized officer may inspect any sewerage system or sanitary facilities and may, for that purpose, at any time enter upon any premises and cause the ground to be opened.

### **Building, etc., not to be erected over, across or adjacent to any sewer or Sewerage System without Office's Certificate or Approval**

**108(1)** No person shall erect or cause or permit to be erected any building or structure over, across or adjacent to any sewer or sewerage system without obtaining, in respect of those works, a clearance certificate or the approval of the Office.

- (2) Where any building or structure has been erected in contravention of subsection (1), the Office may serve upon any person specified in subsection (3) a notice requiring him to demolish the building or structure within such time as may be specified in the notice.
- (3) The notice referred to in subsection (2) may be served on all or any of the following persons:
  - (a) the person who does or causes or permits to be done any of the acts referred to in subsection (1);
  - (b) the owner or occupier of the building or structure referred to in subsection (2);
  - (c) any person having power to demolish the building or structure referred to in subsection (2).



- (4) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦20,000.

### **Sanitary Facilities, Sewerage System and Sewage and Trade Effluent removal for Farms**

- 109** (1) The Office may, by notice in writing, direct the owner or occupier of any premises used as a farm:
- (a) to install, operate and maintain such sanitary facilities and sewerage system; and
  - (b) to provide and maintain such facilities for the removal, treatment and disposal of waste matter, as the Office may require.
- (2) The Office may at any time apply such system of sewage and trade effluent removal as he thinks fit to any premises used as a farm.

### **Trade Effluent not to be Discharged into Public Sewers without Office's Approval**

- 110**(1) Any person who discharges or causes or permits to be discharged any trade effluent into any public sewer or any drain-line or sewer communicating with a public sewer without the written approval of the Office shall be guilty of an offence and shall be liable on conviction to a fine not exceeding N250,000.
- (2) Where any trade effluent had been discharged from any premises into any public sewer or any drain-line or sewer communicating with a public sewer, it shall be presumed, until the contrary is proved, that the occupier of the premises has discharged or causes or permits to be discharged the trade effluent in contravention of subsection (1).
- (3) The presumption under subsection (2) shall not be rebutted unless the occupier of the premises proves that he had exercised due diligence to prevent the commission of the offence under subsection (1).
- (4) Subsection (1) shall not apply to any discharge of trade effluent which may be lawfully made into any public sewer under any regulations made under this Act.
- (5) A person shall not be guilty of an offence under this section if he proves that —

- (a) the discharge was made in an emergency to avoid danger to life or property; and
- (b) he informed the Office of the discharge in writing as soon as was reasonably practicable.

### **Prohibition on Discharge of Dangerous Trade Effluent**

**111(1)** Where the Office reports to the Commissioner that any trade effluent which is being discharged from any premises into the public sewerage system is dangerous to health or safety or will cause damage to the public sewerage system, the Commissioner may by order direct the occupier of the premises —

- (a) to cease immediately the discharge of such trade effluent into the public sewerage system;
  - (b) to take such steps as may be specified in the order to treat the trade effluent which is complained of; and
  - (c) to cease immediately the carrying on of any process or work which produces the trade effluent either indefinitely or until such steps as are specified in the order have been taken to treat the trade effluent before it is discharged into the public sewerage system.
- (2) Any person who is aggrieved by an order made by the Commissioner under subsection (1) may, within 28 days from the date of the order, appeal to the High Court which may rescind or vary the order.
- (3) Notwithstanding that an appeal has been made under subsection (2), an aggrieved person shall comply with the order pending the outcome of the appeal to the High Court and the Office may exercise the powers conferred under subsection (5).
- (4) The occupier of any premises who fails to comply with an order under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding =N=40,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a continuing offence, to a further fine of N10,000 for every day or part thereof during which the offence continues after conviction.
- (5) Where the occupier of any premises fails to comply with an order made under subsection (1) within 48 hours of the service of the order, any authorized officer may, at all reasonable times, enter upon the premises

and take such measures and execute such work as may be necessary to comply with the order without prejudice to any proceedings that may be taken against the occupier of the premises under subsection (4).

- (6) Any expenses reasonably incurred by the Office under subsection (5) may be recovered from the person in default and, or from owner or occupier of the premises.
- (7) Nothing in this section shall be deemed to prohibit the Office from carrying out any works specified in any such order at the request of a person who has been served with the order upon an undertaking by that person to pay the costs and expenses in executing the works.

### **Discharge of Sewage, etc.**

**112** (1) Any person who, without the written approval of the Office, discharges or causes or permits the discharge of any sewage, waste matter or effluent into any public sewer or any drain-line or sewer communicating with a public sewer :

- (a) directly or indirectly, from any conveyance or mobile toilet; or
  - (b) by opening a manhole or an inspection chamber or any other means of access to the public sewer, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding N250,000.
- (2) Subsection (1) shall not apply to any discharge from a conveyance or mobile toilet which may be lawfully made into any public sewer under any regulations made under this Act.
- (3) In this section:
- (a) "conveyance" includes any vessel, train, aircraft, vehicle or trailer, and any fixed or floating platform in a marine environment;
  - (b) "mobile toilet" means a sanitary convenience which is not part of a sewerage system, including a sanitary convenience which is mobile or in a conveyance.

### **Discharge and Disposal of Sludges or Septage**

**113** No person shall collect, gather, use, sell, distribute or offer for sale or discharges in Lagos State sludge or septage or apply any sludge or septage as a commercial fertilizer or as a soil conditioner unless such sludge or

septage is subject of an Approval of Suitability as specified by this Law by the Office.

### **Classification of Sludge and Septage**

**114** The Office shall classify sludge and septage in accordance with the criteria as follows:

- (1) Type I - Sludge approved by the Office pursuant to schedule 4 which may be used, discharged, sold, or distributed or offered for use, sale, or distribution on any site without further approval of the Office, and which may be used for growing vegetation. Septage shall not be eligible for Type I classification.
- (2) Type II - Sludge and septage approved by the Office pursuant to schedule 4 which may be used, discharged, sold, or distributed or offered for use, sale, or distribution on a site only with prior approval of the Office, and which may be used for growing any vegetation.
- (3) Type III - Sludge and septage approved by the Office pursuant to schedule 4 which may be used, discharged, sold, or distributed or offered for use, sale, or distribution for land application on a site only with prior approval of the Office, which may be used for growing any vegetation not including direct food chain crops, and whose land application to a site must be recorded in the registry of deeds in the chain of title for such site.
- (4) Each Approval of Suitability issued by the Office shall be subject to this Law and such terms and conditions as the Department may reasonably impose. Each Approval of Suitability shall specify the type classification for the sludge or septage under consideration as determined by the Office.
- (5) Each Approval of Suitability shall be valid for no more than two years from the date of issuance.
- (6) The Department may prescribe an application form or forms which shall be used by any person applying for an Approval of Suitability.

### **Criteria for Approval of Suitability**

**115** In order to receive an Approval of Suitability, an owner or operator shall demonstrate that the sludge or septage shall meet the following criteria:

(1) Stabilization.

- (a) **Minimum Requirement.** All sludge and all septage shall be stabilized by a process which will significantly reduce pathogens. Acceptable processes which will significantly reduce pathogens are listed or described in Table A, schedule 4
- (b) **Additional Stabilization Requirements.** Sludge or septage shall be further stabilized by a process listed or described in Table B, schedule 4. if:
  - i. the sludge is or is intended to be classified as Type I;
  - ii. the sludge or septage is or is intended to be land applied to a site where a crop for direct human consumption is or is intended to be planted within 24 months after the land application of such sludge or septage, and where such sludge or septage will be in direct contact with the edible portion of the crop; or
  - iii. the sludge or septage is not mixed into the soil within 48 hours after land application.
- (c) **Variance.** An owner or operator who produces Type II or Type III sludge which, before any stabilization, contains insignificant levels of pathogens, may apply for a variance from the stabilization requirements in Table A, schedule 4.
- (d) The Office may grant a variance from subsection (1)(a) and (b) after consultation with the Commissioner after due consultation with LASEPA. The Office shall make note of any such variance in the Approval of Suitability. The Office shall grant no such variance for Type I sludge or for any septage.

**Discharge of Substances and Wastewater.**

**116(1)** An Industrial User shall not:

- (a) Discharge, or cause to be discharged to a POTW or public drainage system, any substances, materials, or wastewater that may:
  - i. harm the sewers, POTW wastewater treatment process or equipment;
  - ii. have an adverse impact on the receiving waters; or

- iii. otherwise create a nuisance or endanger public health, safety, or the environment.
  - (b) Introduce pollutants into POTWs that pass through the POTW or interfere with its operation or performance.
  - (c) Discharge wastewater or allow discharge of wastewater through any sewer connection that would result in a hazard to the public health or safety;
  - (d) Discharge bypass wastewater or allow discharge of bypass wastewater through any sewer connection;
  - (e) Discharge hazardous waste or allow the discharge of hazardous waste through any sewer connection or public drainage, gorge, or water course.
- (2) No Industrial User shall introduce into a POTW or its wastewater collection system the following:
- (a) Pollutants which may create a fire, explosion, or other hazard in the POTW or its wastewater collection system.
  - (b) Pollutants which may cause corrosive structural damage to the POTW or its wastewater collection system. In no case shall discharges with a pH lower than 5.0 Standard Unit (S.U) or more than 10.0 S.U. be allowed, unless the local limit allows such discharges.
  - (c) Solid or viscous pollutants in amounts which may cause obstruction to the flow in the POTW or its wastewater collection system or may result in interference.
  - (d) Any pollutant, including oxygen-demanding pollutants, discharged at a flow rate or pollutant concentration that will cause interference with the POTW or its wastewater collection system.
  - (e) Heat in amounts which may inhibit biological activity in the POTW, resulting in interference. In no case shall heat in such quantities that the temperature at the POTW treatment plant exceeds 40° C (104° F) be discharged, unless the Department, upon request of the POTW, approves alternate temperature limits.

- (f) All industrial sewer dischargers shall determine possible sources of mercury in their discharges and take all reasonable steps to eliminate the mercury.
- (3) Design, and Construction Standards for IWPS.
- (1) An Industrial User with an IWPS onsite shall meet the following minimum standards for design, and construction:
- (a) be designed to meet all local discharge standards and the applicable Categorical Industrial User (CIU) standards as may be specified by the Office;
  - (b) be equipped to treat at least 120% of design flow;
  - (c) be designed to prevent the intentional diversion of wastewater that does not meet discharge standards;
  - (d) be designed to prevent mixing of incompatible wastewaters during transport and treatment;
  - (e) provide the necessary equipment and access to ensure safe operation and maintenance;
  - (f) provide accessible locations for representative sample collection;
  - (g) provide odor control measures necessary to prevent nuisance conditions;
  - (h) comply with all federal and state hazardous waste management laws, rules and regulation if the IWPS will treat hazardous industrial wastewater or hazardous industrial wastewater sludge; and
  - (i) be constructed in accordance with engineering plans reviewed, stamped, and signed by the recognized and registered engineer with the appropriate specialty (including but not limited to chemical, civil, or environmental engineering). If the IWPS is modified, its revised plans shall be reviewed, stamped and signed by an Engineer.

## **Restrictions on use of Public Sewers**

- 117(1) No person shall throw, empty or pass, or suffer or permit to be thrown or emptied or passed, into any public sewer, or into any drain-line or sewer communicating with a public sewer —
- (a) any matter or other substance likely to injure the sewer or drain-line, to interfere with the free flow of its contents or to affect prejudicially the treatment and disposal of its contents; or
  - (b) any sand, earth, gravel, cement, cement grout, brick, timber, wood or other building materials.
- (2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦250,000.
- (3) The court may order any person who is convicted of an offence under this section to pay the cost incurred by the Office or the owner or occupier of any premises who has carried out any work to restore the sewerage system to its original condition, or to clear the sewerage system of any obstruction to the free flow of its contents.

## **Damage caused to Public Sewer, etc.**

118 (1) Any person who:

- (a) causes any damage to any public sewer or any sewer or drain-line communicating with a public sewer; or
  - (b) does any act which renders any public or private sewer to be dangerous or injurious to health or to cause a nuisance,
- shall be guilty of an offence and shall be liable on conviction to a fine not exceeding N500,000 or to imprisonment for a term not exceeding 3 months or to both.
- (2) The Office may, by notice in writing, require any person who contravenes subsection (1) to carry out any works to restore the sewerage system to its original condition within such time as may be specified in the notice.



## **Concession, Permit and licenses**

### **119 (1) Non-transferable Concessionaire, Permit and Licenses**

A license, concessions, permit, which has been duly issued is non-transferable by any person or organization who has been duly certified without the consent of the office but the Office may transfer it to another person, business or company according to the provisions of law granted for the concession, permit or license

#### **(2) Transfer of Concession, permit and license**

- (a) A Concession, license or permit duly issued by the Office shall be revoked after 6 calendar months if the Office has reasonably exhausted all means to get the holder to adhere to agreed work plans or if the work being executed is non-satisfactory
- (b) The Concession, license or permit shall be transferred to another duly certified person or organization who would refund all reasonable and certifiable cost that had been committed by the previous concessionaire

## **Power to make Regulations**

**120** The Commissioner may make regulations generally for the purpose of carrying into effect the provisions of this Law and specifically for-

- (1) Acceptable methods of sewage and wastewater management.
- (2) Private and public investment in infrastructure, resources, capacity building and research.
- (3) Requirements for registration of Facility, septage dislodging outfit and all structures handling sewage.
- (4) All Fees, Fines and Penalty.
- (5) Compliance and enforcement of sewage and wastewater
- (6) management practices.
- (7) Acquisition of land and location of disposal points.
- (8) Acquisition of illegal disposal locations.

- (9) Location of entire sewerage or any part thereof.

**Dislodging of Sewage and Wastewater into Water bodies.**

- 121(1)** No Concessionaire, Investor, Facility Manager, Organization, Sewage Dislodgers, Tenements or an individual shall discharge raw sewage, wastewater or effluent from a sanitary convenience into Water-bodies, Sewers, Drains or Channels, either earth or concrete without the permission of the Office.
- (2) Any person who contravenes the provisions of subsection (a) of this section is guilty of an offence and shall be liable on conviction to
- i. a fine of not less than One Hundred Thousand Naira (N 100,000.00) Only, or a term of imprisonment for one month for an individual.
  - ii. a fine of not less than Two Hundred Thousand Naira (N 200,000.00) Only, or a term of imprisonment for one month or both for a tenement.
  - iii. a fine of not less than Five Hundred Thousand Naira (N 500,000.00) only, or a term of imprisonment for one month for Sewage Truck Dislodgers.
  - iv. a fine of not less than One Million Naira (N 1,000,000.00) Only, or a term of imprisonment for one month for an Organization.
  - v. a fine of not less than Ten Million Naira (N 10,000,000.00) only, or a term of imprisonment for one and revocation of permit of Investor, Facility manager /Concessionaire, until remedial, corrective and preventive measures are put in place.

**Registration of Facility or Wastewater Management Outfit.**

**122 (1)** As from the commencement of this Law:

- (a) any person, organization or government agency who operates a Dislodging outfit must register with the Office
- (b) all housing estates both private and public, Hotels, Medical Institutions, Educational Institutions, Eateries, and High-Rise Buildings must establish and register its Facility, in accordance to the provision of this Law.

- (2) An application for registration shall be made to the Commissioner in such manner as may be prescribed by the Office.

### **Issuance of Permits/Certificates.**

**123**(1) The Office shall issue a written permit to any Individual, Organization, Institution Investor, Facility Manager, Concessionaire, Estates, Government Agency or any other who operates a Facility and whose application for registration has been approved subject to evidence of Facility overall efficiency and certification.

- (2) The Office shall issue a Permit;
  - (a) to construct a Facility to serve any dwelling, building, structure, institution, Estate or industry.
  - (b) to operate a Facility following evaluation of Facility overall efficiency.
  - (c) of compliance to a Facility serving a property being converted, expanded, transferred or for mortgage refinancing purposes after evaluation of Facility overall efficiency.
- (3) in the case of Dislodging Outfit, permit to operate shall be subject to Roadworthiness and other related traffic rules, and assessment of Haulage trucks ability to properly evacuate and dispose septage without impacting negatively on the environment.
- (4) any Individual, Organization, Investor, Facility Manager, Concessionaire or Government Agency to whom a permit has been issued in accordance with this Law shall be deemed to be duly registered.

### **Renewal of Permit/Certificate.**

**124** A permit duly issued by the provisions of this Law shall be renewed every 12 calendar months from the date of issue upon the payment of a fee to be prescribed by the Office

### **Suspension and Revocation of Permit/Certificate.**

**125** Where it appears to the Office that the provisions of this Law are not being carried into effect by any licensed Dislodging Outfit, Facility Manager, Concessionaire, Investor or any other property having a Facility,

whose activities/operations constitutes health hazard, the Office shall revoke the permit of such outfit until remedial, corrective and preventive measures are put in place.

### **Waste water Clearance.**

**126** Any person, organization, or government agency who intends to develop an Estate, Hotel, Eateries, High rise, Bus terminals, Abattoirs and lairage, Animal husbandry, Industrial Laundry and Industrial Car Wash, Petrol Stations, Medical Institutions, Educational Institutions or any structure that will accommodate a population of 500 and above must obtain a Wastewater Clearance in a manner approved by the Office or connect to the sewerage system in the catchment area

### **Offences and Penalties.**

**127(1)** Any individual who discharges raw sewage, wastewater or improperly treated effluent into sewers, drains, channels and water bodies is guilty of an offence and shall be liable on conviction to a fine not less (N100,000.00) Only, or a minimum term of 1 month's imprisonment or both.

(2) Where an offence has been committed by tenements, the owners and occupiers shall be liable to a fine of not less than (N 200,000.00) only, or a term of imprisonment for one month or both.

(3) Any person who operates a sewage dislodging outfit

(a) without registration is guilty of an offence and shall be liable to a fine not less than N 500,000.00.

(b) and discharges into a disposal point not approved by the Ministry is guilty of an offence and shall be liable to a fine not less than N 1,000,000.00.

(4) Where an offence has been committed by any person, organization, or Estate (private or otherwise), High rise buildings, and all tenements with Facility, Concessionaire, the owner/ management shall be liable on conviction to a fine not less than (N 10,000,000.00) and in addition shall be directed to pay compensation for any damage resulting from such breach.

(5) Where an offence has been committed by an Investor Facility manager, Concessionaire /owner, the management shall be liable to a fine of not

less than (N 10,000,000.00) only, or to a minimum of one month imprisonment or both in addition to revocation of permit until remedial, corrective and preventive measures are put in place as approved by the Ministry.

- (6) For any subsequent conviction-
- (a) In the case of an individual, a fine of N1,000,000.00 or a term of one month imprisonment or both.
  - (b) In case of tenements, a fine of not less than (N2,000,000.00) Only, or a term of one month imprisonment or both.
  - (c) In case of sewage dislodging outfit, a fine of N2,000,000.00, one month imprisonment of the operator in addition to revocation of permit.
  - (d) In case of any person, organization, or Estate (private or otherwise), High rise buildings and all tenements with Facility, the owner/management, a fine not less than (N10,000,000.00).
  - (e) In case of an Investor Facility manager/Concessionaire, owner /the management, a fine of not less than (N20,000,000.00) Only, or to one month imprisonment or both, withdrawal of permit in addition, it will be an offence for him to operate anywhere in Lagos State as a Facility manager/Concessionaire.
- (7) Any person who fails to comply with any provision of the Law for which no Penalty is stipulated is guilty of an offence and on conviction shall be liable as follows-
- (a) In the case of a company to a fine not less than N 2,500,000.00 (Two million and Five Hundred Thousand naira).
  - (b) In the case of an individual to a maximum fine of N 1,000,000.00 (One million naira) or 3 months' imprisonment or both.

## PART VI

### Flood and Erosion Control, Land Reclamation And Water Resources Management

#### Interpretation

**128** In this Law, unless the context otherwise requires —

- (1) "authorized officer" means any person appointed as an authorized officer under this Part
- (2) "Office" means the Office of Drainage Services of the Lagos State Ministry of the Environment
- (3) "building" has the same meaning as in the Lagos State Physical Development Law, No. 3. 2010;
- (4) "Commissioner" means Commissioner for the Environment
- (5) "drain" includes any canal, culvert, conduit, river or watercourse
- (6) "drainage alignment" means the defined drainage/water course
- (7) "drainage reserve" means any land set aside for drainage works pursuant to development proposals approved by a competent authority, which includes drainage alignment, setback and total rights of way
- (8) "drainage works" includes any engineering works for the construction, alteration and maintenance of any storm water drainage system
- (9) "Enforcing authority" means the Office of Drainage Services
- (10) "Enforcement Notice" means any notice issued by the enforcing Authority
- (11) "Earth Canal" means natural canal without extra improvement
- (12) "Lined Canal" means canal that has been improved by concreting
- (13) "Flooding" means any threat to or destruction of physical infrastructures include residential accommodation, commercial and industrial properties, roads, rail lines, bridges, port installations, farmlands etc occasioned by excess runoff storm water

- (14) "Penalty" includes and not limited to any pecuniary fine, forfeiture, cost or compensation receivable or payable
- (15) "Stop Work Order" means Order issued by the enforcing authority to stop work
- (16) "Court "means Magistrates of Lagos State;
- (17) "Occupier", in relation to any premises, includes any person having the charge, management or control of the premises or any part thereof, including resident tenant
- (18) "Ministry" means Ministry of the Environment
- (19) "owner" , in relation to —
- (a) any premises, includes the person for the time being receiving the rent of the premises, whether on his own account or as agent or trustee or as receiver, or who would receive the rent if the premises were let to a tenant, or any person whose name is entered in the Valuation List authenticated under Land Use Tax Law of Lagos State;
  - (b) the common property of any building erected on land comprised in a strata subdivision plan approved by the competent authority, includes the management corporation having control of the building, and a managing agent appointed by a owner, and a liquidator/receiver appointed for the management of the property; and
  - (c) the limited common property of any building erected on land comprised in a strata subdivision plan approved by the planning authority, includes the subsidiary management corporation having control of that limited common property, and a managing agent appointed by the owner and a liquidator appointed for that subsidiary management company or entity;
- (20) "premises" includes messuages, houses, buildings, lands, tenements, easements and hereditaments of any tenure whether open or enclosed, whether built or not, whether public or private, and whether maintained under statutory authority or not
- (21) "Right- of -Way" means the alignment of the canal plus its set-back

- (22) "storm water" means rainwater and surface water but does not include sewage;
- (23) "storm water drainage system" means a system of drains for the conveyance or storage of storm water and includes —
- (a) any weir, grating, float, boom, gauge, tidegate, sump, storage pond, pumping station, maintenance access, and debris interception and removal facility related to such system;
  - (b) any structure constructed to convey, store or measure storm water or for flood alleviation; and
  - (c) any bridge over or railing for any such drain or any appurtenance thereof;
- (24) "works" has the same meaning as "building works or development" in the Lagos State Urban and Regional Planning Law, 2010 and includes sewerage works, drainage works and the construction and alteration of sanitary facilities.

### **Administration of this Part**

- 129** (1) The Office shall be responsible for the administration of this Part subject to the general and special directions of the Commissioner.
- (2) The Office may in writing appoint any public officer or any officer of the Office or of any other statutory authority to be an authorized officer for the purposes of this Law.
- (3) The functions, duties and powers which are imposed or conferred upon the Office under this Act may be performed or exercised by any authorized officer subject to the direction and control of the Office.

### **Functions of the Office**

- 130** (1) It shall be the duty of the Office to:
- (a) Provide comprehensive services that include feasibility studies, planning and design of drainage Infrastructural development, drainage Construction and Dredging.



- (b) Construct open and conduit channels that serve as link between tertiary drain and outfalls drainage.
- (c) Survey of drainage alignment in order to capture water course.
- (d) Rehabilitate existing channels across the State by the construction of the existing one in order to cope with the flow demand.
- (e) Supervise the construction and rehabilitation of drainage channels in the State.
- (f) Monitor the surveillance of dredged channels and concrete drains such that the desired capacity of drainage channels in the State could remain as originally designed on regulator basic.
- (g) Identify and locate low lying areas within the State for the purpose of reclamation of shore land with sand which includes drainage alignment and land opened up during the dredging of primary channels.
- (h) Take control of the land reclamation being proposed or under execution by other Government agencies such as Ministry of Physical Planning and Urban development and lands Bureau.
- (i) Reclaim used or existing land under schools and institution such as deflooding of schools by reclamation.
- (j) Engages in planning of dredging works, sand replenishment and erosion control structures.
- (k) Control erosion by engineering structures such as retaining walls, sheet pile and other control measures in areas where there are valleys and gulley which have eroded the soil, the soil roads and bridges.
- (l) Prepare, coordinate, evaluate and monitor all projects under the Ministry funded by the -Multilateral/Donor Department Agencies.
- (m) Monitor drainage channels and Right-of-Way on a daily basis with a view to capturing the contraventions.
- (n) Ensure that people do not build on canals/drainage Right-of-Way.

- (o) Ensure compliance in cases of contraventions or encroachment on canals or drainage Right-of-Way.
- (p) Issue drainage clearance certificates for buildings that are free from drainage Right-of-Way or set back.
- (q) Prepare proposals on technical assistance in form of man power development engage in process towards the identification of contraveners and take appropriate measures to check further contravention or non-compliance with the law.
- (r) Identify areas that need to be de-flooded on Emergency basis.
- (s) Respond urgently to any complaint of flood at any particular area of the state.
- (t) De-flood drainage secondary collector drains on regular basis.
- (u) De-flood drainage primary drains from time to time.
- (v) Ensure flood free highways in the Metropolis through the Highway unit.
- (w) Protect water sources by regulating discharge of contaminants or pollutants into water resources/bodies.
- (x) Grant licence for water borehole and exploration of water resources;
- (y) Issue permits for the discharge onto surface water and ground water in respect of both industrial and public facilities.
- (z) Protect wetlands and other aquatic habitats through regular surveillance of environmental activities in aquatic habitats;

**Power of the Enforcement Agency.**

**131(1)** The Ministry shall have power through its Authorised Officers, to:

- (a) Monitor, protect, manage and maintain the drainage channels, flood plain, wetland, shed land, riversides and Right-Of-Way on daily basis with a view to capturing the contraventions;

- (b) Serve notices and orders on Contraveners;
- (c) Seal up premises/and or nuisance constituted to the environment;
- (d) Unseal the premises/and or nuisance constituted to the environment provided the owner of the nuisance has fully abated the nuisance as directed;
- (e) Prosecute the Contraveners;
- (f) Make the owner of the nuisance to pay penal fees.
- (g) Demolish or remove the contraventions;
- (h) Make the contraveners to pay the cost of demolition or removal of contraventions;

### **Auxiliary Power**

**132(1)** In ensuring compliance with any order of court or Honourable Commissioner given pursuant to this law, the office of drainage services shall have the power to:

- (a) Unseal the premise, tenement, or nuisance/ contravention constituted to the environment
- (b) Unseal the premises, property, tenement or nuisance/ contravention constituted to the environment provided the owner of the nuisance/ contravention has fully abated or removed the nuisance/ contravention as required under section 21 of this law.
- (c) Make the owner of the nuisance to pay penalties/fees to be determined from time to time depending on the nature of such nuisance/contravention before such premises, property or tenements nuisance/contravention is unsealed.

### **Power to make Regulation**

**133** The Authority shall have powers to make regulations that shall be published in the Official Gazette subject to the approval of the State Executive Council for the purpose of giving effect to the provisions of this Law.

## Offences and Penalties

### 134 Offences Relating to the Blockage of Drainage System

- (1) No person or group of persons shall:-
  - (a) dump or causes to be dumped any refuse waste or toxic Substances, remains of animal or corpse within or inside the drainage channels.
  - (b) Construct or build or causes to be constructed or build any structure whether temporal or permanent to block the drainage channel or canals.
  - (c) Constructs or causes to be constructed any -structure or build houses near or on the drainage channels or canals thereby obstructing or diverting the cause of the drainage channel or canals.
  - (d) Constructs or causes to be constructed or build houses on the right of way of a primary collector drains.
  - (e) Constructs or causes to be constructed or build houses on the right of way of a secondary collector drains
  - (f) Construct or cause to be constructed or build house close to drainage right of way unless approval of the Office of Drainage Services is obtained
  - (g) Upgrading and maintenance of public and mobile Toilet

### Storm water Mitigation Measures for Major Development

- 135(1) Any soil which is exposed or disturbed during construction and any material stockpile on a development site must be stabilised utilising an appropriate best management practice.
- (2) Land development activities that increase site impervious cover should be prevented.
- (3) Any cut and fill slope resulting from an excavation on a development site must be stabilised in accordance with subsection(a), and must be

constructed with a roughened soil surface instead of a smooth surface, in a manner that will minimise erosion.

- (4) A stormwater drainage facility to regulate stormwater flow must be constructed at the top of a slope 3m horizontal to 1m vertical or steeper, which has an area above it that contributes to stormwater runoff.

### **Dredging of Channel**

**136** No person or group of persons shall:-

- (1) Dredge or causes to be dredged any primary or secondary drainage channel without the approval of the Office of Drainage Services.
- (2) Operate a dislodging outfit of drainage service without the permit of the Ministry.
- (3) Operate a dislodging outfit after the expiration of the existing permit/approval unless upon grant of a renewal by the Office of Drainage Services.

### **Sinking of Borehole Hydraulic and other Structures**

**137** (1) No person or group of persons shall:-

- (a) Sink or causes to be sunk boreholes, hydraulic and other structures connected with the supply of surface ground water or treated water without obtaining the necessary permit from the Office of Drainage Services.
  - (b) Construct or causes to be constructed any structures or building for the purposes of sinking of boreholes, hydraulic and other structures connected with supply of surface ground water or treated water without obtaining the necessary permit/approval from the Office of Drainage Services.
- (2) The necessary permit referred to in sub-paragraphs (i) and (ii) of paragraph (a) of this section is the permit of the relevant departments of the Office of Drainage Services.

### **Construction of Structure and Slabs**

**138** No person or group of persons shall: -

- (1) Construct or causes to be constructed any structure along structure and drainage alignment and canals
- (2) make or causes to be made by any slab of any form, whether wooden, cement or Iron slab on and over drainage channels arid canals unless with the approval of Office of Drainage Services.
- (3) Places or causes to be placed any mobile structures of whatever form near a drainage channels or canals.

### **De-Sealing of Sealed Property**

**139** No person or group of person shall:-

- (1) break, tear, remove or causes to be broken or torn or removed any government seal on a property with a view to de-seal same without the direction or authorization of the Office of Drainage Services.
- (2) Paint, repaint or causes to be painted .or repainted a property marked as contravention without approval.
- (3) Plaster or causes to be plastered a portion of a property marked as contravention without approval.

### **Maintenance of Drains**

**140(1)** Every owner or occupier of a tenement shall:-

- (a) Clean and maintain the drains in the frontage, side or rear of the Drains tenement; and
  - (b) Provide suitable holding tank for liquid waste or sewage liquor and ensure regular evacuation and disposal of same.
- (2) Waterfronts and drainage setback:- Any clearing limit, setback, buffer and other area sensitive to stormwater, such as a steep slope, wetland or riparian corridor, on a development site determined by an environmental impact assessment, must be clearly marked on the development site by visible pegs or other effective means and may at any time be inspected by an authorised official.

## **Maintenance of Water Bodies**

**141(1)** No person or group of persons shall:

- (a) Abstract water from any lake river, stream or other natural resources forming part of state water except with the approval of department of water resources of the Office Drainage Services
  - (b) Adopt, establish or install any water quality control facility or technology without the approval of the Department of Water Resources of the Office Drainage Ser-vices.
  - (c) make, sell, distribute or causes to be made, sold or distributed water by container, tanker or any other method whatsoever without a valid licence being issued by the Department of Water Resources of the Office Drainage Services.
  - (d) Discharge or deposit or caused to be discharged or deposited any contaminants, pollutants or toxic substances onto surface water or ground water.
- (2) Any person or group of persons who fail to comply with the provisions of subsection (1) .of this section shall be guilty of an offence under this law and shall be liable on conviction in the case of an individual to N100,000 fine or to six weeks imprisonment or community services or to both such fine and imprisonment and in the case of firm or body corporate, to a fine of N500,000 in addition, equipments and facilities of such firm or body corporate shall be confiscated by authorized officers of the Department of Water Resources of the Office Drainage Services.

## **Storm Water Drainage System not to be constructed or altered without Office's Certificate or Approval**

- 142 (1)**No person shall construct, alter, discontinue or close up any storm water drainage system or drain without obtaining in respect of those works, a clearance certificate or the approval of the Office.
- (2) Where any storm water drainage system or drain has been constructed, altered, discontinued or closed up in contravention of subsection (1), the Office may serve upon any person specified in subsection (3) a notice requiring him to demolish or make good the storm water drainage system to its original condition within such time as may be specified in the notice.

- (3) The notice referred to in subsection (2) may be served on all or any of the following persons:
- (a) any person who does or causes or permits to be done any of the acts referred to in subsection (1);
  - (b) the owner or occupier of the premises to which the storm water drainage system or drain referred to in subsection (2) belongs or for the use of which it is maintained;
  - (c) any person having power to construct, alter or demolish the storm water drainage system or drain referred to in subsection (2).
- (4) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding N250,000.

### **Drains and Drainage reserves not to be interfered with**

**143(1)** No person shall:

- (a) erect or place any structure or object in, above or across any drain;
  - (b) cause any obstruction to the flow of any storm water drainage system;
  - (c) erect, construct or lay within any drainage reserve any fence, retaining wall, foundation, manhole, pipe, cable mains or any obstruction or structure (whether temporary or permanent), without obtaining in respect of those works, a clearance certificate or the approval of the Office.
- (2) If any structure or object is erected or placed or any obstruction is caused in contravention of subsection (1), the Office may serve upon any person specified in subsection (3) a notice requiring him to remove the structure, object or obstruction and make good the drain or drainage reserve to its original state and condition within such time as may be specified in the notice.
- (3) The notice referred to in subsection (2) may be served on all or any of the following persons:
- (a) any person who does or causes or permits to be done any of the acts referred to in subsection (1);



- (b) the owner or occupier of the premises where the structure, object or obstruction referred to in subsection (2) are located;
  - (c) any other person having power to remove the structure, object or obstruction referred to in subsection (2).
- (4) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding N250,000.

### **Premises without proper Drainage**

- 144** If it appears to the Office that any premises are without proper drainage, it may by notice in writing require the owner or occupier of the premises to remedy the defect within such time as may be specified in the notice.

### **Works affecting Storm Water Drainage System**

- 145(1)** No person shall carry out or cause to be carried out any works which will affect any storm water drainage system, drain or drainage reserve, directly or indirectly, without obtaining in respect of those works, a clearance certificate or the approval of the Office.
- (2) Where any work has been carried out in contravention of subsection (1), the Office may by notice in writing require the person who carried out the works, or the owner or occupier of any premises in respect of which the works were carried out, to carry out such works as the Office thinks necessary within such time as may be specified in the notice.
- (3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦250,000.

### **Construction and Maintenance of Private Drains**

- 146 (1)** The Office may permit any person to construct any drain through, across or under any private property or to alter, repair or otherwise deal with such drain as the Office thinks fit.
- (2) Any permit given under subsection (1) may be subject to such conditions as the Office thinks fit.
- (3) Before permit any person to construct any drain under subsection (1), the Office shall serve a notice on the owner and occupier of the premises —

- (a) describing the nature of the works to be carried out; and
  - (b) stating that if no objection is received within 28 days from the date of service of the notice, the works will commence on the date specified in the notice.
- (4) A person served with a notice under subsection (3) shall submit his objections, if any, to the Office within the prescribed time and the Office may allow or disallow the objections or allow the objections in part.

### **Areas not provided with effectual Drainage**

- 147(1) If it appears to the Office that any area is not provided with effectual drainage, the Office may cause to be executed such drainage works as it considers necessary to provide for the desired drainage of the area.
- (2) The Office may as it thinks just apportion the costs and expenses of such drainage works among the owners of the premises in such area and recover the sums apportioned from such owners.

### **Damage caused to Storm Water, Drainage System etc.**

- 148(1) Any person who causes any damage to any storm water drainage system or drain shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦40,000 or to imprisonment for a term not exceeding 3 months or to both.
- (2) The Office may, by notice in writing, require any person who contravenes subsection (1) to carry out any works to restore the storm water drainage system or drain to its original condition within such time as may be specified in the notice.

### **Penalties**

- 149(1) Any person who fails to comply with the terms of an enforcement notice issued and served pursuant to this law shall be guilty of an offence and liable on conviction to a fine as specified in the schedule/regulation made pursuant to this law.
- (2) Any persons or group of persons who contravene with any provisions of this section of the law shall be guilty of an offence and shall:

- (a) In the case of an individual on conviction be liable to a fine of N100, 000 or imprisonment of one month or to both such fine and Imprisonment.
- (b) In the case of body corporate on conviction be liable to a fine of N500, 000 and in addition shall forfeit the equipment used for the nuisance/contravention to the Office of Drainage Services.
- (c) In addition to the sub-sections of (a) and (b) of this section the contravener shall be wholly responsible for the cost abatement or removal of such nuisance/ contravention or structures.

### **Prevention of Flooding and Management of State Floodplains, Wetlands and Riversides**

**150(1)** Without prejudice to the planning approval from the planning authority in the State, it shall be an offence to:

- (a) reclaim or drain a wetland;
  - (b) disturb a wetland by drilling or tunnelling in a manner that has or is likely to have an adverse effect on a wetland;
  - (c) deposit in, on, or under any wetland a substance in a manner that has or is likely to have an adverse effect on a wetland;
  - (d) destroy, damages or disturbs any wetland in a manner that has or is likely to have an adverse effect on any plant or animal or its habitat;
  - (e) remove soil from or burns any wetland resource in a wetland;
  - (f) Undertake unsustainable activity which is of commercial or trade nature.
    - i. or any other environmentally degradation activities as may be from time to time specified in any regulation by the enforcing authority.
    - ii. without obtaining permit from the enforcing authority.
- (2) Any person intending to carry out any of the activity listed in section 97 above shall apply in writing to the enforcing authority for a permit.
- (3) The application in sub-regulation (2) shall be accompanied by the fees as shall be prescribed by the enforcing authority.

- (4) The enforcing authority may impose any condition including the requirement of Environmental Impact Assessment before issuing a permit authorizing any activities within the riverside and wetland within the State.

### **Waterfronts and Drainage Channel Setbacks**

- 151** Notwithstanding anything to the contrary in any other law no person whether corporate or individual shall erect, construct, place, alter, extend, remove or demolishes any structure, building or physical development that is fixed in, or, under or over a wetland without complying with the approved setbacks listed in the Schedule 5

### **Rejection of Application for Permit**

- 152(1)** The enforcing authority may reject any permit for the prohibited activities if it is satisfied that the continued use of the wetland or riverside is likely to cause flooding or likely to be injurious to the community, the neighbouring state(s) and the environment.

- (2) Where the enforcing authority rejects an application it shall:
- (a) state reasons, in writing, to the applicant; and
  - (b) give the applicant the right to be heard either orally, or in writing, or both.

### **Revocation of Permit**

- 153** The Agency may, at any time, after consultation with the State Government (s) revoke a permit granted under these Regulations

### **Implied Covenant**

- 154(1)** It is implied in any permit issued under that the holder of any permit shall:
- (a) not substantially affect hydrological and ecological characteristics of the wetland beyond the terms and conditions contained in the permit;
  - (b) keep and maintain the boundaries of the wetland for purposes of controlling malaria and other diseases;

- (c) not assign the permit to any other person without the consent of the enforcing authority; and
- (d) within a period of one year after the expiration or revocation of the permit, remove or restore the wetland to as near the state it was as possible immediately before the commencement of the permitted activities.

### **Power to demolish blockade or remove Nuisance**

**155** Where any structure or building constitutes a nuisance or blockade on the path of any drainage, the enforcing authority shall have the power to demolish or remove such structure or the nuisance whichever is applicable.

### **Recovery of cost of demolition or removal**

**156** Where any cost is incurred by the enforcing authority in the course of a demolition or removal under section 119 above, such cost shall be assessed and communicated in writing to the contravener or owner of the nuisance or any other person responsible for the illegal structure or nuisance demanding for the reimbursement of the cost.

### **Refusal to pay Cost**

**157** Any person who fails to pay the cost of demolition or nuisance removal expenses as communicated under section 118 above within twenty one (21) days of such communication shall be guilty of an offence and in case of an individual shall be liable to a fine of N250,000 or 1 month imprisonment in addition to the cost and in case of a body corporate, a fine of N500,000.00 in addition to the cost.

## **PART VII**

### **Conservation and Ecology Management**

#### **Interpretation**

**158** In this section unless the context otherwise admits:

- (1) “Conservation” means sustainable exploitation of natural resources for optimal or maximum yields of the present generations, maintaining its

potential to meet the needs and aspirations of future generations including but not limited to monitoring of aesthetic, greening and balanced ecosystems;

- (2) “Ecosystem” means a complex set of relationship among the living resources, habitat, residents of an area; it includes plants, trees, animals, fish, birds, micro organism, water, soil and people.
- (3) “Enforcing Authority” means Department of Conservation and Ecology of the Ministry.

### **Functions of the Enforcing Authority**

**159** It shall be duty of the enforcing authority to:-

- (1) conserve and preserve the biodiversity and ecosystem of the State’s environment;
- (2) protect the State of the environment from degradation as a result of environmental problem such as gully and soil erosion, oceanic surge, mining, deforestation, fog, smog etc
- (3) ensure proper landscaping and beautification of the physical environment of the State and establishment of gardens and parks for recreations activities and relation;
- (4) renovate and maintain monuments, statues and historical public buildings.

### **Powers of the enforcing agency**

**160** The enforcing agency shall have power to:

- (1) Conserve, preserve and monitor the biodiversity and ecosystem of the State
- (2) Identify, converse and preserve green belt zone within the State
- (3) Preserve monuments, artefacts, statutes, archeologically, natural and historical sites within the State
- (4) Notwithstanding any other provision of this Law, the Commissioner may exercise any of the powers mentioned in paragraphs (b) and (c) above if it appears to him that the environment of a premises or facility constitutes nuisance or is prejudicial to public health.

## **Duty of Tenement or Facility Owners**

**161** It is an offence for any occupier and owner a tenement or facility whether individual or corporate to:

- (1) allow, fail or refuse to prevent the overgrowing of weeds within and around its premises;
- (2) allow, fail or refuse to weed and control vegetation within the setbacks of roads and highways bordering its property;
- (3) allow, fail or refuse to weed, control and prevent the overgrowing of any fallow, enclosed or opened land that surrounds or abuts its property;
- (4) allow, fail or refuse to control any vegetal nuisance in and around drains that surrounds or abuts its property;
- (5) engage in sculptural display and artefact activities without the approval of the enforcing authority;
- (6) accessed all monuments, artefacts, statues and natural and historical identity (natural heritage) on land, water and air with the approval of the enforcing authority;
- (7) use public open spaces loops, road median, setbacks for any social gather or any other natural purposes except as permitted in writing by the enforcing authority;
- (8) disturb, misuse, defile landscaped and beautified places or area(s) or on-going landscaped or beautification site;

## **Landscaping and Beautification of Premises**

**162(1) As from the commencement of this Law, every owner of premises or facility shall:**

- (a) ensure proper landscaping of its immediate set back of its properties;
- (b) ensure that at least one quarter (1/4) of the total landmass of any property is landscaped and beautified by owner/occupier

- (c) regularly and properly maintain all landscaped areas of its property or premises;
  - (d) regularly paint the building, premises or facility along or abutting the major highways and roads within the State;
- (2) Every company or corporate organisations and business out-lets carrying on business along the major highways and roads shall landscape and beautify all road set-backs and medians abutting or bordering its property and shall regularly and properly keep and maintain same.

### **Regulations on Horticulturist/Road Side Garden Practitioner**

**163(1)** As from the commencement of this law, it is an offence for anyone or group or corporate organisations without the permit from the enforcing authority to:

- (a) manage carnivorous animals without certificate of quarantine from the appropriate authority.

### **Offences and Penalty**

**164(1)** A contravention or failure to comply with any of the matters provided under section (4) above shall constitute an offence.

- (2) Any person convicted of an offence under sections 3 and 4 of above shall be liable to a fine not less than **Ten Thousand Naira (₦10,000.00)** only but not exceeding **Fifty Thousand Naira (₦50,000.00)** or to an imprisonment for a term not exceeding one month or to both such fines and imprisonment and additional fine of **Two Thousand Naira (₦2,000)** for every day the offence subsists.
- (3) Where the offence is committed by a body corporate, it shall on conviction be liable to a fine not less than **₦150,000.000** and not exceeding **N1,000,000.00** and additional fine of **₦10,000.00** for every day the offence subsists.
- (4) Any person convicted of an offence under section 6 above shall be liable to a fine not less than **One Hundred Thousand Naira (₦ 100,000.00)** only but not exceeding **Two Hundred and Fifty Thousand Naira (₦ 250,000.00)** or to an imprisonment for a term not exceeding one year or to both such fines and imprisonment and additional fine of **₦5,000** for every day the offence subsists.



## **Stop work order**

**165** Where it appears to the enforcing authority that:

- (a) property, facility or premises or activity contravenes any of the provisions of section 145, 146 and 147 above or constitutes a nuisance to the environment; or
- (b) a property/structure constituting nuisance obstructs the performance of a statutory duty of the enforcing authority, it shall issue a stop work order on the owner of the nuisance for the time being pending the service of any other enforcement notice and such owner shall immediately cease further constitution of the nuisance.

## **Extension of stop work order**

**166** Where a stop work order served on any person in respect of any contravention any sections of this Part of the Law, the enforcing authority may extend the period of time for which a stop work order shall remain in force.

## **Effect of enforcement notice**

**167** Every enforcement notice served as provided in this law shall take immediate effect upon service on an owner of a nuisance for the time being.

## **Failure to comply with enforcement notice**

**168** Any person who fails to comply with an enforcement order made pursuant to section 145 or section 146 above, shall be guilty of an offence and on conviction shall be liable in the case of an individual to a fine of ₦50,000 or 3 months imprisonment and in case of a body corporate, a fine of ₦500,000.00.

## **PART VIII**

### **Citizen Participation In Environmental Protection Including Access To Information And Environmental Impact Assessment.**

#### **Interpretation**

**169** The following provisions have the effect for the Interpretation of this Part:

- (1) “Appropriate authority” includes but is not limited to Ministry, Local Governments, Panel and Enforcing Authorities created under this Law
- (2) “Ministry” means Ministry of the Environment
- (3) “Commissioner” means Commissioner for the Environment

#### **Duty to Keep Record**

**170** The relevant enforcing authorities in this Law shall cause to be maintained records of all permits and particulars of every persons, facility or organization involved in environmental matters in the State. In addition, the Commissioner shall cause to be maintained in case of persons affected by Part II of this Law such records which shall include-

- (1) the names and address of facility;
- (2) the number and types of permits granted;
- (3) where facility imports dangerous chemicals, the type, usage and the countries with which such chemical is imported from and the number of quantities and types of specimens concerned; and
- (4) where applicable, the size and sex of the specimens in questions.

#### **Access to Environmental Information**

171(1) Every person shall have the right to obtain information on the environment and its protection on the conditions laid down in this Law.

(2) The appropriate authority shall be obliged to make available to all persons information which they hold on the environment and its protection.

(3) The following information shall be made available under sub-section 2:

- (a) applications for the granting of the decisions referred to below in paragraph ii (a-d); paragraph iii (a, b); paragraph iv; paragraph v (a, b) and paragraph vii;
- (b) within the scope of laws relating to the protection and management of the environment:
  - i decisions which set out the types and amounts of pollutants authorised to be emitted into the air, land and water
  - ii decisions which set out the maximum permissible noise levels in the environment,
  - iii records of types and amounts of pollutants emitted into the air, land and water
  - iv decisions which set out the amounts, postpone the due payment dates, or provide for the payment in instalments, of fines for violations of the requirements of environmental protection, consisting in:
    - excess releases in terms of type or amount of substances authorised to be emitted into the air as defined by a decision of the competent authority,
    - emissions in excess of the limit noise levels as defined by a decision of the competent authority,
  - v decisions which set out the amounts of fines for violations of the requirements of environmental protection, consisting in:
    - the destruction of areas of greenery or trees and shrubs caused by incorrect execution of earthworks or the use of mechanical or technical equipment, and the application of chemical agents in a manner which is harmful to the vegetation,

- the removal of trees and shrubs without the required authorisation;
- (c) within the scope of laws relating to waste:
  - i. authorisations to generate waste,
  - ii. authorisations to collect, use or dispose of hazardous waste,
  - iii. documentation prepared for waste inventory purposes,
  - iv. decisions which set out the amounts, postpone the payment date, or provide for the payment in instalments, of fines for waste storage in places not intended for this purpose or for failing to meet the requirements set by development consent to the construction of a waste landfill;
- (d) within the scope of laws relating to maintaining of order and sanitation in communities - authorisations for activities consisting of the collection, use or disposal of municipal waste;
- (e) within the scope of provisions of this Law and National Environmental Protection (Effluent Limitation) and National Environmental Protection (Pollution Abatement in Industries and Facilities Generating Wastes) Regulations 1991
- (f) draft policies, strategies, plans or programmes referred to in Section 1, before they are subjected to the final approval.
- (g) policies, strategies, plans or programmes referred to in Section 3
- (h) decisions of the Ministry, Local Governments, Panel and Enforcing Authorities responsible for environmental matters under this Law;
- (i) interim environmental decisions;
- (j) the environmental impact reports;

- (k) follow-up analyses;
  - (l) the results of environmental research and studies.
- (4) Information made available under subsection 1 above shall also include any other information in the form of documents and data held in particular in written, visual, aural form, and data bases stored on other carriers, regarding:
- (a) the state of the natural elements of the environment and their interactions,
  - (b) pollutants released into the environment, and activities and measures which are likely to have or may have adverse effects on the environment,
  - (c) the effect of the state of the environment on human health, the quality of life and the cultural heritage,
  - (d) activities and measures, including administrative and economic ones, designed to protect the environment,
  - (e) plans, programmes and financial analyses related to the taking of decisions which are significant for environmental protection,
  - (f) safety reports and emergency response plans referred to in the laws concerning the protection and management of the environment.
  - (g) records that contain the result or product of environmental testing and a written explanation of the methods used in conducting the test carried out by or on behalf of the appropriate authority,
  - (h) proprietary privileged or confidential trade secrets, information that may cause competitive harm or could reasonably be expected to interfere with the contractual or other negotiations of a third party and or commercial information from a person or business if that disclosure would-
  - (i) be in the public interest as it relates to public health, public safety or protection of the environment; and

- (ii) if the public interest in disclosure clearly outweighs in importance any financial loss or gain to the competitive position of, or interference with contractual or other negotiation of a third party.
- (5) The information referred to in subsections 2 and 3 shall be made available in writing and shall provide sufficient detail to enable an experienced officer of the appropriate authority reasonably identify the record.
- (6) The appropriate authority responsible for matters referred to in subsection 2 shall be obliged to keep publicly accessible records of data concerning these documents and may include in these records data on the documents referred to in subsection 3.
- (7) Publicly accessible records of the documents referred to in Subsection 2 (xi) and (xii) shall be also kept by the appropriate authorities which are responsible for carrying out procedures within the framework whereof or as a result whereof such documents are prepared.
- (8) The Commissioner shall define, by way of regulation, the format of publicly accessible records, specifying, in particular, the titles of documents held therein, the places and dates of their issue, the places where they are kept and the reservations concerning access to information.

### **When Environmental Information may be withheld**

- 172** (1) An application for Environmental Information may be refused where its disclosure would violate the laws on the protection of confidential information, or personal data or where such information affects:
- (a) matters which are subjudice or subject to criminal or disciplinary enquiry, if the disclosure of such information could disturb the course of the proceedings;
  - (b) interfere with pending or actual and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;
  - (c) interfere with pending administrative enforcement proceedings conducted by any government or public institution;
  - (d) deprive a person of fair trial;

- (e) obstruct an ongoing criminal investigation;
- (f) disclose the identity of a confidential source;
- (g) constitute an invasion of privacy, however, where the interest of the public would be better served by having such record being made available, this exemption to disclose shall not apply;
- (h) matters which are covered by copyrights and patent rights if making the files available may violate these rights;
- (i) documents or data supplied by a third party where the party has been under no legal obligation to do so and has made the reservation that they should not be made available;
- (j) documents or data the disclosure of which would make it more likely that the environment to which they relate would be damaged.
- (k) a project undertaken in areas or at built structures, or their parts, which are indispensable for the purposes of national defence or security, and which are managed by organisational units responsible to the Minister of Defence or the Ministers responsible for Internal Affairs and Foreign affairs, and are accessible only to authorised persons.
- (l) By way of decision, the Ministry, Local Government, Panel and Enforcing Authorities may:
  - i. upon a justified request from the provider of the information referred to in Section 101, exempt from the disclosure the data of commercial value, especially technological data, if making it available could worsen the provider's competitive position;
  - ii. refuse to disclose information where it would require the provision of documents or data in the course of completion or intended for internal communications, or where the request for the disclosure of information is manifestly impossible to meet or formulated in too general a manner, or in case of other reasons for refusal envisaged in this Law.

**Period at which information shall be made available**

**173(1)** the appropriate authority shall be obliged to make information

available within fourteen (14) working days after the request has been submitted.

- (2) Where the appropriate authority receives an application for access to a record and it considers that another government or public institution has a greater interest in the record, the appropriate authority may within three days but not later than seven days after the application is received transfer the application and if necessary the record to the other government or public institution, in which case the appropriate authority transferring the applications shall give written notice of the transfer to the person(s) who made the application so that such decision to transfer the application can be reviewed by the court.
- (3) the appropriate authority may extend the time limit set out in sub section (1) for a reasonable period of time, and in any event not exceeding seven days, if:
  - (a) the application is for a larger number of records or necessitates a research through a large number of records and meeting the original time limit would unreasonably interfere with the operations of the appropriate authority;
  - (b) consultations are necessary to comply with the application that cannot reasonably be completed within the original time limit, by giving notice of the extension stating whether the extension falls under the circumstances set out in paragraph (a) or (b), which notice shall contain a statement that the person has a right to have the decision to extend the time limit reviewed by a Court.
- (4) Documents data on which are held in publicly accessible records shall be made available on the day when a request for their disclosure has been made.

### **Severance of Information**

- 174** Where it is possible to separate out a piece of information exempted from disclosure for the reasons referred to in Section 172, the appropriate authority shall make available the remainder of the information.

### **Duty to Identify Origin of Information**

- 175** In making available information provided by a third party, the appropriate authority shall identify its origin.



## Fees

176(1) The Commissioner shall by regulation provide that:

- (a) fees charged by the appropriate authority shall be limited to reasonable standard charges for document search, duplication, review and transcription where necessary, when records are applied for commercial use.
  - (b) fees shall be limited to reasonable standard for document search, duplication, review and transcription where necessary, when records are not sought for commercial use and the application is made by any educational or non-commercial, scientific, research, or a representative of the news media; and
  - (c) for any application described in (a) or (b) fees shall be limited to reasonable standard charges for document search, duplication, review and transcription where necessary,
- (2) document shall be furnished without any charge or at a charge reduced below the fees established if disclosure of the information is in the public interest because it is likely to contribute significantly to the public understanding of the operations or activities of the government and is not primarily in the commercial interest of the applicant.
  - (3) fee schedule shall provide for the recovery of only the direct cost of search, duplication, reproduction, review or transcription where the record being applied for under this Law is produced as a result of the application from a machine readable record under the control of a government or public institution.
  - (4) review cost shall include only the direct costs incurred during the initial examination of a document for the purposes of determining whether the documents must be disclosed under this section and for the purpose of withholding any portions exempt from disclosure under this Law.
  - (5) review cost may not include any costs incurred in resolving issues of law or policy that may be raised in the course of processing an application under this section.
  - (6) no fee may be charged by the appropriate authority;

- (a) if the cost of routine collection and processing of the fee are likely to equal or exceed the amount for the fee; or
  - (b) for the first two hours of search time or for the first 100 pages of publication;
- (7) the appropriate authority shall not request advance payment of any fees because the applicant has previously failed to pay fees in a timely fashion.
- (8) nothing in this Law shall super-cede fees chargeable under a statute specifically providing for setting the level of fees for particular of records.
- (9) in any action by any applicant regarding the waiver of fees under this section, the court shall determine the matter de novo, provided that the court's fees review of the matter shall be limited to the record before appropriate authority.

### **Applicability**

- 177** The provisions of Sections 171 to 176 shall apply respectively to making available of information on the environment and its protection by other entities which, by virtue of the law or under agreements concluded, are responsible for performing public duties in relation to the environment and its protection.

### **Public participation in procedures relating to environmental protection**

- 178** All persons shall have the right to submit comments, recommendations and inputs in the course of formulation of environmental policies, guidelines, regulations and significant environmental decisions affecting the environment of the State.

### **Duty to Consult Public on Environmental Decisions**

- 179(1)** Before the appropriate authority responsible for making decisions requiring public participation makes such a decision, as it commences the procedure the authority:
- (a) shall notify the public that an application for the granting of the decision has been placed in a publicly accessible record and that comments and recommendations can be submitted within 21 days of the date of notifying the public, at the same time, indicating where such comments and recommendations can be submitted;

- (b) may conduct an administrative hearing open to the public, and
  - (c) shall consider the comments and recommendations submitted.
- (2) The appropriate authority responsible for making a decision requiring public participation shall notify the public that the decision has been placed in a publicly accessible record, following the procedure specified in section (3) below.
  - (3) The notification of the public, referred to subsection 1 (1), and subsection 2, shall be provided by placing the information on the notice board at the seat of the authority which is responsible for the matter and bill-posting in the vicinity of the proposed project; and where the seat of the responsible authority is located in a community other than the community which is relevant in terms of location given the subject of the notification, also by a publication in the local press or in a manner commonly used in the locality or localities which are relevant given the subject of the notification.
  - (4) The notification of the public, referred to paragraph 1 subparagraph (1), and paragraph 2, shall be provided also by placing the information on the worldwide web (www) homepage of the authority responsible for making the decision if the authority has such a homepage.

### **Non-Applicability of this Law**

- 180** The provisions of this Law which impose the obligation to obtain approval and opinion shall not apply where the authority which carries out the assessment of environmental effects is at the same time the authority whose approval or opinion should be obtained.

### **Citizen's Rights**

- 181(1)** Any person who, after lodging a complaint of the contravention of the provision of this Law to the appropriate enforcing authority or Commissioner and no action is taken after 14 days by the appropriate enforcing authority or Commissioner may commence proceedings for an injunctive order against the person in contravention.

- (2) The court may after hearing an application pursuant to subsection (1) of this section and if satisfied make any or all of the following orders namely:
  -

- (a) directing the respondent to remedy the contravention,
- (b) restraining the respondent from committing the threatening the contravention of the Act; or
- (c) restrain the respondent from committing the threatened or anticipated contravention, or
- (d) such other orders as the court considers appropriate for the purpose of giving effect to that order.

Provided that, an aggrieved citizen may institute such action prior to the expiration of the 14 days after such notice has been given to the Commissioner under this section in cases of an emergency posing a significant risk to the well-being of any person or environment.

## **PART IX**

### **Establishment Of The Environmental Sanitation Corps Agency, Environmental Administrative Complaints Panel, And The Environmental Court**

#### **182 Interpretation**

- (1) “Governor” means Governor of Lagos State;
- (2) “State” means the Lagos State of Nigeria
- (3) “Agency” means Environmental Sanitation Corps Agency
- (4) “Board” means Governing Board of the Agency
- (5) “Financial year” means every period of twelve months terminating on the 31<sup>st</sup> day of December;

#### **Establishment of the Environmental Sanitation Corps Agency**

- 183** (1) There is hereby established in the State an Environmental Sanitation Corp Agency, which shall be controlled by the PUMAU or appropriate enforcing authority established under this Law. (referred to in this law as “The Agency”)

- (2) The Agency shall-
  - (a) be a corporate body with perpetual succession and a common seal;
  - (b) have power to sue and be sued in its corporate name; and
  - (c) be capable of holding, purchasing, acquiring and disposing of properties movable or immovable, for the purpose of exercising its functions specified in this law
- (3) Where the Agency is financed and controlled by the Ministry, the staff of the Corps shall be deployed to various enforcement authorities created under this Law to primarily assist the enforcing authorities in the performance of their duties in accordance with the provisions of Section 157 below.

### **Function of the Corps**

**184** Subject to the overriding control and supervision of the appropriate enforcing authority, the Corp shall have the following power to:

- (1) Assist the appropriate enforcing authorities in the monitoring and enforcement of the provisions of Parts IV and V of this Law. Arrest offenders, defaulters and violators of provisions of Parts IV and V of this Law.
  - (2) Monitor and maintain surveillances along the highways, streets and public drainages, canals, markets and parks to ensure compliance with the provisions of Parts III, IV and V of this Law.
- (3) Report regularly any breach of the provisions of this Law and other sanitation law to the appropriate enforcing authority
- (4) Carry out any assignment consistent with the general intendment of this Law to secure healthy and sustainable environment as may from time to time be lawfully assigned to it by the enforcing authority.

### **Power of the Agency**

**185** The Agency shall have powers to-

- (1) seek collaboration with local and international organisations for the purpose of effectively carrying out its functions under this law;

- (2) enter into any contract as it may deem necessary or expedient for the due performance of its functions under this law;
- (3) recruit persons as Environmental Sanitation Corps members
- (4) discipline and promote persons recruited as Environmental Sanitation Corp members;
- (5) incur any expenditure that is deemed necessary or expedient for the purpose of its functions under this law;
- (6) promote private sector in the realisation of its functions; and
- (7) arrange to train members of the Environmental Sanitation Corps recruited at the Nigerian Police Academy if need arises

### **Establishment and composition of the Governing Board of the Agency**

**186(1)** There is established a Governing Board for the Agency (referred to in this law as “the Board”

- (2) The Board shall comprise of –
  - (a) a Chairman, who shall be the Honourable Commissioner for the Environment in the State;
  - (b) a representative of the office of the Environmental Services in the Ministry of Environment;
  - (c) a representative of the Ministry of Finance;
  - (d) a representative of the Public service office;
  - (e) a representative of the Civil Service Commission;
  - (f) a representative from PUMAU
  - (g) the Environmental Corps Marshal; and
  - (h) the Chief Executive Officer of the Agency who shall be the Secretary to the Board
- (3) The representatives of the Ministries, Bodies, Units and Agencies mentioned in subsection (1) of this section shall be officers not below the rank of an Assistant Director

- (4) The meetings and proceedings of the Board are contained in the schedule to this law

### **Responsibilities of the Board**

**187** The Board shall be responsible for –

- (1) reviewing the existing policies of the Agency;
- (2) formulating new policies for the Agency
- (3) areas of inter-governmental co-ordination; and
- (4) receiving and considering for approval, the audited accounts of the Agency

### **Establishment of the Environmental Corps Cadre**

**188** There is established in the Lagos State Public Service, a cadre to be known as Environmental Sanitation Corps Cadre. This Corps hereby repeals the Kick Against Indiscipline Brigade.

### **Environmental Corps Marshal of the Agency**

**189(1)** There shall be appointed by the Governor on the recommendation of the Commissioner, an Environmental Corps Marshal (referred to in this law as “the Corps Marshal”) who shall-

- (a) be a person of proven ability and integrity
  - (b) have relevant professional skills with military or police background;
  - (c) be responsible for control and supervision of the Environmental Sanitation Corps members recruited by the Agency; and
  - (d) hold office for a term of five (5) years and may be re-appointed for a further term of five years and no more;
- (2) The Corps Marshal may be removed from office if –
- (a) he has by reason of infirmity of body or mind become incapable of discharging his duties;

- (b) has been convicted of an offence of moral turpitude; or
  - (c) has been involved in any act considered to be inimical to the interest of the Agency
- (3) The Corps Marshal may resign his appointment by notice in writing addressed to the Governor

### **The Structure of the Environmental Sanitation Corps Command**

- 190**(1) The structure of the Environmental Sanitation Corps Command (referred to in this law as “the Command”) shall be headed by the Environmental Corps Marshal, who shall report to the Board
- (2) There shall be an Operation unit and a Monitoring Unit of the Command to be headed by a Deputy Corps Marshal, who shall be responsible to the Corps Marshal
  - (3) There shall be an Intelligent Unit, a Supervisory Unit, and a Disciplinary Unit of the Command to be headed by a Deputy Corps Marshal, who shall be responsible to the Corps Marshal

### **Zones of the Command**

- 191** (1) The Command shall comprise of five zones which are Ikeja, Badagry, Ikorodu, Lagos Island and Epe
- (2) The Deputy Corps Marshal in charge of the operations unit and monitoring unit of the Command shall be responsible for the coordination of the activities of the zones of the Command

### **Duties of the Environmental Sanitation Corps**

- 192** The duties of the Environmental Sanitation Corps members shall be to –
- (1) ensure the general cleanliness of the environment in the state;
  - (2) educate the entire populace of the state on environmental sanitation matters from time to time;
  - (3) prevent the erection of illegal structures on walkways, drains, pathways, road verges, medians and pedestrian bridges in the State;
  - (4) prevent the selling and cooking of food on roads or sidewalks;



- (5) prevent auto mechanics from operating on roadsides;
- (6) ensure that the general habit of environmental cleanliness is sustained;
- (7) inform the appropriate authorities when the need to evacuate miscreants and mentally deranged people arises;
- (8) give prompt information on dead bodies to the officials of the Lagos State Ministry of health and the office of the Medical Officer of Health of any of the State's local Government or Council Development Area; and
- (9) arrest any person who commits any offence under the Environmental Sanitation Law CAP.E5 Laws of Lagos State 2003
- (10) assist the PUMAU by ensuring that premises are compliant with the Public Utilities Levy;
- (11) ensure that commercial premises are in possession of a valid waste collection contract

### **Other Staff of the Agency**

**193(1)**The Agency may from time to time engage or employ such category of professional and non-professional staff on such terms and conditions and shall be paid remunerations and allowances as it deems appropriate for the due and proper performance of its functions under this laws

(2) Officers engaged as Kick Against Indiscipline (KAI) under the Environmental Sanitation law, Cap. E5, Laws of Lagos State, 2003 who fall under the criteria for recruitment under this law are to be redeployed to the Agency as **Environmental Sanitation Corps Members**

(3) There shall be an Administrative unit for the Agency to be headed by an Administrative Officer not below grade level 16 in the State Public Service who shall be the Chief Executive Officer of the Agency

(4)The Agency shall comprise of the following units –

- (a) Finance;
- (b) Budget and planning; and
- (c) Legal

- (d) Operations

### **Duties of the Chief Executive Officer of the Agency**

- 194** The Chief Executive Officer of the Agency shall be responsible for –
- (a) the general administration and day to day running of the Agency;
  - (b) the execution of the policies of the Agency;
  - (c) summoning of Board meetings;
  - (d) performing other duties that might be assigned to him by the Board from time to time

### **Remuneration**

- 195** The Corps Marshal, the Chief Executive Officer and other Staff of the Agency shall be paid such remuneration and allowances as the Governor may determine from time to time

### **Removal of Staff of the Agency**

- 196** The Governor may remove any officer of the Agency if he is satisfied that it is in the interest of the public or State to do so

### **Supervision of the Agency**

- 197** The Agency shall be under the supervision and control of the Ministry of Environment, which shall give the policy direction to the Agency

### **Ranks of Members of the Environmental sanitation Corps**

- 198** Members of the Environmental Sanitation Corps who are recruited by the Agency shall bear the rank as stated in their Letters of employment

### **Accounts and Audit**

- 199(1)** The Agency shall –
- (a) keep proper accounts of all its transactions in conformity with standards accounting practice; and

- (b) prepare at the end of each financial year, statement of account which shall be audited annually by external auditors appointed by the Governor from a list of approved auditors provided by the Auditor-General of the State
- (2) The Agency shall within six months after the end of each financial year, furnish the Governor with-
- (a) a copy of the audited accounts of the agency;
  - (b) a copy of the general report and full report of the external auditor; and
  - (c) a detailed report of the state of affairs of the Agency for the financial year, including a statement of the change in the general reserve fund arising from the activities of the Agency during the year reported upon
- (3) The Agency shall prepare and submit to the ministry of finance and the ministry of Economic Planning and Budget its proposed annual estimates of revenue expenditure from the period commencing from the 1<sup>st</sup> of January and ending on 31<sup>st</sup> December of the year in accordance with the call circular

### **Operations of Bank Accounts**

- 200** The Agency shall operate funds with a reputable bank or banks in the state and the signatories to the account shall be the Chief Executive Officer and Head of Accounts or their designated representatives as duly authorized by the Agency

### **Establishment of Environmental Appeal Tribunal**

- 201(1)** There shall be established in the Ministry of Environment, an Environmental Appeal Tribunal and it shall have power to:
- (a) receive and investigate all complaints relating to the operations, functions; and activities of the Agencies or Authority or Board established and recognised by this Law; and
  - (b) deal with all complaints against the operations, activities and functions of the aforesaid Agencies /Authority and the decisions of the Tribunal shall bind the complainants and the relevant Agency /Authority so affected by the decision.

### **Composition of the Tribunal:**

- 202** (1) The Governor shall, on the recommendation of the Commissioner, appoint the members of the Panel;
- (a) a Chairman who shall be appointed by the Governor from amongst the persons qualified to be appointed a Judge;
  - (b) a Legal Practitioner recommended by the Attorney General of the State;
  - (c) one member with high academic qualifications and experience in environmental law; and
  - (d) two other members who have demonstrated exemplary professional competence in the field of environmental management;
- (2) The members referred to in paragraph (b), (c) and (d) shall be appointed by the Commissioner.
- (3) Members of the Tribunal shall hold office for a term of four years, and shall be eligible for reappointment for further one term.
- (4) The Tribunal may invite any persons with special skills or knowledge on environmental issues which are the subject matter of any proceedings or inquiry before the Tribunal to act as *amicus curiae* where it appears to the Tribunal that such special skills or knowledge are required for proper determination of that matter.

### **Constitution of Tribunal**

- 203** The Tribunal shall be duly constituted for the purpose of hearing and determining any matter before it, if it consists of the Chairman and any two other members.

### **Jurisdiction of Tribunal**

- 204** (1) The Tribunal shall have powers to:
- (a) investigate and arbitrate and/or mediate on all matters and disputes concerning environmental sanitation and environmental pollution referred to it by the Commissioner or general public for consideration;

- (b) Determine disputes between any enforcing Authority and any other person in relation to the execution of its functions under this Law;
  - (c) Determine disputes between the any enforcing authority and a Franchisee/Concessionaire/Licensee or Partner under this Law;
  - (d) Determine disputes as to commercial tariff chargeable under this Law;
  - (e) Determine disputes arising from the determination or review of Tariff;
  - (f) Review the decision of any enforcing authority to suspend or revoke a license;
  - (g) sit on appeals from persons against abatement notices served by any enforcing authority this Law;
  - (h) summon any person to give evidence before it;
  - (i) make any ruling as may be expedient; and
  - (j) make its own rules of procedure.
- (2) The aggrieved party may attend and be heard or if he so desires his authorized representative may attend the sitting of the Tribunal.

### **Proceedings**

- 205** (1) The Chairman shall preside over the meetings of the Tribunal, on his absence, by any member elected by members present at that meeting.
- (2) A member of the Tribunal who has interest in any matter which is the subject of the proceedings before the Tribunal shall not take part in those proceedings.
- (3) The Tribunal shall regulate its own procedure.
- (4) Any person who is a party to proceedings before the Tribunal may appear in person or by an advocate or by a legal representative.
- (5) The Tribunal may, for purposes of proceedings before it:

- (a) make such orders intended to secure the attendance of any person at any place where the Tribunal is sitting,
  - (b) make such orders for discovery or production of any document concerning a matter, before it or the investigation of any contravention of this Law as it deems necessary or expedient;
  - (c) take evidence on oath and may, for that purpose, administer oaths; and
  - (d) summon, on its own motion or upon request, any person as a witness.
- (6) Any person who:
- (a) fails to enter appearance before the Tribunal after having been required to do so;
  - (b) refuses to take oath before the Tribunal,
  - (c) or refuses to produce any article or document when lawfully required to do so; knowingly gives false evidence
  - (d) or information which he knows to be misleading before the Tribunal; and
  - (e) at any sitting of the Tribunal, interrupts the proceedings or commits any contempt of the Tribunal, commits an offence under this Law.
- (7) The proceedings of the Tribunal shall continue on a daily basis, until the matter is disposed of subject to adjournment as deemed fit by the court.

### **Tribunal's Appeals Proceedings**

**206(1)** The Tribunal shall, after hearing the appeal or any matter referred to it shall:

- (a) inquire into the matter and make an award in form of a directive, order or recommendation;
- (b) notify concerned parties of the award; and
- (c) specify the period within which the award is to be complied with.

- (2) The award of the Tribunal shall be binding and may be enforced as if it were an order of the court.

### **Power to hear appeals**

**207**(1) Any person may appeal against the decisions of any enforcing authority or Agency created under this Law or any other Law within 21 days after the notification of the final decision of the environmental enforcement authority has been communicated.

- (2) The Chairman of the Tribunal shall cause a sitting of the Tribunal within 3 days of receipt of a complaint.

### **Remuneration**

**208** The Chairman and members of the Tribunal shall be paid such remunerations and allowances as the Governor may approve.

### **Exemption from liability**

**209** No member of the Tribunal shall be liable for any act done in good faith in exercise of the powers conferred on the Tribunal by section 148 of this law.

### **Establishment of Environmental Court**

**210** (1) There is hereby established for the state a division of Court to be known as the Environmental Law Court.

- (2) The Court shall sit at two levels, that is:

- (a) The Court as a Judicial Division of the High Court of Lagos State; and
- (b) The Court as Environmental Law Court at the Magisterial Level.

### **Jurisdiction of Court**

**211**(1) Subject to the provisions of this Law and such other jurisdictions conferred by any Law, the Court shall have Jurisdictions shall have the jurisdiction to hear and determine-

- (a) any civil proceeding in which the existence or extent of a legal right, power, duty, liability, privilege, interest, obligation, or claim in respect of the environment or provisions of this law; and
  - (b) any criminal proceeding involving or relating to any penalty, forfeiture, punishment, or other liability in respect of an offence committed in contravention to the provisions of this Law.
- (2) Reference to civil or criminal proceedings in this law includes a reference to a proceeding, which originates in the Magistrate Court and that which is brought to the High Court either in exercise of its original jurisdiction or appellate or supervisory jurisdiction.
- (3) Subject to the provision of the constitution, this law and any other enactment by National Assembly and the State House of Assembly, the Court shall have and exercise jurisdiction in all causes and matters relating but not limited to:
- (a) to refusal by end users, private operators or organizations to pay fees or charges assessed or imposed by appropriate authority.
  - (b) to non-performance of service contracts or agreement by private operators or organisation with any individual, government or agency.
  - (c) to reasonableness or validity of any fees or charges arising from any service contract or agreements between any private operators or Organizations and individual, government or agency,
  - (d) to enforcement or non enforcement of any service contract agreement or Joint Venture agreement between private operator and any individual, government or agency.
  - (e) to recovery of fees, charges, costs or any other sum for which liability of a party to a service contract or agreement is established.
  - (f) Enforcement of rights and obligations created under this law.
- (4) Subject to the provision of any other enactment, the High Court shall have power to grant any ancillary order or relief in addition to the inherent Powers to grant other relief it deems fit.



## **Appeal against the decision of the Tribunal**

- 212** (1) An appeal against the decision of the Tribunal shall lie as of right to the Environmental Division of the Magistrate Court or High Court as the case may be provided that such appeal shall be made within 21 days after written notification of the ruling court.
- (2) An Appeal shall lie from decision of the Magistrate Court to the High Court of the State within 30 days as in the case of final judgement of the Court and within 15 days in the case of an interlocutory decision of the Court.

## **Appeals**

- 213**(1) Any party who is aggrieved with the decision or any order of the Tribunal, may appeal to the High Court within thirty days of such decision or order.
- (2) Every appeal to the High Court shall be heard and determined by a panel of three judges or a Judge in the event of unavailability of Judges.

## **Mode of appeal**

- 214** An appeal to the Court shall be on the prescribed form and on fees as may be prescribed under the High Court of Lagos State (Appeal Procedure) Rules 2004.

## **PART IX**

### **General Enforcement Power**

- 215** Notwithstanding anything in this law, the ministry and the enforcing authority shall have general power to enforce any of the provisions of this law

### **Enforcement Notice**

- 216** (1) The enforcing authority shall serve any of the under-mentioned enforcement notices to abate any nuisance in this Part namely:
- (a) Abatement notice;
  - (b) Stop Work Order

- (c) Quit Notice
  - (c) Seal Up Notice
  - (d) Demolition Notice
- (2) The notice shall be addressed to the owner of the nuisance or the person responsible for it and it is deemed to have been duly and validly served by pasting or affixing such notice on any part of the property or nuisance or when handed by any representative of the owner of the nuisance found at the site.
- (3) where notice is effected by pasting or affixing on any part of a property, the person effecting service shall make photographic evidence of the pasting or fixing of the notice

### **Requirement of Enforcement Notice**

**217(1)** An enforcement notice served under this law by the enforcing authority shall:

- (a) be in writing and shall be served on the contravener of the law;
- (b) state the reasons for issuance of the notice;
- (c) consider the representation made by a contravener or on behalf of a contravener.

### **Time to abate a Nuisance**

**218** Where a person contravenes the provisions of this law or any regulation made pursuant to it, the enforcing authority shall have power to require the contravener to:

- (a) Wholly abate the nuisance within 2 days; or
- (b) Partially abate the nuisance within one day;

### **Stop work Order**

**219 (1)** Where it appears to the enforcing authority that:

- (a) property/structure constitutes a nuisance to the environment; or

- (b) a property/structure constituting nuisance obstructs the performance of a statutory duty of the enforcing authority, it shall issue a stop Work Order on the owner of the nuisance for the time being pending the service of any other enforcement notice and such owner shall immediately cease further constitution of the nuisance.

(2) **Extension of stop work order**

Where an enforcement notice is served in respect of an environmental nuisance to which a Stop Work Order is served, the enforcing authority may extend the period of time for which a Stop Work Order shall remain in force.

**Effect of Enforcement Notice**

**220** Every enforcement notice served as provided in this law shall take immediate effect upon service on an owner of a nuisance/contravention for the time being.

**Failure to comply with enforcement notice**

**221** Any person who fails to comply with an enforcement order made pursuant to this law, shall be guilty of an offence and on conviction shall be liable in the case of an individual to a fine of N250,000 or 3 months' imprisonment and in case of a body corporate, a fine of N500,000.00.

**Enforcement**

**222** Where an offence is committed under this Law, the enforcing agency shall carry out the following duties as enforcement processes:

- (a) service of enforcement notices pursuant to appropriate sections in this law, notwithstanding that the contraventions took place before the commencement of this law;
- (b) an enforcement notice served pursuant to appropriate sections in this law may direct the contravener to remove or abate the nuisance/contravention as appropriate.
- (c) may impose additional conditions as it may deem appropriate in each circumstance.

- (d) before issuing or serving an enforcement notice in accordance with the provision of this law, the Ministry shall:
  - i. have regard to the likely environmental degradation or impact of the nuisance/ contravention constituted or being constituted; and
  - ii. have regard for overriding public interest.

### **Power to Seal Premises**

**223** If an order of the court or notice of the authorised officer for the abatement of a nuisance/contravention by the occupier or owner is not complied with, authorised can (a) seal up the premises until the nuisance/contravention is abated or until other enforcement notices are served. The enforcing authority or appropriate officer shall

### **Requirements To Unseal The Sealed-up Premises**

**224** Sealed-up Premises shall not be unsealed until:

- (1) the nuisance/contravention has been satisfactorily abated the nuisance as directed
- (2) the unseal fee/charge has been fully paid, to be determined from time to time before such premises are unsealed

### **Right of Entry**

- 225(1)** (a) It shall be lawful for any authorised officer to enter any premises at any time between the hours of six in the morning and ten in the evening for the purposes of examining as to the existence thereon of any nuisance/contravention, or until a nuisance /contravention found to exist has been abated or the works ordered to be done are completed or the closing order is cancelled as the case may be and when a nuisance/contravention order has not been complied with or has been infringed, to enter the premises at all reasonable hours for the purpose of securing the execution of the order.
- (b) If the admission to premises is refused, the court may require the person having the custody of the premises to admit the authorised officer into the premises during the prescribed hours and if no person having custody of the premises is found, the court may authorise the authorised officer to forcibly enter on such premises.

- (2) Any such order shall continue in force until the work for which the entry was necessary has been done.
- (3) Any person who refuses to obey such order or in any way hinders, prevents or obstructs the execution of the order shall be liable to a fine of not more than Five Thousand Naira (N10,000) per everyday of refusal.

### **Liability for Prosecution expenses**

**226** The owner or occupier of the premises causing nuisance for the time being shall in addition be liable for the expenses reasonably incurred by the Ministry in prosecuting the owner or occupier.

### **Fees and Charges**

**227** There shall be charged by and paid to the enforcing authority such fees and charges as may be prescribed from time to time, by regulation.

### **Reimbursement of Costs**

**228(1)** Any person who erect any structure, building or construct any nuisance/contravention on the part of any drainage shall have such structure or building demolished or the nuisance/ contravention removed whichever is applicable.

- (2) Where any cost is incurred by the Office of Drainage Services or relevant office or department in the course of demolition or of cost removal of such structure or nuisance/ contravention, such cost shall be assessed and communicated in writing to the contravener or owner of the nuisance/ contravention or any person responsible for the illegal structure or structures demanding for the reimbursement of the cost.
- (3) any person who fails to pay the cost referred to in paragraph (b) of this section within twenty-one (21) days of the communication in writing shall be guilty of an offence and (i) in case of individual shall be liable to a fine of N150, 000 or to a three months imprisonment or community services in addition to payment' of the cost. (ii) In the case of a body corporate, be liable to. a fine of N500,000 in addition to the payment of the cost.

### **Prosecution of Offenders**

**229** Without prejudice to the provision of Sections of this law, prosecution of offences under this law shall be instituted before the court by the

Attorney General of the State or such Officer in the ministry of justice of the state and in addition, the Attorney General of the State may authorize in writing:

- (a) any other legal practitioner in the appropriate agencies/management to undertake the prosecution directly or to assist in the prosecution of the offences under this law, or
- (b) Officer of appropriate agencies/management to directly undertake prosecution offences under this law.

## **Penalties**

- 230** (1). Any person who fails to comply with the terms of an enforcement notice issued and served pursuant to this law shall be guilty of an offence and liable on conviction to a fine as specified in schedule/regulation made pursuant to this law.
- (2). Any person or group of persons who contravene provisions of the sections of this law shall be guilty of an offence and shall:
- (a) In the case of an individual on conviction be liable to a fine of N100, 000 or imprisonment of six months or to both such fine and Imprisonment.
  - (b) In the case of body corporate on conviction be liable to a fine of N500, 000 and in addition shall forfeit the equipment used for the nuisance/contravention to the Office of Drainage Services.
  - (c) In addition to the sub-sections of (a) and (b) of this section the contravener shall be wholly responsible for the cost abatement or removal of such nuisance/ contravention or structures.

## **Regulation**

- 231** The Commissioner may from time to time make regulations generally for the purpose of carrying into effect the provision of this Part and specifically for the followings:
- (a) conditions for issuing of the permits/licences of the Ministry of the Environment.
  - (b) fees charged for the issuance of permits/licences.

- (c) Fees and charges for contravention
- (d) any other regulation deemed necessary by the Ministry.

## **PART XI**

### **Establishment of Law Enforcement Institute for the Training of Law Enforcement Officers in Law Enforcement Agencies in Lagos State**

#### **Interpretation**

**232** In this law unless the context otherwise admits-

- (1) “Academic Staff” means a person who is employed to teach courses approved by the Council of the Institute;
- (2) “Chairman” means the Chairman of the Council;
- (3) “Governor” means the Governor of Lagos State;
- (4) “State” means Lagos State of Nigeria

#### **Establishment of the Lagos State Law Enforcement Training Institute**

**233**(1) There is established an institute to be known as the Lagos State Law Enforcement Institute (referred to in this law as “the institute”)

- (2) The Institute shall-
  - (a) be a body corporate capable of perpetual succession and a common seal;
  - (b) have power to sue and be sued in its corporate name;
  - (c) be capable of acquiring, holding or disposing of any property either movable or immovable for the purpose of carrying out any of its functions under this law

#### **Objectives of the Institute**

**234** The objectives of the institute shall be to train enforcement officers in existing agencies in the state, who are responsible for traffic management and internal security and environmental sanitation with a view to-

- (1) producing disciplined, physically fit, highly motivated and well trained law enforcement officers;
- (2) producing law enforcement officers who are thoroughly indoctrinated in professional ethical enforcement standards of international best practices;
- (3) tactically and technically equip law enforcement officers who would perform their duties optimally;
- (4) creating professionalism in the service of the law enforcement agencies;
- (5) encourage team work in all areas of operations in the line of duties of such law enforcement officers;
- (6) set ethical standards for law enforcement officers in the performance of their duties; and
- (7) promote personal discipline among law enforcement officers

### **Functions of the Institute**

**235** The functions of the institute shall be to-

- (1) set standards for recruiting officers into any of the law enforcement agencies existing in the state;
- (2) set disciplinary procedures for those recruited into such enforcement agencies;
- (3) monitor the activities of those recruited into any of the enforcement agencies;
- (4) develop training curricula and train such officers recruited;
- (5) train law enforcement officers currently employed by the state in line with the objectives of the institute to adequately prepare them for present and future tasks;
- (6) provide cost effective training for all level of staff in the agencies;
- (7) administer psychological and physical examination of applicant for various positions in the agencies;



- (8) set minimum promotion standards for law enforcement officers and other staff of the agencies;
- (9) maximize training opportunities with a view to upgrading the professional status of the law enforcement officers and other staff in the agencies
- (10) grant certificates of merit to deserving officers;
- (11) conduct orientation courses for new recruits; and
- (12) promote advancement in knowledge, in respect of law enforcement in the state through research and consultancy services

### **Powers of the Institute**

**236** The institute shall have the power to-

- (1) seek collaboration with local and international organizations for the purpose of carrying out its functions effectively under this law;
- (2) enter into any contract as it may deem necessary or expedient for the due performance of its functions under this law;
- (3) appoint consultants to assist in the performance of its functions under this law if the need arises;
- (4) establish such departments in the institute that will enhance the objectives of this law; and
- (5) borrow money for the objectives of this law with the consent of the Governor

### **Enforcement Agencies**

**237** (1) The following enforcement agencies currently operating in the state shall be subject to the provisions of this law- The Lagos state Traffic Management Authority(LASTMA), The Lagos State Environmental Corps (the former KAI) and members of any Neighbourhood Watch registered in the state

- (2) Any other enforcement agency established after the commencement of this law shall be subject to the provision of this law

## **Establishment and Commission of the Governing Council**

**238**(1) There is established for the institute a Governing Council (referred to in this law as “the Council”) and shall be made up of members as the Governor may determine.

- (a) All Members of the Council except the Director General shall serve on a part time basis
- (b) Members of the Council shall be paid such remuneration and allowance as the Governor may determine

## **Tenure of Office**

**239** The Chairman and other members of the Council shall hold office for a period of four (4) years and may be eligible for re-appointment for another four years only

## **Removal of Members of the Council**

**240** A member of the Council may be removed from office by the Governor if such person-

- (1) is adjudged to be of unsound mind under any law in any part of Nigeria;
- (2) is under a sentence of death imposed by any competent court of law or tribunal in Nigeria;
- (3) sentenced to imprisonment or fine for any offence involving dishonesty or fraud or for any other offence, imposed on him by court or tribunal;
- (4) within a period of less than ten (10) years prior to being nominated into the Council had been convicted and sentenced for an offence involving dishonesty;
- (5) has been found guilty of contravening the provisions of the code of conduct set for public officers;
- (6) has been declared bankrupt or otherwise under any law in force in Nigeria or any other country and has not been discharged;

- (7) is a member of a secret cult;
- (8) has been indicted for embezzlement or fraud by a Judicial Commission of inquiry, an administrative panel or tribunal set under the Tribunal of Inquiry Law of the State; or
- (9) presented a forged certificate to enhance being nominated to the Council

### **Resignation of Members of the Council**

**241** Any member of the Council who is not an ex-officio member may, by written notice addressed to the Governor resign such appointment into the Council

### **Functions of the Council**

**242** The functions of the Council shall be to –

- (1) supervise and govern the affairs of the institute;
- (2) make regulations to urn the affairs of the institute;
- (3) formulate policies for the running of the institute;
- (4) manage and regulate the finances, accounts, investments, property and all other similar affairs of the institute;
- (5) appoint such professional and staff relevant for the enhancement of the objectives of this law;
- (6) pay employees such remuneration as may be determined from time to time; and
- (7) require any employee to give such security as it is proper for the office of such employee

### **Supervision and Control of the Council**

**243(1)** The Council shall be under the control and supervision of the Governor

- (2) The Governor may give directives to the Council on matters which could enhance the objectives of this law

### **Director General and Other Staff of the Institute**

- 244(1) There shall be a Director/Chief Executive Officer of the Institute who shall—
- (a) be a person of proven ability and integrity with requisite qualification and shall be appointed by the governor;
  - (b) not be below Grade Level 15 or its Equivalent;
  - (c) be an academic staff of the institute;
  - (d) hold office for four years which may be renewed for a further term of four years only; and
  - (e) be the secretary to the Council and shall be responsible for making arrangements of the meetings of the Council
- (2) The Director General shall be responsible for the implementation of the policies made by the Council for day to day administration of the institute
- (3) There shall be other staff of the institute which shall be made up of —
- (a) academic staff who shall be responsible for teaching the law enforcement officers who are undergoing training in the relevant skills they need for the enhancement of their duties;
  - (b) other staff which may consist of the units listed under-
    - i. planning research and statistics;
    - ii. finance and administration; and
    - iii. any other unit that might be essential to the running of the institute
  - (c) The institute shall consist of departments that are relevant to different fields of which the academic staffs of the Institute are specialized

### **Pre-action Notice**

- 245(1) No suit or proceeding shall be commenced against the institute unless one (1) month written notice of intention to commence such action or proceeding has been served by the intending claimant or an agent of the claimant

- (2) The notice referred to in subsection (1) of this section shall clearly state the-
- (a) cause of action;
  - (b) particulars of the claim;
  - (c) name and abode of the intending claimant; and
  - (d) relief which he claims
- (3) The notice mentioned in (1) of this section shall be delivered at the office of the Director General of the Institute

### **Funds of the Institute**

**246(1)** The funds of the Institute shall consist of –

- (a) any money appropriated for the purposes of this law;
  - (b) money paid to the Institute by way of donations, gifts, fees, subscriptions, interest or money from any other source;
  - (c) money derived from the sale of any property leased by or on behalf of the Institute;
  - (d) all income derived from any property belonging to the Institute;
  - (e) such money raised by loans under the power to borrow vested in the Institute under section 4(e) of this law; and
  - (f) subvention from the State Government;
  - (g) income derived from investments; and
  - (h) gifts, legacies, endowments, donations from non-governmental organizations, governmental agencies and the general public;
- (2) The general fund shall be applied for the purpose of the Institute

### **Estimates**

**247(1)** The Institute shall cause to be prepared annual estimates of income and expenditure of the Institute for the ensuing year and such estimates shall

be forwarded to the Governor and other relevant agencies of Government

- (2) The account of the Institute shall be audited by any external auditor recommended by the Auditor-General of the State

### **Annual Accounts and Audit Report**

- 248 The Institute shall keep proper account of its revenue and expenditure and shall within three months after the end of each financial year prepare a report on the operations of the institute, together with financial statements in respect of that year and shall forward it to the Governor

### **Seal of the Institute**

- 249 There shall be a seal for the Institute which shall be in the Director General office and the Director General shall be responsible for affixing the seal on any document

### **Returns of the Institute**

- 250 The Institute shall within three (3) months after the close of each financial year forward to the Governor a detailed report of the state of affairs and activities of the Authority for that financial year.

### **Repeal and Inconsistency with any other Laws**

- 251 Where any provision(s) of any other law is inconsistent with this law, this law shall prevail.

**FIRST SCHEDULE: STANDARDS FOR THE DISPOSAL OF INDUSTRIAL EFFLUENTS**

**Section 14(2)**

S.	Parameters	Tolerance Limits For Industrial Effluents Discharged			
		IS: 3306-1974 Into Public Sewer	IS: 3303-71 On Inland For Irrigation	IS: 2442-90 Inland Surface Waters	IS: 7968-1976 Marine Disposal Standards
1.	PH	5.5 to 9.0	5.5 to 9.	5.5 to 9	5.5 to 9.0

			0	. 0	
2.	Temperature(maximum)	50°C	-	Shall not exceed 40°C in any section of the stream	40°C at the point of discharge.



				m w i t h i n 1 5 m e t e r s d o w n s t r e a m f r o m t h e e f f l	
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					u e n t o u t l e t .
3.	<b>Total Suspended Solid, mg/l</b>	650  (R e l a x a b l e t o 7 5 0 b y t h e l o c a l a u t h o r i t y)	-	100	(a) For processed wastewater- 100  (b) Cooling water effluent
4.	<b>Particle size of Total Suspended Solids</b>	-	-	Shall  p a s s  8 5 0  M i c r o n s  I	(a) Flotable solids, Max. 3  (b) Settleable solids, Max. 850 Microns

					S : S I E V E  ( S e e  I S : 4 6 0 - 1 9 6 2 )	
5.	<b>Total Dissolved Solids, mg/l</b>	<b>2100*</b> <b>(Inorganic)</b>	<b>2100</b>	-	-	
6.	<b>Biochemical Oxygen Demand for 5 days at 20°C, mg/l (Max)</b>	<b>500</b> <b>(Subject to relaxation or tightening)</b>	<b>500</b>	<b>30</b>	<b>100</b>	

			by the loc al aut hor ity. )			
7.	Chemical Oxygen Demand, mg/l	-	-	250	250	
8.	Oil and Grease, mg/l	100	30	10	20	
9.	Chloride (as Cl), mg/l	600*	600	-	-	
10.	Phenolic Compounds, mg/l	5	as (C <sub>6</sub> H <sub>5</sub> O H) (R ela xa ble to 50 by the loc al aut hor ity wh en sec on dar y tre at me nt of	-	1.0	5 (C <sub>6</sub> H <sub>5</sub> OH)

		se wa ge is car rie d out )			
11.	Cyanide(as Cn), mg/l	2.0	-	0.2	0.2
12.	Sulphates(as SO <sub>4</sub> ),mg/l	1000*	1000	-	-
13.	Sulphides(as S),mg/l	-	-	2.0	5.0
14.	Insecticides, mg/l	-	-	Absen t	-
15.	Pesticide, mg/l	-	-	-	(a) 1 Organop hosphoru s Compoun ds (as P) (b) 0.02 Chlorinat ed Hydrocar bons (as Cl)
16	Total Residual chloride ,mg/l	-	-	1	1
17	Fluoride (as F), mg/l	-	-	2.0	15
18	Boron (as B), MG/L	2*	2	—	—
19	Arsenic(as As),mg/l	-	—	0.2	0.2
20	Percent sodium	60*	60	—	—
21	Cadmium(as Cd),mg/l	-	-	2.0	2.0
22	Copper (as Cu),mg/l	3	—	3.0	3.0

23	Lead (as Pb), mg/l	1	-	0.1	1.0
24	Hexavalent Chromium (as Cr), mg/l	2.0	-	0.1	1.0
25	Mercury (as Hg), mg/l	-	-	0.01	0.01
26	Nickel (as N) , mg/l	2	-	3.0	5.0
27	Selenium (as Se) mg/l	-	-	0.05	0.05
28	Zinc (as Zn), mg/l	15	-	5	5.0
29	Radio Active Materials A. Alpha Emitters, µc/ml B. Beta Emitters, µc/ml	10 <sup>-7</sup> 10 <sup>-6</sup>	10 <sup>-9</sup> 10 <sup>-8</sup>	10 <sup>-7</sup> 10 <sup>-6</sup>	10 <sup>-8</sup> 10 <sup>-7</sup>
30	Ammonical Nitrogen (as N),mg/l	50	0	50	50

**Note: \*These Requirements Shall Apply When, After Treatment, The Sewage Effluent is Disposed Off for Irrigation and on Land.**

**SECOND SCHEDULE: GUIDELINES FOR WASTE WATER TREATMENT FACILITY  
SECTION 14(2)**

Any high density residential/commercial land use shall have a central on-site waste water treatment plant if it is within these following categories:

- Residential estate with more than 25 dwelling units.
- Hotels/Hostels and commercial buildings with more than 100 rooms
- Hospitals with more than 100 beds
- Institutional developments such as Barracks, Universities, Office Complexes.

**THIRD SCHEDULE: CATEGORIES OF HEALTHCARE WASTE**  
**Section 36(4)**

1.	Infectious Waste	Waste suspected to contain pathogens e.g. laboratory cultures, waste from isolation wards, tissues (swabs), materials, or equipment that have been in contact with tubings, catheters, IGS toxins, live or attenuated vaccines, soiled plaster casts and other materials contaminated with blood infected patients, excreta.
2.	Pathological waste	Human and animal tissues or fluids. e.g body parts blood and other body fluids, fetuses, animal carcasses.
3.	Sharps	Sharp waste. e.g needles, infusion sets, scalpels, knives, blades, broken glass that may cause puncture and cuts. This includes both used and unused sharps.
4.	Pharmaceutical waste	Waste containing pharmaceutical e.g pharmaceuticals that are expired or no longer needed; items contaminated by or containing pharmaceuticals (bottles, boxes).
5.	Genotoxic Waste	Waste containing substances with genotoxic properties. e.g waste containing cytostatic drug (often used in cancer therapy), genotoxic chemicals.
6.	Chemical waste	Waste containing chemical substances e.g laboratory reagents; film developer, disinfectants,(disinfectants) that are expired or no longer needed solvents
7.	Waste with high content of heavy metals	Batteries, broken thermometers, blood-pressures gauges, etc
8.	Pressurized containers	Gas cylinders, gas cartridges, aerosol cans.

9.	General solid waste	Waste generated from offices, kitchens, packaging material from stores.
10.	Microorganisms	Any biological entity, cellular or non-cellular capable of replication or of transferring genetic material.

**FOURTH SCHEDULE: TREATMENT METHODS OF HEALTHCARE WASTES**  
**Section 36(5)**

S/N	Waste category	Treatment method
1	Contaminated animal carcasses	Incineration
2	Cultures and stock	Steam sterilization
3	Contaminated bedding/patient care waste	Steam sterilization or Incineration
4	Contaminated small equipment	Steam sterilization or incineration
5	Contaminated large equipment	Formaldehyde decontamination
6	Waste biological	Steam sterilization or incineration
7	Surgery waste	Steam sterilization or incineration
8	Human blood	Steam sterilization or incineration
9	Autopsy waste	Incineration
10	Human blood products	Steam sterilization or Incineration
11	Contaminated laboratory waste	Steam sterilization
12	Pathological waste	Steam sterilization or Incineration/Grinding
13	Dialysis unit waste	Steam sterilization
14	Contaminated and unused sharps	Steam sterilization and Incineration/grinding

**Note:**

Chemical treatment using at least 1% hypochlorite solution or any other equivalent chemical reagent. It must be ensured that the chemical treatment.

Mutilation/shredding must be such so as to prevent unauthorized reuse.

There will be no chemical pretreatment before incineration.

Chlorinated plastics shall not be incinerated.

Deep burial shall be an option available only in towns with population less than five hundred thousand and in rural areas.



**FIFTH SCHEDULE: NATIONAL COLOUR CODE FOR HEALTHCARE WASTE**

Type of Waste		Colour of Container and Markings	Type of Container
1.	Infectious	<b>Yellow</b>	Strong leak proof-plastic bag with biohazard symbol
2	Pathological	<b>Yellow</b>	Strong leak proof-plastic bag with biohazard symbol
3	Sharps	<b>Yellow – (marked sharps)</b>	Puncture proof
4	Chemical and Pharmaceutical	<b>Brown</b>	Plastic bag or container
5	Non-infectious/ non hazardous (Non-clinical)	<b>Black</b>	Plastic bag or container

**Note:** Waste collection bags for waste types needing incineration shall not be made of chlorinated plastics.

## SIXTH SCHEDULE: CLASSIFICATION OF SLUDGE SEPTAGE

(a) Type I Sludge.

1. Septage shall not be eligible for classification as Type I.
2. Sludge shall be classified as Type I if:
  - a. it is stabilized by a process deemed acceptable to the Office pursuant to subsection (1)(b) and Appendix B.;
  - b. it is not putrescible; and
- c. the concentration of substances it contains does not exceed the limits set forth in the following table:

### Table A

Maximum Allowable Concentration

Heavy Metals or Chemicals in Parts Per Million Dry Weight

Cadmium 14

Lead 300

Nickel 200

Zinc 2500

Copper 1000

Chromium (Total) 1000

Mercury 10

Boron (water soluble) 300

Molybdenum in Type I sludge which is to be 10 applied to land utilized for grazing or on land upon which one or more forage crops are intended to be grown.

Molybdenum in Type I sludge which is not to be 25 applied to land utilized for grazing or on land upon which one or more forage crops are intended to be grown.

PCBs in Type I sludge which is a commercial fertilizer

PCBs in Type I sludge which is soil conditioner

(b) Type II Sludge or Septage. Sludge or septage shall be classified as Type II if:

1. it is stabilized by a process deemed acceptable to the Office pursuant to section 12(1)(a), (b), or (c); and
2. it contains substances in concentrations which do not exceed the limits set forth in the following table:

**Table B**

Maximum Allowable Concentration

Heavy Metals or Chemicals in Parts Per Million Dry Weight

Cadmium 25

Lead 1000

Nickel 200

Zinc 2500

Copper 1000

Chromium (Total) 1000

Mercury 10

Boron (Water soluble) 300

PCBs 10

Molybdenum in Type II sludge which is to be 10 applied to land utilized for grazing or on land upon which one or more forage crops are intended to be grown.

Molybdenum in Type II sludge which is not to be 25 applied to land utilized for grazing or on land upon which one or more forage crops are intended to be grown.

**TABLE C**

(c) Type III Sludge or Septage. Sludge or septage shall be classified as Type III if:

1. it is stabilized by a process deemed acceptable to the Office pursuant to section 12(1)(a), (b), or (c); and
2. the concentration of any substance it contains exceeds any limit set forth in Table B.

**SEVENTH SCHEDULE: APPROVED SET BACKS FROM WATERFRONTS AND DRAINAGE CHANNELS - Section 135**

**Unlined**

S/N	Type of Shoreline	Approved Setbacks	Measured From
1	Ocean Beaches	150 metres from seaward edge	Landward base of the primary seaward edge of the permanent vegetation line if no dunes exist
2	Lagoon Shoreline	75 metres from permanent vegetation edge	Spring tide high water mark

			where urban development has occurred or from the edge of the permanent vegetation line where urban development has not occurred.
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**Lined**

2	Lagoon Shoreline	75 metres from permanent vegetation edge	Spring tide high water mark where urban development has occurred or from the edge of the permanent vegetation line where urban development has not occurred.
3	Permanent River Stream	60 metres from each bank	Annual wet season high water mark for developments in communities already situated in flood plains.
4	Seasonal Stream	45 metres from the stream bank	Wet season high water mark
5	Gorge/Primary Channel	15 metres from each edge the channel	From edge of the channel
6	Secondary Channel/Collectors	10 metres from each edge the channel	From edge of the channel

7	Tertiary Drains	As laid out by Town Planning Rules	From edge of the channel
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Sample of Abatement notice  
Sample of stop work order  
Sample of seal order  
Sample of Unseal order  
Sample of move out notice  
Sample of Demolition notice

**EIGHTH SCHEDULE:  
APPROVED SETBACKS FROM WATERFRONTS AND DRAINAGE CHANNELS**

No.	Type of Shoreline	Approved Setback
1.	Permanent River Stream	60 metres and not 600 meters from the bank
2.	Gorge/Primary Channel	15 metres and not 8 metre from the edge wall
3	Secondary Channel	10 metres and not 8 meters from the wall

**TENTH SCHEDULE: GUIDELINES ON PERMISSIBLE LIMITS FOR WASTE WATER DISCHARGE**

PARAMETERS	units'	Hospital waste water	Abattoirs waste water	From commercial facilities disposal into sewer
PH		6.5 -9.8	6-9	6.0 – 8.0
BOD	mg/l	30	50	50
COD	mg/l	50	250	100
Suspended solids	mg/l	100	50	1200
Sulphide	mg/l		1.0	
Chromium	mg/l		1.0	
Chloride	mg/l		1000	
Sulphate	mg/l		300	
Ammonia	mg/l		10	

Oil and Grease	mg/l	Nil	10	
Phosphorus	mg/l		2	
Phenols	mg/l			
Arsenic	mg/l		0.5	
Nitrogen	mg/l			0.2
Cadmium	mg/l			10
Copper	mg/l			0.1
Lead	mg/l			1.0
Mercury	mg/l			0.1
Nickel	mg/l			0.01
Selenium	mg/l			1.0
Zinc	mg/l			1.0
	mg/l			1.0