



THE LAWS OF THE ADAMAWA STATE OF NIGERIA

in force on the 1st day of January, 1993

REVISED EDITION

PREPARED UNDER THE AUTHORITY OF
THE REVISED EDITION (LAWS OF GONGOLA STATE OF
NIGERIA) LAW, 1989

by

Professor Sam Scruton Richardson, A.O., C.B.E., M.A.(Oxf.),
LL.D.(ABU),

*D. Univ. of Canberra, of Lincoln's Inn, Barrister-at-Law and
formerly Director of the Institute of Administration,
Ahmadu Bello University*

Sir Nigel Vernon Reed, C.B.E., T.D., LL.B.(NZ), LL.B.(Cantab)
*of Lincoln's Inn, Barrister-at-Law and formerly Chief Justice of
the Northern States of Nigeria*

Mr. Joseph Lionel McNeil, M.O.N.
*of Lincoln's Inn, Barrister-at-Law and
formerly Senior Lecturer in the Faculty of Law,
Ahmadu Bello University*

COMMISSIONERS FOR THE REVISION OF THE LAWS OF
ADAMAWA STATE OF NIGERIA

IN THREE VOLUMES

VOLUME 2

CONTAINING ADAMAWA STATE LAWS, CHAPTERS 44-80

1997

CHAPTER 52

ENVIRONMENTAL SANITATION (MISCELLANEOUS
PROVISIONS)

ARRANGEMENT OF SECTIONS

SECTION

PART I—PRELIMINARY

1. Citation and commencement.
2. Interpretation.

PART II—ESTABLISHMENT AND COMPOSITION OF THE STATE TASK FORCE
COMMITTEE

3. Establishment and composition of the State Task Force Committee.
4. Tenure of office and emoluments of members of Committee.
5. Meetings of the Committee.

PART III—OBJECTS, FUNCTIONS AND POWERS OF THE COMMITTEE

6. Objects of the Committee.
7. Functions of the Committee.
8. Powers of the Committee.
9. Penalty.
10. Indemnity.

PART IV—ESTABLISHMENT AND COMPOSITION OF ZONAL TASK FORCE
COMMITTEE IN LOCAL GOVERNMENT AREAS

11. Establishment and composition of Zonal Task Force Committee in Local Government Areas.
12. Tenure of office and emoluments of members of a Zonal Committee.
13. Meetings of a Zonal Committee.
14. Functions of a Zonal Committee.

PART V—ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF THE STATE AD-HOC
ENVIRONMENTAL HEALTH ADVISORY COMMITTEE

15. Establishment and composition of State ad-hoc Environmental Health Advisory Committee.

16. Tenure of office and emoluments of members of the Advisory Committee.
17. Meetings of Advisory Committee.
18. Functions of Advisory Committee.

PART VI—ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF ZONAL ENVIRONMENTAL HEALTH ADVISORY COMMITTEE IN LOCAL GOVERNMENT AREAS

19. Establishment and composition of Zonal ad-hoc Environmental Health Advisory Committees in Local Government Areas.
20. Tenure of office and emoluments of members of a Zonal Advisory Committee.
21. Meetings of Zonal Advisory Committee.
22. Functions of Zonal Advisory Committee.

PART VII—MANAGEMENT AND STAFF

23. Committee to control matters of policy.
24. Role of Chairman and Committee.
25. Staff.
26. Execution of contracts and authentication of documents.
27. Secretary of the Committee.

PART VIII—FINANCIAL PROVISIONS

28. Funds of the Committee.
29. Bank accounts of the Committee.
30. Accounts and Audit.

PART IX—GENERAL PROVISIONS

31. Provision of public conveniences.
32. Location of beer parlours and hotels.
33. Miscellaneous acts to be done in relation to environmental sanitation.
34. Location of certain firms and businesses to be in accordance with the approved Land Use Schemes.
35. General offences.
36. Abetment of offences.
37. Offences by bodies of persons.
38. Provisions of other Laws inconsistent with provisions of Edict to be construed with modifications.
39. Powers of Advisory Committee to decide meaning of definitions.
40. Directions by Governor.

41. Regulations.
42. Mobile Courts to try offences.

SCHEDULE

CHAPTER 52

ENVIRONMENTAL SANITATION (MISCELLANEOUS
PROVISIONS)

AN EDICT TO ESTABLISH A TASK FORCE TO PROMOTE CLEANLINESS IN
GONGOLA STATE

GGs 1 of
1985.
GGs 16 of
1985.
GGs 12 of
1987.

[31 December 1983] Date of
commence-
ment.

PART I—PRELIMINARY

1. This Edict may be cited as the State Environmental Sanita- Citation.
tion (Miscellaneous Provisions) Edict.

- 2.—(1) In this Edict, unless the context otherwise requires:— Interpretation.
Cap. 136.
- “Authority” has the same meaning assigned to it under the Town and Country Planning Law;
 - “Court” means the Mobile Sanitation Court;
 - “Director of Audit” means the Director of Audit of the State;
 - “financial year” means a period of twelve calendar months commencing from the 1st day of January;
 - “Governor” means the Governor of the State;
 - “Health Officer” and “Medical Officer of Health” have the same meanings assigned to them under the Public Health Law;
 - “Hotel” includes any motel, inn, restaurant, rest house or lodging house;
 - “person” includes a body corporate;
 - “public conveniences” includes toilets and urinals;
 - “Sole Administrator” has the same meaning assigned to it under the Local Government Law;
 - “State” means the Gongola State of Nigeria;
 - “State *ad-hoc* Environmental Health Advisory Committee” means the State *ad-hoc* Environmental Health Advisory Committee established by section 15 of this Edict;

GGS 16 of
1985.

"State Task Force Committee" means the State Task Force Committee established by section 3 of this Edict;

"Zonal *ad-hoc* Environmental Health Advisory Committee" means Zonal *ad-hoc* Environmental Health Advisory Committee established by section 19 of this Edict;

"Zonal Task Force Committee" means a Zonal Task Force Committee established by section 11 of this Edict.

GGS 12 of
1987.

(2) Every term relevant to Part III of this Edict defined in the Local Government Edict 1977 shall in this Edict have the meaning assigned to that term by the Local Government Edict 1977 or the Urban Planning and Development Authority.

PART II—ESTABLISHMENT AND COMPOSITION OF THE STATE TASK FORCE COMMITTEE

Establish-
ment and
composition
of the State
Task Force
Committee.

3.—(1) There is hereby established, for the purposes of enforcing environmental sanitation, a State Task Force Committee, in this Edict referred to as "the Committee" which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(2) The Committee shall consist of a Chairman and seven other members all of whom shall be appointed by the Governor.

(3) The body of persons known as the Task Force Committee on environmental sanitation at the State level shall constitute the Committee.

(4) The body of persons referred to in subsection (3) of this section shall be deemed to have been appointed by the Governor as Chairman and members of the Committee.

Tenure of
office and
emoluments
of members
of Commit-
tee.

4.—(1) The members of the Committee other than *ex-officio* members shall hold office for a period of two years.

(2) Any member of the Committee other than an *ex-officio* member may resign his office by notice in writing addressed to the Chairman of the Committee.

(3) Where the office of a member of the Committee other than an *ex-officio* member becomes vacant before the expiration of his

term of office under subsection (1) of this section or by his death, the Chairman shall notify the Governor of the occurrence of such event and the Governor shall appoint another person in his place and to hold office for the unexpired portion of his term of office.

(4) Where it appears to the Governor on the recommendation of the Chairman of the Committee that any member of the Committee is incapacitated by absence from the State or illness or any other sufficient cause from performing the duties of his office the Governor shall appoint another person to hold office in his place until such time as the Governor is satisfied that the incapacity of that person has terminated or until the term of such member expires whichever first occurs.

(5) Every member of the Committee, on ceasing to be a member, shall be eligible for re-appointment.

(6) Any member other than an *ex-officio* member appointed to the Committee under subsection (2) of section 3 of the Edict, as well as any person co-opted to the Committee under subsection (6) of section 5 of this Edict, may be paid such remuneration as the Governor may determine.

5.—(1) The Committee shall ordinarily meet for the dispatch of business at such times and at such places as the Committee may determine but shall meet at least once in every three months.

Meetings of
the Committee.

(2) A special meeting of the Committee shall be called upon a written request signed by the Chairman of the Committee or by a majority of the members of the Committee addressed to the Secretary of the Committee.

(3) At every meeting of the Committee at which he is present, the Chairman of the Committee shall preside and in his absence a member of the Committee selected by the members present among themselves shall preside.

(4) Questions proposed at a meeting of the Committee shall be determined by a simple majority of members present and voting and in the event of an equality of votes the person presiding shall have a second or casting vote.

(5) The quorum at any meeting of the Committee shall be four.

(6) The Committee may at any time co-opt any person or persons to act as an adviser or advisers at any of its meetings so, however, that no person so co-opted shall be entitled to vote at any such meeting on any matter for decision by the Committee.

(7) The validity of any proceedings of the Committee shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

(8) Any member of the Committee who has any interest in any:-

(a) company or undertaking with which the Committee proposes to make any contract; or

(b) contract which the Committee proposes to make, shall disclose in writing to the Committee the nature of his interest and shall, unless the Committee otherwise directs, be disqualified from participating in any deliberations of the Committee on the contract and shall in any case be disqualified from voting in any decision of the Committee on such contract and any member who infringes the provisions of this subsection shall be liable to be removed from the Committee.

(9) Except as otherwise expressly provided under this section, the Committee shall prescribe the procedure for its meetings.

PART III—OBJECTS, FUNCTIONS AND POWERS OF THE COMMITTEE

Objects of
the Commit-
tee.

6. The Committee shall be charged with the responsibility of promoting cleanliness and espousing the advantages of maintaining healthy surroundings of:-

- (a) premises;
- (b) public places; and
- (c) other visible locations.

Function of
the Commit-
tee.

7.—(1) Without prejudice to the general effect of section 6 of this Edict, it shall be the responsibility of the Committee to:-

- (a) clear and clean up every street;
- (b) remove every roadside business that constitutes an eyesore or health hazard;
- (c) direct the owner of any abandoned motor vehicle or junk in

every street and every other visible location to remove it within ten days from the date of the direction;

- (d) remove and clear refuse and garbage dumps along every street;
- (e) demand from every mechanic, vulcanizer, kiosk owner, motorcycle hirer or bicycle hirer at every roadside a licence authorising him to carry on the trade specified in the licence;
- (f) suggest parking places at public places to which the public have access and provide "NO PARKING" sign boards at no parking locations;
- (g) secure an alternative site for the displaced tradesmen at the convenience of the public;
- (h) administer the functions of the sanitary inspectors under the Public Health Law; Cap. 114.
- (i) an administrative officer under the Building Lines (Regulation) Law and any reference to an administrative officer shall in the appropriate places in that Law be deemed to be a reference to the Committee. Cap. 22.
GGS 16 of
1985.

(2) The Committee may also do all such acts as may appear to it expedient for the purpose of achieving the objects set out in section 6 of this Edict and implementing the functions specified in subsection (1) of this section.

(3) If any person to whom a direction is issued pursuant to subsection (1)(c) of this section fails to obey such direction, he commits an offence under this Edict and the Committee shall then remove such vehicle or junk from the street or other visible location and surcharge the owner of the vehicle or junk a sum of one hundred naira for the removal of the vehicle or junk; or if the owner of such vehicle or junk cannot be found the Committee shall dispose of it as it may consider necessary or expedient.

(4) If any person fails to produce a licence on demand in contravention of subsection (1)(e) of this section, he commits an offence under this Edict and the Committee shall impose a fine of one hundred naira on him and payment shall be made on the spot and a receipt for the fine shall be issued to the offender; and, in the case of a continuing offence, the Committee shall impose a further

fine not exceeding fifty naira for each day on which the offence continues.

(5) If a person fails or refuses to pay the fine of ₦50.00 imposed on him by the Committee under subsection (1)(c) or subsection (1)(e) of this section, such fine shall be sued for and recovered in the Court by the Committee with full costs of action from that person as a debt due to the Committee.

Powers of
the Commit-
tee.

Cap. 114.

Cap. 22.
GGS 16 of
1985.

GGS 12 of
1987.
Cap. 139.

Cap. 80.

8. The Committee shall, in the discharge of its responsibilities under this Edict:-

- (a) have and exercise the powers of the Medical Officer of Health, Health Officer and sanitary inspectors under the Public Health Law and any Rules made thereunder;
- (b) have and exercise the powers of the Authority under the Town and Country Planning Law and any Rules made thereunder;
- (c) have and exercise the powers of an administrative officer under the Building Lines (Regulations) Law and any rules made thereunder and any reference to an administrative officer shall at the appropriate places in that Law be deemed to be a reference to the Committee;
- (d) have and exercise the powers of the Urban Planning and Development Authority;
- (e) have and exercise the powers of the bodies named in the bye-laws made by a Local Government pursuant to powers conferred by section 64(17) and (18) of the Local Government Law;
- (f) have and exercise the powers of the bodies named in the bye-laws made by the Local Authorities;
- (g) have power to enter into any contract or other transaction as it may consider necessary for the purpose of its functions under this Edict; and
- (h) have power to acquire and to hold any movable or immovable property and to dispose of such property for the discharge of its functions under this Edict.

9. *Repealed.*

GGs 12 of
1987.

10.—(1) No civil or criminal proceedings shall lie or be instituted in any Court for or on account of or in respect of any act, matter or thing done or purposed to have been done under this Edict by:—

Indemnity.

(a) the Committee or a Zonal Committee; or

(b) any person or persons acting together or individually under the authority of the Committee or a Zonal Committee,

and if any such proceedings have been or are instituted before or on after the making of this Edict the proceedings shall abate, be discharged and made void.

(2) No civil or criminal proceedings shall lie or be instituted in any Court for or on account of or in respect of any act, matter or thing done or purported to have been done under this Edict by the Committee or a Zonal Committee on the instructions or orders or directions by:—

(a) the Governor; or

(b) the Sole Administrator; or

(c) any other person in authority,

and if any such proceedings have been or are instituted before or on or after the making of this Edict the proceedings shall abate, be discharged and made void.

PART IV—ESTABLISHMENT AND COMPOSITION OF ZONAL TASK FORCE
COMMITTEE IN LOCAL GOVERNMENT AREAS

11.—(1) There is hereby established in a Local Government area, where necessary, for the purposes of a zonal environmental sanitation, a Zonal Task Force Committee, in this Edict referred to as "a Zonal Committee" which shall be an agent of the Committee.

Establishment and composition of Zonal Task Force Committee in Local Government Areas.

(2) A Zonal Committee shall consist of a Chairman and seven other members of all whom shall be appointed by the Governor.

(3) The body of persons known as the Task Force Committee on

environmental sanitation at the Local Government level shall constitute a Zonal Committee.

(4) The body of persons referred to in subsection (3) of this section shall be deemed to have been appointed by the Governor as the Chairman and members of a Zonal Committee.

Tenure of
office and
emoluments
of members
of a Zonal
Committee.

12.—(1) The members of a Zonal Committee other than *ex-officio* members shall hold office for a period of two years.

(2) Any member of a Zonal Committee other than an *ex-officio* member may resign his office by notice in writing addressed to the Chairman of a Zonal Committee.

(3) Where the office of a member of a Zonal Committee other than an *ex-officio* member becomes vacant before the expiration of his term of office under subsection (1) of this section or by his death, the Chairman of a Zonal Committee shall notify the Governor of the occurrence of such event and the Governor shall appoint another person in his place and to hold office for the unexpired portion of his term of office.

(4) Where it appears to the Governor on the recommendation of the Chairman of a Zonal Committee that any member of a Zonal Committee is incapacitated by absence from the State or illness or any other sufficient cause from performing the duties of his office the Governor shall appoint another person to hold office in his place until such time that the Governor is satisfied that the incapacity of that person has terminated or until the term of such member expires whichever first occurs.

(5) Every member of a Zonal Committee, on ceasing to be a member shall be eligible for re-appointment.

(6) Any member other than an *ex-officio* member appointed to a Zonal Committee under subsection (2) of section 11 of this Edict, may be paid such remuneration as the Governor may determine.

Meetings of
a Zonal
Committee.

13. Except as otherwise expressly provided under this Edict, a Zonal Committee shall prescribe the procedure for its meetings.

14. The Committee shall determine from time to time such functions of a Zonal Committee established by section 11 of this Edict as it considers fit and a Zonal Committee shall perform such functions.

Functions of
a Zonal
Committee.

PART V—ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF THE
STATE AD-HOC ENVIRONMENTAL HEALTH ADVISORY COMMITTEE

15.—(1) There shall be in the State, for the purposes of environmental sanitation, an *ad-hoc* Environmental Health Advisory Committee, in this Edict referred to as “the Advisory Committee”.

Establish-
ment and
composition
of State
ad-hoc
Environmental
Health
Advisory
Committee.

(2) The Advisory Committee shall consist of the following persons all of whom shall be appointed by the Governor:—

- (a) the State Commissioner for Health as the Chairman;
- (b) one person representing the Ministry of Works and Transport;
- (c) one person representing the Ministry of Agriculture;
- (d) one person representing the Urban Planning and Development Authority;
- (e) one person representing the Ministry of Education;
- (f) one person representing the Ministry for Local Government and Community Development;
- (g) one person representing the Gongola State Development Board (Water Board);
- (h) one person representing the Ministry of Information and Social Affairs;
- (i) one person representing the Health Services Management Board; and
- (j) one person representing the public.

GGS 12 of
1987.

16.—(1) The members of the Advisory Committee other than *ex-officio* members shall hold office for a period of two years.

Tenure of
office and
emoluments
of members
of the
Advisory
Committee.

(2) Any member of the Advisory Committee other than an *ex-officio* member may resign his office by notice in writing addressed to the Chairman of the Advisory Committee.

(3) Where the office of a member of the Advisory Committee other than an *ex-officio* member becomes vacant before the expiration of his term of office under subsection (1) of this section or by his death, the Chairman of the Advisory Committee shall notify the Governor of the occurrence of such event and the Governor shall appoint another person in his place and to hold office for the unexpired portion of his term of office.

(4) Where it appears to the Governor on the recommendation of the Chairman of the Advisory Committee that any member of the Advisory Committee is incapacitated by absence from the State or illness or any other sufficient cause from performing the duties of his office the Governor shall appoint another person to hold office in his place until such time as the Governor is satisfied that the incapacity of that person has terminated or until the term of such member expires whichever first occurs.

(5) Every member of the Advisory Committee, on ceasing to be a member shall be eligible for re-appointment.

(6) Any member other than an *ex-officio* member appointed to the Advisory Committee under subsection (2) of section 15 of this Edict, may be paid such remuneration as the Governor may determine.

Meetings of
Advisory
Committee.

17. The Advisory Committee shall regulate its own procedure for its meetings.

Functions of
Advisory
Committee.

18.—(1) The Advisory Committee shall be in charge of the overall co-ordination and promotion of environmental health programmes for the State.

(2) Subject to the provisions of this Edict, the Advisory Committee shall, in an advisory role, advise and guide the Committee with respect to the performance of its functions under this Edict.

PART VI—ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF ZONAL
AD-HOC ENVIRONMENTAL HEALTH ADVISORY COMMITTEES IN LOCAL
GOVERNMENT AREAS

19.—(1) There shall be, for the purposes of environmental sanitation, a Zonal *ad-hoc* Environmental Health Advisory Committee, in this Edict referred to as “a Zonal Advisory Committee” in every town and every village in every District of every Local Government of the State.

Establishment and composition of Zonal *ad-hoc* Environmental Health Advisory Committees in Local Government areas.

(2) A Zonal Advisory Committee shall consist of a Chairman and such other persons as the Sole Administrator may appoint.

20.—(1) The members of a Zonal Advisory Committee other than *ex-officio* members shall hold office for a period of two years.

Tenure of office and emoluments of members of a Zonal Advisory Committee.

(2) Any member of a Zonal Advisory Committee other than an *ex-officio* member may resign his office by notice in writing addressed to the Chairman of a Zonal Advisory Committee.

(3) Where the office of a member of a Zonal Advisory Committee other than an *ex-officio* member becomes vacant before the expiration of his term of office under subsection (1) of this section or by his death, the Chairman of a Zonal Advisory Committee shall notify the Sole Administrator of the occurrence of such event and the Sole Administrator shall appoint another person in his place and to hold office for the unexpired portion of his term of office.

(4) Where it appears to the Sole Administrator on the recommendation of the Chairman that any member of the Advisory Committee of a Zonal Advisory Committee is incapacitated by absence from the State or illness or any other sufficient cause from performing the duties of his office the Sole Administrator shall appoint another person to hold office in his place until such time as the Sole Administrator is satisfied that the incapacity of that person has terminated or until the term of such member expires whichever first occurs.

(5) Every member of a Zonal Advisory Committee, on ceasing to be a member, shall be eligible for re-appointment.

(6) Any member other than an *ex-officio* member appointed to Zonal Advisory Committee under subsection (2) of section 19 of this Edict may be paid such remuneration as the Governor may determine.

Meetings of
Zonal Advisory
Committee.

21. A Zonal Advisory Committee shall regulate its own procedure for its meetings.

Functions of
Zonal Advisory
Committee.

22. It shall be the duty of a Zonal Advisory Committee:—
(a) to oversee the implementation of environmental health policies; and
(b) to make recommendations to the Advisory Committee.

PART VII—MANAGEMENT AND STAFF

Committee
to control
matters of
policy.

23. The Committee shall, subject to the provisions of this Edict, have general control over matters of policy.

Role of
Chairman of
Committee.

24. The Chairman of the Committee shall, in addition to the functions conferred upon him by this Edict, be charged with the general oversight on behalf of the Committee of the implementation of the Committee's policy decisions between Committee meetings.

Staff.

25.—(1) The Committee may from time to time engage such employees as may be necessary for the proper and efficient discharge of its functions.

(2) Such employees may be engaged upon such terms and conditions as the Governor may, on the recommendations of the Committee, determine.

(3) Public officers may be transferred or seconded to the Committee or may otherwise give assistance thereto.

Execution of
contracts
and authentication
of documents.

26.—(1) The use of the seal of the Committee shall be authenticated by two signatures, namely:—

(a) the signature of the Chairman of the Committee or such

other member of the Committee authorised by the Committee to authenticate the application of the seal; and

- (b) the signature of the Secretary of the Committee or such other officer of the Committee authorised by the Committee to act in the Secretary's place for that purpose.

(2) Any instrument or contract which if executed or entered into by a person other than a body corporate, would not require to be under seal, may be executed or entered into on behalf of the Committee if such person has previously been authorised by a resolution of the Committee to execute or enter into that particular instrument or contract.

27.—(1) The Committee shall have an officer to be designated as the "Secretary of the Committee".

Secretary of the Committee.

(2) The Secretary shall act as Secretary to the Committee at its meetings and shall, subject to the directions of the Committee, arrange the business for and cause to be recorded and kept minutes of all meetings of the Committee.

(3) The Secretary shall also perform such functions as the Committee may by writing direct and shall be assisted in his functions by such of the employees of the Committee as the Committee may direct.

PART VIII—FINANCIAL PROVISIONS

28. The funds of the Committee shall consist of:—

Funds of the Committee.

- (a) such funds as may from time to time be contributed or granted by the Federal or State Government as subventions;
- (b) donations accruing to the Committee from any source for a general purpose of the Committee.

29. The Committee may have bank accounts in such banks as the Governor may approve.

Bank accounts of the Committee.

30.—(1) The Committee shall keep proper books of accounts in respect of each financial year and shall within three months after the end of each year cause the accounts to be audited by an

Accounts and audit.

Auditor to be appointed by the Director of Audit who shall make a report thereon.

(2) The Committee shall, as soon as may be, after the end of each financial year report of its activities for that year and shall include in such report a copy of the audited accounts of the Committee together with the Director of Audit's report thereon.

PART IX—GENERAL PROVISIONS

Provision of
public con-
veniences.

31.—(1) Any person who establishes or operates any:—

- (a) hotel;
- (b) cinema house;
- (c) supermarket;
- (d) beer parlour of any kind;
- (e) department store; or
- (f) petrol filling station;

shall provide public conveniences for the use of its staff and customers.

(2) No licence or approval for the establishment or operation of any such hotel, cinema house, supermarket, beer parlour, department store or petrol filling station shall be given to any person who fails to comply with the provision of subsection (1) of this section.

(3) It shall be the responsibility of every person to provide his building or any part thereof with public conveniences if such building or any part thereof is to be used as:—

- (a) hotel;
- (b) cinema house;
- (c) supermarket;
- (d) beer parlour of any kind;
- (e) department store; or
- (f) petrol filling station.

(4) Every person:—

- (a) who was operating; or
- (b) whose building or any part thereof was being used as:—

hotel, cinema house, supermarket, beer parlour of any kind, department store or petrol filling station which had no public conveniences and which was in existence immediately before the commencement of this Edict shall comply with the provision of subsection (1) of this section.

(5) It shall be the responsibility of every Local Government to provide:-

- (a) every market;
- (b) every motor vehicle park; and
- (c) such places as the Committee shall recommend,

in its area of authority with public conveniences for use of the public.

(6) In this section "market" means a public or open place established by local custom or by the appropriate Local Government for the purpose of buying and selling and any other place used substantially for the purpose.

32.—(1) No person shall establish or operate a beer parlour of any kind or a hotel within the vicinity of, or within a distance of 500 metres from, any of the following places:-

Location of
beer parlours
and hotels.

- (a) Government Reservation area;
- (b) police station;
- (c) hospital;
- (d) school;
- (e) place of worship;
- (f) Government Ministry or Department.

(2) Any person who contravenes the provision of subsection (1) of this section commits an offence under this Edict and on summary conviction is liable to remove such beer parlour or hotel, as the case may be, and if that person fails to remove such beer parlour or hotel, the Committee shall remove it and the expenses incurred by the Committee in removing it shall be borne by that person.

(3) Where a person fails or refuses to bear the expenses incurred by the Committee in removing such beer parlour or hotel under

subsection (2) of this section, such expenses shall be sued for and recovered in the Court by the Committee with full cost of action from that person as a debt due to the Committee.

Miscellaneous acts to be done in relation to environmental sanitation.

33.—(1) Any person who:—

- (a) operates a mechanical workshop in any township shall fence such workshop with walls;
- (b) operates a shop (whether or not the shop has its principal object the sale of gramophone records) shall not play any such record or any other form of mechanical reproduction of sound aloud to constitute a nuisance to the public;
- (c) operates a supermarket with twenty employees or above shall provide a parking space (which shall be fenced) for the use of its customers' motor vehicles;
- (d) sells goods in a shop shall display the goods only in the shop;
- (e) sells "suya" shall provide such an enclosure as may be specified by officials of the Ministry of Health;
- (f) goes from house to house or street to street with goods for sale other than a newsvendor shall effect such sale only in a shop;
- (g) sells traditional medicinal herbs or drugs or any other medicine shall sell such herbs or drugs or other medicine only in a shop; or
- (h) sells traditional medicinal herbs or drugs or other medicine shall advertise such herbs or drugs or other medicine only through the media.

(2) Any newsvendor who:—

- (a) sells newspapers or magazines of any kind along any street; or
- (b) goes from house to house or street to street with a view to selling newspapers or magazines of any kind,

shall register himself as such newsvendor with the relevant authority.

(3) Any person who contravenes any provision of subsection (1) or subsection (2) of this section, commits an offence and on summary conviction is liable to a fine of two hundred and fifty

naira or to imprisonment for a term not exceeding four months or to both; and, in the case of a continuing offence to an additional fine not exceeding fifty naira in respect of each day on which the offence continues.

(4) In this section:-

"goods" means commodities of any kind and includes farm produce, foodstuff, merchandise and manufactured wares;

"magazines" means periodical publications containing articles by various writers;

"mechanical workshop" means a workshop that has as its principal object the repairs or adjustments of machinery, engines and tools;

"media" means commercial televisions, radios, newspapers or magazines;

"shop" means a building or part of a building or a structure or part of a structure where goods are shown and sold retail;

"suya" means roasted meat for human consumption.

34.—(1) For the purposes of environmental sanitation the location of the category of firms and businesses specified in the Schedule to this Edict shall be strictly in accordance with the approved Land Use Schemes for all the urban areas in the State.

Location of certain firms and businesses to be in accordance with Land use Schemes (Schedule).

(2) In this section "urban areas" means areas designated as urban areas under the Land Use Act.

No. 6 of 1978.
GGSLN 3 of 1984.

35. Any person who contravenes any provision under this Edict in respect of which an offence has not been prescribed, commits an offence and on summary conviction is liable to a fine of two hundred naira or to imprisonment for a term not exceeding four months or to both; and, in the case of a continuing offence, to an additional fine not exceeding fifty naira in respect of each day on which the offence continues.

General offences.

Abetment of
offences.
Cap. 98.

36. The provisions of the Penal Code Law relating to abetment of an offence and to conspiracy to commit an offence shall apply *mutatis mutandis* to every offence under this Edict as they apply to offences under the Penal Code Law.

Offences by
bodies of
persons.

37.—(1) Where an offence is committed under this Edict or under Regulations made thereunder by a body of persons then:—

(a) in the case of a body corporate, other than a partnership, every Director or Secretary or similar officer of the body; and

(b) in the case of a partnership, every partner or officer of that body,

commits an offence.

(2) No person commits an offence by virtue of subsection (1) of this section if he proves to the satisfaction of the Court:—

(a) that the offence was committed without his knowledge or consent; and

(b) that he exercised all due care and diligence to prevent the commission of the offence having regard to all the circumstances.

(3) For the purposes of this Edict “person” includes a partnership.

Provisions
of other laws
inconsistent
with pro-
visions of
Edict to be
construed
with modifi-
cations.

38. Any Law in force immediately before the commencement of this Edict, other than the operative parts of the Constitution, which is inconsistent with this Edict shall be construed with such modifications as may be necessary with a view to bringing such Law into line with the general intention of this Edict.

Powers of
Advisory
Committee
to decide
meaning of
definitions.

39.—(1) In the event of any doubt or dispute arising at any time as to the meaning of any definition contained in this Edict, the matter shall be referred to the Advisory Committee which shall take such advice and make such decision thereon as it thinks fit.

(2) The decision of the Advisory Committee on any matter referred to it under subsection (1) of this section, shall be binding

on the Committee and its agents and any person aggrieved and such decision shall be final.

(3) Where any question as to the meaning of any definition has been decided by the Advisory Committee under this section no question as to the meaning of that definition shall be entertained by any court of law in the State.

40. Notwithstanding the provisions of any written Law or Instrument, the Governor may, after consultation with the Committee, give to the Committee in writing directions of a general character or specific directions in relation to matters appearing to the Governor to be in the best interests of the public and the Committee shall give effect to any such directions.

Directions
by Governor.
GG 16 of
1985.

41.—(1) The Governor may make such Regulations as he may think fit for the purpose of giving effect to the provisions of this Edict.

Regulations.

(2) Without prejudice to the generality of subsection (1) of this section, Regulations made thereunder may:—

- (a) vary the fines;
- (b) amend sections 32, 33 or 34 of this Edict;
- (c) amend the Schedule to this Edict.

42.—(1) Subject to the provisions of this Edict for the summary trial of offences under this Edict, Mobile Sanitation Courts shall be constituted by the Chief Judge of the State pursuant to the powers conferred on him by the Criminal Procedure Code Law regarding the constitution of criminal courts.

Mobile
Courts to try
offences.
Cap. 39.

(2) Notwithstanding subsection (1) of this section, the Mobile Sanitation Courts shall have jurisdiction to try summarily other offences under:—

- (a) the Public Health Law; Cap. 114.
- (b) the Town and Country Planning Law; Cap. 136.
- (c) the Local Government Law; or Cap. 80.
- (d) the Urban Planning and Development Authority Edict. Cap. 139.

Section 34.

SCHEDULE

LOCATION OF CATEGORY OF FIRMS AND BUSINESSES TO BE STRICTLY IN
ACCORDANCE WITH THE APPROVED LAND USE SCHEMES

PART I—FIRMS

1. Breweries
2. Cattle and Poultry Feeds
3. Processed Food
4. Bone Crushing
5. Dairy and Products
6. Shoe Making
7. Saw Milling
8. Cement
9. Burnt Bricks
10. Printing and Publishing
11. Pharmaceutical
12. Detergent Formulations
13. Leather Works
14. Insecticides
15. Textiles
16. Metal Fabrication
17. Fruit Juices
18. Soap Making
19. Toilet Paper
20. Oil Milling
21. Farm Implements
22. Cement Block
23. Glucose
24. Preservation of Whole Fruits
25. Rice Milling
26. Starch
27. Cards (Playing)
28. Food (Dehydrated)
29. Tyres and Tubes
30. Leather Bags
31. Travelling Kits
32. Industrial Leather
33. Bone Meal
34. Leather Foot Wear
35. Steel and Wooden Furniture
36. Pottery
37. Country and Mechanized Fishing Boats

38. Frames and Cabinets
39. Tooth Picks
40. Salt
41. Fish Oil
42. Pencils and Slates
43. Bolts, Nuts, Nails, Screws
44. Sanitary Ware
45. Asbestos Cement
46. Chalk
47. Lanterns
48. Stapling Machines
49. Wire and Wire Products
50. Ice Cream and Refrigeration
51. Mosquito Coils
52. Arc Welding Electrodes
53. Disinfectant
54. Manure Mixing
55. Paints and Varnishes
56. Batteries
57. Dusters
58. Fluorescent Lighting
59. Motor Assembly.

PART II—BUSINESSES

1. Mechanical Workshops
2. Grinding Mills
3. Vulcanizing
4. Timber Dealers
5. Cattle and other Livestock trading
6. Standard Hotels
7. Petroleum Service Stations
8. Motor Dealers
9. Heavy Printing Materials
10. Slaughter Slabs