

CHAPTER 47

**BAUCHI STATE ENVIRONMENTAL SANITATION TASK FORCE
AND COMMITTEE LAW**

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CHAPTER 47

**BAUCHI STATE ENVIRONMENTAL SANITATION TASK FORCE
AND COMMITTEE LAW**

**A Law to establish an Environmental Sanitation Task Force and Committee in
Bauchi State.**

[BA.S. 6 of 1985, BA.S. 5 of 1986, BA.S. 10 of 1989, BA.S. 6 of 1994.]

[Commencement: 1st January, 1986]

1. Citation

This Law may be cited as the Bauchi State Environmental Sanitation Task Force and Committee Law.

2. Interpretation

In this Law, unless the context otherwise requires—

“Chairman” means the Chairman of the Task Force or a Committee;

“Court” means any Environmental Sanitation Courts established under this Law by the Governor or a Sole Administrator of a Local Government in the State;

“designated” means designated by the Task Force or a Committee;

“function” includes power and duty;

“member” means member of the Task Force or a Committee;

“Governor” means the Governor of the State;

“Local Government” means a Local Government established by the State Local Government Law;

“prescribe” means prescribed by the Task Force or a Committee;

"Sole Administrator" means a Sole Administrator in charge of a Local Government in the State;

"State" means the Bauchi State of Nigeria.

3. Establishment of the Task Force

(1) There is hereby established a body to be known as Bauchi State Environmental Sanitation Task Force (in this Law referred to as "the Task Force") whose functions and duties shall be performed primarily in Bauchi Metropolis.

(2) The Task Force shall consist of the following:

- (a) two officers in the Nigerian Armed Forces not below the rank of Captain or its equivalent, one of whom shall be appointed the Chairman of the Task Force by the Military Administrator;
- (b) a Police Officer not below the rank of Deputy Superintendent of Police;
- (c) a magistrate not below the rank of Senior Magistrate;
- (d) a representative of the Bauchi Local Government;
- (e) a representative of the State Development Board;
- (f) a representative of Bauchi Radio Corporation;
- (g) a representative of the Bauchi State Television.

[BA.S. 10 of 1989, BA.S. 6 of 1994.]

4. Allowances payable to a member

A member of the Task Force, other than a member by virtue of an office held by him may be paid such sitting and other allowances as the Governor may determine.

5. Secretary of the Task Force

The Task Force shall among its members appoint a Secretary for the Task Force who shall perform such duties as may be assigned to him by the Task Force or the Chairman.

6. Staff of the Task Force

(1) The Task Force may with the approval of the Governor obtain from any Federal or State Government Ministry or Department or parastatal or Local Government Council any staff of that Ministry or Department or parastatal or of the Council who shall assist the Task Force in carrying out its functions under this Law.

(2) Without prejudice to the provision of subsection (1), the Task Force may with the approval of the Governor employ such temporary labourers and other casual workers as it deems necessary for the effectual carrying out by the Task Force of its functions under this Law.

(3) Any staff obtained from a Ministry or Department or parastatal or a Local Government Council pursuant to subsection (1) or employed by the Task Force pursuant to subsection (2) shall carry out such duties as are assigned to him by the Task Force.

7. Functions of the Task Force

(1) Notwithstanding the provisions of any other Law or Edict, the Task Force shall take all lawful measures to ensure an effective and continuous refuse service as well as the general cleanliness of the Bauchi metropolis.

(2) Without prejudice to the generality of subsection (1), the Task Force shall with respect to Bauchi metropolis whether solely or in liaison with an appropriate Government Ministry, Department, parastatal or a Local Government Council—

- (a) prescribe or provide places or points where refuse from houses in the vicinity shall be collected as well as centres for final disposal of such refuse;
- (b) ensure regular clearing of refuse from collection points;
- (c) direct and control the dumping and disposal of refuse;
- (d) prescribe and employ effective modes of refuse disposal;
- (e) ensure the opening and clearing of public drains in order to allow the free draining away of waste;
- (f) ensure the neatness or tidiness of highways by cutting or trimming grasses and other growths along such highways as well as by ensuring the neatness or tidiness of the highways in any other manner;
- (g) remove any dirt, filth, obstructions, kiosks, workshops, stalls, sheds or other unauthorised structures from streets, highways, open places, parks and other public places;
- (h) carry out regular and surprise inspections of each building and premises for purposes of ensuring that sanitary conditions are maintained in such building and premises;
- (i) remove and dispose of any vehicles abandoned or remaining on any highway, street, lane or public premises;
- (j) impound any vehicles that are improperly kept or parked along a highway, street or lane especially in areas where parking is prohibited;
- (k) apprehend any person selling goods or other articles of trade in unauthorised places;
- (l) seize all such goods or other articles of trade mentioned in paragraph (k) as well as direct their storage in a designated place and dispose of such goods in such manner as the Governor may direct;
- (m) without imprisonment enforce the Hawking by Children (Prohibition) Law;
[Cap. 58.]
- (n) prescribe a manner of ensuring against food, meat, etc. contamination;
- (o) carry out all functions which may from time to time be assigned to the Task Force by the Governor.

8. Directions of the Governor

The Governor may give to the Task Force directions of a general or specific nature whether with respect to the performance of its functions or with respect to any other matter under this Law and the Task Force shall comply.

9. Meetings of the Task Force

- (1) The Task Force shall meet at such times and in such places as—
 - (a) the Chairman deems fit; or
 - (b) may be requested of the Chairman in writing by any four members.
- (2) At any meeting of the Task Force the Chairman and any four members shall form a quorum.
- (3) At every meeting of the Task Force the Chairman shall preside but when he is absent, members shall appoint a Chairman from among themselves to be the chairman and a member so presiding shall for that meeting, have all the rights and exercise all the powers of the Chairman.

10. Validity of proceedings

The validity of any proceedings of the Task Force shall not be affected by any vacancy in the membership of the Task Force or any defect in the appointment of a member, or by reason that a person not entitled to take part at the proceedings took part at such proceedings.

11. Power to co-opt

The Task Force may co-opt any person in the public service of the State to be a member for such meeting or meetings as may be required and such person shall, while so co-opted, have all the rights and privileges of a member: except the right to vote on any matter or to count for a quorum.

12. Establishment of Environmental Sanitation Court

- (1) There is hereby established, for the purposes of this Law, an environmental court which shall be presided over by the Magistrate member of the Task Force.
- (2) It shall be the duty of the Environmental Court to speedily try and determine cases arising from or under this Law.
- (3) The Court shall consist of the magistrate and one other member.

13. Jurisdiction of the Court

- (1) The Court shall have jurisdiction to try all cases or matters arising under the Edict in Bauchi metropolis.
- (2) For the purposes of effectively carrying out its duties under this Law the Court may move from one place to another within Bauchi metropolis.

14. Powers and procedure of the Court

- (1) A magistrate presiding over the Court shall, in addition to any other power exercisable by a magistrate of that grade, have power—
 - (a) to fine, on the spot, any individual, firm or company that commits an offence under this Law;

- (b) to issue an abatement notice in appropriate cases on any owner, caretaker or occupier of any premises in respect of any nuisance—
 - (i) give particulars of the nuisance to be abated; and
 - (ii) stating the period within which such nuisance shall be abated.

(2) If at the expiration of the period under subsection (1) the nuisance to which the notice relates has not been abated, the Court shall summarily try the offender and impose appropriate penalty.

(3) The procedure of the Court shall be the same as the procedure of a magistrate's court.

15. Quarterly Returns

(1) The Task Force shall submit a quarterly report to the Governor of its activities and operations during the quarter.

(2) A report submitted pursuant to subsection (1) shall contain a general appraisal of the achievements to the Task Force during the quarter and shall include—

- (a) a statement of the general sanitation standards and conditions of Bauchi metropolis;
- (b) a statement of the number of buildings and premises in Bauchi metropolis visited or inspected by the Task Force during the quarter;
- (c) a statement showing the total amount realised by the Task Force from fines during the quarter;
- (d) particulars of all temporary labourers or other casual workers who served as staff of the Task Force during the quarter;
- (e) particulars of all staff or officers of the State Civil Service, Federal Service or of a Local Government Council who served as staff of the Task Force during the quarter;
- (f) a statement showing the total amount spent by the Task Force in carrying out its functions during the quarter; and
- (g) a programme or overview of the activities of the Task Force during the quarter.

16. Funds of the Task Force

The funds of the Task Force shall be such sums or other property as may from time to time be advanced to the Task Force by the Government for the performance of its functions.

17. Charges for Task Force Services

(1) The charges for the services rendered by the Task Force shall be such as the Task Force may, from time to time, with the approval of the Governor, determine.

(2) Charges for collection of refuse, removal of abandoned vehicles and other matters related to environmental sanitation and protection may, if the Task Force thinks fit, be fixed at different rates and on different scales for different localities.

18. Accounts**(1) The Task Force shall—**

- (a) keep proper accounts in respect of its functions under this Law;
- (b) keep proper records relating to the accounts; and
- (c) prepare in respect of each financial year, a statement of account in such form as may be approved by the Governor.

(2) The annual statement of accounts shall be a fair and accurate statement of the financial position and of the results of the operations of the Task Force for the financial year to which it relates.

19. Annual report

(1) The Task Force shall, within six months after the end of each financial year, make available to the Governor a report, in such form containing such particulars as the Governor may from time to time direct, dealing with the activities of the Task Force during that financial year.

(2) Every annual report made by the Task Force under subsection (1) shall contain particulars of all directives given under this Law by the Governor to the Task Force during each financial year.

20. Immunity

No member or any officer engaged in accordance with the provision of section 6 or co-opted in accordance with the provisions of section 11 of this Law shall be liable for any act done or ordered by him to be done or any omission made by him in the discharge of his functions under this Law whether or not within the limits of his jurisdiction:

Provided that such person acted in good faith.

21. Powers to inspect

Any member or any person engaged or co-opted under the provisions of sections 6 and 11 of this Law, may at all reasonable times between the hours of eight o'clock in the morning and six o'clock in the evening enter upon any residential, business or institutional premises for the purposes of ascertaining the sanitary condition of such premises:

Provided that if the residential premises is such that purdah in accordance with Islamic religion is practised, the premises shall, only be inspected by a female.

22. Offences**(1) Any person who—**

- (a) throws or deposits in an open drain anything capable of obstructing a free and uninterrupted draining away of any liquid substance;
- (b) throws or dumps any refuse or household waste in any place or thing not being—
 - (i) the designated place for throwing or dumping of such refuse; or
 - (ii) the dustbin provided for that purpose;

- (c) keeps, deposits or leaves in any street or other highway or public way, any vehicle whether serviceable or broken down, sand, stone, gravel, laterite, timber or any other thing, in any manner capable of—
 - (i) obstructing traffic, or easy flow of water on the highway or street or side thereof;
 - (ii) hindering or otherwise affecting the use by any other member of the public of such street, highway or public way;
- (d) does anything in any of the following places which, in the opinion of the Task Force constitutes a nuisance—
 - (i) any street or other highway or public way;
 - (ii) any open space or other public place;
 - (iii) any place appurtenant to or adjoining a house, whether private or public building, factory, company or other public or private institution;
- (e) being the owner, caretaker or occupier of any premises, fails to provide in such premises a refuse bin or other prescribed container for the collection of household waste for disposal;
- (f) being resident in any premises where the owner or caretaker of such premises cannot with the exercise of reasonable diligence be found, fails to provide in the premises a refuse bin or other prescribed container for the collection of household waste for disposal;
- (g) allows or suffers within twenty metres of his place of abode if not near the highway or road, any dirt whether in the form of a waste paper, wood, iron metal or other solid matter to accumulate or litter in any manner which the Task Force considers to be a nuisance;
- (h) being in charge of a building, factory, company or any public or private institution, allows or suffers in any such place anything which the Task Force considers to be a nuisance;
- (i) discharges or disposes of any human or animal waste, industrial effluent or emission in any place other than in a toilet or other prescribed place;
- (j) keeps, allows, or suffers to be kept any dirty water in any part of his place of abode or business;
- (k) allows or suffers any weeds, unkept growths or other place of which he is the owner, caretaker or occupier;
- (l) hinders or prevents a member or any other person authorised by the Task Force from entering his place of abode or other place of which he is the owner, caretaker or occupier where such entry is for the purpose of ensuring proper sanitary condition of the place;
- (m) occupies or allows to be occupied any building or other structure which, in the opinion of the Task Force, constitutes a danger to life or property;
- (n) erects or constructs any house, shed, kiosk or any other structure—
 - (i) in an unauthorised place;
 - (ii) in contravention of any plan or design whether general or particular, as may be prescribed by the Task Force or an appropriate local government council;

- (o) sells or offers or carries for sale any goods or other articles of trade in a road junction or in any other place prohibited by or under any other law;
 - (p) carries out any activity which, in the opinion of the Task Force, amounts to a degradation of the environment; or
 - (q) fails or refuses to abate a nuisance in respect of which an abatement notice has been issued.
- (2) Any person who commits an offence under any provision of subsection (1) is liable—
- (a) in any case where the offence committed relates to any act done or omission made in or with respect to any premises used partly or wholly for a residential purpose, to a fine not exceeding one hundred naira;
 - (b) in the case of any towed or abandoned vehicle, to a fine of fifty naira;
 - (c) in the case of environmental degradation, by a corporate body to a fine not exceeding ₦1,000.00.
- (3) Any person who—
- (a) attempts to commit any of the offences prescribed in subsection (1);
 - (b) aids or abets any person to commit any of those offences; or
 - (c) procures or counsels the commission of any of those offences by any other person,
- is guilty of an offence and liable to payment of the same fine as is imposed under subsection (2) of this section.
- (4) Every fine imposed under or pursuant to this section of this Law shall be payable on the spot to the Court or other authorised person who shall immediately issue to the defaulter a revenue collector's receipt acknowledging such payment.

23. Offences by bodies corporate

Where any person convicted of an offence under this Law or any regulations made thereunder is a body corporate, it shall be liable to the penalties prescribed therefore and in addition every person who at the time of the commission of the offence being a director, chief executive, secretary or other chief officer (by whatever designation known) of the body corporate consented to the act or omission which constitutes the offence shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

24. Establishment of Local Government Committees

There is hereby established in each of the Local Government Areas of the State, except Bauchi metropolis, a Committee to be known as Environmental Sanitation Committee (hereinafter called "the Committee"), which comprise the following—

- (a) the administrative head of the Local Government (by whatever name called), who shall be the Chairman;
- (b) a representative of the Divisional Police Officer of the Local Government not below the rank of Assistant Superintendent of Police;

- (c) a representative of the women's organisation or a woman member representative to be appointed by the Sole Administrator, if there is no branch of the women's organisation in the Local Government;
- (d) a registrar of court;
- (e) the head of Information unit of the Local Government;
- (f) the head of the Lands unit of the Local Government;
- (g) the head of the Health unit of the Local Government;
- (h) two other members of reputable character amongst the people within the Local Government Area to be appointed by the Sole Administrator of the Local Government.

25. Allowances payable to a member

A member of the Committee, other than a member by virtue of an office held by him may be paid such sitting or other allowances as the Sole Administrator may determine.

26. Secretary to the Committee

The Committee shall among its members appoint a Secretary for the Committee who shall perform such duties as may be assigned to him by the Committee or the Chairman.

27. Staff of the Committee

(1) The Committee may with the approval of the Sole Administrator obtain from the Local Government Council any staff of that Council who may assist the Committee in the discharge of its functions under this Law.

(2) The Committee shall be entitled to ask for assistance of any kind from the Head of a Federal or State Government Agency to assist the Committee in the discharge of its functions under this Law, and the Head of such Agency shall comply where practicable.

28. Functions of the Committee

The functions of the Committee shall be the same as the functions of the Environmental Sanitation Task Force under section 7 of this Law within its area of the Local Government.

29. Direction by Sole Administrator

The Sole Administrator of a Local Government may give to the Committee directions of a general or specific nature with respect to the performance of its functions under this Law.

30. Standing orders

The Committee may with the approval of the Sole Administrator of a Local Government within which it exercise its functions make standing orders to regulate its meetings.

31. Establishment of Environmental Sanitation Committee Court

(1) There is hereby established for each Local Government courts to be known as Environmental Sanitation Courts the number of which shall be as may be determined by the Sole Administrator of the Local Government Area.

(2) A member of the Committee shall constitute each of the Courts established under subsection (1) of this Law.

(3) For the purpose of effectively carrying out its duties under this Law, the Court may move from one place to another within the area of its jurisdiction as may be assigned in writing by the Sole Administrator of a Local Government Area.

32. Power of the Court

(1) A court established under the provision of subsection (1) of section 24 of this Law shall have all the powers to try the offences and impose the fine under the provisions of subsections (1), (2), (3) and (4) of section 22 and section 23 of this Law.

(2) Notwithstanding the generality of the provisions of subsection (1) above a member presiding over any Court accredited by a Sole Administrator have power to—

- (a) to fine, on the spot, any individual, firm or company that commits an offence under this Law;
- (b) to issue an abatement notice in appropriate cases on any premises in respect of any nuisance—
 - (i) giving particulars of the nuisance to be abated; and
 - (ii) stating the period within which such nuisance shall be abated;
- (c) if at the expiration of the period stated under subparagraph (ii) of paragraph (b), the nuisance to which the notice relates has not been abated, the Court shall summarily try the offender and impose appropriate penalty.

33. Evidence and judgement to be written

In every cause or matter a Court shall set down in writing the purport of all oral evidence given before it which it considers material, including the name and address of the defendant and the judgement delivered.

34. Procedure of Court

The procedure of a court shall be as may be determined by the Task Force or, in the absence of such determination, the Court.

35. Immunity

No member or person who constitutes a Court, or any officer assigned to the Court, shall be liable for any act done by him or ordered by him to be done or any omission made by him in the discharge of his functions under this Law whether or not within the limits of his jurisdiction:

Provided that such person acted in good faith.

36. Statement of offence

Notwithstanding the provisions of the Criminal Procedure Code to the contrary, an officer of the Court shall, as soon as may be after a person is arrested and taken to the Court, briefly set down in writing a statement of the offence for which the person arrested is brought before the Court including the date and place of the offence complained of.

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37. Trial

After a statement of an offence has been prepared, the charge shall be read out to the defendant and he shall be asked if he has any cause to show why he shall not be convicted.

38. Admission of guilt or not

If the defendant admits that he has committed the offence of which he is charged, his admission shall be set down in writing as briefly as possible and if he shows no sufficient cause why he shall not be convicted the Court may convict him accordingly and where he does not admit guilt a police officer or the officer of the Court shall arraign him before a court of law to be tried under the provisions of this Law.

39. Record of proceedings

The offence proved together with the judgement shall be set down in writing with a reference to the appropriate section of this Law, under which, in the opinion of the Court, the offence has been committed and the officer constituting the Court shall sign the record of proceedings.

40. Officers of the Court

A police officer prosecuting a case in a court, or any member of the police force present in a court, shall be an officer of the Court.

41. Power to arrest

Where a member, a police officer or any person assigned to the Court decides to proceed against the occupier, owner or person, as the case may be, in accordance with the provisions of this Law, he shall arrest him, and hand him over to a police officer prosecuting cases before that Court so that the person so arrested may be tried summarily by the Court for the offence.

42. Fines and charges

Any amount realised as fine or charges imposed by the Law shall be paid into the Treasury of the Local Government Council.

43. Returns and accounts

(1) The Committee shall furnish to the Sole Administrator quarterly and annual returns in respect of its activities on anything provided in the provisions of sections 15 and 19 of this Law.

(2) The Committee shall also furnish to the Sole Administrator the particulars in respect of its accounts as provided in section 18 of this Law.

44. Powers to inspect

Any member or any person assigned to assist the Committee in the performance of its functions, may at all reasonable times between the hours of six o'clock in the morning

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and six o'clock in the evening enter upon any residential, business or institutional premises for the purpose of ascertaining the sanitary condition of such premises:

Provided that if the residential premises is such that purdah in accordance with Islamic religion is practised, such premises shall only be inspected by a female.

45. Funds of the Committee

The funds of the Committee shall be such sums or other property as may from time to time be advanced to the Committee by the Local Government within which it operates.

46. General powers of direction of the Governor

(1) The Governor may at any time and notwithstanding the provisions of this Law direct the Environmental Sanitation Task Force established by section 3 of this Law to move to any area of the State to discharge its functions and powers under the provisions of this Law.

(2) The Governor may give to all or any Committee established under section 24 of this Law direction of a general or specific nature with respect to the performance of its functions under this Law.

47. Monitoring

The Task Force shall monitor and report on the activities and progress of the Committees established under this Law and report same to the Governor.

48. Repeal

The Bauchi State Environmental Sanitation (Mobile Court) Law, No. 6 of 1985 is hereby repealed.