

CHAPTER 50

ENVIRONMENTAL SANITATION BOARD

AN EDICT TO ESTABLISH AN ENVIRONMENTAL SANITATION BOARD FOR BORNO STATE BOS 5 of 1986.

[11 June 1986] Date of commencement.

1. This Edict may be cited as the Borno State Environmental Sanitation Board Edict. Citation.

2. In this Edict unless the context otherwise requires:-

Interpretation.

"Board" means the Borno State Environmental Sanitation Board established under Section 3 of this Edict;

"Chairman" means the Chairman of the Board appointed under Section 4 of this Edict and includes any one for the time being exercising the functions of Chairman;

"Commissioner" means the State Commissioner charged with responsibility for Public Health;

"Court" means the State Environmental Sanitation Court;

"General Manager" means the General Manager appointed under Section 15 of this Edict and includes any person for the time being exercising the functions of a General Manager;

"Governor" means the Governor of the State;

"Member" means a Member of the Board and includes the Chairman;

"Secretary" means the Secretary of the Board appointed under Section 15 of the Edict and includes any person for the time being exercising the functions of the Secretary;

"State" means the Borno State of Nigeria.

3.—(1) So soon as may be after the coming into operation of this Edict there shall be established a body to be called the Borno State Environmental Sanitation Board which shall have such Establishment of Board.

functions in accordance with this Edict and the Courts as conferred on it by the succeeding provisions of this Edict.

(2) The Board shall be a body corporate with perpetual succession and a common seal and shall have power to sue and be sued in its corporate name and to acquire, hold and dispose of movable and immovable property for the purpose of its functions under this Edict.

(3) It shall be the duty of the Board so far as its resources permit and subject to the provisions of this Edict to extend its services to all the Local Government headquarters or designated urban areas of the State.

Constitution
of the
Board.

4.—(1) The Board shall consist of a Chairman who shall be the Commissioner for Health.

(2) Eight *ex-officio* members who shall be:—

- (a) the Permanent Secretary for Ministry of Health or his representative;
- (b) the Permanent Secretary for Local Government or his representative;
- (c) the Permanent Secretary for Ministry of Works and Housing or his representative;
- (d) the Permanent Secretary for Ministry of Land and Survey or his representative;
- (e) the Permanent Secretary for Ministry of Finance or his representative;
- (f) the Permanent Secretary for Ministry of Rural Development or his representative;
- (g) the Sole Administrator for Maiduguri Metropolitan Council or his representative;
- (h) Law Enforcement Agents (Army and Police);
- (i) representative of the Borno State Water Board.

(3) Two other members to be appointed by the Governor who shall be:—

- (a) representative of the Borno State Chamber of Commerce and Industry;
- (b) one person to represent Emirate/Traditional Council interests.

5.—(1) The seal of the Board shall be such as may be determined by the Board and shall be authenticated by the signature of the Chairman or some other members authorised in that behalf by the Board and that of the Secretary.

The seal of the Board.

(2) The seal shall be judicially noticed.

6. Subject to this Edict and other written laws the Board may do such things as are in its opinion necessary for or conducive to the proper discharge of their duty and shall include:—

- (a) collection and disposal of both wet and dry refuse including human waste;
- (b) street cleaning and maintenance;
- (c) cleaning and maintenance of township drainages;
- (d) enforcement of all the provisions of this Edict;
- (e) sanitary inspection of all premises including abattoirs;
- (f) nuisance control and abatement;
- (g) control and sanitary inspection of all food premises;
- (h) industrial and occupation health hygiene;
- (i) control of industrial waste (liquid emission) and air pollution;
- (j) control of air and water pollution;
- (k) burial of paupers;
- (l) control of insects, vermin, flies, mosquitoes etc.;
- (m) investigation and reporting of infectious diseases;
- (n) disinfection and disinfestation of premises and articles;
- (o) market sanitation; and
- (p) installation of refuse collection devices at appropriate points in the town.

7.—(1) A member (other than *ex-officio* members) shall hold office for a period of three years and shall be eligible for re-appointment.

Tenure of office and employment.

(2) The members shall be paid such emoluments and allowances as the Governor may approve.

Resignation
of members.

8. Any member other than an *ex-officio* member may at any time resign his office by notice in writing under his hand addressed to the Governor.

Particular
functions of
the Board.

9.—(1) Without prejudice to the generality of the provisions of this Edict, the Board shall, in relation to the Court:—

(a) confer powers of constable on a health officer not below the rank of superintendent while acting as such and shall by virtue of his appointment be deemed to be a police officer and have all powers and privileges in the execution of his duty under this Edict;

(b) such health superintendent shall prosecute all cases arising from or under this Edict before the Court.

Powers of
Governor to
direct.

10. The Governor may give the Board direction of a general or specific character as to the exercise and performance of its functions and the Board shall give effect to such direction.

Meeting of
the Board.

11.—(1) The Board shall hold not less than six meetings in any one year.

(2) Where four members request the Chairman by notice in writing signed by them to convene a meeting of the Board for purpose specified in such notice, the Chairman shall within one week of the receipt of such notice convene a meeting of the Board for such purposes.

(3) The Chairman shall preside at all meetings of the Board at which he is present and in his absence such other member as may be nominated among the Board.

(4) At every meeting of the Board the Chairman or other member presiding shall have an original vote and where the votes are equally divided a casting vote in addition to his original vote.

(5) Five members of the Board shall constitute a quorum at any meeting of the Board and where the Chairman is absent members present shall elect one of their number to preside.

Power to
make stand-
ing orders.

12. The Board may with the approval of the Governor make standing orders for the regulations of its proceedings.

13. The validity of any proceedings of the Board shall not be affected by any vacancy among the members thereof or by any defect in the appointment of any member thereto.

14. No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operation of the Board.

15. The Governor shall appoint a General Manager of and a Secretary to the Board upon such terms as to emoluments or otherwise as he may determine.

16.—(1) The General Manager shall be the Chief Executive Officer of the Board who shall be a professionally qualified public health officer and shall have ultimate responsibility for:—

- (a) execution of policies laid down in respect of all projects of the Board;
- (b) general supervision and organisation of the various divisions of the Board;
- (c) co-ordination of the projects and accounts of the various divisions of the Board;
- (d) performing any other duties as the Board may from time to time determine; and
- (e) carrying out any of the Board's functions specially assigned to him by the Board or the Chairman.

17.—(1) The Board shall appoint a Secretary on terms provided for in s.18.

(2) It shall be the duty of the Secretary to conduct the correspondence of the Board and generally to assist the General Manager in the implementation and execution of the policies and decisions of the Board.

(3) Without prejudice to the foregoing provisions of this Section the Secretary shall be responsible for the following matters, that is to say:—

- (a) making arrangements for meetings of the Board;
- (b) preparing the agenda and recording the minutes of the meetings of the Board;

- (c) conveying decisions of the Board to members;
- (d) arranging for payment of fees and allowances of meeting and all other matters affecting the members of the Board and shall perform all other duties affecting the Board which may be specifically assigned to him by the General Manager.

Secondment
of
employees.

18.—(1) Subject to the provisions of this Edict, the Board at its initial stage may employ such officers of the public service of the State or Local Government councils as may with agreement of the Council be seconded to the services of the Board for two years.

(2) Such officer's emoluments and allowances shall be paid by their respective ministries until the expiration of the secondment.

Appoint-
ment of
other staff.

(3) Subject to the provisions of this Edict, the staff of the Board shall be appointed by the Civil Service Commission in conjunction with the General Manager of the Board.

Borrowing
powers.

19. The Board may from time to time with the prior approval of the Executive Council borrow or raise within Nigeria such money or loans of such amounts from such sources in such manner and upon such conditions as it may require for meeting any of its obligations or discharging any of its functions.

Funds and
resources of
the Board.

20. The funds and resources of the Board shall consist of:-

- (a) such sums as may be provided by the Government;
- (b) all sums collected or received by the Board in the exercise of its functions under the provisions of this Edict;
- (c) levy on each tax payer in the State whenever it becomes necessary at a rate to be fixed by the Governor;
- (d) certain percentum of tenement rate to be fixed by the Governor;
- (e) revenue from Gulley-emptier at a rate to be fixed by the Governor;
- (f) land reclamation on individual request to be paid for the service;
- (g) licensed premises at a rate to be fixed by the Governor;
- (h) industrial premises at a rate to be fixed by the Governor;

(i) commercial premises at a rate to be fixed by the Governor; and

(j) all other sums or property which may in any manner become payable to or vested in the Board in respect of any matter incidental to its functions.

(2) The Governor may by notice published in the State Gazette fix the rate to be paid by any person or legal entity and may in a like manner vary it.

21. The Board may incur expenditure necessary and incidental to the carrying out of any function conferred upon it by this Edict. Expenditure.

22. The Board shall in each financial year prepare and submit to the Executive Council for approval its estimates of revenue and expenditure in respect of next financial year. Estimate.

23.—(1) The Board shall keep proper accounts and proper records in relation thereto and in respect of each financial year, prepare a statement of account in such form conforming with the best commercial standards as may be prescribed by the Board. Accounts, audits and reports.

(2) The accounts shall be audited annually by auditors appointed by the Commissioner.

(3) As soon as possible after the end of the financial year, the Board shall furnish the Commissioner with:—

(a) a general report of its operation during such financial year;

(b) a certified copy of the audited accounts referred to in subsection (2) of this Section.

(4) The Commissioner shall lay before the Executive Council the general report and certified copy of accounts referred to in subsection (3) of this Section.

24.—(1) Subject to the provision of this section and any other written law and to the Constitution of the Federal Republic of Nigeria 1979 the Board by its officers or agents with all necessary workmen and other servants, from time to time may enter upon any lands for all or any of the following purposes:— Power to enter land.

(a) the survey and taking of levels;

(b) the construction, pacing, maintenance, examination, repair, alteration, or removal of installations.

(2) For all or any of the purposes aforesaid such officers, agents, workmen, or other servants may remain on any such land for such reasonable time and execute and do all such work and things as may be necessary.

(3) Subject to the provisions of this Edict the Board shall when practicable give notice to the occupier of any land on which it is intended to enter.

Bye-laws.

25. The Board may make Rules and Regulations with regards to:-

(a) sanitary inspection, refuse and night soil disposal;

(b) control of vermin;

(c) slaughter houses, slaughter slabs;

(d) public conveniences;

(e) cemeteries and burial grounds;

(f) for the purposes of planning its activities the Board may obtain information and data on registration of births, deaths and marriages from relevant government and private bodies;

(g) provisions of community and recreation centres.

Compensation for damages.
Cap. 49.

26.—(1) In the exercise of the powers conferred by Section 24 of this Edict the Board, its officers, agents and servants shall do as little damage as may be and the Board shall pay any compensation for damage to any building, crops or economic trees:

Provided that the exercise so executed does not contravene the provisions of the Environmental Sanitation Edict or any related law.

(2) The Board shall in no case be under any obligation to pay damages or compensation to the owner of an illegally constructed structure.

(3) "Illegal structure" in this Section includes any temporary building, shelter or piece of work which is contrary to or not authorised by law.

27. The Board may from time to time enter into contracts for carrying into effect all the provisions of this Edict and in particular Sections 6 and 24 of the Edict.

Power to enter contracts.

28.—(1) Any contract or instrument which if entered into or executed by a person not being a body corporate and would not require to be under seal, may be entered or executed on behalf of the Board by any person generally or especially authorised by the Board for the purpose.

Execution or issue of instrument.

(2) Any document purporting to be a document duly executed or issued under the seal for the Board or on behalf of the Board shall unless the contrary is proved be deemed to be a document so executed or issued as the case may be.

29.—(1) The Board may, with the approval of the Governor, and subject to the provisions of this Edict, make regulations with respect to removal and disposal of all types of refuse and without prejudice to the generality of the foregoing provisions make regulations for any of the following matters:—

Powers to make regulations.

- (a) street cleaning and maintenance;
- (b) cleaning and maintenance of township drainage system;
- (c) control of air and water pollution;
- (d) control of industrial waste;
- (e) control of destitutes and lunatics.

(2) The Board may also make regulations with respect to the appointment, promotion, transfer and dismissal of and exercise of disciplinary control over its employees particularly:—

- (a) the qualification to be required for appointment;
- (b) method of appointment (Probation/Confirmation);
- (c) the form of agreement to be entered into between the Board and its employees;
- (d) terms and condition of service; and
- (e) such other matters which the Board considers can be provided for by any regulations.

30. When or where upon any special occasion the Board desires to obtain the advice of any person on any particular matter

Co-option members.

for such meeting(s) as may be required, the Board may co-opt such a person for that meeting and such person whilst so co-opted shall have all the rights and privileges of a member save that he shall not be entitled to vote on any question.

Repeal.

31.—(1) Public Health Law Cap. 109 Laws of Northern Nigeria 1963 is hereby repealed in as far as it is applicable in the State.

(2) Notwithstanding the repeal of the Law specified in subsection (1) every regulation or rule made under the Law repealed in force shall continue to be in force as if the Law had not been repealed.