



JIGAWA STATE OF NIGERIA

A LAW TO ESTABLISH ENVIRONMENTAL PROTECTION AGENCY FOR THE STATE AND FOR PURPOSES CONNECTED THEREWITH-2008

LAW NO. 15 - 2008

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BE IT ENACTED by the Jigawa State House of
Assembly and by Authority of the same as follows:-

Title and Commencement.

1. This Law be may cited as the Jigawa State Environmental Protection Agency Law and shall be deemed to come into operation on the^{6th} day of^{JANUARY}.....2009

Interpretation

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

"Agency" means Jigawa State Environmental Protection Agency as Established under this Law;

"Chairman" means the Chairman of the Board of the Agency as appointed under this Law;

"Chief Judge" means the Chief Judge of Jigawa State;

"Tribunal" means a Magistrate Tribunal assigned to try cases of Environmental Sanitation; illegal felling of trees, and encroachment into forest reserves;

"Contaminant" means any solid, liquid of gaseous material that adversely affects any component of the environment;

"Commissioner" Means Commissioner in charge of Environment;

"Disposal" Means the depositing of any waste material unto any component of the environment;

"Environment" include water, air, land, plants, human beings, animals and the entire ecosystem;

"Governor" means the Governor of Jigawa State;

"Managing-Director" means a Managing-Director of the Agency as may be appointed in accordance with this Law;

"Plant" Means planted or naturally grown trees;

"State" Means Jigawa State of Nigeria.

ESTABLISHMENT, POWERS AND FUNCTION OF THE AGENCY

Establishment of the Agency.

- 3.(1) There is hereby established in the State an Environmental Protection Agency.
- (2) The Agency shall be a body corporate with perpetual succession and can sue and be sued in its corporate name.
- (3) The Agency shall be acquire and dispose off movable and immovable property,

Common Seal

- 4 (1) The Agency shall have a common seal.
- (2) The common Seal of the Agency shall be authenticated by the signature of the Chairman of the Agency or some other member thereof authorized by the agency to act on that behalf and the signature of the Secretary of the agency.
- (3) Judicial notice shall be taken of the common seal of the agency and any document purporting to be an instrument made by the Agency and to be sealed by the common seal (purported to be authenticated in accordance with this paragraph) of the agency shall be received in evidence and be deemed to be such instrument without further proof unless the contrary is shown.

Powers and Functions.

5(1) The Agency shall have the following powers and functions:-

- (a) Re-introduce and strengthen sanitary inspection of premises (House to House Sanitary inspection) for detection and abatement of nuisance;
- (b) Promote a healthy environment by ensuring sanitary solid waste management;
- (c) Minimize waste generation and promote sorting at source, re-use, recycling and energy recovery;
- (d) Ensure safe and nuisance-free disposal of urban and rural domestic, medical and industrial wastes in order to adequately protect public health during and after collection, transportation, treatment and final disposal;
- (e) Create awareness on the effect of unsanitary excreta and sewage management on the quality of the environment and public health;
- (f) Promote the adoption, construction, use and maintenance of culturally acceptable sanitary excreta and sewage management systems;
- (g) Prevent the contamination of environmental media (soil, water, food etc);
- (h) Promote environmental aesthetics;
- (i) Create, maintain and enforce adequate standards of sanitation in all markets and abattoirs;
- (j) Recruit, train and re-train adequate numbers of environmental health officers and veterinary practitioners to cover the entire state;
- (k) Establish and strengthen pest and vector control unit at the Local Government Head quarters of the State.
- (l) Control pest and vectors in households, officers, food premises, industries, agricultural farms and the environment in general;
- (m) Establish surveillance mechanisms for monitoring toxic effects of pesticides on the eco-system and public health;
- (n) Establish and strengthen surveillance mechanisms for monitoring pests and vectors in the environment;
- (o) Promote conditions at schools as well as the practices of school staff and children that will prevent sanitation related diseases;
- (p) Bring about positive changes in hygiene behavior of school children and parents through their

- children, in the community;
- (q) Encourage the provision of safe recreational facilities in schools;
 - (r) Encourage school compliance with stipulated sanitary standards for schools;
 - (s) Protect school children from hazards and unsanitary surroundings;
 - (t) Protect existing trees, in the state;
 - (u) Prosecute owners of roaming animals that destroy seedlings or trees;
 - (v) Discourage indiscriminate felling of trees;
 - (w) Compel individuals and companies to plant tree where their activities directly or indirectly contribute to environmental degradation;
 - (x) To prosecute or caused to be prosecuted any person who violet any provision of this Law;
 - (y) To do such activities it considers necessary or incidental to its functions under this law.

- (2)
- (a) Prevent or stop any act of omission or commission which consequences are likely to adversely affect the environment and generally deal with any discharge-solid, liquid or gaseous deposited willfully or otherwise in the environment and to deal generally with any violation which the agency may deem hazardous to the environment and ecosystem such as burrow pits and construction of drainages;
 - (b) Prevent or stop illegal felling of tree, encroachment into pavements, forest reserves and plantation without the agency's approval. In this regards to:-
 - (i) Monitor the whole state for any of such discharges, illegal felling of trees or encroachment into pavements and forest reserves;
 - (ii) Cause the responsible party or parties to stop or remove such discharge;
 - (iii) Remove or cause to be removed such discharge at the expense of the defaulting party;
 - (iv) Cause penalty to be paid for such violation and to negotiate appropriate compensation to be paid to the victims of such discharge;
 - (v) Reinstate, rehabilitate or cause the affected

environment to be restored to its original state at the expense of the responsible party or parties;

- (vi) Maintenance of drainages throughout the state.
- (c) Issue permits, licenses, approvals and to administer certification system and operation procedures as may be provided under any regulation by law or federal Enactments and charge fees, levies for the issuance as the agency may from time to time prescribe;
- (d) Generally investigate and ascertain all violation of this law and any relevant rules and regulations under this law and the terms and conditions upon which any permit is granted by the agency and take or cause to be taken appropriate, legal and penal remedies to prevent, remove, or rehabilitate any aspect of the environment and sanitation that has been violated or degraded;
- (e) At all reasonable times enter upon or have access to any public or private property or premises for the purpose of inspecting and investigating for ascertaining any violations or potential violations of the environment and sanitation law and regulation;
- (f) Monitor environmental quality, conduct programmes of continuing surveillance and regular periodic inspection of actual or potential contaminants of point and non-point sources of the environment in accordance with the laid down regulations as the agency may deem fit;
- (g) Establish and maintain close liaison and linkages with major research and scientific institutions, professional associations, experts and consultants as well as governmental and non-governmental organizations in the field of environment;
- (h) Honor, adopt and execute all existing bilateral and multilateral agreements, memorandum of understanding, cultural obligations including entering into mutually beneficial joint venture with international agencies, non-governmental organization, private voluntary organizations and individuals;
- (i) Research, collect and collate information and

research findings in various environmental disciplines;

- (j) Store information, develop libraries and archives and to develop and maintain a data base on environment;
- (k) Stimulate public interest on environment by dissemination of information, organization of lectures and seminars, public awareness campaigns and generally encourage, sponsor environmental education programmes in schools, mass media and other formal and informal sectors;
- (l) Sponsor and conduct training programmes for industrial, commercial and public institutions and to recruit and train sanitary and environmental extension workers for the purpose of effective mobilization of the public towards environmental education and awareness;
- (m) Without prejudice to provision of paragraph (c) relating to enforcement powers under this law to prosecute or cause to be prosecuted any violation of this law or any regulations under this law or any other enactment;
- (n) Establish zonal offices throughout the state and to constitute joint consultative committees with the Federal and Local Governments for the purpose of operating, administering and enforcing the provision of this law and regulations and enactments relating to the environment generally;
- (o) Without prejudice to the provisions of the existing law relating to solid waste management, the Agency shall establish operational mechanisms for refuse collection, transportation and disposal in conjunction with Federal and/or Local Governments or any other agencies as may be necessary;
- (p) Advise the Governor on Local, national and international environmental policies and priorities on scientific and technological activities and development relating to the environment;
- (q) Without prejudice to the provisions of any Federal, State or Local Government enactment, the agency shall also be responsible for the issuance of Environmental Impact Assessment (E.I.A) certificate for all major projects including road construction, dam, irrigation projects,

housing and industrial estates, recreational projects public buildings to ensure that they confirm to environmental standards as may be set out from time to time by the Agency;

- (r) Without prejudice to the provisions of any other law or enactment, the agency shall have power to impose taxes, ban or place embargo on producers or retailers of goods and services that directly or indirectly contribute to refuse generation in and or degeneration of the Environment.

Establishment of a Board for the Agency.

6.

There is hereby established for the Agency a Board with composition as follows:-

- (a) Chairman to be appointed by the Governor;
- (b) Representative of the Ministry of Works and Housing;
- (c) Representative of the Ministry of Health;
- (d) Representative of the Ministry of Commerce and Industry;
- (e) Representative of Ministry of Land and Regional Planning;
- (f) Representative of Ministry of Water Resources;
- (g) Representative of Ministry for Local Government;
- (h) Representative of Ministry of Environment;
- (i) Representative of Ministry of Justice;
- (j) Representative of Non-Governmental Organizations;
- (k) Four other persons of unquestionable character to be appointed by the Governor, two of which shall be women.
- (l) The Managing Director of the Agency who shall serve as the Secretary of the Board.

Tenure of Members.

7.

The chairman and members of the Board other than Ex-officio members shall hold office at the instance and pleasure of the Governor for an initial period of the three years and shall be eligible for re-appointment of another term of three years only.

Proceedings of the Agency.

8(1)

The Agency shall hold regular meetings which shall be presided over by the chairman and in his absence, the members present shall choose one of

their members to be the chairman of that meeting.

- (2) The governing Board shall hold at least one meeting each quarter and such other meetings as the Governor may direct.

Powers of the Board.

9. The Governing Board shall have the following powers:-

- (a) Be responsible for formation of policy and the general management of the agency and shall advise the governor on all policy matters. In the exercise of these powers, the board shall not be engaged in the day to day management of the Agency;
- (b) Exercise on behalf of the agency the powers conferred on the Agency by section 5 of this law and any other enactment in that behalf;
- (c) Delegate as case may be all or any of its powers not exclusively to be exercised by the Board itself to committees of the Board, chairman or the managing director as the Board may think fit;
- (d) Advise the Governor on the appointment of State committee on Environment and Technical Sub-committees;
- (e) Make rules and regulations for the purpose of exercising any of its respective functions or regulating its own proceedings

State Committee on Environment.

10. There shall be established a state Committee on Environment which shall comprise the following members:-

- (a) Managing Director of the Agency to serve as Chairman;
- (b) H.O.D Water & Sanitation from all Local Governments;
- (c) Representative of Manufactures Association of Nigeria;
- (d) Representative of the National Association of Chambers of commerce, Industry, Mines and Agriculture;
- (e) Representative of Ministry of Women Affairs;

- (f) Representative of Environmental Non-Governmental Organizations;
- (g) Representative of the Federal Environmental Protection Agency;
- (h) Representative of the Ministry of Environment;
- (i) Representative of council of Ulama;
- (j) Four eminent persons to be appointed by the Governor;
- (k) Representative of the Emirate Councils;
- (l) The Secretary/Legal Adviser of the Agency shall be the Secretary of the Committee

Functions.

(2) The Committee shall have the following functions:-

- (a) Assist and advise the Governing Board on the formulation and implementation of environmental policy matters;
- (b) Consultation with the management of the Agency to compile and submit to the governing Board for onward transmission and advise to the Governor an Annual Report on the State of the Environment which shall reach the Board and the Governor not later than the 31st Day of December each year;
- (c) Assist and advise the Agency on technical Environmental matters.

Local Government Committee on Environment.

11(1) There is hereby established a Local Government Committee on environment which shall consist of the following members:-

- (a) H.O.D. Water Sanitation in the Local Government;
- (b) All District Heads in the Local Government;
- (c) Chairman of all self-help group in the Local Government;
- (d) Chairman of Traders Associations in the Local Government;
- (e) Four religious Leaders in the Local Government;
- (f) D/H.O.D Water and Sanitation of the Local Government as Secretary.

(2) The Committee shall have the following functions

- (a) Assist and advise the State Committee on the formulation and implementation of environmental policy matters;
- (b) Consultation with other stakeholders on environment for advise and suggestions on the way forward to make the environment cleaner and safer;
- (c) Assist the sanitary inspectors on their duties and ensure compliance with any regulations on the environment.

Technical Sub-Committee.

12.

The state Committee on environment may set up a Technical Sub-committee or such technical sub-committee as may be desirable to deal with, advise and report on any technical or scientific matter referred to it by the state committee on Environment.

PART III-PRINCIPAL OFFICERS OF THE AGENCY

Principal Officers of the Agency.*

13.

The principal Officers of the Agency shall be:-

- (a) The Managing Director who shall be the Chief Executive of the Agency;
- (b) Director of Monitoring, enforcement and compliance;
- (c) Director of Environmental Engineering Services;
- (d) Director of Environmental Health;
- (e) Director of Planning, Research Evaluation and Inspection;
- (f) Director of Finance and Supplies;
- (g) Director of Personnel Management;
- (h) Secretary/Legal Adviser;

Managing Director.

14(1)

The Governor may upon such terms as he may approve appoint a Managing Director and Chief Executive to the Agency who shall be a person having a recognized qualification in environment related field and must be so qualified for at least 10 years, 5 of which must be in environmental management.

(2)

The Managing Director shall be responsible for the day-to-day execution of policy, general management of the

business of the Agency and shall carry out other functions as may be directed by the Governing Board from time to time.

- (3) Notwithstanding the provisions of sub-section (1) of this section, the Managing Director shall be appointed for a term of Four years and shall be eligible for re-appointment for a like term only.

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| Director of Monitoring Enforcement and Compliance. | 15. | The Director of Monitoring, enforcement and compliance shall be responsible to the Managing Director for the monitoring, enforcement and compliance with the provisions of this Law, regulations and any other enactment. |
| Director of Environmental Engineering & Director Environmental Health. | 16. | The Director of environmental Engineering Services shall be responsible to the Managing director for all environmental and sanitary engineering functions of the Agency, while Director Environmental Health shall be responsible for all environmental health functions. |
| Director of Planning, Research & Evaluation. | 17. | The Director of Planning, Research and Evaluation shall be responsible to the Managing Director for all environmental planning, research and evaluation in accordance with the provisions of this Law. |
| Director of Personnel Management. | 18. | The Director Personnel Management shall be responsible to the Managing Director on Personnel establishment functions of the Agency. |
| Director of Finance. | 19. | The Director of Finance shall be responsible to the Managing director for the administration of the finances and supplies to the Agency. |
| Chief Internal Auditor. | 20. | The Chief Internal Auditor shall be responsible to the Managing Director for ensuring day-to-day compliance with the provisions of section 26 relating to the funds, finance and Expenditure of the Agency. |

**Secretary/Legal
Adviser.**

21. The Secretary to be appointed by the Governor shall be responsible for the correspondence, keeping of the records of the Agency, handling legal issues affecting the Agency and performing such other duties as the Board or Managing Director may from time to time direct.

PART IV- APPOINTMENT OF OTHER STAFF

**Appointment of
other Staff.**

- 22(1) Senior staff on grade level 07-12 shall be appointed, promoted and disciplined by the senior staff appointment, Promotion and Disciplinary Committee while the appointment and promotion of staff on grade level 13 and above shall be subject to approval of the Governor on the recommendation of the Governing Board.

- (2) The power to appoint, promote and discipline staff on grade level 01-06 shall vest in the Managing Director but this function may be exercised on his behalf by the Director of Personnel of the Agency to be assisted by an appropriate committee

Transfer of Staff.

23. The Agency in accordance with its needs may recruit and accept transfers of the technical and professional staff from any arm of the public and private sector so long as such staff meets the Agency's professional requirements for the function for which they are engaged or transferred.

Discipline of Staff.

24. The discipline of staff of the Agency shall be in accordance with the conditions of service of the state Civil Service Commission.

Conditions Service.

25. Subject to the provisions of this Law, the conditions of service of staff of the Agency including rates of remuneration, scale or salaries, contract appointments, superannuation arrangements and other conditions of

Service shall be determine by the Agency in accordance with government guidelines.

Power to Co-opt.

- 26.** The Agency may co-opt any person or persons in order to carry out its functions;

PART V-FINANCIAL PROVISIONS

Funds of the Agency.

- 27(1)** The Agency shall establish and maintain funds from which there shall be defrayed all expenditure incurred by the Agency.

- (2)** There shall be paid or credited to the funds:-

- (a) Such monies that may be appointed from time to time to the Agency by the Government of Jigawa State;
- (b) All monies that may accrue to the Agency by way of loans, endowments, grants or gift;
- (c) Money raised in any other manner for the purposes for the Agency;
- (d) Interest accrued on monies invested by the Agency;
- (e) Charges or fees levied or payable to the Agency;
- (f) Such other funds or sums of money or property which in any manner become payable to or be invested in respect of any matter primary or incidental to ht functions of the Agency.

Application of the funds of the Agency.

- 28(1)** The Agency may from time to time apply the funds at its disposal for:-

- (a) The pursuance of all or any of its functions under the provisions of this law;
- (b) The cost of its administration;
- (c) The remuneration, honoraria of the Governing Board of the Agency or any class of members in respect of their duties under the provisions of this law;
- (d) The payments of salaries, allowances, gratuities or pensions of staff of the Agency;
- (e) The payment of any taxes, duties or other charges payable by it under any arrangement, enactment

or this law;

- (f) Any other purpose necessary or incidental to the carrying out of its functions.

- (2) The Agency may with the approval of the Governing Board from time to time make grants from funds at its disposal to any institution, society or scheme whatsoever which in the opinion of the Agency is likely to enhance the objectives of the Agency.

Power to Borrow.

- 29. The Agency may from time to time with approval of the Governor borrow whether by way of mortgage or otherwise, such sums of money for and in connection with the exercise of its functions under this law as the governing Board may deem necessary.

Accounts

- 30(1) The Agency shall keep books of accounts and other financial year records in respect of its expenditure.
- (2) The Agency shall prepare annual statement of accounts for each financial year for consideration by the Governing Board subject to approval by the Governor.

Audit of Accounts.

- 31(1) The Agency shall cause the annual statement of accounts referred to under section 26(2) to be audited not later than 3 months after the end of each financial year by the Director of Audit of the State or by any other person authorized by him.
- (2) As soon as the Annual Statement of Accounts has been audited, the Agency shall forward to the Governor a copy together with a copy of the report made by the Auditors.

Estimates.

- 32. The Agency shall prepare its budgetary proposal and estimates of income and expenditure for the next succeeding year for the approval of the Governing Board

for onward transmission to the Governor for final approval and inclusion into the main budget of the State.

Regulation.

33. The Governing Board of the Agency may make regulations in respect of all or any of the provisions of this Law and may alter, vary or withdraw any regulation of the Agency as it may deem fit.

Standing Orders.

34. The Governing Board of the Agency may make standing orders to prescribe its own procedure and conduct of its meetings and in that regard may amend, vary or revoke any of such standing orders.

**Tribunals to try
Environmental
Offences.**

- 35(1) For the purpose of this law and immediately after its commencement, the chief Judge of the State shall constitute a tribunal at each of the three senatorial districts in the State to try any offender for the violation of the provision of this law.

- (2) The Tribunal shall have power to try cases and determine any other matters arising from the operation of the following enactments:-

- (a) This Law;
- (b) Jigawa State Public Health Law; or any other regulation made thereunder.
- (c) Any other law relating to environmental sanitation in the State.

- (3) The Tribunal may make such orders as it may deem fit to make.

- (4) In addition, the tribunal may sit at such places within its jurisdiction as the Chief Judge may direct and may exercise such other powers as may be conferred upon it under any other enactment.

- (5) The provisions of the Criminal Procedure Code law and such other relevant enactments shall apply in relation to the trial of cases and other matters brought before

the Tribunal.

(6) The tribunal shall be manned a Legal practitioner of not less than 7 years post call experience.

(7) All expenses for the running of the tribunal and other staff allowances shall be defrayed out of the consolidated revenue funds of the state as the Governor may determine on the recommendation of the Chief Judge.

Governor's General Directives and Guidelines.

36.

The Governor may issue such directives and guidelines to the Agency in the discharge of its general duties and functions under this Law especially the management of its funds and the Agency shall comply with such Directives.

Non Liability.

37.

No member of the Agency shall be sued in his personal capacity for any act done or omitted to be done in the lawful performance of his duties under this Law.

Representation in Tribunal.

38.

In any suit instituted by or against the Agency, it shall be represented in Tribunal by a State counsel or any legal practitioner duly delegated by the Attorney-General of the Jigawa State.

Repeal.

39.

The Environmental Protection Agency Law Chapter 49 and Environmental Sanitation Task Force Law Chapter 50, Laws of Jigawa State 1998 are hereby repealed.

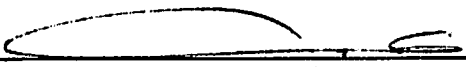
MADE AT DUTSE THIS.....^{6TH}.....DAY OF.....^{JANUARY}.....2008

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SULE LAMIDO
GOVERNOR
JIGAWA STATE OF NIGEIA

FIRST SCHEDULE

This printed impression has been carefully compared with the Bill which has been passed by 'The Jigawa State House of Assembly and found to be a true and printed copy of the said Bill.

S.4 Legislation (Administrative Procedure) Cap 83, 1998


CLERK OF THE HOUSE OF ASSEMBLY

SECOND SCHEDULE

S6(1) Legislation(Administrative Procedures) Cap 83,1998

The Bill on ENVIRONMENT PROTECTION AGENCY
this 6th day of JANUARY 2008


GOVERNOR

THIRD SCHEDULE

S6(1) Legislation(Administrative Procedures) Cap 83,1998

I hereby withhold my assent this day of2008

For the Bill on

GOVERNOR

THIRD SCHEDULE

S6(1) Legislation(Administrative Procedures) Cap 83,1998

Passed again by two-third majority of the Jigawa State House of Assembly

Thisday of2008

SPEAKER