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Kaduna State of Nigeria Gazette No. 23, Vol. 44, 2nd December, 2010 - Supplement Part A

I assent this 29th day of December, 2010.

PATRICK IBRAHIM YAKOWA

*Executive Governor,
Kaduna State of Nigeria*



Law No. 7

2010

Kaduna State of Nigeria

[29th December, 2010]

Date of
Commencement.

**A LAW TO SUBSTITUTE THE KADUNA STATE
ENVIRONMENTAL PROTECTION AUTHORITY
EDICT NO. 1 OF 1998**

BE IT ENACTED by the Kaduna State House of Assembly as follows:-

1. This Law shall be cited as the Kaduna State Environmental Protection Authority Law, 2010.

2. This Law shall come into operation on the 29th day of December, 2010.

3. In this Law, unless the context otherwise requires:-

“Authority” means Kaduna State Environmental Protection Authority as established under section 5 of this Law;

“Authorized officer” means any employee of the Authority, any police officer not below the rank of an Inspector, or any person appointed by the Authority;

“Chairman” means Chairman of the Governing Council of the Authority as appointed under Section 9 of this Law;

“Contaminant” means any solid, liquid or gaseous material that adversely affects any components of the environment;

“Court” means any Court constituted under Section 54 of this Law;

“Disposal” means the disposition of any waste material unto any component of the environment;

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

"Environmental Standard" include water quality, air quality and atmospheric protection, noise, and hazardous substances and situation;

"Fees" means any sums payable to the Authority licenses, permits, approvals and any other payment for services as the Authority may charge;

"Financial Year" means a year beginning on the 1st day of January, and ending on the 31st of December, of each year;

"General Manager" means the General Manager of Kaduna State Environmental Protection Authority as appointed under Section 15 (1) of this Law;

"Governing Council" means Governing Council of the Authority under section 6 of this Law;

"Land Fill" means a facility for environmentally safe disposal of solid waste which meets the criteria prescribed by the Authority;

"Members" means members of the Governing Council of the Authority constituted under Section 9 of this Law;

"Mobile Court" means a Court or Tribunal established by the Chief Judge of the State under section 54 for the trial of environmental offences;

"Non-point" means non discrete or ill defined source of pollutant;

"Property" includes anything in action, agriculture, residential, commercial or industrial lands, building sites, building and appurtenances, any interest in real or personal property; Building or estate or interest in funds, loans, accounts receivable, investment, lien, charge and claims land rights;

"Regulation" means any regulation or guideline the Governing Council of the Authority is empowered to make under this Law;

"Secretary/Legal Adviser" means the Secretary/Legal Adviser of the Authority appointed under section 11 of this Law;

Objectives.

Establishment of
the Authority.

“Solid Waste” means any waste material other than gaseous, liquid or semi-liquid;

“State” means Kaduna State of Nigeria;

“State Committee on Environmental” means the Committee established under Section 18 of this Law;

“Technical Sub-Committee” means the Committee as established under Section 19 of this Law;

“Waste” means any waste that is harmful or injurious; and

“Unauthorized Place” means a place not approved or permitted by Law to carry out activity, service or business of any kind.

PART II OBJECTIVES OF THE AUTHORITY

Objectives.

4. The Authority shall endeavour to achieve a sustainable development in the State and shall:-

- (a) secure the quality of environment adequate for the health and well-being of the residents of the State.
- (b) conserve and use the environment and its natural resources for the benefit of the State.
- (c) minimize the impact of the physical development on the ecosystems of the State.
- (d) raise public awareness and promote understanding of essential linkages between the environment and development within the State; and
- (e) co-operate with the Federal Environmental Protection Agency and other States Environmental Protection Agencies to achieve effective prevention of abatement of Trans-boundary movement of waste.

PART III ESTABLISHMENT OF THE AUTHORITY

Establishment of
the Authority.

5. (1) There is hereby established in the State an Environmental Protection Authority (hereinafter referred to as “the Authority”).

(2) The Authority shall be a body corporate with perpetual succession and can sue and be sued in its corporate name.

(3) The Authority shall acquire and dispose of movable property.

(4) The Authority shall have a Common Seal.

(5) The Common Seal of the Authority shall be authenticated by the signature of the General Manager and Secretary of the Authority or some other members thereof authorized by the Authority to act on that behalf.

PART IV COMPOSITION OF THE COUNCIL

6. (1) There shall be a Governing Council of the Authority, which shall consist of the Chairman who shall be appointed by the Governor.

Composition of
the Council.

(2) There shall be other members whose rank shall not be below the rank of a Deputy Director as follows:-

- (a) A representative of the Ministry of Environment;
- (b) A representative of the Ministry of Agriculture;
- (c) A representative of the Ministry of Works and Transport;
- (d) A representative of the Ministry of Health;
- (e) A representative of the Ministry of Commerce and Industry;
- (f) A representative of Lands and Survey and Country Planning;
- (g) A representative of the Ministry of Justice;
- (h) General Manager Kaduna State Urban Planning and Development Authority;
- (i) A representative of the Ministry of Women Affairs and Social Development;
- (j) Two other members from the Private Sector who have distinguished themselves in environmental matters;

Tenure of
Members.

Quorum.

Meeting.

Appointment of
Members.

Powers and
functions of the
Authority.

Composition of
the Council.

Tenure of
Members.

Quorum.

Meeting.

Appointment of
Members.

Powers and
functions of the
Authority.

- (k) The General Manager of the Authority;
- (l) A representative of the Ministry of Water Resources; and
- (m) The Secretary/Legal Adviser who shall serve as the Secretary of the Governing Council.

7. The Chairman and Members of the Board shall hold office for a period of five years and may be eligible for re-appointment for another term of five years and no more.

8. The Quorum for meeting shall not be less than one-third of the total number of members at the date of the meeting.

9. The Authority shall meet not less than four times in each year or such number of times as may be considered necessary.

10. No person shall be qualified for appointment as a member of the Authority if he is not qualified or if he is disqualified for election as a member of House of Assembly.

PART V

POWERS AND FUNCTIONS OF THE AUTHORITY

11. (1) The functions of the Authority shall cover but not limited to:-

- (a) The control, removal and disposal of liquid waste;
- (b) The control and disposal of solid waste;
- (c) The control of:-
 - (i) vector pest, rodents and reptiles;
 - (ii) potable and waste water-effluent discharges;
 - (iii) noise which constitutes a nuisance;
 - (iv) the use of septic tanks and sewage maintenance;
 - (v) bush burning, indiscriminate felling of trees;
 - (vi) stray and wandering animals;
 - (vii) public conveniences and cemeteries;

- (viii) the use of residential areas for prohibited purpose;
- (ix) working or driving on prohibited areas; and
- (d) doing such other things as are necessary or expedient for the purpose of enhancing a healthy environment within the State.

12. The Authority shall liaise with relevant departments and such other government agencies for the control of burrow pits and quarry sites within the State and direct construction companies or individuals and ensure that such places are replanted to avoid soil erosion.

Control by the Authority to avoid soil erosion.

13. (1) The Authority shall subject to this Law have the general responsibility for all matters relating to the environment and without prejudice to the generality of the foregoing it shall be the duty of the Authority to:-

General Powers for the Authority.

- (a) Enact and enforce State regulations, procedures, guidelines and environmental standards for effective prevention, remediation, control and monitoring of point and non-point source of pollution and degradation;
- (b) Implement, and review environmental policy in the State and in particular to demand and review environment impact assessment and statement and for new development projects and to also demand review environmental audit reports for existing developments and such other operations which are deemed to have significant impact on the environment;
- (c) Prepare in accordance with the State policy and Law on the environment periodic master plans for the development and financial requirements for implementation of such plans;
- (d) Prevent or stop any act or omission which consequences are likely to diversely affect the environment and to generally deal with any discharge either solid, liquid or gaseous materials

Control by the
Authority to avoid
soil erosion.

General Powers for
the Authority.

deposited willfully or otherwise in the environment and to deal generally with any violation which the Authority may deem hazardous to the environment and the ecosystem:

They shall in particular:-

- (i) monitor the whole parts of the State for any such discharge;
- (ii) cause the Responsible parties to stop or remove such discharge;
- (iii) remove or cause or be removed such discharge at the expense of the defaulting party;
- (iv) penalty to be paid in accordance with appropriate regulations;
- (v) reinstate, rehabilitate or cause the effect environment to be removed to its original state at the expense of the responsible parties;
- (vi) approve landscaping for all and drainage plans on new developments; and
- (vii) grant final approval for all manner of mining activities in the State;
- (e) Monitor environmental quality, conduct programmes for continuing surveillance and of regular periodic inspection of actual or potential contaminants of point and non-point sources, of environmental pollution in accordance with the laid down regulations as the Authority may deem fit.
- (f) To liaise with Federal, State, Local Government and other public and private authorities, agencies and institutions engaged in environmental planning and functions.
- (g) Research, collect information and research findings in various environment disciplines.
- (h) Develop libraries and archives, and to establish and maintain a database on environment.

- (i) Stimulate public interest on environment by public awareness, campaign and generally encourage environmental education programmes in schools, mass media and other formal and informal sectors.
- (j) Where feasible, conduct training programmes for industrial, commercial and public institutions and recruit or train environmental extension workers and staff of the Authority for the purpose of effective mobilization of the public towards environmental education and awareness;
- (k) Issue permits, licenses, approvals and to issue certification and operation levies for the issuance of such permits, license, approval and certifications as the authority may from time to time prescribe;
- (l) Establish and maintain close liaison and linkages with major research and scientific institutions, professional associations, experts and consultants as well as government and non-governmental organisations in the field of environment;
- (n) investigate and ascertain all violation of this law and, or relevant rules and regulations under the law and prosecute or to be prosecuted such violators;
- (n) Demand to access to any public or private property or premises at all reasonable time enter upon for the purpose of inspecting and investigating for ascertaining any violations or potential violations;
- (o) Establish zonal offices in the State and constitute joint consultative committee with the Federal and Local Governments, for the purpose of operating, administering and enforcing the provision of any existing law and regulations and or any enactment relating to environment generally;

- (p) Without prejudice to the provision of any existing law relating to refuse disposal the Authority shall establish operational mechanisms for refuse collection, transportation and disposal in co-operation with the Local Governments of the State;
- (q) Subject to the approval of the Governor, the Authority may borrow money, whether by way of mortgage or otherwise for the execution and discharge of its functions;
- (r) the Authority may accept gift of land, money, books or other property upon such terms and conditions as may be specified by the person making the gift, provided it shall not be lawful for the authority to accept any gift if the condition Attached thereto by the person making the gift are consistent with functions of the Authority under the law or contrary or any law or regulations for the time being in force;
- (s) Subject to the existing regulations and other legislation, honour, adopt and execute all existing bilateral and multilateral agreements, memoranda of understanding, cultural obligations, including executing project and programmes with foreign countries non-governmental organisations and individuals; and
- (t) the Authority shall have the power to delegate some of or any of its functions to any body or organisation on such terms and conditions as it may be determined;

PART VI

PRINCIPAL OFFICERS OF THE AUTHORITY

Principal officers of
the Authority.

14. The Principal Officers of the Authority shall be:-

- (a) The General Manager who shall be the chief executive of the Authority;
- (b) The Director of Laboratory Services and Environmental Technology;

- (c) The Director of Planning, Research and Statistics;
- (d) The Director Monitoring, Enforcement and Compliance;
- (e) The Director of Finance and Supply;
- (f) The Director of Personnel Management;
- (g) Company Secretary/Legal Adviser; and
- (h) The Chief Internal Auditor.

15. (1) The Executive Governor may upon such terms and conditions as he may deem fit approve/appoint a person to be the General Manager and Chief Executive of the Authority.

Appointment of
General Manager.

(2) The General Manager shall be responsible for the day-to-day execution of policy and the general management of the business of the Authority and shall carry out such other functions as may be directed by the Governing Council from time to time.

PART VII APPOINTMENT OF OTHER STAFF

16. (1) The Senior Staff on Grade Level 07 to 12 shall be appointed and promoted by the Senior Staff Appointment and Promotion 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 Council.

Appointment of
other Staff.

(2) The power to appoint staff on Grade Level 01-06 shall vest in the General Manager, but this function may be exercised on his behalf by the appropriate geographical spread of the State.

(3) The Authority in accordance with its needs may recruit and accept transfer of technical and professional staff from any arm of the public and private sector so long as such services may meet the Authority's professional criteria for the services for which they are engaged or transferred.

17. Subject to the provisions of this Law, the conditions of service of staff to the Authority including rate of remuneration, scale of salaries, contract appointments and other conditions of service, shall be determined by the Authority in accordance with government guidelines.

Conditions of
Service.

State Committee.

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Technical
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State Committee.

18. (1) There shall be established a State Committee on Environmental which shall consist of a Chairman who shall be the General Manager of the Authority and the following as members:-

- (a) all Local Government Council Chairmen;
- (b) Representative of Manufacturers Association of Nigeria;
- (c) Representative of National Association of Chamber of Commerce, Industries, Mines and Agriculture;
- (d) Representative of Non-governmental Organisation relevant to Environmental Matters;
- (e) Four eminent scientists to be appointed by the Executive Governor; and
- (f) A Secretary to the Committee who shall be a staff of the Authority;

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

- (a) Assist and advise the Governing Council on the policy formulation and implementation;
- (b) Assist and advise the Authority on the technical environmental matters; and
- (c) To hold consultation with the Management of the Authority for the purpose of compiling and submission to the Governing Council for onward transmission to the Executive Governor annual report on the state of the environment which shall reach the Executive Governor not later than 31st day of December of each year.

19. (1) The State Committee on Environment shall set up a Technical Sub-Committee or Sub-Technical Committees as may be desirable to deal with, advise and report to any technical or scientific matter referred to it by the State Committee on Environment.

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Technical
Sub-Committee.

PART VIII OFFENCES

20. (1) The owner, caretaker or occupier of any tenement within the State shall:-

Offences Relating to the Owner, Caretaker or Occupier of any Tenement.

- (a) keep clean, neat and free from odour such tenement and the surrounding thereto;
- (b) cut overgrown grasses and trim flowers and hedges and keep them neat within the surrounding of the tenement;
- (c) keep his tenement and surrounding thereto free from weeds and poisonous plants; and
- (d) ensure that drainages are provided at the frontage of every development;

(2) Any person(s) who contravenes any of the provisions of this section is guilty of an offence and liable on conviction to a fine of not less than N2,000 or imprisonment for a term of one month or both.

(3) Where the tenement is a government building the occupier shall be liable on conviction to a fine of not less than N2,000 or imprisonment for a term of one month or both.

(4) If any child contravenes any of the provisions of this section, the parent, guardian or such persons charged with the custody of the child shall be held liable for the offence and dealt with accordingly.

21. The owner of any undeveloped plot in a built up area who fails to keep it clean and tidy or free from overgrown grasses is guilty of an offence and liable on conviction:-

Offences relating to Owner of undeveloped plot.

- (a) to a fine of not less than N2,000; and
- (b) to the cost of clearing the overgrown grass by the Authority.

22. (1) No person shall:-

Offences relating to growing or rearing of animal in a built up area.

Offences relating to keeping of animals etc.

Offences relating to operation of machine.

Offences Relating
to the Owner,
Caretaker or Occupier
of any Tenement.

Offences relating to
Owner of undeveloped
plot

Offences relating to
growing or rearing of
animal in a built up
area.

Offences relating to
keeping of animals
etc.

Offences relating to
operation of machine.

- (a) grow, in his garden or such surrounding area, crops other than vegetable in any built up area; or
- (b) cause or allow within a built up area, the rearing of animals or birds i.e (Cattle, Poultry);
- (c) any person who contravenes the provision of subsection (1) of this section is guilty of an offence and liable on conviction to a fine of not less than N2,000 or imprisonment for a term of one month.

23. (1) Any person who:-

- (a) rears or keeps animals or birds likely to cause environmental nuisance such as offensive odour or noise or neglects or fails to confine the animals or birds in his premises; or
- (b) uses firewood to cook openly within his premises which may constitute a nuisance within the surrounding of his premises; or
- (c) uses or causes to be used an unauthorized place:-
 - i. For the sale of alcoholic drinks;
 - ii. As a restaurant;
 - iii. As a hairdressing or barbing salon;
 - iv. For such other commercial activities;

is guilty of an offence and liable on conviction to a fine of not less than N5,000 or imprisonment for a term of three months or to both such fine and imprisonment.

24. (1) Any person who:-

- (a) operates any machine that causes nuisance; or

- (b) plays music in a manner which constitutes a nuisance to his neighbours; or
- (c) makes noise through the use of external bell, or loudspeakers in any premises which constitutes a nuisance; or
- (d) produces smoke or noise to a level dangerous to human health,

is guilty of an offence and liable on conviction to a fine of not less than N2,000 or imprisonment for a term of three months or both.

25. (1) The discharge and disposal of waste within the State shall be at areas designated for such purpose by the Authority.

Offences relating to discharge of waste.

(2) Any person who contravenes the provisions of subsection (1) of this section is guilty of an offence and liable on conviction to such penalties as are prescribed in the Harmful Waste (Special Criminal Provisions) Law 1998.

26. (1) Septic tank and sewer lines shall be located only in authorized areas within the State.

Authorised places for septic tank. Burial places.

(2) Burials shall be at designated areas of settlement within the State.

(3) Incinerators shall be constructed or used only with the written approval of the Authority.

(4) Any person who contravenes any of the provisions of subsection (1), (2) or (3) of this section, is guilty of an offence and liable on conviction to a fine of not less than N5,000 or imprisonment for three months or both.

27. (1) Any person who excavates or removes any silt, earth or material in the process of either constructing or repairing any drain and other similar works, within the State shall be required to carry away such silt, earth or other material to an approved designated dumpsite of the Authority.

Excavation of earth.

(2) All construction debris, or waste shall be properly disposed of at places designated by the Authority for such purposes.

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Driver of commercial
vehicle.

Public
conveniences.

Waste generation.

(3) No person shall excavate litterate, sand or operate a quarry on the site in the State without the written approval from the appropriate government department and authority.

(4) A vehicle carrying litterate, silt sand or construction materials shall be required to be covered to avoid littering of roads or other public highways and endangering the lives of other road users; or

(5) Any person who contravenes the provisions of subsection (1), (2), (3) or (4) of this section is guilty of an offence and liable on conviction to a fine of not less than N5,000 or imprisonment for a term of six months or both.

28. (1) The Driver or owner of a commercial vehicle within the State shall provide a dustbin in the vehicle for use by commuters.

(2) Any form of littering from a moving vehicle constitutes an offence under this law and the driver of such vehicle is liable on conviction as specified in sub-section (3) of this section.

(3) Any person who contravenes any of the provisions of subsection (1) or (2) of this section is guilty of an offence and liable on conviction to a fine of N 1,000 or imprisonment for a term of three months or both.

29. (1) All owners of tenement, Petrol Stations, Supermarkets, Cinema, Houses, Restaurants and other similar premises within the State, shall provide and maintain public conveniences for the customers.

(2) Any person who contravenes the provisions of subsection (1) of this section is guilty of an offence and liable on conviction to a fine of N5,000 or imprisonment for a term of one month or both.

(3) Where the default subsists, the offender shall be liable to an additional fine of N1,000 for every day of offence subsists.

30. (1) Any person who, within the State carries on a manufacturing operation or business in any premises shall cause the wastes generated from the premises to be treated in accordance with national guideline as may be approved by the State regulation.

(2) No person shall discharge or cause to be discharged raw and untreated waste, or human waste into any drain, water course, gorge, storm water, drainage or into any land or water.

(3) Any person who generates liquid waste shall be required to provide suitable holding tanks from which the waste shall be carried for disposal.

(4) Any person who dumps domestics, construction, commercial, industrial or hazardous waste in an unauthorized area or site is guilty of an offence under this Law.

(5) Any person who stores or allows to be stored in his tenement industrial or commercial waste or goods which is likely to cause a health hazard is guilty of an offence under this Law.

(6) Any person who contravenes any of the provisions of this section is guilty of an offence and liable on conviction to a fine of not less than N1,000 or imprisonment for six months or both.

31. (1) No person shall:-

- (a) cause or allow the discharge or emission of any contaminant into the environment in any part of the State, which is likely to cause or tend to cause air pollution, or is in breach of standard specified by the Kaduna State Environmental Authority.
- (b) construct, install, or operate any equipment, facility, vehicle vessel or aircraft capable of causing or contributing to air pollution; or
- (c) burn or cause to be burnt tyres, cables, waste or refuse of any kind within the State without obtaining a written permit from the Authority; or
- (d) sell offer for sale or use any fuel or inflammable article in any unauthorized area.

Offences relating to contamination of air, Pollution.

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Offences relating to water

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Offences relating to destruction of property of the Authority any dus

(2) Any person who contravenes any of the provisions of subsection (1) of this section is guilty of an offence and liable on conviction to a fine of not less than N5,000.00 or imprisonment for a term of six months or both.

32. (1) No person shall:-

- (a) use Gamalin 20 or any herbicides or chemicals for any purpose in rivers, lakes, streams and other water body within the State without the prior written approval of the Authority.
- (b) deposit any contaminant upon the land in any place or manner as to create a water pollution hazard; or contaminant into the water course, or
- (c) construct or install any sewer, or sewage treatment facility or any outlet in a manner which is capable of causing water pollution, or
- (d) by any act or omission do anything capable of affecting the quality of water from any of its sources.

(2) Any person who contravenes any of the provisions of subsection (1) of this Section is guilty of an offence and liable on conviction to a fine of not less than N5,000.00 or imprisonment for a term of six months or both.

33. (1) No person shall remove, destroy or tamper with any property of the Authority including the waste management dustbin.

(2) The owner or occupier of a tenement shall:-

- (a) keep the dustbin supplied to his tenement by the Authority in good condition;
- (b) pay such amount as may be prescribed, from time to time, by the Authority for the dustbin; and
- (c) replace the dustbin when destroyed.

Offences relating to water.

Offences relating to contamination of air, Pollution.

Offences relating to destruction of property of the Authority.

(3) No person shall burn or cause to be burnt the content of any dustbin or any other receptacle containing any refuse.

(4) The owner or occupier of any tenement shall pay his waste disposal fees as at when due to the Authority.

(5) Any person who contravenes the provisions of subsection (1), (2), (3) or (4) of this section is guilty of an offence and liable on conviction to a fine not less than N1,000.00 or imprisonment for a term of three months in addition to the payment of any amount which has become due and payable under this Law or any regulations made thereunder.

34. (1) Any person who:-

- (a) drives or parks on any drainages slab, walkway or landscaped areas; or
- (b) walks across parks, gardens, flowers beds, or any landscaped areas; or
- (c) grazes in a nursery site; or
- (d) urinates or defecates in an unauthorized or open places; or
- (e) destroys flowers and ornamental plants; or
- (f) uses a walkway or drainage slab as drying pad for agricultural produce or any such article; or
- (g) exhibits any light for advertisement, security purpose or any other purpose which is capable of constituting a sight hazard to traffic or other pedestrians; or
- (h) litters any streets, open space or tenement;
- (i) keeps, deposits, or leaves on any streets highway or public way any vehicle whether serviceable or broken down, sand, stone, gravels, laterite, timber or any other thing in any manner capable of destructing the flow of traffic or

Offences relating to parking on the side walk way.

(2) Any person who contravenes subsection (1) of this

(a)

(b)

35. (1) Any person who

(a)

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(2) Any person who contravenes subsection (1) of this section is liable on conviction to a fine not less than N5,000.00 or imprisonment for a term of three months

36. (1) Where an offence under this Law is committed on the premises of any person, the person shall be deemed to be the person who committed the offence. If the person is the Secretary, Head of Office or the person in charge of the premises, he shall be deemed to be the person who committed the offence.

(2) Any person who conspires with another person to commit an offence under this Law is liable on conviction to a fine not less than N5,000.00 or imprisonment for a term of three months

causing the easy flow of water onto the highway or street or side thereof or capable of hindering, or affecting the use by members of the public of such street, highway or public way, is guilty of an offence under the Law.

(2) Any person who contravenes the provisions of subsection (1) of this section is liable on conviction:-

- (a) in the case of paragraphs (a) - (h), to a fine of not less than N2,000.00 or imprisonment for a term of nine months; and
- (b) in the case of paragraph (i), to a fine of not less than N1,000.00 or imprisonment for a term of three months.

offences relating to parking on the side of a public way.

35. (1) Any person who:-

Bush burning.

- (a) sets fire to the bush other than on his farm for purpose of farming; or
- (b) poaches, hunts or cuts trees within the State without lawful authority; or
- (c) farms, or fishes or lives within the forest or wildlife reserves without lawful authority is guilty of an offence under this Law.

(2) Any person who contravenes any of the provisions of subsection (1) of this section is liable on conviction to a fine of N5,000.00 or imprisonment for a term of six months or both.

36. (1) Where an offence under this Law which has been committed on the instigation or with the connivance of or is attributable to any neglect on the part of a Director, Manager, Secretary, Head of Branch or Project Manager or other similar Officer of the corporate body or any person purporting to act in any such capacity, he as well as the corporate body where practicable, shall be deemed to be guilty of that offence and liable to be proceeded against and punished in accordance with this Law.

Offences relating to instigation.

(2) Any person who engages, instigates, aids facilitates or conspires with another to do a thing or act in any way prohi-

A 56 Kaduna State Environmental Protection Authority Law No. 7 of 2010

bited by the provisions of this Law shall be deemed to have committed the same offence and liable to be dealt with accordingly.

37. (1) Any person who:-

- (a) disposes or dumps any refuse or domestic waste in any place other than in a designated place for dumping such refuse; or
- (b) disposes or deposits in an open drain anything capable of obstructing a free and uninterrupted flow of domestic effluent; or
- (c) posts bills in any place other than on bill boards or in any manner which may hamper the beauty of the environment; or
- (d) sells or displays or hawks for sale any goods or article of trade in a road junction, or any other unauthorized place; or
- (e) erects or constructs any house, shed, kiosk or any other structure in an unauthorized place or in contravention of any plan or design prescribed by the appropriate authority; or
- (f) fails, neglects, or refuses to participate in any sanitation exercise lawfully authorized by the Authority; or
- (g) fails to keep to the restriction of movement to sanitation days within the hours specified to the exception of persons on essential services; or
- (h) carries out any activity or anything which, in the opinion of the Authority amounts to degradation of the environment; or
- (i) carries on the business of waste collection or disposal without accreditation or the authority of a license issued by the Authority.

Offences relating to dumping of waste or refuse.

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Offences relating to staff of the Authority.

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(2) Any person who contravenes any of the provisions of subsection (1) of this section is liable on conviction:-

- (a) in case of paragraph (a), (b), or (c), to a fine not less than N5,000.00 or imprisonment for a term of six months; and
- (b) in the case of paragraph (d), (e), (f), (g), (h), or (i) to a fine of N5,000.00 or imprisonment for a term of six months or to both such fine and imprisonment.

(3) For every contravention of the provisions of this section and for every omission to do anything required to be done by or under this Law for which no other penalty is provided, the offender shall be liable to a fine of N1,000.00.

Offences relating
to staff of the
Authority.

38. (1) A member of staff of the Authority or any person authorized by the Authority to carry out any of its functions under this Law shall have power to:-

- (a) enter into any premises between the hours of six in the forenoon and seven in the evening, arresting an offender, seizing of any goods, items or vehicles, confiscating, auctioning, destroying any nuisance; and
- (b) do anything necessary or expedient in his opinion to give effect to the provisions of this Law.

(2) Any person who insults or manhandles any member of the staff authority in the course of his duties, obstructs, misleads or does anything likely to obstruct such member of staff or person from carrying to effect any of the provision of this Law is guilty of an offence and liable on conviction to a fine of N5,000.00 or imprisonment for a term of six months or both.

Unauthorized acts.

39. Any person who, not being lawfully authorized to carry out any function under this Law by the Authority or who misrepresents himself as having been authorized to enforce any part of this Law is guilty of an offence and liable on conviction to a fine of N5,000.00 or imprisonment for a term of six months or both.

Act done by the
staff.

40. A member of staff of the Authority shall not be held liable for any act or thing done by him in lawful execution of his functions under this Law.

41. For the purpose of enforcing this Law, any authorized officer may, without a warrant:- Power to inspect.

- (a) require to be produced and examined copies of any license, permit, certificate or other documents required under this Law or any regulations made there under; or
- (b) require to be produced and examined any appliance, device or other items used in relation to breach of environmental protection.

42. (1) Any authorized officer, where he has reasonable ground for believing that an offence has been committed under this Law or any regulation made thereunder, may without a warrant:- Power to search, seize and arrest.

- (a) enter and search any land, building, vehicle, tent, vessel, floating craft or any inland water or other structure whatsoever; or
- (b) perform tests and take sample from any substance relating to the offence which are found on the land, building, vehicle, tent, vessel, floating craft of any inland water or, other structure whosoever, search pursuant to paragraph (a) of this subsection; or
- (c) arrest or cause to be arrested any person whom he has reasons to believe has committed such offence; or
- (d) seize any item or substance which he has reasons to believe has been used in the commission of such offence.

(2) A written receipt shall be given for any article or material seized under the above subsection (and the grounds for such seizure) shall be stated on such receipt.

43. Any person or body/corporate who:-

Corporate liability.

Officer not in uniform.

Invitation to suit against the Authority.

Execution of judgment.

Staff of the Authority are exempted from any inability.

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Corporate liability.

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(a) willfully obstructs any authorized Officer from performing his duties under the Law or any regulation made thereunder; or

(b) fails to comply with any lawful inquiry or requirements made by the authorized officer in accordance with the provisions of this Law, commits an offence and shall on conviction be liable to a fine of N1,000.00 or imprisonment for a term of one month or both.

Officer not in uniform.

44. (1) Any authorized officer, not in uniform acting under the provision of this law, shall, on demand, declare his office and produce to any person against whom he is taking action such identification or written authority as may be sufficient to show that he is an authorized officer for the purpose of this law.

(2) It shall not be an offence for any person to refuse to comply with any request, demand or order made by any authorized officer not in uniform, if such authorized officer refuses on demand being made by such person, to declare his office or produce such identification or written authority.

Invitation to suit against the Authority.

45. No suit against the Authority, any authorized officers or members of the Authority or any employee of the Authority for any act done in pursuant or execution of any law, or of any public duties, or in respect of any alleged neglect or default in the execution of such law, duties or authority, shall lie or be instituted in any court unless it is commenced within twelve months following the act, neglect or default complained of or, in case of a continuance of damage or injury within twelve months following the ceasing thereof.

Execution of judgment.

46. In any action or suit against the Authority no execution or attachment or process in the nature thereof shall be against the Authority but any sums of money by way of judgment of the Court awarded against the Authority shall, subject to any directions given by the Authority, be paid from the general reserved fund.

Staff of the Authority are exempted from any inability.

47. Every member of the Authority, agent, auditor or employee shall be indemnified out of the assets civil or criminal,

if any such proceedings is brought against him in his capacity as such member, agent, auditor or employee as aforesaid.

48. If a person knowingly or recklessly makes any statement: in purported compliance to furnish information which is false in a particular material, he commits an offence and shall on conviction be liable to a fine not exceeding N5,000.00 or imprisonment for a term not less than six months or both.

Reckless
statements.

49. Any person who contravenes any provisions of this law or any regulations made thereunder commits an offence and shall on conviction, where no specific penalty is prescribed be liable to a fine not exceeding N5,000.00 or to imprisonment for a term not exceeding three months or both.

Contravention of
this law.

50. Where any offence under this law or any regulations made thereunder has been committed by a body corporate or by a member of a partnership or other firm or business, every director or officer of that body corporate or any member of the partnership or other person concerned with the management or such firm or business shall, on conviction, be liable to a fine not exceeding N1,000.00 for such office and in addition shall be directed to pay compensation for any damage resulting for such breach thereof or to repair and restore the polluted environmental area to an acceptable level as approved by the Authority unless he proves to the satisfaction of the court that:-

Offences relating
to body corporate
or partnership.

- (a) he used due diligence to secure compliance with this Law; and
- (b) such offence was committed without his knowledge, consent or connivance.

PART IX FINANCIAL PROVISIONS

51. (1) The Authority shall establish and maintain a fund from which there shall be defrayed all expenditure incurred by the Authority.

Funds.

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

- (a) Such money as may be appropriated from time to time to the Authority by the Government of the State;

Keep Record of
Accounts.

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(b) all money that may accrue to the Authority by way of loans, endowment, grants or gifts;

(c) Money raised in any appropriate manner for the purposes of the Authority;

(d) Interest accrued on money invested by the Authority; and

(e) Such other funds sums of money or property which in any manner becomes payable to or invested in respect of any matter primary or incidental to the functions of the Authority.

Disposal of Funds.

52. (1) The Authority 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; and

(c) the remuneration, honoraria of the Governing Council of the Authority or any class of members in respect of their duties under the provisions of the law:

(i) the payment of salaries, allowances, gratuities or pensions of staff of the Authority;

(ii) the payment of any taxes, duties or other charges payable by it under any enactment;

(iii) any other purpose necessary or incidental to the carrying out of its functions.

(2) The Authority may with the approval of the Governing Council from time to time make grants from funds that in the opinion of the Authority, is likely to enhance the objectives of the Authority.

Keep Record of
Accounts.

53. (1) The Authority shall keep proper books of accounts other financial records in respect of its functions.

(2) The Authority shall prepare annual statement of

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accounts for such financial year for consideration by the Governing Council.

54. The Authority shall cause the annual statement of account referred to in this Law to be audited not later than 3 months after the end of each financial year; by the Auditor-General of the State; or by any other person authorized by him.

Audit of Accounts.

**PART X
MISCELLANEOUS**

55. (1) A notice, order, court summon or other document required to be served to the owner, occupier or caretaker of any premises shall have the address and description of the owner or occupier and shall be deemed to be sufficient notice if it is delivered on the premises or is affixed in some conspicuous part of the premises.

Document should bear the name of owner.

(2) A notice shall constitute a notice in respect of a joiner of parties within the same premises if the notice is given to any person on the premises or is affixed in a conspicuous part of the premises.

56. The magistrate court or such mobile courts as may be constituted by the Chief Judge of the State shall have jurisdiction over all matters specified under this Law.

Courts.

57. In a judicial proceeding for an offence under this Law or any regulation made under this Law the provisions of the Criminal Procedure Code shall with such modification as the circumstance may require apply in respect of such matter to the same extent as they apply to the trial of offences generally.

Proceeding.

58. (1) Subject to the provisions of this Law the provisions of the Public Officers Protection Act shall apply in relation to the suit instituted against any officer or employee of the Authority.

Provision of other Laws.

(2) Notwithstanding anything contained in any other enactment, no suit shall lie against any member of the Authority, the Director or any other officer or employee of the Authority for any act done in pursuance or execution of this Law in any court unless:-

- (a) it is commenced within three months next after the act, neglect or default complained of; or

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(b) in the case of a continuation of damage or injury, within six months next after the ceasing thereof.

(3) No suit shall be commenced against a member of the Authority, the Director, officer or employee of the Authority before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Authority by the intending plaintiff or his agent.

(4) The notice referred to in subsection (2) of this section shall clearly and explicitly state the cause of action, the particulars for the claims, the name and place of abode of the intending plaintiff and relief which he claims.

Services.

59. A notice, summon or other document required to be served upon the Authority under the provisions of this Law or any other enactment of Law may be served by delivering to the Director or the Secretary or sending it by registered post and addressed to the Director at the principal office of the Authority.

Execution.

60. (1) In any action or suit against the Authority execution in the nature thereof shall be issued against the Authority.

(2) Any sums of money which may be the judgement of the Court be awarded against the Authority shall, subject to any direction given by Court where no notice of appeal of the said judgement has been given, be paid from the general reserved fund of the Authority.

Indemnity.

61. (1) A member of the Authority, Director, any officer or employee of the Authority shall be indemnified out of the asset of the Authority against any liability incurred by him in defending any proceeding, whether Civil or Criminal, in which judgement is given in his favour, or in which he is acquitted, if any such proceeding is brought against him in his capacity as a Member, Director, Officer or employee of the Authority.

Directives.

62. The Government may, give to the Authority directives of the general nature with respect to any of the functions of the Authority and it shall be the duty of the Authority to comply with such directives or cause them to be complied with.

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63. Subject to the provisions of this law, the Authority may with the approval of the Executive Governor, make regulations generally for the purpose of this Law and without prejudice to the foregoing, the Authority may in particular prescribe standards for:-

- (a) water quality;
- (b) effluent limitations;
- (c) air quality;
- (d) atmospheric protection;

MADE AT KADUNA this 29th day of December, 2010.

EXPLANATORY NOTE

(This Note does not form part of this Law and has no legal effect).

The purpose of this Law is to substitute the Kaduna State Environmental Protection Authority Law in Kaduna State.

This impression has been carefully compared with the Bill which has passed the Kaduna State House of Assembly and found to be true and correctly printed copy of the said Bill.

HON. AHMED HASSAN JUMARE
(SPEAKER)

UMMA A. HIKIMA
(CLERK TO THE LEGISLATURE)