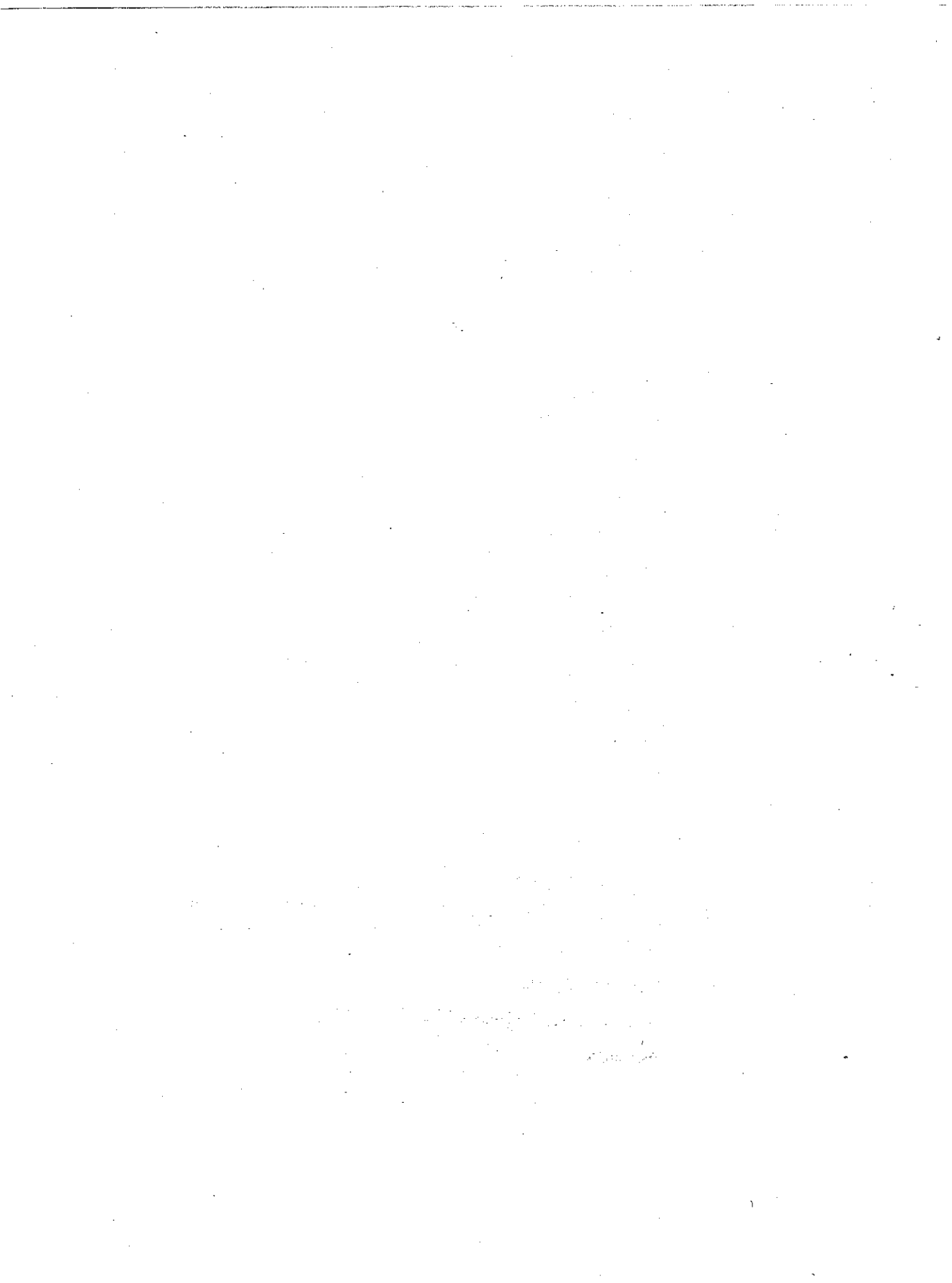


ENVIRONMENTAL HEALTH BILL, 2015

ARRANGEMENT OF CLAUSES:

*Clauses:*

1. Preliminary
2. Nuisances
3. Food, Meat Hygiene and Sanitation of Food Premises
4. Water Sanitation
5. Building Sanitation
6. Public Health Pests and Vectors Control
7. Schools, Day-Care, Kindergarten & Other Such Centres  
Sanitation
8. Waste Management
9. Sanitation of Hospitality, Recreation and Allied Industries
10. Ports, Vessel, Aircraft Land Border Health & Sanitation
11. Market Sanitation
12. Sanitary Requirements of Industrial Establishment and  
Occupational Health
13. Industrial Cleaning Services
14. Noise Pollution Control
15. Control of Communicable Diseases
16. Environmental Health Impact Assessment
17. Environmental Health Tax Fund
18. Appointment, Duties and Powers of Director of Environmental  
Health Services
19. General Provisions
20. Interpretation, Citation and Explanatory Notes  
Schedule



# A BILL

## FOR

AN ACT TO PROVIDE FOR THE PROTECTION, PROMOTION AND MAINTENANCE OF HEALTH, FOR PROPER SANITATION IN MATTERS RELATING TO HOUSING, FOOD AND GENERALLY, FOR THE PROTECTION OF THE ENVIRONMENT AND FOR THE CONTROL OF SERVICES, ACTIVITIES AND OTHER MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO

*Sponsored by Hon. Gideon Gwani*

[ ] Commencement

Enacted by the National Assembly of the Federal Republic of Nigeria as follows:

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1. In this Act:

(1) Every person has the right to good health and safe environment.

Duty of all to Protect Health

Therefore, every person has a duty to take preventive action when they have reasonable suspicion that harm is occurring or is about to occur to Public Health.

(2) Government has a duty to take anticipatory action to prevent harm to individual, and community; and to encourage individual and the general public to take collective measures to protect public health.

2. In this Act, "Precautionary Principle" shall apply in all areas and issues where the protection of the environment and public health is necessary.

Precautionary Principle

### PART I - NUISANCES

3. The following shall be deemed to be nuisances for the purpose of this Act.

Nuisances

(a) Any premises which-

(i) is in such a condition as to be injurious to health,

(ii) is so poorly illuminated or so ill-ventilated or so damp or in

such a condition of dilapidation as to be dangerous or prejudicial to the

- 1 health of the persons living or employed therein.
- 2 (iii) contains rat holes or other similar holes or rat runs and dropping  
3 or infested with rats or other vermin or in which the ventilating openings are not  
4 protected by gratings in such a manner as to exclude rats or other vermin from  
5 coming into the premises;
- 6 (iv) is certified by the Environmental Health Officer to be so  
7 overcrowded as to be injurious or dangerous to the health of the occupants;
- 8 (b) Any-
- 9 (i) Office complex, petrol station, motor park, market, supermarket,  
10 shopping centre, church and mosque or other such like place where suitable  
11 and adequate sanitary conveniences are not provided and or where such  
12 facilities are provided but not accessible to the general public, persons,  
13 workmen or attendants;
- 14 (ii) Premises used as a boarding house in which suitable and adequate  
15 sanitary conveniences are not provided for the occupants or are provided but  
16 not accessible to occupants;
- 17 (iii) Premises used as educational institution, boarding house in  
18 which suitable and adequate sanitary conveniences are not provided for the  
19 occupants or are provided but not accessible to occupants;
- 20 (iv) Premises whose Certificate of Fitness for Habitation or  
21 Certificate of Fitness for Continued Use or Certificate of Fitness for Continued  
22 Habitation does not exist or is expired;
- 23 (v) Animal or bird kept in such a place or manner as to be dangerous,  
24 prejudicial or injurious to health or molesting to neighbours or emitting  
25 offensive odour and any animal or bird which suffers from a zoonotic or  
26 infectious disease;
- 27 (vi) Pool, ditch, gutter, watercourse, cesspool, drain, refuse pit,  
28 latrine, dust bin, washing place, well, water tank, barrel, sink, collection of  
29 sewage, receptacle which contains stagnant water, or other thing in such a  
30 condition as to be injurious to health.

- 1 (vii) Pit or excavation, well, pond or quarry in or near any street  
2 which is or likely to become dangerous to the public;
- 3 (viii) Stable, cow house, pigsty, or other premises for the use of  
4 animals or birds which are in such a condition as to be injurious to the health  
5 of man or to those animals or birds;
- 6 (ix) Noxious matter, water or wastewater flowing or discharged  
7 from any premises into the street or into any gutter or side channel of a street;
- 8 (x) Accumulation or deposit or rubbish of any kind whatsoever, or  
9 any decaying animal or vegetable matter, whether in form of refuse, manure,  
10 decayed food, or in any other form whatsoever.
- 11 (xi) Growth of weed, cactus, long grass, reed or wild bush of any  
12 kind which may be injurious to health;
- 13 (xii) Vegetable that of itself is dangerous to children or adults either  
14 by its effluvia or through eating its leaves, seeds, fruits or flowers.
- 15 (xiii) Industrial effluent or trade emissions waste oil or chemical  
16 substances of any description not treated as required before discharge;
- 17 (xiv) Construction material including blocks, cement, sand, gravel,  
18 mortar, or iron rods etc dumped on any site or road sides in such condition  
19 that may cause obstruction, injury or be dangerous to Public Health;
- 20 (xv) Littered and or neglected surroundings of a building,  
21 including any home, office, factory, industry and commercial premises;
- 22 (xvi) Carcass of an animal in such a place and condition as to be  
23 injurious to health;
- 24 (xvii) Premises without a valid Environmental Health Status  
25 Report issued by a licensed Environmental Health Officer;
- 26 (xviii) Premises used for any activity where the doors leading into  
27 any of the rooms, excluding the main entrance to the premises open directly  
28 into any street;
- 29 (xix) Act, omission, place or thing, which is or may be dangerous to

1 life or injurious to health or property or defiling to the aesthetics of the  
2 environment.

Abatement of  
nuisance

3 4. -(1) An Environmental Health Officer shall if satisfied of the  
4 existence of a nuisance, serve a notice, herein after called an abatement notice  
5 as set out in the 1<sup>st</sup> schedule to this Act, and take all other appropriate actions as  
6 necessary or as described in applicable regulations and relevant guidelines as  
7 shall be issued by appropriate authority from time to time-

8 (a) on the person who cause or continue to cause the nuisance or,

9 (b) If such person cannot be found on the premises, occupier or  
10 owner/developer of the premises on which the nuisance was caused, requiring  
11 him to abate the nuisance within the time specified in the notice, and to execute  
12 such works, and to do such things as may be necessary for that purpose, and if  
13 the Environmental Health Officer thinks it desirable, specifying any work to be  
14 executed.

15 (2) The Environmental Health Officer may by the notice under  
16 subsection (1) of this section or by another abatement notice served on such  
17 person or occupier or owner, requiring him to do what is necessary to prevent  
18 the re-occurrence of the nuisance, and if he thinks it desirable, specify any work  
19 to be executed for that purpose.

20 (3) The Environmental Health Officer may serve a notice  
21 notwithstanding that the nuisance has been abated, if the Environmental Health  
22 Officer thinks that it is likely to re-occur on the same premises.

23 (4) Where the nuisance is caused by any want or defect of a structural  
24 character, or where the premise is unoccupied, the notice shall be served on the  
25 owner or his agent or the developer or occupier of the premises.

26 PART II - FOOD, MEAT HYGIENE AND SANITATION OF FOOD PREMISES

Registration of  
food premises

27 5.-(1) Every premises from which food of any description is  
28 produced, prepared or offered for sale to the public shall be registered with the  
29 Environmental Health Authority in charge of the area where the premises is  
30 located.

1 (2) The registration shall be renewed annually or such other  
2 interval. For such a registration to be renewed, all applicable regulations,  
3 and guidelines shall be met.

4 (3) Every item and utensils used for preparation, cooking and  
5 storage of food shall be kept clean at all times.

6 6. -(1) No person shall display or offer for sale to the public any  
7 food substance – liquid or solid, which may be injurious to the health of man. Foodstuff for  
sale to be kept in  
clean containers

8 7. -(1) Every person employed or engaged to handle or process Food handlers  
medical test  
9 food of any description shall undergo food handler's medical examination  
10 every six months.

11 8. No animal shall be slaughtered without the permission of the Conditions for  
Slaughtering  
12 Veterinary officer and in his absence, the Environmental Health Officer, and  
13 unless the animal has been kept for not less than six hours in that part of the  
14 abattoir reserved for animals awaiting slaughter.

15 9. -(1) The Environmental Health Authority shall after due and Licensing of  
private abattoir  
16 proper inspection, grant permit to a premises as a private abattoir.

17 (2) The permit may be cancelled or suspended if the holder of such  
18 permit commits a breach of the conditions of the licence or of the provisions  
19 of the applicable parts of this Act and or relevant regulation or guidelines.

20 10. A person who contravenes any of the provisions of this Part Offences and  
Penalties  
21 commits an offence and shall be liable on conviction to a fine of not less  
22 than ten thousand Naira or to two months imprisonment or both for  
23 individual and twenty-five thousand Naira for corporate body or to two  
24 months imprisonment for the Director of the company or both.

### 25 PART III - WATER SANITATION

26 11. -(1) Standards for drinking water and their bacteriological and Standards of  
drinking water  
quality  
27 chemical examinations, together with the evaluation of results, shall  
28 conform to the criteria as set out in the Nigerian Standard for Drinking Water  
29 Quality as issued by the relevant government agency.

Guidelines for  
drinking water  
quality monitoring

1 (2). The Director responsible for Environmental Health matters shall  
2 ensure nationwide compliance, and issue relevant guidelines for the regular  
3 monitoring of drinking water quality.

Monitoring of  
drinking water  
quality

4 (3) The Director of Environmental Health shall ensure the regular  
5 monitoring of drinking water quality in his area of jurisdiction so as to  
6 safeguard Public Health.

Registration of  
water points and  
water tanker

7 **12. -(1)** The Environmental Health Officer in charge of an area shall  
8 register all water point from where water is collected for sale to the general  
9 public as well as all water tankers used for sale or distribution of water to the  
10 public.

11 (2) The water tanker owner shall ensure that such tanker conforms to  
12 the quality required of such tanker in line with the guidelines.

Discharge of  
waste water by  
persons

13 **13.** No person shall discharge wastewater of any description into any  
14 street, stream or any river or body of water.

Penalty

15 **14.-(1)** Any person who discharges untreated wastewater into any  
16 street, gutter, drainage channel or body of water, commits an offence under this  
17 section, and is liable on conviction-

18 (a) to a fine of twenty thousand Naira at the first instance;

19 (b) thirty thousand Naira for any subsequent offence; and

20 (c) if a corporate body, to a fine of one hundred thousand Naira and the  
21 closure of the company until the default ceases.

#### 22 PART IV - BUILDING SANITATION

No building  
without approved  
plans

23 **15. -(1)** Without prejudice to any other laws and for the purpose of  
24 ascertaining if necessary health requirements have been met, no building shall  
25 be erected except in accordance with full working drawings and site plan  
26 approved by the Environmental Health Officer in the first instance, the town  
27 planning authority and other approving authorities of the area where such  
28 building is to be erected. Any other regulatory requirement shall be met.

29 (2) Six copies of such plan shall be submitted by the applicant for this  
30 purpose.





1 Part shall be guilty of an offence and shall be liable on conviction to a fine not  
2 less than ten thousand Naira only or in default of payment, to three months  
3 imprisonment for the first offence or to both fine and imprisonment for  
4 subsequent offences.

5 PART V - PUBLIC HEALTH PESTS AND VECTORS CONTROL

6 20.-(i) Every premises shall be kept in a condition and be rid of pests  
7 and vectors of public health importance.

Valid operational  
licence prior to  
operation

8 (ii) Any individual or company wishing to be engaged in the business  
9 of Pest Control shall obtain a valid operational licence from the Council.

10 21. -(i) Every regulated premises shall be fumigated at least every six  
11 months in a year. Fumigation exercise shall be certified by the licensed  
12 Environmental Health Officer.

Chemicals for  
use to conform  
to National  
Chemical standard

13 (ii) All insecticides, rodenticides and such chemicals to be used for  
14 pest control shall conform to the National Chemicals Standards set by the  
15 appropriate authority.

16 22. It shall be an offence for-

Offences under  
this part

17 (1) Any person or company not qualified, to issue a certificate  
18 required in this part. To engage in pest control, fumigation, spraying or derating  
19 without a valid licence issued by the Council.

20 (2) The owner of a building/premises not to have a valid certificate of  
21 fumigation for his premises.

Penalty and  
fine

22 23. -(1) Anybody who patronises or engages a Company, which is not  
23 licensed by the Council for the purpose of spraying, fumigating, derating or  
24 any other activity specified in this part shall on conviction be liable to a fine not  
25 less than thirty thousand Naira or imprisonment for three months or both fine  
26 and imprisonment.

27 (2) If a body corporate contravenes the provisions of this section, shall  
28 on conviction be liable to a fine of not less than one hundred thousand Naira for  
29 the first offence and for subsequent offence, to a term of imprisonment for the

1 Director of the company not exceeding three months or both fine and  
2 imprisonment.

3 (3) On conviction, the owner shall be liable to a fine of ten thousand  
4 Naira or two months imprisonment for the first offence but for subsequent  
5 conviction to a fine of thirty thousand Naira and to three months  
6 imprisonment; if body corporate to a fine of one hundred thousand Naira or  
7 3 months imprisonment for the Director of the Company.

8 PART VI - SCHOOLS, DAY-CARE, KINDERGARTEN & OTHER SUCH  
9 CENTRES SANITATION

10 24. No structure, premises, learning centre, tertiary education  
11 institution, schools, kindergarten, day-care or other such centres shall be  
12 approved for learning without a valid Environmental Health Status Report  
13 issued by an Environmental Health Officer.

14 25. -(1) The Environmental Health Authority shall issue Certificate  
15 of Fitness for Use or Certificate of Fitness for Continued Use as the case  
16 may be, on receipt of Environmental Health Status Report.

Issuance of  
operating permit

17 (2) Any certificate issued in pursuance of this section shall be  
18 renewed every two (2) years on submission of an Environmental Health  
19 Status Report of the facility duly signed by a licensed Environmental Health  
20 Officer carrying out such inspection.

Validity of  
certificate

21 26. -(1). It shall be illegal for any educational institution to operate  
22 without a valid certificate of fitness for habitation or for continued  
23 habitation as the case may be.

Illegal to operate  
without a valid  
certificate of  
fitness for  
habitation or for  
continued  
habitation

24 (2) Any educational institution or other such centres operating  
25 without a valid Certificate of Fitness for Use or Certificate of Fitness for  
26 Continued Use commits an offence and on conviction, the proprietor of such  
27 a facility shall be liable to a fine not less than thirty thousand Naira or three  
28 months imprisonment for the first offence and for subsequent offence to a  
29 fine of not less than fifty thousand Naira and a term of imprisonment of three  
30 months or both fine and imprisonment.

Offences and  
fine.

## PART VII - WASTE MANAGEMENT.

Environmental Health Officer to ensure safe waste disposal and protection of public health

1  
2 27. The Environmental Health Officer within a given area shall  
3 through supervision and monitoring ensure that wastes of all types are stored,  
4 handled, transported and disposed off in such a manner that public health is not  
5 jeopardised.

Issuance of operational licence

6 28.-(1) The Council shall issue operational licence to qualified  
7 companies, that meet the basic requirements for the operation of waste  
8 collection and disposal facilities.

9 (2) Such a licence shall be renewed every three years.

Owner or occupier to ensure that wastes are collected

10 29. It shall be the responsibility of the owner or occupier of a premise  
11 to ensure that all wastes generated from the premises is collected, stored,  
12 transported and disposed of in a manner that will not constitute any danger to  
13 Public Health.

14 (3) It shall be an offence for any company not to provide all the  
15 information required in this section or to provide false information.

Offence under this section

16 (4) Any proprietor of a company who contravenes any provision of  
17 this section shall be liable on conviction to a fine of 1 million Naira and a 3  
18 month imprisonment for the Director of the company or both fine and  
19 imprisonment.

20 (5) Any person who disposes of any waste in such a manner as to  
21 endanger public health shall be guilty of an offence and shall on conviction be  
22 liable to a fine not less than fifty thousand Naira or six months imprisonment or  
23 for both fine and imprisonment.

Issuance of operational licence

24 30.-(1) The Council shall issue operational licence to qualified  
25 hazardous waste, healthcare waste, sewage or wastewater collection  
26 companies that meet the basic requirements for the operation of such facilities,  
27 on the payment of appropriate fee.

28 (2) Such a licence shall be renewed every three years.

Condition for revoking of license

29 (3) Any license issued under this section shall be suspended, revoked  
30 or cancelled if the licensee fail to abide by either the terms of the license or

1 conditions specified in the applicable regulations and or guidelines, or the  
2 violation of the code for practice as the case may be.

3 (4) It shall be an offence to empty sewage and other such matters in  
4 any place other than areas approved by the Environmental Health Authority  
5 for that purpose.

Discharge of  
sewage in  
unapproved place

6 (5) It shall also be an offence to operate sewage disposal services  
7 without a valid license issued by the Council.

Offence for  
operating  
unlicensed  
dislodging vehicle

8 (6) Any person who contravenes this section shall be liable on  
9 conviction to a fine not less than Fifty thousand Naira or three months  
10 imprisonment and in the case of a corporate body, to a fine of Two Hundred  
11 and fifty thousand Naira. In all cases, the forfeiture of such a vehicle used for  
12 the exercise shall be enforced.

13 PART VIII - SANITATION OF HOSPITALITY, RECREATION AND ALLIED  
14 INDUSTRIES.

15 31.-(1) The construction and operation of hotel, motel, recreational  
16 facilities, saloons, swimming pools, parks, petrol station, bus and train  
17 terminal, picnic grounds, beaches, camps, night clubs, bars, massage clinic,  
18 sauna bath, lodging, and boarding, shall conform to the applicable standards  
19 as presented in relevant regulations and guidelines.

Sanitary  
requirements for  
hotel, motel,  
recreational  
facilities, saloons  
etc.

20 (2). All such facilities mentioned in sub-section (1) of this section  
21 shall be required to obtain a valid Certificate of Fitness for Use or Certificate  
22 of Fitness for Continued Use (as the case may be) from Environmental  
23 Health Authority of the area of its location.

Staff to have  
health certificate  
of fitness

24 The contravention of this section on conviction shall attract a fine not less  
25 than ten thousand Naira for the first offence and for subsequent offence, a  
26 fine of fifty thousand Naira and another five thousand Naira for each day the  
27 nuisance persists.

Offence under  
this section

28 PART IX: PORTS, VESSEL, AIRCRAFT AND LAND BORDER

29 HEALTH AND SANITATION

30 32. -(1) The sanitation of Airport, Seaport, Vessels, Aircraft and

Sanitation at  
points to conform  
to International  
Health Regulations

1 Land Borders of entry into the Country shall conform to the "International  
2 Health Regulations" and relevant national laws, regulations and guidelines.

Screening of all  
passenger on  
arrival on  
international  
voyage

3 (2) At all ports and land borders of entry, there shall be provided a Port  
4 Health Desk at the arrival area for the screening of the Health Status of all  
5 arriving passengers and crew by the Environmental Health Officer in charge of  
6 such port or border entry point, in line with the International Health  
7 Regulations and other applicable laws and regulations, before the passengers  
8 are allowed to proceed on to other arrival formalities.

Offences under  
this part

9 (3) Any person who contravenes this part shall be liable on conviction  
10 to a fine not less than fifty thousand Naira or imprisonment for three months. If  
11 a corporate body, it shall be liable on conviction to a fine not less than one  
12 hundred thousand Naira or imprisonment for three months for the Director of  
13 such a company.

14 PART XI - SANITARY REQUIREMENTS OF INDUSTRIAL ESTABLISHMENT  
15 AND OCCUPATIONAL HEALTH

Requirements  
for industrial  
establishment

16 33. -(1) No person or firm or corporation shall operate any industrial  
17 establishment without conforming to relevant sanitary regulations and  
18 guidelines as the case may be.

19 (2) Any person who contravenes the provision of this section shall be  
20 liable on conviction to a fine not less than fifty thousand Naira or imprisonment  
21 for than 3 months or both fine and imprisonment.

Surveillance of  
factories

22 34. -(1) The Environmental Health Officer responsible for an area  
23 shall from time to time inspect factories to ensure a high level of Environmental  
24 Health and Safety of the public as well as those employed therein are  
25 maintained.

Routine sampling  
of wastes and  
waste water

26 (2) The Environmental Health Officer in his area of jurisdiction shall  
27 collect samples of waste, wastewater, air samples and any other samples  
28 deemed necessary from factories in such area to ensure that the waste or waste  
29 discharged from such factories does not contain substances in concentrations  
30 exceeding the maximum permissible limit or threshold set by relevant

1 Government Authority and other applicable standards.

2 (3) The cost of any analysis shall be paid directly to the laboratory Payment for  
3 by the company concerned. such analysis

4 35. -(1) The owner, manager or operator of any establishment Offensive Trade  
5 classified, as offensive trade under this Act shall operate in accordance with Practices  
6 relevant regulations and guidelines.

7 (2) Any contravention of this section shall on conviction be liable  
8 to a fine not less than five thousand Naira or imprisonment for one month for  
9 the Director/ chief executive officer of such a company.

10 PART XII - INDUSTRIAL CLEANING SERVICES

11 36. -(1) The Director Environmental Health Services of the Guidelines on  
12 Federation shall issue Environmental Health guidelines pertaining to the industrial  
13 operation of industrial cleaning services. cleaning

14 (2) Any company wishing to be engaged in the business of Issuance  
15 industrial cleaning services shall obtain a valid operational licence from the operational  
16 Council. license

17 (3) Such company shall operate in accordance with relevant  
18 regulations and guidelines and code of practice.

19 37. -(1) It shall be an offence for a cleaning services company to Illegal disposal  
20 dump/deposit wastes collected from any premises in any place not of waste from  
21 designated by the Environmental Health Authority in charge of the area for clients premises  
22 that purpose.

23 (2) Any company involved in illegal dumping of waste collected  
24 from clients premises at unlawful locations shall be liable on conviction to a  
25 fine of fifty thousand Naira for the first offence and for subsequent offence,  
26 to a revocation of the operational license of such a company and a fine of  
27 One Hundred Thousand Naira and the cost of cleaning up the waste dumped.

28 38.-(1) Any person who engage a company not licensed as a Offences under  
29 cleaning services company contravenes the provisions of this part and shall this part  
30 be liable on conviction to a fine not less than Twenty Thousand Naira or

1 three months imprisonment for the first offence and to a fine of Fifty Thousand  
2 Naira and three months imprisonment for subsequent offences.

3 (2) If a corporate body, it shall be liable on conviction to a fine not less  
4 than two hundred thousand Naira for the first offence and for subsequent  
5 offences, a term of six months imprisonment for the Director of the company  
6 /chief executive officer of such establishment without the option of fine.

7 PART XIII - NOISE POLLUTION CONTROL

Noise inducing  
events to obtain  
a permit

8 39.-(i) No person or body corporate such as Mosque, Church,  
9 Nightclub, Record shop, Discotheque, Factory and such other business likely  
10 to be a source of noise injurious to public health shall carry out any business or  
11 activity without a special permit from the Environmental Health Authority.

Penalty for  
default

12 40. Any person that contravenes or fails to comply with any of the  
13 provisions in this part shall be guilty of an offence and on conviction shall be  
14 liable to a fine not less than Twenty Thousand Naira or in default of payment, to  
15 3 months imprisonment. In the case of a body corporate, shall be liable to a fine  
16 not less than fifty thousand Naira for first offence and for subsequent offences,  
17 to a fine not less than one hundred thousand Naira. In a situation where an  
18 offender remains recalcitrant, the premises shall be sealed pending conformity.

19 PART XIV - CONTROL OF COMMUNICABLE DISEASES

Declaration of  
infected area  
and order for  
evacuation

20 41.-(1) Whenever there is an outbreak of a communicable  
21 disease in any place, the Minister of Health shall have power to, by public  
22 notice-

23 (a) declare such a place or any part thereof as an infected area;

24 (b) and may order the evacuation of the whole or any part of such  
25 infected area.

26 (2) No person shall:

Restriction of  
entry into a  
restricted area

27 (a) reside or carry on business within any area declared as an infected  
28 area and ordered to be evacuated; or

29 (b) enter or remain in the area except when passing along a  
30 thoroughfare allowed to remain open to the public, without an order in writing



1 to that effect signed by a competent Medical Officer, and on the conditions  
2 such Medical Officer may in such order direct.

3 (3) A person who contravenes the provisions of subsection (2) of  
4 this section commits an offence and shall be liable on conviction to a fine of  
5 Ten Thousand Naira or imprisonment for one month. Penalty for  
contravention

6 42. -(1) A health officer may cause to be placed on or about any  
7 premises in which a case of communicable disease has occurred a letter "C"  
8 in red circle mark for the purpose of denoting the occurrence of that disease,  
9 and may keep the mark affixed for such time as he may deem necessary. Marking of  
premises where  
communicable  
disease has  
occurred

10 (2) Any person who removes or obliterates any mark placed under  
11 subsection (1) of this section without the authority of a Health Officer  
12 commits an offence under this Law and is liable on conviction to a fine of  
13 Ten thousand Naira or one month imprisonment.

14 43.-(1) An Environmental Health Officer of an area shall take all  
15 necessary action as described in relevant regulation and guidelines to  
16 prevent and control the occurrence of a communicable disease in his area of  
17 jurisdiction.

#### 18 PART XV - ENVIRONMENTAL HEALTH IMPACT ASSESSMENT

19 44. -(1) Environmental Health Impact Assessment shall be an  
20 integral part of Environmental Impact Assessment as provided for in the  
21 Environmental Impact Assessment Act and other applicable regulations. Health Impact  
Assessment

22 (2) The Minister shall ensure the production and regular review of  
23 sectoral guidelines for Environmental Health Impact assessment. Existing  
development  
project to produce  
EHIA report

24 45.-(1) Without prejudice to any other laws, every development  
25 project shall cause to be produced a detailed Environmental Health Impact  
26 Assessment report of such project by the organisation initiating the project  
27 once every three years. Organisations to  
produce health  
impact assessment  
report

28 (2) From the date of coming into effect of this Act and within two  
29 years, every existing development project, industry, or production facility  
30 shall cause to be produced a detailed Environmental Health Impact

1 Assessment report of its operation.

2 (3) Such report shall be prepared in accordance to relevant  
3 guidelines.

Circulations of  
Health Impact  
Assessment  
Report

4 46. A copy of the report so produced shall be sent to the Minister, the  
5 Commissioner for Health of the state, the office of the Local Government  
6 Chairman, the Environmental Health Officer of the Local Government where  
7 the project or company is situated/ operating the traditional leader of the  
8 community, the Community Development Association where the project or  
9 company is located.

Sanctions on  
violation of  
this Act

10 47.-(1) Where violation of this Part is established, the Director  
11 Environmental Health Services of the State shall evoke the relevant sections of  
12 this Act including the power to seal premises.

Court may order  
reopening if

13 (2) Where the company has been sealed in pursuance of this section, a  
14 court can only order the reopening of the premises after the conditions  
15 necessitating the sealing have been complied with of removed and the court is  
16 satisfied that the premises poses no further risk to Public Health.

No exemption  
from Health  
Impact  
Assessment

17 48. No development project, industry, or production facility shall be  
18 exempted from the production of an Environmental Health Impact Assessment  
19 report of its operation once every three years.

Offence under  
this part

20 49. Every development project, industry, or production facility which  
21 fails to produce a detailed Environmental Health Impact Assessment report of  
22 its operation as at when due commits an offence and shall be liable on  
23 conviction to a fine of two hundred thousand Naira for the first offence and for  
24 subsequent offences, to a fine of two hundred thousand Naira and  
25 imprisonment for 6 months for the Chief Executive officer/Director of such an  
26 establishment.

27 PART XVI - ENVIRONMENTAL HEALTH TAX FUND

Environmental  
Health tax fund

28 50.-(1) There shall be established a special fund to be referred to as  
29 Environmental Health Tax Fund.

1	(2) Every company in Nigeria shall pay a tax of one percent (1%) of	Payment of Environmental Health Tax
2	its after tax profit to this fund.	
3	<b>51.</b> These funds shall be used for the provision of essential	Provision of infrastructure from environmental health fund
4	Environmental Health infrastructure as Incinerators, Sanitary Landfill, Air	
5	pollution monitoring Stations, development of local capacity for production	
6	of waste collection and disposal equipment, research, environmental health	
7	laboratory facilities and capacity building.	
8	<b>52.</b> -(1) There shall be established a Governing Board for the fund	Governing board for Environmental health tax fund
9	to be known as the Environmental Health Tax Funds Governing Board.	
10	(2) The Board shall be responsible for the management of the	Responsibility of the Board
11	Environmental Health Tax Funds.	
12	(3) The Board shall be appointed by the President of the Federal	Appointment of the Board
13	Republic of Nigeria on the recommendation of the Minister.	
14	<b>53.</b> -(1) The Environmental Health Tax Funds Governing Board	Constitution of the Governing Board
15	shall comprise of-	
16	(i) The Chairman who shall be a person licensed by the Council;	
17	(ii) One representative of Manufacturer Association of Nigeria;	
18	(iii) One representative of Society for Environmental Health of	
19	Nigeria.	
20	(iv) One representative each to represent the Federal Ministries of	
21	Environment, Health and, Finance;	
22	(v) One representative each from the Council for Regulation of	
23	Engineering in Nigeria, Environmental Health Officers Association of	
24	Nigeria and Environmental Health Officers Registration Council of	
25	Nigeria;	
26	(vi) One representative of Oil Companies in Nigeria;	
27	(vii) One person to from (National Council of Women Societies) to	
28	represent public interest.	
29	(2) All Board members shall be appointed for a period of four years	All years for such board
30	and may be re-appointed for one more term of four years only.	

Tenure of Board  
to be on part time  
bases  
Minister to appoint  
the Executive  
Secretary of the  
fund

1 (3) The tenure of the Board shall be on part time basis.  
2 **54.** The office of a member of the Board shall become vacant if-  
3 (i) he resigns as a member of the Board by notice in writing under his  
4 hand addressed to the Minister; or  
5 (ii) the Minister, subject to the approval of the President is satisfied that  
6 it is not in the interest of the Board or the nation for the person appointed to  
7 continue in office and notifies the member in writing to that effect;  
8 (iii) it appears to the Board that a member of the Board other than an ex-  
9 officio member or the Executive Secretary, should be removed from office on  
10 the grounds of misconduct or inability to perform the functions of his office,  
11 the Board shall make a recommendation to the Minister.  
12 The Minister, after making such enquiries as he considers necessary, approves  
13 the recommendation, shall, in writing, declare the office of such a member  
14 vacant.

15 (iv) The member dies.

Appointment  
of Executive  
Secretary

16 **55.-(1)** The President on the recommendation of the Minister shall  
17 appoint a fit and proper person, licensed by the Council as the Executive  
18 Secretary of the Board.

Functions of  
the Executive  
Secretary

19 (2) The Executive Secretary shall, in addition to his other functions as  
20 may be assigned by applicable regulations, be the Secretary to the Board and  
21 shall on the instructions of the Chairman of the Board, convene and keep  
22 minutes of the proceedings at all meetings of the Board and of any Committees  
23 of the Board, as the case may be.

24 (3) The Secretary shall hold office for 5 years and may be reappointed  
25 for one more term.

26 (4) The Board may appoint such other persons to be employees of the  
27 Board as the Board may determine to assist the Executive Secretary in the  
28 exercise of his functions under this part.

29 (5) The Board may, whenever the Secretary is absent or for any other  
30 reason is unable to discharge the functions of his office, appoint an acting

1 Secretary to discharge his functions.

2 (6) The Executive Secretary and other employees of the Board shall  
3 hold office on such conditions as the Board may, with the approval of the  
4 Minister determine.

5 56. -(1) The Minister shall issue guidelines on the operations of the  
6 Board and this shall be in accordance with relevant Public Service Rules,  
7 Regulations and Circulars.

Minister to issue  
operational  
guidelines and  
conditions of  
service for staff

8 (2) Appointment of staff of the Board shall be pensionable.

9 57. The infrastructure provided from the Environmental Health  
10 Tax Fund shall be managed in such a manner as to make them function as  
11 profitable ventures. All profits there from shall be reinvested into the  
12 provision of additional infrastructure for the management of sustainable  
13 Environmental Health services.

Management of  
infrastructure  
provided by the  
fund

14 58. Any company, which refuses to pay or evades the payment of  
15 the Environmental Health Tax, commits an offence. On conviction, such a  
16 company shall pay in addition, a surcharge of 100% of the initial amount due  
17 and three months prison term for the Director or Chief Executive of such a  
18 company.

Penalty for  
evasion of  
environmental  
health tax

19 59. -(1) Proceeds from the Environmental Health Tax Fund shall  
20 be collected by the Federal Inland Revenue and lodged in a special account  
21 to be known as Environmental Health Tax Fund account at the Central Bank  
22 of Nigeria for the Board.

Federal Inland  
Revenue to  
collect tax

23 (2) The Board shall access this fund from time to time.

24 60. -(1) Subject to any directions of the Minister under this Part, the  
25 Board shall have powers to do anything which in its opinion is calculated to  
26 facilitate the carrying on of its functions under this Part.

Powers of the  
Board

27 (2) The Board shall not have power to borrow or to dispose of any  
28 property except with the prior consent of the Minister.

29 (3) The Board shall not have power to pay remuneration (including  
30 pensions), allowances or expenses to any employee of the Board or any

1 other person except in accordance with scales approved by the Minister. Board  
2 members shall, however, be entitled to such allowances as would be approved  
3 by the Minister.

Powers to  
maintain a fund

4 **61.**-(1) The Board shall establish and maintain Accounts in  
5 commercial Banks for its operational purposes.

6 (2) Such other moneys as may be payable to the Board, whether in the  
7 course of the discharge of its functions or otherwise by government shall be  
8 paid into the Board's account.

Payment out  
of the funds of  
the Board

9 **62.** These shall be paid out of the fund of the Board-

10 (a) The remuneration and allowances of the Executive Secretary and  
11 other employees of the Board;

12 (b) Such reasonable travelling and subsistence allowances of  
13 members of the Board in respect of the time spent on the business of the Board  
14 as the Board may, with the approval of the Minister, determine; and

15 (c) Any other expenses incurred by the Board in the discharge of its  
16 functions under this Part.

Accounts, audit  
and estimate

17 **63.**-(1) The Board shall prepare and submit to the Minister not later,  
18 than the 30<sup>th</sup> day of September of the year in which this Act comes into force  
19 (however, the Minister may, if he considers it necessary extend the period) and  
20 of each subsequent year, an estimate of its-

21 (a) income and expenditure during the next succeeding financial year.

22 (b) The Board shall be provided for in the capital and recurrent  
23 expenditure of Government as the government shall decide from time to time.

24 (2) The Board shall keep proper accounts in respect of each financial  
25 year and proper records in relation to those accounts and shall cause its  
26 accounts to be audited within 6 months after the end of each financial year to  
27 which the accounts relate by Auditors appointed from the list and in accordance  
28 with the guidelines supplied by the Auditor-General of the Federation.

## 1 PART XVIII - APPOINTMENT, DUTIES AND POWERS OF DIRECTOR,

## 2 ENVIRONMENTAL HEALTH SERVICES

3 64.-(1) There shall be appointed a licensed Environmental Health  
4 Officer as the Director of Environmental Health Services on the  
5 recommendation by the Minister responsible for Environment as the  
6 Environmental Health Officer General of the nation.

Appointment of  
Environmental  
Health Officer  
General of the  
Federation

7 65. It shall be the duty of the Environmental Health Officer General  
8 of the federation to:

Duties of  
Environmental  
Health Officer  
General of the  
Federation

9 (i) Conduct Surveillance of persons, water, food, diseases, and  
10 such other things that are subject to environmental health control;

11 (ii) Educate the general public on environmental health matters;

12 (iii) Maintain effective liaison with other professionals for the  
13 promotion of environmental health;

14 (iv) Plan and Coordinate the activities within and between  
15 different professional disciplines on environmental health matters;

16 (v) Coordinate Environmental Health Management Information  
17 System;

18 (vi) Administer the area to which he has been appointed/ assigned;

19 (vii) Abate nuisances and otherwise enforce the provisions of this  
20 Act;

21 (viii) Advise the Minister or Commissioner charged with  
22 Environmental Health matters on regulations and issue guidelines on all  
23 subjects provided for in this Act.

24 66. The Environmental Health Officer General of the federation  
25 Services shall have power to;

Powers of  
Director  
Environmental  
Health

26 (i) Supervise and coordinate all Environmental Health Matters;

27 (ii) Formulate, monitor and evaluate Environmental Health  
28 policies in his area of jurisdiction;

29 (iii) Maintain environmental health data bank;

30 (iv) Enter premises;

- 1 (v) Inspect premises;
- 2 (vi) Abate nuisances;
- 3 (vii) Seal premises;
- 4 (viii) Arrest Environmental Health offenders;
- 5 (ix) Condemn items which are unfit for human health or for human
- 6 consumption;
- 7 (x) Do such other things as provided for in this Act including the
- 8 delegation of his responsibility to any other licensed Environmental Health
- 9 Officer as he may deem fit.

10 PART XIX - GENERAL PROVISIONS

Power to enhance  
other regulations

- 11 67. The Environmental Health Officer while acting as such shall have
- 12 powers to enforce;
- 13 (a) the National Environmental Protection (Effluent Limitation)
- 14 Regulation 1991;
- 15 (b) the National Environmental Protection (Pollution Abatement in
- 16 Industries and Facilities Generating Waste) Regulations 1991;
- 17 (c) National Environmental Protection Management of Solid Waste
- 18 and Hazardous Waste Regulations 1991;
- 19 (d) The National Environmental Health Practice Regulation, 2007;
- 20 (e) The National Environmental Sanitation Policy, 2005
- 21 (f) All regulation pertaining to Environmental Health, issued by the
- 22 National Environmental Standards and Regulations Enforcement Agency and
- 23 Such other applicable or related laws and regulations.

Obstruction of  
the environmental  
health officer  
on official duty

- 24 68. Any person or body corporate who obstructs an Environmental
- 25 Health Officer, any person authorised by him or any person engaged in
- 26 carrying out the provisions of this Act shall be guilty of an offence and on
- 27 conviction shall be liable to a fine not less than twenty thousand Naira or three
- 28 months imprisonment for an individual or not less than fifty thousand Naira or
- 29 3 months imprisonment for the Chief Executive Officer/Director of the
- 30 company.



1                   **69.**-(1) An owner, occupier or agent of premises, commercial or  
 2 industrial establishments who failed or refused to pay prescribed charges for  
 3 collection of wastes from premises or for any other services provided for in  
 4 this Act, commits an offence and shall be liable on first conviction to  
 5 payment of a penalty of the initial charges plus 70% of the prescribed  
 6 charges in question. In the case of second offender, addition to payment of  
 7 the initial charges plus a penalty of 100%.

Refusal to pay  
for services in  
this Act

8                   (2) A surcharge of 50% of the initial prescribed charges shall be  
 9 added to the total charges every day the said agent or the owner of premises,  
 10 commercial or industrial establishments continues to refuse payment after  
 11 the judgement of a competent court of law.

12                   **70.** For every contravention of the provisions of this Act and for  
 13 every omission to do anything required to be done under this Act for which  
 14 no other penalty is provided the offender shall be liable on conviction to a  
 15 fine not less than five thousand Naira or One months imprisonment.

Jurisdiction of  
courts over this  
law

16                   **71.** Every Magistrate Court in the Federation shall  
 17 notwithstanding the provisions of any other Laws have jurisdiction to try  
 18 and impose the punishment for offences provided by this Act.

Jurisdiction  
over this Act

19                   **72.**-(1) A notice, order or document required or authorised by this  
 20 act to be served on the owner or occupier of any premises shall be deemed to  
 21 be properly addressed if so addressed by the description of the "owner" or  
 22 "occupier" of such premises without further description, and shall be  
 23 deemed to be properly served if it is delivered to some adult person on the  
 24 premises to whom the same can with reasonable diligence be delivered or by  
 25 fixing the notice on some conspicuous part of the premises.

Service of notice

26                   (2) A notice, order or document required or authorised by this Act  
 27 to be served on any person (including an owner or occupier) may be served:-

28                   (a) the same to such person;

Mode of Service

29                   (b) By delivering the same, at the usual or last known place of  
 30 abode of such person, to some adult member or servant of his family.

Court to authorise entry in cases of violation	1	73.-(1) If the owner or occupier of any premises on whom an order
	2	under the provisions of this Act has been served fails to comply with the terms
	3	thereof, the Environmental Health Officer, shall take all necessary legal action
	4	to effect the abatement of nuisances as the case may be.
Police or other persons to report	5	74. Every Police Officer or any person shall give information to the
	6	Environmental Health Officer of any offence which he knows or has reason to
	7	believe has been committed against this Act and assist in the enforcement of the
	8	Act.
Environmental Health Officer to have power of Police Officer	9	74.-(1) Every Environmental Health Officer while acting as such
	10	shall, by virtue of his appointment be deemed to be a Police Officer and have all
	11	powers and privileges of a Police Officer for the purpose of the execution of his
	12	duty under this Act.
	13	(2). The Environmental Health Officer in charge of an area shall co-
	14	ordinate the activities of all other agencies that may from time to time be
	15	involved in environmental health and related activities geared towards the
	16	protection of public health.
Joinder of parties	17	75.-(1) Where any nuisance appears to be wholly or partially caused
	18	or contributed to by acts or defaults of two or more persons. The provision of
	19	joinder of parties shall be invoked.
Burden of proof on occupier	20	(2) In any proceeding, the onus shall be on the accused to prove that he
	21	did not engage in the activity in question or know that the company does not
	22	have a valid licence or permit or cause the nuisance to occur.
Guidelines for franchising of Environmental Health services	23	76. The Environmental Health Officers Registration Council shall
	24	issue a guideline on the modalities and procedure for franchising of
	25	Environmental Health services and every local government shall ensure that
	26	such guideline is adopted in the process of franchising of Environmental
	27	Health services in their area of jurisdiction.
Immunity of the Environmental Health Officer	28	77. The Health Officer shall not be liable to any action, liability or
	29	demand on account of anything done by him <i>bona fide</i> for the purpose of
	30	executing this Act.

1                   78.-(1) It shall be legal for every Environmental Health Officer or  
 2 Health Officer, while on duty in pursuance of the provisions of this Act, to  
 3 use such means of information gathering including electronic  
 4 gadgets/devices to collect evidence necessary for the execution of the  
 5 provisions of this Act.

Use of electronics  
gadgets to collect  
information

6                   (2) All such evidence so gathered shall only be used in pursuance of  
 7 the enforcement of the provisions of this Act.

8                   (3) An Environmental Health Officer shall carry out his duties both  
 9 day and night in the interest of public Health and Safety.

Environmental  
Health Officer to  
be on duty all  
the time

10                  79. The Director of Environmental Health Services shall register  
 11 any interested licensed Environmental Health Officer as an Environmental  
 12 Health Ombudsman on application.

Licensing of  
Environmental  
Health  
Ombudsman

13                  79.-(1) Persons and organisations registered as Environmental  
 14 Health Ombudsmen shall have powers to investigate all Environmental  
 15 Health violations brought to their attention either by the general public or  
 16 government.

Powers of  
ombudsman to  
carry out  
investigation

17                  (2) Every Environmental Health Ombudsman shall have all the  
 18 powers conferred by this Act on the Environmental Health Officer. This  
 19 shall include power to use whatever legitimate means to gather evidence  
 20 about the Environmental Health violation under investigation.

21                  (3) The ombudsman shall have the powers to decide on any case  
 22 based on its merit either to prosecute in a court of law or not, all those by  
 23 whose actions, omission or negligence the violation occurs or continues to  
 24 occur.

25                  (4) In such litigation, it shall be entered as if it is the Attorney  
 26 General of the Federation is entering such an appearance.

Court may award  
compensation for  
damages

27                  80. Based on the findings of the Environmental Health  
 28 Ombudsman, any person or organisation may decide to request a competent  
 29 court to award compensation for damages he may have suffered due to the  
 30 Environmental Health violation.



1 the complaint of an Environmental Health Officer requiring a person to  
2 whom it is issued to comply with the notice, or otherwise to abate the  
3 nuisance within a time specified in such order;

4 "Abattoir" means a public or private slaughter house and comprises all land  
5 and building, enclosed by a fence or walls, directly used for the slaughtering  
6 and dressing of animals, including infrastructural facilities;

7 "Adult" means a person who is or appears to be fourteen (14) years of age or  
8 over;

9 "Adulterated food" means a food containing the addition of any substance  
10 that is not originally part of the said food to increase the quantity for the sake  
11 of gain. The substance used for such adulteration may or may not be  
12 dangerous or injurious to the consumer;

13 "Aerated Water Factory" means and includes any premises in which aerated,  
14 mineral waters, packaged water and fruit drinks other than imported ones,  
15 are prepared, processed and or stored for sale;

16 "Ancillary Services" means and includes any form of subsidiary or  
17 supplementary service relating or incidental to Environmental Health and  
18 Public Health protection;

19 "Food Animal" means any animal that may be slaughtered for human  
20 consumption including but not limited to cattle, sheep, goats and pigs;

21 "Applicant" has the meaning assigned to the expression in general usage;

22 "Appraisal Report" is a report issued by a licensed Environmental Health  
23 Officer affirming that the premises and buildings there-in is/are conducive  
24 for use, continued use or habitation, as the case may be. Following this  
25 report, certificate of fitness for use, continued use, habitation or continued  
26 habitation may be issued;

27 "Approved butcher's shop" means a shop within a premises approved by the  
28 Environmental Health Officer for the use of butchers, where meat, fish and  
29 other meat and fish products are sold;

30 "Area built upon" is the area of a premises covered by the building together

- 1 with that of all out-houses appertaining to the house thereto. It shall not exceed  
2 50% of the total area of the site for living premises and 75% for commercial  
3 premises;
- 4 "Articles or beddings" include living things;
- 5 "Bake-house" means any premises set apart or intended for the preparation or  
6 baking of bread and other confectionaries;
- 7 "Board" means Environmental Health Tax Funds Governing Board;
- 8 "Builder" means any person who is trained and engaged in the design,  
9 construction, repair or alteration of any building;
- 10 "Building" includes any structure or erection of any kind and any alteration or  
11 addition to any existing building;
- 12 "Building line" means the allowable minimum distance taken from the centre  
13 of the road to the edge of the building;
- 14 "Certificate of fitness for Habitation or Continued Habitation" is the certificate  
15 issued by the Environmental Health Officer in-charge of the LGA to the owner  
16 of any premises prior to the occupation of such a premises or for continued  
17 habitation or use of such a premises following an appraisal report written by a  
18 licensed Environmental health Officer;
- 19 "Certificate of Fitness for Use or continued Use" This is the certificate issued  
20 by the Environmental Health Authority in charge of the LGA to the owner of  
21 any premises stating that the premises is conducive for use or continued use of  
22 such a premises for the whatever it is being used for, following an appraisal  
23 report affirming same issued by a licensed Environmental Health Officer;
- 24 "Chairman" means the Chairman of a Local Government Council;
- 25 "Child" means a child who is or appears to be fourteen years of age or below;
- 26 "Child Care Centre" means premises in which 5 or more children under the age  
27 of 6 years are habitually received for the purpose of care and supervision during  
28 part of the day or for longer periods;
- 29 "Closing Order" is an order issued by a court of competent jurisdiction on the  
30 complaint of an Environmental Health Officer prohibiting any premises from

- 1 being used for human habitation, business or for any other purpose;
- 2 "Commissioner" unless otherwise stated, means the State Commissioner  
3 charged with the responsibility for Environmental Health matters;
- 4 "Communicable diseases" means an illness due to a specific infectious agent  
5 or its toxic products which arises through transmission of that agent or its  
6 products from an infected person, animal, or inanimate reservoir to a  
7 susceptible host, either directly or indirectly through an intermediate plant  
8 or animal host, vector or the inanimate environment;
- 9 "Company" means and includes an association or a body of persons whether  
10 corporate or unincorporated;
- 11 "Council" means Environmental Health Officers Registration Council of  
12 Nigeria;
- 13 "Court" means a court of Law, either , magistrate, High court or special  
14 tribunal upon which jurisdiction to enforce the provisions of this Act is  
15 conferred;
- 16 "Dairy" means and includes any farm house, cowshed, milk store, milk shop  
17 or other place from which milk, other than imported preserved milk, is  
18 supplied, or in which milk, other than such imported milk, is kept for sale;
- 19 "Day Care Centre" means a premises in which 5 or more children under the  
20 age of 6 years are habitually received for the purpose of care and supervision  
21 during part of the day or for longer periods;
- 22 "Designated laboratory" means a laboratory designated by the Director  
23 Environmental Health as competent to carry out tests on such  
24 Environmental Health related specimen/s as stated in the letter of  
25 designation;
- 26 "Developer" Means a person who develops or cause to develop land, plot,  
27 real estate and things pertaining to it;
- 28 "Director of Company" Means person duly appointed by the company to  
29 direct and manage the business of the company as described in Company

1 and Allied Matters Act 1990 as amended;

2 “Director Environmental Health Services” means a licensed Environmental  
3 Health Officer appointed by the Federal or State government as stated in this  
4 Act;

5 “Drain” means and include outlet, trench, waste pipe, and sewer designed to  
6 drain off water;

7 “Duty of Care” this is the responsibility of every waste producer to ensure that  
8 the waste produced is handled in the most appropriate manner from the point of  
9 generation (production) through transportation to final disposal;

10 “Eating house” means any premises where food is kept, prepared and served or  
11 offered for sale for human consumption;

12 “Environment” means and includes water, air, lands, plants and animals living  
13 there in and the inter relationships that exist there in;

14 “Environmental Health” means the management of all those factors in man's  
15 physical environment, which exercise, or may exercise, a deleterious effect on  
16 his physical development, health or survival. It entails the science and art of  
17 preventing disease, prolonging life and promoting health through organised  
18 efforts of society. Its components include but not limited to waste management,  
19 food control, housing sanitation, control and prevention of diseases, air quality  
20 management, occupational health and safety, water resources management,  
21 noise control, protection and sanitation of recreational resources, radiation  
22 control, port health regulation and control (including air and sea ports and  
23 border crossings), environmental health educational activities and  
24 Environmental Health Impact Assessment;

25 “Environmental Health Fund” means funds generated from the payment of  
26 Environmental health tax and revenues generated through fines and sundry  
27 charges from Environmental health activities;

28 “Environmental Health Tax Fund” means a 1% after-tax profit paid by all  
29 companies in support of environmental health infrastructures development  
30 like incinerator, sanitary landfill environmental health research, training etc;



- 1 "Environmental Health Officer" means an officer who has undergone the  
2 prescribed training for Environmental Health Officers and is licensed in line  
3 with Act 11 of 2002 to practice as an Environmental Health professional in  
4 Nigeria;
- 5 "Environmental Health Status Report": Means a report written and signed  
6 by a licensed Environmental Health Officer after the inspection of the  
7 premises or facility being reported upon;
- 8 "FEPA" means Federal Environmental Protection Agency;
- 9 "Food" means any item that forms part of human diet;
- 10 "Food handling" means any process or procedure to which food item is  
11 subjected to;
- 12 "Food premises" means any place where food is produced, either in its  
13 natural form, stored, processed, preserved, or prepared, exposed for sales or  
14 served for human consumption;
- 15 "Foreign company" any company partly owned by a foreigner or a company  
16 which has a subsidiary in any other country outside Nigeria, or whose 20%  
17 or more of its total share capital in Nigeria is held by non Nigerian citizen(s);
- 18 "Gutter" means and include trough, sewer, channel, trench or groove;
- 19 "Government" means the Federal, State, or Local Government;
- 20 "Health authority" means the authority in charge of Environmental health at  
21 all the tiers of Government;
- 22 "Health institution" includes both Public and Private hospitals, clinics,  
23 maternity homes, Health Centres, and Dispensaries;
- 24 "Health Impact Assessment" means and includes the determinant of the  
25 well-being and quality of life of the people by assessing the impact on health  
26 of all proposed policy options, programmes, projects, construction or  
27 existing project in any form or design and continuous monitoring of such to  
28 ensure the protection of public health;
- 29 "Health Officer" means and includes a Medical Officer, an Environmental  
30 Health Officer, or any other Officer acting under the authority of the

- 1 government, and whether such officer is serving in the Environmental Health  
2 or Primary Health Care Department of the Federal, State, or Local Government  
3 or non public officer;
- 4 “Illegal Market” means and includes any establishment designed to sell or  
5 display for sale or offer for sale of goods, wares articles or things or provision  
6 of services in any place, neighbourhood or Street, pedestrian or walkway or bus  
7 stop not approved by the relevant government authority;
- 8 “Industrial Cleaners” means and includes any company or individual engaged  
9 in the provision of such services as cleaning, sweeping and related sanitation  
10 activities for a fee;
- 11 “Industrial Cleaning Service” means the engagement of a company to clean  
12 homes offices or public places or such similar other places for a fee.
- 13 “Kindergarten” A school, which provides a daily programme of at least 2 hours  
14 for children of age 3 to 6 years;
- 15 “LGA” Means Local Government Area;
- 16 “License” means permission granted to any person corporate or individual,  
17 officially authorised, endorsed or certified by the appropriate Environmental  
18 Health Authority to carry out sanitation services such as cleaning, sweeping or  
19 any other sanitation activities including waste collection, transportation and  
20 disposal;
- 21 “Life fence” means a fence of growing plant material;
- 22 “Living room” means and includes any bedroom, sitting-room or parlour,  
23 lounge, hall, dinning room or any other room which between the hours of  
24 sunset and sunrise is ordinarily used for sleeping purposes or used for living  
25 purposes but does not include ~~an attic~~, and an out-house, a kitchen, pantry,  
26 store-room, bathroom or toilet;
- 27 “Minister” Means the Minister responsible for Health matters;
- 28 “Minister of Environment” Means the Minister responsible for Environment  
29 Matters;
- 30 “Nuisance” means any act, omission, place or thing which is or appears to be

1 deleterious to life, or injurious to health, endangers life, offends the senses or  
2 produces discomfort to the community or property;

3 “Nuisance order” is either an abatement order or prohibition order or a  
4 closing order, or a combination of such orders, issued by a court of  
5 competent jurisdiction on the complaint of an Environmental Health  
6 Officer, requiring the person to whom it is issued to carry out such an activity  
7 to the satisfaction of the Environmental Health Officer;

8 “Offensive trades or occupations” means and include the following: Soap  
9 boiling, guts cleaning, boiling of offal, bones, garri making, fermentation  
10 of cassava, fat or lard, (if process is performed in a slaughterhouse under  
11 prescribed guidelines), Poultry and animal husbandry, dyeing, waste oil  
12 from mechanical processes, manufacturing of glue, fertilizer or manure;  
13 skin curing, scrap processing, manure storing, lime burning, and any  
14 manufacturing process in which lead, arsenic, mercury, phosphorous, or  
15 other poisonous substance is used;

16 “Over Crowding” Means the living of more than two adults and one child in  
17 a room;

18 “Out house” means and includes any structure in a premise not part of the  
19 main building and not designed to serve living purposes;

20 “Parent” means the father, mother, or guardian of a child and include(s) any  
21 person having custody of a child;

22 “Packaged water factory” means any premises in which water is packaged in  
23 bottle, sachet or any other form for sale for human consumption;

24 “Pathogenic micro-organism” means and includes but not limited to a  
25 bacterium, rickettsia, virus, protozoa, parasite or fungus, which is known or  
26 reasonably believed, to cause disease(s) in humans;

27 “Permit” means authorisation;

28 “Pest” means rodent, bird or insect or arthropod that harms or destroys food  
29 supplies, or structures or articles used by man or transmit any infectious  
30 disease substance or organism to man, his food or which may affect man's

- 1 health or quality of life;
- 2 "Pest control" means and includes all measures but not limited to fumigation,  
3 spraying, derating aimed at reducing, controlling or eliminating of all insects,  
4 rodents and other vermin of Public Health importance and other such measures  
5 in the control of pest and other vermin of Public Health importance in a  
6 community;
- 7 "Picnic Ground" Include Stadium, Beach, Parks and Gardens and all such  
8 similar premises;
- 9 "Pollution" means man-made or aided alteration of chemical, physical,  
10 ecological or biological quality of the environment beyond acceptable  
11 threshold or limit;
- 12 "Polluter pays principle" Means that the person corporate or individual  
13 responsible for the generation and introduction or production of any class(es)  
14 of waste of any description, whether poisonous or not into the environmental  
15 media shall be responsible for the safe disposal of such waste and shall bear the  
16 cost of such disposal and any liabilities arising there from;
- 17 "Precautionary principle" means any situation arising, where there is  
18 reasonable suspicion of harm, and there is scientific uncertainty as to suspicion  
19 of harm, all concerned have a duty to take all necessary action to prevent such  
20 harm. The burden of proof of safety shall rest with all those whose acts raise the  
21 suspicion of harm in the first place;
- 22 "Premises" includes passage, building, land, tenement, vehicle, van, ship or  
23 vessel and aircraft in any port or on any inland waters used or intended for use  
24 by man and includes-
- 25 (a) A dwelling-house or a building within the courtyard of a dwelling  
26 house, building, land, tenement, hotel, school, recreational facility, factory,  
27 vehicle, van, and ship or vessel in any port or on any inland waters;
- 28 (b) The ground immediately outside any dwelling-house or any  
29 building within the cottage of a dwelling house; or
- 30 (c) A compound.

1 "Premises file" means a file opened by the Environmental Health Officer in  
2 charge of a given area which contains such information pertaining to such  
3 premises including the name and address of the owner as well as a copy of  
4 the approved building plan of such a premises and other necessary  
5 information for such a given premises;

6 "Pre-school centre" is any premises that provide enrichment programmes  
7 for children under the age of 6 years;

8 "Prohibition order" is an order issued by a Court of competent jurisdiction  
9 on the complaint of an Environmental Health Officer prohibiting the re-  
10 occurrence of a given nuisance in any premises to which such an order is  
11 referred to;

12 "Protective Clothing" means and includes overall, gumboot, hand-glove,  
13 headgear, helmet and any other personal protector including respirator worn  
14 for safety;

15 "Receptacle" includes a vehicle or stall or hanger of any basket, bag, box,  
16 vessel, stand, easel, board, tray or other structure or thing which is used  
17 (whether or not constructed or adopted for such use) as a container or for the  
18 display of any article or thing;

19 "Regulated premises" includes but not limited to bake house, hotel, corn and  
20 rice-mill, aerated water factory, office, dairy, eating-house, food-preparing  
21 and food-preserving establishment, hospital, school, discotheque, park,  
22 garden, beaches stadium, manufacturing factory etc;

23 "Regulation" means and includes all rules and guidelines set for the purpose  
24 of ensuring, protecting and maintaining a safe and life supporting  
25 environment;

26 "Right of Entry" is the power granted the Environmental Health Officer  
27 whilst on duty and upon identification to enter any premises between the  
28 hours of six o'clock in the morning and six o'clock in the evening for the  
29 purpose of ascertaining whether a nuisance exists on the premises or for any  
30 other lawful purpose;

- 1 "Sanitary Permit" means an authorisation issued by the Environmental Health  
2 Officer in charge of an area after the applicant has met all the Environmental  
3 Health criteria established by applicable laws, regulations and guidelines  
4 authorising the person it is addressed to commence or continue what ever  
5 activity specified in the said permit;
- 6 "School" means an institution of learning which may be public, or private.
- 7 "Slaughter" means and includes any form of killing of animal, bird intended for  
8 human consumption, whether manual or mechanical;
- 9 "Slaughter house" means a designated place where animals meant for the food  
10 of man are slaughtered;
- 11 "Slaughter Permit" means an authorisation issued by a veterinary officer in  
12 charge of an area and where not available, by an Environmental Health Officer,  
13 authorising the person mentioned in such a permit to slaughter an animal for  
14 human consumption;
- 15 "Sealing order" means an order issued by the Environmental Health Officer  
16 General of the Federation, or of a State or the Head of Environmental Health  
17 services of a Local Government, once satisfied of the existence of a nuisance  
18 which is a threat to Public Health and or Public Safety, in exercise of the power  
19 under this Act ordering the sealing of the premises in the interest of public  
20 Health and or Safety, until the time when the Environmental Health Officer is  
21 satisfied that the nuisance no longer exist;
- 22 "Tolerant limit" means the allowable threshold or amount of atmospheric  
23 contaminant which can be tolerated by man for continuous daily exposure with  
24 no impairment of health or well-being either immediate or after a long period of  
25 exposure;
- 26 "Town Planning Authority" means the planning authority established under the  
27 relevant laws and having authority in a specific area of jurisdiction; or where no  
28 such authority has been established, a committee charged with the exercise of  
29 the powers and functions conferred by these laws upon the town planning  
30 authority;

1 "Vector" means an insect that causes or transmits any infectious substance,  
2 organism to man, the food of man or which may affect man's health;

3 "Vector Control" - means and includes all measures but not limited to  
4 fumigation, spraying aimed at reducing, controlling or eliminating all  
5 insects of public health importance and the term used for any action taken on  
6 the vectors themselves to ensure that they are unable to affect man directly or  
7 indirectly;

8 "Vendor" means a person who sells or offer for sale;

9 "Wastewater" means and includes any water or wastewater discharged from  
10 any premises other than run off from rain;

11 "Water" means a liquid made up of two molecule of Oxygen and one  
12 molecule of Hydrogen, without taste colour or odour;

13 "Water Tanker"- means a vehicle specially constructed for the purpose of  
14 conveying water from one point to the other either for sale, rendering for  
15 public service or construction purposes;

16 "Water treatment plant": Means the mechanical infrastructure responsible  
17 for the artificial removal of pollutants or objectionable constituents by a  
18 series of mechanical processes that remove the impurities harmful to health  
19 from the water;

20 "Works Superintendent" includes an engineer, an architect, a builder or and  
21 any other person so designated with regards to building construction.

22 85. This Act may be cited as the Environmental Health Control  
23 Bill, 2015.

First Schedule

Form E. H. 1

FEDERAL REPUBLIC OF NIGERIA

..... LOCAL GOVERNMENT AREA, ..... State

ENVIRONMENTAL HEALTH DEPARTMENT

ABATEMENT NOTICE

To.....

of .....

You are required to abate within.....days the nuisance at.....

Consisting of.....

And for that purpose to.....

and to prevent the recurrence of the nuisance.

Dated this .....day of.....20..... Time .....am/pm

.....  
Environmental Health Officer

I hereby certify that a copy of the above notice was served by me on the.....day  
of.....20.....at.....am/pm by being (State how served).....  
In the presence of (Mr/Mrs/Chief/Miss).....as witness.

.....  
Name of witness

.....  
Environmental Health Officer.



Second Schedule

E.H.2

FEDERAL REPUBLIC OF NIGERIA  
ENVIRONMENTAL HEALTH DEPARTMENT

SEALING ORDER

Name of Contravener: .....

Address of Contravener: .....

Nature of Contravention: .....

Adverse effect of Contravention: .....

Name and Address of Environmental Health Officer  
Sealing up premises. ....

Designation of officer sealing up premises: .....

Date:.....

I ..... Environmental Health Officer General of the Federation  
or ..... State or in charge of .....LGA hereby order the sealing up of  
..... in the interest of Public Health, for the  
reasons given above.

This sealing order is granted under my hand from ..... day of ..... 200-

\_\_\_\_\_  
The Director of Environmental Health Services of the Federation or State or in charge of the  
..... LGA

I ....., Magistrate in ..... Magisterial District hereby  
affirm the sealing order on the basis of the facts deposed to in the verifying affidavit supporting this proces  
and this ..... very premises in default shall remain so  
sealed until the contravention so alleged is/are abated.

This Order is given under my hand ..... day ..... 200....



\_\_\_\_\_  
Signature of Magistrate.

## EXPLANATORY MEMORANDUM

This Act seeks to provide for the protection, promotion and maintenance of health, for proper sanitation in matters relating to housing, food and generally, for the protection of the environment and for the control of services, activities and other matters connected therewith or incidental thereto.