

A BILL

FOR

AN ACT TO MAKE PROVISION FOR PREVENTION AND CONTROL OF PUBLIC LITTERING, THE PREVENTION OF THE DEFACEMENT OF PUBLIC PLACES AND FOR RELATED MATTERS

Sponsored by Hon. Abubakar Amuda-Kannike G.

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 **1.** The objective of this Bill is to- Object and Purpose

2 (a) promote environmental cleanliness;

3 (b) uphold and promote the culture of healthy living amongst
4 Nigerians;

5 (c) enhance waste management policies and programmes as well
6 as innovations in the area;

7 (d) provide enabling environment to possibly galvanize business
8 and employment potentials in the area of waste management.

9 **2.-(1)** All organs of government charged with the responsibility of Implementation of the Bill
10 observing and applying the fundamental objectives and directive principle
11 of state policy set out in 1999 Constitution (as amended) shall be responsible
12 for administering the provisions of this Bill.

13 (2) To achieve the implementation of this Bill in the manner
14 contemplated in subsections (1) of this section, all agencies charged with the
15 responsibility of environmental protection alongside law enforcement
16 agencies shall synergize efforts towards enforcing the provisions of this
17 Bill.

18 **3.** All persons, officials, employees and representatives of Application of the Bill
19 government departments and other institutions must ensure the protection
20 and promotion of efforts towards a clean environment.

Litter in public places	1	4. No person shall throw or deposit litter along any road, street,
	2	sidewalk, or other public place in the country except at designated points of
	3	refuse collection or litter bins.
Sweeping litter into gutters/ drainages	4	5. No person shall deposit or sweep into a gutter, drainage, ditch or
	5	other public places, no shall any owner or tenant who abut a public
	6	thoroughfare allow to litter upon the adjacent public sidewalk such that litter,
	7	rubbish and refuse shall not be allowed to pile up or accumulate on such public
	8	right of way.
Duty of merchant and business outlet to keep premises sidewalk free of litter	9	6.-(1) No merchant or business outlet shall allow litter to accumulate,
	10	and shall otherwise rid his premises, including sidewalks, of waste and litter,
	11	even if the same may not have been deposited by him, his agent, or his patrons.
	12	(2) In furtherance to subsection (1), every merchant or business outlet
	13	shall make provision for waste, litter, refuse and garbage disposal points and
	14	bins.
	15	(3) Any person who violates the provisions of subsection (2) commits
	16	an offence and shall on conviction be liable to a fine not less than N30, 000 and
	17	an additional fine of N1, 000 for every day the offence subsists.
Litter thrown by persons in vehicle	18	7. No driver or passenger in any motor vehicle shall throw or deposit
	19	litter on any public place, roads, street, right of way, sidewalk or upon private
	20	premises while such vehicle is in motion or static position.
Vehicle loads causing litter	21	8. No operator of any vehicle shall cause to be scattered on or about
	22	public or private premises or streets while in motion or halt position, any litter,
	23	refuse, garbage, dirt, sticky substances or rubbish.
	24	Such loads conveyed shall be secured in such a manner so as to effect
	25	compliance.
Litter in parks, green areas, waterways and gardens	26	9. No group of persons camping, spectators, pedestrian, persons
	27	engage in recreational activities or other persons shall cause litter, rubbish,
	28	refuse to be cast, thrown, deposited, or scattered in or around parks, green
	29	areas, gardens and water ways or other public lands except in containers and
	30	bins designed for such use.

- 1 **10.**-(1) Litter, rubbish or refuse shall not be cast, scattered, thrown,
2 or deposited on or about private property within the corporate limits to the
3 detriment of public health, environmental cleanliness, safety and welfare.
4 The owner, lessee or agent, or others charged with the responsibility of the
5 premises shall rid such lands and abutting, sidewalks and adjoining areas of
6 such nuisance or place it in an authorised point. It shall also be unlawful for
7 any person to dump, place or scatter litter, refuse or garbage on or about
8 private premises, whether such premises are vacant or inhabited.
- 9 (2) In furtherance to the above, every person or private
10 property/premises shall make provision for waste, litter, refuse and garbage
11 disposal points and bins.
- 12 (3) Any person who violates the provisions of subsection (2) of this
13 section commits an offence and shall on conviction be liable to a fine of not
14 less than N20, 000 and an additional fine of N1,000 for every day the offence
15 subsists.
- 16 **11.**-(a) if it appears that a private property is littered or causes
17 nuisance, the agency charged with the responsibility of environmental
18 protection shall cause to be delivered or mailed to the owner of the property
19 upon which the conditions exist a notice stating the reasons why the
20 conditions may constitute a violation. The owner or any interested party
21 shall have the right to respond to the notice, giving appropriate evidence;
- 22 (b) if a determination is made that such conditions constituting a
23 public nuisance exist, the agency charged with the responsibility of
24 environmental protection shall notify, in writing, the owner of such
25 premises of the conditions constituting such public nuisance and shall order
26 the prompt abatement thereof within seven days from the receipt of such
27 written notice.
- 28 **12.**-(1) Notwithstanding the provisions of any section of this Bill,
29 any person who violates the provisions of this Bill commits an offence and
30 shall on conviction be liable to a fine not less than N10,000 or to

Litter on
occupied/vacant
and private
property

Removing litter
from private
property/premises

Penalties

1 imprisonment for a term not less than 3 months or to both such fine and
2 imprisonment.

3 (2) Where an offence under subsection (1) of this section is
4 committed by a body corporate it shall on conviction be liable to a fine not less
5 than N50,000 and an additional fine of N1,000 for every day the offence
6 subsists.

7 (3) Where any offence under this Bill has been committed by a body
8 corporate, the body corporate and every person who at the time the offence was
9 committed was in charge of, or was responsible to the body corporate for the
10 conduct of the business of the body corporate, shall be deemed to be guilty of
11 such offence and shall be liable to be proceeded against and punished
12 accordingly:

13 Provided that nothing contained in this subsection shall render any
14 person liable to any punishment, if he proves that the offence was committed
15 without his knowledge or that he exercised all due diligence to prevent the
16 commission of such offence.

17 (4) If a court, during the trial of a person charged with an offence
18 under this Bill, finds that such a person has been convicted of such crime or
19 offence, such finding must be regarded as an aggravating circumstance for
20 sentencing purposes.

21 (5) Notwithstanding the provisions of this section or any other section
22 of this Bill the provisions of the Federal Environmental Protection Agency Act
23 shall apply in respect of any hazardous substance constituting harmful waste or
24 litter.

Procedure for
trial of offence

25 **13.** Offences under this Bill shall be triable summarily by Magistrate
26 Court of the State where the offence was committed and the procedure
27 applicable in the case of summary trial of offences before such court shall apply
28 to the same extent for the purposes of trials for offences under this Bill.

Regulation

29 **14.**-(1) Environmental protection agencies may make rules for giving
30 effect to this Bill.

- 1 (2) Without limiting the generality of subsection (1) the rules may-
- 2 (a) prescribe what is required under this Bill;
- 3 (b) prescribe the kind, type and colour of refuse or disposable bins
- 4 to collect recyclables and other waste.
- 5 (c) provide for the prior administrative steps to be taken under this
- 6 Bill ; and
- 7 (d) provide for the dissemination of information under this bill.

8 **15.** In this Bill-

Interpretation

- 9 "Garbage" means animal and vegetable wastes resulting from the handling,
- 10 preparation, cooking, and consumption of food;
- 11 "Litter" means garbage, refuse, and rubbish as defined herein and all other
- 12 waste material which, if thrown or deposited as herein prohibited, tends to
- 13 create a danger to public health, safety, and welfare;
- 14 "Park" means any park, reservation, playground, beach, recreation center, or
- 15 any other public area used for and devoted to active or passive recreation;
- 16 "Person" means any individual, firm, partnership, association, corporation,
- 17 company, or organization of any kind;
- 18 "Private property or premises" means any dwelling, house, building, or
- 19 other structure, designed or used either wholly or in part for private
- 20 residential purposes including shopping malls and business outlets whether
- 21 inhabited or temporarily or continuously uninhabited or vacant, and shall
- 22 include any yard, grounds, walk, driveway, porch, steps, or corridor
- 23 belonging or attached to such dwelling, house, or other structure;
- 24 "Public place" means any and all streets, sidewalks, boulevards, alleys, or
- 25 other public ways and any and all public parks, squares, spaces, grounds,
- 26 and buildings;
- 27 "Refuse" means all decomposable and non-decomposable solid wastes
- 28 (except body wastes), including garbage, rubbish, ashes, street cleanings,
- 29 dead animals, abandoned automobiles, and solid market and industrial
- 30 wastes;

1 "Rubbish" means non-decomposable solid wastes constituting of both
2 combustible and non-combustible wastes, such as paper, wrappings,
3 cigarettes, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery,
4 leaves, weeds, brush, shrubbery and similar materials;

5 "Vehicle" means any device in, upon, or by which any person or property is or
6 may be transported or drawn upon a highway including devices used
7 exclusively upon stationary rails or tracks.

Citation

8 **16.** This Bill may be cited as the Public Litter Prohibition Bill, 2017.

EXPLANATORY MEMORANDUM

The Bill seeks to provide a regulatory framework to prohibit the indiscriminate littering of the environment so as to encourage cleanliness and a healthy living culture; it also aims at providing an enabling environment for encouraging effective waste management in the country.