

# LAGOS STATE ENVIRONMENTAL MANAGEMENT AND PROTECTION LAW 2017

## EXPLANATORY MEMORANDUM

A Law to consolidate all Laws relating to the environment for the management, protection and sustainable development of the environment in Lagos State and for connected purposes

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## ENVIRONMENTAL MANAGEMENT AND PROTECTION LAW OF LAGOS STATE, 2017

### COMMENCEMENT [ ]

The Lagos State House of Assembly enacts as follows:

### PART I ADMINISTRATION OF ENVIRONMENTAL MATTERS IN LAGOS STATE

Interpretation.

1. In this Part unless the context otherwise requires-

“Commissioner” means the Commissioner for the Environment or the member of the State Executive Council for the time being charged with the responsibility for the management of the environment in the State;

“Governor” means Governor of Lagos State of Nigeria;

“Ministry” means Ministry of the Environment; and



“State” means Lagos State of Nigeria.

#### The Ministry of the Environment

2. The Ministry of the Environment (referred to in this Law as “The Ministry”) shall be responsible for the overall management of the environment and environmental related matters in the State.

#### Objectives of the Law.

3. The objectives of this Law are to provide-
  - (1) a clean, safe and healthy environment for all residents in the State; and
  - (2) to enable citizens access the various public amenities or segments of the environment for recreational, educational, health, cultural and economic purposes.

#### Supervisory Role of the Ministry over Authorities

4. (1) The Ministry shall supervise all the Agencies, Authorities, Boards, Departments, Offices and Units established under this Boards and Agencies. Law for effective and efficient administration of the environment and in furtherance of its ministerial responsibilities.
- (2) The Agencies, Authorities, Boards, Departments, Offices and Units under the Ministry shall include but not limited to the following-
  - (a) Lagos Waste Management Authority (LAWMA);

- (b) Lagos State Environmental Protection Agency (LASEPA);
- (c) Lagos Water Corporation (LWC);
- (d) Lagos State Water Regulatory Commission (LSWRC);
- (e) Lagos State Wastewater Management Office (LSWMO);
- (f) Lagos State Signage and Advertisement Agency (LASAA);
- (g) Lagos State Parks and Gardens Agency (LASPARK);
- (h) Office of Drainage Services;
- (i) Lagos State Environmental Sanitation Enforcement Agency (LSESEA);
- (j) Environmental Trust Fund;
- (k) Public Utilities Monitoring and Assurance Unit (PUMAU); and
- (l) Any other Agency, Board, Department, Office or Unit as may be established under the provisions of this Law.

Powers of the Ministry.

5. The Ministry shall-

- (a) be responsible for the initiation, formulation and implementation of policies and coordination of environmental programmes in the State;
- (b) supervise Agencies and Authorities enumerated in this Law;

- (c) collaborate, consult and cooperate to the maximum extent practicable with any Federal Agency, other States and Local Governments, statutory bodies and research agencies on matters and facilities relating to environmental protection;
- (d) promote cooperation in environmental sciences and technologies with appropriate Federal Agencies, relevant State Ministries and agencies in other countries and International Bodies connected with the protection of the environment;
- (e) promote sustainable conservation and ecological policy for the State including but not limited to promotion of aesthetics, biodiversity, parks and gardens, landscaping and forest conservation;
- (f) provide technical assistance to other institutions and individuals on all environmental matters;
- (g) integrate sustainable development principles in the policies of the State and advise the State on appropriate location for citing environmental projects/programmes across the State;
- (h) offer advice to the State Government on projects/ programmes with socio-economic and environmental impact as it may consider necessary or as may be referred to it;
- (i) be responsible for formulation of policies, standards and regulations of environmental matters in the State;
- (j) formulate guidelines for discussions, fostering inter-ministerial and inter-agency discussions on environmental matters in the State;
- (k) adopt measures towards having a healthy and business friendly environment in the State
- (l) consider all matters referred to it by the State Executive Council, the general public, individual, association and groups;
- (m) execute other environmental programmes as may be assigned to it by the Governor;

- (n) liaise with the Agencies of other tiers of Governments and donor agencies in the implementation of its environmental policies;
- (o) ensure the integration of public awareness and participation mechanisms in its decision making processes on environmental matters;
- (p) promote investment in waste management and development of waste management infrastructure; and
- (q) collate and process data on waste generation and management as well as provide analysis on impact of waste and waste management on the environment.

#### Establishment of Public Utilities Monitoring and Assurance Unit

6. There is established the Public Utilities Monitoring and Assurance Unit ( referred to in this Law as "PUMAU" ) under the Ministry of the Environment.

#### Functions of the Public Utilities Monitoring And Assurance Unit.

7. The PUMAU shall:
- (a) coordinate the modalities of billing, revenue assurance, and enforcement of levies;
  - (b) take charge of the generations and issuance of bills to domestic waste generators;
  - (c) consistently monitor and evaluate the billing processes in order to promote accountability and transparency;
  - (d) ensure that the methods of billing and collection of levies by the Trust Fund are in line with international best practices; and

- (e) provide support and training to personnel including private operators in the billing and collection of levies.

Staff of the Unit.

- 8. The PUMAU shall be made up of such staff as may be required for smooth performance of its function under the provisions of this Law

## PART II LAGOS STATE ENVIRONMENTAL TRUST FUND

Interpretation.

- 9. In this Part unless the context otherwise requires-

“Board” means the Board of Trustees established under this Part;

“Commissioner” means the Commissioner for the Environment or the member of the State Executive Council for the time being charged with the responsibility for the management of the environment in the State;

“Fund” means the Lagos State Environmental Trust Fund established under this Part;

“Governor” means the Governor of Lagos State of Nigeria;

“House of Assembly” means the Lagos State House of Assembly;

“Household waste generators” means private residence owners and occupiers serviced by the concessionaire;

“Independent Trustees” means any fund manager licensed by the Central Bank of Nigeria to operate as Public Trusteeship Company;

“Local Government Area” includes Local Council Development Areas;

“Ministry” means the Ministry of the Environment; and

“State” means Lagos State of Nigeria.

#### Establishment of Lagos State Environmental Trust Fund.

10. (1) There is established a Fund to be known as the Lagos State Environmental Trust Fund (referred to in this Law as the “Fund”)

(2) The Fund shall-

(a) be a body corporate with perpetual succession and a common seal;

(b) have power to sue and be sued in its corporate name; and

(c) be capable of acquiring, holding, purchasing and disposing of properties moveable or immovable for the purpose of discharging its functions under this Law.

#### Objectives of the Trust Fund.

11. The objectives of the Fund are to-

(1) assist the Ministry in providing Funds for the optimum performance of all the functions of the Agencies, Authorities and Departments under the supervision of the Ministry.

(2) raise money through private and public donations for the development of the environment in the State; and

(3) be the depository of all monies accruing to the Fund.

#### Establishment of the Lagos State Environmental Trust Fund Board of Trustees.

12. There is established a Board of Trustees for the Fund to be known as the Lagos State Environmental Board of Trustees Trust Fund (referred to in this Part as the "The Board").

#### Appointment of the Members of the Board.

13. All members of the Board shall be appointed by the Governor subject to the confirmation of the House of Assembly.

#### Composition of the Board

14. (1) The Board shall consist of-

- (a) a Chairman who shall be a person of proven integrity, who has achieved distinction in the private or public sector;
- (b) a member from any institution concerned with training and research in environmental management;
- (c) a member from a Non-Governmental Organisation concerned with Environmental Management;
- (d) one (1) person with relevant qualification and experience appointed from each of the three (3) Senatorial Districts of the State;
- (e) the Commissioner for the Environment or his representative not below grade level 15;

- (f) the Commissioner for Finance or his representative not below grade level 15;
  - (g) the Commissioner for Justice or his representative not below grade level 15;
  - (h) the General Manager or the Accounting Officer of the Agencies, Boards or Authorities under the supervision of the Ministry;
  - (i) a representative of all Local Government Areas' Chairmen, to be appointed amongst themselves;
  - (j) the Executive Secretary of the Board; and (k) representatives of the appointed Independent Trustees (Fund Managers).
- (2) There shall be at least three (3) women on the Board.

#### Tenure of Office

15. All members of the Board except the Executive Secretary shall-

- (1) serve on part time basis; and
- (2) hold office for a term of four (4) years in the first instance and may be eligible for re-appointment for a further term of four (4) years only.

#### Remuneration and Allowances.

16. The Chairman and members of the Board excluding the ex-officio Members shall be paid such remuneration and allowances as the Governor may approve.



Cessation of Office of Members.

17. (1) A member of the Board shall cease to hold office if the member-
- (a) resigns by giving one (1) month notice in writing to the Governor;
  - (b) is unfit or unable to discharge the functions of the office either by reason of infirmity or mental incapacity;
  - (c) has been convicted by a Court of Law for offences involving dishonesty;
  - (d) is an undischarged bankrupt or is in obvious financial distress; or (e) is guilty of gross misconduct in relation to the duties of the office.
- (2) Notwithstanding the provisions of subsection (1) of this Section, the Governor may remove any member of the Board if satisfied that it is in the public interest to do so.

Functions of the Board.

18. (1) The functions of the Board shall include-
- (a) the management of the Trust Fund;
  - (b) appointment of Independent Trustees or Fund Manager on the recommendation of the Commissioner;
  - (c) rendering of advice to the Governor for the disbursement of the Trust Fund in accordance with the objectives of this Law;
  - (d) devising ways and means of generating money through contributions, grants and donations for the Trust Fund as it may deem fit in accordance with the provisions of this Law;

- (e) promoting the development and improvement of the State's environmental performance and sustainability;
- (f) creating a system that can attract funds from persons, organizations and authorities in tackling environmental issues;
- (g) providing assistance for action-oriented projects with tangible and measurable results aimed at protecting, preserving and enhancing the state's natural environment
- (h) promoting community based recycling, waste re-use, and waste prevention projects;
- (i) encouraging the provision, maintenance, and improvement of public parks or other public amenities;
- (j) funding the conservation or promotion of biological diversity through the provision, conservation, restoration or enhancement of a natural habitat or the maintenance or recovery of species in their natural habitat;
- (k) promoting the innovative use of amenities to enhance, maintain or introduce real community led social, economic or environmental improvements
- (l) funding and promoting the creation of job opportunities for the youth in waste management and waste recycling business;
- (m) subsidising the waste collection and disposal cost of areas designated as Special Levy Areas under this Law;
- (n) training and re-training of local waste collectors on environmentally sustainable ways of collecting, reusing and recycling waste;
- (o) promoting research into both public and private sectors environmental problems of any kind and in particular to encourage and support-

- (i) research and development of local solutions to environmental problems;
  - (ii) discovery of new methods of operation for industries in the State that are less harmful to the environment;
  - (iii) research into general environmental problems; and (iv) assessment of environmental degradation.
- (p) promoting environmental education and, in particular, to encourage the development of educational programs in both the public and the private sectors that will increase public awareness of environmental issues of any kind;
- (q) funding the acquisition of land for national parks and other categories of dedicated and reserved land for the national parks estate;
- (r) funding the declaration of areas for marine parks and for related purposes;
- (s) promoting waste avoidance, resource recovery and waste management (including funding enforcement, regulation and local government programs);
- (t) funding environmental community groups on campaigns relating to waste reduction, management, reuse and recycle; and
- (u) funding the purchase of water entitlements for the purposes of increasing environmental flows for the State's rivers and restoring or rehabilitating major wetlands.

Filling of Vacancy.

19. Where a vacancy occurs in the Board, such vacancy shall be filled within three (3) months, by appointing a new member in the manner provided in this Part.

Meetings of the Board.

20. (1) The Board shall meet once every quarter and extraordinary meetings may be convened in case of exigencies.
- (2) The Chairman shall preside at any meeting of the Board but in the absence of the Chairman, the members present shall appoint one (1) of the members to preside at that meeting.

Quorum.

21. The quorum of the meeting of the Board shall be nine (9) members, which shall include-
- (a) the Chairman;
  - (b) the Commissioner of the Environment or his representative;
  - (c) the Commissioner of Finance or his representative;
  - (d) a nominee from among the Independent Trustee (Fund Manager) charged with the administration of the fund; and
  - (e) the Executive Secretary of the Trust Fund.

Voting.

22. (1) Any issue arising at the meeting of the Board shall be determined by a majority of the votes of the members present and voting.

- (2) The Chairman or the person presiding shall have a deliberative vote and in the event of an equality of votes on any issue, a casting vote.

#### Power to Co-opt.

23. The Board may co-opt persons who are not members of the Board to any meeting of the Board or any sub-committees and such person may take part in the deliberation of the Board or any sub-committee but shall not be entitled to vote at the meeting of the Board or any of its sub-committees or count towards quorum.

#### Disclosure of Interest.

24. (1) A member who is in any way, directly or indirectly interested in a transaction or project of the Board shall disclose the nature of the interest at the meeting of the Board.
- (2) The disclosure by a member of such interest shall be recorded in the minutes of the meeting of the Board and the member shall not take part in any deliberation of the Board with respect to the transaction or project.

#### Committees of the Board.

25. The Board may appoint one or more committee(s) or sub-committee(s) to carry out on behalf of the Board, such of its functions as the Board may determine.

#### Seal of the Trust Fund.

26. The common seal of the Trust Fund shall be as may be determined by the Board and the affixing of the seal shall be authenticated by the signatures of the Executive Secretary and the Chairman authorised generally or specifically to act for that purpose.

#### Sources of the Fund.

27. The sources of money payable into the Fund shall consist of –

- (1) such sums of money as may be appropriated by the House of Assembly;
- (2) such sums of money as may be payable to the Fund by way of donations, gifts, loans, bequest or grants by the State or Federal Government, other agencies, individuals, corporate bodies or another government or international organizations
- (3) all other sums of money or properties which may in any manner become payable to or vested in the Fund in respect of any matter incidental to its powers and duties;
- (4) any income generated by any project financed by Fund;
- (5) other sums accruing to the fund from any other source; and
- (6) levies and rates payable by the household waste generators for the refuse collection under the concession agreement.

#### Allocation of the Funds.

28. There shall be charged on and paid out of the Fund all such sums of money as may be expended for the-

- (1) management of the environment;

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- (2) payment of fees to service providers, concessionaires and contractors under this law;
- (3) operation of landfill sites;
- (4) operation of recycling plants;
- (5) operation of incineration facilities;
- (6) payment of subsidy for waste collection from indigent, low income, under-served areas and areas designated as special levy areas; and
- (7) other administrative expenses of the Fund and fees payable to the trustees.

Executive Secretary of the Trust Fund.

29. (1) There shall be for the Trust Fund, an Executive Secretary who shall be appointed by the Governor on the recommendation of the Commissioner subject to the confirmation of the House of Assembly.
- (2) The Executive Secretary who is the Chief Executive Officer of the Fund shall –
- (1) possess fifteen (15) years cognate experience;
  - (2) have a good degree in any of the following disciplines; Law, Finance, Accounting and Business Administration;
  - (3) hold office for a single term of five (5) years; and
  - (4) be paid such allowances as may be determined by the Governor.

Responsibilities of the Executive Secretary.

30. The Executive Secretary shall be responsible for-

- (1) general supervision and administration of the Fund subject to the professional advice of the Independent Trustee(Fund Manager);
- (2) keeping the books and proper records of the proceedings of the Board;
- (3) accounting for all moneys collected, paid or otherwise expended under this Law;
- (4) the administration of the Secretariat of the Board; and (5) the general direction and control of all other employees of the Fund

Other Staff of the Trust Fund.

31. The Fund shall have power to request for the transfer or secondment from the State Civil Service such number of staff as may in the opinion of the Board be required to assist in the discharge of its functions under the provisions of this Part.

Accounts of the Fund.

32. The Fund shall establish and maintain-

- (1) accounts for the management of the Trust Fund with reputable banks and operate in accordance with extant financial regulations of the State; and
- (2) another account from which it shall defray all its expenditures.



Annual Accounts and Audit Report.

33. (1) The Fund shall keep proper accounts of its transactions in such form as the Accountant-General of the State may direct in conformity with standard accounting practice.
- (2) The accounts of the Fund shall be audited annually by an Auditor appointed from a list of approved Auditors provided by the State Auditor-General in accordance with the State Audit Law.
- (3) The Fund shall submit to the Governor through the Commissioner, an estimate of its income and expenditure for the next succeeding year in accordance with budgeting guidelines applicable in the State.

Annual Report.

34. The Executive Secretary shall prepare and submit to the Governor and the House of Assembly through the Commissioner within six (6) months after the close of each financial year, a report of its activities in the preceding financial year and the report shall include a copy of the audited accounts of the Board and the auditor's report on the account.

Power to Borrow and Invest.

35. The Fund may with the approval of the Governor, subject to the ratification of the House of Assembly-
  - (1) obtain loans or credit facilities from any institution for the purpose of its function, upon such term and conditions relating to repayment of the principal and the payment of interest.

- (2) invest any part of the money available in any account of the fund required for the purpose of the functions of the Fund.

#### Exemption of the Fund from Tax

36. The Fund and its properties shall not be liable to tax by any government or authority in the State and contributions to the Fund shall be recognised for tax purposes as expenditure towards the sustenance of the donor's business.

#### Restriction on execution.

37. No execution or attachment of process shall be issued against any property vested in the Fund except with prior knowledge and consent of the Attorney-General of the State

#### Representation of the Fund.

38. The Executive Secretary or any member of the Board authorised by resolution may appear before any court or in any legal proceedings on behalf of the Fund.

#### Offences and Penalties.

39. (1) Any person who without lawful authority levies or accepts any contribution from any person, purporting such contributions to be made for the purpose of this Part, commits an offence and is liable on conviction to a fine

of Five Hundred Thousand Naira(N500,000.00) or two times the value of contributions received whichever is greater, or to a term of two (2) years imprisonment or both.

- (2) Where an offence under this Part is committed by a body corporate or firm or other association of individuals-
- (a) every director, manager, secretary or other similar officer of the body corporate;
  - (b) every partner or officer of the firm;
  - (c) every person concerned in the management of the affairs of the association; or
  - (d) every person purporting to act in any such capacity specified under this Section, commits an offence and is liable on conviction in like manner as if he had committed the offence himself.

Power to make Regulations.

40. The Commissioner may make regulations generally in accordance with the Regulations Approval Law for the purpose of carrying into effect the provisions of this Part

### PART III LAGOS WASTE MANAGEMENT AUTHORITY

Interpretation.

41. In this Part unless the context otherwise requires-

“Authority” means the Lagos Waste Management Authority established under this Part.

“Controlled solid waste” means household, industrial, construction, commercial or healthcare waste, or waste generated by public institutions, any such hazardous or special waste. Household waste” means waste from-

- (a) domestic property, a building or self-contained part of a building;
- (b) a residential home;
- (c) premises forming part of a University or School or other educational establishment which is not a public institution; and
- (d) a mobile home or caravan.

“Industrial waste” includes waste from any of the following premises –

- (a) any factory (within the meaning of the Factories Act);
- (b) any premises used for the purposes of public transport services by land, water or air;
- (c) any premises used for the purposes of public postal or telecommunication services.

“Commercial waste” means waste from premises used wholly or mainly for the purposes of business, sport, recreation, entertainment, or any other commercial activities excluding –

- (a) household waste;
- (b) waste generated by public institutions;
- (c) hazardous waste; and (d) other waste of any description prescribed by Regulations made by the Commissioner for the Environment for the purposes of this Part.

“Commissioner” means the Commissioner for the Environment or the member of the State Executive Council for the time being charged with the responsibility for the management of the environment in the State;

“Concessionaire” means a duly licenced and approved waste collector who has been granted concession by the Ministry in collaboration with a Local Government Area to charge levies and fees, collect and dispose of waste within the Local Government Area;

“Designated Public Place” means a public space or a social space that is generally open and accessible to people including streets, roads (including the pavement), public squares, parks and beaches;

“Employees” means officers in the Public Service of the State or in the service of Local Government Areas transferred to the Authority;

“Facility” means all contiguous land, structure, and other appurtenances which are owned, operated, and licenced as a single entity which may consist of several generating treatment or storage units;

“Health Care Provider” means any person who provides medical care or personal services;

“Healthcare Waste” means solid and semi-solid waste from any of the following –

- (i) any premises forming part of a hospital, trade-medical centre, clinic or maternity home; or
- (ii) any premises forming part of a medical laboratory or scientific, medical or health research institution;
- (iii) active pharmaceutical waste from pharmaceutical companies; or
- (iv) nursing home.

“Local Government Area” includes Local Council Development Area;

“Person” means any individual, partnership, corporation, association, or public body engaged in the generation, storage, transportation, or treatment of biomedical waste;

“Private Waste Collector” means an individual or corporate body engaged in the business of commercial waste disposal;

“Public Institution” includes schools, government hospitals, courts, residential apartments, offices, business premises, foreign missions and any other place owned and directly controlled by any government.

“Recyclable Materials” means materials which are capable of being recycled and which may be segregated from other waste material or collection for recycling, rather than collection for disposal;

“Sealed” means free from opening that allows the passage of liquid;

“Sharps” means objects capable of puncturing, lacerating, or otherwise penetrating the skin;

“Sharps Container” means a rigid, leak and puncture resistant container, designed primarily for the containment of sharps, clearly labelled with the phrase and international biological hazards symbol;

“State” means the Lagos State of Nigeria;

“Treatment” means any process, including steam, chemicals microwaving, shredding, or incineration, hydroclaving which changes the character or composition of biomedical waste to render it non-infectious by disinfection or sterilization.

“Waste” includes –

- (i) any substance which constitutes scrap material or other unwanted surplus substance arising from the application of any process;
- (ii) any substance or article which requires to be disposed of as being broken, worn out, contaminated or otherwise spoiled; or
- (iii) anything which is discarded or treated as waste shall be presumed to be waste unless the contrary is proved.

“Waste Disposal Contractor” means a person who in the course of business, collects, keeps, treats or disposes of waste, being –

- (i) a company or business name formed for all or any of those purposes by persons or a partnership or an individual or companies;

- (ii) a vehicle or any other form of mobile equipment or contraption of whatever form for all or any of those purposes used for waste collection;

“Company” or “business name” shall have the same meaning as in the Companies and Allied Matters Act.

Establishment of the Lagos Waste Management Authority.

42. (1) There is established the Lagos Waste Management Authority (referred to in this Law as “the Authority” ).

(2) The Authority shall-

- (a) be a body corporate with perpetual succession and a common seal;
- (b) have power to sue and be sued in its corporate name; and
- (c) be capable of purchasing, acquiring, holding and disposing of movable and immovable property for the purpose of carrying out its functions under this Part.

Establishment of the Lagos Waste Governing Board.

43. There is established for the Authority the Lagos Waste Management Authority Governing Board (referred to in this part as “the Board”)

Appointment and Composition of Members of the Board

44. (1) The members of the Board shall consist of-

- (a) a Chairman;
  - (b) a representative of the Office of the Governor who must be an officer not below Grade Level 15;
  - (c) a representative of a community based organisation;
  - (d) one (1) Local Government Area Chairman from each of the three (3) senatorial districts in the State;
  - (e) a representative of the private sector; (f) the Commissioner for the Environment or his representative not below Grade Level 15;
  - (g) the Commissioner for Local Government and Community Affairs or his representative not below Grade Level 15;
  - (h) a representative of the health care industry conversant with waste management;
  - (i) a representative of the Lagos State University from the Department of Civil Engineering not below Grade Level 15; and (j) the General Manager of the Authority.
- (2) (a) The Chairman and members of the Board shall be appointed by the Governor subject to the confirmation of the House of Assembly;
- (b) The Governor shall appoint the Chairman of the Board from amongst the members of the Board and who shall be an expert in any science or public health related profession.

Tenure of office of Members.

45. (1) Members of the Board shall hold office for a term of four (4) years, and may be re-appointed for a further term of four (4) years only.



- (2) The Local Government Area Chairmen on the Board shall hold Office for the duration of the period of serving as Chairmen.
- (3) All members of the Board except the General Manager shall serve on part-time basis.

#### Cessation of Office.

46. (1) A member of the Board shall cease to hold office if the member –

- (a) resigns by giving one (1) month notice in writing to the Governor;
- (b) is unfit or unable to discharge the functions of the office either by reason of infirmity or mental incapacity;
- (c) has been convicted by a Court of Law for offences involving dishonesty;
- (d) is an undischarged bankrupt or is in obvious financial distress; or
- (e) is guilty of gross misconduct in relation to the duties of the office

(2) Notwithstanding the provisions of subsection (1) of this Section, the Governor may remove any member of the Board if satisfied that it is in the public interest to do so.

#### Remuneration and Allowances.

47. The remuneration and allowances of members of the Board shall be determined by the Governor.

Powers of the Board.

48. (1) Notwithstanding other provisions of this Part, the powers of the Board shall include –

- (a) preparation of long-term plans in consultation with appropriate government authorities;
- (b) conduct research relating to waste disposal system and cleaning of streets;
- (c) establishment of standards relating to waste collection and waste disposal system, the clearance and maintenance of public drainage facilities;
- (d) the clearance and maintenance of public drainage facilities;
- (e) cleaning of streets within the State in collaboration with appropriate government authorities; and
- (f) conduct of other related or incidental activities.

(2) The Board may make regulations for the general conduct of the business of the Authority and may-

- (a) establish special and standing committees of the Board;
- (b) establish advisory committees consisting members of the Board and persons other than members; (c) regulate proceedings of such committees; and
- (d) delegate any of its duties to such committees.

Meetings of the Board

49. (1) The Board shall meet at least once every two (2) months at such place and time as the Chairman may determine.
- (2) A special meeting of the Board may be summoned at the request of the Chairman.
- (3) All meetings of the Board shall be summoned by the Secretary.
- (4) The Chairman shall preside at any meeting of the Board but when absent members of the Board will elect one of the members present to preside.
- (5) The General Manager and the Secretary of the Authority must be in attendance at all meetings of the Board and take part in its proceedings and the Board may also require any of its officers to attend such meetings and take part in the proceedings. The Secretary and any of the officer of the Authority attending its meeting will not have the right to vote on any matter.

#### Voting.

50. (1) Every question for decision by the Board at any meeting shall be decided by a majority of the votes of members present and voting
- (2) The Chairman or the member presiding in the Chairman's absence shall at any meeting have a deliberative vote but in the case of an equality of votes, shall have a second or casting vote.

#### Validity of Proceedings.

51. The validity of any proceedings of the Board shall not be affected by any defect in the appointment of a member or by reason that a person who is not entitled to do so took part in the proceedings.

Quorum.

52. The quorum of the Board for the meeting shall be six (6) members.

Disclosure of Interests.

53. A member of the Board who is directly or indirectly interested in a transaction or project of the Authority must disclose the nature of the interest at a meeting of the Board, and the disclosure must be recorded in the minutes' book of the Authority and the member must not take part in any deliberation or decision of the Board with respect to that transaction.

Power to Co-opt.

54. Where the Board desires to obtain the advice of any person on any matter, the Board may co-opt such person(s) to be a member for such meetings as may be required, and any co-opted person(s), will have all the rights and privileges of a member of the Board but will not be entitled to vote on any question or count towards a quorum.

Common Seal.

55. (1) The common seal of the Authority shall be determined by the Board and affixing of the common seal will be authenticated by the signature of the General Manager and the Secretary or some other person(s) authorised by the Board for that purpose.

- (2) A document duly executed under the common seal of the Authority shall be admissible in court and unless the contrary is proved, be deemed to be so executed.

#### Functions of the Authority

56.(1)The functions of the Authority are to –

- (a) liaise with the Ministry, Local Government Areas and all relevant agencies, boards and authorities to ensure the achievement of the overall objectives of this Part;
- (b) make regulations for the standard of collection and disposal of the controlled waste collected in the State by the Authority, Local Government Areas and waste disposal contractors or by any other person authorized by it within the State;
- (c) define environmental aspects of the State waste management sector strategy in close collaboration with other key stakeholders;
- (d) collect and dispose of waste from public institutions;
- (e) monitor environmental impact of the waste management system related to air, water, and soil pollution, and adapting standards and regulations, as well as environment protection strategy and policies;
- (f) inspect waste management facilities permitted by the Authority after the completion of their construction and on a regular basis while under operation to ensure compliance with relevant environmental laws, regulations, standards and conditions of operation;
- (g) clean streets, roads and designated public places;

- (h) make regulations for the Local Government Areas and waste disposal contractors with respect to standard collection, removal and disposal of domestic, commercial, construction, garden, and solid and semi-solid waste associated with electronic and healthcare waste;
- (i) remove and dispose of animal carcass from public places ;
- (j) prepare and update the master plans for waste collection and disposal in the cities, towns and villages in the State and control resultant waste system within the State;
- (k) approve and monitor all solid waste disposal systems in the State;
- (l) make provisions for waste management services to State agencies, Local Government Areas, industries, business entities and private persons within the State by receiving waste at the Authority's facilities pursuant to contractual agreement between the Authority and such other party;
- (m) issue, suspend, renew and revoke licenses of private waste collectors, incinerators and waste recycling plants;
- (n) maintain a central data base information system for collation of data;
- (o) develop guidelines and targets for waste avoidance and volume reduction through source reduction and waste minimisation measures, including composting, re-use, recovery and green charcoal process;
- (p) regulate proper segregation and containerisation of waste through policy formulation and public awareness;
- (q) preserve proper collection, transportation, treatment and disposal of waste by adopting best environmental practice;
- (r) receive tenders and award outsourced public service to operators of incinerators and waste recycling plants;

- (s) tracking performance of service providers and managing the contracts of service providers and consultants under this Part;
  - (t) provide support services on waste management related inquiries or complaints through a call center. The call center shall be under the supervision of the Authority;
  - (u) promote private investment in solid waste management;
  - (v) promote research and development programs for improved waste management and resource conservation techniques, effective institutional arrangement for waste reduction, re-use, collection, treatment, separation and recovery;
  - (w) remove and dispose of abandoned and scrapped vehicles;
  - (x) do all such acts as are necessary or incidental to the proper discharge of its duties under this Part; and
  - (y) prevent, stop or discontinue any activity or omission, which is likely to cause harm or has caused harm to human health or the environment.
- (2) The Authority may in association with any other person or body lawfully empowered to do so in accordance with the provisions of this Part or any other Law;
- (a) grant franchise or enter into partnership with the private sector regarding waste management; or
  - (b) perform any of its statutory functions or related functions in accordance with applicable regulations or guidelines;
- (3) Subject to the provisions of any other relevant Law, the Authority may require a waste generator, licensee, service provider or person involved in or associated with the provision of domestic and or commercial waste collection service within a specific area to furnish information to the Authority which may be reasonably required for the information system and this may include-

- (a) significant source of waste generation and the identification of the generators of waste;
  - (b) quantities and classes of waste generated;
  - (c) management of waste by waste generators;
  - (d) waste handling, waste treatment and waste disposal facilities;
  - (e) population and development profiles ;
  - (f) reports on progress in achieving waste management targets;
  - (g) management of radioactive and hazardous waste; and (h) any other information required by legislation, regulations or guidelines.
- (4) The Authority shall have power to:-
- (a) charge commercial levies, which may vary from area to area and make direct charges on users for services rendered where such circumstances may arise; and
  - (b) provide other related services for a fee as may be determined. Powers of the Authority

[Powers to perform function]

57. (1) The Authority shall have powers to perform its functions and manage its operations and affairs as specified under the provisions of this Part.
- (2) For the purpose of performing and discharging its functions under this Part, the Authority shall have the power to



- (a) collect and dispose of waste from streets, roads and designated public places in accordance with the provisions of this Part;
  - (b) ensure that waste is collected by the licenced collectors, transported and disposed of in accordance with the provisions of this Part;
  - (c) take all practical measures to promote and support the minimization of waste and the recovery of waste, particularly at the point at which it is produced;
  - (d) provide waste and litter receptacles in public places;
  - (e) in collaboration with a Local Government , prepare and implement, a long-term plan for the management of waste within its area of jurisdiction that conforms to the requirements of the State Environmental Policy and the requirements of the Authority for each Local Government Area and such plan of management shall be published by the Authority in the Official Gazette;
  - (f) issue, renew and revoke licences of private waste collectors, incinerators and waste recycling plants; and
  - (g) provide other related services for a fee as may be determined.
- (3) The Authority in conjunction with the Local Government Areas may engage waste disposal contractors to collect and dispose of waste from streets, roads and designated public places within the State.

Appointment of the General Manager.

58. (1) There shall be appointed by the Governor after consultation with the Commissioner, a General Manager who shall be the Chief Executive Officer of the Authority.

- (2) The General Manager shall be responsible for the execution of the policy of the Authority and the day to day administration of its affairs in accordance with the provisions of this Part.
- (3) The General Manager shall be appointed –
  - (a) for a period of four (4) years in the first instance and may be re-appointed for a further term of four (4) years only; and
  - (b) on such terms and conditions as may be specified in the letter of appointment.

Secretary of the Authority.

59. (1) There shall be appointed by the Governor, on the recommendation of the Attorney-General a Secretary from the Public Service, who shall be a Legal Practitioner of not less than ten (10) years post-call experience.

(2) The Secretary shall-

- (a) keep the records and conduct the correspondence of the Board;
- (b) make arrangement for the meetings of the Board;
- (c) prepare the agenda and minutes of such meetings; and
- (d) perform such other duties as the General Manager may assign.

Pensions.

60. The Authority shall-

- (a) maintain a sustainable staff pension scheme in accordance with the State Pension Law;
- (b) grant pensions or retirement benefits to its employees; and
- (c) require its employees to subscribe with any Pension Fund Administrator of their choice.

#### Fees and Charges

61. The Authority shall :-

- (a) approve and review, after due consultation with the concessionaires the rate or levy being paid by residential waste generators; provided that the rates and levies shall be subject to the final approval of the Commissioner;
- (b) determine and charge levy payable by public institutions for waste collection services rendered; and
- (c) provide other related services for a fee as may be determined by Regulation.

#### Public Utilities Levy.

62. (1) Subject to the provisions of this Part, a Public Utilities Levy shall be the payable levy for all Environmental Utilities under this Law-

- (a) the Public Utilities Levy shall be payable by all household/residential, public, commercial and industrial waste generators;
- (b) the Public Utilities Levy shall replace all service fees previously payable by waste generators for waste collection and disposal;

- (c) residential waste generators shall pay their Public Utilities Levy into any of the designated account listed in the Public Utilities Levy Notice;
  - (d) the Public Utilities Monitoring and Assurance Unit shall cause to be issued to every residential premises, a Public Utilities Levy Notice and the Authority shall designate certain low income residential area as special levy area;
  - (e) the Public Utilities Levy Notice shall be delivered to the occupier of a residential premises-
    - (i) if there is no occupier or agent available to take delivery, the Public Utilities Levy Notice shall be posted on the property or left at any conspicuous place on the property and such posting shall be deemed sufficient delivery of the notice;
    - (ii) the person liable to pay the Public Utilities Levy shall within thirty (30) calendar days after the date of delivery of the Public Utilities Levy Notice pay that amount at one of the designated banks specified in the Demand Notice;
    - (iii) where a person who has received a Public Utilities Levy Notice fails to pay the amount within the period specified in the notice, the bill payable shall be increased by ten percent (10%) of the bill charged.
- (2) The following procedure shall be adopted in fixing and arriving at levy payable under this Part - levy payable by residential waste generators:
- (i) concessionaire waste operators shall come up with an audit of their contract areas;
  - (ii) the audit shall be forwarded to the Ministry accompanied with the economic cost of collecting waste in such areas as well as a mark-up on the cost being the return the concessionaire waste operators seeks to make from collecting waste in the area;
  - (iii) the levy shall be agreed on at a joint session of the Ministry and the concessionaire after presentations have been made to the Ministry; and

- (iv) the levy agreed on at a joint session of the Ministry and the concessionaire waste operator shall be subject to the final approval of the Governor.
- (3) (a) The Commissioner shall ensure that all collections from the Public Utilities Levy are paid and deposited in designated banks in accordance with this Part.
- (b) At the beginning of each month, the Commissioner shall determine the total amount of Public Utilities Levy payments deposited in the designated banks.
  - (c) The Commissioner shall in conjunction with the Public Utilities Monitoring and Assurance Unit pay the service fees of each private operator in accordance with the terms of its contract with the Authority;

Provided that such payments shall be made not later than ten (10) days at the end of each month.

- (4) PUMAU shall have the power to establish levy methodologies that reflects the terms and conditions of the licence issued to the private waste collectors, private operators of landfill sites, incinerators and recycling plant.
- (5) In establishing levy methodologies, PUMAU may differentiate among waste generators on the basis of differences in earnings and, locations within the State (with particular emphasis on indigent and low income areas and such other criteria as may affect the cost of providing service and may allow a lifeline tariff for some waste generators).
- (6) PUMAU shall fix the date on which the levy methodology shall come into operation and it shall cause notice to be given in the official gazette of that date.
- (7) Every licensee shall keep a current copy of the levy Methodology applicable to that licensee and shall make a copy available for inspection on request by any person free of any charge during the licensee's normal working hours.
- (8) Any fine or penalty levied against a licensee in accordance with this Part or any other Law or regulation shall not be re-levied upon the licensee's customers.

- (9) Any person or licensee who contravenes or condones the contravention of subsection (11) of this Section shall be liable to a fine of two (2) times the charge to the licensee's customers or to imprisonment of not more than one (1) year or both.
- (10) Notwithstanding the provisions of any Law, any person who fails or neglects to pay any levy, fees or charges, after adequate notice in writing of the same has been served on that person shall be deemed to be a debtor and such debt shall be recoverable by a civil action in the appropriate court.
- (11) The owner/occupier of premises shall pay the prescribed levy for the provision of waste collection service as at when due.

#### No Waste Collection without Licence.

63. (1) No person shall operate any waste collection, transportation, recycling and disposal business without a licence issued by the Commissioner or the Authority.
- (2) On an application by any person or body corporate the Authority may, subject to the payment of prescribed fees and demonstration of competence in terms of skills and equipment and other requirements, issue a licence as set out in this Part.
  - (3) Notwithstanding the provision of subsection (1), no person or operator may collect or transport any form of waste other than that specified in its licence and for the purpose of this Section the category of waste shall include –
    - (a) domestic waste;
    - (b) commercial (bulk containerised) waste;
    - (c) industrial waste;

- (d) special industrial waste;
- (e) hazardous waste;
- (f) recyclable waste;
- (g) healthcare waste; and
- (h) building waste

Concession Licence.

64. (1) The Ministry may, by regulations make provisions as to the conditions, which are, or are not, to be included in a concession agreement, and regulations under this subsection may make different provisions for different circumstances.

(2) The licences issuable under this Part are:

- (a) Waste Collection/Street Cleaning Licence;
- (b) Transfer Loading Station (TLS) Operation Licence;
- (c) Waste Depot licence;
- (d) Landfill Operation Licence;
- (e) Mechanised Street Sweeping Licence;
- (f) Marine Sanitation Licence;
- (g) Manpower Supply and Training Licence;

- (h) Incineration Licence; and,
- (i) Drainage Management Licence.

#### Application for Concession

65. An application for the grant of a concession shall be in writing and addressed to the Ministry in such terms and manners as may be prescribed.

#### Grant of Concession

- 66.(1) The Ministry with the approval of the Commissioner shall grant concessions to holders of approved licences under this Part.
- (2) The Ministry shall upon the payment of a prescribed fee and satisfaction of the prescribed conditions by an applicant, issue a licence to any person who applies under this Part. The Ministry may by regulations prescribe fees and conditions for the issuance and renewal of a concession which may relate –
- (a) to activities which the licence operator or contractor may undertake;
  - (b) to the precautions to be taken and works to be carried out in connection with or in consequence of those activities and accordingly requirements may be imposed in the concession agreement which are to be complied with before the activities which the licence authorises begin or after the activities which the licence authorises have ceased; and
  - (c) subject to the provisions of this Part a concession agreement shall be valid for one (1) year.



- (3) For the purpose of this Section, all concessionaires must be holders of a valid license under this Part, and must have satisfied all the conditions stipulated in the requirements for a licensee under this Part and shall provide evidence of at least two (2) cities or municipalities or governments for which the prospective concessionaire has provided solid waste management services for within the last two (2) years whether in Nigeria or in other jurisdictions, including the name, address, electronic mail and other relevant details of the government agencies that granted the concession or contract.
- (4) Concessions may be granted by the Ministry for disused, dilapidated or abandoned State owned facilities and landfill sites on a Build Operate and Transfer (BOT) basis. Such concession must be in accordance with the provision of Section 17 of the Public Private Partnership Law.
- (5) For the purpose of this Part, a concessionaire must be a holder of any of the following licences:
  - (a) Waste Collection/Street Cleaning licence;
  - (b) Transfer Loading Station (TLS) operation licence;
  - (c) Landfill operation licence;
  - (d) Marine Sanitation licence;
  - (e) Incineration licence;
  - (f) Scrap Metal licence;
  - (g) Car Crushing licence; and
  - (h) Recycling licence.

Renewal of Concession.

67. (1) Any concession issued in accordance with Section 67 shall be renewed every twelve (12) calendar months from the date of issuance. A concessionaire wishing to renew shall not later than two (2) weeks before the expiry of the concession, apply for a new licence to take effect from the date the current concession expires and such renewal shall be subject to the same consideration as an application for the grant of a concession.
- (2) Any concession granted prior to the commencement of this part shall within 60 (sixty) days of the commencement of this law be submitted to the Ministry for review and brought into compliance with the provisions and requirements under this Part. Provided that any pre-existing concession not submitted for review in accordance with this Section shall be deemed revoked.
- (3) Any concession issued in accordance with the provisions of this Section shall not be assigned without the prior written consent of the Ministry.

#### Transfer of Concession.

68. (1) A concession licence may be transferred to another person in accordance with the provisions of this Section.
- (2) Where the holder of a concession licence desires that the licence be transferred to another person ("the proposed transferee") the licence holder and the proposed transferee shall jointly make an application to the Ministry for the transfer of it.
- (3) An application under subsection (2) above for the transfer of a licence shall be made in such form and shall include such information as the Ministry prescribes by regulations and shall be accompanied by the prescribed fee payable under the regulation.
- (4) If on such an application, the Ministry is satisfied that the proposed transferee is a fit and proper person the Authority shall effect a transfer of the licence to the proposed transferee, and shall cause the licence to be endorsed with the name and other particulars of the proposed transferee as the holder of the licence from such date as may be agreed with the applicants and specified in the endorsement.

- (5) If within the period of ninety (90) days beginning with the date on which the Ministry receives an application for the transfer of a licence, or within such longer period as the Authority and the applicants may at any time agree in writing, the Authority has neither effected a transfer of the licence nor given notice to the applicants that the Ministry has rejected the application, the Ministry shall be deemed to have accepted the application.

Compliance with Public Private Partnership Law.

S.17 Public Private Partnership Law Cap 18, Vol.9 LLS 2015.

69. All concession agreements and contracts to be entered into under the provisions of this Law shall comply with the provisions of Section 17 of the Public Private Partnership Law.

Grant of Licence.

70. (1) To obtain a licence under this Part, a Private Waste Operator and/or its Technical Partner must-

- (a) have the managerial, technical and financial capability to efficiently perform the activities as required in the licence applied for;
- (b) have a good reputation and proven track record for performing the activities as required in the licence applied for; and
- (c) agree to abide by the Authority's rules with respect to abuse or any market power and restriction of competition.

- (2) For the purpose of this Part, a prospective licensee and/or its technical partner shall in addition to other requirements by the Authority –

- (a) submit a full Scoping Study of their plans;
  - (b) undertake all risk insurance with respect to the waste disposal vehicles and any other facility used by the prospective licensee;
  - (c) provide an acceptable Health Safety and Environment (HSE) Policy;
  - (d) provide its employees with adequate personal protective equipment;
  - (e) prove that the Technical Partner has a beneficial stake in the equity of the Private Operator;
  - (f) that there exists a Technical Service Agreement between the Private Operator and its Technical Partner;
  - (g) prove that its vehicles and facilities are in good working condition; and
  - (h) show proof of its business offices within its operational area(s)/zone(s).
- (3) Private Operators holding a Waste Collection/Street Cleaning licence shall at all times maintain a personal injury and life assurance cover for its employees engaged in street sweeping, with a reputable insurance company.

Renewal of Licence.

71. (1) Any licence issued in accordance with Section 69 shall be renewed every twenty-four (24) calendar months from the date of issuance. A licensee wishing to renew shall not later than two (2) weeks before the expiry of the licence, apply for a new licence to take effect from the date the current licence expires and such renewal shall be subject to the same consideration as an application for the grant of a licence.

- (2) Any licence issued prior to the commencement of this Law shall within 60 (sixty) days of the commencement of this law be submitted to the Authority for review and brought into compliance with the provisions and requirements under this Part. Provided that any pre-existing licence not submitted for review in accordance with this Section shall be deemed revoked.
- (3) Any licence issued in accordance with the provisions of this Section shall not be assigned without the prior written consent of the Authority; and

#### Suspension /Revocation of Licence.

72. (1) Where it appears to the Authority that the provisions of this Part –

- (a) are not being carried into effect;
- (b) a condition of the licence has been breached;
- (c) the licensee has ceased to be eligible; or
- (d) it is in the interest of the public to do so, the Authority may-
  - (i) suspend the operation of such licensee until the conditions which caused the order of suspension to be issued have been rectified; or
  - (ii) revoke the licence.

(2) In accordance to the provision of this Section, all commercial and industrial entities shall patronise approved private operators for the collection and transportation of their waste to designated disposal sites.

#### Transfer of Licence.

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FOR **Babatope Babatobi**

73. (1) A licence may be transferred to another person in accordance with the provisions of this Section.
- (2) Where the holder of a licence desires that the licence be transferred to another person ("the proposed transferee") the licence holder and the proposed transferee shall jointly make an application to the Authority for a transfer of it.
- (3) An application under subsection (2) above for the transfer of a licence shall be made in such form and shall include such information as the Authority prescribes by regulations and shall be accompanied by the prescribed fee payable under the regulation.
- (4) If, on such an application, the authority is satisfied that the proposed transferee is a fit and proper person, the authority shall effect a transfer of the licence to the proposed transferee, and shall cause the licence to be endorsed with the name and other particulars of the proposed transferee as the holder of the licence from such date as may be agreed with the applicants and specified in the endorsement.
- (5) If within the period of ninety (90) days beginning with the date on which the Authority receives an application for the transfer of a licence, or within such longer period as the Authority and the applicants may at any time agree in writing, the Authority has neither effected a transfer of the licence nor given notice to the applicants that the Authority has rejected the application, the Authority shall be deemed to have accepted the application.

#### Duty to Provide Information

74. The Authority may, subject to the provision(s) of any other relevant Law require a waste generator, licensee, service provider or person involved in or associated with the provision of domestic or commercial waste collection service within a specific area to furnish information to the Authority which may be reasonably required for the information system and this may include –
- (i) significant sources of waste generation and the identification of the generators of waste;

- (ii) quantities and classes of waste generated;
- (iii) management of waste by waste generators;
- (iv) waste handling, waste treatment and waste disposal facilities;
- (v) population and development profiles;
- (vi) reports on progress in achieving waste management targets;
- (vii) markets for waste by class of waste or category; and
- (viii) any other information required by legislation, regulations or guidelines.

Notice to Produce Licence.

75. The Authority may by notice in writing addressed to a private waste collector or waste disposal contractor require the production of the original copy of licence.

Power to Enter.

76. An officer of the Authority may be authorized to enter the premises of a private waste collector between the hours of 9am and 5pm for the purpose of inspecting his licence.

Private Waste Collector.

77. As from the commencement of this Part, Private Waste Collector as licenced under this Part shall be in charge of the collection and disposal of commercial waste in the State in accordance with the provisions of this Part.

#### Commercial and Industrial

78. (1) Commercial and Industrial waste generators shall deal Waste Operators. directly with approved private waste operators on a contract basis between the parties based on the Authority's approved levy.

(2) Commercial waste generators shall engage approved private waste operators and the fee payable by commercial waste generators shall be agreed on a contract basis between the parties based on the Authorities methodology.

#### Domestic or Bulky

79. (1) The occupier of the premises on which domestic or bulky Waste. waste is generated must ensure that such waste is collected and disposed within a reasonable time.

(2) A licenced operator may collect domestic and or bulky waste, and deposit same at designated recycling facility or any other facility authorised by the Authority.

(3) The owner or occupier of the premises on which construction waste is generated, must ensure that-

- (a) until disposal, all construction waste, together with any container used for the storage, collection or disposal is kept on such premises;
- (b) the premises on which the construction waste is generated, does not become unsightly or cause a nuisance as a result of accumulated building construction waste;



- (c) any construction waste which is blown off the premises is promptly retrieved; and
  - (d) pursuant to any directive from relevant government agency any structure necessary to contain the construction waste is provided.
- (4) Notwithstanding the provisions of subsection (3) of this Section, the Authority may specify conditions for the storage and removal of building waste on a verge.
- (5) Every receptacle used for the storage and removal of construction waste may be placed on a verge if-
- (a) the name, address and telephone number of the person in control of that receptacle is clearly written on it;
  - (b) it is fitted with reflective materials which must completely outline the front and the back; and
  - (c) it is covered at all times other than when actually receiving waste or being emptied of waste so that no displacement of its contents can occur.
- (6) The owner or occupier of premises on which garden, bulky or construction waste is generated must ensure that same is collected by a licensed operator or any other person so authorised by the Authority.
- (7) A licenced operator may collect garden, bulky or building waste and shall deposit same at a designated recycling facility or any other facility as may be designated for same.

Healthcare, Industrial and Biomedical Solid Waste.

80. (1) A person may not carry on any activity which will cause the generation of special industrial, hazardous or healthcare waste without notifying the Authority in writing, prior to the commencement of such activity. Provided that if such waste is being generated as a result of activity which commenced prior to the

commencement of this Part, the generator must notify the Authority as contemplated in this subsection within thirty (30) days of the commencement of this Law.

- (2) The Authority may require that the notification referred to in subsection (1) must be accompanied by-
  - (a) an analysis of the composition of the proposed waste certified by qualified chemist or waste expert; and
  - (b) an estimated quantity waste to be generated.
- (3) The person referred to in subsection (1) of this Section, must notify the Authority in writing of any change occurring with respect to the generation, composition and quantity of waste.
- (4) Special industrial, hazardous and healthcare waste must be in an approved receptacle and for such periods as may be prescribed by the Authority.
- (5) Special industrial, hazardous and healthcare waste shall be collected and disposed of by an approved licenced operator and disposed of in accordance with the provisions of this Part or any regulation or guideline issued by the Authority
- (6) A licensee must dispose of special industrial, hazardous and healthcare waste at a waste treatment and disposal facility designated by the Authority or such other facility as may be so authorised.
- (7) No obnoxious, toxic or poisonous waste shall be deposited in the waste bin not so designated for that purpose. (8) Failure to comply with the provisions of this section shall attract a fine of Two Hundred Thousand Naira (N200,000.00) for individuals and One Million Naira (N1,000,000.00) for corporate bodies.

#### Prohibition of Unauthorised or Harmful Disposal or Treatment of Waste

81. (1) A person shall not -,

- (a) collect, transport, sort, recover, treat, dispose of or otherwise manage waste in a manner that results in an adverse effect or creates a significant risk of an adverse effect occurring;
  - (b) dump waste of any description at any place other than a waste disposal site designated by the Authority;
  - (c) treat, keep or dispose of controlled waste, or knowingly cause or knowingly permit controlled waste to be treated, kept or disposed of –
    - (i) in or on any land, or
    - (ii) by means of any mobile vehicle or plant, except under and in accordance with a waste management licence;
  - (d) A person shall not treat, keep or dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health.
- (2) Any person who contravenes the provisions of subsection (1) above commits an offence and shall on conviction be liable to a fine of Fifty Thousand Naira (N50,000.00) for an individual and Five Hundred Thousand Naira (N500,000.00) for a corporate entity, and on subsequent commission of the same offence shall on conviction be liable to imprisonment for a term not exceeding two (2) years for an individual and in the case of a corporate entity its Directors and Management Staff responsible for the day to day operation of the company for a term not exceeding two (2) years for each of such Director(s) or Management staff of the company, and the company shall be liable to a fine of One Million Naira (N1,000,000.00).

Disposal of Healthcare, Individual and Biomedical Waste.

82. (1) A person shall not dispose of waste in such a manner that it becomes litter or is likely to become litter.

- (2) A person who contravenes the provisions of subsection (1) commits an offence and shall, on conviction, be liable to a fine not less than Twenty-Five Thousand Naira (N25,000.00).
- (3) Where controlled waste is carried in and deposited from a vehicle, the person who controls or is in a position to control the use of the vehicle shall, for the purposes of subsection (1) of this Section be treated as knowingly causing the waste to be deposited whether or not the person gave any instruction for this to be done.

#### Receptacles for Waste.

83. (1) Every owner or occupier of a tenement shall provide covered waste receptacles outside the tenements to be used for depositing waste, and the Authority may by notice in writing to such an owner or occupier prescribe the receptacles of a kind and number.
- (2) In making prescriptions under subsection (1) of this Section, the Authority may by notice make provisions with respect to –
- (a) the size, construction and maintenance of the receptacles;
  - (b) the placing of the receptacles for the purpose of facilitating the emptying of them, and access to the receptacles for that purpose-
    - (i) the substances or articles which may or may not be put into the receptacles or compartments of receptacles of any description and the precautions to be taken where particular substances or articles are put into them; and
    - (ii) the steps to be taken by occupiers or owners of premises to facilitate the collection of waste from receptacles.

- (3) The provisions in subsection (1) of this Section shall be applicable to household waste, industrial waste, commercial waste and clinical waste.

Prohibition of Obnoxious,

84. An obnoxious, toxic or poisonous waste shall not be deposited in Toxic or Poisonous Waste. the waste receptacles mentioned in Sections 83 of this Part.

Prohibition of Certain Waste Disposal Practices.

85. (1) A person shall not burn or cause to be burnt on any tenement waste of any description. (2) A person shall not deposit or dump or cause to be deposited or dumped into a river, lagoon, stream, lake, pond, sea or any body of water, roadmaps, beautified sites, setbacks or waste of any description.

Deposition of Waste.

86. (1) If any controlled waste is deposited in or on any deposited in Undesignated Place(s). waste land in contravention of the provisions of this Part, the Authority may by notice served on the person, require the occupier or owner of the tenement or property to do either or both of the following –
- (a) to remove the waste from the land within a specified period not less than a period of seven (7) days beginning from the day of the service of the notice.
  - (b) to take within such a period specified steps with a view to eliminating or reducing the consequences of the deposit of the waste.

- (2) Where any person who is served with a notice under subsection (1) of this section fails, refuses or neglects to take any step as is specified in the notice, the Authority may revoke any relevant permit in respect of the affected premises and either impose sanction on the person or refer the matter to the Environmental Administrative Complaint Panel.

#### Waste Disposal Vehicle

87. Any vehicle or contraction used for transporting or conveying to be Covered. waste shall be covered in such a way that the contents do not litter the highway or any road in the State. Waste Recycling Plans. 88. It shall be the duty of the Authority in respect of household, green/garden and commercial waste to –
- (a) carry out an investigation with a view to deciding what arrangements are appropriate for dealing with the waste by separating, labelling or otherwise packaging waste for the purpose of recycling it;
  - (b) decide what arrangements are needed for that purpose;
  - (c) prepare a statement (“the plan”) for the arrangements made and proposed to be made by the Authority and other persons for dealing with waste; (d) carry out further investigations with a view to deciding what changes in the plan are needed;
  - (e) make modification of the plan which it thinks appropriate in consequence of any such further investigation;
  - (f) take such steps as in its opinion will give adequate publicity in each Local Government Area of the State to the plan or any modification of it; and
  - (g) send to the Local Government Area waste disposal contractors or operators and such other relevant persons a copy of the plan or, as the case may be, particulars of the modification.

## Power on Recycling Waste.

89. The Authority shall, for the purpose of recycling waste, have powers to –
- (1) make arrangements with waste disposal contractors or operators for them to recycle waste with respect to which the Authority has duties under Section 83 or agree with another person for its disposal or treatment;
  - (2) make arrangement with waste disposal contractors or operators for them to use waste for the purpose of producing from it heat or electricity or such other products that they may consider valuable;

## Sanitary Landfills

90. (1) The Ministry shall after due consideration of the Site. environmental and social factors designate a place in each of the three (3) senatorial districts within the State as a sanitary landfill site where waste collected from the user shall be dumped.
- (2) Upon designation of such area as a sanitary landfill site, the Ministry shall exercise the right to design, plan, operate, manage, construct and maintain such designated places;
  - (3) The Ministry may when it deems fit after due consideration of the environmental and social factors, have the sole right to approve the design and plan of a designated landfill area concessioned by the Ministry to private concessionaire;
  - (4) The Ministry when necessary may concession the management, construction and maintenance of a designated landfill area to private contractors;
  - (5) Factors to be considered in designating an area as a sanitary landfill shall include –

- (a) Area capacity and availability;
- (b) Proximity to sensitive groundwater resources;
- (c) Proximity to perennial surface water;
- (d) Occurrence to flooding;
- (e) Local ecological conditions;
- (f) Current and future land use;
- (g) Seismic condition;
- (h) Geological condition;
- (i) Soil/Land condition;
- (j) Topography; and
- (k) Environmental friendly technology

Special or Hazardous Waste.

91. (1) If the Authority considers that controlled waste of any kind is or may be so dangerous or difficult to treat, keep or dispose of that special provision is required for dealing with it, the Authority shall make provisions by regulations for the treatment, keeping or disposal of waste of that kind ("hazardous waste").
- (2) Without prejudice to the generality of subsection (1) of this Section, the regulations may include provision –



- (a) for the giving of directions by the Authority with respect to matters connected with the treatment, keeping or disposal of special waste;
- (b) for ensuring that special waste is not, while awaiting treatment or disposal in pursuance of the regulation, kept at any one place in quantities greater than those which are prescribed and in circumstances which differ from those which are prescribed;
- (c) for requiring the owner or occupier of premises on which special waste is situated to give notice of that fact and other prescribed information to the authority;
- (d) for the keeping of the records by the Authority and by persons who import, export, produce, keep, treat or dispose of special waste or deliver it to another person for treatment or disposal, for the inspection of the records and for the furnishing by such persons to the Authority of copies of information derived from the records;

providing that a contravention of the regulations shall be an offence and prescribing the maximum penalty for the offence.

#### Duty to Keep Land and Highways Clear of Litter

92. (1) The duty to keep land, roads and highway clear and free of litter shall be that of- etc.

- (a) each Local Government Area for any relevant road for which it is responsible;
- (b) the Authority, for any relevant highway, trunk road, special road and any relevant highway or relevant road for which it is responsible;
- (c) each principal litter authority, in respect of its relevant land;

- (d) the governing body of each designated educational institution or, the educational authority responsible for the management of the institution, as respects its relevant land; and
  - (e) the occupier of any relevant land within a litter control area of a Local Government Area, to ensure that the land is kept clear of litter and refuse.
- (2) In determining what standard is required ,in respect of any description of land, highway or road, for compliance with subsection (1) of this Section, regard shall be had to the character and use of the land, highway or road and the measures which are practicable in the circumstances.
- (3) A Local Government when discharging its duties under subsection (1)(a) of this Section shall –
- (i) in respect of any relevant highway or road, place and maintain on the highway or road such traffic signs and barriers as may be necessary for giving warning and preventing danger to traffic or for regulating it;
  - (ii) remove such signs as soon as they cease to be necessary for those purposes; and
  - (iii) this subsection has effect subject to any directions given under subsection (4) of this Section.
- (4) In discharging its duty under subsection (1)(a) or (2) of this Section to keep clear of litters and refuse or to clean any relevant highway or relevant road for which it is responsible, the Local Government shall comply with any direction given to it by the highway or road management authority with respect to –
- (a) the placing and maintenance of any traffic signs or barriers;
  - (b) the days or periods during which clearing or cleaning shall not be undertaken to any extent specified in the direction.

Power of the Commissioner.

93. (1) The Commissioner may by order, prescribe land to be designated under subsection (3) of this Section as a Litter Control Area.
- (2) The power of the Commissioner to prescribe land under subsection (1) of this Section includes power to describe the land by reference to the ownership or occupation of the land or the activities carried on it.
- (3) Any Principal Litter Authority other than a Local Government or Agency, may in accordance with the provisions of this section, designate any land in their area as part of a Litter Control Area.
- (4) An order under subsection (3) of this Section shall be made where the presence of litter or refuse is detrimental to the condition of the land or the environment.
- (5) An authority proposing to make a Designation Order in relation to any land shall –
- (a) notify persons likely to be affected by the proposed order;
  - (b) allow representations to be made within the period of seven (7) days from the service of the notice; and
  - (c) give consideration to any representation made in decision making.
- (6) A Designation Order under subsection (3) of this Section shall identify the land to which it applies and shall be in such form as the Commissioner may prescribe.

Summary Proceedings by Persons Aggrieved.

94. (1) The Court may act under this Section on a complaint made by any person on the ground that the person is aggrieved by the defacement, litter or refuse of –
- (a) relevant highway;

- (b) any trunk road which is a special road;
  - (c) relevant land under a Principal Litter Authority;
  - (d) any State land;
  - (e) relevant land designated as statutory undertaker;
  - (f) relevant land designated as educational institution; or
  - (g) relevant land within a litter control area of a Local Government Area.
- (2) The court may act on a complaint made by any person on ground of unhygienic and unkempt highway or trunk road.
- (3) A principal litter authority shall not be treated as a person aggrieved for the purposes of proceedings under this section.
- (4) Proceedings under this section shall be brought against the person who has the duty to keep the land clear under Section 92(1) or to keep the highway clean under section 92(2).
- (5) Before instituting proceedings under this Section against any person, the complainant shall give to the person not less than five (5) days written notice of intention to lodge a complaint and the notice shall specify the matter complained of.
- (6) If the court is satisfied that the highway or land in question is defaced by litter or refuse or, in the case of a highway, is unclean, the court may, subject to subsections (7) and (8) of this Section, make an order ("a litter abatement order") requiring the defendant to clear the litter or refuse or, clean the highway within a time specified in the order.
- (7) The Court shall not make a Litter Abatement Order if the defendant proves that he has complied, with regards to the clearing of the highway or land, with his duty under Section 91(1) and (2) of this Part.

- (8) The Court shall not make a Litter Abatement Order where it appears that the complaint arises out of the directives of the Local Government under Section 96 of this Part by the highway authority.
- (9) A person who, without reasonable excuse, fails to comply with a Litter Abatement Order commits an offence and is liable on summary conviction to a fine not exceeding Ten Thousand Naira (N10,000.00) and One Thousand Naira (N1,000.00) for each day for which the offence continues after the conviction.
- (10) In any proceedings for an offence under subsection (9) of this Section it shall be a defence for the defendant to prove that he has complied, in respect of the highway or land in question, with his duty under Section 96 (1) and (2) of this Part.
- (11) Where the court is satisfied on the hearing of a complaint under this Section that –
- (a) when the complaint was made to it, the highway or land in question was defaced by litter or refuse or, was wanting in cleanliness; and
  - (b) there were reasonable grounds for bringing the complaint

the court shall order the defendant to pay such reasonable sum to the complainant as the court may determine in respect of the expenses incurred by the complainant in bringing the complaint and the proceedings before the court.

Summary Proceedings by the Authority.

95. (1) Where a principal litter authority is satisfied in respects of any relevant-
- (a) State or Federal land;
  - (b) land of a designated statutory undertaker;

- (c) land of a designated educational institution; or
- (d) land within a litter control area of a Local Government.

that it is defaced by litter or refuse which is likely to reoccur, the authority shall serve a notice (a "litter abatement notice") imposing either the requirement or the prohibition or both specified in subsection (2) of this Section.

- (2) The requirement and prohibition referred to in subsection (1) of this Section are as follows –
  - (a) a requirement that the litter or refuse be cleared within a time specified in the notice; and
  - (b) a prohibition on the land to be defaced by litter or refuse.
- (3) The litter abatement notice shall be served –
  - (a) in respect of relevant Government land, on the appropriate State or Federal authority;
  - (b) in respect of relevant land of a designated educational institution, on the governing body of the institution or in such body or, on the educational authority responsible for the management of the institution;
  - (c) in any other case, on the occupier of the land or, if it is unoccupied, on the owner of the land.
- (4) The person served with the notice may appeal against the notice to the Court by way of summary application within the period of fourteen (14) days beginning on the date on which the notice was served.
- (5) If on any appeal under subsection (4) of this Section, the appellant proves that, in respect of the land in question, he has complied with his duty under Section 92 of this Part, the court shall allow the appeal.
- (6) In any proceedings for an offence under this Section it shall be a defence for the person charged to prove that he has complied, in respect of the land in question, with his duty under Section 96 of this Part.

- (7) If a person on whom a litter abatement notice is served fails to comply with the requirement imposed by the notice in respect of any land, the authority may, subject to subsection (5) of this Section-
- (a) enter on the land and clear the litter or refuse; and
  - (b) recover from that person the expenditure incurred except such of the expenditure as that person shows was unnecessary in the circumstances.
- (8) Subsection (7) of this Section does not apply in relation to relevant State or Federal land or relevant land of statutory undertakers.

#### Street Litter Control Notices.

96. (1) A principal litter authority may, with a view to the prevention of accumulations of litter or refuse in and around any street or open land adjacent to any street, issue notices ("street litter control notices") imposing requirements on occupiers of premises in relation to such litter or refuse, in accordance with this Section 306 of this Law.
- (2) If the authority is satisfied, in respect of any premises which are of a description prescribed under Section 98 (a) of this Part and have a frontage on a street in their area, that –
- (a) there is recurrent defacement by litter or refuse of any land, being part of the street or open land adjacent to the street, which is in the vicinity of the premises;
  - (b) the condition of any part of the premises which is open land in the vicinity of the frontage is, and if no notice is served is likely to continue to be detrimental to the amenities of the locality by reason of the presence of litter or refuse; or
  - (c) there is produced, as a result of the activities carried on the premises, quantities of litter or refuse of such nature and in such amounts as are likely to cause the defacement of any part of the street, or of

open land adjacent to the street, which is in the vicinity of the premises, the authority may serve a street litter control notice on the occupier or the owner of the premises.

- (3) A notice shall, subject to Section 96 of this Part-
- (a) identify the premises and state the grounds under subsection (2) of this Section on which it is issued;
  - (b) specify an area of open land which adjoins or is in the vicinity of the frontage of the premises on the street;
  - (c) specify, in relation to that area or any part of it, such reasonable requirements as the authority considers appropriate in the circumstances; and, for the purposes of paragraph (b) of this subsection, an area which includes land on both sides of the frontage of the premises shall be treated as an area adjoining that frontage.

#### Obstruction of Duly Authorised Person.

97. Any person who obstructs the Ministry or Local Government Area or any of their agencies, authorities or officials from carrying out any of their functions under the provisions of this Law commits an offence and is liable on conviction to a fine of Two Hundred and Fifty Thousand Naira (N250,000.00) or to a term of imprisonment for three (3) months or both.

#### Street Litter.

- 98.(1)The Commissioner may by order prescribe-

- (a) the descriptions of commercial or retail premises in respect of which a street litter control notice may be issued;



- (b) the descriptions of land which may be included in a specified area; and
  - (c) the maximum area of land which may be included in a specified area, and different descriptions or maximum dimensions may be prescribed under paragraph (b) or (c) above for different cases or circumstances.
- (2) The power to describe premises or land under subsection (1)(a) or (b) of this Section includes power to describe the premises or land by reference to occupation or ownership or to the activities carried on there.
- (3) The land comprised in a specified area –
- (a) shall include only land of one or more of the descriptions prescribed under subsection (1)(b) of this Section;
  - (b) shall not include any land which is not-
    - (i) part of the premises; (ii) part of a street;
    - (iii) relevant land of a principal litter authority; or
    - (iv) land under the direct control of any other Local Government; and
  - (c) shall not exceed any applicable maximum area prescribed under subsection (1)(c) of this Section, but a specified area shall not include any part of the premises which is or part of a litter control area.
- (4) The requirements which may be imposed by a notice shall relate to the clearing of litter or refuse from the area and may in particular require-
- (a) the provision or emptying of receptacles for litter or refuse;
  - (b) the doing within a period specified in the notice of any such thing as may be so specified; or

- (c) the doing (while the notice remains in force) at such times or intervals, or within such periods, of any such thing as may be so specified, but a notice may not require the clearing of litter or refuse from any carriageway, except at a time when the carriageway is closed to all vehicular traffic.
- (5) In relation to so much of the specified area as is not part of the premises the authority shall take account, in determining what requirements to impose, of their own duties under this Part or otherwise, and of any similar duties of any other Local Government, in relation to that land.
- (6) An authority before serving a litter control notice shall –
  - (a) serve a pre-litter control notice to the person concerned
  - (b) give him the opportunity to make representations about the notice within the period of fourteen (14) days beginning with the day on which he is so informed; and
  - (c) take any representations so made into account in making their decision.
- (7) A person on whom a litter control notice is served may appeal against the notice to a magistrate court by way of summary application, and the court may quash the notice or may vary or add to any requirement imposed by the notice.
- (8) If it appears to the authority that a person has failed or is failing to comply with any requirement imposed by a notice the authority may apply to the court by way of summary application for an order requiring the person to comply with the requirement within such time as may be specified in the order.
- (9) A person who, without reasonable excuse, fails to comply with an order under subsection (8) of this Section commits an offence and is liable on summary conviction to a fine not exceeding Five Thousand Naira (N5,000.00) for each day on which the offence continues after the conviction.

Procedure in Respect of Suits against the Authority.

99. (1) A suit against the Authority, a member of the Authority or any employee of the Authority for any act done in pursuance or execution of any Law, or of any public duty or authority will not lie or be instituted in any court unless it is commenced within twelve (12) months after the act, neglect or default complained of or in case of continuance of damage or injury within twelve (12) months after.
- (2) A suit may not commence against the Authority or any member of the Authority or any person acting under the direction of the Authority in respect of any act purported to be done or any neglect of duty under this Part, before the expiration of a period of one (1) month during which written notice of intention to commence the suit must be served on the Authority by the intending claimant or the agent and the notice must clearly and explicitly state the cause of the action, the particulars of claim, the name and place of abode of the intending claimant and the relief claimed.
- (3) In any action or suit against the property of the Authority, no execution or attachment or process of that nature will be issued against the Authority, but any sum of money which may be the judgment of the court awarded against the Authority will subject to any direction given by the court where notice of appeal has been given by the Authority in respect of that judgment, be paid from the general funds of the Authority.

Financial Provision.

100. (1) The funds of the Authority shall consist of all-
- (a) fees, charges and levies for services rendered by the Authority payable by all users including all organs and agencies of the Federal, State and Local Governments respectively;
  - (b) sums received as donations, grants, subscriptions, or amounts received as damages, etc.;
  - (c) sums and mortgages, debentures, investments and other property vested in the Authority;
  - (d) moneys which may be granted to or invested in the Authority by other persons, companies or corporations;

- (e) sums earned or arising from any property or investment acquired by or vested in the Authority; and
  - (f) other sums accruing to the Authority from any other source.
- (2) The funds of the Authority shall be administered by the Authority for the purposes of this Part, in such manner as it deems fit.

#### Annual Account.

101. The Authority shall prepare not later than three (3) months before the end of each financial year an account of the expenditure and income of the Authority for the next succeeding financial year.

#### Accounts and Audit.

102. (1) The Authority shall keep proper accounts in respect of its revenue and expenditure and within three (3) months after the end of each financial year, prepare an annual statement of account showing the financial position of the Authority in an accurate manner.
- (2) The annual statement of account must be audited by a reputable external audit firm selected from a list of auditors approved by the Auditor-General for Local Governments.
- (3) As soon as the annual statement of account has been audited, the Authority must forward copies of same together with copies of the audit report for confirmation to the Auditor-General for Local Governments and to the Governor.

#### General Reserves.

103. The Authority shall establish and maintain a general reserve fund out of the profits of the Authority for meeting contingencies, depreciation of assets, the liquidation of the Authority and for other purposes as the Board may consider for the proper functioning of the Authority under this Part.

#### Power to Borrow.

104. (1) The Authority may with the approval of the Governor borrow such sums of money as it deems necessary, whether by way of mortgage or otherwise, for and in connection with the exercise of its functions under this Part.

(2) An approval given for the purpose of this Section may be either general or limited to a particular borrowing or otherwise and may be subject to conditions.

#### Quarterly Report.

105. The Authority must submit quarterly reports of its activities to the Governor, and these reports will be made available to the public.

#### Annual Report.

106. The Authority must as soon as possible after the end of each financial year and in any case not later than the end of March of each year; submit the annual reports of its activities to the Governor.

#### Power to make Regulations.

107. (1) The Authority shall have power to make regulations in accordance with the Regulations Approval Law: Vol. 9 Ch.R5 Laws of Lagos State 2015.
- (2) Without derogating from the generality of subsection (1) of this Section, the Authority may make regulations for all or any of the following;
- (a) the duties, powers, rights and obligations of a licensee;
  - (b) the procedure for applying for licences, requirements for information and documentation to be submitted by the applicants;
  - (c) the procedure for amending and cancellation of licences;
  - (d) fees and levies payable by industrial and commercial waste generators;
  - (e) the determination of standards of performance that will be required from licensees;
  - (f) the information and returns that will be required from licensees and the manner in which it is to be provided;
  - (g) fees, levies and other charges that may be payable by licensees;
  - (h) the regulation of under-served areas;
  - (i) fines and penalties payable by licensees and waste generators for breach of any of the provisions of this Part or the Regulations made under it; and
  - (j) such other regulations as may be required.

Vesting of Assets.

108. There will be transferred to and vested in the Authority as soon as possible after the commencement of this Law-
- (a) all properties whether real or personal, all trenching and waste grounds, water depots and vehicles or other equipment used for collection of waste held by the Lagos Waste Disposal Board on such terms as may be agreed upon by the Authority; and
  - (b) all assets and liabilities of the defunct Lagos Waste Disposal Board in connection with its functions relating to removal and disposal of waste on such terms as may be determined and approved by the Authority.

#### Offences and Penalties.

109. (1) Without prejudice to the provisions of Section 58 of this Part, any person who contravenes any provisions of this Part commits an offence and is liable on conviction to a fine not exceeding Two Hundred Thousand Naira (N200,000.00) or to a term of three (3) months imprisonment or both.
- (2) Where the offence is committed by a corporate body, other than a waste collector or operator, the corporate body shall be liable on conviction to a fine not exceeding Five Hundred Thousand Naira (N500,000.00) and in addition the Secretary or Director or Manager of the said corporate body shall be liable to a fine of Two Hundred and Fifty Thousand Naira (N250,000.00) or three (3) months imprisonment.
- (3) Where the offence is committed by a licenced waste collector or operator, the Authority may in addition to subsection (2) of this Section suspend or cancel any licence issued in accordance with Section 69 of this Part.
- (4) The provisions of this Part shall be enforced by officers of the Authority, the Environmental Health Officers of Local Government Areas in collaboration with the Environmental Sanitation Corps.

SCHEDULE 1 (Sections 70 and 71) FORM A

FORM FEE N=..... LAGOS STATE GOVERNMENT Application for the Issue/Renewal of  
Private Collector's Licence

I/We ..... of .....  
..... hereby apply for .....  
.....  
..... Signature of the Applicant FORM B  
(Section 16(1))

PRIVATE COLLECTOR'S LICENCE

No: ..... Name .....  
..... of .....  
..... Category of  
Waste: ..... Issuance date: ..... Expiry date: .....  
... Area allocated/Ward/Local Government

SCHEDULE 2 GENERAL PROVISIONS WITH REGARDS TO DISPOSAL OF ALL TYPES OF WASTE INCLUDING  
HAZARDOUS WASTE

General.



- (1) It is the duty of the Authority to prescribe minimum standard practices relating to the management of all types of waste including segregation, handling, labelling, storage transport, treatment and disposal.
- (2) All generators of hazardous waste including health care institutions to inform their staff of the recommended method of handling storage and disposal of such waste.
- (3) Any other Solid Waste or liquid which is neither hazardous nor radio active in character, combined with untreated biomedical waste will be managed as untreated hazardous waste. Duty to provide access to domestic waste services.
- (4) The Authority has a duty to all local community/government area to ensure efficient, affordable, economical and sustainable access to the domestic waste service.
- (5) The duty referred to in subsection (1) is subject to —
  - (a) the obligation of the members of the local community area to pay the prescribed fee, for the provision of the domestic waste service, which must be in accordance with prescribed standards for rates and levies; and
  - (b) the right of the Authority to differentiate between categories of users and geographical areas when setting levels of service for the provision of the domestic waste management.
- (6) The Authority will take the following factors into account in ensuring access to the domestic waste service:
  - (a) the waste management hierarchy set out in this Part;
  - (b) the need to use resources efficiently; (c) equity and affordability;
  - (d) operational efficiency; and
  - (e) the need to protect human health and the environment. (7) In providing the waste collection services, the Authority may determine or designate-

- (a) collection schedules;
- (b) locations for placing approved receptacles for collection;
- (c) which types of waste generated by the occupier of any premises are separable for the purposes of recycling and the conditions for their separation, storage or collection.

#### PART IV ENVIRONMENTAL SANITATION, STATUTORY NUISANCES AND LITTERS

Interpretation.

110. In this Part, unless the context otherwise requires -

"Appropriate Officer" means any officer appointed by the Ministry, relevant agencies or Local Government Areas to carry out the functions under this Part including but not limited to Environmental Health Officers and Environmental Sanitation Corps.

"Best Practicable" is to be interpreted by reference to the following provisions -

- (i) "practicable" means reasonably practicable having regard among other things to local conditions and circumstances, to the current state of technical knowledge and to the financial implications;
- (ii) the means to be employed include the design, installation, maintenance, manner and periods of operation of plants and machinery, and the design, construction and maintenance of buildings and structures;
- (iii) the test is to apply only in so far as it is compatible with any duty imposed by law;

(iv) the test is to apply only in so far as it is compatible with safety and safe working conditions, and with the exigencies of any emergency or unforeseeable circumstances; and, in circumstances defined under the Factories Act, is applicable, regard shall also be had to guidance given in it.

"Chimney or exhaust pipes" includes structures and openings of any kind from or through which smoke may be emitted;

"Commissioner" means the Commissioner for the Environment or the member of the State Executive Council for the time being charged with the responsibility for the management of the environment in the State;

"Court" means the Environmental Court established under this Law.

"Dust" means powdery material such as dry earth or pollen that can be blown about in the air, and includes dust emitted from a chimney as an ingredient of smoke;

"Fumes" means any airborne solid matter smaller than dust;

"Gas" includes vapour and moisture precipitated from vapour; "Educational institution", means—

- (i) any university established under the Federal or State Laws whether publicly or privately funded;
- (ii) the Open University; and
- (iii) any secondary or tertiary institutions, Polytechnic or Colleges which provides higher education or further education (or both) which is full-time or part time education whether privately or publicly funded.

"Enforcing Authority" means the Ministry, Relevant Agencies, Local Government Area, or any agency authorised by Law to perform such functions specified in this Law.

"Industrial, trade or business premises" means premises used for any industrial, trade or business purposes or premises not so used on which matter is burnt in connection with any industrial, trade or business

process, and premises are used for industrial purposes where they are used for the purposes of any treatment or process as well as where they are used for the purposes of manufacturing;

"Industrial Waste" means waste generated from any premises used wholly or partially for the purpose of manufacturing and servicing operation or business and includes waste from mines and quarries;

"Local Authority" means Local Government or Local Council Development Areas within Lagos State;

"Ministry" means the Ministry of the Environment;

"Noise" means any pollution caused by sound that is intrinsically objectionable or that may cause adverse effect in human health, life or the environment and vibration;

"Notice" means a street litter control notice;

"Occupier" means a tenant, a resident or a user of tenement;

"Open Land" means land in the open air;

"Owner" means a landlord, State lessee, joint owner, tenant for life, mortgagee in possession or any person in actual possession and includes a person acting on the authority of the owner;

"Gas" includes vapour and moisture precipitated from vapour; "Educational institution", means —

- (i) any university established under the Federal or State Laws whether publicly or privately funded;
- (ii) the Open University; and
- (iii) any secondary or tertiary institutions, Polytechnic or Colleges which provides higher education or further education (or both) which is full-time or part time education whether privately or publicly funded.

"Enforcing Authority" means the Ministry, Relevant Agencies, Local Government Area, or any agency authorised by Law to perform such functions specified in this Law.

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"Industrial Waste" means waste generated from any premises used wholly or partially for the purpose of manufacturing and servicing operation or business and includes waste from mines and quarries;

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"Occupier" means a tenant, a resident or a user of tenement;

"Open Land" means land in the open air;

"Owner" means a landlord, State lessee, joint owner, tenant for life, mortgagee in possession or any person in actual possession and includes a person acting on the authority of the owner;

- (c) put refuse into securely tied plastic bags or leak proof dustbins or litter bins with tightly fitting lids;
- (d) keep refuse dustbins or litter bins where appropriate within their premises until the time of collection;
- (e) ensure that refuse dustbins or litter bins are covered at all times with tight fitting cover;

- (f) not dump yard sweepings, hedge cuttings, grass, leaves, earth, stones, bricks or business waste with household refuse;
- (g) not use dustbins or litter bins which may be leaking or permitting litter to escape or which might injure people handling them; and
- (h) not litter, sweep out, or throw ashes, refuse, paper, nylon and rubbish into any street, public or vacant plot.

#### Cleanliness of Premises.

112. An owner or occupier of any building shall ensure the cleanliness of his premises, particularly the backyard, courtyard, front yard and the surrounding gutters and drainages.

#### Cleanliness of Toilets/ Bathrooms and the General Environs of Restaurants/ Hotels, etc.

113. An owner or operator of a restaurant, hotel, night club or school shall ensure the cleanliness of all toilets and bathrooms within the premises and its environs.

#### Use of Sanitary Litter Bins.

114. (1) A pedestrian shall not dispose of any scrap paper, newspaper, candy wrapper, fruit skin and similar refuse anywhere except in litter bins.
- (2) A person shall not use litter bins for household refuse, commercial or industrial waste.

## Obstruction and Improper

115. (1) All side-walks shall be free from obstruction to allow free Disposal or Dumping flow of pedestrian and vehicular traffic. of Refuse.
- (2) All streets shall be free from obstruction and from construction or demolition materials.
- (3) A person shall not use another person's dustbin in front of his or another's building far or near from where he resides or works.
- (4) A person shall not dump indiscriminately any domestic, industrial or commercial waste, or discarded vehicle spare parts or tyres along highways, roads, channels, gorges, vacant land directly or through private operators except at designated refuse disposal sites.

## Domestic Refuse Disposal

116. All domestic refuse shall be disposed through an approved waste collector.

## Vehicles to Carry Litter Bins.

117. (1) Every commercial vehicle in the State shall carry a litter bin for the use of the passengers.
- (2) A passenger shall not throw any litter, fruit skins, scrap paper or other item onto the road from any vehicle.
- (3) Where no bin is provided, the driver shall be liable, in addition to any other person, for any contravention of subsection (2) of this Section.

Abuse of Setback on Public Infrastructures.

118. (1) Notwithstanding any permit given under any Law, a person shall not

–

- (a) construct or put any structure on drainage alignment, sewers, rail tracks, footpaths or on the required road or setbacks;
  - (b) use any road, street or other setback as a mechanic workshop or motor park;
  - (c) abandon any vehicle on highways;
  - (d) display, sell or buy goods on drainage alignments, roads, rail tracks, bridges and road setbacks;
  - (e) cook or sell any food on roads, rail tracks, bridges and road setbacks;
  - (f) defecate or urinate in the drainage or any open space; and
  - (g) organise, hold social parties or religious activities on any road, or obstruct any road.
- (2) A person shall not allow cattle, goats, sheep or other animals to roam on the road, street or any open space.

Vacant Lands.

119. (1) Every grantee, lessee or licensee of any vacant land shall ensure there is no heap of refuse, rubbish, overgrown weed or offensive material on such land.

(2) A person shall not use a heap of refuse or rubbish to fill vacant land, swamps, gorges or marshy land.



## Prohibition of Waste

120. (1) A person shall not- Burying, Burning, etc.

- (a) burn or bury refuse on any tenement or open place;
- (b) burn or cause to be burnt refuse of any type weeds, grass, tyres, cables or wastes of any description or use tyres as sources of fuel;
- (c) throw or bury industrial or commercial waste on any tenement; and
- (d) erect, construct or use an incinerator without prior approval or permit of the Ministry.

## Obnoxious or Poisonous Waste.

121. An obnoxious, toxic or poisonous waste shall not be deposited in a waste dustbin.

## Silt Removal.

122. A person shall not leave silt, earth or other materials excavated during construction or maintenance of drains on the roadside beyond forty-eight (48) hours.

## Prohibition of Cutting of Roads or Setbacks without Approval.

123. (1) A person shall not dig across any road or setback purpose without a written approval or permit of the relevant authority

- (2) It shall be the duty of the person who lawfully digs a road or setback to reinstate the part of the road dug within seven (7) days.
- (3) The reinstatement referred to in subsection (2) of this Section shall not be considered done until an assessment is made by the appropriate Ministry or the Local Government as the case may be.

#### Prohibition of Noise in Private and Public Places.

124. (1) It is an offence to –

- (a) display or engage in the business of selling of musical records and playing of any musical instruments, songs, lyrics and/or usage of public address system in public places;
  - (b) use public address system or loud speakers to propagate beliefs or ideas, advertise any good or solicit and disseminate information in any residential place; or
  - (c) use public address system or loud speakers to solicit for passengers or advertise the sale of goods at parks, markets or public places.
- (2) A person or organization shall not use a public address system that causes or is likely to cause nuisance or discomfort to the general public to disseminate information, propagate beliefs and/or ideas or engage in activities without a permit from the enforcing authority.
  - (3) Enforcement of this Section shall be carried out under the supervision of the Lagos State Environmental Sanitation Corps Agency.

Maintenance of drains, sewage and tanks.

125. (1) Every person shall -

- (a) clean and maintain any drain in the sides septic frontage, or rear of the tenement or building; and
  - (b) provide suitable holding tanks for liquid waste or sewage liquor and ensure regular evacuation and disposal of same.
- (2) A person shall not cause or knowingly permit any trade or sewage effluent or liquid waste to be discharged into any drain or drainage system, road, gorges, water courses or any part of it except at such place as may be authorised by the Ministry.

Appointment of Environmental Health Officers.

126. There shall be appointed within the State, in every Local Government and relevant agencies, Officers who whilst on duty in any place, whether in a township or not, shall have power to direct the sanitary work of such place and give instructions to all sanitary inspectors, whether in the employment of the government or not. Duties of Environmental 127. Environmental Health Officers shall- Health Officers.

- (a) inspect areas to which such officers are appointed; (b) abate nuisances; and
- (c) enforce such powers vested by this Law and any other Law relating to the environment in the State

Power of the Ministry and Local Government Areas.

128. (1) Authorised officers of the Ministry and Local Government Areas or any other Law enforcement agent authorised in writing by the Ministry may between the hours of 8a.m.and 6p.m. enter and examine any tenement or frontage, backyard or any side of a tenement in order to ascertain the existence of any nuisance.

- (2) The Local Government Areas may authorise in writing its Environmental Health officers to-
- (a) inspect any open space, public place, recreation ground, drain or drainage system, restaurants and such places as may be designated; or
  - (b) carry out other work in a lawful manner on a drainage system for the continuous flow of such drain or drainage system.
- (3) The Ministry may construct any structure which may be deemed necessary for the clearing, cleaning or inspection of a drain or drainage system.

#### Statutory Nuisances

129. (1) The following matters shall subject to the provisions of subsection (2)-(5) of this Section constitute statutory nuisances-
- (a) any premises which is structurally defective such as to constitute structural nuisance, or in such a state so as to be prejudicial to health or constitute nuisance;
  - (b) smoke emitted from premises which is prejudicial to health or constitute nuisance;
  - (c) fumes or gases emitted from premises which is prejudicial to health or constitute nuisance; (d) any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or constitute nuisance;
  - (e) any accumulation or deposit which is prejudicial to health or constitute nuisance; and
  - (f) any animal kept in such a place or manner as to be prejudicial to health or constitute nuisance;
  - (g) noise emitted from premises which is prejudicial to health or constitute nuisance; and

- (h) any other matter declared by any enactment to be a statutory nuisance; and it shall be the duty of the enforcing authority separately and jointly with every Local Government Area to cause its area to be inspected from time to time to detect any statutory nuisances and where a complaint of a statutory nuisance is made to it by a person living within an area, to take such steps as are reasonably practicable to investigate such complaint.
- (2) Subsection (1)(b) above does not apply to-
    - (a) dark smoke emitted from a chimney of a building or a chimney serving the furnace of a boiler or industrial plant attached to a building or for the time being fixed to or installed on any land;
    - (b) smoke emitted from a railway locomotive steam engine; or
    - (c) dark smoke emitted otherwise than as mentioned above from industrial or trade premises.
  - (3) Subsection (1)(c) of this Section applies to private dwellings only.
  - (4) Subsection (1)(d) above does not apply to steam emitted from a railway locomotive engine.
  - (5) Subsection (1)(g) above does not apply to noise caused by an aircraft.

Summary Proceedings for

130. (1) Where the enforcing authority is satisfied that a Statutory Nuisances. statutory nuisance or offence created under this Part exist, or is likely to occur or reoccur, in the area of its authority, the enforcing authority shall serve an abatement notice imposing all or any of the following requirements-

- (a) abatement of the nuisance prohibiting or restricting its occurrence or recurrence; or

- (b) the execution of such works or the taking of such other steps, as may be necessary for any of those purposes, and the notice shall specify the time within which the requirements of the notice are to be complied with.
- (2) The abatement notice shall be served on the person responsible for the nuisance except where the-
  - (a) nuisance arises from any defect of a structural character, on the owner of the premises; or
  - (b) where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, on the owner or occupier of the premises.
- (3) The person served with the notice may appeal against the notice to the Court within the period of seven (7) days commencing from the date on which the notice was served.
- (4) (a) A person on whom an abatement notice is served commits an offence where such person without reasonable excuse, contravenes or fails to comply with any requirement or prohibition imposed by the notice;
  - (b) such person is liable on summary conviction to a fine of Ten Thousand Naira (N10,000.00) for each day on which the offence continues until the expiration of the notice.
- (5) A person who commits an offence in this Section on industrial trade or business premises is liable on summary conviction to a fine of Five Hundred Thousand Naira (N500,000.00).
- (6) Subject to subsection (7) of this section, in any proceedings for an offence under subsection (4) above in respect of a statutory nuisance it shall be a defence to prove that the best practicable means were used to prevent, or to counteract the effects of the nuisance.
- (7) The defence under subsection (6) of this Section shall not be available in the case of a nuisance falling within -
  - (a) paragraphs (a), (d), (e), (f) or (g) of Section 129(1) except where the nuisance arises on industrial, trade or business premises;

- (b) paragraph (b) of Section 129(1) except where the smoke is emitted from a chimney; and
- (c) paragraph (c) or (h) of Section 129 (1). (8) Paragraphs (b) and (c) of subsection (7) of this Section shall apply whether or not the relevant notice was subject to appeal at the time when the offence was alleged to have been committed.

#### Joint Liability.

131. (1) Where more than one person is responsible for a statutory nuisance, the provisions of Section 130 shall apply to each of those persons whether or not any one of them is responsible for the act that would by itself amount to a nuisance.
- (2) Where a statutory nuisance which exists or has occurred within the area of an enforcing authority or which has affected any part of that area, appears to the Authority of the Local Government Area to be wholly or partly caused by some act or default committed within or outside the area, the Authority of the Local Government Area may act under this Part as if the act or default were wholly within that area, except that any appeal shall be heard by a magistrates' court having jurisdiction where the act or default is alleged to have taken place.
  - (3) Where an abatement notice has not been complied with the enforcing authority may, whether or not it institutes proceedings for an offence under Section 129, abate the nuisance and do whatever may be necessary in execution of the notice.
  - (4) Any expenses reasonably incurred by an enforcing authority in abating, or preventing the recurrence of a statutory nuisance under subsection (3) of this Section may be recovered by that enforcing authority from the person by whose act or default the nuisance was caused and if that person is not the owner of the premises, from any person who is for the time being the owner; and the court may apportion the expenses between persons by whose acts or defaults the nuisance is caused in such manner as the court considers fair and reasonable.

- (5) If a Local Government Area authority is of the opinion that proceedings for an offence under Part III above would afford an inadequate remedy in the case of any statutory nuisance, the authority may, subject to the provision of subsection (6) of this Section, institute proceedings in Court for the purpose of securing the abatement, prohibition or restriction of the nuisance, and the proceedings shall be maintainable notwithstanding that the authority has suffered no damage from the nuisance.
- (6) In any proceedings under subsection (5) of this Section in respect of a nuisance falling within paragraph (g) of Section 129(1), it shall be a defence to prove that the noise was authorised by a notice under the Noise Regulation made pursuant to this Part or Factories Act.

#### Summary Proceedings by Persons Aggrieved by Statutory Nuisances.

132. (1) The Court may act under this Section on a complaint made by any person on the ground that the person is aggrieved by the existence of a statutory nuisance.
- (2) If the Court is satisfied that the alleged nuisance exists, or that although abated it is likely to recur on the same premises, the Court shall make an order for either or both of the following purposes-
  - (a) require the defendant to abate the nuisance within the time specified in the order and execute any works necessary for that purpose; or
  - (b) prohibit a recurrence of the nuisance, and require the defendant to execute any works necessary to prevent the recurrence within a time specified in the order; and may also impose on the defendant a fine not more than Fifty Thousand Naira (N50,000.00).
- (3) If the Court is satisfied that the alleged nuisance exists and is such as, in the opinion of the court, to render the premises unfit for human habitation, an order under subsection (2) of this Section may prohibit the use of the premises for human habitation until the premises are, to the satisfaction of the court, rendered fit for that purpose.



- (4) Proceedings for an order under subsection (2) of this Section shall be instituted against the person responsible for the nuisance except where the-
  - (a) nuisance arises from any defect of a structural character, against the owner of the premises; or
  - (b) person responsible for the nuisance cannot be found, against the owner or occupier of the premises.
- (5) Where more than one person is responsible for a statutory nuisance, subsections (1) to (4) of this Section shall apply to each of those persons whether or not what any one of them is responsible for would by itself amount to a nuisance.
- (6) Before instituting proceedings for an order under subsection (2) of this Section against any person, the person aggrieved by the nuisance shall give to that person such notice in writing of his intention to bring the proceedings and the notice shall specify the matter complained of.
- (7) Notice of proceeding in respect of statutory nuisance required in subsection (6) of this Section shall be brought within five (5) days.
- (8) A person who, without reasonable excuse, contravenes any requirement or prohibition imposed by an order under subsection (2) of this Section commits an offence and is liable on summary conviction to a fine not exceeding Fifty Thousand Naira (N50,000.00) and a further fine of Five Thousand Naira (N5,000.00) for each day on which the offence continues after the conviction.
- (9) Subject to subsection (10) of this Section, in any proceedings for an offence under subsection (8) of this Section in respect of a statutory nuisance it shall be a defence to prove that the best practicable means were used to prevent, or to counteract the effects of the nuisance.
- (10) The defence under subsection (9) of this Section is not available in the case of a nuisance falling within -
  - (a) paragraphs (a), (d), (e), (f) or (g) of Section 129 (1) of this Part except where the nuisance arises on industrial, trade or business premises;

- (b) paragraph (b) of Section 129 (1) of this Part except where the smoke is emitted from a chimney;
  - (c) (c) or (h) of Section 129 (1) of this Part; and
  - (d) which is such as to render the premises unfit for human habitation.
- (11) If a person is convicted of an offence under subsection (8) of this Section, the Court may, after giving the enforcing authority or the local authority in whose area the nuisance has occurred an opportunity of being heard, direct the authority to do anything which the person convicted was required to do by the order to which the conviction relates.
- (12) Where on the hearing of proceedings for an order under subsection (2) of this Section it is proved that the alleged nuisance existed at the date of the making of the complaint, then, whether or not at the date of the hearing it still exists or is likely to recur, the Court shall order the defendant to pay to the person bringing the proceedings such amount as the Court considers reasonably sufficient to compensate him for any expenses properly incurred by him in the proceedings.
- (13) If it appears to the Court that neither the person responsible for the nuisance nor the owner or occupier of the premises can be found the court may, after giving the enforcing authority in whose area the nuisance has occurred an opportunity of being heard, direct the Ministry or local government authority to do anything which the court would have ordered that person to do, without prejudice to the primary liability of the person(s) responsible for the nuisance or the owner or occupier of the premises.

#### Power to Seal Premises.

133. (1) If an order of the Court or notice of the Environmental Health Officer or any authorised person for the abatement of a nuisance by the occupier or owner is not complied with because the occupier or owner cannot be found or because the occupier or owner is imprisoned, the Environmental Health Officer may apply to the court for an order to have the nuisance abated and all costs and expenses incurred in that connection shall be

paid to the Ministry or Local Government as the case maybe, by the occupier or owner and may be recovered as a debt.

- (2) If an owner or occupier cannot be found or if the expenses are not paid within three (3) months after the completion of the abatement of such nuisance, the court may after pasting notice of sale on the property, order the premises upon which the work shall have been done, or any part of it, or any movable property found on it belonging to such occupier or owner to be sold at market rate to defray the said cost and expenses.
- (3) The rules of Court relating to sales in execution of decrees shall apply to any order of sale under this Section.

#### Right of Entry.

134. (1) (a) It shall be lawful for the Environmental Health Officer to enter any premises at any time between the hours of six (6) in the morning and six (6) in the evening for-
- (i) the purposes of examining the existence of any nuisance;
  - (ii) that a nuisance found to exist has been abated;
  - (iii) the works ordered to be done are completed; or
  - (iv) the closing order is cancelled as the case may be;
- (b) where a nuisance order has not been complied with or has been infringed, the Environmental Health Officer shall enter the premises at all reasonable hours for the purpose of securing the execution of the order;
- (c) If the admission to the premises is refused, the Court may require the person having the custody of the premises to admit the Environmental Health Officer into the premises during the prescribed hours

and if no person having custody of the premises is found the Court may authorise the health officer to forcibly enter on such premises.

- (2) Any such order shall be in force until the work for which the entry was necessary has been done.
- (3) Any person who refuses to obey such order or in any way hinders, prevents or obstructs the execution of the order commits an offence and is liable to a fine of not more than Five Thousand Naira (N5,000.00) only.

#### Cost of Execution Relating to Nuisance.

135. All reasonable costs and expenses incurred in serving the notice, making a complaint or obtaining an order in carrying the order into effect shall be deemed to be money paid at the request of the person on whom the order is made, or if no order is made, but the nuisance is proved to have existed when a notice was served or the complaint made, then the person by whose act, default or sufferance the nuisance was caused in the case of nuisances caused by the act or default of the owner of the premises, such cost and expenses may be recovered from any person who is for the time being the owner of such premises.

#### Provisions Relating to Litters.

136. (1) The following are "principal litter authorities" —

- (a) Local Governments; and
- (b) Ministry.

Provided that the Commissioner may, by order, designate other descriptions of enforcing authority as litter authorities for the purposes of this Part; and any such authority shall also be a principal litter authority.

- (2) Subject to subsection (5) of this Section, land is "relevant land"-
- (a) of a principal litter authority if the land is open to the air not being relevant land falling within subsection (4) and is land which is under the control of such authority to which the public are entitled or permitted to have access with or without payment.
  - (b) if the land is under the direct control of a statutory undertaker or statutory undertaker which may be designated by the commissioner by order for this purpose of this part being land to which the public are entitled or permitted to have access with or without payment or in such cases as maybe prescribed in the designation order, land in relation to which the public have no such right or permission.
  - (c) of a designated educational institution if it is open to the air and under the direct control of the governing body of such education and authority responsible for the management of the educational institution.
  - (d) if the land is acquired, owned and controlled by the State or Federal Government or any of its agencies in accordance with the provisions of the Land Use Act.
- (3) Every highway maintainable at the public expense other than a trunk road which is a special road is a "relevant highway" and the enforcing authority which is, for the purposes of this Part, "responsible" for so much of it as lies within its area is subject to any order under subsection (4) of this Section-
- (4) The Commissioner may, by order, in respect of relevant highways or relevant roads of any class or any part of a relevant highway or relevant road specified in the order, transfer the responsibility for the discharge of the duties under this Part from the Local Government Area authority to any other authority; but he shall not make an order under this subsection unless-
- (a) he consults the Local Government Area authority;

- (b) it appears to him to be necessary or expedient to do so in order to prevent or minimise interference with the passage or with the safety of traffic along the highway or road in question; and
  - (c) where, by an order under this subsection, responsibility for the discharge of those duties is transferred, the authority to which the transfer is made is, for the purposes of this Part, "responsible" for the highway, road or part specified in the order.
- (5) Land is relevant land within a litter control area of a Local Government Area authority if it is land included in an area designated by the Local Government Area authority to which the public are entitled or permitted to have access with or without payment. (6) A place on land shall be treated as "open to the air" where it is not covered or partially covered.

#### Offences Relating to Litter.

137. (1) A person who throws, drops or deposits into or from any place to which this Section applies, and leaves, anything whatsoever in such circumstances as to cause, or contribute to, or tend to lead to, the defacement by litter of any place to which this Section applies, commits an offence.
- (2) An offence is not committed under this Section where the depositing and leaving of the thing was-
- (a) authorised by law, or
  - (b) done with the consent of the owner, occupier or other person or authority having control of the place or into which that thing was deposited.
- (3) This Section applies to any public open place and any relevant-
- (a) highway or road and any trunk road which is a special road;
  - (b) place or relevant land of-

- (i) a principal litter authority;
  - (ii) any designated statutory undertaker;
  - (iii) any designated educational institution; or
  - (iv) within a litter control area of an enforcing authority.
- (4) In this Section "public open place" means a place in the open air to which the public are entitled or permitted to have access without payment; and any covered place open to the air on at least one side and available for public use.
- (5) A person who commits an offence under this Section shall be liable on summary conviction to a fine not exceeding Fifty Thousand Naira (N50,000.00) only.
- (6) An enforcing authority, with a view to promoting the abatement of litter, may take such steps as the authority think appropriate for making the effect of subsection (5) of this Section known to the public in their area.
- (7) In any proceedings for an offence under this Section it shall be lawful to convict the accused on the evidence of one witness.

#### Fixed Penalty Notices for Leaving Litter.

138. (1) Where on any occasion an authorised officer of a litter authority has reason to believe that a person has committed an offence under Section 137 of this Part in the area of that authority, the officer may give that person a notice offering him the opportunity of discharging any liability for conviction for that offence by payment of a fixed penalty.
- (2) Where a person is given a notice under this Section in respect of an offence-

- (a) no proceedings shall be instituted for that offence before the expiration of seven (7) days following the date of the notice; and
  - (b) he shall not be convicted of that offence if he pays the fixed penalty before the expiration of that period.
- (3) A notice under this Section shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall state-
- (a) the period during which, by virtue of subsection (2) of this Section, proceedings will not be taken for the offence;
  - (b) the amount of the penalty; and
  - (c) the person to whom and the address at which the penalty may be paid.
- (4) The penalty payable to a litter authority in accordance with the notice issued under this Section shall be Twenty Thousand Naira (N20,000.00) subject to subsection (5) of this Section.
- (5) The Commissioner may by order substitute a different amount for the time being specified as the amount of the penalty in subsection (4) of this Section.

Obstruction of Authorised Officer.

139. A person who obstructs any authorised officer or any person engaged in carrying out the provisions of this Part commits an offence and is liable on conviction to a fine of Ninety Thousand Naira (N90,000.00) or a term of six (6) months imprisonment.



Issuance of Abatement Notice.

140. (1) Authorised officers of the Local Government Areas shall, if satisfied of the existence of a nuisance, serve a notice as prescribed in the Third Schedule to this Part to abate the existing nuisance or prevent the recurrence of the nuisance.
- (2) A person whom upon being served with the notice referred to in subsection(1) of this section fails to abate the nuisance commits an offence and shall be liable on conviction to a fine of-
- (a) Five Thousand Naira (N5,000.00) in the case of an individual; or
  - (b) Fifty Thousand Naira (N50,000.00) in the case of a company.

Penalties and Offences.

141. (1) A person who contravenes or fails to comply with any of the provisions of Sections 111-125 of this Part commits an offence and shall on conviction be liable to the fine specified under the Schedules to this Part.
- (2) Where an offence has been committed under this Part by a company or body corporate such a company will on conviction be liable to a fine of One Hundred Thousand Naira (N100,000.00)

SCHEDULES

FIRST SCHEDULE

FINES (INDIVIDUALS)

S/NO	Violation	Minimum (N)	Maximum (N)
1	Failure to clean sidewalk	2500	10, 000

2	Failure to clean 45cm from curb into street	2,500	5,000
3	Failure to clean drains and gutter area	5,000	15,000
4	Littering/throwing out, non-provision of litter bin in commercial vehicles	2500	5000
5	Sweet out	5000	10000
6	Improper use of litter bins	1000	5000
7	Failure to use covered dustbins or waste bags	1000	5000
8	Improper placement of dustbins	1000	5000
9	Sidewalk obstruction	15000	50000
10	Street obstruction	25,000	100,000
11	Improper disposal of refuse	5000	10000
12	Dumping of refuse on vacant land or overgrown vacant land	5000	10000
13	Failure to clean premises, backyards and courtyards, etc	1000	10000
14	Failure to maintain clean toilets in restaurants, hotels, shops and schools.	5000	25000
15	Posting of bills	1000	5000
16	Removal of city advertisements	50000	10000
17	Discharge of sewage into public place	50000	100000

18	Structure on road setback and drainage alignment (fine and demolition of the structure)	100000	500000
19	Failure to cover waste trucks	10000	25000
20	Waste burning	5000	10000
21	Storage of trade waste	50000	500000
22	Direct dealing with unregistered private refuse collectors	5000	10000
23	Failure to pay for service rendered by private refuse operator	1000	5000
24	Digging across road by an individual without approval	45000	Three (3) months' community service
25	Dumping of silt	10000	50000

SECOND SCHEDULE

FINES (MERCHANTS, BUSINESS, STORE, RESTAURANTS, HOTELS ETC.)

S/NO	Violation	Minimum (N)	Maximum (N)
1	Failure to clean sidewalk	10,000	20,000
2	Failure to clean 45cm from curb into street	5,000	10,500

3	Littering/throwing out	5,000	10,000
4	Sweeping out	5,000	10,000
5	Improper use of litter baskets	5,000	10,000
6	Failure to use proper dustbins	5,000	10,000
7	Failure to use proper dustbins	5,000	10,000
8	Improper placement of dustbins	5,000	10,000
9	Loose rubbish	5,000	10,000
10	Exposure of material	5,000	20,000
11	Failure to separate waste	5,000	20,000
12	Sidewalk obstruction	50,000	100,000
13	Street obstruction	50,000	100,000
14	Commercial waste disposal	25,000	100,000
15	Improper disposal of refuse	20,000	50,000
16	Illegal dumping of refuse	15,000	50,000
17	Posting of bills	25,000	50,000
18	Protection of city advertisement	10,000	40,000
19	Structure on road setback and drainage alignment (fine and	500,000	1,000,000

	demolition of structure)		
20	Failure to clean drains	15,000	50,000
21	Sewage disposal	20,000	50,000
22	Failure to cover waste trucks	20,000	50,000
23	Waste burning	25,000	50,000
24	Storage of trade waste	50,000	100,000
25	Burning of trade waste	45,000	100,000
26	Silt deposit along drains	50,000	100,000
27	Direct dealing with unregistered private refuse contractors	5,000	10,000
28	Unregistered private refuse contractors	10,000	50,000
29	Cutting of road by company without approval	100,000	500,000
30	Sealing up of motor parks, markets, stores and other places of Business	50,000	100,000

THIRD SCHEDULE

.....  
.....  
.....

Dear Sir/Madam,

ABATEMENT OF NUISANCE NOTICE

Inspection carried out under the Environmental Law on tenement situated at .....

..... within Lagos State on .....

..... has revealed that you have failed to keep your tenement and its surrounding free from filth, rubbish, refuse or waste of all description and/or ..... In these circumstances, unless you abate the said nuisance within three (3) days after the service of this notice the provisions of the above-named Law will be enforced and you will be prosecuted as provided by the Environmental Law

.....

Head of Environmental Health Care Dept. or authorised officer of the Ministry

FOURTH SCHEDULE APPLICATION FORM FOR REGISTRATION OF ENVIRONMENTAL SANITATION CORPS

1. Full names of applicant ..... (Block letters) 2.  
Residential Address .....  
..... 3. Nationality: .....

FOR **Babatope Babatobi**



..... 4. State of origin: .....

..... 5. Place of birth: .....

..... 6. Local Government Area: ..... 7. Ward: .....

..... 8. Membership No: .....

..... 9. Name and address of employer: .....

..... 10. Next of kin: .....

..... 11. Address of next of kin: .....

DECLARATION: I declare that all the particulars given above are true.

DATED this ..... day of. .... 20 .....

..... Signature of applicant Recommended by C.D.C. Chairman: Date .....

..... C.D.C. Chairman (L.G.A.)/Market Leader Date: .....

..... Confirmed by security agent: .....

Endorsed by Chairman: Local Government Area

FOR OFFICIAL USE

FIFTH SCHEDULE IDENTIFICATION CARD

Name: ..... Status: .....

..... Residence: .....

..... Local Government Area: .....

..... Ward/market: .....

..... Security code: ..... This card is the property of the Local Government Area and must be surrendered on the expiry date. The bearer whose photograph, name and signature appear on this identity card is a functionary of Local Government Environmental Sanitation Corps. If found please return to the Secretary, Local Government Area. ....

..... Date of issue/Signature of Secretary Date of Expiry .....

.....

## PART V STREET TRADING

### Interpretation.

142. In this Part unless the context otherwise requires—

“Authorised person” means any member of the Task Force set up by the Governor or any other person authorised by the Governor;

“Commissioner” means the Commissioner for the Environment or any member of the State Executive Council for the time being charged with the responsibility for the management of environment in the State;

“Goods” includes wares, articles, things, objects, items, commodities, merchandise, tangible or intangible;

“Illegal market” means a market that is prohibited under Section 144 of this Part;

“Local Government Area” includes Local Council Development Area.

“Market” means a market established and/or maintained by the State Government or a local government or a statutory corporation;

“Street” means any of the streets specified in the First Schedule to this Part and includes all highways, expressways and bridges in and around the State;

“ State” means Lagos State of Nigeria;

“Vicinity” means any footpath or any open space within the limits of 100 yards adjoining any highway.

### Prohibition of Street Trading.

FOR **Babatope Babatobi**



143. A person shall not sell, hawk or expose for sale any goods, wares, articles or things in any street specified in the First Schedule to this Part or within the vicinity of any public building, major street and highways in the State.

#### Prohibition of Illegal Market.

144. (1) A person other than the State, a Local Government Area or Statutory Corporation shall not establish or maintain any market in any place in the State.

(2) It is an offence under this Law to organise, operate, own, use and sell any item, goods, ware or merchandise of any sort except in any recognised or approved market by the State.

#### Prohibition of Shop Extension.

145. An occupant of a shop situated on a street or highway stated in the First Schedule to this Part shall not extend such shop onto the walkways.

#### Prohibition of use of Pedestrian Bridges as Market.

146. As from the commencement of this Law a person shall not use any pedestrian and overhead bridge as an open day or night Market in Lagos State.

#### Establishment and Maintenance of Street Trading and Illegal Markets.

147. (1) For the purposes of Sections 143, 144 and 146 above a person is deemed to engage in street trading, establishing or maintaining an illegal market on any occasion whenever selling any goods, or offering services in any place or street; whether or not such person regularly establishes or maintains the business of street trading or illegal market.
- (2) A person is deemed to engage in street trading, establishing or maintaining an illegal market whether in a statutory position or not if, while engaging in the prohibited act, exhibits any goods, or offers services for sale.

Power to Seize Goods, Wares or Articles, etc.

148. An authorised person may seize any goods exposed or offered for sale on any street or highway in the State.

Forfeiture of Goods Seized

149. (1) Where goods are seized as provided under this Part and whether or not the owner is convicted of an offence under this Part, the goods will be forfeited and vested in the State.
- (2) The goods vested under subsection (1) of this Section shall be sold or disposed of in such manner as prescribed by the Governor and the money realised from such sale or disposal shall be paid into the State's Consolidated Revenue Fund.

Power to Make Order.

150. (1) The Governor may by order –

- (a) establish Sunday and occasional markets in any part of the State
  - (b) specify the hours of business in all markets of the State.
  - (c) amend, vary or add to the Schedules to this Part;
- (2) A Local Government Area Chairman may by order –
- (a) establish Sunday and occasional markets in various Local Government Area of the State (b) specify the hours of business in such markets.

#### Offences.

151. (1) A person who contravenes the provisions of this Law commits an offence and is liable on conviction-

- (a) as a first offender to a fine of Twenty Thousand Naira (N20,000.00) or to a term of three (3) months imprisonment;
  - (b) as a second offender to a fine of Fifty Thousand Naira (N50,000.00) and to a term of six (6) months imprisonment; and
  - (c) as a third offender to a fine of Ninety Thousand Naira (N90,000.00) or to a term of one (1) year imprisonment.
- (2) A person who buys any goods exposed or offered for sale from any place or street specified in the First Schedule commits an offence and is liable on conviction to a fine of Ninety Thousand Naira (N90,000.00) or to a term of imprisonment for six (6) months or both.
- (3) A person who obstructs any authorised person in execution of the duty under this Part or aids or incites any other person so as to obstruct any authorised person in the execution of such duty commits an offence and is

liable on conviction to a fine of Ninety Thousand Naira (N90,000.00) or to a term of six (6) months imprisonment or both.

Optional Payment on the Spot.

152. (1) The fine imposed under Section 151 of this Part may be paid as fine on the spot by the offender immediately the offence is committed and receipt will be issued, in the form specified in the Third Schedule to this Part.
- (2) Where the offender is unable to pay an on-the-spot fine in accordance with the provision of subsection (1) of this Section, a criminal summons in the form prescribed in the Third Schedule to this Part shall be issued on the spot where the offence is being committed, to appear in the nearest Magistrate Court the next day after commission of the offence.
- (3) Where the offender is unable to comply with the provision of subsection (1) of this Section, any vehicle involved in the commission of any offence under this Law shall be impounded on the spot by the authorised person provided that the vehicle shall be returned to the offender if the fine imposed has been paid within twenty-four (24) hours of the commission of the offence.
- (4) The Magistrate Court must treat any criminal charge under this Part summarily.

Prosecutor.

153. A duly authorised person shall for the purpose of this Part prosecute an offender brought before any Environmental Court in the State.

Saving for Sales in Legal Markets.

154. In the case of markets in the Second Schedule to this Part, nothing in this Part will affect the sale and exposure or offer for sale in shops of goods displayed by owners of such shops or organisers of such fairs, bazaars established or maintained in any place in the State.

SCHEDULES FIRST SCHEDULE

Streets and places affected by this Law

All streets in Local Government Areas in the State with the exemption of such roads or streets as may be specified by the Commissioner.

SECOND SCHEDULE

Section 154 Markets that this Law does not affect All the Shopping Centres and authorised traditional markets in the State. Fairs and bazaars legally organised under an existing Law.

THIRD SCHEDULE

Format of a receipt issued on the payment of on-the –

spot fine [section 152] Received from. . . . .being payment of on-the-spot fine for an offence committed under the Street Trading and Illegal Markets (Prohibition) Law within . . . . . Local Government Area, on the . . . . . day of . . . . . 20 . . . . . Signature and Stamp NOTE

—  
Fine must be payable to the State Government Treasury or any other designated place, for the purpose of this Law.  
Criminal Summons

IN THE MAGISTRATE'S COURT

In the .....

..... Magistrate's Court of Lagos State

7 Charge No: ..... 20 ..... Between: The Police (or authorised agency) and .....

..... Offender To .....

..... of .....

.....or driver or owner or passenger of vehicle with registration No .....

..... Complaint has been made this ..... day of .....

.by..... that you on .....bought or sold articles

in ..... and committed an offence under the Street Trading and Illegal

Markets (Prohibition) Law and having been required to pay a fine of. .... on-the-spot as provided for in

the said Law and having refused or neglected to pay the said fine, you are summoned to appear before

the ..... Magistrate's Court sitting at ..... on the.....day of .....

..... in the forenoon to answer the said complaint. Dated this ..... day

of ..... 20 ..... Magistrate

PART VI LAGOS STATE ENVIRONMENTAL PROTECTION AGENCY

FOR **Babatope Babatobi**

BY **Tree & Trees**  
JusticeMedia

www.LawNigeria.com

## Interpretation

155. In this Part, unless the context otherwise requires-

“Agency” means the Lagos State Environmental Protection Agency;

“Court” means High Court of the State, the Magistrates’ Court of Lagos State; Environmental Court or any other Court or Tribunal that may be created by the House of Assembly for the purpose of adjudicating on this Part.

“Discharge” means any emission, intentional or unintentional, and which includes but not limited to, spilling, leaking, pumping, pouring, emitting, emptying, dumping or placing of any substances into any land, water or air so that such substance or any constituent may enter into the environment or be emitted into the air or discharged into any waters, including ground waters or land.

“Effluent” means waste generated from manufacturing service operations business;

“Enforcing Authority” means Lagos State Environmental Protection Agency

“Environment” includes water, air, land and the interrelationship which exist among water, air, land and all living things and the medium of air includes the air within buildings and air without other natural or man-made structures above or below the ground.

“Harm” means harm to the health of living organisms or other interference with the ecological systems of which they form part of and in the case of Human, includes offences caused to Human senses or property, and

“harmless” has a corresponding meaning. “Healthcare waste” means waste from any of the following –

- (i) any premises forming part of a hospital, trade-medical centres, clinic or maternity home; or
- (ii) any premises forming part of a medical laboratory, scientific, medical or health research institutions.

(iii) active pharmaceutical waste from pharmaceutical companies

“Hazardous or special waste” means controlled waste classified as harmful waste under any Law or Regulations in the State, includes any solid, liquid, gaseous or sludge waste which by reason of its chemical reactivity, environmental or human hazardousness, infectiousness, toxicity, explosiveness and corrosiveness is harmful to human health, life or environment;

“Local Government Area” includes Local Council Development Area (LCDA);

“Ministry” means Lagos State Ministry of the Environment;

“Permit” means a permit for a process (whether on a premises or by means of mobile plant) granted under this Part, and a reference to the conditions of any permit is reference to the conditions subject to which at any time the permit has effect;

“Pollution” means any direct or indirect alteration of the physical, thermal, chemical, biological, or radioactive properties of any part of the environment by discharging, emitting, or depositing wastes so as to adversely affect any beneficial use, to cause a condition which is hazardous to public health, safety or welfare, or to animals, birds, wildlife, fish or aquatic life, or to plants or to cause contravention of any condition, limitation, or restriction which is the subject to a licence under this Part;

“Pollution of the environment” means pollution of the environment arising from the negligent or deliberate release (into any environmental medium) from any process of substances including noise which are capable of causing harm to human life or any other living organisms supported by the environment or which damage the ecosystem or which results in damage to material property, impair or interfere with amenities, ecosystem and other legitimate use of the environment;

“Process” means any activity carried out within the State, whether on a premises or by means of mobile plant, which is capable of causing pollution of the environment,



“Activity” shall include industrial and commercial activities, activities of any nature including the keeping or release of a substance

“release” includes –

- (i) in relation to air, any emission of the substance into the air, water any entry (including any discharge) of the substance into water;
- (ii) land, any deposit, keeping or disposal of the substance in or on land; and for this purpose

“water” and “land”

For the purpose of determining into what medium a substance is released into, the Authority shall take into consideration –

- (a) the sea or the surface of the seabed within the State;
- (b) any river, watercourse, lake, loch or pond (whether natural or artificial or above or below the ground) or reservoir or the surface of the riverbed or of other land supporting such waters, or ground waters is released into water;
- (c) land covered by water falling outside paragraph (a) above or the water covering such land or;
- (d) the land beneath the surface of the seabed or of other land supporting waters falling within paragraph (a) above, is release into land;
- (iii) a public drainage or sewer shall be treated as a release into water, but a public drainage or sewer and its contents shall be considered in determining whether there is a pollution of the environment at any time;

“Ground Waters” mean any waters contained in underground strata, or in –

- (a) a well, borehole or similar work sunk into underground strata, including any passage constructed in connection with the well, borehole or work for facilitating the collection of water in the well, borehole or work;
- (b) any excavation into underground strata where the level of water in the excavation depends wholly or mainly on water entering it from the strata; or
- (c) any excavated borehole or well that is not in use should be properly decommissioned;

"Mobile plant" means plant which is designed to move or to be moved whether on roads or otherwise and which is used to carry out one or more activities listed in the Regulations made by the Agency;

"State" means Lagos State of Nigeria;

"Substance" means any organic or inorganic substance, whether in solid, liquid, gaseous or vapour form, of a particular molecular identity including any –

- (i) combination of such substances occurring in whole or in part as a result of a chemical or biological reaction or occurring in nature;
- (ii) element or uncombined radical;
- (iii) pesticide whether manufactured, processed, or distributed in trade for use as pesticide; toxic or radioactive waste;
- (iv) gaseous wastes or gases containing substances including but not limited to oxides of sulphur, oxides of nitrogen, hydrogen, sulphite, carbon monoxide, ammonia, chlorine, smoke and metallic dusts and particulates;
- (v) solid, liquid, gaseous or oil, and hazardous waste; effluents, or combination of solid wastes, which because of the quantity, concentration, or physical, chemical or infectious characteristics may-

- (a) cause, or significantly contribute to increase in mortality, serious irreversible, or incapacitating reversible illness; or
- (b) pose a substantial threat or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

Establishment of the Lagos State Environmental Protection Agency.

156. (1) There is established the Lagos State Environmental Protection Agency (referred to in this Part as "the Agency").

(2) The Agency shall:-

- (a) be a body corporate with perpetual succession and a common seal;
- (b) have power to sue and be sued in its corporate name; and
- (c) be capable of purchasing, acquiring, holding and disposing of movable and immovable property for the purpose of carrying out its functions under this Part.

Establishment and Composition of the Governing Board.

57. (1) There is established for the Authority the Lagos Waste Management Authority Governing Board (referred to in this Part as "the Board").

(2) The Agency shall be composed of the following members:

- (a) a Chairman who shall be a reputable environmentalist with cognate experience.

- (b) Permanent Secretaries of the following Ministries:-
    - (i) Health;
    - (ii) Agriculture;
    - (iii) Works and Infrastructure;
    - (iv) Transportation;
    - (vi) Finance;
    - (vii) Local Government and Community Affairs;
  - (c) the Director of Environmental Services; Sewage and Water of the Ministry;
  - (d) the General Manager of the Agency; and
  - (e) three (3) other members drawn from the academia and the general public who are experts on environmental matters.
- (3) The Chairman and members of the Board shall be appointed by the Governor subject to confirmation by the House of Assembly.

Tenure of Members of the Board.

158. All members of the Board with the exception of the General Manager and the Secretary shall be on part-time basis for a term of three (3) years and may be re-appointed for another term of three (3) years only.

## Meetings of the Board .

159. (1) The Board shall meet at least once every two (2) months for the despatch of business at such place and time as the Chairman may determine.
- (2) A special meeting of the Board may be summoned at the request of the Chairman.
- (3) All meetings of the Board shall be summoned by the Secretary.
- (4) The Chairman shall preside at any meeting of the Board but when absent the Board shall elect a member to preside.
- (5) The General Manager and the Secretary of the Agency must be in attendance at all meetings of the Board and shall take part in its proceedings and the Board may also require any of its Officers to attend such meetings and take part in the proceedings but neither the General Manager, the Secretary nor any of the Officers of the Agency attending its meeting shall have a right to vote on any matter. Quorum 160. The quorum of the Board of the Agency shall be a simple majority.

## Voting

161. The Chairman or the member presiding in the Chairman's absence shall at any meeting have a deliberative vote and in the case of an equality of votes, a second or casting vote.

## Validity of Proceedings.

162. The validity of any proceedings of the Board shall not be affected by any vacancy in the membership of the Board or any defect in the appointment of a member.

## Remuneration and Allowances

163. The non-ex-officio members of the Board shall be paid such remuneration and allowances as may be determined by the Governor.

## Cessation of Membership of the Board.

164. (1) A member of the Board shall cease to hold office if the member:-

- (a) resigns his appointment as a member by notice in writing addressed to the Governor;
- (b) by reason of mental or bodily infirmity, becomes incapable of discharging the duties;
- (c) has been convicted of an offence which involves dishonesty and fraud;
- (d) has been involved in any act that may be considered inimical to the interest of the Agency;
- (e) becomes bankrupt.

(2) The Governor may remove any member of the Board if satisfied that it is in the interest of the public to do so.

## Application of Lagos State Pension Law.

165. Service in the Agency shall be a public service for the purpose of the Pension Law and accordingly, officers and other staff of the Agency will be entitled to pensions.

Functions of the Agency.

166. The functions of the Agency shall be to:-

- (a) advise the State on all environmental management policies;
- (b) give direction to the affairs of the Agency on all environmental matters;
- (c) prepare a periodic master plan to enhance capacity building for the Agency and for the environment and natural resources management;
- (d) carry out appropriate tests on insecticides, herbicides and other agricultural chemicals;
- (e) carry out public enlightenment and educate the general public on sound methods of environmental sanitation and management;
- (f) monitor and control in conjunction with wastewater office and Water Sector Commission the disposal of solid, gaseous and liquid waste generated by both government and private facilities in the State;
- (g) monitor and control all forms of environmental degradation from agricultural, industrial and government operations;
- (h) set, monitor and enforce standards and guidelines on vehicular emission;
- (i) survey and monitor surface, underground and potable water, air, land and soil environments in the State to determine pollution levels in them and collect baseline data;
- (j) promote co-operation on environmental science and technologies with similar bodies in other countries and international bodies connected with the protection of the environment; and
- (k) co-operate with the Federal, State and Local Governments, statutory bodies and research agencies on matters and facilities relating to environmental protection.

Power of the Agency.

167. In carrying out the functions prescribed in Section 166 of this Part, the Agency shall have power to-

- (a) require to be produced, examine and take a copy of any license, permit, certificate or any other document required under this Part;
- (b) require to be produced and examine any appliance, device or other items used in relation to environmental protection;
- (c) enter into programmes and agreements of technical assistance with the public;
- (d) apply enforcement measures to combat environmental degradations in manufacturing premises and government operations;
- (e) enter and search vehicles, tents and other structures in any premises engaged in carrying out manufacturing operations or business;
- (f) perform tests and take samples of any substance found on any premises searched; and
- (g) accept gifts of land, money, books or other properties upon such terms and conditions as may be specified by the person making the gifts if such terms and conditions attached are not inconsistent with the functions of the Agency.

Power to Co-opt.

168. Where on any special occasion the Agency desires to obtain the advice of any person on any particular matter, the Agency may co-opt that person to be a member for as many meetings as may be necessary; and



that person while so co-opted will have all the rights and privileges of a member except that such a person will not be entitled to vote or count towards quorum.

#### Committees.

169. The Board may appoint one or more Committee(s) or sub- committee(s) to carry out on behalf of the Board, such of its functions as the Board may determine.

#### Disclosure of Interest.

170. (1) A member who is in any way, directly or indirectly interested in a transaction or project of the Board shall disclose the nature of the interest at the meeting of the Board.

(2) The disclosure by a member of such interest shall be recorded in the minutes of the meeting of the Board and the members shall not take part in any deliberation of the Board with respect to the transaction or projects.

#### Seal of the Agency.

171. (1) There shall be a common seal for the Agency.

(2) The fixing of seal of the Agency will be authenticated by the signature of the Chairman and the General Manager of the Agency.

(3) Any contract or instrument which, if made by a person not being a body corporate would not be required to be under seal may be made or executed on behalf of the Agency by the General Manager or by any other person generally or specifically authorized to act for that purpose by the Agency.

- (4) Any document purporting to be a document duly executed under the seal of the Agency will be admissible in any court of Law and will unless the contrary is proved deemed to be so executed.

Protection of Members of the Agency.

172. (1) Members or officers of the Agency shall not be liable to be prosecuted or sued in any Court for any act done or ordered to be done by them in good faith in the discharge of their functions under this Part.
- (2) In any action or suit against the Agency, an execution or any like process will not be issued against the Agency but subject to any directions given by the Agency, any sum of money which is awarded against the Agency by judgment of the Court will be paid from the general funds of the Agency.

The General Manager of the Agency.

173. (1) There is a General Manager of the Agency to be appointed by the Governor.
- (2) The General Manager shall be —
- (a) the Chief Executive Officer of the Agency;
- (b) responsible to the Board and in charge of the day to day administration of the Agency; and
- (c) an expert with cognate experience in environmental related matters.

Secretary to the Agency.

174. There shall be for the Agency a Secretary who shall be an officer not below Grade Level 15 with cognate experience in environmental matters and administration and shall be responsible to the General Manager.

Funds of the Agency.

175. (1) The Agency shall establish and maintain a fund from which all expenses incurred by the Agency will be paid.

(2) The funds of the Agency shall consist of:-

(a) such monies as may be appropriated to the Agency by the State; and

(b) all subscriptions from the charge, fees and charges for services rendered by the Agency.

Disbursement of Fund.

176. The Agency may make provisions for the disbursement of the money from the fund referred to in subsection (1) of Section 175 of this Part generally for the carrying into effect the purpose of this Law, and without prejudice to the generalities of the power so conferred in particular for-

(a) defraying extra budgetary expenses incurred by the Agency;

(b) improvement and establishment of standard and well-equipped laboratories for the purpose of this Part;

(c) setting up of air monitoring pilot scheme; and

(d) financing various studies, workshops, seminars and public enlightenment on the environment and other environmentally related matters

Prohibition of Noise in Private and Public Places.

177. (1) It is an offence to–

- (a) display or engage in the business of selling of Musical records and playing of any musical instruments, songs, lyrics and/or usage of public address system in public places;
  - (b) use of public address system or loud speakers to propagate beliefs or ideas, advertise any good or solicit and disseminate information in any residential place;
  - (c) use public address system or loud speakers to solicit for passengers or advertise the sale of goods at parks, markets or public places.
- (2) A person or organization shall not use a public address system that causes or is likely to cause nuisance or discomfort to the general public to disseminate information, propagate beliefs and/or ideas or engage in activities without a permit from the enforcing authority.

Payment of Annual Environmental Development Levy.

178. (1) A person engaged in any form of manufacturing shall pay, not later than the 1st day of January of every year, an environmental development levy (referred to in this Part as “the charge”)
- (2) The charge shall be prescribed by the Agency and shall be subject to periodic review.

Prohibition of the Discharge of Substance into the Environment .

179. A person shall not carry on a prescribed process or activities of discharging any substances into the environment except under a permit granted by the Agency.

Application for Permit.

180. (1) An application for a permit shall be made to the enforcing authority in accordance with the procedure prescribed by the Agency.
- (2) An application shall not be granted unless the Agency is satisfied that the applicant will comply with the terms and conditions of the permit.

Dumping and Burying of Toxic or Radioactive, or Medical Harmful Wastes.

181. A person shall not –
- (a) dispose of, dump, bury; or
- (b) allow to be buried, dumped in or over any land and water within the State; any solid or liquid, toxic, hazardous or radioactive substance or harmful waste as may be designated without the express participation of the Agency and in accordance with the Agency's regulation and guidelines.

Control of Emissions from Plants and Equipment.

182. (1) All emissions from vehicles, plants and equipment and including generating plants in residential, commercial industrial areas within the State shall meet air emission standards prescribed by the Agency.
- (2) As from the commencement of this Part, a person who sells or maintains any plant and equipment including electricity generating plants and other plants with an emission level above agreed emission standards subject

to the provisions provided in the regulation to this Part, shall apply for a permit from the Agency which shall be granted with or without any condition.

#### Prohibition of Air Pollution by Discharge of Injurious Gases etc.

183. It is an offence to discharge into the environment any inadequately filtered and purified gaseous wastes, gases containing substances or hazardous substances which is likely to cause pollution, and be harmful, or injurious to the environment of the State.

#### Prohibition of Manufacturing Storage of Chemicals in Residential and Commercial Areas Without Written Permission.

184. (1) It is an offence to carry on the business of manufacturing, or storage of chemicals, lubricants, petroleum products, cement (except for use in construction), gases or the containerizing of any oil/lubricant/petroleum product without a permit.
- (2) Manufacturing or storage business of chemicals, lubricants, petroleum products, cement (except for use in construction), gases or containerizing of any oil/ lubricant/petroleum product shall not be conducted in residential areas.
- (3) A person(s) or body engaged in the storage of chemicals, lubricants, petroleum products, cement (except for use in construction), gases or carry on the containerizing of any oil/lubricant/petroleum product stated above shall procure an insurance policy from an approved insurance company.

#### Prohibition of Discharge of Untreated Waste.

185. A person shall not discharge or cause to be discharged into the environment any untreated waste or chemical substances listed in any Federal or State law in force except in accordance with regulation made under this Law or Federal Law.

#### Prohibition of the Use of Chemicals in Streams or Water Bodies.

186. It is an offence to use any prohibited herbicides, insecticides other chemicals to kill any species in water bodies or for any purpose and deposit, dump, discharge any dangerous substances, herbicides insecticides, petroleum or chemical substances listed in any Federal or State Law or regulation in rivers, lakes and streams within the State.

#### Registration of Underground Storage Tanks (UST) and Surface Storage Tanks (SST).

187. (1) An owner or occupier of a facility who uses, stores, keeps and maintains an Underground Storage Tanks (UST) and Surface Storage Tanks (SST) shall register such tanks with the Agency and such registration shall be renewed annually.

(2) (a) Prior to the issuance of registration of an Underground Storage Tank (UST) and Surface Storage Tank (SST), a facility monitoring and inspection exercise shall be carried out on all sites with surface or underground tanks periodically to determine the integrity of the facility involved and soil test of the immediate environment shall be carried out as required. The result of such tests shall be made available to the facility owner on request.

(b). The enforcing authority shall upon reasonable satisfaction that the owner or occupier has satisfied the environmental standards imposed by it, register the facility and issue a certificate of compliance after a facility fee has been paid by the owner or occupier.

- (3) (a) Where test(s) result has confirmed a leakage or inadequacy for use, the certificate of compliance issued with respect to such SST or UST shall be immediately suspended and the tank must be:
- (i) emptied and usage discontinued immediately;
  - (ii) decommissioned and removed from the ground within seven (7)days; and
  - (iii) remedial activity on the soil shall be undertaken.
- (4) The certificate of compliance that is suspended in accordance to subsection (3) of the Section has been carried out to the satisfaction of the enforcing authority and a new tank has been accessed and declared fit by the Agency.
- (5) The permit shall be renewed annually for an amount payable and to be determined by the Agency and a certificate of compliance shall be issued to that effect.

#### Control of Effluent .

188. (1) Housing estates, hotels, commercial facilities, waste management facilities, hospitals , abattoirs and livestock shall not discharge or cause to be discharged any trade and industrial effluent into the public drain or natural environment without a permit from the Agency.
- (2) Effluent discharged under this section shall not exceed the permissible limits/levels contained in the Regulation of the Agency.

#### Fees and Charges for Permit.

189. The Agency shall prescribe the amount to be paid as fees/charges for permits to be issued under this Part.



#### Revocation of Permits.

190. (1) The Agency may revoke a permit by notice in writing to the person holding the permit.
- (2) Agency may revoke a permit where it has reason to believe that a prescribed process for which the permit is in force has not been carried on and it has been so for a period of twenty-four (24) months or that a material condition of the permit has been breached.
- (3) The revocation of a permit under this section shall have effect from the date specified in the notice, and the period between the date on which the notice is served and the date so specified shall not be less than fifty-six (56) days.

#### Inspection and Supervision.

191. The Agency may appoint any of its officials as inspectors (under whatever title it may determine) for carrying the provisions of this Part into effect in relation to prescribed processes.

#### Power of Inspectors.

192. (1) An inspector appointed under this Part may, on production (if so required) of the authority to act, exercise any of the powers in subsection (2) of this Section for the purposes of the discharge of the functions of the Agency.
- (2) Those powers, are exercisable in relation to premises on which a prescribed process -

- (a) is reasonably believed to be carried on; and (b) has been carried on the condition of which is reasonably believed to be such as to give rise to a risk of serious pollution of the environment.
- (3) The powers of an Inspector referred to above are –
  - (a) at any time between the hours of 6am and 6pm or, in a situation where in the opinion of the Inspector there is an immediate risk of serious pollution of the environment at any time, to enter premises which there is reason to believe it is necessary for him to enter,
  - (b) on entering any premises by virtue of paragraph(a) above the Inspector is to take with him-
    - (i) a person duly authorized by the Agency and if the inspector has reasonable proof of any serious obstruction in the execution of his duty, a police officer or such number of police officers as he may deem fit; and
    - (ii) equipment or materials required for any purpose for which the power of entry is being exercised.
  - (c) to make such examination and investigation as may in such circumstances be necessary;
  - (d) to take such measurements and photographs and make such recordings as he considers necessary for the purpose of any examination or investigation under paragraph (c) above;
  - (e) to take samples of substances found on any premises which the Inspector has a verifiable suspicion to be in contravention of the provisions of this Part.
  - (f) to require any person whom the inspector has reasonable cause to believe to be able to give any information relevant to any examination or investigation under subsection (c) of this Section to answer (in the absence of persons other than a person nominated to be present and any persons whom the Inspector may allow to be present) such questions as the Inspector deems fit to ask and sign a declaration of the truth of his answers;

- (g) to require the production of, or where the information is recorded in computerised form, the furnishing of extracts from, any record where it is necessary for him to see for the purposes of an examination or investigation under paragraph (c) above and to inspect and take copies of the records;
- (h) to require any person to afford the inspector such facilities and assistance with respect to any matter or thing within that person's control or in relation to which that person has responsibilities as are necessary to enable the Inspector to exercise any of the powers conferred on him by this Section;
- (i) to seal the premises, where there is immediate risk of life, property or the environment;
- (j) any other power for the purpose mentioned in subsection (1) of this Section which is conferred by regulation made by the Agency;
- (k) to investigate and monitor compliance with the terms of the permits issued by the Agency;
- (l) to appraise any environmental technical report of industrial and commercial activities as it relates to their goods and services within the State which is submitted to the Agency either by the proponent of a project or any agency to ensure compliance with the Environmental Policy of the State;
- (m) to investigate, monitor, report and take appropriate action on non-compliance of laid down regulation with impact mitigation measures of proposed developmental projects contained in any Environmental Impact Assessment (EIA )Report submitted to it in respect of any activities or processes undertaken within the State;
- (n) to appraise and monitor Environmental Technical Reports (ETR) submitted by companies;
- (o) to conduct regular survey and monitoring of water bodies and soil including landfill sites, agricultural farms among other things;
- (p) to collect and analyse water and soil samples with a view to developing baseline data; and
- (q) to investigate public complaints on environmental pollution matters contained in this Part.

- (4) Where an inspector has reasonable cause to believe that any article or substance found on any premises is a cause of imminent danger of serious harm such article or substance may be seized or rendered harmless .
- (5) Where any article or substance has been seized and rendered harmless under this section, the inspector shall, as soon as possible, prepare and sign a written report giving particulars of the circumstances in which the article or substance was seized and dealt with, and shall:-
  - (a) give a signed copy of the report to an owner or occupier of the premises where the article or substance was found;
  - (b) where such person served is not the owner of the article or substance, a signed copy of the report shall also be served on the owner;
  - (c) and if, where paragraph (b) above applies, the Inspector cannot after reasonable inquiry ascertain the name or address of the owner, the copy may be served on the owner by giving it to the person to whom a copy was given under paragraph (a) above or pasted at a conspicuous part of the premises and providing corroborative proof of service.

#### Power to deal

193. (1) If the Agency is of the opinion, that the operation of a With Imminent facility or installation of a mobile plant, or the operation of it Danger of Serious Harm. in a particular manner, involves an imminent harm or risk of serious pollution, it may arrange for steps to be taken to remove that risk.
- (2) Where any breach of the provisions of this Part or Regulations made under it causes any pollution, the Agency may arrange for steps to be taken towards remedying the effects of the pollution.
  - (3) Where the Agency intends to arrange for steps to be taken under subsection (2) of this Section, it shall, at least give seven (7) days notice before the steps are taken and notify the operator of the steps that are to be taken.

- (4) Subject to subsection (5) of this Section, where the Agency arranges for steps to be taken under this section it shall recover the cost of taking those steps from the operator concerned.
- (5) Costs shall not be recoverable under subsection (4) of this Section where the agency arranges for steps to be taken under subsection (1) of this Section if the operator shows that there was no imminent risk of serious pollution requiring any such steps to be taken and no other costs shall be recoverable which the operator shows to have been unnecessarily incurred by the Agency.

#### Obstruction of Duly Authorized Person.

194. (1) A person who obstructs the Agency or any of its officials from carrying out its function under the provision of this Part commits an offence, and on conviction shall in case of an individual be liable to a fine of Fifty Thousand Naira (N50,000.00) or a term of imprisonment for one (1) month or both.
- (2) Where the offence under this section is committed by a body corporate and is proved to have been committed with the consent or connivance of, or attributable to any act on the part of any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, commits an offence and is liable on conviction to a fine of Two Hundred and Fifty Thousand (N250,000.00) or to a term of imprisonment for two (2) months, or both.

#### Offences and Penalties.

195. (1) It is an offence for a person to-

- (a) knowingly or negligently contravene any provision of this Law or any provision of the Regulation made in accordance to this Part;
- (b) fail to comply with or to contravene a condition of a permit;

- (c) knowingly or negligently introduce into the public drainage or sewer system or into a publicly owned treatment works any pollutant or hazardous substance which such persons knew or reasonably should have known could cause personal injury or property damage other than in compliance with the requirement of this Part or other regulations or permits;
  - (d) prevent any other person from appearing before or from answering any question to which an inspector may require an answer;
  - (e) fail to comply with the requirements of an enforcement notice or a suspension notice;
  - (f) fail, without reasonable excuse, to comply with any requirement imposed by a notice under any Regulation made under this Part;
  - (g) make a statement which he knows to be false or misleading , or recklessly make a statement which is false or misleading , where the statement is made-
    - (i) in purported compliance with a requirement to furnish any information under any provision of this Part or Regulations made under it; or
    - (ii) for the purpose of obtaining the grant of a permit to himself or any other person, or the variation, transfer or surrender of a permit;
  - (h) intentionally make a false entry in any record required to be kept under the condition of a permit;
  - (i) deceive, forge or use a document issued or authorized to be issued under a condition of a permit or required for any purpose under a condition of a permit or to make or have in possession a document so closely resembling any such document as to be likely to deceive; or
  - (j) fail to comply with an order made by a Court.
- (2) A person who commits an offence under subsection (1) (a), (b), (d) or (i) of this Section shall be liable-

- (a) on summary conviction in the case of-
- (i) an individual to a fine not less than One Hundred Thousand Naira (N100,000.00);
  - (ii) a corporate body to a fine not less than Two Million Naira (N2,000,000.00);
- (b) on conviction on indictment in the case of:-
- (i) an individual to a fine of Two Hundred and Fifty Thousand Naira (N250,000.00) or to imprisonment for a term not exceeding two (2) years or both;
  - (ii) a corporate body to a fine not less than Five Million Naira (N5,000,000.00).
- (3) A person who commits an offence under subsection (1)(c), (e), (f), (g) and (h) of this section shall be liable-
- (a) on summary conviction, in the case of-
- (i) an individual, to a fine not less than Two Hundred Thousand Naira (N200,000.00)
  - (ii) a corporate body, to a fine not less than One Million Naira (N1,000,000.00).
- (b) on conviction on indictment, in the case of
- (i) an individual, to a fine of One Hundred Thousand Naira (N100,000.00) or to imprisonment for a term not exceeding one (1) year or both.
  - (ii) a corporate body to a fine not less than Two Million Naira (N2,000,000.00).
- (4) Where an offence committed under this Part by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, such person as well as the body corporate shall be liable to be proceeded against and punished accordingly.

- (5) Where the affairs of a body corporate are managed by its members, subsection (4) of this Section shall apply in relation to the acts or defaults of a member in connection with the functions of management as if such member were a director of the body corporate.
- (6) Where the commission of an offence by a person(s) under this Part or any regulation made pursuant to this Part is due to the act or default of some other person, that other person may be charged with and convicted of the offence by virtue of this sub-section whether or not proceedings for the offence are taken against the first-mentioned person.

#### Spiller's Liability.

196. (1) Except where an owner or operator can prove that a discharge was caused solely by a natural disaster or an act of war or by sabotage by a third party provided reasonable and practicable measures of care and skill has been taken by the owner or operator to prevent such sabotage such owner or operator of any vessel or onshore or offshore facility from which the hazardous substances is discharged in violation of any Section of this Part, shall in addition to the penalty specified in that Section be liable for-
- (a) the cost of removal, including any costs which may be incurred by any Government body or agency in the restoration or replacement of natural resources damaged; and
  - (b) cost of third parties in the form of reparation, restoration, restitution or compensation as may be determined by the Agency.
- (2) The owner or operator of a vessel or onshore or off shore facility from which there is a discharge in violation the provisions of this Part shall, to the fullest extent possible, act to mitigate the damage by-
- (a) giving immediate notice of the discharge to the Agency and any other relevant agencies;
  - (b) beginning immediate clean-up operations following the best available clean-up practice and removal methods as may be prescribed by the Agency;



(c) promptly complying with such other directions as the Agency may prescribe.

#### Enforcement by Court .

197. If the Agency is of the opinion that proceedings for an offence under the provision of this Part would afford an ineffectual remedy against a person who has failed to comply with the requirements of an enforcement notice or a suspension notice, the Agency may initiate proceedings in Court for the purpose of securing compliance with the notice.

#### Prosecution of Offenders

198. Without prejudice to the foregoing, prosecution for offences under this Part shall be instituted before the Court by the Attorney- General of the State or such officer in the Ministry of Justice provided that the Attorney-General may authorise-

- (a) the Agency or any of its officer; or
- (b) if he so desires direct, any other legal practitioner in Nigeria to undertake the prosecution directly or to assist in the prosecution.

Power to

199. (1) The Agency may make regulations in accordance with the make Regulations. Regulations Approval Law for carrying into effect the purpose of this Part, and without prejudice to the generalities of the power conferred in particular for prescribing-
- (a) acceptable standards or criteria to control the pollution of the environment;
  - (b) standards for effluent;
  - (c) water quality standards and monitoring reflecting the latest scientific knowledge on:
    - (i) the kind and extent of identifiable effects on health and welfare including, but not limited to plankton, fish, shellfish, wildlife, plants life, shorelines, beaches aesthetics and recreation which may be expected from the presence of pollutants in any water body, including ground water;
    - (ii) on the concentration and dispersal of pollutants on them by products, through biological, physical and chemical processes; and (iii) on the effects of pollutants on biological community diversity, productivity, stability, including information on the factors affecting rates of eutrophication and rates of organic and inorganic sedimentation for varying types of receiving waters.
  - (d) hazardous waste including but not limited to electronic wastes and healthcare waste and chemical waste.
  - (e) emission standards for each category or subcategory of major sources of hazardous air pollutants listed for regulation;
  - (f) for each environmental medium, the substances to be released into that medium is to be subject to control;
  - (g) emission standards for each category or subcategory of major sources and areas of sources of hazardous air pollutants listed for regulation pursuant to this Section; and
  - (h) in relation to releases of any substance from prescribed processes into any environment medium, prescribe standard limits for-

- (i) the concentration, the amount or the amount in any period of that substance which may be so released; and
  - (ii) any other characteristics of that substances in any circumstances in which it may be so released;
- (i) in relation to releases of any substance from prescribed processes into any environment medium, prescribe standard requirements for the measurement or analysis of, or releases of, substances for which limits have been set under paragraph (f) above;
  - (j) emission standards from vehicles, plants and equipment including generating plants.
  - (k) noise standard for any product or class which emits noise capable of adversely affecting the public health or welfare;
  - (l) noise standard for any product or class which is sold wholly or in part on the basis of its effectiveness in reducing noise;
  - (m) noise pollution standard in any residential, religious, commercial, industrial or any other premises with a view to controlling the psychological and physiological effects of noise on humans and the effects of noise on domestic animals, wildlife and property; and
  - (n) procedure for application for permit under this Part.
- (3) The Agency shall in relation to emission standards regulated under this subsection and applicable to new or existing sources of hazardous air, water, and land pollutants require the maximum degree of reduction in emission of the hazardous air, water and land pollutants (including a prohibition on such emissions, where achievable) and the Agency, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, determines that it is achievable through the application of measures, process, methods, systems or techniques including, but not limited to, measures which–

- (a) reduce the volume of, or eliminate emissions of, such pollutants through process changes, substitutions of materials or other modifications;
  - (b) enclose systems or process to eliminate emissions;
  - (c) collect, capture or treat such pollutants when released from a process, stack or storage or fugitive emission point; and
  - (d) are designs, equipment, work practice, or operational standards (including requirements for operator training or certification).
- (4) The Agency may, after careful investigation, and in collaboration with the Ministry or other relevant Agencies connected with environmental, health and safety matters and industries prepare or develop comprehensive programme for preventing, reducing or eliminating the pollution of the air, land and navigable water and underground waters and improving the sanitary condition of land, air as well as of surface and underground waters of the State.
- (5) The Agency shall develop comprehensive framework of regulation, standards and policies to protect the environment.
- (6) The Agency shall in relation to any developmental activities or processes to be undertaken within the State require, appraise and ensure that a detailed environmental impact assessment report is produced and complied with.

SCHEDULE 1 ENVIRONMENTAL DEVELOPMENT CHARGE CATEGORY A (N150,000.00– N300,000.00 PER ANNUM)

- (i) Rubber/Tyre Manufacturing Companies;
- (ii) Breweries;

- (iii) Soft Drinks Manufacturing Companies;
- (iv) Detergent and Soap Manufacturing Companies;
- (v) Big Textiles Manufacturing Companies;
- (vi) Cement and Asbestos Manufacturing Companies;
- (vii) Petroleum Prospecting, Exploring and Producing Companies;
- (viii) Petroleum Refining/Petrochemical and Synthetic Fibre Companies.

CATEGORY B (N100,000.00 –N150,000.00 PER ANNUM)

- (i) Fertilizer/Ammonia/Urea Manufacturing Companies;
- (ii) Gas Producing Companies;
- (iii) Petroleum Products Manufacturing Companies;
- (iv) Aluminum Producing Companies;
- (v) 5 Star Hotels;
- (vi) Medium-size Manufacturing Companies;
- (vii) Food Processing/Food Canning Companies;
- (viii) Dairy Products Producing Companies;
- (ix) Pharmaceutical Manufacturing Companies;

(x) Other major Manufacturing Companies not in A.

CATEGORY C (N50,000.00 –N100,000.00 PER ANNUM)

- (i) Asphalt and Bitumen Producing Companies;
- (ii) Iron/Steel and other Metal Fabricating Companies;
- (iii) Hotels with 100 Rooms and above;
- (iv) Oil Services Companies;
- (v) Vegetable/Palm Oil Producing Companies;
- (vi) Fish Marketing, Preserving and Processing Companies;
- (vii) Pulp/Paper Producing Companies;
- (viii) Plastic Manufacturing Companies.

CATEGORY D (N25,000.00 – N50,000.00 PER ANNUM)

- (i) Battery Manufacturing Companies;
- (ii) Cables, Electrical and Electronic Companies;
- (iii) Glass Companies;
- (iv) Industrial Machinery Manufacturing Companies;

- (v) Marble, Terrazo Manufacturing Companies;
- (vi) Hotels with 71 to 100 Rooms;
- (vii) Chemical Manufacturing Companies;
- (viii) Independent Petroleum Products Marketing Companies;
- (ix) Banks Corporate Headquarters;
- (x) Shoe Manufacturing Companies;
- (xi) Packaging Companies;
- (xii) Printing and Publishing Companies;
- (xiii) Carpet and Rug Manufacturing Companies.

CATEGORY E (N10,000.00 – N25,000.00 PER ANNUM)

- (i) Vegetable/Palm Oil Marketing Companies;
- (ii) Chemical Marketing Companies;
- (iii) Hotels with 41 to 70 Rooms;
- (iv) First Class Hospitals and Clinics;
- (v) Wood Processing Companies.

CATEGORY F (N5,000.00 – N10,000.00 PER ANNUM)

- (i) Bank Branches;
- (ii) Mechanised Dry-Cleaning/Laundries;
- (iii) Hospital/Clinics with more than 25 beds;
- (iv) Photographic Processing Companies;
- (v) Motor Dealers;
- (vi) Wood Furnishing and Allied Companies;
- (vii) Hotels with 20 to 40 Rooms.

CATEGORY G (N5,000.00 PER ANNUM)

- (i) Hospital/Clinics with 10 to 25 beds;
- (ii) Photographic Marketing Companies;
- (iii) Service and Processing Companies;
- (iv) Machine Tools Marketing or Servicing and Assembling Companies;
- (v) Mechanical Workshops;
- (vi) Leather Manufacturing and Tanning Companies;
- (vii) Restaurants with a sitting capacity for not less than 30 persons;



- (viii) Abattoirs and Lairages;
- (ix) Candle and other Wax Producing Companies;
- (x) Dyes and Inks and Ball-pen Manufacturing Companies;
- (xi) Animal Feed Mills;
- (xii) Petrol Stations with five (5) Pumps and above;
- (xiii) Bakeries;
- (xiv) Hotels with less than 20 Rooms;
- (xv) Saw-Mill and Other Small-Scale Wood/Furniture Works and Factories.

CATEGORY H (N3,000.00 PER ANNUM)

- (i) Petrol Filling Stations with less than five Pumps;
- (ii) Sewage Treatment Companies;
- (iii) Laboratories (Medical or Photographic, where Chemicals and Water are used in considerable quantity);
- (iv) Poultry Farms with 2,000 or more Birds;
- (v) Bank Rural Branches.

CATEGORY I (NOT EXCEEDING N5,000,000.00 PER ANNUM)

All other Companies or Firms not classified under this Schedule.

## PART VII CITIZENS' PARTICIPATION IN ENVIRONMENTAL PROTECTION INCLUDING ACCESS TO INFORMATION AND ENVIRONMENTAL IMPACT ASSESSMENT

Interpretation. 200. In this part unless the context otherwise requires-

"Appropriate Authority" includes but is not limited to Ministry, Local Governments Areas, Authorities, Agencies, Departments, Units, Panel and other Enforcing Authorities created under this Law;

"Commissioner" means the Commissioner for the Environment or the member of the State Executive Council for the time being charged with the responsibility for the management of the environment in the State;

"Ministry" means Ministry of the Environment.

Duty to keep Record.

201. (1) The relevant enforcing authorities in this Law shall cause to be maintained records of all permits and particulars of every person, facility or organisation involved in environmental matters in the State.

(2) The Commissioner shall cause to be maintained in case of persons affected by the provision of this Law, such records which shall include -

(a) the names and addresses of the facilities;

(b) the number(s) and type(s) of permit(s) granted;

(c) where facility imports dangerous chemicals, the type, usage and the countries from which such chemical is imported,

- (d) the quantity and types of specimens concerned; and
- (e) where applicable, the size and sex of the specimens in question.

Access to Information on Environmental Protection.

202. (1) Every person shall have the right to obtain information on any matter of the environment and its protection by following the conditions laid down in the provisions of this Part.
- (2) The appropriate authority shall be obliged to make available to the public relevant information on the environment and its protection.
  - (3) The following information shall be made available under subsection (2) of this Section:
    - (a) received applications referred to below in paragraph (b)(c)(d)and (g) under this Part;
    - (b) the scope of laws relating to the protection and management of the environment:
      - (i) decisions which set out the types and amounts of pollutants authorised to be emitted into the air, land and water;
      - (ii) decisions which set out the maximum permissible noise levels in the environment;
      - (iii) authorisations for deliberate releases of genetically modified organisms into the environment for experimental purposes or the placing on the market of products which contain genetically modified organisms or which consist of such organisms or their parts;
      - (iv) records of types and amounts of pollutants emitted into the air, land and water;
      - (v) decisions on-

- (a) amounts to be paid;
- (b) the due date for payment;
- (c) postponement of the due date for payment;
- (d) instalmental payments and fines for violations consisting of-
  - (i) excess releases in terms of type or amount of substances authorised to be emitted into the air as defined by a decision of the competent authority;
  - (ii) emissions in excess of the limit noise levels as defined by a decision of the competent authority,
- (c) decision which set out the amount of fines for violations of the requirements of environmental protection, consisting of-
  - (i) the destruction of areas of greenery or trees and shrubs caused by incorrect execution of earthworks or the use of mechanical or technical equipment, and the application of chemical agents in a manner which is harmful to the vegetation;
  - (ii) the removal of trees and shrubs without the required authorisation;
- (d) within the scope of laws relating to waste:
  - (i) authorisation to generate waste;
  - (ii) authorisation to collect, use or dispose of hazardous waste;
  - (iii) documentation prepared for waste inventory purposes;
  - (iv) decisions which set out the amounts, postpone the payment date, or provide for the payment in instalments, of fines for waste storage in places not intended for this purpose or for failing to meet the requirements set by development consent to the construction of a waste landfill;

- (e) within the scope of laws relating to maintaining of order and sanitation in communities - authorisations for activities consisting of the collection, use or disposal of municipal waste;
- (f) within the scope of the provisions of Part VI of this Law and National Environmental Protection (Effluent Limitation) Act and National Environmental Protection (Pollution Abatement in Industries and Facilities Generating Wastes) Act –
  - (i) permits for water abstraction;
  - (ii) permits for waste water discharges to water or land,
  - (iii) records of the amounts of water abstracted as well as the amount, types and average composition of waste water discharged to water or land;
  - (iv) decision which set out the amounts, postpone the due payment date, or provide for the payment in instalments, of fines for waste water discharges to water or land which fail to meet the requirements set out for them;
  - (v) decisions to impose fines for water abstraction in amounts in excess of those defined in the relevant permit and for damming waters at levels in excess of those set out in the permit;
- (g) draft policies, strategies, plans or programmes before they are subjected to the final approval;
- (h) policies, strategies, plans or programmes approved;
- (i) decisions of the Ministry, Local Government Areas, Panel and Enforcing Authorities responsible for environmental matters under the provisions of this Law;
- (j) interim environmental decisions;
- (k) the environmental impact reports;

- (l) follow-up analysis;
- (m) the results of environmental research and studies.
- (4) Information under subsection (1) of this Section may also include any other information in the form of documents and data held in particular in written, visual, aural form, and data bases stored on other carriers, regarding –
  - (a) the state of the natural elements of the environment and their interactions;
  - (b) pollutants released into the environment, and activities and measures which are likely to have or may have adverse effects on the environment;
  - (c) the effect of the state of the environment on human health, the quality of life and the cultural heritage;
  - (d) activities and measures, including administrative and economic designed to protect the environment;
  - (e) plans, programmes and financial analyses related to the taking of decisions which are significant for environmental protection;
  - (f) safety reports and emergency response plans concerning the protection and management of the environment;
  - (g) records that contain the result or product of environmental testing and a written explanation of the methods used in conducting the test carried out by or on behalf of the appropriate authority;
  - (h) proprietary privileged or confidential trade secrets, information that may cause competitive harm or could reasonably be expected to interfere with the contractual or other negotiations of a third party and or commercial information from a person or business if that disclosure would–
    - (i) be in the public interest as it relates to public health, public safety or protection of the environment;  
and

- (ii) if the public interest in disclosure clearly outweighs in importance any financial loss or gain to the competitive position of, or interference with contractual or other negotiation of a third party.
- (5) The information referred to in subsections (3) and (4) of this Section shall be made available in writing and shall provide sufficient details to enable an experienced officer of the appropriate authority reasonably interpret the record.
- (6) The appropriate authority responsible for matters referred to in subsection (3) of this Section shall be obliged to keep publicly accessible records of data concerning these documents and may include in these records data on the documents referred to in subsection (4) of this Section.
- (7) Publicly accessible records of the documents referred to in subsection (3) (l) and (m) of this Section shall also be kept by the appropriate authorities which are responsible for carrying out procedures within the framework or as a result such documents are prepared.
- (8) The Commissioner shall prescribe through regulation, the format of publicly accessible records, specifying, in particular, the titles of documents held, the places and dates of their issue, the places where they are kept and the reservations concerning access to information.

#### Grounds for Non-Disclosure

203. An application for Environmental Information may be refused where–

- (1) its disclosure would violate the Laws on the protection of confidential information or personal data; or (2) such information–
  - (a) affects matters which are subjudice or subject to criminal or disciplinary enquiry, if the disclosure of such information could disturb the course of the proceedings;

- (b) interfere with pending law enforcement proceedings conducted by any law enforcement or correctional agency;
  - (c) interfere with pending administrative enforcement proceedings conducted by any government or public institution;
  - (d) deprive a person of fair trial; (e) obstruct an ongoing criminal investigation;
  - (f) disclose the identity of a confidential source;
  - (g) constitute an invasion of privacy: provided that where the interest of the public would be better served by having such record being made available, the exemption to disclose shall not apply;
  - (h) are covered by copyrights and patent rights;
  - (i) contains documents or data supplied by a third party where the party is under no legal obligation to do so and has made the reservation that they should not be made available;
  - (j) contains documents or data the disclosure of which would make it more likely that the environment to which they relate would be damaged; or
  - (k) is on a project undertaken in areas or on built structures, or their parts, which are indispensable for the purposes of national defence or security, and which are managed by organisational units responsible to the Minister of Defence or the Ministers responsible for Internal Affairs and Foreign Affairs, and are accessible only to authorised persons;
- (3) the appropriate authority may-
- (a) upon a justified request from the provider of the information referred to in this Part, exempt from disclosure the data of commercial value, especially technological data, if making it available could worsen the provider's competitive position;



- (b) refuse to disclose information where it would require the provision of documents or data in the course of completion or intended for internal communications, or where the request for the disclosure of information is manifestly impossible to meet or formulated in too general manner, or in case of other reasons for refusal envisaged in this Law.

Period at which Information Shall be Available.

204. (1) The appropriate authority shall be obliged to make information available within fourteen (14) working days after the made request has been submitted.
- (2) Where the appropriate authority receives an application for access to a record and it considers that another government or public institution has a greater interest in the record, the appropriate authority may within three (3) days but not later than seven (7) days after the application is received transfer the application and if necessary the record to the other government or public institution, in which case the appropriate authority transferring the applications shall give written notice of the transfer to the person(s) who made the application so that such decision to transfer the application may be reviewed by the court.
  - (3) The appropriate authority may extend the time limit set out in subsection (1) of this Section for a reasonable period of time, not exceeding seven (7) days, if–
    - (a) the application is for a larger number of records or necessitates a research through a large number of records and meeting the original time limit would unreasonably interfere with the operations of the appropriate authority;
    - (b) consultations are necessary to comply with the application that cannot reasonably be completed within the original time limit.

- (4) The appropriate authority shall give information stating whether the extension falls under the circumstances set out in subsection (3) above, which information shall contain a statement that the person has a right to have the decision reviewed by a Court.
- (5) Documents and/or data which are held in publicly accessible records shall be made available within twenty-four (24) hours of the request.

#### Severance of Information.

205. Where it is possible to separate out a piece of information exempted from disclosure for the reasons referred to in this Part, the appropriate authority shall make available the remainder of the information.

#### Duty to Identify Origin of the Information.

206. In making available information provided by a third party, appropriate authority shall disclose the origin of such information.

#### Fees.

207. The Commissioner shall by regulation provide for fees to be charged for document search, duplication, review and transcript.

#### Applicability.

208. The provisions of this Part shall apply respectively to making available of information on the environment and its protection by other entities which, by virtue of the law or under agreements concluded, are responsible for performing public duties in relation to the environment and its protection.

#### Public Participation in Procedures Relating to Environmental Protection.

209. Members of public shall have the right to submit comments, recommendations and inputs in the course of formulation of environmental policies, guidelines, regulations and environmental decisions affecting the environment of the State.

#### Duty to Consult the Public On Environmental Decisions.

210. (1) Before the appropriate authority responsible for making decisions requiring public participation makes such a decision, the authority-

(a) shall notify the public that an application for the granting of the decision has been placed in a publicly accessible record and that comments and recommendations can be submitted at a designated place within twenty- one (21) days of the notice

(b) may conduct an administrative hearing open to the public; and

(c) shall consider the comments and recommendations submitted.

(2) The appropriate authority responsible for making a decision requiring public participation shall notify the public that the decision has been placed in a publicly accessible record, following the procedure specified in subsection (3) of this Section.

(3) The notification of the public, referred to in subsections (1) and (2) of this Section, shall be made-

- (a) by placing the information on the notice board at the office of the authority which is responsible for the matter ;
  - (b) by pasting the notice in the vicinity of the proposed project;
  - (c) by pasting the notice in the office of the responsible authority located in a community other than the community; and
  - (d) where project is to be sited by a publication in the local press or in a manner commonly used in the locality or localities which are relevant to the decision.
- (4) The notification of the public, referred to in subsections (1) and (2) of this Section, shall be provided also by placing the information on the worldwide web (www) homepage of the authority responsible for making the decision if the authority has such a homepage.

#### Non-Applicability of this Part.

211. The provisions of this Part which impose an obligation to obtain approval shall not apply where the authority which carries out the assessment of environmental effects is at the same time the authority whose approval or opinion should be obtained.

#### Citizen's Rights.

212. (1) Any person who, after lodging a complaint of the contravention of the provision of this Part to the appropriate enforcing authority or Commissioner and no action is taken after fourteen (14) days by the appropriate enforcing authority or Commissioner may commence proceedings for an injunctive order against the contravener.

- (2) The court may after hearing an application brought in under subsection (1) of this Section, make any or all of the following orders-
- (a) directing the respondent to remedy the contravention;
  - (b) restraining the respondent from committing the threatened contravention of the Law; or
  - (c) such other orders as the court considers appropriate for the purpose of giving effect to that order: provided that, an aggrieved citizen may institute such action prior to the expiration of the fourteen (14) days of such notice in cases of an emergency or situation posing a significant risk to the well- being of any person or the environment.

## PART VIII LAGOS WATER CORPORATION

Interpretation .

213. In this Part, unless the context otherwise requires-

“Abstraction in relation to water contained in any source of supply” means the doing of anything whereby any of that water is removed from that source of supply whether temporarily or permanently, including anything whereby the water is so removed for the purpose of being transferred to another source of supply and “abstract” shall be construed accordingly;

“Aquifer” means a porous or fissured mineral deposit or rock, such as sandstone or chalk, containing water;

“Analyse” in relation to any sample of land water or effluent means subjecting the sample to a test of any description;

“Authorised Officer” means any environmental health officer or any member of staff duly authorised in writing by the Corporation;

“Bulk Supply” means water supplied in bulk by the Corporation or by any other operator;

“C.A.M.A” means Companies and Allied Matters Act;

“Coastal Waters” means waters which are within the area which extends landward from low water mark or from the geographical baseline where it departs from lower water mark as far as- (1) the limit of the highest tide; or (2) in the case of the waters of any river or watercourse, other than a public sewer, the fresh water limit of the river or water course, together with the waters of any enclosed dock which adjoins water within that area;

“Contravention” includes a failure to comply;

“Controlled Waters” mean waters of any of the following classes-

- (1) relevant territorial waters;
- (2) coastal waters; and
- (3) ground waters.

“Commission” means the Lagos State Regulatory

“Commissioner” means the Commissioner for the Environment or the member of the State Executive Council for the time being charged with the responsibility for the management of the environment in the State;

“Core Investor” represents any person or Government that apply capital to the Corporation with controlling interest through money assets, shares, debentures and other public securities;

“Corporation” means the Lagos State Water Corporation and its subsidiaries;

“Catchment Area” means any area of land or water from which water contributes to the supply of any waterworks;

“Court” means the Lagos State Environment Court established under this Law;

“Domestic Supply” means water from any waterworks used in any tenement for drinking, washing, cooking, or for baths or any other purpose of domestic life;

“Drain” means any pipe or channel, etc., conveying only surface water or subsoil water or both and which is below ground level;

“Drainage System” means the system of pipes and drains used for the drainage of a building including all other fittings, appliances and equipment so used but excluding waterdrains;

“Distribution System” means the Corporation or any operator’s networks or mains, pipes, pumping stations and service reservoirs through which water is conveyed to customers;

“Dwelling House” means any premises used wholly or mainly for the purpose of private dwelling, with or without any garage, out-house, garden, compound, yard, court, forecourt or other appurtenance;

“Environment Court” means the Environmental Court established under this Law;

“Financial Year” means every period of twelve (12) months terminating on the 31<sup>st</sup> day of December;

“Foul water” means domestic sewage, silage trade effluent and other polluting substances discharged into the sewerage system;

“Gathering Ground” means any surface of land or water which collects rainfall for the purposes of any waterworks;

“Government” means the Local, State or Federal Government;

“Governor” means the Governor of Lagos State;

“Ground Waters” means water from aquifers or other underground sources;

“House of Assembly” means the Lagos State House of Assembly;

“Illegal Connection” means any connection to a water pipe without the explicit authorisation of the Corporation;

“Leakage” means the loss of water from the Corporation or any operator’s distribution system or from parts of service pipes for which customers are responsible;

“Local Government Area” includes Local Council Development Areas;

“Information” includes anything contained in any records, estimates or returns;

“Manhole” means any chamber constructed on a closed drain so as to provide access for inspection and cleaning;

“Meter” means any appliance used for measuring, ascertaining or regulating the amount of water taken or used from any waterworks, by means of any service, or gauge or other appliance used in estimating the flow of water in or from any part of any waterworks;

“Metered Water” means water supplied to premises, the volume of which is measured by the use of metering or other equipment;

“New Water Services Assets” means those water services assets not yet in existence;

“Non-Domestic Supply” means any water from any waterworks used for the purpose of, or in carrying on, any trade, business or manufacture or for watering fields or gardens cultivated or occupied as a means of pecuniary profit, or for private fountains, or for any ornamental purpose, or for the supply of ponds or tanks or for laundries or public washhouses or public baths, vessels, ships, boats or machinery, and includes the water used or consumed by any person resident in or occupying any premises where a non-domestic supply is given as well as any water taken or used from any waterworks for the use of any Local Government Area or Government Establishment or Department;

“Occupier” in relation to a tenement means the person in occupation of the whole or of any part of such tenement, but does not include a lodger;

“Owner” means a landlord, a state lessee, a joint owner, tenant for life, mortgagee in possession or any person in actual possession and it includes a person acting with the authority of the owner;



“Person” means an individual and shall include a limited liability company or an organisation duly registered under the Companies and Allied Matters Act;

“Pollution” means the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water;

“Premises” means land with buildings or a distinct or separate holding or tenancy or any wharf or pier, or any tract land used for any purpose;

“Private Operator” means any private entity, whether a natural person, body corporate or a consortium or joint venture entering into a project agreement;

“Project Agreement” means an agreement between the Corporation and a private operator selected by the Corporation (and the State) through competitive bidding procedures to carry out private sector participation that sets the terms and conditions of such participation, including concessions, leases, management contracts, Build Operate and Transfer (BOT) Agreements, technical assistance contracts, consulting services contracts, franchises, bulk water supply, purchase agreements and regulatory agreements;

“Public Fountain” means any fountain, standpipe, valve, tap or appliance used or intended to be used for or in connection with the supply of water to the public from any waterworks, and vested in, erected or to be erected by the Corporation and which is its property;

“Public Right of Way” includes any square, court, highway, road, thoroughfare or public passage or place over which the public has a right of way;

“Records” include computer records and other records kept otherwise than in a document;

“Regulated Entities” means the Corporation or an entity operating under a project agreement or licence with the Corporation, or any entity that purchases water for resale to customers;

“Relevant Authority” means any governmental ministry or agency, or any other body which is competent to address matters within its powers;

“Service” means all pipes, valves, cisterns, cocks, fittings, and other appliances(except any meter as defined in this Part) by or through which water flows or is intended to flow from any waterworks or which are or may be used for the purpose of supplying any tenement from any waterworks, and being the property of the owner or occupier of such tenement;

“State” means Lagos State of Nigeria;

“State Waters” means water from sources in the State other than such sources as may be declared by any Federal law to be sources affecting more than the State;

“Storm Water” means the water which comes to the surface of the earth as rain and finds its way into rivers and the seas through the public drainage system;

“Street” includes any square, court, highway, road, thoroughfare or public passage or place over which the public has a right of way;

“Structure” includes a fence, kiosk, stationary vehicle used for the display of wares or cafeteria;

“Substance” includes micro-organisms and any natural or artificial substance or other matter, whether it is in solid or liquid form, gas or vapour;

“Tenement” means land within buildings or a distinct or separate holding or tenancy or any wharf or pier, but does not include land without buildings;

“Trade Effluent” means all the liquid waste with or without domestic sewerage emanating from a commercial or industrial organisation and is a by-product of that commercial or industrial process or activities and in relation to any tenement means any such liquid which is so produced in the course of any trade or industry carried out in those premises;

“Treated Water” means water treated for domestic purposes;

“Underground Strata” means strata subjacent to the surface of any land;

“Waterworks” means all reservoirs, dams, weirs, tanks, cisterns, tunnels, tanks, conduits, aqueducts, mains, pipes, fountains or sluices, constructed for the storage, conveyance, supply measurement or regulation of water, which are vested in the Corporation;

“Water Put into Supply” means water put into the Corporation or any operators distribution or otherwise supplied to customers other than bulk supplies.

Establishment of the Corporation.

214. (1) There is established the Lagos State Water Corporation (LSWC) (referred to in this Law as “the Corporation”).

(2) The Corporation shall—

- (a) be a body corporate with perpetual succession and a common seal; (b) have power to sue and be sued in its corporate name; and
- (c) be capable of purchasing, acquiring, holding and disposing of any property for the purpose of carrying out its functions under this Law.

Establishment of the Lagos State Water Corporation Governing Board.

215. The Governing Board of the Corporation shall be a Board of Directors (referred to in this Part as “the Board”).

Composition and Appointment of the Governing Board.

216. (1) The Board shall consist of-

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- (a) a Chairman;
  - (b) a Group Managing Director and Chief Executive Officer (referred to in this Part as 'the C.E.O.');
  - (c) Chief Operating Officer;
  - (d) Executive Director Operations;
  - (e) Executive Director Finance and Administration; and
  - (f) seven (7) other members.
- (2) The C.E.O. and Chairman of the Board shall be appointed by the core investor.
- (3) The Chief Operating Officer, Executive Director Operations, Executive Director Finance and Administration and the seven (7) other members are to be appointed by the Governor.

#### Functions of the Corporation

217. The functions of the Corporation shall be to-

- (a) prepare on behalf of the State, plans for the maintenance and development of water services, water service assets and new water services assets in the State (referred to as the "Development Plans"), pursuant to consultation with the relevant authorities and consumer groups;
- (b) identify and implement projects for the provision of water services which may be undertaken with private sector participation, pursuant to consultation with the relevant authorities, in order to fulfil the water service obligations of the State;
- (c) ensure the supply of potable water in the State, either pursuant to project agreements with private participants, or by raising necessary funds through the capital market;

- (d) control and manage all waterworks and ground water in the State; (e) extend and develop existing waterworks within the State;
- (f) establish, manage, control and develop new waterworks for public, agricultural, domestic, industrial and general purposes in the State;
- (g) ensure the supply of adequate and potable water throughout the State at reasonable charges;
- (h) verify and monitor compliance by private participants with any project agreements;
- (i) establish and implement proper accounting procedures for all of its assets and liabilities;
- (j) conduct research for the purpose of carrying out its functions and submit the result of such research to the Board for utilisation in the formulation of policy relating to water supply and water pollution control in the State;
- (k) authorise or delegate any officer or employee of the Corporation to act as agent of the Corporation for any function, service or facility which may be exercised, performed or provided by the Corporation under this Part;
- (l) establish four standing Board Committees or any other ad-hoc committee as provided under this Part;
- (m) undertake accounting of public assets;
- (n) manage warehouse existing liabilities; and
- (o) manage public financing, including loans (multilateral and local).

General Powers of the Corporation.

218. (1) The Corporation shall, subject to the provisions of this Part, and for the purpose of carrying out its functions, have power to-

- (i) own all water services assets and new water services assets;
- (ii) prepare development plans for the maintenance and development of water services assets and new water services assets;
- (iii) insure any property forming part of the water services assets or new water services assets, whether movable or immovable, required for or in connection with the performance of its functions and sell, lease, concede, dispose of, or otherwise deal with such property or any part of it;
- (iv) undertake any land acquisition procedure necessary for the performance of its functions in accordance with all valid legislations;
- (v) enter into agreement with any person for the management, supply, construction, manufacture, maintenance or repair of any water services asset or new water services asset whether movable or immovable;
- (vi) procure water abstraction rights from the relevant authorities and may assign such rights to private participants;
- (vii) construct, reconstruct, maintain and operate waterworks and all other buildings and works necessary for the discharge of its functions under this Part;
- (viii) protect, maintain and improve all existing natural watercourses;
- (ix) carry any water pipe through, across, or under any street or any place laid out or intended as a street and after giving reasonable notice in writing to the owner or occupier, making good any damage done and informing the relevant government ministry or agency;

- (x) abstract water from any lake, river, stream or other natural source forming part of State water, and to do likewise in respect of other water by arrangement with the appropriate authority under and in accordance with the provisions of any existing Law in that behalf;
- (xi) enter on any land at any time for the purpose of examining, repairing or removing any water pipe which is the property of the Corporation;
- (xii) construct stand pipes or public fountains in any street or other public place;
- (xiii) at any time between the hours of six o'clock in the morning and six o'clock in the evening, or in case of emergency at any other time, to enter into premises or place on which any service has been laid or into which any waterworks supplies in order to-
  - (a) inspect any service and to ascertain whether there is any waste, leakage, obstruction, illegal connection or damage to any service or meter and anything in connection with it;
  - (b) ascertain the amount of water taken or used; or
  - (c) disconnect the supply of water to any premises;
- (xiv) diminish, withhold, suspend, stop, turn off or divert the supply of water through or by means of any service or public fountain either wholly or in part whenever the Corporation deems necessary;
- (xv) enter into agreement with any person for the supply, construction, manufacture, maintenance or repair of any property whether movable or immovable, which is necessary or appropriate for the purpose of the Corporation;
- (xvi) do anything for the purpose of advancing the skill of persons employed by the Corporation or the efficiency of the equipment of the Corporation or the manner in which the equipment is operated including the provision of facilities for training, education and research;
- (xvii) accept or acquire and hold any security of any kind in any form whatsoever;

- (xviii) delegate the responsibility to provide water services and the operation, management and maintenance of water services assets and new water services assets, to private participants pursuant to project agreements;
  - (xix) surrender, transfer or re-convey any security held by the Corporation whether upon exchange for other security or upon discharge;
  - (xx) in relation to any security held by the Corporation exercise any power, right or privilege in respect of that which a private individual would be capable of exercising in like circumstances;
  - (xxi) make, draw, accept, or endorse, negotiable instruments;
  - (xxii) invest money standing to its credit and not for the time being required for its immediate need, in stocks, shares, debentures or other securities whatsoever approved by the Board and to sell such stocks, shares, debentures or other securities;
  - (xxiii) insure its properties against all forms of risk; (xxiv) write off bad debts with the approval of the Board;
  - (xxv) raise finance or borrow money by issuing debenture or any other securities or in any other manner in connection with the exercise of its functions;
  - (xxvi) retain and expend corporate income, as defined under relevant accounting standards, for the purposes of fulfilling its function under this Part.
- (2) The Corporation may carry out any of its functions under this Section either alone or by the formation or incorporation of wholly owned limited liability companies as subsidiaries.
- (3) The Corporation shall have power for the purpose of carrying out its functions to do all such acts as appear to it to be requisite, advantageous, or convenient and may carry on any activities in that behalf either alone or in association with any other person or body.



- (4) The Corporation shall have power to assign any of its properties movable and immovable to a wholly owned corporate subsidiary for the purpose of carrying out any of its functions under this Part.

Tenure of Office of Members.

219. (1) The C.E.O. and other members of the Board shall hold office for a term of four (4) years which may be renewable in accordance with the provisions of C.A.M.A.
- (2) All members of the Board except members under paragraphs (b)–(e) of Section 216 shall be appointed to serve on part-time basis.

Cessation of Office.

220. A member shall cease to hold office if the member-
- (a) resigns the appointment by giving three (3) months notice in writing;
  - (b) becomes of unsound mind or is incapable of carrying out the functions of the Office;
  - (c) has a conflict of interest, as provided under Sections 277, 280 and other relevant Sections of C.A.M.A.;
  - (d) is convicted of a felony or for any offence involving dishonesty;
  - (e) becomes bankrupt;
  - (f) is guilty of serious misconduct relating to the functions of the Office; and
  - (g) in the case of any member who belongs to a professional body, is suspended or removed from the professional body.

Remuneration of Members of the Board.

221. There shall be paid to the members of the Board such remuneration as provided under the C.A.M.A.

Meeting and Proceedings of the Board.

222. The provisions contained in Part VIII of C.A.M.A. as regards meetings and proceedings of the Company shall have effect in relation to the Corporation, the Board and other matters mentioned in the Act.

Quorum.

223. The quorum for a meeting of the Board shall be seven (7) members, including the Chief Executive Officer.

Responsibilities of the Board.

224. The Board shall be responsible for the following-

- (a) making of strategic decisions on core activities and subsidiaries of LSWC;
- (b) review and approval of the LSWC's business plans, budget and performance;
- (c) approval of pre-qualified PSP Operators;
- (d) approval of bidding documents;
- (e) approval of acquisitions by LSWC and its subsidiaries;

- (f) approval of policy decisions and monitoring of implementation;
- (g) ensuring that regulated activities conform with standards set by regulatory commission; and
- (h) ensuring that the LSWC group remains a socially responsible corporate citizen.

Committees of the Board.

225. (1) The Board shall have the following committees-

- (a) Procurement and Evaluation Committee;
  - (b) Budget Committee;
  - (c) Audit, Finance and Accounts Review Committee; and
  - (d) Environment, Human Resources and Safety Committee.
- (2) The Board may also have any other ad-hoc committee(s) as may be deemed necessary.

Procurement and Evaluation Committee (PEC).

226. This Committee shall be responsible for-

- (a) collating, scrutinising and reviewing all procurement information/data in the Corporation;
- (b) making procurement decisions;
- (c) overall responsibility for the monitoring of all capital projects;

- (d) reviewing the financial management reports produced by the capital projects unit of the Corporate Planning and Budget Department of the Corporation;
- (e) fulfilling the requirements of the World Bank and other such donor agencies;
- (f) carrying out the functions of the Ministerial Tenders Board.

#### Budget Committee

227. The Committee shall carry out the following functions-

- (a) overseeing the newly introduced budgetary system;
- (b) ensuring seamless interface with the Ministry of Economic Planning and Budget, particularly to ensure that policies are in line with the overall strategic economic plan of the State;
- (c) reviewing budget costs, centre estimates, action plans and work programmes; and
- (d) reviewing budget accounts and variance reports on a quarterly basis.

#### Audit, Finance and Committee.

228. The Committee shall among other things carry out the following Accounts Review functions-

- (a) risk management (including liquidity, investments and credit);
- (b) seeing to the effectiveness of the system of internal control;
- (c) review of external auditor's reports/management letter;

- (d) review of audit assurance/audit risk reports;
- (e) oversee the corporate governance initiatives undertaken by LSWC;

activities in that behalf either alone or in association with any other person or body.

- (4) The Corporation shall have power to assign any of its properties movable and immovable to a wholly owned corporate subsidiary for the purpose of carrying out any of its functions under this Part.

#### Tenure of Office of Members.

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- (a) resigns the appointment by giving three (3) months notice in writing;
- (b) becomes of unsound mind or is incapable of carrying out the functions of the Office;
- (c) has a conflict of interest, as provided under Sections 277, 280 and other relevant Sections of C.A.M.A.;
- (d) is convicted of a felony or for any offence involving dishonesty;

- (e) becomes bankrupt;
- (f) is guilty of serious misconduct relating to the functions of the Office; and
- (g) in the case of any member who belongs to a professional body, is suspended or removed from the professional body.

#### Remuneration of Members of the Board.

221. There shall be paid to the members of the Board such remuneration as provided under the C.A.M.A.

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- (c) approval of pre-qualified PSP Operators;
- (d) approval of bidding documents;
- (e) approval of acquisitions by LSWC and its subsidiaries;
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- (2) The Board may also have any other ad-hoc committee(s) as may be deemed necessary.

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- (a) collating, scrutinising and reviewing all procurement information/data in the Corporation;
- (b) making procurement decisions;
- (c) overall responsibility for the monitoring of all capital projects;
- (d) reviewing the financial management reports produced by the capital projects unit of the Corporate Planning and Budget Department of the Corporation;
- (e) fulfilling the requirements of the World Bank and other such donor agencies;
- (f) carrying out the functions of the Ministerial Tenders Board.

#### Budget Committee

227. The Committee shall carry out the following functions-

- (a) overseeing the newly introduced budgetary system;
- (b) ensuring seamless interface with the Ministry of Economic Planning and Budget, particularly to ensure that policies are in line with the overall strategic economic plan of the State;
- (c) reviewing budget costs, centre estimates, action plans and work programmes; and
- (d) reviewing budget accounts and variance reports on a quarterly basis.

Audit, Finance and Accounts Review Committee.



228. The Committee shall among other things carry out the following functions-

- (a) risk management (including liquidity, investments and credit);
- (b) seeing to the effectiveness of the system of internal control;
- (c) review of external auditor's reports/management letter;
- (d) review of audit assurance/audit risk reports;
- (e) oversee the corporate governance initiatives undertaken by LSWC;

Application of the Corporation's Revenue.

231. (1) The following charges shall be defrayed out of the revenue of the Corporation for any financial year —

- (a) the remuneration and allowances of members of the Board and those of any committee of the Corporation;
- (b) the salaries, remuneration, fees, allowances, pensions and gratuities of the staff, agents, technical and other advisers or consultants of the Corporation;
- (c) all expenses of workings and maintenance of the Corporation and its waterworks and other properties including proper provision for depreciation, wear and tear or renewal of assets;
- (d) such minor works of a capital nature as the Corporation may deem necessary;
- (e) such sums including compensation that may be payable by the Corporation to any person or authority by virtue of the provisions of this Part or any other enactment;
- (f) taxes, rates and other levies payable by the Corporation under any Law;

- (g) interest or loans raised by and on behalf of the Corporation;
  - (h) sums required to be transferred to any sinking fund or otherwise set aside for the purpose of making provision for the redemption of or other securities or the repayment of other loans; and
  - (i) such other sums as the Board may approve for payment out of the revenue account of the Corporation in respect of any financial year.
- (2) In defraying charges out of the revenue of the Corporation for any financial year, in respect of the Corporation's transaction with any of its subsidiaries or operator, the Corporation shall be guided by the prevailing applicable accounting standards.
- (3) The balance of the revenue of the Corporation for any financial year shall be applied for the—
- (a) creation of a general reserve or such other reserve as the Board may approve both in regard to their maximum amounts and in other respects; and
  - (b) repayment of interest or part of it on the advance account referred to in Section 232(4) as the state of the Corporation's affairs appear in the opinion of the Corporation with the approval of the Government warrant.

#### Loans and Grants.

232. (1) The Corporation shall have power to accept loans and grants from any Government or donor agency.
- (2) It shall be lawful for the State to make to the Corporation the following-
- (a) grants of any sums of money or property deemed necessary; and
  - (b) loans on such terms as to repayment of interest or otherwise as the State may determine.

- (3) The State may, if it deems it expedient to do so, waive in favour of the Corporation any right or liability to the State in respect of any property vested in the Corporation by virtue of the provisions of Section 218 of this Law.
- (4) The Corporation shall in respect of any money other than grants advanced by the State, create and maintain an advance account in favour of the State of an amount equal to the total sums of money so advanced.
- (5) The advance account referred to in subsection (4) of this Section shall be subject to such condition as to interest and repayments as the Governor may determine at the time of taking such loans notwithstanding that the Governor may waive at any time such interest and principal repayments as may become due and payable.

#### Power to Borrow.

233. (1) The Corporation may with the approval of the Board, borrow money by issuing debentures, stocks, or other securities or in any other manner for and in connection with the exercise of its functions under this Part as the Corporation may deem necessary.
- (2) An approval given for the purposes of this Section may be either general or limited to a particular borrowing or otherwise and may be subject to the approval of the Governor.

#### Power to Raise Capital on the Stock Exchange Market.

234. The Corporation may with the approval of the Governor raise capital for the implementation of its developmental plans and programmes through the capital market by satisfying all the necessary requirements of the Stock Exchange in that regard.

Debentures to the Government.

235. (1) If the State makes any loan to the Corporation at any time in accordance with the provisions of this Part, the Corporation shall, if so required by the Governor, issue to the State a debenture or debentures of a nominal value equivalent to the sum loaned.
- (2) Debentures issued in accordance with the provisions of subsection (1) of this Section shall bear interest at such rate, and from the date as the Governor may specify and shall not be higher than the minimum rediscount rate.

Appointment of the Chairman.

236. There shall be an officer of the Corporation to be known as the Chairman who shall be appointed by the core investor and shall carry out the functions as enumerated in Section 240(3) of C.A.M.A.

Appointment of the Managing Director.

237. (1) There shall be appointed by the core investor an officer of the Corporation to be known as the Group Managing Director and Group Chief Executive Officer. (2) The Chief Executive Officer shall—

- (a) be the chief accounting officer of the Corporation and its subsidiaries;
- (b) be responsible for the implementation of the decisions and general administration of the Corporation and its subsidiaries;
- (c) decide priority management actions (which include use of financial resources, investments, commercial initiatives) up to a limit specified by the Board;

- (d) be responsible for personnel issues and personnel changes (appointments, recruitment, retrenchments) except for senior management which should be referred to the Board;

Information to be Given to Customers about Overall Performance.

264. (1) The Corporation shall, in such form and manner and with such frequency as the Commission may direct, take steps to inform its customers of-

- (a) the standards of overall performance established under this Part which are applicable to the Corporation; and
  - (b) the Corporation's level of performance in respect of each of those standards.
- (2) In giving any such direction, the Commission shall not specify a frequency of less than once in every period of twelve (12) months.
- (3) The duty of the Corporation to comply with this Section shall be enforceable by the Commission.

Supplying Water Unfit for Human Consumption.

265. (1) Subject to subsection (2) where the Corporation supplies water by means of pipes to any premises and that water is unfit for human consumption, and the Court establishes negligence on the part of the Corporation, the Court shall award damages against the Corporation as it deems fit.

- (2) In any proceedings against the Corporation for any offence under this Section, it shall be a defence for the Corporation to show that it-
  - (a) had no reasonable grounds for suspecting that the water would be used for human consumption; or
  - (b) took all reasonable steps and exercised all due diligence for ensuring that the water was fit for human consumption on leaving its pipes or was not used for human consumption.

Offence of Contaminating, Wasting and of Misusing Water.

266. (1) Where a person who is the owner or occupier of any premises to, which a supply of water is provided intentionally or negligently causes or suffers any water fitting to be or to remain out of order, in need of repair or constructed or adapted, or to be used so that-

- (a) water in a water main or other pipe connected with such a water main or pipe, is likely to be contaminated by the return of any substance from those premises to that main or pipe;
  - (b) water supplied to those premises is likely to be contaminated before it is used; or
  - (c) water so supplied is likely to be wasted or, having regard to the purpose for which it is supplied, misused or unduly consumed, that person commits an offence and is liable, on summary conviction, to a fine not exceeding Five Hundred Thousand Naira (N500,000.00).
- (2) A person who uses any water supplied to any premises by the Corporation for a purpose other than the one for which it is supplied to those premises shall, unless the other purpose is the extinguishment of a fire, commits an offence and is liable, on summary conviction, to a fine not exceeding One Hundred Thousand Naira (N100,000.00).
- (3) For the purposes of this Section, the owner or occupier of any premises shall be regarded as responsible for every water fittings on the premises which is not a water fitting which a person other than the owner or, occupier is liable to maintain.

Returns by the Corporation.

267. (1) The Board shall, within six (6) months after the close of each financial year, furnish the core investor with a copy of the-

- (a) audited accounts of the Corporation;
  - (b) management report of the auditor; and
  - (c) detailed report of the state of affairs of the Corporation for the financial year, including a statement of the amount which the Corporation proposes to carry to the general reserve fund out of the profits of the Corporation.
- (2) The Board shall cause the audited account of the Corporation to be published in at least two (2) national newspapers circulating within the State after complying with subsection (1) of this Section.

#### Annual Report.

268. The Corporation shall prepare an annual report of its activities in accordance with the provisions of C.A.M.A. and submit same to the Public Accounts Committee of the House of Assembly for consideration.

#### Bank Account.

269. The Corporation shall operate bank accounts for its funds with a reputable bank or banks as may be duly authorised by the Board in that behalf.

#### Annual Estimates.

270. The Corporation shall submit to the Governor through the Commissioner an annual estimate of its expenditure for the next succeeding year in accordance with budgeting guidelines in the State.

Accounts and Audit.

271. (1) The Corporation shall keep proper accounts of all its transactions in accordance with the provisions of Part XI of C.A.M.A.
- (2) The accounts shall be audited annually in accordance with the provisions of Chapter 2 of Part XI of C.A.M.A.
- (3) For the purpose of this Section, "the Corporation" shall include its subsidiaries.

Power to Make Regulations.

272. (1) The Commissioner may make regulations in accordance with Regulations Approval Law generally for the purpose of carrying into effect provisions of this Part and specifically for-
- (a) fixing the rate and scale of charges payable for the water supplied by meter or otherwise within the State;
- (b) granting exemptions from any water rate or charge of any premises or class of premises to any person or class of persons;
- (c) the amount payable in respect of water supplied to any Government in the Federation or Local Government Area, institution(s), be it public or private, or to any special part of any such institutions as mentioned;
- (d) the amount of rent payable on the Corporation's meters;
- (e) the method and manner in which water may be taken from public fountains;
- (f) fees payable for services rendered by the Corporation together with the time and place of payment of such fees;
- (g) the construction, laying, fitting, alteration or re-adjustment of services and the nature, quality, size and pattern used;



- (h) the forms of all notices required to be given or sent under this Part and the issuing and service of same;
  - (i) the control, whether by prohibition or otherwise of boating or fishing in any waterworks;
  - (j) the prevention of the wrongful opening or closing of any lock cock, valve, sluice or manhole pertaining to any waterworks or otherwise belonging to it;
  - (k) the prevention of the commission of an offence or nuisance in or, about any station, works, plant, building or premises of the Corporation;
  - (l) the prevention of illegal tapping of water;
  - (m) the prevention of trespass on or injury to stations, works, plants, buildings or premises appertaining to any water works or otherwise belonging to it;
  - (n) generally regulating the operations of the waterworks, the governance and maintenance of good order;
  - (o) generally for the preservation and the conservation of the sources of water in catchment areas;
  - (p) the prescription of penalties for offences against any regulations made under this Section; and
  - (q) the prevention of wastage and leakage of water; and
- (2) Regulations under this subsection for preserving of quality water may impose an obligation on the Corporation to-
- (a) take all such steps as may be prescribed for monitoring and recording-
    - (i) whether the water which the Corporation supplies to premises for domestic or food production purposes is wholesome at the time of supply;
    - (ii) the quality of the water from any source, or combination of sources, which the Corporation uses or is proposing to use for supplying water to any premises for domestic or food production purposes;

- (b) ensure that a source which the Corporation is using or proposing to use for supply of water for domestic or food production purposes is not so used until prescribed requirements for establishing the quality of water which may be supplied from that source have been complied with;
- (c) keep records of the localities within which all the premises supplied with water for domestic or food production purposes by the Corporation are normally supplied from the same source or combination of sources;
- (d) comply with prescribed requirements with respect to the analysis of water samples or with respect to internal reporting or organisational arrangements;
- (e) for the use of the Corporation for purposes of or in connection with the carrying out of its functions-
  - (i) such processes and substances; and
  - (ii) products that contain or are made with such substances or materials it considers might affect the quality of any water;
- (f)
  - (i) forbid the use by the Corporation of processes, substances and products which have not been approved under the regulations or which contravene the regulations;
  - (ii) for the purposes of provision made by virtue of paragraph (i) above, require processes, substances and products used by the Corporation to conform to such standards as may be prescribed by or approved under the regulations;
  - (iii) impose such other requirements as may be prescribed with respect to the use by the Corporation;
  - (iv) provide for the giving, refusal and revocation, by prescribed persons, of approvals required for the purposes of the regulations;
  - (v) provide for such approvals to be capable of being made subject to such conditions as may be prescribed and for the modification and revocation of any such condition;

- (vi) impose obligations to furnish prescribed persons with information reasonably required by those persons for the purpose of carrying out functions under the regulations;
- (vii) provide for a contravention of the regulations to constitute an offence punishable, on conviction, by a fine not less than Five Hundred Thousand Naira (N500,000.00) and a daily penalty of Ten Thousand Naira (N10,000.00); or a term of imprisonment not less than one (1) year; or both and
- (viii) require prescribed charges to be paid to persons carrying out functions under the regulations.

S/No	Violation	Fines (Minimum)	Fines (Maximum)
1.	Vandalisation of pipe network due to road repairs (individuals)	N 10,000.00	N 15,000.00
2.	Vandalisation of pipe network due to road repairs (corporate)	N 50,000.00	N 150,000.00
3.	Vandalisation of pipe network due to construction (individuals)	N 10,000.00	N 15,000.00
4.	Vandalisation of pipe network due to construction (corporate)	N 50,000.00	N 150,000.00
5.	Vandalisation of production Centres/borehole sites (individuals)	N 250,000.00	N500,000.00 or one (1) year imprisonment or both
6.	Vandalisation of production	N 500,000.00	N1,000,000.00 or

	Centres/borehole sites (Corporate)		one (1) year imprisonment or both
7.	Illegal water connection activities-  (a) Water vending  (b) Car wash facilities-	N 100,000.00 or one (1) year imprisonment or both  N100,000.000 or one (1) year imprisonment or both	N250,000.00 or one(1) year imprisonment or both  N250,000.00 or one(1) year imprisonment or both
8.	Illegal Domestic connection	N 25,000.00 or three (3) months imprisonment or both	N 50,000.00 or three (3) months imprisonment or both
9.	Illegal bottling or packaging LSWC water	N 100,000.00 or one (1) year imprisonment or both	N 150,000.00 or one (1) year imprisonment or both
10.	Assault on staff of LSWC in the course of their duties	N50,000.00 or six (6) months imprisonment or both	N 150,000.00 or Six (6) months imprisonment or both
11.	Modification of property	N50,000.00 and	N50,000.00 and

	Classification without prior consent of the Corporation in writing	immediate disconnection	immediate disconnection
12.	Illegal advertisement on LSWC overhead Tank and pipe network	N100,000.00	N250,000.00
13.	Collection of cash Payment for settlement of bill by staff of the Corporation	N100,000.00 and (a) suspension for a period of two (2) weeks without pay for a first time offender; (b) suspension for a period of one (1) month without pay for a second time offender; and (c) summary dismissal for a third time offender	N5,000,000.00 or two (2) years imprisonment or both and N100,000.00 daily penalty until compliance with Court order
14.	Payment of cash for settlement of bill to a member of staff by public	Immediate disconnection and (a) a fine of N10,000.00 as reconnection fee for a first time offender or (b) a	

		fine of N25,000.00 for each subsequent offence	
15.	Discharge of industrial Waste to the raw water river course	The penalty shall be as provided under the Lagos State Environmental Protection Agency Law	
16.	Collusion of any staff with a third party to defraud the Corporation	Summary dismissal and prosecution	
17.	Dumping chemical waste, petroleum products or prohibited substance into water bodies	Corporate body N1,000,000.00  An individual N500,000.00	N1,000,000.00 or two (2) years imprisonment or both and N50,000.00 daily penalty until compliance with Court order

PART IX WASTEWATER MANAGEMENT OFFICE

Interpretation

FOR **Babatope Babatobi**

273. In this Part unless the context otherwise requires —

“Commercial Wastewater” means wastewater from Trade, Office buildings, Hotels, Eateries, High rise buildings, Bus terminals, Abattoirs and lavage, Animal husbandry, Industrial Laundry (Dry cleaning services) and industrial car wash;

“Commission” means Lagos State Water Regulatory Commission;

“Commissioner” means Commissioner for the Environment or the member of the State Executive Council for the time being charged with the responsibility for the management of the environment in the State; "Conveyance" includes any vessel, train, aircraft, vehicle or trailer, and any fixed or floating platform in a marine environment;

“Discharge Point” means designated locations within the State for the discharge and treatment/pre-treatment of domestic, commercial, and pre-treated medical and industrial wastewater;

“Facility” means wastewater treatment plant;

“Facility Manager” means a person that is duly appointed/recognised by the Office to operate and maintain wastewater treatment plant both State-owned and privately-owned within designated catchment areas;

“High Court” means High Court Division of the Environmental Court established under this Law;

“Industrial Wastewater” means waste in liquid form resulting from any process of industry, trade, and business, regardless of volume or pollutant content. Waste in liquid form consisting of toilet flush, urinal, kitchen, bathroom, laundry, and soak away leachate are not considered industrial wastewater;

“LASEPA” means Lagos State Environmental Protection Agency.

“Medical Wastewater” means wastewater from Hospitals, Clinics, Mobile Hospitals, Medical Laboratories, Pharmaceuticals and Mortuaries;

“Ministry” means Ministry of the Environment;

"Mobile toilet" means a sanitary convenience which is not part of a sewerage system, including a sanitary convenience which is mobile or in a conveyance;

"Occupier" means owner or tenant living in any premises;

"Office" means Lagos State Wastewater Management Office;

"Owner" includes the person for the time being receiving the rent on the premises, whether on his own account or as agent, trustee or receiver, or who would receive the rent if the premises were to be let to a tenant or any person whose name is entered in the Valuation List authenticated under Land Use Tax Law of the State;

"POTW" means any device or system used in the treatment (including recycle and reclamation) of municipal wastewater or industrial wastes of a liquid nature which is owned by a Public or Private entity. A POTW includes any sewers, pipes, or other conveyances including wastewater haulage trucks which convey wastewater to a POTW providing treatment;

"Premises" includes residential homes, mobile homes, markets, schools, health institutions, petrol stations, military and paramilitary formations, Police formation, bus terminals, other locations and public places, hotels, eateries, markets, buildings, lands, tenements, easements high rise buildings, housing estates, hospitals, industries, abattoir, livestock farm, public toilet, mobile toilet and hereditaments of any nature whether open or enclosed, built or not, public or private, and whether maintained under statutory authority or not;

"Pre-treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of the pollutant properties in municipal, industrial, commercial and medical wastewater prior to or in lieu of discharging into Public or Privately Owned Treatment Works (POTW) or public sewer drainage;

"Private Sewer" means any sewer other than a Public Sewer;

"Public Sewer" means any Sewer vested in the State;

"Revenue Collector" means a person, organization or company duly registered by the Office for the collection of monthly wastewater management charges from all public



"Mobile toilet" means a sanitary convenience which is not part of a sewerage system, including a sanitary convenience which is mobile or in a conveyance;

"Occupier" means owner or tenant living in any premises;

"Office" means Lagos State Wastewater Management Office;

"Owner" includes the person for the time being receiving the rent on the premises, whether on his own account or as agent, trustee or receiver, or who would receive the rent if the premises were to be let to a tenant or any person whose name is entered in the Valuation List authenticated under Land Use Tax Law of the State;

"POTW" means any device or system used in the treatment (including recycle and reclamation) of municipal wastewater or industrial wastes of a liquid nature which is owned by a Public or Private entity. A POTW includes any sewers, pipes, or other conveyances including wastewater haulage trucks which convey wastewater to a POTW providing treatment;

"Premises" includes residential homes, mobile homes, markets, schools, health institutions, petrol stations, military and paramilitary formations, Police formation, bus terminals, other locations and public places, hotels, eateries, markets, buildings, lands, tenements, easements high rise buildings, housing estates, hospitals, industries, abattoir, livestock farm, public toilet, mobile toilet and hereditaments of any nature whether open or enclosed, built or not, public or private, and whether maintained under statutory authority or not;

"Pre-treatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of the pollutant properties in municipal, industrial, commercial and medical wastewater prior to or in lieu of discharging into Public or Privately Owned Treatment Works (POTW) or public sewer drainage;

"Private Sewer" means any sewer other than a Public Sewer;

"Public Sewer" means any Sewer vested in the State;

“Revenue Collector” means a person, organization or company duly registered by the Office for the collection of monthly wastewater management charges from all public premises in the State on behalf of the Office on terms consistent with the financial regulations of the State;

“Sanitary appliances” includes wash hand basins, bathtubs, showers, sinks, urinals, toilet bowls and other water related appliances in all premises;

“Sanitary facilities” includes bathrooms, toilets ,facilities for washing, wastewater treatment plants, septic tanks, soak away pit, cesspool in all premises, whether above or below the ground, which connect directly or otherwise to a private or public sewerage system;

“Sewerage system” means a system of sewers, pumping stations, sewage treatment plants and treatment works for the collection, treatment and disposal of sewage, recycle and recovery of by-products. Sewerage system includes any system that is maintained, acquired, constructed and managed by or on behalf of a Local Government, State Government, Federal Government and Private Sector property or on any private property;

“State” means Lagos State of Nigeria;

“Wastewater” means spent water including all faecal matter from toilet flush, urinal, kitchen, bathroom, laundry wastewater and soak away leachates from all premises both Public and Private;

“Wastewater Concessionaire” means-

- (i) a person that is duly appointed by the Office to design, build, operate and maintain facilities within designated catchment area(s);
- (ii) a company, organization or business formed for any of the purposes stated in (i) above.

“Wastewater Dislodger” means a person or organization/company duly registered by the Office who in the course of a business collects, transports or disposes domestic, commercial and pretreated medical and industrial wastewater to designated discharge point and operates a vehicle or any mobile equipment or contraption of whatever form that is duly registered/ permissible for all or any of those purposes;

“Wastewater grids ”means wastewater catchment areas in all Local Government Areas of the State that have been identified/delineated for the provision of sewerage facility to be concessioned through Public Private Partnership, or any arrangement as specified by the Office;

“Wastewater management charges” means monthly fees payable by owner/occupier of all premises in the State for sustainable wastewater management.

#### Administration of this Part

274. (1) The Office shall –

- (a) be responsible for the administration of this Part subject to the general and special directions of the Commissioner; and
  - (b) ensure that its activities conform with the standards set by the Water Regulatory Commission.
- (2) The Office may in writing appoint any public officer, officer of the Office or of any other statutory authority to be an authorized officer for the purposes of this Part.
- (3) The functions, duties and powers which are imposed or conferred upon the Office under this Part may be performed or exercised by any authorised officer subject to the direction and control of the Office.

#### Functions of the Office.

275. The functions of the Office are to –

- (a) provide, improve and extend a system of public sewers (whether inside its area or elsewhere), cleanse and maintain the sewers to ensure that the area is continually drained;

- (b) make provisions for the discharge of on-site sewage collection systems, and sewers and such further provision (whether inside its area or elsewhere) as is necessary for dealing, by means of sewage disposal works or otherwise, with the contents of the tanks or containers or sewers;
- (c) enter into partnership with investors and financial institutions on behalf of the State for the provision of the entire sewerage or any part of wastewater treatment plants in designated catchment locations within the State subject to the Public Private Partnership Law;
- (d) approve and monitor all wastewater disposal points and regulate all wastewater activities in line with the guidelines set by the Commission;
- (e) establish and regularly review wastewater management charges in the State;
- (f) monitor and regulate construction of wastewater treatment plants for public septic tanks, public toilet, mobile toilet and cesspool in the State;
- (g) monitor and regulate the periodic evacuation of septic tanks in all public premises in the State;
- (h) monitor and regulate operations of wastewater evacuation trucks and mobile toilets;
- (i) concession, register, certify and renew licences and permits to all persons or organizations in the business of wastewater treatment plants consultancy and contracting, wastewater collection, treatment and disposal;
- (j) prepare development plans for the establishment and maintenance of the public wastewater and sewerage services for the State.
- (k) revoke, suspend, transfer licence, permit and concession of a public wastewater concessionaire, facility manager, wastewater dislodge, revenue collector, any person or organization engaged by the office under this Part.

### Vesting of Sewer Disposal Works.

276. From the Commencement of this Law, all public sewers, sewerage and disposal works in the State are vested in the Office.

### Sewer Maps.

277. (1) It shall be the duty of the Office to keep records of the location and other relevant particulars of-

- (a) every public sewer or disposal main which is vested in the Office;
  - (b) every sewer in relation to which a declaration of vesting has been made by the Office but has not taken effect; and
  - (c) every drain or sewer which is subject of any agreement to which the Office has entered into.
- (2) The relevant particulars of a drain, sewer or disposal main are (in addition to its location) –
- (a) of whether it is a drain, sewer or disposal main and of the desertion of effluent for the conveyance of which it is or is to be used, and of whether it is vested in the Office, or if it is not;
  - (b) of whether it is a sewer in relation to which a declaration has been made, or a drain or sewer which is the subject of an agreement;
- (3) The record kept by the Office under this Section shall be kept separately in relation to the Local Government Area within whose area there is any drain, sewer or disposal main of which the Office is required to provide copies of the contents of those records.

- (4) It shall be the duty of the Office to ensure that the contents of all the records for the time being kept by it under this Section are available, at all reasonable times, for inspection by the public free of charge at the Office upon prior application in writing to the Office.
- (5) Any information which is required under this Section to be made available by the Office for inspection by the public shall be so made available in form of a map.
- (6) For the purpose of determining whether any failure to make a modification of any record kept under this Section constitutes a breach of the duty imposed by subsection (1) of this Section, that duty shall be taken to require any modification of the records to be made as soon as reasonably practicable after the completion of the works which make the modification necessary; and where records kept under this Section are modified, the date of the modification

Construction and Maintenance of Public Sewerage - Public Private Partnership Law Vol. 9, CAP. P18

278. (1) The Office-

- (a) shall maintain and keep in good repair every public sewerage system;
  - (b) may cause to be made and constructed any public sewerage system;
  - (c) may enlarge, alter or otherwise improve or discontinue, close up or destroy any public sewerage system which the Office does not deem fit or necessary; and
  - (d) may in conjunction with relevant Government Agency enter into partnership with any person, organization, institution or government for the purpose of engagement as a facility manager in accordance with the Public Private Partnership Law of the State.
- (2) For the purposes of subsection (1) of this Section, the Office may-
- (a) lay pipes in, under or over any premises, street or building and keep the pipes there;

- (b) tunnel or bore under any premises, street or building;
- (c) carry the sewerage system across, through along or, under any premises or the cellar, basement or vault of any building; and
- (d) carry out any works requisite for, or incidental to the objectives and functions of the Office under this Part.
- (3) In the carrying out of any works under this Section, the Office shall cause as little damage as possible and shall make full compensation for any damage done.
- (4) If by reason of the alteration or closing up of any public sewerage system any person is deprived of the lawful use of any sewer, the Office shall with due diligence provide some other sewer as effectual as the one so deprived.
- (5) The Office may serve a notice on the owner or supplier of any gas, electricity, water or telecommunication services to alter the course or position of any wire, line, cable, pipe, tube, casing, duct, post, structure or other apparatus which belongs to that owner or is maintained by that owner or supplier and to repair any road surface disturbed by such alteration.
- (6) The Office may give notice to the owner or occupier of any premises requiring the occupier to remove any object or structure described in the notice which is erected on, attached to, or projected from, the land or building if in the opinion of the Office the removal of the object or structure is required.

Sewerage Disposals.

279. The Office may-

- (a) cause any sewer to be emptied into the sea or other fit place;

- (b) cause the sludge from any sewer to be conveyed by a proper channel to the most convenient site for its deposit; and
- (c) sell or otherwise dispose of the sludge for agricultural or any other purpose deemed most expedient so long as it shall not become a nuisance.

#### Public Premises not Provided with Adequate Sewerage System.

280. (1) If it appears to the Office that any public premises or building is not provided with an adequate sewerage system, the Office may by notice in writing, require the owner or occupier of the premises to construct such sewerage system, or to make such alteration to the existing sewerage system as may be necessary.
- (2) The Office may by notice in writing, require the owner or occupier of any premises –
- (a) served by any sewerage system to make a sufficient drain-line emptying into any public sewer and to disconnect and demolish at his own expense any sewerage system rendered not good enough or necessary; or
  - (b) cause all sewage from that premises to be discharged into such sewerage system as it may direct.

#### Control of Public

281. (1) The Office may take over the control, supervision, Sewerage Systems. maintenance and repair of any public sewerage system to such extent as the Office may deem fit and may charge fees in respect of it.
- (2) The Office may vary or rescind any decision to control, supervise, maintain and repair a private sewerage system.



- (3) Fees charged by the Office for the control, supervision, maintenance and repair of a public sewerage system under subsection (1) of this Section shall be payable by the owner of the sewerage system.

#### Maintenance of Sewerage Systems.

282. (1) Every sewerage system shall be altered, repaired and kept in proper condition at the cost and expense of the owner of the premises to which the sewerage system belongs or for the use of which it is maintained.
- (2) The Office may, by notice in writing, require the owner of any premises referred to in subsection (1) of this Section to alter, repair or put the sewerage system in good order in the manner required by the Office.
- (3) Where the Office is satisfied that it is immediately necessary to alter, repair or put in good order and condition any sewer, drain-line, privy, cesspool, septic or other tank, toilet, urinal, water-closet, sink, bath or lavatory or any appurtenance, an authorised officer may enter into any premises and carry out or cause to be carried out such alterations, repairs, works, acts or things as are necessary for any of those purposes.
- (4) Any expenses reasonably and necessarily incurred in carrying out the works referred to in subsection (3) of this Section may be recovered from the owner of the premises when the work is completed.

#### Approval to Construct Public Sewerage Systems.

283. (1) A person shall not construct, alter, discontinue or close up any public sewerage system or sanitary facilities without obtaining, in respect of those works, a clearance certificate or approval from the Office.
- (2) Where any public sewerage system or sanitary facility is constructed, altered, discontinued or closed up in contravention of subsection (1) of this Section the Office may serve upon any person specified in subsection (3) of this Section a notice requiring him to demolish or make good the sewerage system or sanitary facilities to its original state and condition within such time as may be specified in the notice.

- (3) The notice referred to in subsection (2) of this Section may be served on all or any of the following persons:
- (a) any person who does, causes or permits to be done any of the acts referred to in subsection (1) of this Section;
  - (b) the owner or occupier of the premises to which the sewerage system or sanitary facility belong or for the use of which they are maintained; or
  - (c) any person having power to construct, alter or demolish the sewerage system or sanitary facility.
- (4) Any person who contravenes the provisions of subsection (1) of this Section commits an offence and is liable on conviction to a fine not exceeding Two Hundred and Fifty Thousand Naira (N250,000.00).
- (5) This Section shall not apply to the repair, replacement or removal of, or any addition to, sanitary facilities or sanitary appliances in a building.

Public Buildings without Adequate Sanitary Facilities.

284. (1) If it appears to the Office that any public building or part of it, is without adequate sanitary facilities, it may by notice in writing require the owner or occupier of the building-
- (a) to provide or install such sanitary facilities as the Office may consider adequate; or
  - (b) to alter, improve, demolish or resite any sanitary facilities in such manner as the Office may require, within such time as may be specified in the notice.
- (2) All sanitary facilities provided or installed in any building shall be maintained, repaired and renewed to the satisfaction of the Office by the owner or occupier of the building.

- (3) All costs and expenses incurred for the provision, installation, alteration, demolition or re-siting of sanitary facilities under this section shall be borne by the owner or occupier of the building or the relevant part of the building.

#### Power to Enter and Inspect Public Sewerage Systems and Sanitary Facilities

285. An authorised officer may enter and inspect any public sewerage system or sanitary facility and may, for that purpose, at any time enter upon any premises and cause the ground to be opened.
- (b) cause the sludge from any sewer to be conveyed by a proper channel to the most convenient site for its deposit; and
- (c) sell or otherwise dispose of the sludge for agricultural or any other purpose deemed most expedient so long as it shall not become a nuisance.

#### Public Premises not Provided with Adequate Sewerage System.

280. (1) If it appears to the Office that any public premises or building is not provided with an adequate sewerage system, the Office may by notice in writing, require the owner or occupier of the premises to construct such sewerage system, or to make such alteration to the existing sewerage system as may be necessary.
- (2) The Office may by notice in writing, require the owner or occupier of any premises –
- (a) served by any sewerage system to make a sufficient drain-line emptying into any public sewer and to disconnect and demolish at his own expense any sewerage system rendered not good enough or necessary; or
- (b) cause all sewage from that premises to be discharged into such sewerage system as it may direct.

### Control of Public Sewerage Systems.

281. (1) The Office may take over the control, supervision, maintenance and repair of any public sewerage system to such extent as the Office may deem fit and may charge fees in respect of it.
- (2) The Office may vary or rescind any decision to control, supervise, maintain and repair a private sewerage system.
- (3) Fees charged by the Office for the control, supervision, maintenance and repair of a public sewerage system under subsection (1) of this Section shall be payable by the owner of the sewerage system.

### Maintenance of Sewerage Systems.

282. (1) Every sewerage system shall be altered, repaired and kept in proper condition at the cost and expense of the owner of the premises to which the sewerage system belongs or for the use of which it is maintained.
- (2) The Office may, by notice in writing, require the owner of any premises referred to in subsection (1) of this Section to alter, repair or put the sewerage system in good order in the manner required by the Office.
- (3) Where the Office is satisfied that it is immediately necessary to alter, repair or put in good order and condition any sewer, drain-line, privy, cesspool, septic or other tank, toilet, urinal, water-closet, sink, bath or lavatory or any appurtenance, an authorised officer may enter into any premises and carry out or cause to be carried out such alterations, repairs, works, acts or things as are necessary for any of those purposes.
- (4) Any expenses reasonably and necessarily incurred in carrying out the works referred to in subsection (3) of this Section may be recovered from the owner of the premises when the work is completed.

### Approval to Construct Public Sewerage Systems.

283. (1) A person shall not construct, alter, discontinue or close up any public sewerage system or sanitary facilities without obtaining, in respect of those works, a clearance certificate or approval from the Office.
- (2) Where any public sewerage system or sanitary facility is constructed, altered, discontinued or closed up in contravention of subsection (1) of this Section the Office may serve upon any person specified in subsection (3) of this Section a notice requiring him to demolish or make good the sewerage system or sanitary facilities to its original state and condition within such time as may be specified in the notice.
- (3) The notice referred to in subsection (2) of this Section may be served on all or any of the following persons:
- (a) any person who does, causes or permits to be done any of the acts referred to in subsection (1) of this Section;
- (b) the owner or occupier of the premises to which the sewerage system or sanitary facility belong or for the use of which they are maintained; or
- (c) any person having power to construct, alter or demolish the sewerage system or sanitary facility.
- (4) Any person who contravenes the provisions of subsection (1) of this Section commits an offence and is liable on conviction to a fine not exceeding Two Hundred and Fifty Thousand Naira (N250,000.00).
- (5) This Section shall not apply to the repair, replacement or removal of, or any addition to, sanitary facilities or sanitary appliances in a building.

### Public Buildings without Adequate Sanitary Facilities.

284. (1) If it appears to the Office that any public building or part of it, is without adequate sanitary facilities, it may by notice in writing require the owner or occupier of the building-

- (a) to provide or install such sanitary facilities as the Office may consider adequate; or
- (b) to alter, improve, demolish or resite any sanitary facilities in such manner as the Office may require, within such time as may be specified in the notice.
- (2) All sanitary facilities provided or installed in any building shall be maintained, repaired and renewed to the satisfaction of the Office by the owner or occupier of the building.
- (3) All costs and expenses incurred for the provision, installation, alteration, demolition or re-siting of sanitary facilities under this section shall be borne by the owner or occupier of the building or the relevant part of the building.

#### Power to Enter and Inspect Public Sewerage Facilities.

285. An authorised officer may enter and inspect any public sewerage system or sanitary facility and may, for that purpose, at any time Systems and Sanitary enter upon any premises and cause the ground to be opened.

#### Prohibition of Erection

286. (1) A person shall not erect or cause or permit to be erected of Building etc., over any building or structure over, across or adjacent to any sewer or Sewerage Systems. sewerage system without obtaining, in respect of those work, a clearance certificate or the approval of the Office.
- (2) Where any building or structure has been erected in contravention of subsection (1) of this Section, the Office may serve upon any person specified in subsection (3) of this Section a notice requiring him to demolish the building or structure within such time as may be specified in the notice.
  - (3) The notice referred to in subsection (2) of this Section may be served on all or any of the following persons:

- (a) the person who does, causes or permits to be done any of the acts referred to in subsection (1) of this Section;
- (b) the owner or occupier of the building or structure referred to in subsection (2) of this Section; (c) any person having power to demolish the building or structure referred to in subsection (2) of this Section.
- (4) Any person who contravenes subsection (1) of this Section commits an offence and is liable on conviction to a fine not exceeding Twenty Thousand Naira (N20,000.00) only.

#### Public Sanitary System on Farms.

287. (1) The Office may by notice in writing, direct the owner or Facilities, Sewerage occupier of any premises used as a farm:

- (a) to install, operate and maintain such sanitary effluent facilities and sewerage system; and
  - (b) to provide and maintain such facilities for the removal, treatment and disposal of waste matter, as the Office may require.
- (2) The Office may at any time apply such system of sewage and trade effluent removal as He deems fit to any premises used as a farm.

#### Trade Effluent Discharged Public Sewers.

288. (1) Any person who discharges, causes or permits to be into discharged any kind of trade effluent into any public sewer or any drain-line or sewer connecting with a public sewer without the written approval of the Office commits an offence and is liable on conviction to a fine not exceeding Two Hundred And Fifty Thousand Naira (N250,000.00) only.

- (2) Where any trade effluent had been discharged from any premise into any public sewer or any drain-line or sewer connecting with a public sewer, it shall be presumed, until the contrary is proved, that the occupier of the premises has discharged, cause or permit to be discharged the trade effluent in contravention of subsection (1) of this Section.
- (3) The presumption under subsection (2) of this Section shall not be rebutted unless the occupier of the premises proves that he had exercised due diligence to prevent the commission of the offence under subsection (1) of this Section.
- (4) Subsection (1) of this Section shall not apply to any discharge of trade effluent which may be lawfully made into any public sewer under any regulation made under this Part.
- (5) A person shall not be guilty of an offence under this Section if he proves that-
  - (a) the discharge was made in an emergency to avoid danger to life or property; and
  - (b) he informed the Office of the discharge in writing as soon as practicable.

#### Prohibition on Discharge of Dangerous Trade Effluent.

289. (1) Where the Office reports to the Commissioner that any trade effluent which is being discharged from any premises into the public sewerage system is dangerous to health or safety or will cause damage to the public sewerage system, the Commissioner may by order direct the occupier of the premises to-
- (a) cease immediately the discharge of such trade effluent into the public sewerage system;
  - (b) take such steps as may be specified in the order to treat the trade effluent which is complained of; and



- (c) cease immediately the carrying on of any process or work which produces the trade effluent either indefinitely or until such steps as are specified in the order have been taken to treat the trade effluent before it is discharged into the public sewerage system.
- (2) Any person who is aggrieved by an order made by the Commissioner under subsection (1) of this Section may, within twenty-eight (28) days from the date of the order, appeal to the High Court which may rescind or vary the order.
- (3) Notwithstanding that an appeal has been made under subsection (2) of this Section, an aggrieved person shall comply with the order pending the outcome of the appeal to the High Court and the Office may exercise the powers conferred under subsection (5) of this Section.
- (4) The occupier of any premises who fails to comply with an order under subsection (1) of this Section commits an offence and is liable on conviction to a fine not exceeding Forty Thousand Naira (N40,000.00) or to imprisonment for a term not exceeding three (3) months or both and, in the case of a continuing offence, to a further fine of Ten Thousand Naira (N10,000.00) for every day during which the offence continues after conviction.
- (5) Where the occupier of any premises fails to comply with an order made under subsection (1) of this Section within forty-eight (48) hours of the service of the order, any authorized officer may, at all reasonable times, enter upon the premises and take such measures and execute such work as may be necessary to comply with the order without prejudice to any proceedings that may be taken against the occupier of the premises under subsection (4) of this Section.

Restrictions on the Public Sewers.

295. (1) A person shall not throw, empty, pass, suffer or permit use of to be thrown or emptied or passed, into any public sewer, or into any drain-line or sewer connecting with a public sewer –

- (a) any matter or other substance likely to injure the sewer or drainline, to interfere with the free flow of its contents or to affect prejudicially the treatment and disposal of its contents;
  - (b) any such chemical refuse or waste steam or such other liquid of a temperature higher than fifty degrees Celsius; or
  - (c) any sand, earth, gravel, cement, cement grout, brick, timber, wood or other building materials.
- (2) Any person who contravenes subsection (1) of this Section commits an offence and is liable on conviction to a fine not exceeding Two Hundred And Fifty Thousand Naira (N250,000.00).
- (3) The court may order any person who is convicted of an offence under this Section to pay the cost incurred by the Office or the owner or occupier of any premises who has carried out any work to restore the sewerage system to its original condition, or to clear the sewerage system of any obstruction to the free flow of its contents.

Damage caused to Public Sewer, etc.

296. (1) Any person who –

- (a) causes any damage to any public sewer or any sewer or drain-line connecting with a public sewer; or
  - (b) does any act which renders any public or private sewer to be dangerous or injurious to health or to cause a nuisance, commits an offence and is liable on conviction to a fine not exceeding Five Hundred Thousand Naira (N500,000.00) or to imprisonment for a term not exceeding three (3) months or both.
- (2) The Office may by notice in writing, require any person who contravenes subsection (1) of this Section to carry out any works to restore the sewerage system to its original condition within such time as may be specified in the notice.

Registration of Facility/Wastewater Outfit.

297. (1) As from the commencement of this Law-

- (a) any person, organization or government agency who operates a dislodging outfit registered with the Office;  
and
  - (b) all public housing estates; medical and educational institutions, and high-rise buildings shall establish and register its facilities in accordance to the provisions of this Part.
- (2) An application for registration shall be made to the Commissioner in such manner as may be prescribed by the Office.

Issuance of Permits/Certificates.

298. (1) The Office shall issue a written permit in respect of a public facility to any Individual, Organization, Institution Investor, Facility Manager, Concessionaire, Housing Estate, Government Agency or any other person who operates a facility and whose application for registration has been approved subject to evidence of Facility overall efficiency and certification.

- (2) The Office shall issue a permit-
- (a) to construct a Facility to serve any dwelling, building, structure, institution, estate or industry; (b) to operate a Facility following evaluation of Facility overall efficiency;
  - (c) of compliance to a facility serving a property being converted, expanded, transferred or for mortgage refinancing purposes after evaluation of Facility overall efficiency.

- (3) The Office shall issue a certificate of compliance to a Facility serving a property being converted, expanded, transferred or for mortgage refinancing purposes after evaluation of Facility overall efficiency.
- (4) A permit to operate a dislodging outfit, shall be subject to roadworthiness and other related traffic rules, and assessment of Haulage trucks ability to properly evacuate and dispose septage without impacting negatively on the environment.
- (5) Any Individual, Organization, Investor, Facility Manager, Concessionaire or Government Agency to whom a permit has been issued in accordance with this Part shall be deemed to be duly registered.

#### Renewal of Permit/Certificate.

299. A permit duly issued under the provisions of this Part shall be renewed every twelve (12) calendar months from the date of issue upon the payment of a fee to be prescribed by the Office.

#### Suspension and Revocation of Permit/Certificate.

300. Where it appears to the Office that the provisions of this Part are not being carried into effect by any licenced dislodging outfit, Facility Manager, Concessionaire, Investor or any other property having a Facility, whose activities/operations constitutes health hazard, the Office shall revoke the permit of such outfit until remedial, corrective and preventive measures are put in place.

#### Wastewater Clearance.

301. (1) Any person, organization, or government agency who intends to develop an estate, hotel, eateries, high rise, bus terminals, abattoirs and lairage, animal husbandry, industrial laundry and industrial car wash, petrol

stations, medical institutions, educational institutions or any structure that will accommodate a population of fifty (50) and above shall obtain a wastewater clearance in a manner approved by the Office or connect to the sewerage system in the catchment area.

- (2) Any person, organisation or government agency who intends to develop a high-rise building that is higher than three (3) floors shall obtain a wastewater clearance in a manner approved by the Office or connect to the sewerage system in the catchment area.

#### Non-Transfer of Concession, Permit and Licences.

302. A licence, concession or permit which has been duly issued is non-transferable by any person or organisation who has been and duly certified without the consent of the Office but the Office may transfer it to another person, business or company according to the provisions of this Part.

#### Transfer of Concession Permit and Licences.

- 303 (1) A Concession, licence or permit duly issued by the Office shall be revoked after six (6) calendar months if the Office has reasonably exhausted all means to get the holder to adhere to agreed work plans or if the work being executed is non- satisfactory.
- (2) The concession, licence or permit shall be transferred to another duly certified person or organisation who would refund all reasonable and certifiable cost that had been committed by the previous concessionaire.

#### Dislodging of Sewage

304. (1) No Concessionaire, Investor, Facility Manager, Sewage and Wastewater into Organisation, Sewage Dislodger, Tenements or an individual Water bodies. shall discharge raw sewage, wastewater or effluent from sanitary convenience into water bodies, sewers, drains or channels, either earth or concrete without the permission of the Office.
- (2) Any person who contravenes the provisions of subsection (1) of this Section commits an offence and is liable on conviction to-
- (i) a fine of not less than One Hundred Thousand Naira (N100,000.00) only, or a term of imprisonment for one month for an individual.
  - (ii) a fine of not less than Two Hundred Thousand Naira (N200,000.00) only, or a term of imprisonment for one month or both for a tenement.
  - (iii) a fine of not less than Five Hundred Thousand Naira (N500,000.00) only, or a term of imprisonment for one month for Sewage Truck Dislodgers.
  - (iv) a fine of not less than One Million Naira (N1,000,000.00) only, or a term of imprisonment for six (6) months for an Organisation.
  - (v) a fine of not less than Ten Million Naira (N10,000,000.00) only, or a term of imprisonment for one (1) year and revocation of permit of Investor, Facility Manager/Concessionaire, until remedial, corrective and preventive measures are put in place.

#### Arrest of Offenders

305. A person who obstructs an authorised officer of the Office commits an offence and may be arrested by a police officer or an authorised officer of the Office.

## Offences and Penalties.

306. (1) Any individual who discharges raw sewage, wastewater or improperly treated effluent into sewers, drains, channels and water bodies commits an offence and is liable on conviction to a fine not less than One Hundred Thousand Naira (N100,000.00) only, or a minimum term of one (1) month's imprisonment or both.
- (2) Where an offence has been committed by tenements, the owners and occupiers shall be liable on conviction to a fine of not less than Two Hundred Thousand Naira (N200,000.00) only, or a term of imprisonment for one (1) month or both.
- (3) Any person who operates a sewage dislodging outfit without registration commits an offence and is liable on conviction to a fine not less than Five Hundred Thousand Naira (N500,000.00).
- (4) Any person discharges into a disposal point not approved by the Office commits an offence and is liable on conviction to a fine not less than One Million Naira (N1,000,000.00).
- (5) Where an offence has been committed by any person, organisation, Estate (private or otherwise) all tenements with Facility or a Concessionaire and the owner/ management shall be liable on conviction to a fine not less than Ten Million Naira (N10,000,000.00) and in addition shall be directed to pay compensation for any damage resulting from such breach.
- (6) Where an offence has been committed by an Investor Facility Manager, Concessionaire /owner, the management is liable on conviction to a fine of not less than Twenty Million Naira (N20,000,000.00) only, or to a minimum of six (6) months imprisonment or both, in addition to revocation of permit until remedial, corrective and preventive measures are put in place as approved by the Ministry.
- (7) For any subsequent conviction-
- (a) in the case of an individual, a fine of One Million Naira (N1,000,000.00) or a term of imprisonment for (1) one month or both;

- (b) in case of tenements, a fine of not less than Two Million Naira (N2,000,000.00) only, or a term of one (1) month imprisonment or both;
- (c) in case of sewage dislodging outfit, a fine of Two Million Naira (N2,000,000.00) or one (1) month imprisonment of the operator in addition to revocation of permit;
- (d) in case of any person, organisation, or Estate (private or otherwise), High rise buildings and all tenements with Facility, the owner/ management, a fine not less than Ten Million Naira (N10,000,000.00);
- (e) in case of an Investor, Facility Manager/ Concessionaire, owner/the management, a fine of not less than Twenty Million Naira (N20,000,000.00) only, or one (1) year imprisonment or both, withdrawal of permit. In addition, it shall be an offence for the person to operate anywhere in the State as a Facility Manager/Concessionaire.
- (8) Any person who fails to comply with any provision of this Part for which no penalty is stipulated commits an offence and on conviction is liable as follows-
  - (a) in the case of a company to a fine not less than Two Million Five Hundred Thousand Naira (N2,500,000.00); and
  - (b) in the case of an individual to a maximum fine of One Million Naira (N1,000,000.00) or three (3) months imprisonment or both.

Power to make Regulations.

307. The Commissioner may make regulations subject to the Regulations Approval Law for the purpose of carrying into effect the provisions of this Part and specifically for-

- (a) acceptable methods of sewage and wastewater management;



- (b) private and public investment in infrastructure, resources, capacity building and research;
- (c) requirements for registration of Facility, septage dislodging outfit and all structures handling sewage;
- (d) all fees, fines and penalties;
- (e) compliance and enforcement of sewage and wastewater management practices;
- (f) acquisition of land and location of disposal points;
- (g) acquisition of illegal disposal locations; and (h) location of entire sewerage or any part of it.

#### SCHEDULES SCHEDULE 1 CLASSIFICATION OF SLUDGE/SEPTAGE

- (a) Type I Sludge.
  - 1. Septage shall not be for classification as Type I.
  - 2. Sludge shall be classified as Type I if:
    - a. it is stabilised by a process deemed acceptable to the Office;
    - b. it is not putrescible; and
    - c. the concentration of substances it contains does not exceed the limits set forth in the following table

#### TABLE A

Maximum Allowable Concentration

Heavy Metals or Chemical in Parts Per Million Dry Weight

Cadmium 14

Lead 300

Nickel 200

Zinc 2500

Copper 1000 Chromium (Total) 1000

Mercury 10

Boron (Water soluble ) 300

Molybdenum in Type I sludge which is to be 10 applied to land utilised for grazing or on land upon which one or more forage crops are intended to be grown.

Molybdenum in Type I sludge which is not to be 25 applied to land utilised for grazing or on land upon which one or more forage crops are intended to be grown.

PCBs in Type I sludge which is a commercial fertilizer

PCBs in Type I sludge which is soil conditioner

(b) Type II Sludge or Septage. Sludge or Septage shall be classified as Type II if: it is stabilised by a process deemed acceptable to the Office and contains substances in concentration which do not exceed limits set forth in the following table:

TABLE B

Maximum Allowance Concentration

Heavy Metals or Chemicals in Parts Per Million Dry Weight

Cadmium 1000

Nickel 200

Zinc 2500

Copper 1000

Chromium (Total) 1000

Mercury 10

Boron (Water soluble) 300

PCBs 10

Molybdenum in Type II sludge which is to be 10 applied to land utilised for grazing or on land upon which one or more forage crops are intended to be grown.

Molybdenum in Type II sludge which is not to be 25 applied to land utilised for grazing or on land upon which one or more forage crops are intended to be grown.

TABLE C

(c) Type III Sludge or Septage. Sludge or septage shall be classified as Type III if:

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1. it is stabilised by a process deemed acceptable to the Office; and
2. the concentration of any substance it contains exceeds any limit set forth in Table B.

PARAMETERS	UNITS	Hospitals	Abattoirs Wastewaters	From commercial facilities disposal into sewer
PH		6.5-9.8	6-9	6.0-8.0
BOD		30		
COD	mg/1	50	50	50
Suspended solids	mg/1	100	250	100
Sulphide	mg/1		50	1200
Chromium	mg/1		1.0	
Chloride	mg/1		1.0	
Sulphate	mg/1		1000	
Ammonia	mg/1		300	
Oil and Grease	mg/1		10	
Phosphorous	mg/1		10	
Phenols	mg/1	Nil	2	0.2

Arsenic	mg/1		10
Nitrogen	mg/1	0.5	0.1
Cadmium	mg/1		1.0
Copper	mg/1		0.1
Lead	mg/1		00.1
Mercury	mg/1		1.0
Nickel	mg/1		1.0
Selenium	mg/1		1.0
Zinc	mg/1		

### **SCHEDULE 3**

#### **Guidelines for Wastewater Treatment Facilities.**

A high density residential/commercial land use shall have a central on-site wastewater treatment plant if it is within the following categories:--

- It is located in high water-table areas of the State;-
- It has a population of fifty (50) persons and above;-
- It is built to contain three (3) floors and above;-
- Residential estate with more than twenty-five (25) dwelling units;-

- Public Hospitals with more than fifty (50) beds; and-
- Institutional developments such as Barracks, Public Universities and Office Complexes

## PART X LAGOS STATE WATER REGULATORY COMMISSION

Interpretation.

308. In this Part, unless the context otherwise requires-

“Commission” means Lagos State Water Regulatory Commission;

“Commissioner” means the Commissioner for the Environment or any member of the State Executive Council for the time being charged with the responsibility for the management of the environment in the State;

"Confidentiality" means that all financial and business records of the operators submitted in accordance with the Regulatory Commissions shall be - (a) held in properly secured facilities, with adequate supervision of the records by the Commission; and (b) withheld from public disclosure, except as required to explain specific regulatory rulings;

“Corporation” means the Lagos State Water Corporation and its subsidiaries;

“Court” means the Lagos State Environment Court established under this Law;

“Domestic Sewerage” means the spent water supply of the community from residential, commercial and institutional users and may be generated from kitchen, bathroom, lavatory and toilet;

“Domestic Supply” means water from any waterworks used in any tenement for drinking, washing, cooking, or for bathing or any other purpose of domestic life;

“Drain” means any pipe or channel, etc., conveying only surface water or subsoil water or both and which is below ground level;

“Drainage System” means the system of pipes and drains used for the drainage of a building including all other fittings, appliances and equipment so used but excluding water drains;

“Distribution System” means the Corporation or any operator’s networks or mains, pipes, pumping stations and service reservoirs through which water is conveyed to customers;

“Dwelling House” means any premises used wholly or mainly for the purpose of private dwelling, with or without any garage, out-house, garden, compound, yard, court, forecourt or other appurtenances usually enjoyed with the premises;

“Financial Year” means every period of twelve (12) months terminating on the 31st day of December;

“Gathering Ground” means any surface of land or water which collects rainfall for the purposes of any waterworks;

“Government” means the Local, State or Federal Government;

“Governor” means the Governor of Lagos State;

“Ground Waters” means water from aquifers or other underground sources;

“Illegal Connection” means any connection to a water pipe without the explicit authorisation of the Commission;

“Information” includes anything contained in any records, estimates or returns;

“Local Government” includes Local Council Development Area;

“Manhole” means any chamber constructed on a closed drain so as to provide access for inspection and cleaning;

“Meter” means any appliance used for measuring, ascertaining or regulating the amount of water taken or used from any waterworks, by means of any service, or other appliance used in estimating the flow of water in or from any part of any waterworks;

“Metered Water” means water supplied to premises, the volume of which is measured by the use of metering or other equipment;

“New Water Services Assets” means those water services assets not yet in existence;

“Non-Domestic Supply” means any water from any waterworks used for the purpose of, or in carrying on, any trade, business or manufacture or for watering fields or gardens cultivated or occupied as a means of pecuniary profit, or for private fountains, or for any ornamental purpose, or for the supply of ponds or tanks or for laundries or public washhouses or public baths, vessels, ships, boats or machinery, and includes the water used or consumed by any person resident in or occupying any premises where a non-domestic supply is given as well as any water taken or used from any waterworks for the use of any Local Government Area or Government establishment or department;

“Occupier” in relation to a tenement means the person in occupation of the whole or of any part of such tenement, but does not include a lodger;

“Owner” means a landlord, a state lessee, a joint owner, tenant for life, mortgagee in possession or any person in actual possession and it includes a person acting with the authority of the owner;

“Permit” means the certificate to be issued by the Corporation stating the information that may be required as the Corporation shall determine, but does not include the payment of annual charges;

“Person” means an individual and shall include a limited liability company or an organisation duly registered under the Companies and Allied Matters Act;

“Pollution” means man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water;



“Prescribed Goods and Services” means (water treated and untreated) wastewater, sewerage and any other services and other services such as processing of water into carbonated drinks or beverages which are specified under this Part as being goods or services in respect of which the Commission has power to regulate tariff, fees and charges;

“Prescribed Tariff, Fees and Charges” means the tariff fees and charges or variations however designated for the supply, provision or sale of prescribed goods or services within the sector or particular factors used in tariff setting or terms and conditions relating to the tariff at which prescribed goods or services are provided, supplied or sold, being a tariff price range, factor or term and condition which the Commission has power to regulate;

“Premises” means land with buildings or a distinct or separate holding or tenancy or any wharf or pier, or any tract of land used for any purpose;

“Private Operator” means any private entity, whether a natural person, body corporate or a consortium or joint venture entering into a project agreement;

“Project Agreement” means an agreement between the Corporation and a private operator selected by the Corporation (and the State) through competitive bidding procedures to carry out private sector participation that sets the terms and conditions of such participation, including without limiting the generality of the foregoing, concessions, leases, management contracts, BOT Agreements, technical assistance contracts, consulting services contracts, franchises, bulk water supply and purchase agreements and regulatory agreements;

“Public Right of Way” includes any square, court, highway, road, thoroughfare or public passage or place over which the public has a right of way;

“Private Sewer” means any sewer other than a public sewer;

“Public Sewer” means any sewer vested in the Government;

“Records” include computer records and other records kept otherwise than in a document;

“Regulated Entities” means the Corporation or an entity operating under a project agreement or licence with the Corporation, or any entity that purchases water for resale to customers;

“Regulatory Charge” means the charge to be paid to the Commission by the Private Operators;

“Regulatory Ruling” means a decision made by the Regulatory Commission, including but not limited to responses to Regulatory Submissions, in accordance with this Part;

“Regulatory Submission” means proposed levies submitted for approval to the Regulatory Commission by a regulated entity;

“Relevant Authority” means any governmental Ministry or Agency, or any other body which is competent to address matters within its powers;

“Service” means all pipes, valves, cisterns, cocks, fittings, and other appliances(except any meter as defined in this Part by or through which water flows or is intended to flow from any waterworks or which are or may be used for the purpose of supplying any tenement from any waterworks, and being the property of the owner or occupier of such tenement;

“State” means Lagos State of Nigeria;

“State Waters” means water from sources in the State other than such sources as may be declared by any Federal Law to be sources affecting more than the State;

“Storm Water” means the water which comes to the surface of the earth as rain and finds its way into rivers and the seas through the public drainage system;

“Street” includes any square, court, highway, road, thoroughfare or public passage or place over which the public has a right of way;

“Structure” includes a fence, kiosk, stationary vehicle used for the display of wares or cafeteria;

“Substance” includes micro-organisms and any natural or artificial substance or other matter, whether it is in solid or liquid form gas or vapour;

“Tenement” means land within buildings or a distinct or separate holding or tenancy or any wharf or pier, but does not include land without buildings;

“Trade Effluent” means all the liquid waste with or without domestic sewerage emanating from a commercial or industrial organisation and is a by-product of that commercial or industrial process or activities and in relation to any tenement means any such liquid which is so produced in the course of any trade or industry carried out in those premises;

“Sewerage” means a system of sewers provided for collection of sewerage with or without storm water run-off;

“Sewerage Works” means the whole system of sewers, sewage treatment plant, tanks, silos, pumps, valves, meters and channels, other appurtenances for the purpose of conveying of sewage and storm water, and the treatment of sewage or both;

“Treated Water” means water treated for domestic purposes;

“Underground Strata” means strata subjacent to the surface of any land;

“Waterworks” means all reservoirs, dams, weirs, tanks, cisterns, tunnels, treatment plants, conduits, aqueducts, mains, pipes, fountains or sluices constructed for the storage, conveyance, supply measurement or regulation of water, which are vested in the Corporation;

“Water put into Supply” means water put into the Corporation or any operators distribution or otherwise supplied to customers other than bulk supplies. Establishment of the 309. (1) There is established the Lagos State Water Regulatory Lagos State Water Commission (referred to in this Part as “the Commission”).

Establishment of the Lagos State Water Regulatory Commission

309. (1) There is established the Lagos State Water Regulatory Commission (referred to in this Part as "the Commission").

(2) The Commission shall-

- (a) be a body corporate with perpetual succession and a common seal;
- (b) have power to sue and be sued in its corporate name; and
- (c) be capable of acquiring, holding, and disposing of movable and immovable property for the purpose of carrying out its functions under this Part.

Composition of the Governing Board of the Commission

310. (1) There is established for the Commission a Governing Board (referred to in this Part as "the Board").

(2) The Board shall consist of the following-

- (a) a Chairman nominated by the Commissioner of the Environment, being a person with cognate experience in Management or Humanities;
- (b) one (1) member being a water quality analyst, clinical microbiologist or biochemist nominated by the Commissioner for Health;
- (c) one (1) member nominated by the Lagos State Chamber of Commerce and Industry being a person who has served as a senior executive in a listed company for more than two (2) years;
- (d) two (2) members from the private section being persons with vast experience in International Regulation of Utility and Infrastructure Enterprises;
- (e) one (1) member representing consumer interest;

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- (f) a Legal Practitioner with at least ten (10) years post call experience, nominated by the Attorney-General; and
  - (g) the Executive Secretary.
- (3) The Governor shall appoint the members and the appointment of the Chairman and the Executive Secretary shall be subject to the Confirmation of the Lagos State House of Assembly.

Objective of the Commission.

311. (1) In performing its functions and exercising its powers, the objective of the Commission is to protect the long term interests of consumers with regard to the price, quality and reliability of services in the water sector.
- (2) In seeking to achieve its objective, the Commission shall have regard to the following –
    - (a) facilitate efficiency in the water sector and the incentives for efficient long-term investment;
    - (b) facilitate the financial viability of the water sector;
    - (c) ensure that the misuse of monopoly or non- transitory market power is prevented;
    - (d) facilitate effective competition and promote competitive market conduct;
    - (e) ensure that regulatory decision-making has regard to all relevant health, safety, environmental and social legislations applying to the water sector,
    - (f) ensure that users and consumers (including low-income or vulnerable customers) benefit from the gains from competition and efficiency; and
    - (g) promote consistency in regulation between States and on a national basis.

- (3) Without derogating from subsections (1) and (2) of this Section, the Commission shall also perform its functions and exercise its powers in such a manner as it considers best in achieving any of its objectives under this Part.

Functions of the Commission.

312. (1) The functions of the Commission shall be to-
- (i) regulate, monitor and control the abstraction, consumption, production, distribution, supply, sale and use of water, the quality of service and the tariff and charges payable to ensure the financial stability of the water sector and regulate allowable returns to the operators;
  - (ii) approve the rates and scales of charges payable for water supply, wastewater, sewerage and other services within the State and such rates and scales of charges are to be determined taking into consideration the interests of consumers, the need to ensure the viability of the water sector, and the need to ensure competition amongst the operators;
  - (iii) set, approve and review standards of performance of services in the sector;
  - (iv) provide regulatory rulings on regulatory submissions from any private participant and the Corporation;
  - (v) ensure that regulatory rulings are in compliance with the terms of the project agreements between the Corporation and private participants;
  - (vi) ensure that regulatory rulings maintain the financial stability and allowable returns of the Corporation;
  - (vii) ensure compliance with service standards and requirements subject to existing contract between the participants in the water sector and the relevant laws in that regard;

- (viii) ensure that the functions of water supply and sewerage services are properly carried out in the State;
- (ix) ensure that the interests of every person who is a customer or potential customer of the Corporation is protected in respect of the fixing and recovery by the Corporation of water charges and provided that-
  - (a) the interests of customers and potential customers in rural areas are so protected; and
  - (b) no undue preference is shown or undue discrimination in the fixing of charges;
- (x) ensure that the interests of every such person is protected in respect of the other terms on which services are provided by the operator in the course of carrying out its activities;
- (xi) advise the Governor on matters relating to the regulation of the water sector, including reliability issues;
- (xii) conduct an inquiry into any systemic reliability of supply issues relating to the water sector or other essential service as specified by the Governor;
- (xiii) conduct inquiries and report on matters relating to the water sector;
- (xiv) make recommendations to the Governor as to the following-
  - (a) reforms necessary in the sector,
  - (b) compliance by any service provider in the sector; and
  - (c) whether any operator or service provider should continue to operate in the sector;
- (xv) conduct public education programmes for the purpose of promoting its objectives under this Part and in relation to changes in the regulation of the sector;

- (xvi) issuance of licences for private facilities and certification of water and waste water services in the sector;
  - (xvii) regulate and approve groundwater abstraction, consumption, supply and distribution;
  - (xviii) regulate the sinking, operation and management of boreholes and water wells; formulating and implementing necessary rates and charges;
  - (xix) sanctioning of regulated activities;
  - (xx) enforcement water conservation measures and set water quality control standards;
  - (xxi) facilitate and regulate rainwater harvesting measures;
  - (xxii) enforce the duties and responsibilities of service providers and operators within the water and waste water sector;
  - (xxiii) make and review regulations on water and wastewater services in the sector;
  - (xxiv) collect 5%-20% surcharges on tariff payable by water and wastewater consumers as applicable as the commission may by regulation decide;
  - (xxv) regulate the procedure for provision of public sewer on application by members of the public;  
and
  - (xxvi) advise the Governor in relation to any other matter referred to the Commission by the Governor.
- (2) The Commission shall also perform additional duties specifically relating to economic regulation of water and sewerage services as may be assigned by the Governor to the Commission.

Powers of the Commission.

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313. (1) The powers of the Commission shall be to-

- (a) regulate all water and wastewater activities in the public and private sector of the State;
- (b) approve the tariff, fees and other charges charged by the Corporation and other private water sector operators/service providers for water and sewerage services in the State as the State regulator for water and wastewater sector.
- (c) where applicable, set or modify tariff, rates and charges charged by private participants to provide water and sewerage services in the State;
- (d) set or modify service requirements, standards and targets;
- (e) approve the allowable returns of the Corporation;
- (f) contract a qualified firm through competitive bidding procedures, to act as regulatory adviser to the Commission;
- (g) require all water sector operators to provide such financial statements and business records as are requested by the Commission on a timely and accurate basis; and for the purposes of this Section, "timely" shall mean within four (4) weeks of receipt of a notification to submit financial statements or business records;
- (h) regulate the activities of those engaged in the provision, consumption, processing, treatment, packaging, distribution, sale and supply, of bottled drinking water contained in bottles or polythene bags with a view to ensuring acceptable service standard;
- (i) regulate the activities of those engaged in the abstraction, provision, consumption, production, supply, distribution and sale of water; processing of water into carbonated drinks, beverages and other services where there is no service provision by the provider such as water tankers, sewage disposal tankers, water vendors, water reticulation, water points, cart pushers etc; and

- (j) the commission shall regulate all water and wastewater sector activities in the public and private sector impacting the quality of groundwater sources and potable drinking water or safe water. In doing so, sector operators shall have regard to the prescribed limit contained in the Lagos State Drinking Water Quality standard or any other applicable drinking water guidelines or guidance document. By complying with the prescribed Lagos State Drinking Water Standards, operators will be deemed to have complied with the WHO standard.
- (2) The Commission shall exercise such powers (including the power to make determinations) for or with respect to-
- (a) standard and conditions of service and supply;
  - (b) licencing, permits and authorisations;
  - (c) market conduct;
  - (d) resolution and handling of consumer complaints; and
  - (e) any other economic regulatory matters as may be conferred on the Commission under this Part.
- (3) The Commission shall have the power to act as arbitrator or nominate arbitrators to adjudicate and settle disputes arising between operators, consumers and the Corporation in accordance with the regulations and this shall be a condition in all licences granted under this Part.
- (4) All rulings of the Commission on water and wastewater shall be binding upon the Corporation, and all operators in the water sector.
- (5) Subject to this Part, the Commission has power to perform all necessary acts in connection with the performance of its functions and to enable it to achieve its objectives under this Part.

- (6) In carrying out its objectives, the Commission shall have the power to enter into, inspect and check any premises, facility or estate and also to collect water, wastewater or effluent sample for the purpose of laboratory analysis or tests.

#### Tenure of Office.

314. The Chairman and members of the Board except the Executive Secretary shall hold Office for a term of four (4) years which may be renewable for a further term of four (4) years only.

#### Remuneration 315.

The Chairman and other members of the Board shall be paid such and Allowances. remuneration and allowances as the Governor may approve in line with extant financial policy of the State.

#### Cessation of Office.

316. A member of the Board shall cease to hold office if the member-
- (a) resigns from the Commission by giving one (1) month notice in writing to the Governor. The member will retain full voting powers and obligations during the period from the date of submission of the resignation and the effective date of the resignation;
  - (b) becomes of unsound mind or is incapable of carrying out the duties of the office;
  - (c) has a conflict of interest, as established by documentary evidence indicating a possible or actual commercial benefit arising from Lagos State Water Sector services subject to Section 319;

- (d) is convicted of a felony or any offence involving dishonesty;
- (e) becomes bankrupt or makes an arrangement with creditors;
- (f) is guilty of serious misconduct relating to the duties of the Office; and
- (g) being a member of a professional body, is suspended or removed from the professional body.

#### Meetings and Proceedings

317. The Chairman may convene as many meetings of the Board as of the Board. considered necessary for the efficient conduct of its affairs. Provided that the Chairman or, in the absence of the Chairman the members present elect one member to act as the Chairman.

#### Quorum

318. The quorum for a meeting of the Board is five (5) members.

#### Declaration of Pecuniary Interest.

319. (1) If a member of the Board has a pecuniary interest in a matter which the member is considering or is about to consider in the course of performing the duties of the office, that member shall as soon as practicable after the relevant facts have come to the member's knowledge declare the nature of that interest to the Board.
- (2) Subsection (1) does not apply if the interest is as a result of the supply of goods or services that are available to members of the public on the same terms and conditions.

- (3) Unless the Board by a simple majority of members present and voting otherwise directs, if a member of the Board has made a declaration under this section, the member shall not take any further part in any decision in relation to the matter.

#### Validity of Proceedings.

320. A failure to comply with Section 319 does not affect the validity of any act or decision of the Board.

#### Voting.

321. (1) Any issue arising at a meeting of the Board shall be determined by a majority of the votes of the members present and voting on the issue.
- (2) The person presiding has a deliberative vote and, in the event of an equality of votes on any issue, a casting vote.

#### Common Seal.

322. (1) The common seal of the Commission shall be determined by the Board and affixing of the common seal shall be authenticated by the signature of the General Manager and the Secretary or some other person(s) authorised by the Board for that purpose.
- (2) A document duly executed under the common seal of the Commission shall be admissible in Court and unless the contrary is proved be deemed to be so executed.

Appointment of the Executive Secretary.

323. (1) There shall be appointed by the Governor an Executive Secretary for the Commission.

(2) The Executive Secretary shall -

- (a) be a person who has served at management level in the public or private sector for a minimum of five (5) years;
- (b) be the accounting and administrative officer of the Commission; and (c) hold office on such terms and conditions as may be specified in the letter of appointment.

Appointment of Staff.

324. (1) The terms and conditions of service (including terms and conditions, as to remuneration, allowances, pensions, gratuities and other retiring benefits and medical benefits) of the employees of the Commission shall be such as may be determined by the Commission.

(2) The Commission may engage such additional staff or consultants as it deems necessary for the efficient performance of the primary duties and functions of the Commission under this Part.

(3) The Commission may enter into agreements or arrangements for the use of the services of any staff of a department, statutory authority or other public body.

(4) An engagement under subsection (2) shall be on any terms and conditions the Commission considers appropriate.

(5) All employees of the Commission shall sign an oath affirming their allegiance and service to the Commission and pledging themselves to observe strict secrecy with respect to all transactions of the Commission.

(6) For the purposes of this Part, employee shall include members of the Board and staff of the Commission.

#### Confidentiality.

325. The Commission and its employees shall keep confidential all financial and business records submitted by the Corporation and other operators in the sector.

#### Consultation.

326. The Commission shall consult with all relevant agencies in the-

- (a) making of determinations;
- (b) conduct of an inquiry; and (c) the preparation and review of regulatory practice.

#### Power to Engage

327. (1) The Commission has the power to engage the services Consultant. of a Consultant who may be a firm or institution that is competent to render advisory services on water utility regulation as evidenced by the following-

- (a) extensive prior experience in providing advisory services to utility regulatory institutions;
- (b) extensive prior experience of operating as a regulator of public utilities; and
- (c) demonstrated corporate capability to provide staff experienced in regulatory matters.

- (2) The Consultant shall be engaged through a competitive and transparent bidding process at the discretion of the Commission,
- (3) The Consultant may provide to the Commission, technical staff required to prepare analyses and rulings in accordance with this Part.

#### Publication of Guidelines.

328. (1) The Commission shall develop and publish a guideline on consultation and regulatory practice relating to processes for making determinations and conducting inquiries.
- (2) The Guidelines on consultation and regulatory practice- (a) shall include such matters as are prescribed; and (b) may include any other matters that the Commission considers appropriate.

#### Conduct of Inquiry or Determination.

329. (1) The Board shall determine which members are to sit on particular inquiry or determination.
- (2) A determination of the Board shall be made at the meeting constituted as required by Section 319.
- (3) In making a determination under this section, the Board shall have regard to-
  - (a) any factor specified in the empowering instrument; and
  - (b) any other factor that the Board considers relevant.

#### General Provisions

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330. (1) A determination must include a statement of the purpose relating to Determinations. and reasons for the making of the determination.
- (2) Notice of the making of a determination must be published –
- (a) in the Government Gazette;
  - (b) in a national daily newspaper generally circulating in the State; and
  - (c) on the internet.
- (3) The notice shall include-
- (a) a brief description of the nature and effect of the determination; and
  - (b) details of when the determination takes effect and how a copy of the determination may be obtained from the Commission.
- (4) The Commission must send a copy of a determination-
- (a) to each operator in the sector to which the determination applies; and
  - (b) to any person who made a submission to an inquiry to which the determination relates and who has asked for a copy of the determination.
- (5) A determination takes effect on and from-
- (a) the date on which notice of its making is published in the Government Gazette, a national daily newspaper circulating in the State and on the internet; or
  - (b) any later date of commencement as may be specified in the determination.

- (6) Subject to the provisions of this Part, a determination takes effect from when it is amended or revoked by a later determination or on such other date as is specified and a determination is binding on the Corporation or any other operator specified in the sector.

#### Price Regulation.

331. The Commission shall regulate fees, prices and charges for or in respect of prescribed goods and services supplied by or within the water sector.

#### Tariff Determination.

332. (1) In making a tariff determination, the Commission shall adopt any procedure which the Commission considers will best meet the objectives specified in this Part.
- (2) In making a determination under this Section, the Commission shall have regard to-
- (a) the particular circumstances of the water sector and the prescribed goods and services for which the determination is being made;
  - (b) the costs of making, producing or supplying the goods or services;
  - (c) the cost of complying with relevant health, safety, environmental and social legislation applying to the water sector,
  - (d) the return on assets and investments of the regulated provider;
  - (e) any relevant interstate and international benchmarks for tariff cost to return on investments in any comparable sector;

- (f) the financial implications of the determination for the water sector; and
- (g) any other factors that the Commission considers relevant.
- (3) In making a determination under this Section, the Commission shall ensure that-
  - (a) wherever possible the costs of regulation does not exceed the benefits; and
  - (b) the decision takes into account and clearly articulate any trade-off between costs and service standards.
- (4) A tariff determination by the Commission may regulate prescribed goods and services in any manner the Commission considers appropriate.
- (5) Without limiting the generality of subsection (4), the manner may include:
  - (a) fixing tariff price or the rate of increase or decrease in the tariff and charges;
  - (b) specifying pricing policies or principles;
  - (c) specifying an amount determined by reference to a general price index, the cost of production, a rate of return on assets and investments employed or any other specified factor,
  - (d) specifying an amount determined by reference to quantity, location, period or other specified factor relevant to the rate or supply of the goods or services in the sector,
  - (e) fixing a maximum average revenue or maximum rate of increase or minimum rate of decrease in the maximum average revenue in relation to prescribed goods or services in the sector; or
  - (f) monitoring the levels of tariff, fees and charges for prescribed goods and services in the sector.

General Power to Obtain

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333. (1) The Commission shall require any person who has custody Information and of any information or document which in the opinion of the Documents. Commission would assist in the performance of its objectives or functions to make available to the Commission the information or a copy of the document.
- (2) A requirement to produce such information shall be made in writing specifying-
- (a) the information or document required;
  - (b) the period of time within which the requirement must be complied with; and
  - (c) the form in which the information or copy of the document is to be given to the Commission.
- (3) A person who without lawful excuse fails to comply with any requirement made under this Section commits an offence and is liable on conviction to a fine of One Hundred Thousand Naira (N100,000.00) or Three (3) months community service or both.
- (4) It is a lawful excuse for the purposes of subsection (3) of this Section that compliance may tend to incriminate the person or make the person liable to a penalty for any other offence.
- (5) A person shall not in purported compliance with a requirement, knowingly give the Commission information that is false or misleading.
- (6) A person shall not-
- (a) threaten, intimidate or coerce another person; or
  - (b) take, threaten to take, incite or be involved in any action that causes another person to suffer any loss, sustain any injury, be disadvantaged because that other person complied, or intends to comply with a requirement made under this Section.
- (7) A person shall not be liable in any way for any loss, damage or injury sustained by another person because of any information or document given in good faith to the Commission under this Section.

Restriction on

334. (1) This Section applies if at the time the information or Disclosure of document is given, the person giving it states that it is of Confidential Information. confidential or commercially sensitive nature.
- (2) The Commission shall not disclose the information or the contents of the document to any person unless-
- (a) the Commission is of the opinion that-
- (i) the disclosure of the information or document would not be detrimental to the person supplying it; or
  - (ii) although the disclosure of the information or documents would be detrimental to the person supplying it, the public benefit in disclosing it outweighs that detriment;
- (b) the Commission is of the opinion, in relation to any other person who is aware of the information or the contents of the document and who might be detrimentally affected by the disclosure that-
- (i) the disclosure of the information or document would not be detrimental to that person; or
  - (ii) although the disclosure of the information or documents would be detrimental to that person, the public benefit in disclosing it outweighs that detriment;
- (c) the Commission gives the person who supplied the information or document a written notice stating-
- (i) that the Commission wishes to disclose the information or contents of the document, specifying the nature of the intended disclosure and setting out detailed reasons why the Commission wishes to make the disclosure; and
  - (ii) that the Commission is of the opinion required by paragraph (a) and setting out detailed reasons why it is of that opinion;

- (d) the Commission is aware that the person who supplied the information or document in turn received the information or document from another person and is aware of that other person's identity and address, the Commission gives that other person a written notice-
  - (i) containing the details required by paragraph (c); and
  - (ii) stating that the Commission is of the opinion required by paragraph (b) in reasons relation to him and setting out detailed why it is of that opinion;
- (e) no notice of appeal is lodged in respect of any notice given under paragraph (c) or (d) within the time permitted by this Law.

#### Application for Licence.

335. (1) A person must apply to the Commission for the issuance of a licence authorising the provision of the prescribed services in the application.
- (2) An application shall be in a form approved by the Commission and be accompanied by such documents as may be determined by the Commission.
  - (3) An application shall be accompanied by the required application fee fixed by the Commission.

#### Determination of Application.

336. (1) Subject to subsection (2) of this Section, the Commission may grant or refuse an application for the issuance of a licence for any reason the Commission considers appropriate, having regard to the objectives specified in Section 311.

- (2) The Commission may not grant an application for the issuance of a licence unless the Commission is satisfied that the applicant has the capacity to comply with the conditions of the licence.
- (3) The Commission shall publish a notice in a national daily newspaper generally circulating in the State-
  - (a) specifying that an application for a licence in respect of the provision of the relevant prescribed services has been lodged with the Commission by the person specified in the notice; and
  - (b) inviting interested persons to make submissions to the Commission in respect of the application within the period and in the manner specified in the notice.
- (4) Subject to this section, the Commission may determine the procedures that are to apply in respect of the issuance of licences.
- (5) The Commission shall notify an applicant in writing of its decision to grant or refuse to grant the application and, in the case of a decision to refuse to grant the application of the reasons for its decision.

#### Provisions Relating Licence.

337. (1) A licence is to be issued for such term as is determined to by the Commission and is specified in the licence.
- (2) A licence shall be subject to such conditions as are determined by the Commission.

#### Specific Licence Conditions.

338. The conditions for grant of a licence shall include provisions requiring the licensee to:
- (a) pay specified fees and charges in respect of the licence to the Commission;
  - (b) enter into agreements on specified terms or on terms of a specified type;

- (c) maintain specified accounting records and to prepare accounts according to specified principles;
- (d) comply with any relevant determination in respect of prescribed services;
- (e) provide, in the manner and form determined by the Commission, such information as the Commission may require; and
- (f) specify procedures for variation or revocation of the licence.

#### Determination of Fees and Charges.

339. The fees and charges to be specified in respect of a licence are to be determined by the Commission having regard to the total amount of the costs and expenses that are incurred or are likely to be incurred by the Commission in the exercise of its powers for or in connection with the performance of its functions and the achievement of its objectives in relation to the water sector.

#### Variation or Revocation of Licence.

340. (1) A licence or the licence conditions may be varied:

- (a) in accordance with the procedures specified in the licence conditions; or
- (b) by agreement between the Commission and the licensee; or
- (c) by a notice in accordance with subsection (2) served on the licensee.

(2) The Commission shall not vary a licence or the licence conditions by a notice unless:



- (a) the Commission is satisfied that the variation is necessary having regard to the objectives specified in Section 311; and
- (b) the Commission has given the licensee an opportunity to make representations on the matter.
- (3) The Commission may revoke a licence in accordance with the procedures specified in the licence conditions.

#### Publications.

341. The Commission shall ensure that- (a) notice of the grant of a licence, includes-
- (i) the name of the licensee;
  - (ii) the term of the licence; and
  - (iii) the place where a copy of the licence may be inspected; and
- (b) notice of a variation or revocation is published in the Government Gazette and a national daily newspaper circulating in the State and on the internet as soon as possible after the grant of a licence or the variation or revocation, as the case requires.

#### Transfer of Licence.

342. (1) The holder of a licence shall apply to the Commission for approval to transfer the licence.
- (2) An application shall be in the form approved by the Commission and be accompanied by such documents as may be required by the Commission.
- (3) An application shall be accompanied by the application fee fixed by the Commission.

- (4) The Commission shall publish on the internet and in a national daily newspaper generally circulating in the State, a notice-
  - (a) specifying that an application for the transfer of the licence, has been lodged with the Commission for the transfer by the holder to a proposed transferee specified in the notice; and
  - (b) inviting interested persons to make submissions to the Commission in respect of the application within the period and in the manner specified in the notice.
- (5) The Commission may approve, or refuse to approve, the application for any reason it considers appropriate, having regard to the objectives specified in section 311.
- (6) The Commission shall not approve the application unless the Commission is satisfied that the proposed transferee has the capacity to comply with the conditions of the licence.
- (7) The Commission may determine that, upon the transfer of the licence under this section, the conditions to which the licence is subject are varied.
- (8) The Commission may determine the procedures that shall apply in respect of the transfer of the licence.
- (9) The Commission shall notify an applicant in writing of its decision to approve or refuse to approve the application and in the case of a decision to refuse to approve the application, of the reasons for its decision.

Prohibition.

343. (1) A person who is the provider of prescribed services shall not engage in the provision of such services unless the person is-
- (a) the holder of permit/ licence authorizing the provision of the relevant prescribed services; or
  - (b) exempted from the requirement to obtain a permit/ licence in respect of the provision of the relevant prescribed services.

- (2) A breach of the provisions of this section shall attract the necessary fines and penalties as the Commission may prescribe.

#### Exemptions.

344. (1) The Governor on the advice of the Commission may by Order published in the Government Gazette exempt a person from the requirement to obtain a licence in respect of the provision of the prescribed services specified in the Order.
- (2) An exemption may be of general or specified application.
- (3) An exemption is subject to such terms, conditions and limitations as are specified in the Order.
- (4) An Order under subsection (1) may confer powers and functions on and leave any matter to be determined by the Commission.

#### Funds and Resources.

345. The funds and resources of the Commission shall comprise-
- (a) a surcharge on tariff payable by consumers of water, waste water and sewerage services, and other services in the sector as the Commission may by regulation decide;
- (b) such sums or other property as may be advanced by way of loans or grants to the Commission by any Local Government or Statutory Corporation in the State, the Federal Government or any agency or institution of any such Government, any International Organization, and private foundation or any person whatsoever;
- (c) any investments or other property whatsoever acquired by or vested in the Commission;

- (d) money earned or arising from any investments or other property acquired by or vested in the Commission; and
- (e) all other sums and charges prescribed by the commission, whether as water rates or water abstraction charges such as water abstraction or impoundment/charges per volume, water and sewerage charges ,processing costs, licencing or permit fees, fines, and monetary regulatory sanctions, or other property or charges whatsoever which may in any manner become payable or vested in the Commission in respect of its powers and duties or of any other incidental matter under this Part or by virtue of the provisions of any other Law.

#### Irrigation.

346. (1) Any person setting up an irrigation project must obtain licence from the Commission.

- (2) It shall be mandatory to have an environmental impact assessment study before establishing any irrigation project and during operation of the project.
- (3) It shall be mandatory that regular monitoring of the identified negative impact be undertaken and appropriate mitigation measures be put in place by the licensee.

#### Discharge of Waste into Water Bodies.

347. (1) A person must not discharge or cause or permit the discharge of any of the following substances into any water body-

- (a) inflammable solvent;
- (b) tar or other liquids immersible with water;

- (c) hazardous or toxic substances beyond the limits approved by the law;
  - (d) materials containing cyanides, chromates, dichromates or peroxides;
  - (e) bi-phenols and chlorinated hydrocarbons; and
  - (f) waste of whatever kind or nature that cannot be satisfactorily purified by natural process sewage treatment process.
- (2) In determining the point of discharge of wastewater, a licensee shall be required to discharge at a safe distance from an existing point of abstraction approved by the Commission.
  - (3) A licensee shall be required to comply with the method of waste conveyance acceptable to the Commission and as specified on the licence.
  - (4) In all cases, a licensee must comply with existing regulations for municipal waste conveyance and disposal and ensure that the method of discharge shall be environmentally safe while pipe conveyance systems shall be leakage free and metered.
  - (5) The Commission shall require government agencies, companies, industries or persons constructing urban drainage systems to incorporate suitable mechanisms such as desilting and oil removal devices on drainage outfalls to reduce grit, oil, fat and other polluting substances reaching bodies of water through urban drainage systems.

Standard of Performance in Connection with Water Supply.

348. (1) The standard of performance shall be for the purpose of-

- (a) facilitating the extent of breaches of the obligations imposed under this Part; or

- (b) supplementing that duty by establishing overall standards of performance in relation to that duty, the Commission may by regulation provide for contravention of such requirements as may be prescribed to be treated for the purposes of this Part as breach of that duty.
- (2) The Commission may by regulation prescribe such standard of performance in connection with the provision of supply of water as, in its opinion, ought to be achieved in individual cases.
- (3) Regulations under subsection (2) of this Section may provide that if the Corporation fails to meet a prescribed standard it shall pay such amount as may be prescribed to any person who is affected by the failure.
- (4) Without prejudice to the generality of the powers conferred by subsection (2) of this Section, regulations under that subsection may-
  - (a) include a requirement for the Corporation, in prescribed circumstances, to inform a person of available rights by virtue of any such regulations;
  - (b) provide for any dispute under the regulations to be referred by either party to the Commission;
  - (c) make provision for the procedure to be followed in connection with any such reference and for the Commission's determination on such a reference to be enforceable in such manner as may be prescribed; or
  - (d) may prescribe circumstances in which the Corporation is to be exempted from requirements of the regulations.
- (5) Where the Commission determines any dispute in accordance with regulations under this Section, it must, in such manner as may be specified in the regulations, give its reasons for reaching such decision with respect to the dispute.

Proofs of Money.

349. In any action for the recovery of any rate or other money rates such as fees, regulatory charges, abstraction charges, surcharges, fines, penalties, and any other sums, or charges payable or recoverable under the provisions of this Part, a demand certificate under the hand of the Commission in that behalf, that any sum of money is due and that the defendant is the person liable to pay the same shall be evidence of such debt and of non-payment thereof, and the fact that the defendant is the person liable to pay the same.

#### Restriction on Execution.

350. No execution or attachment of process shall be issued against any property vested in the Commission except with the prior consent of the Attorney- General.

#### Environmental Audit Unit.

351. (1) There is established an Environmental Audit Unit in the Commission.

(2) The Unit shall monitor and ensure compliance by the Corporation and other operators in the sector, with environmental laws and regulations in the State and any obligations as may be conferred by any ruling of the Commission.

(3) The Audited Report of the Unit shall be forwarded to the Commission bi-annually.

#### Bank Account.

352. The Commission shall operate an account with a bank or banks in the State and the signatories to the account shall be either the Chairman or in the absence of the Chairman a designated representative as the case may be, and the Executive Secretary, or a designated representative.

Account and Audit.

353. (1) The Commission shall keep proper account of all its transactions in such form as the Board may direct, being a form that shall conform with standard commercial practice.
- (2) The form of accounts shall be such as to secure the provision of separate information in respect of each of the main activities and divisions of the Commission.
- (3) The accounts shall be audited annually by external auditors appointed by the Commission from a list of approved auditors provided by the Auditor- General of the State.
- (4) The Commission shall, within six months after the end of each financial year, furnish the House of Assembly with a-
- (a) copy of the audited account of the Commission;
- (b) copy of the general report and full report of the external auditor;
- (c) detailed report of the state of affairs of the Commission for the financial year, including a statement of the change in the general reserve fund arising from the activities of the Commission during the year reported upon; and
- (d) the Commission shall publish its annual report in two (2) national daily newspapers circulating within the State and on the Internet.
- (5) The Commission shall cause the audited account and the annual report of the Commission to be published in the State Government Official Gazette after complying with subsection (4) of this Section.

Annual Report.



354. (1) The Commission shall submit to the Governor through the Commissioner, an estimate of its income and expenditure for the next succeeding year in accordance with the budgeting guidelines in the State.
- (2) The annual report shall amongst other information, contain detailed presentation of the performance of the Commission during the reporting year stated against set targets in the approved plan and it shall also contain analysis of the opportunities and constraints impacting upon the Commission's performance and the actions proposed for addressing them.

Annual Estimate.

355. The Commission shall submit to the Governor through the Commissioner, an estimate of its income and expenditure for the next succeeding year in accordance with budgeting guidelines applicable in the State.

## PART XI OFFICE OF DRAINAGE SERVICES

Interpretation

356. In this part, unless the context otherwise requires- "Authorised Officer" means any person appointed as an authorised officer under this Part

"Building" has the same meaning as in the Lagos State Physical Development Law, No. 3. 2015;

"Commissioner" means the Commissioner for the Environment or a member of the State Executive Council for the time being charged with the responsibility for the management of the environment in the State;

"Court" means Environmental Courts established under this Law; "Drain" includes any canal, culvert, conduit, river or watercourse;

"Drainage Alignment" means the defined drainage/watercourse;

"Drainage Reserve" means any land set aside for drainage works pursuant to development proposals approved by a competent authority, which includes drainage alignment, setback and total rights of way;

"Drainage Works" includes any engineering works for the construction, alteration and maintenance of any storm water drainage system;

"Earth Canal" means natural canal without extra improvement;

"Enforcing Authority" means the Office of Drainage Services;

"Enforcement Notice" means any notice issued by the enforcing authority;

"Flooding" means any threat to or destruction of physical infrastructures including residential accommodation, commercial and industrial properties, roads, rail lines, bridges, port installations, farmlands occasioned by excess runoff storm water;

"Lined Canal" means canal that has been improved by concreting;

"Ministry" means Ministry of the Environment;

"Occupier", in relation to any premises, includes any person having the charge, management or control of the premises or any part of it, including resident tenant;

"Office" means the Office of Drainage Services of the Lagos State Ministry of the Environment "owner" , in relation to -

- (a) any premises, includes the person for the time being receiving the rent of the premises, whether on his own account or as agent or trustee or as receiver, or who would receive the rent if the premises were let to a tenant, or any person whose name is entered in the Valuation List authenticated under the Land Use Charge Law of the State;

- (b) the common property of any building erected on land comprised in a strata subdivision plan approved by the competent authority, includes the management corporation having control of the building, and a managing agent appointed by a owner, and a liquidator/receiver appointed for the management of the property; and
- (c) the limited common property of any building erected on land comprised in a strata subdivision plan approved by the planning authority, includes the subsidiary management corporation having control of that limited common property, and a managing agent appointed by the owner and a liquidator appointed for that subsidiary management company or entity;

"Penalty" includes and not limited to any pecuniary fine, forfeiture, cost or compensation receivable or payable;

"Premises" includes houses, buildings, lands, tenements, easements and hereditaments of any nature whether open or enclosed, whether built or not, whether public or private, and whether maintained under statutory authority or not;

"Right- of -Way" means the alignment of the canal plus its set-back

"State" means Lagos State of Nigeria;

"Stop Work Order" means Order issued by the enforcing authority to stop work; "Storm Water" means rainwater and surface water but does not include sewage;

"Storm Water Drainage System" means a system of drains for the conveyance or storage of storm water and includes- (a) any weir, grating, float, boom, gauge, tidegate, sump, storage pond, pumping station, maintenance access, and debris interception and removal facility related to such system; (b) any structure constructed to convey, store or measure storm water or for flood alleviation; and (c) any bridge over or railing for any such drain or any appurtenance;

"Works" has the same meaning as "building works or development" in the Lagos State Urban and Regional Planning Law, 2015 and includes sewerage works, drainage works and the construction and alteration of sanitary facilities.

Administration of this Part.

357. The Office shall-

- (a) be responsible for the administration of this part subject to the direction of the Commissioner;
- (b) perform the functions, duties and powers as may be conferred on it under the provisions of this Part; and
- (c) any other duties as may be conferred by the Commissioner. Functions of the Office.

358. The Office shall-

- (a) provide comprehensive services that includes feasibility studies, planning and design of drainage Infrastructural development, drainage construction and dredging;
- (b) construct open and conduit channels that serves as link between tertiary drain and outfalls drainage;
- (c) survey drainage alignment in order to capture water course;
- (d) rehabilitate existing channels and build new ones across the State in order to cope with the flow demand;
- (e) supervise the construction and rehabilitation of drainage channels;
- (f) monitor the surveillance of dredged channels and concrete drains such that the desired capacity of drainage channels remain as originally improved on;
- (g) identify and locate low lying areas within the State for the purpose of reclamation of shore land with sand which includes drainage alignment and land opened up during the dredging of primary channels;
- (h) take control of the land reclamation being proposed or under execution by other Government agencies such as the Ministry of Physical Planning and Urban Development and Lands Bureau;

- (i) reclaim used or existing land under schools and institutions such as de-flooding of schools by reclamation;
- (j) engage in planning of dredging works, sand replenishment and erosion control structures;
- (k) control erosion by engineering structures such as retaining walls, sheet pile and other control measures in areas where there are valleys and gully which have eroded the soil, roads and bridges;
- (l) prepare, coordinate, evaluate and monitor all projects under the Ministry funded by the Multilateral Donor Departments/ Agencies;
- (m) monitor drainage channels and Right-of-Way on a daily basis with a view to capturing the contraventions;
- (n) ensure that people do not build on canals/drainage right-of-way;
- (o) ensure compliance in cases of contraventions or encroachment on canals or drainage right-of-way;
- (p) issue drainage clearance certificates for buildings that are free from drainage right-of-way or set back;
- (q) prepare proposals on technical assistance in form of manpower development;
- (r) engage in process towards the identification of contraveners and take appropriate measures to check further contravention or non-compliance with the Part;
- (s) identify areas that needs to be de-flooded on emergency basis;
- (t) respond urgently to any complaint of flood at any particular area of the State;
- (u) de-flood drainage secondary collector drains on regular basis;
- (v) de-flood drainage primary drains;
- (w) ensure flood free highways in the metropolis through the highway unit;

- (x) protect water sources by regulating discharge of contaminants or pollutants into water resources/bodies;
- (y) issue permits for the discharge onto surface water and ground water in respect of both industrial and public facilities; and
- (z) protect wetlands and other aquatic habitats through regular surveillance of environmental activities in aquatic habitats.

Authorised Officer.

359. The Office may in writing appoint any officer of the Ministry to be an authorised officer for the purposes of this Part.

Power of the Office.

360. The Office shall have powers to -

- (a) monitor, protect, manage and maintain the drainage channels, flood plain, wetland, shed land, riversides and Right-Of-Way on daily basis with a view to capturing the contraventions;
- (b) serve notices and orders on Contraveners;
- (c) seal up premises or nuisance constituted to the environment;
- (d) prosecute the Contraveners;
- (e) make the owner of the nuisance to pay penal fees.
- (f) demolish or remove the contraventions;

- (g) make the contraveners to pay the cost of demolition or removal of contraventions;
- (h) unseal the premises, property, tenement sealed for nuisance/contravention constituted to the environment provided the owner of the nuisance/ contravention has fully abated or removed the nuisance/ contravention as required under this Part; and
- (i) ensure that the owner of the nuisance pay penalties/fees to be determined depending on the nature of such nuisance/contravention before such premises, property or tenements is unsealed.

#### Storm Water Mitigation

361. (1) Any soil which is exposed or disturbed during Measures for Major construction and any material stockpile on a development site Development. must be stabilised utilising an appropriate best management practice.
- (2) Land development activities that increase site impervious cover should be prevented.
  - (3) Any cut and fill slope resulting from an excavation on a development site must be stabilised in accordance with subsection(1) of this Section, and must be constructed with a roughened soil surface instead of a smooth surface, in a manner that will minimise erosion.
  - (4) A stormwater drainage facility to regulate stormwater flow must be constructed at the top of a slope 3m horizontal to 1m vertical or steeper, which has an area above it that contributes to stormwater runoff.

#### Dredging of Channel.

362. No person or group of persons shall - Without Permit.

- (a) dredge or cause to be dredged any primary or secondary drainage channel without the approval of the Office of Drainage Services;
- (b) operate a dislodging outfit of drainage services without the permit of the Ministry.
- (c) operate a dislodging outfit after the expiration of the existing permit/approval unless upon grant of a renewal by the Office.

#### Maintenance of Drains.

363. (1) Every owner or occupier of a tenement shall:-

- (a) clean and maintain the drains in the frontage, side or rear of the Drains tenement; and
  - (b) provide suitable holding tank for liquid waste or sewage liquor and ensure regular evacuation and disposal of same.
- (2) Waterfronts and drainage setback:- Any clearing limit, setback, buffer and other area sensitive to stormwater, such as a steep slope, wetland or riparian corridor, on a development site determined by an environmental impact assessment, must be clearly marked on the development site by visible pegs or other effective means and may at any time be inspected by an authorised official.

#### Construction and Maintenance of Private Drains.

364. (1) The Office may permit any person to construct any drain through, across or under any private property or to alter, repair or otherwise deal with such drain as the Office deems fit.
- (2) Any permit given under subsection (1) above may be subject to such conditions as the Office deems fit.



- (3) Before permitting any person to construct any drain under subsection (1) of this Section, the Office shall serve a notice on the owner/ occupier of the premises -
  - (a) describing the nature of the works to be carried out; and
  - (b) stating that if no objection is received within twenty-eight (28) days from the date of service of the notice, work will commence on the date specified in the notice.
- (4) A person served with a notice under subsection (3) of this Section shall submit his objections, if any, to the Office within the prescribed time and the Office may allow or disallow the objections or allow the objections in part.

#### Construction of Structure and Slabs.

365. A person or group of persons shall not without the approval of the Office-

- (1) construct or cause to be constructed any structure along an existing structure close to an existing drainage alignment and canals;
- (2) make or cause to be made any slab of any form, whether wooden, cement or iron slab on and over drainage channels along arid canals;
- (3) place or cause to be placed any mobile structure on a drainage channel or canal.

#### Un-seal of Sealed Property.

366. A person or group of persons shall not without the approval of the Office-

- (1) break, tear, remove or cause to be broken or torn any government seal on a property with a view to un-seal same without the direction or authorisation of the Office.
- (2) paint, repaint or cause to be painted or repainted a property marked as contravention;
- (3) plaster or causes to be plastered a portion of a property marked as contravention.

#### Storm Water Drainage System not to be Constructed or Altered Without the Approval

367. (1) A person or group of persons shall not construct, alter, discontinue or close up any storm water drainage system or drain without obtaining the approval of the Office.
- (2) Where any storm water drainage system or drain has been of the Office. constructed, altered, discontinued or closed up in contravention of subsection (1) of this Section, the Office may serve upon any person specified in subsection (3) a notice requiring him to demolish or make good the storm water drainage system to its original condition within such time as may be specified in the notice.
  - (3) The notice referred to in subsection (2) of this Section may be served on all or any of the following persons:
    - (a) any person who does, causes or permits to be done any of the acts referred to in subsection (1) of this Section;
    - (b) the owner or occupier of the premises to which the storm water drainage system or drain referred to in subsection (2) of this Section belongs or for the use of which it is maintained;
    - (c) any person having power to construct, alter or demolish the storm water drainage system or drain referred to in subsection (2) of this Section.
  - (4) Any person who contravenes the provisions of subsection (1) of this Section commits an offence and is liable on conviction to a fine not less than Two Hundred and Fifty Thousand Naira (N250,000.00).

Drains and Drainage Reserves not to be interfered with.

368. (1) A person shall not without obtaining the approval of the Office-

- (a) erect, place any structure or object in, above or across any drain;
  - (b) cause any obstruction to the flow of any storm water drainage system;
  - (c) erect, construct or lay within any drainage reserve any fence, retaining wall, foundation, manhole, pipe, cable mains or any obstruction or structure (whether temporary or permanent).
- (2) If any structure or object is erected or placed, and any obstruction is caused in contravention of subsection (1) of this Section, the Office may serve on any person specified in subsection (3) of this Section a notice requiring him to remove the structure, object or obstruction and make good the drain or drainage reserve to its original state and condition within such time as may be specified in the notice.
- (3) The notice referred to in subsection (2) of this Section may be served on all or any of the following persons:
- (a) any person who does or causes or permits to be done any of the acts referred to in subsection (1) of this Section;
  - (b) the owner or occupier of the premises where the structure, object or obstruction referred to in subsection (2) of this Section is located;
  - (c) any other person having power to remove the structure, object or obstruction referred to in subsection (2).
- (4) Any person who contravenes the provision of subsection (1) above commits an offence and is liable on conviction to a fine not exceeding Two Hundred and Fifty Thousand Naira (N250,000.00).

Premises without Proper Drainage.

369. The Office shall where it discovers that a premises is without proper drainage, by notice require the owner or occupier of the premises to remedy the defect within such time as may be specified in the notice.

Works affecting Storm Water Drainage System.

370. (1) No person shall carry out or cause to be carried out any work which will affect any storm water drainage system, drain or drainage reserve, directly or indirectly, without obtaining in respect of those works, a clearance certificate or the approval of the Office.

(2) Where any work has been carried out in contravention of subsection (1) of this Section, the Office may by notice in writing require the person who carried out the works, or the owner or occupier of any premises in respect of which the works were carried out, to stop such works and make the storm water drainage system to its original state and condition as the Office deems necessary within such time as may be specified in the notice.

(3) Any person who contravenes the provision of subsection (1) commits an offence and liable on conviction to a fine not exceeding Two Hundred and Fifty Thousand Naira (N250,000.00).

Areas not Provided with Effectual Drainage.

371. (1) If it appears to the Office that any area is not provided with effectual drainage, the Office may cause to be executed such drainage works as it considers necessary to provide for the desired drainage of the area.

(2) The Office may in the alternative as it deems fit apportion the costs and expenses of such drainage works among the owners of the premises in such area and recover the sums apportioned from such owners.

Damage Caused to Storm Water, Drainage System etc.

372. (1) Any person who causes any damage to any storm water drainage system or drain commits an offence and is liable on conviction to a fine not exceeding Two Hundred and Fifty Thousand Naira (N250,000.00) or to a term of imprisonment for a period not less than three (3) months or both.
- (2) The Office may, in the alternative by notice in writing, require any person who contravenes subsection (1) to carry out any works to restore the storm water drainage system or drain to its original condition within such time as may be specified in the notice.

Offences Relating to the Blockage of Drainage System.

373. A person or group of persons shall not:-

- (a) dump or cause to be dumped any refuse waste or toxic substances, remains of animal or corpse within or inside the drainage channels;
- (b) construct, build or cause to be constructed or built any structure whether temporal or permanent to block the drainage channel or canals;
- (c) construct, cause to be constructed any structure or build houses on the drainage channels or canals thereby obstructing or diverting the cause of the drainage channel or canals;
- (d) construct, cause to be constructed or build houses on the right of way of a primary collector drains;
- (e) construct, cause to be constructed or build houses on the right of way of a secondary collector drains;

- (f) construct, cause to be constructed or build house on drainage right of way unless approval of the Office is obtained;

Penalties.

374. (1) A person who fails to comply with the terms of an enforcement notice issued and served in accordance to this Part commits an offence and is liable on conviction to a fine as specified in the schedule/regulation made in accordance to this Part.

(2) A person or group of persons who contravenes any provision of this Part commits an offence and-

- (a) in the case of an individual on conviction be liable to a fine of One Hundred Thousand Naira (N100, 000.00) or imprisonment term of one (1) month or both.
- (b) in the case of body corporate on conviction be liable to a fine of Five Hundred Thousand Naira (N500,000.00) and in addition shall forfeit the equipment used for the nuisance/contravention to the Office.
- (c) in addition to the penalty imposed in paragraphs (a) and (b) of this subsection the contravener shall be wholly responsible for the cost of abatement or removal of such nuisance/contravention or structures.

Prevention of Flooding and Management of Floodplains, Wetlands and Riversides .

375. (1) Without prejudice to the planning approval from the planning authority in the State, it shall be an offence to:

- (a) reclaim or drain a wetland;

- (b) disturb a wetland by drilling or tunnelling in a manner that has or is likely to have an adverse effect on a wetland;
- (c) deposit in, on, or under any wetland a substance in a manner that has or is likely to have an adverse effect on a wetland;
- (d) destroy, damages or disturbs any wetland in a manner that has or is likely to have an adverse effect on any plant or animal or its habitat;
- (e) remove soil from or burns any wetland resource in a wetland;
- (f) undertake unsustainable activity which is of commercial or trade nature.
  - (i) or any other environmentally degradation activities as may be specified in any regulation by the enforcing authority.
  - (ii) without obtaining permit from the enforcing authority.
- (2) A person intending to carry out any of the activities listed above shall apply in writing to the enforcing authority for a permit.
- (3) The application in subsection (2) shall be accompanied by the fees as shall be prescribed in the regulation by the enforcing authority.
- (4) The enforcing authority may impose any condition including the requirement of Environmental Impact Assessment before issuing a permit authorizing any activities within the riverside and wetland within the State.

Waterfronts and Drainage Channel Setbacks.

376. Notwithstanding anything to the contrary in any other Law, a person whether corporate or individual shall not erect, construct, place, alter, extend, remove or demolish any structure, building or physical development that is fixed in, or, under or over a wetland without complying with the approved setbacks listed in this Part.

#### Rejection of Application for Permit.

377. (1) The enforcing authority may reject any permit for the prohibited activities if it is satisfied that the continued use of the wetland or riverside is likely to cause flooding or likely to be injurious to the community, the neighbouring State(s) and the environment.

(2) Where the enforcing authority rejects an application it shall:

(a) state reasons, in writing to the applicant; and

(b) give the applicant the right to be heard either orally, in writing or both.

#### Revocation of Permit

378. The Office may, at any time, after consultation with the State Government revoke a permit granted under this Part for reasons that shall be stated clearly.

#### Implied Covenant.

379. (1) It is implied in any permit issued that the holder of such permit shall:

(a) not substantially affect hydrological and ecological characteristics of the wetland beyond the terms and conditions contained in the permit;



- (b) keep and maintain the boundaries of the wetland for purposes of controlling malaria and other diseases;
- (c) not assign the permit to any other person without the consent of the enforcing authority; and
- (d) within a period of one (1) year after the expiration or revocation of the permit, remove or restore the wetland to a state as near as possible as it was immediately before the commencement of the permitted activities.

#### Power to Demolish Blockade or Remove Nuisance.

380. Where any structure or building constitutes a nuisance or blockade on the path of any drainage, the enforcing authority shall have the power to demolish or remove such structure or the nuisance whichever is applicable.

#### Recovery of Cost of Demolition or Removal.

381. Where any cost is incurred by the enforcing authority in the course of a demolition or removal, such cost shall be assessed and communicated in writing to the contravener or owner of the nuisance or any other person responsible for the illegal structure or nuisance demanding for the reimbursement of the cost.

#### Refusal to Pay Cost.

382. A person who fails to pay the cost of demolition or nuisance removal expenses as communicated under this Part within twenty one (21) days of such communication commits an offence and in case of an individual be liable to a fine of Two Hundred and Fifty Thousand Naira (N250,000.00) or to a term of imprisonment for one (1) month in addition to the cost and in case of a body corporate, a fine of Five Hundred Thousand Naira (N500,000.00) in addition to the cost.

## Drainage and Land

383. (1) Except in cases of overriding public interest Reclamation. Environmental Impact Assessment Studies shall be mandatory for the approval of locations of drainage and land reclamation works.
- (2) In the case of existing works, an applicant shall be required to provide plans for mitigating the adverse effects, if any, and shall be required to provide evidence of proper operation and maintenance.
- (3) On the completion of such works, the licensee must restore the environment to its original state or a state as near as possible to the original state with the approval of the Commission.

## Power to make Regulations.

384. (1) The Commissioner shall have powers to make regulations in accordance with the Regulation Approval Law to effect the purposes of this Part.
- (2) The regulation shall be published in the Official Gazette after the approval by the State Executive Council.

## PART XII LAGOS STATE STRUCTURE FOR SIGNAGE AND ADVERTISEMENT AGENCY

### Interpretation

385. In this Part, unless the context otherwise requires—

“Abandoned Structure” means a sign which is not supported properly or which no longer correctly stands but advertise:

- (i) a bona fide business, lessor, owner, product or activity conducted; or
- (ii) a product available on the premises where the sign is displayed;

“Advertiser” means a person or a company whose name or services or products of a business, corporate entity, trade; or any information, recommendation or exhortation pertaining to a service, product, campaign or event is being displayed or advertised.

“Area of Copy” means the area of the largest single face, continuous perimeter composed of square, area rectangles or circles, which encloses the extreme limits of the advertising message, announcement or decoration of a wall sign;

“Area of Sign” means the largest single face of the sign within a perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the sign may be more than one section or module, all areas totalled. Any irregular-shaped sign areas will be computed using the actual sign surface. In the case of wall signs, the area of copy will be used;

“Board” means the Governing Board of the Agency;

“Commissioner” means Commissioner for the Environment;

“Directional Sign” means any sign which serves to designate the location or direction of any place or area. This includes, but is not limited to, such signs as those identifying restrooms, telephone area, parking area, entrances and exits;

“Flashing Sign” means any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source, not including changeable message signs;

“Frontage” means the length of the property line of any one premises parallel to and along each public right-of-way it borders;

“Governor” means the Governor of Lagos State;

“Grade” means the elevation of the street closest to the sign to which reference is made measured at the street centre line;

“Height of Sign” means the vertical distance measured from the grade at the street right-of-way line where the sign is located to the highest point of such sign or structure;

“House of Assembly” means the Lagos State House of Assembly

“Illuminated Sign” means a sign, which is lighted by an artificial light source, either directed upon it or illuminated from an interior source;

“L.E.D.” means Light Emitting Diode;

“Licence” means an approval given to an outdoor advertising practitioner to practice the business of out-of-home advert in the State;

“Local Government Areas” includes Local Council Development Area;

“Multi-Faced Sign” means a sign with copy on two or more faces that are legible from more than one direction;

“Non-Conforming Sign” means a sign that does not meet Code Regulations;

“On-Premises Sign” means any sign identifying or advertising a business, person, activity, goods, products or services located on a premises where the sign is installed and maintained;

“Off-Premises Sign” means the advertising of anything which is not produced, procured, sold, delivered, performed or provided from the premises on which the advertisement is displayed.

“Outdoor Structures” means any structure free-standing or mounted in such a way that it offers a display of a sign or advertisement;

“Owner or Operator” means the actual person or corporation that owns and operates a structure on its behalf or on behalf of a third party;

“Permit” means an approval given to individual structure renewable yearly subject to stated Agency requirement;

“Projecting Sign” means a sign, normally double faced, which is attached to and projects from a structure or building fascia;

“Sign” means any emblem, painting, banner, pennant, placard, design, identification, description, illustration, illuminated, or non-illuminated to advertise, identify, convey information or direct

attention to a produce, service, place, activity, person, institution, business including any permanently installed or situated merchandise. Signs will also include all sign structures;

“Roof Sign” means a sign erected upon, against or above a roof;

“State” means Lagos State of Nigeria;

“Swinging Sign” means a sign installed on an arm or mast or spar that is not permanently fastened to an adjacent wall or upright pole;

“wall sign” means a sign attached to the wall or a building with the face parallel to the plane of the building wall. This includes signs painted directly on a wall. Establishment of 386. (1) There is established an Agency to be known as the Signage the Agency. and Advertisement Agency (referred to in this Law as “the Agency”).

(2) The Agency shall- (a) be a body corporate with perpetual succession and a common seal;

(b) have power to sue and be sued in its corporate name; (c) be capable of purchasing, acquiring, holding, and disposing of property movable and immovable for the purpose of carrying out its functions under this Law.

Functions of the Agency.

387. (1) The functions of the Agency are to-

- (a) control outdoor structures to be used for signage and advertisements;
- (b) issue licences and permits for the construction and placement of outdoor structures in any part of the State;
- (c) regulate decorative flashing lights, flags, banners, posters, pennants, strings of lights, ribbons, steamers for advertising purposes;
- (d) protect the environment from potential adverse impact from visual blights;
- (e) control the number, size and location of outdoor structures;
- (f) ensure that outdoor structures are soundly and carefully designed, erected, modified, maintained or removed when no longer in use to avoid potential damage to lives and property;
- (g) ensure that outdoor structures are compatible with surrounding land uses and environment and further ensure the beautification of the immediate surrounding and vicinity of the advertisement;
- (h) control the pasting and display of posters on public structures and highways;
- (i) organise the procedure to regulate the ownership and operation of outdoor structures for the purpose of signage or advertisements under specific regulations as contained in this Part;
- (i) reject, revoke or modify a permit if found to be in violation of any of the provisions of this Part or the conditions for its grant;
- (j) prepare and keep all records related to the issuance and denial of outdoor structures permit as well as appropriate general records;

- (k) monitor and inspect through its Monitoring Unit any outdoor structure and verify its compliance with this Part; and
- (l) establish a database of all the outdoor structures used for signage and advertisement, their owners and operators as well as their location and the reason for the operation.

Establishment And Composition of the Governing Board.

388. (1) There is established a governing board of the agency (referred to in this Law as “the Board”)

(2) The Board shall consist of-

- (a) the Commissioner for the Environment or the representative;
- (b) the Chairmen of each of the Local Government Areas or the representative;
- (c) the General Manager of the Lagos State Signage and Advertisement Agency; who shall be the Chief Executive Office of the Agency;
- (d) the Secretary to the Board who is the Legal Adviser to the Board;
- (e) seven (7) members representing the following MDA(s) —
  - (i) Ministry of Justice;
  - (ii) Ministry of Physical Planning and Urban Development;
  - (iii) Ministry of Transportation;
  - (iv) Ministry of Works and Infrastructure;

- (v) Ministry of Local Government and Chieftaincy Affairs;
- (vi) Ministry of Information and Strategy; and
- (vii) Lagos State Electricity Board.
- (viii) four Members of the General Public, including at least two (2) representatives of Outdoor Advertising Association of Nigeria (O.A.A.N.)

#### Appointment of the Board.

389. (1) All Members of the Board except the ex officio members shall be appointed by the Governor subject to the confirmation of the House.
- (2) The Governor shall appoint the Chairman of the Governing Board of the Agency on a rotational basis from among the Chairmen of Local Government Areas and the Chairman will hold office for a period of two (2) years.
- (3) All members of the Board, with the exception of the General Manager and the Secretary shall be appointed to serve as part-time members.

#### Tenure of Members of the Board.

390. A member of the Board shall hold office for a period of three (3) years, and may be eligible for re-appointment for a further term.

#### Remuneration and Allowances.

FOR **Babatope Babatobi**



391. The Chairman and Members of the Board excluding the ex-Officio members shall be paid such remuneration and allowances as the Governor may approve. Cessation of Office of 392.
- (1) A member of the Board shall cease to hold office if the Members of the Board member-
    - (a) resigns by giving one (1) month notice in writing to the Governor
    - (b) is unfit or unable to discharge the functions of the Office either by reason of infirmity or mental incapacity;
    - (c) has been convicted by a court of law for offences involving dishonesty;
    - (d) is an undischarged bankrupt or is in obvious financial distress; or
    - (e) is guilty of gross misconduct in relation to the duties of the office.
  - (2) Notwithstanding the provisions of subsection (1) of this Section, the Governor may remove any member of the Board if satisfied that it is in the public interest to do so.

Meetings of the Board.

393. (1) The Board shall meet at least once every two (2) months at such place and time as the Chairman may determine.
- (2) A special meeting of the Board may be summoned at the request of the Chairman.
  - (3) All meetings of the Board shall be summoned by the Secretary.
  - (4) The Chairman shall preside at any meeting of the Board but when absent the Board will elect one Local Government Chairman present to preside.

- (5) The Chairman or the member presiding in the Chairman's absence shall at any meeting have a vote and in the case of an equality of votes, a second or casting vote.
- (6) The General Manager/Chief Executive Officer and the Secretary of the Agency must be in attendance at all meetings of the Board and take part in its proceedings and the Board may also require any of its Officers to attend such meetings. The Secretary or any of the Officers of the Agency attending any meeting shall not have the right to vote on any matter.

Quorum.

394. The quorum of the Board of the Agency shall be a simple majority.

Validity of proceedings of the Board.

395. The validity of any proceedings of the Board shall not be affected by any vacancy in the membership of the Board or any defect in the appointment of a member or by reason that a person who is not entitled to do so took part in the proceedings.

Seal of the Agency.

396. The common seal of the Agency shall be as may be determined by the Board and the seal shall be affixed and authenticated by the signatures of the General Manager and the Secretary authorised generally or specifically to act for that purpose.

## General Manager

397. There is a General Manager who shall be the Chief Executive Officer of the Agency appointed by the Governor and who shall be responsible for the implementation of the decisions of the Governing Board and for the administration of the affairs of the Agency in accordance with the provisions of this Part.

## Secretary to the Agency.

398. There is appointed by the Board, a Secretary to the Agency who shall keep the records, conduct the correspondence of the Board and perform such other duties as the General Manager may direct.

## Staff of the Agency.

399. (1) There shall be transfer of officers to the Agency in accordance with the procedure applicable in respect of the transfer of officers in the Public Service of the State or Local Government Area.

(2) such officers shall serve on terms as may be determined by the Agency for the purpose of carrying out its functions under this part.

(3) The Agency shall have power to —

(a) employ staff as it may consider necessary for the purpose of carrying out its functions under this Part;

(b) determine the remuneration for its staff;

(c) promote and exercise disciplinary control over its staff; and

- (d) recommend the appointment, termination or dismissal of persons within the Agency, including the promotion and confirmation of appointment as well as exercise any other disciplinary control.

#### Appointment of Agents

400. (1) The Agency may, with the approval of the Board- and Special Committees.
- (a) appoint special committees amongst its members either to manage or advise on matters concerning investigation, initiation, administration or progress of any project or scheme which the Agency may undertake in the discharge of its functions; and
  - (b) appoint agents, consultants or contractors as the Agency may deem fit to exercise or perform any of the powers or duties conferred or imposed upon the Agency, or to provide professional services to the Agency.

#### Appointment of Consultants by the Board.

401. (1) The Board shall, with the approval of the Governor, appoint a Consultant to the Agency for both the State and Local Governments in their joint exercise of powers, who is a technical partner to the Agency in the exercise of its functions.
- (2) The Agency, through a Memorandum of Understanding from all the Local Government Chairmen in the State is empowered to delegate to the Consultant the collection of revenue in respect of outdoor structures, signage, hoarding and advertisement on their behalf.
  - (3) The Agency may delegate to the Consultant any other functions as it deems fit.

Functions of the Consultants.

402. The Consultants shall advise the Agency and make recommendation on all matters relating to the regulation of outdoor structures and their uses for the display of signage and advertisement and any other connected matters.

Funds of the Agency.

403. (1) The funds of the Agency shall comprise of —

- (a) monies appropriated to the Agency by the State;
  - (b) such monies granted to the Agency by the State;
  - (c) all sums, debentures, investments or other properties vested in the Agency;
  - (d) such monies raised by loan under the powers to borrow vested in the Board;
  - (e) all monies which may vest in the Agency under any enactment or law;
  - (f) all fees, charges and levies for services rendered by the Agency; and
  - (g) all other sums accruing to the Agency from any other source.
- (2) The funds of the Agency shall be administered by the Agency in such manner as it may deem fit.

Fund Allocation Fund Committee.

404. The Governor shall set up a Committee to be known as the Allocation Committee (FAC), which shall determine the revenue to be allocated to the State and each Local Government, from the total revenue of the Agency.

#### Power to Borrow.

405. The Agency may with the approval of the State Executive Council borrow whether by way of mortgage, such sums of money for and in connection with the exercise of its functions under this Part as it may deem necessary.

#### Collection of Levies and Charges.

406. (1) The Agency shall have power to charge commercial levies which may vary from area to area and also make direct charges on users for structures and signage.
- (2) Notwithstanding the provisions of any Law, any person who fails or neglects to pay any levies, fees or charges is deemed to be a debtor and such debts may be recovered by a civil action in the appropriate court.
- (3) A debtor is liable for the Agency's legal fees for enforcing or realising the debt as well as any other costs incurred by the Agency in enforcing the debt against the debtor.

#### Fees.

407. The Agency shall prescribe the amount to be paid as fees/charges within the different zones for mounting of outdoor structures as well as the necessary charges for amendment of the existing structures subject to the approval of the Governing Board; and review the fees and charges contained in the Schedule to this Part.

Registration and Permits.

408. (1) Every outdoor structure owned by a corporate entity shall be registered by its owner.
- (2) The owner must provide a registration number as a reference with the application for a permit.
- (3) The information required for the outdoor structure and the application are incorporated within the Schedule to this Part.
- (4) Every registered outdoor structure shall have a registration code provided by the Agency.
- (5) A structure shall not be erected without having its registration code being duly sealed or mounted on it.
- (6) The following structures shall require registration-
- (a) structures for free-standing portable signs (including any sign on a standard column or A-frame boards) fixed to its own self-contained base which may be moved manually or temporarily attached to a permanent free-standing sign;
- (b) structures for billboards including any signage structure designed and intended to provide a leasing advertising copy area where the copy can be periodically replaced, typically by the use of pre-printed copy pasted or otherwise mounted onto the copy area;
- (c) structures for Billboards of the "Spectacular" type, that is those with over 20 square meters of area;
- (d) structures for roof sign including any sign which is entirely on and above the roofline or parapet of a building;
- (e) structures for wall sign including any sign painted or posted on a wall;

- (f) structures for furniture including bus shelters, pedestrian bridges, overhead gantries and statue type of sign including structures, kiosks supporting outdoor advertising or signage; and
- (g) structures for temporary signs permitted, designed or intended to be displayed for a short period of time.
- (7) Any such sign recorded using the form and the attachment referred to in the schedule to this part.
- (8) The permit required by the Agency is issued upon the payment of the prescribed fees, and is renewable annually.
- (9) Each structure shall bear, at its base the registration number of the owner as well as the permit number of the structures.

#### Structures Requiring Special Permit.

409. The following structures shall require special permit:

- (a) structures that exceed the permissible number per the specifications provided in the Schedule to this Part;
- (b) structures that are illuminated by flashing lights, bare bulb or not conforming to the scope of illumination that is provided in the Schedule to this Part; and
- (c) the use of mobile trailers, trucks, buses or vehicles for the purpose of advertising.

#### Application for Permit Renewal of Permit

- 410. (1) Every application for a permit or for the renewal of a permit or shall be addressed to the Agency.
- (2) An application for a permit or for the renewal of a permit shall be in the form specified by the Agency.



- (3) The fees payable for the issuance or renewal of a permit shall be determined by the Agency and shall be paid at the time the application for the issuance or renewal of a licence is made.
- (4) All approval for structures shall be valid for a maximum period of ten (10) years subject to the terms and condition stipulated in the permit.

#### Certificate of Registration

411. (1) A Certificate of Registration is issued to the applicant which will entitle the applicant to apply for a permit for ownership.
- (2) The terms and conditions on the permit shall constitute a binding agreement between the Agency and the recipient of the permit.
- (3) The recipient of permit shall pay legal fees.
- (4) A registration number is assigned to the holder of the Certificate of Registration which is used for any correspondence or reference with the Agency.
- (5) Every Certificate of Registration is renewed annually at a fee to be determined by the Agency.
- (6) The applicant will complete the prescribed application form and provide the Agency with all necessary information, additional documents and accompanying materials required.

#### Requirement to Register as Owner a Structure.

412. It is unlawful for any person to erect, construct, enlarge or structurally modify an outdoor structure or operate any structure for signage or advertisement without first being registered by the Agency.

#### Outdoor Structures not Requiring Permission.

413. (1) Any structure for official, directional or warning signs erected or maintained by the Federal, State, or by Local Government Area, or by any railroad, public utility or similar authorised body concerned with the protection of public health and safety shall not be subject to any provisions set out in the Schedule to this Part.
- (2) Any erected, constructed, or affixed structure must comply with the Schedule to this Part. (3) Structures for signs or billboards mandatory under the Federal or the State Laws or authorised by the Agency .

#### Existing Outdoor Structures.

414. (1) Owners and operators of existing structures will complete and submit the prescribed pre-scrutiny and application form with the Agency and apply for the permits required under this Part.
- (2) Where a structure which existed before this Law is subsequently registered under this Part, but does not conform with the requirements and standards of this Part, the Agency will notify the owner to remove such structure within seven (7) days of receipt of notice failing which the Agency shall direct the removal of same at the expense of the owner.
- (3) Where a structure which existed before this Law is not registered within a period of one (1) month following the enactment of this Law, the Agency shall, with or without notice as it deems fit, direct the removal of same at the expense of the owner.
- (4) All existing structures which do not conform to the requirements of this Law shall be demolished at the expense of the owner.

#### Approval of Outdoor Structure for Signage.

415. (1) Every residential unit, visible from the public highway, is identified by a street number, not to exceed 0.30 square metres in area.
- (2) Every non-residential building or group of buildings is identified by a street number, visible from adjacent streets, not to exceed 0.30 square metres in area.
- (3) This sign shall not be counted as a part of the total sign area permitted for the building or group of buildings and shall not require a sign permit.

#### Prohibition of Pasting of Handbills.

416. Without prejudice to any existing law, a person shall not –

- (1) paste any handbill, poster, notice, sign or advertisement on side-walks, trees, bridges, abutment, public dustbin hydrant, highway or on any street without the permission of the Agency;
- (2) tear down, deface or destroy any notice, handbill, sign, advertisement or poster put up or posted by or under the direction of the State or any of its agency; provided that such posters and handbills are pasted with the permit of Agency, on designated flat surfaces approved by the Agency in conjunction with the Local Government Area.

#### Prohibition of Indiscriminate Pasting of Banners.

417. A person shall not paste any poster or banner on sidewalls, bus-stops or pedestrian and overhead bridges.

Prohibited structures,

418. (1) All structures used for signage and not expressly permitted signage or contents. by this Law will be prohibited, except signs that are less than half a square metre in areas which shall be exempted from the requirement of this part.

(2) The following Signs are prohibited-

- (a) signs with unethical or obscene contents;
- (b) illegal signs that are not in conformity with all existing enactments;
- (c) the use of scrolling devices, moving or flashing characters for advertising on any vehicle;
- (d) the erection, attachment or painting of signs on fences, rocks or natural features;
- (e) outdoor structures of any classification installed, erected or attached in any form, shape or manner to roof fire escape or any door or window giving access to any fire escape;
- (f) abandoned signs;
- (g) fly posting;
- (h) outdoor structures obstructing pedestrian or vehicular visibility or otherwise interfering with the safe operation of vehicles or the safety of pedestrians; and (i) a trailer, or any other vehicle as a stationary billboard.

Permissible Outdoor Structures.

419. The following are permissible outdoor structures that may be regulated by the Agency

- (a) On-premises and Off-premises signs and billboards;
- (b) Lamp post or pole-mounted advertisement;
- (c) Illuminated lighting devices used in conjunction with On-premises and Off-premises signs and billboards;
- (d) Portable signs, including but not limited to "A-Frame" signs and air activated attractions and devices;
- (e) Direction signs, including those pertaining to public and private addresses;
- (f) All inflatable signs (i.e. advertising balloons);
- (g) Street furniture advertisements; including bus shelters, pedestrian bridges and overhead gantries for directional signs.
- (h) All political signs; and
- (i) L.E.D screens.

Legal Representation.

420. The Agency shall have the power to engage the service of a legal practitioner in the discharge of its duties under the provisions of this Part.

Notice of Intention to Institute Legal Action Against the Agency.

421. (1) A suit shall not commence against the Agency either as a party or agent of a party or against the General Manager/Chief Executive Officer in that capacity unless one (1) month's written notice of intention to commence same has been first served on the Agency by the intending Plaintiff or Claimant.

- (2) Such notice of intention to commence a suit will state:
- (a) the cause of action of the case or suit;
  - (b) the name and place of abode of the intending Plaintiff or claimant; and
  - (c) the claims and /or reliefs sought by the intending Plaintiff or Claimant.
- (3) Any suit commenced against the Agency or the General Manager /Chief Executive Officer of the Agency in that capacity shall be null and void if either the cause of action; or the name and abode of the Plaintiff, Claimant, or the Claim(s) and relief(s) sought is not identical in every way to the statement made in the notice of intention to commence suit pursuant to subsection (2) of this Section.
- (4) Any order or decision obtained in a Court action or suit to which the Agency was not a principal party at the time the order or decision was made shall not have any effect whatsoever against the Agency.

#### Offences and Penalties

422. (1) A person violating any provision under this Part, or who violates or fails to comply with any Regulation or Order, or falsifies plans or statements or information filed; or who shall continue to display a sign or billboard, L.E.D. screens, post any bills, posters, signs, panels, banners, stickers and other advertising materials and messages on trees, electricity poles, road directional signs, road dividers, flyovers, bridges, walls and rocks or any unauthorised surface, commits an offence and is liable on conviction to a fine as may be prescribed by this Law.
- (2) A fine of Ten Thousand Naira (N10,000.00) for each week during which the violation continues will be imposed for any infringement of this Law up to a maximum of four (4) weeks.
- (3) Where the infringement persists beyond four (4) weeks or the offender fails to pay the fine, the Agency will order the removal of the structure at the cost of the owner.

- (4) Where an offender fails to pay the fine within the stipulated period, the offender shall be liable on conviction to a fine of Fifty Thousand Naira (N50,000.00) or two (2) months imprisonment or both.

#### Bank Accounts.

423. The Agency shall operate bank accounts for its funds with reputable bank(s) in the State and the signatories to the account are the Chairman and the General Manager/Chief Executive Officer and in the absence of the Chairman, any person so authorised by the Board on its behalf.

#### Annual Accounts.

424. The Agency will cause to be prepared not later than the 31st day of March in each year, an account of the expenditure and income for the preceding financial year.

#### Accounts and Audits.

425. (1) The Agency shall keep proper accounts in respect of its revenue and expenditure and shall within three (3) months after the end of each financial year, prepare an annual statement of account showing accurately its financial position.
- (2) The annual statement of accounts shall be audited by an Auditor appointed by the Auditor-General for Local Government Areas.
- (3) As soon as the annual statement of accounts has been audited, the Agency must forward copies of the statement together with copies of audited report to the State Government, the Local Government Areas and the Auditor-General for Local Governments.

Quarterly Reports.

426. The Agency shall submit quarterly reports of its activities to the State, the Local Government Areas and the House of Assembly.

Annual Report.

427. The Agency shall, at the end of each financial year and not later than the end of March of the preceding year, submit the annual report of its activities to the Governor and the Local Government Areas.

Power to make Regulations.

428. (1) The Commissioner shall have the power to make and modify regulations in accordance with the Regulations Approval Law to enforce the provisions of this Part.

(2) The Regulation shall be published in the Official Gazette after the approval of the State Executive Council.

SCHEDULE

Permissible Structures That Require No Special Permission

Identification Signs.



- 1 (1) One customary identification sign per building entrance not to exceed 0.50square metres which indicates name, type of business, and/or hours of operation, attached to or painted on a window, door, or building area next to the main entrance or gate.
- (2) Residential Real Estate signs are not to exceed one half of a square metre in area or two metres in height. The sign or billboards are allowed only on the property offered for sale or lease with no more than one sign per street frontage. Such signs shall be removed from the site not later than five (5) days after the sale or lease of the property.

#### Political Signs.

2. (a) Political signs not exceeding one and a half square metres on residential property and three square metres on non-residential properties.
- (b) The height of the sign shall not exceed two metres.
- (c) No political sign shall be placed in the right-of-way or in any location or manner as to block visibility to any roadway or property.
- (d) Political signs will be removed not later than ten days following the election.

#### Other Signs.

3. (1) Grand opening, quarterly, and seasonal sales, conventions and meeting signs or banners, subject to the issuance of an Administrative Use Permit. These signs will only be indicative of the new business, service, or gathering.

- (2) Holiday signs for a period of thirty (30) days before a festival and not later than five (5) days after the festival.
- (3) Holiday decorations for commercial establishments, provided that such decorations are displayed for a period of not more than forty-five (45) consecutive days.
- (4) Boutique signs provided that not more than three (3) off-site temporary signs are used. Signs may only be used during the hours that the boutique is open. Placement criteria and all other applicable sign or billboard regulations will apply.
- (5) Interior signs inside a building displayed not closer than one metre from the window area.
- (6) Permanent off-site directional signs identifying the location of or direction to government facilities.
- (7) Contractor, sub-contractor, or construction signs limited to one sign not greater than three square metres in an area with commercial and industrial properties.
- (8) Posters/handbills which are pasted on available, designated and approved flat surfaces and depict:
  - (a) coming events such as fairs, shows, films, comedies, advance notice of features in newspapers, magazines; and
  - (b) products, services, public service notice, social notices and other such will only be pasted and/or displayed on public information panels and must not exceed a maximum face area of 0.5 square metres and will not be pasted or displayed on surfaces of buildings, fences, perimeter walls, public structures like bridges, Electricity/ Telecommunications poles, pedestrian bridges and bus shelters.
- (9) The advertiser(s) and/or persons or companies whose images or products and services are so advertised will be held liable for any such display.

#### General Consideration for Outdoor Structures Rights.

4. (1) An On- premises or Off- premises sign will not be mounted within any public right-of-way except by the government agencies having jurisdiction within that right-of-way, unless otherwise allowed by the provisions of the Laws of Lagos State. Signs that are presently mounted on the right-of-way should be removed within a maximum of three (3) months.
- (2) On-premises signs will be erected and maintained only as accessory used or structures to the principal use of a building or land.
- (3) Whenever a principal use of a building or land changes, all On- premises signs which are accessory to the principal use will be removed within ninety (90) days, unless a new principal use of a building or land is established and the On-premises sign(s) can be adapted to the new principal use in a manner permitted under this Part.

#### Illumination.

- 5 (1) Where signs or billboards are illuminated electrically, a separate electrical permit will be obtained from the relevant body.
- (2) An illuminated lighting device used in conjunction with an On- premises or Off-premises sign must not be placed or directed so as to permit the illumination to be directly beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause direct glare or reflection that may constitute a hazard to public safety or create a nuisance.
- (3) Where applicable, all wiring, fittings, and materials used in the construction, connection, and operation of electronically illuminated On-premises or Off- premises signs must be in accordance with the provisions of the relevant codes in effect.

- (4) Except specific limitations noted in the following sections, flashing lights, banners, posters, pennants, strings of lights, ribbons, streamers, or other similar moving devices will not be displayed for advertising or attracting attention, either independently or as part of an On-premises or Off-premises sign.

#### Location and Placement.

6. (1) An On-premises or Off-premises sign must not obstruct pedestrian or vehicular visibility or otherwise interfere with the safe operation of vehicles or the safety of pedestrians.
- (2) An On-premises or Off-premises sign of any classification must not be installed, erected, or attached in any form, shape, or manner to a roof, fire escape or any door or window giving access to any fire escape.
- (3) the Agency will be entitled, through its duly authorised officers to enter into any property or premises, at a reasonable time for the purpose of carrying out any inspection necessary for the proper administration and enforcement of this Part.
- (4) An On-premises or Off-premises sign must not be painted or attached to, or maintained on a rock, tree or other form of vegetation, except those specifically permitted.
- (5) Portable signs, including but not limited to trailer signs or "rollaway" signs, "A-Frame" signs and air activated attractions and devices are not permitted except by the special grants provided under this Part.
- (6) Off-premises signs will be considered as a distinct land use not associated with the primary use of a site.

#### Maintenance.

7. (1) All On-premises and Off-premises signs must be kept in a secure, safe condition. (2) Should any On-premises or Off-premises sign be or become unsafe or be in danger of falling, the owner or the person

maintaining the sign, must on receipt of written notice from the Agency, proceed at once to put such On-premises or Off-premises sign in a safe and secure condition or remove the On-premises or Off-premises sign.

#### Conflicts and Standards.

8. (1) When conflict arises between the On-premises sign and Off-premises sign requirements under this Part and other Laws of Lagos State regarding the placement of On-premises and Off-premises signs adjacent to State highways, more restrictive regulation may be applicable.
- (2) All On-premises and Off-premises signs must be erected to meet the construction standards of the State and any subsequent amendments.

#### Special Limitations for Outdoor Structures used for Signs

##### Table of sizes for

9. (1) The size of a permitted sign is determined by scaling free standing signs. signage to the mass size of the associated building in accordance with the following provisions.
- (2) The size of one face of a sign is determined by multiplying a predetermined mass factor times the square root of the area of the facing of the building, expressed in Section 22 of this Schedule. The tables of elements for free standing signs — as shown in Section 23 of this Schedule — specify the applicable mass factors. Either of the following two (2) methods may be used in determining the square root of the area of the facing of the building:
  - (a) the table in Section 14 of this Schedule provides rounded off factors for most average building sizes; and

- (b) multiply the height by the width and extract the square root ( $H \times W = \text{square root of the face of the building}$ ).
- (3) The height and width of a building face is determined in the following manner:
  - (a) the height of a building is the vertical distance measured from the established grade of the lot to the roof line in the case of flat roofs, and to the mean between the point of the gable and the eaves in the case of pitched roofs;
  - (b) the width of the building must be the horizontal distance measured between the outermost vertical dimensions of any wall that is parallel to the facing of the building with which the sign is associated and visible from the public right-of-way. Properties that contain no building on which to relate mass factors set forth in the tables of elements shall determine sign size in accordance with the following formula;
  - (c) one square metre of the sign area per linear metre of street frontage for the first fifteen metres of frontage;
  - (d) four hundred and fifty (450) square centimetres of sign area per linear metre of street frontage for the second fifteen metres frontage; plus
  - (e) two hundred and thirty (230) square centimetres of sign area per linear metre of street frontage for the remainder of frontage up to forty-five (45) metres.
- (4) Properties that contain buildings that occupy less than ten per cent of the lot may utilise the above formula in lieu of the mass factors set forth in the tables of elements for free standing signs.

General conditions relevant to free standing signs.

- 10. Except as otherwise provided, any building housing one or more activities may display one free-standing sign of the area and height limitations permitted by the table of elements for free standing signs — as shown in section 13 of this Schedule — provided the following additional provisions are met:

- (a) the sign to the front leading edge of the sign and its supporting structure are set back at four and one half metres from the existing adjacent highway right-of-way;
- (b) the building does not display a projecting sign;
- (c) the height of the free standing sign is measured from the established grade of the property or the grade elevation of the edge of a pavement, street or highway of the public right-of-way directly perpendicular in front of the proposed location of the sign;

#### Special Considerations

18. Signs or bulletin boards customarily incidental to places of for Bulletin Boards. worship, libraries, museums, social clubs, or societies may be erected on the premises of such institutions in any zoning district:
- (a) their maximum areas will not exceed one and a half square metres;
  - (b) a certificate of zoning compliance must be obtained from the Agency for each bulletin board.

#### Special Considerations for Home Occupations.

19. (1) One (1) sign will be permitted for home occupations. If it is flatly affixed against the surface of the dwelling, it may be indirectly illuminated by reflected light or backlight. The intensity of illumination shall be limited or shielded to prevent demonstrable adverse effects on adjacent property. If a detached sign is erected for a home occupation, it must not be illuminated.
- (2) The maximum permitted area is 0.30 square metres on one side.

## Special Considerations

20. (1) Signs in a Planned Development Zoning District must be for temporary signs. constructed and maintained in accordance with this Law and with the plans, guidelines, and concepts established for signs approved as a part of the development plan.
- (2) One (1) temporary sign may be erected on a lot in any office, commercial or industrial zoning district to announce special public or institutional events, or the erection, sale or remodelling of a building or development subject to the following:
  - (a) the maximum permitted area of a temporary sign is as follows:
  - (b) street frontage up to seventy-five (75) metres, with six square metres sign area permitted;
  - (c) up to seventy-five (75) metres of road frontage, with nine square metres are permitted;
  - (d) a temporary sign may be erected for a period of two (2) years, plus the construction period, if applicable. A Certificate of Zoning Compliance for a temporary sign as per this section may be renewed for up to one (1) additional year;
  - (e) a temporary sign must not be located closer than six (6) metres to the pavement of any public street. No temporary sign will be located within a public right-of-way; and
  - (f) except for a temporary sign of three-square metres or less, a certificate of zoning compliance must be obtained prior to construction of a temporary sign.
- (3) Signs announcing the sale or lease of land and/or building(s) or the construction or remodelling of a building may be erected in the residential zoning districts, provided:
  - (a) that such sign is non-illuminated;



- (b) that the maximum area of signs advertising a sale or lease of a building and/or land will conform to the following:
- (c) up to forty-five (45) metres abutment on a public right-of-way permits up to three (3) square metres maximum sign area;
- (d) from forty-five (45) to seventy-five (75) metres abutments on a public right-of-way permit up to four (4) square metres maximum sign area;
- (e) seventy-five (75) metres of abutment on a public right-of-way permits no more than nine (9) square metres in size;
- (f) a certificate of zoning compliance will not be required for signs advertising the sale, lease or rent of a building provided that the said sign does not exceed three-quarters of a square metre in area and is not illuminated;
- (g) that signs announcing the construction or remodelling of a building in residential zoning districts will not exceed two and a half square metres in area and it is removed from the premises as freestanding signs upon reaching an occupancy rate of ninety (90) per cent of the newly-constructed or remodelled building;
- (h) that signs announcing special, public or institutional events may be erected on permitted conditional, or legally non-conforming institutions or businesses in residential zoning districts;
- (i) they must not exceed two and a half square metres in area; and
- (j) the said signs will not be displayed for longer than thirty (30) days.

#### Special Considerations

21. (1) Farm markets may display signs identifying the sale of for other signs. agricultural products such as vegetables, eggs, straw, hay and seeds grown or produced upon the premises on which the agricultural products sign is located in accordance with the following:
- (a) the maximum size of an agricultural product sign will be three (3) square metres;
  - (b) any agricultural product sign is separated from another agricultural product sign on the same premises by at least seventy-five (75) metres;
  - (c) all agricultural product signs are located outside a public street or highway right-of-way;
  - (d) agricultural product signs are removed from the lot upon cessation of the sale of the agricultural product or products; and
  - (e) these sections affect all products involved in agriculture and include farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, but not limited to, the care and raising of livestock, equine, poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.
- (2) On-premise signs displaying only the identification of the activity by name, logo, address, and principal product or service are permitted within the property with a setback of two metres if no mechanical movement or flashing lights are utilised and such graphics are in compliance with this section, and the size/height requirements of the tables of elements of signs.
- (3) On-premise temporary construction and real estate signs in accordance with this Part are permitted as follows:

- (a) temporary construction and real estate signs on open land or land under developed may utilise nine square metres at the right-of-way line, and may increase one square metre in size for every metre of setback up to a maximum of fifty-five (55) square metres; and
- (b) these signs are subject to the time limitation and requirements.

Table of Allowable

22. This table provides rounded off factors for most average building measurement for structures sizes. It represents the Height x Width (rounded to nearest used for signs. number) in metres.

h/w<0.5 1 3 4 5 6 7 8 9 10

<0.5 1 1 1 2 2 3 3 4 4 5 5

1 1 1 2 3 4 5 6 7 8 9 10

2 1 2 4 6 8 10 12 14 16 18 20

3 2 3 6 9 12 16 20 24 28 32 36 40

5 3 5 10 15 20 25 30 35 40 45 50

6 3 6 12 18 24 30 36 42 48 54 60

7 4 7 14 21 28 35 42 49 56 63 70

8 4 8 16 24 32 40 48 56 64 72

9 5 9 18 27 36 45 54 63 72

10 5 10 20 30 40 50 60 70

12 6 12 24 36 48 60 72

14 7 14 28 42 56 70

15 8 15 30 45 60

Allowable height for structures used for wall signs.

23. This Table shows the allowable height in metres of free-standing signs for each setback from the right-of-way and according to the type of roads.

Setbacks in metres

5 8 15 25 50# lanes

Speed limit

Allowable height

1 lane

< 55 km/h

5 5 5 5 6

> 55 km/h

5 5 5 6 6

multi

< 55 km/h

5 6 5 6 6

< 55 km/h

5 6 6 6 6

Freeway or controlled access

5 6 6 6 7

Allowable height for

24. This Table shows the allowable masses in metres of wall signs for structures used for each setback from the right-of-way and according to the type of freestanding signs. roads. Setbacks in metres 5 8 15 25 50# anes

Speed limit Allowable Masses

< 55 km/h

1 lane

2.0 3.0 5.0 5 6.0

> 55 km/h 3.0 4.0 5.0 6 6.0

< 55 km/h

multi

< 55 km/h

4.0 6.0 6.0

5.0 6.0 6.0

6.0

6.0

6.0

7.0

Freeway or controlled access 5.0 6.0 6.0 7 7.0

Allowable height for Structure used for projecting signs.

25. This Table shows the allowable masses in metres of projecting signs for each setback from the right-of-way and according to the type of roads.

Setbacks in metres

5 8 15 25

50

# lanes

Speed

Limit

Allowable Masses

1 lane

< 55 km/h 5.0 5.0 5.0 5.0 6.0

> 55 km/h 5.0 5.0 5.0 6.0 6.0

multi

< 55 km/h 5.0 6.0 5.0 6.0 6.0

< 55 km/h 5.0 6.0 6.0 6.0 7.0

Freeway or controlled access 5.0 6.0 6.0 7.0 7.0

Special Limitations for Outdoor Structures used for Signs

Standards for sizes

26. (1) The maximum advertising area permitted for of Billboards. billboard facing the public will be thirty-six (30) square metres including embellishment.
- (2) A billboard larger than forty (40) square metres must not be located along any street having less than four (4) thorough traffic lanes. A thorough traffic lane is that lane carrying through traffic during some periods of any day. A lane designated for turning will not be considered a thorough lane.

- (3) The maximum advertising area for a billboard facing a street having a width of thirty (30) to eighty (80) metres will be seventy-two (72) square metres plus thirty-four (34) per cent maximum allowance for embellishments.
- (4) Any embellishment may extend outward from, but in the same plane as, the permitted advertising area of the billboard. The embellishments will not extend beyond the top of the rectangular plane of the billboard by more than 1.8 metres nor extend beyond the side or bottom of the rectangular plane by more than 60 cm.
- (5) Two (2) billboards may be permitted on the same site location facing the same direction provided that they are immediately adjacent to each other and their total combined advertising area does not exceed 80 (eighty) square metres.
- (6) Any billboard with a surface in excess of the above stated area will be considered only under special arrangement. Where, the advertising surface of the larger format will be considered as two or more billboards.

#### Standards for a location of Billboards.

27. (1) Each billboard or any portion of it must be setback minimum of sixty (60) metres from the side lot line of a residentially zoned district located along the same street as the billboard site location, and 18 metres from any lot line of any residentially zoned district on any street other than the billboard location site; provided, however, that a billboard in excess of 56 square metres side lot line of a residentially zoned district located along the same street as the billboard site location and 18 metres from any lot line of any residentially zoned district located on any street other than the billboard location site.
- (2) A free-standing billboard or any portion of it must not be erected, constructed or extended closer to the street line than 7.5 metres, or the required building setback, whichever is greater. A billboard attached to the wall of a building may be located at the building line regardless of the required setback. No billboard is located within one hundred and fifty (150) metres of any historic site or public park.



Standards for Spacing Requirements of Billboards.

28. Each billboard site location is separated from every other billboard site location in accordance with the following:
- (a) spacing requirements is measured along the curb line of the street that the billboard is oriented to and the measurement will apply to both sides of the street;
  - (b) spacing requirements is measured from existing billboards regardless of the political jurisdiction within which any other billboard may be located;
  - (c) measurement of the spacing between billboard locations will begin at a point nearest to the proposed billboard site location from an existing billboard site location and extending to a point nearest to the existing billboard site location from the proposed billboard site location;
  - (d) billboards of advertising area is located:
    - (i) at least four hundred (400) metres from all billboards containing around 60 square metres of advertising area;
    - (ii) at least three hundred (300) metres from all billboards containing from thirty-seven (37) to sixty (60) square metres of advertising area;
    - (iii) at least one hundred and fifty (150) metres from all billboards containing less than thirty-seven (37) square metres of advertising area; and
    - (iv) A billboard may be placed on the wall of a building provided only one (1) billboard will be permitted on each wall surface except where the Agency so permits.

Standards for height requirements of Billboards.

29. (1) The height of a billboard is that distance measured from the elevation of the edge of pavement, street or highway adjacent and perpendicular to the billboard location and the top of the billboard facing.
- (2) Unless where otherwise noted, the maximum height of a billboard will be ten (10) metres with the exception of unipole.
- (3) The maximum height of a billboard located within one hundred and twenty (120) metres of a side or rear lot line of an institutional zone, institutional use, residentially zoned district or a residential use will be ten (10) metres.
- (4) Height limitation is determined by reference to one street only.
- (5) In the event of conflicting regulations, the most restrictive criteria will apply.
- (6) A billboard less seven square metres in area will not exceed twenty-six (26) metres.
- (7) A billboard oriented to an elevated highway will extend no more than seven (7) metres above the paving of such elevated highway.
- (8) Any permitted billboard exceeding five (5) metres in height will bear the approval stamp for structural integrity by a registered civil engineer.

Compliance with construction standards.

30. (1) A free-standing billboard erected on its own supporting structure is considered to be a permanent structure and must meet all the construction standards and provisions of this Section and of applicable requirements of the State.

(2) All billboards are insured against third party damages.

#### Consideration for Roof Billboards.

31. Roof billboards may be displayed in accordance with the following provisions:

- (a) all roof billboards must not exceed the height of the building to which it is attached by more than five (5) metres;
- (b) each roof billboard must be in scale with the supporting building, and the supporting building height is at least twice the height of the proposed billboard;
- (c) each roof billboard is enclosed so that no support structure is visible from any public right-of-way or any residential use or residentially zoned district within one hundred and fifty (150) metres;
- (d) the combined height of the supporting building and the roof billboard must not exceed the height restriction of the underlying zoning district; and
- (e) all roof billboards must bear the stamp of approval for structural integrity by a professional registered civil engineer.

#### Other considerations In respect of Billboards.

32. (1) Civic and institutional billboards are considered permanent billboards that must meet the provisions of this Law in general, except that such may be grouped in one larger billboard not to exceed twenty-eight (28) square metres.

- (2) A trailer or mobile billboard with an accompanying advertising area is used on any site as permanently/stationary billboard.
- (3) Flashing lights or bare bulb illumination will not be permitted on any billboard except for a time and temperature device or a message centre.
- (4) Billboards have to be built in either a neutral colour or a dark green colour to match the surrounding environment. The owner of the billboard has to maintain the location of the site around the billboard in such a way to prevent littering and pollution.

Movement limitations.

33. (1) Mechanical movements must not create an undue distraction to passing motorists. The following limitations will apply to all billboards that move or give the appearance of movement:
  - (a) each revolving element is limited to a maximum of eight (8) revolutions per minute; and
  - (b) each billboard utilising a copy change procedure will display individual copy a minimum of seven (7) seconds.

Billboards along the Interstate Highway.

34. (1) Except as otherwise provided in this Section no sign or billboard is erected or permitted which is within or overhangs any portion of the right-of-way of the Interstate highways. (2) No sign or billboard should be located or illuminated so as to obstruct or impair the vision of the operator of a motor vehicle who is proceeding in a lawful direction within the Interstate System right-of-way.

- (3) The billboard must be within the limits set by Federal Laws in respect of Interstate highways right-of-way line and can be perceived at any time by the operator of a motor vehicle proceeding in any lawful direction within the Interstate highways right-of way.

Fees to be charged annually

Application Form.

- 35 (1) Every person who wishes to put up an outdoor structure for signage and advertisement must do so in accordance with the provisions of this part and the guidelines prescribed by the Agency.
- (2) Every person who submits a formal application to the Agency will, on delivery of such application pay to the Agency an assessment fee as may be determined by the Agency.
- (3) Prior to issuing a written Approval for an off-premise sign, an inspection and monitoring fee, as determined by the Agency is paid by the applicant, within thirty (30) days of being notified by the Agency. Failure to pay the fees within the thirty (30) days period deems the formal application withdrawn.
- (4) Every person will pay to the Agency an inspection and monitoring deposit prior to approval being granted by the Agency, where applicable, and for such amount as is determined by the Agency.
- (5) The Agency will charge the owner and/or the person advertising on posters a removal fee as determined by the Agency in respect of any unlawful poster removed by the Agency, and which removal fee will, where applicable, be deducted from the inspection and monitoring deposit previously paid by the applicant.
- (6) The issuance of a site permit or renewal of a site permit is based on the payment of an annual permit fee which is determined by the Agency.
- (7) The owner of a site by virtue of the permit issued by the Agency is liable to pay rental and artwork fees, which sum is determined by the Agency.

Registration Certificate.

36. (1) There will be paid a registration fee of Three Hundred Thousand Naira(N300,000.00) by a billboard owner and a Registration Certificate will be issued.

(2) The certificate is renewable with an annual fee of Three Hundred Thousand Naira (N300,000.00).

Cost of Inspection.

37. A charge of Ten Thousand Naira (N10,000.00) per inspection monitoring is applicable for any inspection per site. If there are inspection schedules for different sites within one (1) geographical area for one particular applicant during a single day, then a charge of Five Thousand Naira (N5,000.00) per additional site will apply.

Operation and Ownership permit fee.

38. (1) The permit fee is a yearly fee applicable to all commercial and private owners of structure but does not apply to Federal or State governmental or diplomatic or humanitarian mission. The Permit fee is applicable to the owners of the signs and billboards and is in relation to the size and location category. The location categories have been defined in the zone. The Permit fees are as follows:

(a) Free Standing Signs

Maximum Area in square meters	Normal Zone	Restrictive ZOne
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Up to 1.0	N2,500	N5000
Up to 5.0	N6,000	N8000
Up to 10.0	N11,000	N17000
Up to 15.0	N17,000	N28,00
Up to 20.0	N28,000	N45,000
Up to 25.0	N44,000	N75,000
Up to 30.0	N68,000	N85, 000
Above 30.0	N103,000	N150,000

**(b) Projecting Signs**

Maximum Area in square meters	Normal Zone	Restrictive ZOne
Up to 1.0	N8000	N13,000
Up to 5.0	N24000	N40,000
Up to 10.0	N37000	N62,000
Up to 15.0	N57000	N96,000
Up to 20.0	N88000	N149,000
Up to 25.0	N134000	N227,000

Up to 30.0	N202000	N343,000
Above 30,0	N235000	N399,000

**(c) Wall Signs**

Maximum Area in square meters	Normal Zone	Restrictive Zone
Up to 1.0	N11,000	N18,000
Up to 5.0	N17,000	N28,000
Up to 10.0	N28,000	N47,000
Up to 15.0	N44,000	N74,000
Up to 20.0	N68,000	N115,000
Up to 25.0	N103,000	N175,000
Up to 30.0	N156,000	N265,000
Above 30,0	N235,000	N399,000

**(d) Billboard**

Designation					
	in square	Normal Zone	Restrictive Zone	Metric(m)	Height Width



4 sheets	Or up to 1.5	N2,500	N5,000	1	1.5
	Or up to 3.0	N5,000	N8,000	1	3
16 sheets	Or up to 6.0	N10,000	N16,000	2	3
32 sheets	Or up to 12.0	N15,000	N24,000	2	6
40 sheets	Or up to 14.0	N18,000	N28,800	2	7
48 sheets	Or up to 18.0	N20,000	N32,000	3	6
96 sheets	Or up to 36.0	N30,000	N48,000	3	12
Rooftop	Or up to 60.0	N50,000	N80,000	3	10
Backlit	Or up to 30.0	N50,000	N80,000	4	7.5
Ultrawave	Or up to 36.0	N30,000	N48,000	3	6
Unipole	73.5 above	N120,000	192,000	5	14.7

#### Rental Fee Charge.

39. (1) The lease of advertisers of commercial space of leased billboards or sign(periodical lease or rent) will be subject to a fee that is equal to 12.5 per cent from the rental charged by the leasing company.

(2) A sign will not be displayed until all fees and charges payable to the Agency have been paid in full.

Fines.

40. (1) A fine shall apply for any infringement of any of the regulations made pursuant to this Law and for a maximum of four (4) weeks. The fine becomes due fourteen (14) days after the issuance of the order to conform with the standard Rental Fee charge.
- (2) Should any irregularity prevail for a period of over one (1) month, the Agency can order the removal of the structure at the cost of the owner of the sign.

Liability.

41. (1) The landlord is liable for any on-premise signage and advertisement displayed in contravention of this Part.
- (2) The Advertiser is liable for any off-premise signage and advertisement displayed in contravention of this Part.

### PART XIII LAGOS STATE PARKS AND GARDENS AGENCY

Interpretation.

429. In this Part unless the context otherwise requires-

‘Commissioner’ means the Commissioner for the Environment or any member of the Lagos State Executive Council charged with the responsibility for the Environment;

“Conservation” means sustainable exploitation of natural resources for optimal or maximum yields of the present generations, maintaining its potential to meet the needs and aspirations of future generations including but not limited to monitoring of aesthetic, greening monitoring and balanced ecosystems;

“Felling” means the process of downing individual trees;

“Governor” means the Governor of Lagos State;

“Enforcing Authority” means Lagos State Parks and Gardens Agency;

“Landscaping” includes beautification of land, property by modifying or enhancing the natural scenery which includes planning and planting of gardens and grounds especially so as to produce picturesque and harmonious effect;

“Local Government Areas ” includes Local Council Development Areas;

“Pruning” means involving the selective removal of parts of a plant such as branches, buds or roots;

“State” means Lagos State of Nigeria.

Establishment of the Lagos State Parks and Gardens Agency.

430. (1) There is established the Lagos State Parks and Gardens Agency (referred to in this Law as “the Agency”).

(2) The Agency shall –

(a) be a body corporate with perpetual succession and a common seal;

(b) have power to sue and be sued in its corporate name; and

(c) capable of purchasing, acquiring, holding and disposing of property for the purposes of discharging its functions under this Law.

431. The Agency shall have power to —

- (a) enter into contract with the prior approval of the Governor, for the development, maintenance and management of State parks, gardens, recreation centres, playing grounds and other open spaces provided by or vested in the Agency under this Part;
- (b) acquire any land in the State, open space, park or garden for the purpose of development under the provisions of this Part and in accordance with the relevant provisions of the Land Use Act and pay adequate compensation;
- (c) enter into a lease agreement on its properties with any person for any purpose it deems fit with the prior approval of the Governor;
- (d) undertake or sponsor the undertaking of such research as may be necessary for the performance of its functions;
- (e) control and manage all open spaces that are beautified or improved through its activities;
- (f) make, draw, accept, discount, endorse and execute promissory notes, bills of exchange or other negotiable instruments subject to the approval of the Governor;
- (g) accept, acquire and hold any security of any kind in any form;
- (h) solicit for and accept donations in cash or kind towards the realization of its objectives;
- (i) surrender, re-transfer or re-convey any security held by the Agency, on exchange for another security or on discharge of the security;
- (j) invest any money standing to its credit in any bank with the approval of the Governor; (k) insure its properties against all forms of risk;

- (l) initiate and establish beautification sites within the State; (m) create parks and gardens in any part of the State;
- (n) preserve monuments, artefacts, statues, archeologically, natural and historical sites within the State;
- (o) supervise beautification work of various formats in the State;
- (p) monitor compliance with landscaping requirements of the State; and
- (q) create waterfalls/fountains in any part of the State..

Functions of the Agency.

432. The Agency will-

- (a) administer, maintain and manage all designated parks and gardens in the State;
- (b) charge appropriate fees for the use of facilities provided where necessary in the State's parks and gardens;
- (c) carry out the general directives and policies of the State Government in respect of the development, maintenance and management of parks, recreation centres, gardens, playing grounds and open spaces in the State;
- (d) Ensure proper landscaping and beautification of the physical environment of the State and establishment of gardens and Parks for recreations activities;
- (e) grant permits on the payment of the prescribed fees to any club, association or similar body or to any person, for the purpose of holding galas, competitions, tournaments and similar events exclusively in any of the open spaces in the parks or gardens managed by the Agency;

- (f) regulate the hours of use of the open spaces in the State parks and gardens by members of the public;
- (g) provide and maintain adequate security and environmental sanitation facilities for the State parks, gardens, open spaces and recreation centres;
- (h) promote afforestation in all ramifications in the State; (i) enumerate and tag all trees within the State inclusive of those in private tenements;
- (k) monitor and supervise trimmings and felling of trees within the State;
- (l) advise on all matters relating to the greening programme of the State;
- (m) provide funds for the maintenance of parks and gardens;
- (n) protect the State from environmental degradation resulting from environmental disasters such as gully and soil erosion, oceanic surge, mining, deforestation, fog, smog; and
- (o) carry out such other assignments and functions as may be directed by the Governor.

#### Establishment of the Governing Board.

433 There is established for the Agency the Lagos State Parks and Gardens Governing Board (referred to in this Part as "the Board")

#### Appointment and Composition of the Board.

434. The Board shall consist of a Chairman and five (5) members from the public who will be appointed by the Governor on the recommendation of the Commissioner, subject to the confirmation of the House of Assembly.

#### Tenure of Office.

435. The Chairman and members of the Board shall hold Office for a term of four (4) years renewable for a further term of four (4) years only.

#### Remuneration and Allowances.

436. The Chairman and members of the Board will be paid such remuneration and allowances as may be determined and approved by the Governor.

#### Cessation of Office

437. A member of the Board shall cease to hold office if the member: of Members of the Board.

- (a) resigns by giving one (1) month notice in writing to the Governor;
- (b) is unfit or unable to discharge the functions of the office either by reason of infirmity or mental incapacity;
- (c) has been convicted by a Court of Law for offences involving dishonesty;
- (d) is an undischarged bankrupt or is in obvious financial distress; (e) is guilty of gross misconduct in relation to the duties of the office.

#### Meetings and Proceedings of the Agency.

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438. (1) The Chairman shall convene meetings of the Board at least four (4) times in a year and at such other times and places as may be determined for the transaction of the business of the Agency.
- (2) The Chairman shall summon special meetings of the Agency on a request in writing by the Commissioner and if the Chairman fails to convene the meeting, the Commissioner is authorised to do so.
- (3) The Chairman shall preside at every meeting of the Agency but if absent one of the members present will be appointed to preside.
- (4) The Agency will have power to make standing orders regulating its proceedings at meetings.

#### Validity of Proceedings

439. The validity of any proceedings of the Board will not be adversely affected by-
- (a) any vacancy in the membership of the Agency;
  - (b) any defect in the appointment of a member; or
  - (c) reason that a person not entitled to do so took part in the proceedings.

#### Quorum.

440. The quorum at any meeting will be three (3) members.

#### Voting.



441. The Chairman or the member presiding will have a deliberative vote at a meeting and where there is equality of votes, the Chairman or member presiding will have a casting vote.

Power to Co-opt.

442. Where the Board desires to obtain advice or information from any person on any matter, it may co-opt the person as a member and such person will have the rights and privileges of a member but will not be entitled to vote on any issue or count towards a quorum. Disclosure of Interest.

443. Any Member of the Board who has an interest in any contract or transaction entered into or proposed to be considered by the Board, must disclose the nature of such interest at a meeting of the Board and such fact shall be recorded in the minutes and the member will not take part in any deliberation or decision of the Board with respect to the contract or transaction.

Seal of the Agency.

444. (1) The common seal of the Agency shall be determined by the Board and affixing of the common seal will be authenticated by the signature of the Chairman and the Secretary or some other person(s) authorised by the Board for that purpose.

(2) A document duly executed under the common seal of the Agency shall be admissible in Court and unless the contrary is proved, be deemed to be executed.

General Manager of the the Agency.

445. (1) There shall be an officer of the Agency to be known as General Manager who shall be-
- (a) appointed by the Governor; and
  - (b) the holder of a recognised degree or a professional qualification in the field of horticulture, landscape architecture, town and country planning, tourism or any other related field.
- (2) The General Manager shall be the Chief Executive Officer of the Agency who will be responsible for the-
- (a) general administration and execution of the policies;
  - (b) transaction of its day to day business.
  - (c) making arrangements for meetings of the Agency; (d) preparing the agenda and minutes of such meetings;
  - (e) carrying out the decisions of the Board; (f) arranging payment of fees and allowances due at meetings and all other matters affecting Staff of the Agency; and
  - (g) performing all other duties as may be specifically assigned to him by the Board.

Staff of the Agency.

446. The Agency may, subject to the approval of the Commissioner appoint other category of professional and non-professional staff and agents on such terms and conditions and on such remunerations and allowances as it deems appropriate for the proper performance of its functions under this Part.

Funds and Resources.

447. The Agency will generate its funds and resources from such sums as may be- (1) appropriated by the House of Assembly of the State;
- (2) collected or received by the Agency in the execution of its functions under this Part; (3) received from branding or sponsorship; (4) payable to it from property vested in the Agency; and (5) funds realized from grants and donations.

#### Power to Borrow.

- 448.(1) The Agency shall, with the approval of the State Executive Council, borrow such sums as it may deem necessary, by way of mortgage or otherwise, for the performance of its functions under this Part.
- (2) An approval given in subsection (1) of this Section may be general or limited and it shall be subject to the approval of the House of Assembly.

#### Designation of the State

449. (1) Any area of outstanding natural beauty, long distance Parks and Gardens. route, open air recreational facility within the State may be designated as a Community Park, Garden or Conservation Area by the Board subject to approval of the Commissioner. (2) A Local Government Area, subject to the approval of the Governor, may designate an area within its control as a Community Park or Garden. (3) This Part will apply to any area designated in accordance with subsections (1) and (2) of this Section and the Agency will have the power to administer such an area as a State Park or Garden.

#### Landscaping perimeter of Tenement.

450. Tenement owners and occupiers shall landscape and beautify the areas of their properties, the neglect, failure and refusal of which shall constitute an offence and liable on conviction to a fine of Two Hundred and Fifty Thousand Naira (N250,000.00) or term of imprisonment for six (6) months or non-custodial sentence or such sum as the State shall incur doing same on behalf of the tenement.

#### Duty of Tenement or Facility Owners.

451. (1) It is an offence for any occupier or owner of a tenement or facility whether individual or corporate to:

- (a) allow the overgrowing of weeds within and around its premises;
- (b) fail or refuse to weed and control vegetation within the setback of roads and highways bordering its property;
- (c) fail or refuse to control any vegetal nuisance in and around drains that surround or abuts its property;
- (d) engage in sculpture display and artefact activities without the approval of the Agency;
- (e) access all monument artefacts, statues and natural and historical identity (natural heritage) on land, water and air without the approval of the Agency;
- (f) use public open spaces, loops, road median, setbacks for any social gathering or any other natural purposes excepts as permitted in writing by the Agency;
- (g) disturb, misuse, defile landscaped and beautified place(s) or area(s) or on-going landscaped or beautification site.

(2) Any person convicted of an offence under this Section shall be liable on conviction to a fine of Fifty Thousand Naira (N50,000.00) or a term of imprisonment of six (6) months or both and an additional fine of Two Thousand Naira (N2,000.00) for every day the offence subsists.

(3) Where the offence is committed by a body corporate, it shall on conviction be liable to a fine not less than Two Hundred and Fifty Thousand Naira (N250,000.00) and not exceeding One Million Naira (N1,000,000.00) and an additional fine of Fifty Thousand Naira (N50,000.00) for every day the offence subsists.

#### Landscaping and Beautification of Premises.

452.

- (1) As from the commencement of this Law, every owner of premises or facility shall regularly-
  - (a) paint the building, premises or facility along or abutting the major highways and roads within the State; and
  - (b) properly maintain all landscaped areas of its property or premises;
- (2) Every company or corporate organizations and business out-lets carrying on business along the major highways and roads shall landscape and beautify all road set-backs and median abutting or bordering its property and shall regularly and properly keep and maintain same.

#### Tree Planting Anniversary.

453. (1) The 14th day of July of every year shall be declared a Tree Planting Day in the State.
- (2) A minimum of at least one (1) meter height and three (3) to eight (8) meters distance shall be observed in every planting exercise in the State.
  - (3) Where a tree is felled, by any individual or corporate body such individual or corporation shall be under an obligation to replace it with five trees.

- (4) A major programme shall be organized annually by the Agency in every Local Government Area where life plants will be given out to every participant to nurture at home and plant in the Gardens, and it shall include medicinal plants, orchids and ferns.

#### Mode of Service of Documents and Court Processes.

454. Service of Court processes and other documents required or authorised to be served on the Agency under the provisions of this Part or any other Part may, unless there is express provision to the contrary, be served by delivering same to the General Manager or the Secretary of the Agency, or by sending it by registered post addressed to the General Manager of the Agency at the principal office of the Agency.

#### Offences and Penalties

455. (1) A contravention or failure to comply with any of the matters provided under this Part shall constitute an offence.

(2) Any person or Organisation –

- (a) found felling or trimming trees in the State without obtaining the required permit from the Agency shall replace the tree with five trees seedlings;
- (b) walking on lawns and gardens instead of designated walkways;
- (c) spitting, urinating or defecating in any area of the parks, gardens or open spaces;
- (d) loitering or soliciting for illegal purposes, smoking, distributing controlled substances or engaging in disorderly conduct;

- (e) littering, polluting or dumping litter or refuse in any park or garden;
- (f) failing to control animals or allowing animal defecation;
- (g) engaging in unhygienic use of fountains, pools or water in the parks, gardens and open spaces;
- (h) vehicular accidents damaging the parks and gardens; and
- (i) violating other rules made in accordance with this Part of the Law commits an offence and is liable on conviction to a fine of not less than Fifty Thousand Naira (N50,000.00) or to one (1) month imprisonment, or both.

#### Accounts and Audit.

456. The Agency shall-

- (a) keep proper accounts and records of its transactions in such form as the State Auditor-General may direct in conformity with standard accounting practices; and
- (b) prepare at the end of each financial year, statements of the accounts which shall be audited annually by the Auditor appointed by the Auditor-General of the State.

#### Annual Estimates.

457. The Agency shall-

- (a) in accordance with the State Administrative Guidelines, prepare and submit through the Commissioner to the Executive Council not later than 31st December in each year, a report of its activities and operations with a certified copy of the audited accounts of the Agency and the Auditor's report on same.

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- (b) prepare and submit to the Commissioner for the Governor’s approval, its annual estimates of revenue and expenditure for the period commencing from 1st day of January and ending on 31st December of the year, not later than three (3) months to the expiration of the current year.

Regulation on Horticulturist/ Roadside Garden Practitioner.

458. (1) As from the commencement of this Law, it is an offence for anyone, group or corporate organizations to engage in flora Road activities within the State without the permit of the Agency.
- (2) Where any person contravenes subsection (1) of this Section, the Agency shall close down such garden or outfit.

Power to make Regulations.

459. The Commissioner may make regulations for carrying into effect the purposes of this Part subject to Regulation Approval Law

S/N	DESCRIPTION	PENALTY INDIVIDUAL	CORPORATE	ADMINISTRATIVE CHARGES INDIVIDUAL	CORPORATE
1	Felling of a Tree	N30,000,00	N50,000.00	N5,000.00	N10,000.00
2	Trimming or Pruning of Trees	N20,000.00	N30,000.00	N3,000.00	N10,000.00



3	Poisoning, Ring Barking Tagging	N20,000.00	N30,000.00	N5,000.00	N10,000.00
4.	Roaming Animals	N10,000.00	N40,000.00	N5,000.00	N10,000.00
5.	Urinating and/or Defecating in any Area in the Parks, Gardens or Open Spaces.	N,000.00			
6.	Illegal Digging .	N50,000+ Cost of Restoration of Digging	N100,000+Cost of Restoration of Digging	N25,000.00	
7.	Engaging in Hygienic use of fountains, Pools or Water in the Parks, Gardens and Opening Spaces				

PART XIV THE ENVIRONMENTAL SANITATION CORPS AGENCY, ENVIRONMENTAL ADMINISTRATIVE COMPLAINTS PANEL AND THE ENVIRONMENTAL COURT

Interpretation.

460. In this Part, unless the context otherwise requires-

“Agency” means the Environmental Sanitation Corps Agency;

“Appropriate Authority” means an authority listed in this Law;

“Board” means the Governing Board of the Agency;

“Commissioner” means Commissioner for the Environment or the member of the State Executive Council charged with the responsibility for the management of the environment in the State;

“Financial year” means every period of twelve (12) months terminating on the 31st day of December;

“Governor” means the Governor of Lagos State;

“Local Government Area” includes Local Council Development Areas; and

“State” means the Lagos State of Nigeria.

Establishment of the Environmental Sanitation Corps Agency.

461. (1) There is established the Environmental Sanitation Corps Agency (referred to in this Law as “ the Agency”).

(2) The Agency shall-

- (a) be a corporate body with perpetual succession and a common seal;
- (b) have power to sue and be sued in its corporate name; and
- (c) be capable of holding, purchasing, acquiring and disposing of movable or immovable properties, for the purpose of exercising its functions as specified in this Law.

Functions of the Agency.

462. The Agency shall-

- (1) assist the appropriate agencies in the monitoring and enforcement of the provisions of this Law;
- (2) monitor and maintain surveillances along the highways, streets and public amenities to ensure compliance with the provisions of this Law;
- (3) report regularly any breach of the provisions of this Law and other Sanitation Law to the appropriate enforcing authority; and
- (4) carry out any assignment consistent with the general intendment of this Law to secure healthy and sustainable environment as may be lawfully assigned to it by the enforcing authority.

Powers of the Agency.

463. The Agency shall have powers to-

- (1) seek collaboration with local and international organisations for the purpose of effectively carrying out its functions under this Law;
- (2) enter into any contract as it may deem necessary or expedient for the due performance of its functions under this Law;
- (3) recruit persons as Environmental Sanitation Corps members;
- (4) discipline and promote persons recruited as Environmental Sanitation Corps members;
- (5) incur any expenditure that is deemed necessary or expedient for the purpose of its functions under this law;

- (6) promote private sector participation in the realisation of its functions; and (7) arrange the training of members of the Environmental Sanitation Corps recruited.

Establishment of the Governing Board.

464. There is established for the Agency a Governing Board to be known as the Environmental Sanitation Corps Agency Governing Board (referred to in this Part as "the Board" ).

Composition of the Board.

465. (1) The Board shall comprise of –

- (a) a Chairman, who shall be the Permanent Secretary in the Ministry of the Environment in the State;
- (b) a representative of the Office of the Environmental Services in the Ministry of the Environment;
- (c) a representative of the Ministry of Justice;
- (d) a representative of the Public Service Office;
- (e) a representative of the Civil Service Commission;
- (f) a representative from Public Utilities Monitoring Assurance Unit (PUMAU);
- (g) the Environmental Corps Marshal; and
- (h) the Executive Secretary of the Agency who shall be the Secretary to the Board.

- (2) The representatives of the Ministries, Departments and Agencies mentioned in subsection (1)(b)-(h) of this Section shall be officers not below the rank of an Assistant Director on grade level 15.

#### Responsibilities of the Board.

466. The Board shall be responsible for –

- (1) reviewing the existing policies of the Agency;
- (2) formulating new policies for the Agency
- (3) coordinating inter-governmental affairs; and
- (4) receiving and considering for approval, the audited accounts of the Agency.

#### Cessation of Office of Members.

467. (1) A member of the Board shall cease to hold office if the of member-

- (a) resigns by giving one (1) month notice in writing to the Governor;
- (b) is unfit or unable to discharge the functions of the office either by reason of infirmity or mental incapacity;
- (c) has been convicted by a Court of Law for offences involving dishonesty;
- (d) is an undischarged bankrupt or is in obvious financial distress; or
- (e) is guilty of gross misconduct in relation to the duties of the office.

(2) Notwithstanding the provisions of subsection (1) of this Section, the Governor may remove any member of the Board if satisfied, that it is in the public interest to do so.

Meetings of the Board.

468. (1) The Board shall meet once every quarter and extraordinary meetings may be convened in case of exigencies.

(2) The Chairman shall preside at any meeting of the Board but in the absence of the Chairman, the members present shall appoint one (1) of the members to preside at that meeting.

Quorum.

469. The quorum of the meeting of the Board shall be four

(4) members, which shall include-

- (a) the Permanent Secretary in the Ministry of the Environment or a representative.
- (b) representative from the Ministry of Justice;
- (c) the Environmental Corps Marshal; and
- (d) the Executive Secretary.

Power to Co-opt.

470. The Board may co-opt persons who are not members of the Board to any meeting of the Board, committees or any sub-committees and such person may take part in the deliberation of the Board, committee or any sub-committee but shall not be entitled to vote at the meeting of the Board or any of its sub-committees or count towards quorum.

#### Disclosure of Interest.

471. (1) A member who is in any way, directly or indirectly interested in a transaction or project of the Board shall disclose the nature of the interest at the meeting of the Board.
- (2) The disclosure by a member of such interest shall be recorded in the minutes of the meeting of the Board and the member shall not take part in any deliberation of the Board with respect to the transaction or project.

#### Establishment of the Environmental Corps Cadre.

472. There is established in the Lagos State Public Service, a cadre to be known as the Environmental Sanitation Corps Cadre. This Corps cadre replaces the Kick Against Indiscipline Brigade.

#### Appointment of the Environmental Corps Marshal.

473. (1) There is appointed by the Governor on the recommendation of the Commissioner, an Environmental Corps Marshal (referred to in this Law as "the Corps Marshal").
- (2) The Corps Marshal appointed shall –
- (a) be a person of proven ability and integrity;

- (b) have relevant professional skills with paramilitary training;
- (c) be responsible for control and supervision of the Environmental Sanitation Corps members recruited by the Agency; and
- (d) hold office for a single term of five (5) years.

(2) The Corps Marshal may be removed from office if the Corps Marshal –

- (a) by reason of infirmity of body or mind becomes incapable of discharging the duties of the Office;
- (b) has been convicted of an offence involving dishonesty; or
- (c) has been involved in any act considered to be inimical to the interest of the Agency

(3) The Corps Marshal may resign by notice in writing addressed to the Governor.

The Structure of the Environmental Sanitation Corps Command.

474. (1) The structure of the Corps Environmental Sanitation Command (referred to in this Law as “the Command”) shall be headed by the Environmental Corps Marshal, who shall report to the Board

(2) There shall be an Operation Unit and a Monitoring Unit of the Command to be headed by a Deputy Corps Marshal, who shall be responsible to the Corps Marshal

(3) There shall be an Intelligent Unit, a Supervisory Unit, and a Disciplinary Unit of the Command to be headed by a Deputy Corps Marshal, who shall be responsible to the Corps Marshal.

Zones of the Command.



475. (1) The Command shall comprise of five (5) zones which are Ikeja, Badagry, Ikorodu, Lagos Island and Epe.
- (2) The Deputy Corps Marshal in charge of the operations unit and monitoring unit of the Command shall be responsible for the coordination of the activities of the zones of the Command.

Duties of the Environmental Sanitation Corps.

476. The duties of the Corps members shall Environmental Sanitation be to –

- (a) ensure the general cleanliness of the environment in the State;
- (b) educate the entire populace of the State on environmental sanitation matters;
- (c) prevent the erection of illegal structures on walkways, drains, pathways, road verges, medians and pedestrian bridges in the State;
- (d) prevent the selling and cooking of food on roads or sidewalks;
- (e) prevent auto mechanics from operating on roadsides
- (f) ensure that the general habit of environmental cleanliness is sustained;
- (g) inform the appropriate authorities when the need to evacuate miscreants and mentally deranged people arises;
- (h) give prompt information on dead bodies to the officials of the Lagos State Ministry of Health and the office of the Medical Officer of Health of any of the State's Local Government Area;
- (i) arrest any person who commits any offence under the Environmental Sanitation Law in the State.

- (j) assist the PUMAU by ensuring that premises are compliant with the Public Utilities Levy;
- (k) ensure that commercial premises are in possession of a valid waste collection contract; and
- (l) implement the enforcement of the provisions of this Law and the directives of the Commissioner in respect of this Law.

Executive Secretary.

477. (1) There shall be for the Board, an Executive Secretary who shall be appointed by the Governor on the recommendation of the Commissioner subject to the confirmation of the House of Assembly.

(2) The Executive Secretary shall-

- (a) be the Chief Executive Officer of the Board and Shall possess fifteen (15) years cognate experience;
- (b) have a good knowledge of administration;
- (c) hold office for a single term of four (4) years; and
- (d) be paid such allowances as may be determined by the Governor.

Duties of the Executive Secretary.

478. The Executive Secretary of the Agency shall be responsible for- (a) the general administration and running of the Agency;

(b) the execution of the policies of the Agency;

- (c) convening of Board meetings; and
- (d) performing other duties that might be assigned by the Board.

#### Remuneration and Allowance

479. (1) The Corps Marshal, the Executive Secretary and other Staff of the Agency shall be paid such remuneration and allowances as the Governor may approve.
- (2) The Agency may engage or employ such category of professional and non-professional staff on such terms and conditions and shall be paid remunerations and allowances as it deems appropriate for the due and proper performance of its functions under this Law.

#### Other Staff of the Agency.

480. (1) Officers engaged as Kick Against Indiscipline (KAI) under the repealed Environmental Sanitation Law, Ch. E6, Vol.4, Laws of Lagos State, 2015 who fall under the criteria for recruitment under this Part are to be redeployed to the Agency as Environmental Sanitation Corps Members
- (2) The Agency shall comprise of the following units –
- (a) Administration and Human Resources;
  - (a) Accounts and Finance;
  - (b) Budget and Planning;
  - (c) Legal Services; and

(d) Operations.

#### Protection of Members of the Agency.

481. An action shall not lie or be instituted in any court against any member of the Agency, its officers or servants by any person aggrieved by anything done in accordance with the provisions of this Law.

#### Supervision and Management of Agency.

482. The Agency shall be financed, managed, controlled and supervised the by the Ministry which shall give the policy direction. Agency. Removal of Staff of the 483. The Governor may remove any officer of the Agency if satisfied that it is in the interest of the public or State to do so.

#### Ranks of Members of the Environmental Sanitation Corps.

484. Members of the Environmental Sanitation Corps who are recruited by the Agency shall bear the rank as stated in their Letters of Employment.

#### Accounts and Audit.

485. (1) The Agency shall –

(a) keep proper accounts of all its transactions in conformity with standard accounting practice; and

- (b) prepare at the end of each financial year, statement of accounts which shall be audited annually by external auditors appointed from a list of approved auditors provided by the Auditor-General of the State.
- (2) The Agency shall within six (6) months after the end of each financial year, furnish the Governor with-
  - (a) a copy of the audited accounts of the agency;
  - (b) a copy of the general report and full report of the external auditor; and
  - (c) a detailed report of the state of affairs of the Agency for the financial year, including a statement of the change in the general reserve fund arising from the activities of the Agency during the year reported upon.
- (3) The Agency shall prepare and submit to the Ministry of Finance and the Ministry of Economic Planning and Budget its proposed annual estimates of revenue expenditure from the period commencing from the 1st of January and ending on 31st December of the year in accordance with the call circular.

#### Operation of Bank Accounts.

486. The Agency shall operate accounts with a reputable bank(s) in the State and the signatories to the account shall be the Executive Secretary and Head of Accounts or their designated representatives as duly authorised by the Agency.

#### Establishment of an Environmental Administrative Complaint Panel.

487. There shall be established in the Ministry, an Environmental Administrative Complaint Panel (referred to in this Law as "the Panel").

Functions of the Panel.

488. The Panel shall-

- (1) receive and investigate all complaints relating to the operations, functions; and activities of Agencies, Authorities or Boards established and recognised under this Law; and
- (2) deal with all complaints against the operations, activities and functions of the Agency and the decisions of the Panel shall bind the complainants so affected by the decision.

Composition of the Panel.

489. (1) The members of the Panel shall be appointed by the Governor.

(2) The members of the Panel shall compose of-

- (a) a Chairman;
- (b) a Legal Officer in the Public Service not below grade level 15;
- (c) one (1) member with high academic qualifications and experience in environmental law recommended by the Commissioner for Justice; and
- (d) two (2) other members who have demonstrated exemplary professional competence in the field of environmental management recommended by the Commissioner for the Environment;

Remuneration and Allowances.

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490. The Chairman and members of the Panel shall be paid such remuneration and allowances as the Governor may approve.

#### Tenure of Office.

491. Members of the Panel shall hold office for a term of four (4) years and may be eligible for re-appointment for a further term of four (4) years only.

#### Power to Co-opt.

492. The Panel may invite any person with special skill or knowledge on environmental issues which are the subject matter of any proceedings or inquiry before the Panel, where it appears that such special skill or knowledge are required for proper determination of that matter.

#### Constitution of the Panel.

493. The Panel shall be duly constituted for the purpose of hearing and determining any matter before it, if it consists of the Chairman and any two (2) other members.

#### Jurisdiction of the Panel.

494. The Panel shall have powers to:

- (1) investigate and arbitrate and/or mediate on all matters and disputes concerning environmental sanitation and environmental pollution referred to it by the Commissioner or general public for consideration;

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- (2) determine disputes between any enforcing authority and any other person in relation to the execution of its functions under this Law;
- (3) determine disputes between any enforcing authority and a Franchisee/Concessionaire/Licensee or Partner under this Law;
- (4) determine disputes as to commercial levies chargeable under this Law;
- (5) determine disputes arising from the determination or review of levies;
- (6) review the decision of any enforcing authority to suspend or revoke a licence;
- (7) sit on appeals from persons against abatement notices served by any enforcing authority in this Law;
- (8) summon any person to give evidence before it;
- (9) make any ruling as may be expedient; and
- (10) make its own rules of procedure. Meetings. 495. The Chairman shall preside over the meetings of the Panel and in the absence of the Chairman, any member elected by members present at that meeting shall preside over the meeting.

Disclosure of Interest.

496. A member of the Panel who has interest in any matter which is the subject of the proceedings before the Panel shall not take part in those proceedings.

Proceedings.



497. (1) The Panel shall regulate its own proceedings.

(2) The Panel may, for purposes of its proceedings –

- (a) make such orders intended to secure the attendance of any person at any place where the panel is sitting;
- (b) make such order for discovery or production of any document concerning a matter before it or the investigation of any contravention of this Law as it deems necessary or expedient;
- (c) take evidence on oath and may, for that purpose, administer oaths; and
- (d) summon, on its own motion or upon request, any person as a witness.

Legal Representative.

498 Any person who is a party to proceedings before the Panel may appear in person or may be represented by a legal representative.

Exemption from Liability.

499. No member of the Panel shall be liable for any act done in good faith or exercise of the powers conferred on the Panel by this Law.

Power to Hear Appeals.

500. (1) A person may appeal against the decisions of any enforcing authority or Agency created under this Law within twenty-one (21) days after the notification of the final decision of the environmental enforcement authority has been communicated.
- (2) The Chairman of the Panel shall cause a sitting of the Panel within three (3) days of receipt of a complaint.

#### Appeal Proceedings

501. (1) The Panel shall, in determining of an appeal or any matter of the Panel. referred to it-
- (a) inquire into the matter and make an award in form of a directive or order;
  - (b) notify concerned parties of the award; and
  - (c) specify the period within which the award is to be complied with.
- (2) The award of the Panel shall be binding and may be enforced as if it were an order of the court.

#### Establishment of the Environmental Court.

502. (1) As from the commencement of this Law, the Chief Judge shall establish for the State a division of Court to be known as the Environmental Law Court.
- (2) The Court shall sit at two (2) levels-
- (a) the Court as a Judicial Division of the High Court of Lagos State; and
  - (b) the Court as Environmental Law Court at the Magisterial Level.

Jurisdiction of Court.

503. (1) Subject to the provisions of this Law and any other existing Laws, the Court shall have Jurisdiction to hear and determine-

- (a) any civil proceeding in which the existence or extent of a legal right, power, duty, liability, privilege, interest, obligation or claim in respect of the environment or provisions of this law; and
- (b) any criminal proceeding involving or relating to any penalty, forfeiture, punishment, or other liability in respect of an offence committed in contravention to the provisions of this Law.

(2) Reference to civil or criminal proceedings in this law includes a reference to a proceeding, which originates in the Magistrate Court and that which is brought to the High Court either in exercise of its original jurisdiction or appellate or supervisory jurisdiction.

(3) The Court shall have and exercise jurisdiction in all causes and matters relating but not limited to –

- (a) refusal by end users, private operators or organisations to pay fees, levies or charges assessed or imposed by an appropriate authority;
- (b) non-performance of service contracts or agreement by private operators or organisation with any individual, government or agency;
- (c) reasonableness or validity of any fees or charges arising from any service contract or agreement between any private operator or Organisation and individual, government or agency;
- (d) enforcement or non-enforcement of any service contract agreement or Joint Venture agreement between private operator and any individual, government or agency;

- (e) recovery of fees, levies, charges, costs or any other sum for which liability of a party to a service contract or agreement is established; and
- (f) enforcement of rights and obligations created under this Law.
- (4) Subject to the provision of any other Law, the High Court shall have power to grant any ancillary order or relief in addition to the inherent powers to grant other relief it deems fit.

Appeal against the Decision of the Panel.

504. (1) An appeal against the decision of the Panel shall lie as of right to the Environmental Division of the Court established by this Law provided that such appeal shall be made within twenty – one (21) days after written notification of the ruling court.
- (2) An Appeal shall lie from decision of the Magistrate Court to the High Court of the State within thirty (30) days as in the case of final judgement and within fifteen (15) days in the case of an interlocutory decision of the Court.
  - (3) Any party who is aggrieved with the decision or any order of the Panel, may appeal to the High Court within thirty (30) days of such decision or order. Mode of Appeal. 505. An appeal to the Court shall be in the prescribed form and fees as may be prescribed under the High Court of Lagos State (Appeal Procedure) Rules.

General Power.

506. Notwithstanding anything to the contrary in this Law, the Ministry and the enforcing authority shall have general power to enforce any of the provisions of this Law.

Enforcement Notice.

507. (1) The enforcing authority shall serve any of the under- mentioned enforcement notices to abate any nuisance in this Law namely:

- (a) Abatement Notice;
- (b) Stop Work Order;
- (c) Quit Notice;
- (d) Seal Up Notice; and
- (e) Demolition Notice.

(2) The notice shall be addressed to the owner of the premises constituting the nuisance or the person responsible for it and it is deemed to have been duly and validly served by pasting or affixing such notice on any part of the property or nuisance, or when handed to any representative of the owner of the nuisance found at the site.

(3) Where notice is effected by pasting or affixing on any part of a property, the person effecting service shall make photographic evidence of the pasting or fixing of the notice.

Requirement of Enforcement Notice.

508. An enforcement notice served under this law by the enforcing authority shall –

- (1) be in writing and shall be served on the contravener of the Law;

- (2) state the reasons for issuance of the notice; and
- (3) consider the representation made by a contravener or on behalf of a contravener.

#### Time to Abate a Nuisance.

509. Where a person contravenes any part of the provisions of this Law or any regulation made pursuant to it, the enforcing authority shall have power to require the contravener to –

- (1) wholly abate the nuisance within two (2) days; or
- (2) partially abate the nuisance within one (1) day;

#### Stop Work Order.

510. (1) Where it appears to the enforcing authority that a property/structure-

(a) constitutes a nuisance to the environment; or

(b) the nuisance obstructs the performance of a statutory duty of the enforcing authority, it shall issue a stop Work Order on the owner of the nuisance for the time being pending the service of any other enforcement notice and such owner shall immediately cease further constitution of the nuisance.

(2) Where an enforcement notice is served in respect of an environmental nuisance to which a Stop Work Order is served, the enforcing authority may extend the period of time for which a Stop Work Order shall remain in force; which shall not exceed a period of seven (7) days..

#### Effect of Enforcement Notice.

511. Every enforcement notice served as provided in this Law shall take immediate effect upon service on a contravener.

#### Failure to Comply with Enforcement Notice.

512. A person who fails to comply with an enforcement order made in accordance with this Law, commits an offence and liable on conviction in the case of an individual to a fine of Two Hundred and Fifty Thousand Naira (N250,000.00) or three (3) months imprisonment and in case of a body corporate, a fine of Five Hundred Thousand Naira (N500,000.00).

#### Enforcement Process.

513. Where an offence is committed under this Law, the enforcing authority shall carry out the following duties as enforcement processes-

- (1) service of enforcement notices in accordance with appropriate Sections in this Law.
- (2) an enforcement notice served pursuant to appropriate sections in this Law may direct the contravener to remove or abate the nuisance/ contravention as appropriate;
- (3) may impose additional conditions as it may deem appropriate in each circumstance;
- (4) before issuing or serving an enforcement notice in accordance with the provision of this Law, the Ministry shall have regard –

- (a) to the likely environmental degradation or impact of the nuisance/ contravention constituted or being constituted; and
- (b) for overriding public interest.

#### Power to Seal Premises.

514. If the notice of an authorised officer or an order of the court for the abatement of a nuisance/contravention by the occupier or owner is not complied with, an authorised officer can seal up the premises until the nuisance/contravention is abated or until other enforcement notices are served.

#### Requirements to Unseal the Sealed-up Premises.

515. Sealed-up Premises shall not be unsealed until -

- (1) the nuisance/contravention has been satisfactorily abated; and
- (2) the unseal fee/charge has been fully paid.

#### Right of Entry.

516. (1) It shall be lawful for an authorised officer to enter any premises at any time between the hours of six (6) in the morning and six (6) in the evening for the purposes of examining the existence of any nuisance/contravention, or until a nuisance /contravention found to exist has been abated or the work ordered to be done are completed or the closing order is cancelled as the case may be and when a



nuisance/contravention order has not been complied with or has been infringed, to enter the premises at all reasonable hours for the purpose of compelling the execution of the Order.

- (2) If the admission to premises is refused, the court may require the person having the custody of the premises to admit the authorised officer into the premises during the prescribed hours and if no person having custody of the premises is found, the court may authorise the authorised officer to forcibly enter on such premises.
- (3) Any such Order shall continue in force until the work for which the entry was necessary has been done.
- (4) Any person who refuses to obey such order or in any way hinders, prevents or obstructs the execution of the order commits an offence and is liable on conviction to a fine of not exceeding the sum of Ten Thousand Naira (N10,000.00) each year of refusal.

#### Liability for Prosecution Expenses.

517. The owner or occupier of the premises causing nuisance for the time being shall in addition be liable for the expenses reasonably incurred by the Ministry in prosecuting the owner or occupier.

#### Fees and Charges.

518. There shall be charged by and paid to the enforcing authority such fees and charges as may be prescribed by regulation.

#### Reimbursement of Costs.

519. (1) A person who erects any structure, building or constructs any nuisance/contravention on the path of any drainage shall have such structure or building demolished or the nuisance/ contravention removed, whichever is applicable.
- (2) Where any cost is incurred by the Office of Drainage Services or relevant office or department in the course of demolition or of cost removal of such structure or nuisance/ contravention, such cost shall be assessed and communicated in writing to the contravener or owner of the nuisance/contravention or any person responsible for the illegal structure or structures demanding for the reimbursement of the cost.
- (3) A person who fails to pay the cost referred to in subsection (2) of this Section within twenty-one (21) days of the communication in writing commits an offence and liable on conviction as follows -
- (a) in case of individual, to a fine of One Hundred and Fifty Thousand Naira (N150,000.00) or to a term of imprisonment for three (3) months or community service in addition to payment of the cost;
  - (b) in the case of a body corporate, to a fine of One Million Naira (N1,000,000.00) in addition to the payment of the cost.

#### Prosecution of Offenders.

520. Without prejudice to the provisions of any other Law, prosecution of offences under this Law shall be instituted before the court by the Attorney General of the State or such Officer in the Ministry of Justice of the State and in addition, the Attorney General of the State may authorise in writing-
- (1) any other legal practitioner of an appropriate agency to undertake the prosecution directly or to assist in the prosecution of the offences under this Law; or
  - (2) officer of an appropriate agency to directly undertake prosecution of offences under this Law.

## General Penalties.

521. (1) A person who fails to comply with the terms of an enforcement notice issued and served in accordance with the provision of this Law commits an offence and liable on conviction to a fine as specified in the Schedules/Regulations made in accordance to this Law.
- (2) A person or group of persons who fails to comply with any provision of this Law for which no specific penalty is provided commits an offence and is liable on conviction as follows-
- (1) in the case of an individual on conviction be liable to a fine of One Hundred Thousand Naira (N100,000.00) or term of imprisonment for a period of six (6) months or both;
- (2) in the case of body corporate on conviction be liable to a fine of Five Hundred Thousand Naira (N500,000.00) and in addition shall forfeit the equipment used for the nuisance/contravention.
- (c) in addition to the subsections (a) and (b) of this Section, the contravener shall be wholly responsible for the cost abatement or removal of such nuisance/contravention or structure.

## Power to make Regulations.

522. The Commissioner may make regulations generally subject to Regulation Approval Law for the purpose of carrying into effect the provisions of this Part and specifically for the followings;
- (1) conditions for issuing of the permits/licences;
- (2) fees charged for the issuance of permits/licences;
- (3) fees and charges for contravention; and

(4) any other matter related to this Part.

Inconsistency with any other Law.

523. Where the provision(s) of any other Law is inconsistent with the provisions of this Law, the provisions of this Law shall prevail.

Savings.

524. Nothing in this Law shall invalidate anything done or purported to have been done before the repeal of the Laws listed in Section 524.

Repeals.

525. The under listed Laws are repealed –

1. Environmental Sanitation Law (E.6 Vol. 4)
2. Lagos State Environmental Protection Agency Law (L. 27 Vol. 5)
3. Lagos State Parks and Gardens Law (L. 57 Vol. 6)
4. Lagos State Structures and Advertisement Agency Law (L.65 Vol. 6).
5. Lagos State Waste Management Authority Law (L.74 Vol. 7)
6. Street Trading and Hawking Law (S.13 Vol. 10)

7. Lagos State Water Sector Law (W.2.Vol. 10)

Citation and Commencement

526. This Law shall be cited as Environmental Management and Protection Law 2017, and shall come into force on.... day of.....2017.

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

.....

MR. AZEEZ A. SANNI

Acting Clerk of the House of Assembly

Assented to by me, this .....day of ..... 20.....

.....

FOR **Babatope Babatobi**



MR. AKINWUNMI AMBODE

Governor of Lagos State

Assent withheld by me, this .....day of ..... 20.....

.....

MR. AKINWUNMI AMBODE

Governor of Lagos State

Passed again by the Lagos State House of Assembly by two-thirds majority, this.....day  
of.....20.....

.....

RT. (HON.) MUDASHIRU A. OBASA

Speaker of the House of Assembly