ENVIRONMENTAL HEALTH BILL, 2019

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A BILL

FOR AN ACT TO PROVIDE FOR THE PROTECTION, PROMOTION AND MAINTENANCE OF HEALTH, FOR PROPER SANITATION IN MATTERS RELATING TO HOUSING, FOOD AND GENERALLY, FOR THE PROTECTION OF THE ENVIRONMENT AND FOR THE CONTROL OF SERVICES, ACTIVITIES AND FOR RELATED MATTERS

Sponsored by Hon. Gideon Gwam

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

1. In this Act:
   
   (1) Every person has the right to good health and safe environment. Therefore, every person has a duty to take preventive action when they have reasonable suspicion that harm is occurring or is about to occur to Public Health.

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

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

PART 1 - NUISANCES

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

(a) Any premises which—

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

(ii) is so poorly illuminated or so ill-ventilated or so damp or in such a condition of dilapidation as to be dangerous or prejudicial to the
health of the persons living or employed therein.

(iii) contains rat holes or other similar holes or rat runs and dropping
or infested with rats or other vermin or in which the ventilating openings are not
protected by gratings in such a manner as to exclude rats or other vermin from
coming into the premises;

(iv) is certified by the Environmental Health Officer to be so
overcrowded as to be injurious or dangerous to the health of the occupants;

(b) Any-

(i) Office complex, petrol station, motor park, market, supermarket,
shopping centre, church and mosque or other such like place where suitable
and adequate sanitary conveniences are not provided and or where such
facilities are provided but not accessible to the general public, persons,
workers or tenants;

(ii) Premises used as a boarding house in which suitable and adequate
sanitary conveniences are not provided for the occupants or are provided but
not accessible to occupants;

(iii) Premises used as educational institution, boarding house in
which suitable and adequate sanitary conveniences are not provided for the
occupants or are provided but not accessible to occupants;

(iv) Premises whose Certificate of Fitness for Habitation or
Certificate of Fitness for Continued Use or Certificate of Fitness for Continued
Habitation does not exist or is expired;

(v) Animal or bird kept in such a place or manner as to be dangerous,
prejudicial or injurious to health or molesting to neighbours or emitting
offensive odour and any animal or bird which suffers from a zoonotic or
infectious disease;

(vi) Pool, ditch, gutter, watercourse, cesspool, drain, refuse pit,
latrine, dust bin, washing place, well, water tank, barrel, sink, collection of
sewage, receptacle which contains stagnant water, or other thing in such a
condition as to be injurious to health.
(vii) Pit or excavation, well, pond or quarry in or near any street which is or likely to become dangerous to the public;

(viii) Stable, cow house, pigsty, or other premises for the use of animals or birds which are in such a condition as to be injurious to the health of man or to those animals or birds;

(ix) Noxious matter, water or wastewater flowing or discharged from any premises into the street or into any gutter or side channel of a street;

(x) Accumulation or deposit or rubbish of any kind whatsoever, or any decaying animal or vegetable matter, whether in form of refuse, manure, decayed food, or in any other form whatsoever.

(xi) Growth of weed, cactus, long grass, reed or wild bush of any kind which may be injurious to health;

(xii) Vegetable that of itself is dangerous to children or adults either by its effluvia or through eating its leaves, seeds, fruits or flowers.

(xiii) Industrial effluent or trade emissions waste oil or chemical substances of any description not treated as required before discharge;

(xiv) Construction material including blocks, cement, sand, gravel, mortar, or iron rods etc dumped on any site or road sides in such condition that may cause obstruction, injury or be dangerous to Public Health;

(xv) Littered and or neglected surroundings of a building, including any home, office, factory, industry and commercial premises;

(xvi) Carcass of an animal in such a place and condition as to be injurious to health;

(xvii) Premises without a valid Environmental Health Status Report issued by a licensed Environmental Health Officer;

(xviii) Premises used for any activity where the doors leading into any of the rooms, excluding the main entrance to the premises open directly into any street;

(xix) Act, omission, place or thing, which is or may be dangerous to
1. life or injurious to health or property, or defiling to the aesthetics of the
2. environment.
3. 4. (1) An Environmental Health Officer shall if satisfied of the
4. existence of a nuisance, serve a notice, hereinafter called an abatement notice
5. as set out in the 1st schedule to this Act, and take all other appropriate actions as
6. necessary or as described in applicable regulations and relevant guidelines as
7. shall be issued by appropriate authority from time to time.
8. (a) on the person who cause or continue to cause the nuisance or,
9. (b) If such person cannot be found, on the premises, occupier or
10. owner/developer of the premises on which the nuisance was caused, requiring
11. him to abate the nuisance within the time specified in the notice, and to execute
12. such works, and to do such things as may be necessary for that purpose, and if
13. the Environmental Health Officer thinks it desirable, specifying any work to be
14. executed.
15. (2) The Environmental Health Officer may, by the notice under
16. subsection (1) of this section or by another abatement notice served on such
17. person or occupier or owner, requiring him to do what is necessary to prevent
18. the re-occurrence of the nuisance, and if he thinks it desirable, specify any work
19. to be executed for that purpose.
20. (3) The Environmental Health Officer may serve a notice
21. notwithstanding that the nuisance has been abated, if the Environmental Health
22. Officer thinks that it is likely to re-occur on the same premises.
23. (4) Where the nuisance is caused by any want or defect of a structural
24. character, or where the premises is unoccupied, the notice shall be served on the
25. owner or his agent or the developer or occupier of the premises.

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

5.-(1) Every premises from which food of any description is
produced, prepared or offered for sale to the public shall be registered with the
Environmental Health Authority in charge of the area where the premises is
located.
(2) The registration shall be renewed annually or such other interval. For such a registration to be renewed, all applicable regulations, and guidelines shall be met.

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

6. -(1) No person shall display or offer for sale to the public any food substance—liquid or solid, which may be injurious to the health of man.

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

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

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

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

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

PART III - WATER SANITATION

11. -(1) Standards for drinking water and their bacteriological and chemical examinations, together with the evaluation of results, shall conform to the criteria as set out in the Nigerian Standard for Drinking Water Quality as issued by the relevant government agency.
(2). The Director responsible for Environmental Health matters shall ensure nationwide compliance, and issue relevant guidelines for the regular monitoring of drinking water quality.

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

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

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

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

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

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

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

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

PART IV - BUILDING SANITATION

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

(2) Six copies of such plan shall be submitted by the applicant for this purpose.
16. -(1) No living room in any building shall have less than 10.8 square metres of useable floor area and average height of less than 3.0 metres and width of not less than 2.5 metres.

(2) Attics, penthouses and outhouses shall have a mean height of not less than 2.4 metres and useable floor area as specified in this part.

17. -(1) Every room shall contain at least one window in one wall opening directly to the external air and the total area of the window or windows in any one room clear of the frames shall be equal to at least one-eighth of the floor area of the room. Every room must also have provision for additional ventilation in the form of either a second window or large ventilator in one of the other walls and this may open on to an internal corridor if the latter is ventilated at both ends.

(2) Every building shall have at least two exit doors located at such points as to provide easy escape in case of a fire outbreak. In case of a building with more than one floor, an external staircase linked to every floor must be provided to serve as fire escape route.

18. -(1) On completion of any building and before occupation thereof, the building shall be inspected by the Environmental Health Officer in-charge of the area and the Building and or Town Planning Officer. If the minimum requirement for health is adequate, the Environmental Health Officer shall issue a certificate of fitness for habitation stating that the building is completed according to approved plan and fit for human habitation.

(2) If the building is to be altered in any way in the future, the Environmental Health authority shall be notified and an alteration approval obtained.

(3) Every building put up for rent and or lease shall meet the minimum requirement as stated in this Act and be in line with the Housing Health and Safety Rating System as issued by the Council.

19. -(1) Any person who contravenes any of the provisions of this
Part shall be guilty of an offence and shall be liable on conviction to a fine not less than ten thousand Naira only or in default of payment, to three months imprisonment for the first offence or to both fine and imprisonment for subsequent offences.

PART V - PUBLIC HEALTH PESTS AND VECTORS CONTROL

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

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

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

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

22. It shall be an offence for-

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

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

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

(2) If a body corporate contravenes the provisions of this section, shall on conviction be liable to a fine of not less than one hundred thousand Naira for the first offence and for subsequent offence, to a term of imprisonment for the
Director of the company not exceeding three months or both fine and
imprisonment.

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

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

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

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

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

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

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

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

28.- (1) The Council shall issue operational licence to qualified companies, that meet the basic requirements for the operation of waste collection and disposal facilities.
   (2) Such a licence shall be renewed every three years.

29. It shall be the responsibility of the owner or occupier of a premise to ensure that all wastes generated from the premises is collected, stored, transported and disposed of in a manner that will not constitute any danger to Public Health.
   (3) It shall be an offence for any company not to provide all the information required in this section or to provide false information.
   (4) Any proprietor of a company who contravenes any provision of this section shall be liable on conviction to a fine of 1 million Naira and a 3 month imprisonment for the Director of the company or both fine and imprisonment.
   (5) Any person who disposes of any waste in such a manner as to endanger public health shall be guilty of an offence and shall on conviction be liable to a fine not less than fifty thousand Naira or six months imprisonment or for both fine and imprisonment.

30.- (1) The Council shall issue operational licence to qualified hazardous waste, healthcare waste, sewage or wastewater collection companies that meet the basic requirements for the operation of such facilities, on the payment of appropriate fee.
   (2) Such a licence shall be renewed every three years.
   (3) Any license issued under this section shall be suspended, revoked or cancelled if the licensee fail to abide by either the terms of the license or
conditions specified in the applicable regulations and or guidelines, or the violation of the code for practice as the case may be.

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

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

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

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

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

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

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

PART IX: PORTS, VESSEL, AIRCRAFT AND LAND BORDER HEALTH AND SANITATION

32. -(1) The sanitation of Airport, Seaport, Vessels, Aircraft and
Land Borders of entry into the Country shall conform to the "International Health Regulations" and relevant national laws, regulations and guidelines.

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

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

PART XI - SANITARY REQUIREMENTS OF INDUSTRIAL ESTABLISHMENT AND OCCUPATIONAL HEALTH

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

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

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

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

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

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

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

PART XII - INDUSTRIAL CLEANING SERVICES

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

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

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

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

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

38. -(1) Any person who engage a company not licensed as a cleaning services company contravenes the provisions of this part and shall be liable on conviction to a fine not less than Twenty Thousand Naira or
three months imprisonment for the first offence and to a fine of Fifty Thousand
Naira and three months imprisonment for subsequent offences.

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

PART XIII - NOISE POLLUTION CONTROL

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

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

PART XIV - CONTROL OF COMMUNICABLE DISEASES

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

(a) declare such a place or any part thereof as an infected area;
(b) and may order the evacuation of the whole or any part of such
infected area.

(2) No person shall:

(a) reside or carry on business within any area declared as an infected
area and ordered to be evacuated; or
(b) enter or remain in the area except when passing along a
thoroughfare allowed to remain open to the public, without an order in writing
to that effect signed by a competent Medical Officer, and on the conditions
such Medical Officer may in such order direct.

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

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

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

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

PART XV - ENVIRONMENTAL HEALTH IMPACT ASSESSMENT

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

(2) The Minister shall ensure the production and regular review of
sectoral guidelines for Environmental Health Impact assessment.

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

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

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

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

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

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

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

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

PART XVI - ENVIRONMENTAL HEALTH TAX FUND

50.- (1) There shall be established a special fund to be referred to as Environmental Health Tax Fund.
(2) Every company in Nigeria shall pay a tax of one percent (1%) of its after tax profit to this fund.

51. These funds shall be used for the provision of essential Environmental Health infrastructure as Incinerators, Sanitary Landfill, Air pollution monitoring Stations, development of local capacity for production of waste collection and disposal equipment, research, environmental health laboratory facilities and capacity building.

52. -(1) There shall be established a Governing Board for the fund to be known as the Environmental Health Tax Funds Governing Board.

(2) The Board shall be responsible for the management of the Environmental Health Tax Funds.

(3) The Board shall be appointed by the President of the Federal Republic of Nigeria on the recommendation of the Minister.

53. -(1) The Environmental Health Tax Funds Governing Board shall comprise of:

(i) The Chairman who shall be a person licensed by the Council;

(ii) One representative of Manufacturer Association of Nigeria;

(iii) One representative of Society for Environmental Health of Nigeria.

(iv) One representative each to represent the Federal Ministries of Environment, Health and, Finance;

(v) One representative each from the Council for Regulation of Engineering in Nigeria, Environmental Health Officers Association of Nigeria and Environmental Health Officers Registration Council of Nigeria;

(vi) One representative of Oil Companies in Nigeria;

(vii) One person to from (National Council of Women Societies) to represent public interest.

(2) All Board members shall be appointed for a period of four years and may be re-appointed for one more term of four years only.
(3) The tenure of the Board shall be on part time basis.

54. The office of a member of the Board shall become vacant if-

(i) he resigns as a member of the Board by notice in writing under his hand addressed to the Minister; or

(ii) the Minister, subject to the approval of the President is satisfied that it is not in the interest of the Board or the nation for the person appointed to continue in office and notifies the member in writing to that effect;

(iii) it appears to the Board that a member of the Board other than an ex-officio member or the Executive Secretary, should be removed from office on the grounds of misconduct or inability to perform the functions of his office, the Board shall make a recommendation to the Minister.

The Minister, after making such enquiries as he considers necessary, approves the recommendation, shall, in writing, declare the office of such a member vacant.

(iv) The member dies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) The Board shall not have power to pay remuneration (including pensions), allowances or expenses to any employee of the Board or any
other person except in accordance with scales approved by the Minister. Board members shall, however, be entitled to such allowances as would be approved by the Minister.

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

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

62. These shall be paid out of the fund of the Board—

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

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

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

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

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

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

(2) The Board shall keep proper accounts in respect of each financial year and proper records in relation to those accounts and shall cause its accounts to be audited within 6 months after the end of each financial year to which the accounts relate by Auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.
PART XVIII - APPOINTMENT, DUTIES AND POWERS OF DIRECTOR,

ENVIRONMENTAL HEALTH SERVICES

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

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

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

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

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

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

(v) Coordinate Environmental Health Management Information System;

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

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

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

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

(i) Supervise and coordinate all Environmental Health Matters;

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

(iii) Maintain environmental health data bank;

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

PART XIX - GENERAL PROVISIONS

67. The Environmental Health Officer while acting as such shall have powers to enforce;

(a) the National Environmental Protection (Effluent Limitation) Regulation 1991;
(b) the National Environmental Protection (Pollution Abatement in Industries and Facilities Generating Waste) Regulations 1991;
(c) National Environmental Protection Management of Solid Waste and Hazardous Waste Regulations 1991;
(d) The National Environmental Health Practice Regulation, 2007;
(e) The National Environmental Sanitation Policy, 2005
(f) All regulation pertaining to Environmental Health, issued by the National Environmental Standards and Regulations Enforcement Agency and such other applicable or related laws and regulations.

68. Any person or body corporate who obstructs an Environmental Health Officer, any person authorised by him or any person engaged in carrying out the provisions of this Act shall be guilty of an offence and on conviction shall be liable to a fine not less than twenty thousand Naira or three months imprisonment for an individual or not less than fifty thousand Naira or 3 months imprisonment for the Chief Executive Officer/Director of the company.
69.- (1) An owner, occupier or agent of premises, commercial or
industrial establishments who failed or refused to pay prescribed charges for
collection of wastes from premises or for any other services provided for in
this Act, commits an offence and shall be liable on first conviction to
payment of a penalty of the initial charges plus 70% of the prescribed
charges in question. In the case of second offender, addition to payment of
the initial charges plus a penalty of 100%.

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

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

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

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

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

(a) the same to such person;

(b) By delivering the same, at the usual or last known place of
abode of such person, to some adult member or servant of his family.
73.- (1) If the owner or occupier of any premises on whom an order under the provisions of this Act has been served fails to comply with the terms thereof, the Environmental Health Officer, shall take all necessary legal action to effect the abatement of nuisances as the case may be.

74.- (1) Every Police Officer or any person shall give information to the Environmental Health Officer of any offence which he knows or has reason to believe has been committed against this Act and assist in the enforcement of the Act.

(2). The Environmental Health Officer in charge of an area shall co-ordinate the activities of all other agencies that may from time to time be involved in environmental health and related activities geared towards the protection of public health.

75.- (1) Where any nuisance appears to be wholly or partially caused or contributed to by acts or defaults of two or more persons. The provision of joinder of parties shall be invoked.

(2) In any proceeding, the onus shall be on the accused to prove that he did not engage in the activity in question or know that the company does not have a valid licence or permit or cause the nuisance to occur.

76. The Environmental Health Officers Registration Council shall issue a guideline on the modalities and procedure for franchising of Environmental Health services and every local government shall ensure that such guideline is adopted in the process of franchising of Environmental Health services in their area of jurisdiction.

77. The Health Officer shall not be liable to any action, liability or demand on account of anything done by him bona fide for the purpose of executing this Act.
78.- (1) It shall be legal for every Environmental Health Officer or Health Officer, while on duty in pursuance of the provisions of this Act, to use such means of information gathering including electronic gadgets/devices to collect evidence necessary for the execution of the provisions of this Act.

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

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

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

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

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

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

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

80. Based on the findings of the Environmental Health Ombudsman, any person or organisation may decide to request a competent court to award compensation for damages he may have suffered due to the Environmental Health violation.
81. The Minister of Environment shall have power to make regulations on, but not limited to:

(1) The keeping of animals and poultry, Pest and vector control, the prevention and control of pollution, regulation and control of public and private liquid waste disposal systems, setting of standards for the hygienic maintenance and use of public sanitary conveniences, disposal of derelict and abandoned vehicles, control of any trade or business declared as offensive, any other matter which, in the interest of Environmental Health, is concerned with or incidental to the protection, preservation and conservation of the Environment for Public Health and Safety; any other matter within his purview, which by this Act may be prescribed.

82. The Minister shall have power to make regulations on:

The prevention of the sale or distribution of any item of unprocessed food or drink; monitoring and ensuring the safety of water supplies and prevention of the supply and use of unsafe water for human consumption, control of the Environmental Health aspects of seaports, harbours, marines, border posts and airport; Control and prevention of occupational health hazards in places of employment; any other matter within his purview, which by this Act may be prescribed

83. The of Environmental Health Officer General of the Federation or any Director of Environmental Health Services of the state shall have power to issue guidelines on any issues covered by this Act or on such areas the Ministers may have issued regulations.

PART XX – INTERPRETATIONS

84. In this Act, unless the context otherwise requires-

“Abatement notice” is a notice issued and served by the Environmental Health Officer once satisfied of the existence of a nuisance on the person, including owner or occupier, whom by his acts of omission or commission, cause or continues to cause the existence of such a nuisance;

“Abatement order” is an order issued by a court of competent jurisdiction on to
the complaint of an Environmental Health Officer requiring a person to
whom it is issued to comply with the notice, or otherwise to abate the
nuisance within a time specified in such order;
"Abattoir" means a public or private slaughter house and comprises all land
and building, enclosed by a fence or walls, directly used for the slaughtering
and dressing of animals, including infrastructural facilities;
"Adult" means a person who is or appears to be fourteen (14) years of age or
over;
"Adulterated food" means a food containing the addition of any substance
that is not originally part of the said food to increase the quantity for the sake
of gain. The substance used for such adulteration may or may not be
dangerous or injurious to the consumer;
"Aerated Water Factory" means and includes any premises in which aerated,
mineral waters, packaged water and fruit drinks other than imported ones,
are prepared, processed and or stored for sale;
"Ancillary Services" means and includes any form of subsidiary or
supplementary service relating or incidental to Environmental Health and
Public Health protection;
"Food Animal" means any animal that may be slaughtered for human
consumption including but not limited to cattle, sheep, goats and pigs;
"Applicant" has the meaning assigned to the expression in general usage;
"Appraisal Report" is a report issued by a licensed Environmental Health
Officer affirming that the premises and buildings there-in is/are conducive
for use, continued use or habitation, as the case may be. Following this
report, certificate of fitness for use, continued use, habitation or continued
habitation may be issued;
"Approved butcher's shop" means a shop within a premises approved by the
Environmental Health Officer for the use of butchers, where meat, fish and
other meat and fish products are sold;
"Area built upon" is the area of a premises covered by the building together
with that of all out-houses appertaining to the house thereto. It shall not exceed
50% of the total area of the site for living premises and 75% for commercial
premises;
"Articles or beddings" include living things;
"Bake-house" means any premises set apart or intended for the preparation or
baking of bread and other confectionaries;
"Board" means Environmental Health Tax Funds Governing Board;
"Builder" means any person who is trained and engaged in the design,
construction, repair or alteration of any building;
"Building" includes any structure or erection of any kind and any alteration or
addition to any existing building;
"Building line" means the allowable minimum distance taken from the centre
of the road to the edge of the building;
"Certificate of fitness for Habitation or Continued Habitation" is the certificate
issued by the Environmental Health Officer in-charge of the LGA to the owner
of any premises prior to the occupation of such a premises or for continued
habitation or use of such a premises following an appraisal report written by a
licensed Environmental health Officer;
"Certificate of Fitness for Use or continued Use" This is the certificate issued
by the Environmental Health Authority in charge of the LGA to the owner of
any premises stating that the premises is conducive for use or continued use of
such a premises for the whatever it is being used for, following an appraisal
report affirming same issued by a licensed Environmental Health Officer;
"Chairman" means the Chairman of a Local Government Council;
"Child" means a child who is or appears to be fourteen years of age or below;
"Child Care Centre" means premises in which 5 or more children under the age
of 6 years are habitually received for the purpose of care and supervision during
part of the day or for longer periods;
"Closing Order" is an order issued by a court of competent jurisdiction on the
complaint of an Environmental Health Officer prohibiting any premises from
deleterious to life, or injurious to health, endangers life, offends the senses or produces discomfort to the community or property;

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

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

"Over Crowding" Means the living of more than two adults and one child in a room;

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

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

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

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

"Permit" means authorisation;

"Pest" means rodent, bird or insect or arthropod that harms or destroys food supplies, or structures or articles used by man or transmit any infectious disease substance or organism to man, his food or which may affect man's
health or quality of life;

“Pest control” means and includes all measures but not limited to fumigation,
spraying, derating aimed at reducing, controlling or eliminating of all insects,
rodents and other vermin of Public Health importance and other such measures
in the control of pest and other vermin of Public Health importance in a
community;

“Picnic Ground” Include Stadium, Beach, Parks and Gardens and all such
similar premises;

“Pollution” means man-made or aided alteration of chemical, physical,
ecological or biological quality of the environment beyond acceptable
threshold or limit;

“Polluter pays principle” Means that the person corporate or individual
responsible for the generation and introduction or production of any class(es)
of waste of any description, whether poisonous or not into the environmental
media shall be responsible for the safe disposal of such waste and shall bear the
cost of such disposal and any liabilities arising there from;

“Precautionary principle” means any situation arising, where there is
reasonable suspicion of harm, and there is scientific uncertainty as to suspicion
of harm, all concerned have a duty to take all necessary action to prevent such
harm. The burden of proof of safety shall rest with all those whose acts raise the
suspicion of harm in the first place;

“Premises” includes passage, building, land, tenement, vehicle, van, ship or
vessel and aircraft in any port or on any inland waters used or intended for use
by man and includes-

(a) A dwelling-house or a building within the courtyard of a dwelling
house, building, land, tenement, hotel, school, recreational facility, factory,
vehicle, van, and ship or vessel in any port or on any inland waters;

(b) The ground immediately outside any dwelling-house or any
building within the cottage of a dwelling house; or

(c) A compound.
"Premises file" means a file opened by the Environmental Health Officer in charge of a given area which contains such information pertaining to such premises including the name and address of the owner as well as a copy of the approved building plan of such a premises and other necessary information for such a given premises;

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

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

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

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

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

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

"Right of Entry" is the power granted the Environmental Health Officer whilst on duty and upon identification to enter any premises between the hours of six o'clock in the morning and six o'clock in the evening for the purpose of ascertaining whether a nuisance exists on the premises or for any other lawful purpose;
“Sanitary Permit” means an authorisation issued by the Environmental Health Officer in charge of an area after the applicant has met all the Environmental Health criteria established by applicable laws, regulations and guidelines authorising the person it is addressed to commence or continue what ever activity specified in the said permit;

“School” means an institution of learning which may be public, or private.

"Slaughter" means and includes any form of killing of animal, bird intended for human consumption, whether manual or mechanical;

“Slaughter house” means a designated place where animals meant for the food of man are slaughtered;

“Slaughter Permit” means an authorisation issued by a veterinary officer in charge of an area and where not available, by an Environmental Health Officer, authorising the person mentioned in such a permit to slaughter an animal for human consumption;

“Sealing order” means an order issued by the Environmental Health Officer General of the Federation, or of a State or the Head of Environmental Health services of a Local Government, once satisfied of the existence of a nuisance which is a threat to Public Health and or Public Safety, in exercise of the power under this Act ordering the sealing of the premises in the interest of public Health and or Safety, until the time when the Environmental Health Officer is satisfied that the nuisance no longer exist;

“Tolerant limit” means the allowable threshold or amount of atmospheric contaminant which can be tolerated by man for continuous daily exposure with no impairment of health or well-being either immediate or after a long period of exposure;

“Town Planning Authority” means the planning authority established under the relevant laws and having authority in a specific area of jurisdiction; or where no such authority has been established, a committee charged with the exercise of the powers and functions conferred by these laws upon the town planning authority;
being used for human habitation, business or for any other purpose;

"Commissioner" unless otherwise stated, means the State Commissioner charged with the responsibility for Environmental Health matters;

"Communicable diseases" means an illness due to a specific infectious agent or its toxic products which arises through transmission of that agent or its products from an infected person, animal, or inanimate reservoir to a susceptible host, either directly or indirectly through an intermediate plant or animal host, vector or the inanimate environment;

"Company" means and includes an association or a body of persons whether corporate or unincorporated;

"Council" means Environmental Health Officers Registration Council of Nigeria;

"Court" means a court of Law, either, magistrate, High court or special tribunal upon which jurisdiction to enforce the provisions of this Act is conferred;

"Dairy" means and includes any farm house, cowshed, milk store, milk shop or other place from which milk, other than imported preserved milk, is supplied, or in which milk, other than such imported milk, is kept for sale;

"Day Care Centre" means a premises in which 5 or more children under the age of 6 years are habitually received for the purpose of care and supervision during part of the day or for longer periods;

"Designated laboratory" means a laboratory designated by the Director Environmental Health as competent to carry out tests on such Environmental Health related specimen/s as stated in the letter of designation;

"Developer" Means a person who develops or cause to develop land, plot, real estate and things pertaining to it;

"Director of Company" Means person duly appointed by the company to direct and manage the business of the company as described in Company
and Allied Matters Act 1990 as amended;

"Director Environmental Health Services" means a licensed Environmental Health Officer appointed by the Federal or State government as stated in this Act;

"Drain" means and include outlet, trench, waste pipe, and sewer designed to drain off water;

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

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

"Environment" means and includes water, air, lands, plants and animals living there in and the interrelationships that exist there in;

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

"Environmental Health Fund" means funds generated from the payment of Environmental health tax and revenues generated through fines and sundry charges from Environmental health activities;

"Environmental Health Tax Fund" means a 1% after-tax profit paid by all companies in support of environmental health infrastructures development like incinerator, sanitary landfill environmental health research, training etc;
"Environmental Health Officer" means an officer who has undergone the
prescribed training for Environmental Health Officers and is licensed in line
with Act 11 of 2002 to practice as an Environmental Health professional in
Nigeria;

"Environmental Health Status Report": Means a report written and signed
by a licensed Environmental Health Officer after the inspection of the
premises or facility being reported upon;

"FEPA" means Federal Environmental Protection Agency;

"Food" means any item that forms part of human diet;

"Food handling" means any process or procedure to which food item is
subjected to;

"Food premises" means any place where food is produced, either in its
natural form, stored, processed, preserved, or prepared, exposed for sales or
served for human consumption;

"Foreign company" any company partly owned by a foreigner or a company
which has a subsidiary in any other country outside Nigeria, or whose 20%
or more of its total share capital in Nigeria is held by non Nigerian citizen(s);

"Gutter" means and include trough, sewer, channel, trench or groove;

"Government" means the Federal, State, or Local Government;

"Health authority" means the authority in charge of Environmental health at
all the tiers of Government;

"Health institution" includes both Public and Private hospitals, clinics,
maternity homes, Health Centres, and Dispensaries;

"Health Impact Assessment" means and includes the determinant of the
well-being and quality of life of the people by assessing the impact on health
of all proposed policy options, programmes, projects, construction or
existing project in any form or design and continuous monitoring of such to
ensure the protection of public health;

"Health Officer" means and includes a Medical Officer, an Environmental
Health Officer, or any other Officer acting under the authority of the
government, and whether such officer is serving in the Environmental Health
or Primary Health Care Department of the Federal, State, or Local Government
or non public officer;
“Illegal Market” means and includes any establishment designed to sell or
display for sale or offer for sale of goods, wares articles or things or provision
of services in any place, neighbourhood or Street, pedestrian or walkway or bus
stop not approved by the relevant government authority;
“Industrial Cleaners” means and includes any company or individual engaged
in the provision of such services as cleaning, sweeping and related sanitation
activities for a fee;
“Industrial Cleaning Service” means the engagement of a company to clean
homes offices or public places or such similar other places for a fee.
“Kindergarten” A school, which provides a daily programme of at least 2 hours
for children of age 3 to 6 years;
“LGA” Means Local Government Area;
“License” means permission granted to any person corporate or individual,
officially authorised, endorsed or certified by the appropriate Environmental
Health Authority to carry out sanitation services such as cleaning, sweeping or
any other sanitation activities including waste collection, transportation and
disposal;
“Life fence” means a fence of growing plant material;
“Living room” means and includes any bedroom, sitting-room or parlour,
lounge, hall, dinning room or any other room which between the hours of
sunset and sunrise is ordinarily used for sleeping purposes or used for living
purposes but does not include an attic, and an out-house, a kitchen, pantry,
store-room, bathroom or toilet;
“Minister” Means the Minister responsible for Health matters;
“Minister of Environment” Means the Minister responsible for Environment
Matters;
“Nuisance” means any act, omission, place or thing which is or appears to be
"Vector" means an insect that causes or transmits any infectious substance, organism to man, the food of man or which may affect man's health;

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

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

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

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

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

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

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

85. This Bill may be cited as the Environmental Health Control Bill, 2019.
First Schedule

Form E. H. 1

FEDERAL REPUBLIC OF NIGERIA

LOCAL GOVERNMENT AREA, STATE

ENVIRONMENTAL HEALTH DEPARTMENT

ABATEMENT NOTICE

To: .................................................................................................................................

of .................................................................................................................................

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

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

And for that purpose to ...................................................................................................

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

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

and to prevent the recurrence of the nuisance.

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

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

Environmental Health Officer

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

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

Name of witness ...........................................................................................................Environmental Health Officer.
Second Schedule

FEDERAL REPUBLIC OF NIGERIA
ENVIRONMENTAL HEALTH DEPARTMENT

SEALING ORDER

Name of Contravener: ............................................................................................................

Address of Contravener: ........................................................................................................

Nature of Contravention: ........................................................................................................

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

Adverse effect of Contravention: ..........................................................................................

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

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

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

Date:..................................................................................................................................

I .......................................................................................................................... Environmental Health Officer General of the Federation
or .......................................................................................................................... State or in charge of .................................................................................. LGA hereby order the sealing up of
...........................................................................................................................................

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

In the interest of Public Health, for the reasons given above.

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

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

LGA

I .......................................................................................................................... Magistrate in ................................ Magisterial District hereby
affirm the sealing order on the basis of the facts deposed to in the verifying affidavit supporting this process
and this ......................................................................................................................... very premises in default shall remain so
sealed until the contravention so alleged is/are abated.
This Order is given under my hand .................... day .............................. 200...

Signature of Magistrate.
EXPLANATORY MEMORANDUM

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