

## Section

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## CHAPTER 139

## PUBLIC HEALTH LAW.

A Law to make provisions for public health and for matters connected therewith.

L. of N. 1948 Cap. 183. N. 16 of 1950, (s. 244 and Sixth Schedule), Order 47 of 1951 L.N. 131 of 1954, L.N. 47 of 1955, L.E.N. 1963 Cap. 103

[26th July, 1917]

Commencement

1. This Law may be cited as the Public Health Law.
2. This Law shall apply to and be in force in the area of authority of any local government council.

Citation

Application

3. (1) In this Law-  
"dairy" 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;

Interpretation

"health officer" includes a medical officer of health, a sanitary inspector or other person acting under the authority, whether general or special, of the medical officer of health, and whether or not such of sanitary inspector or other person is serving in the medical department of Government or is in the service of a local government council;

"infectious disease" in relation to human beings, includes any disease of an infectious or contagious nature which the Commissioner may by public notice declare to be an infectious disease within the meaning of this Law;

"medical officer" includes a medical officer in the service of the Government and includes medical practitioner employed by the Government or by a local government council for the purpose of this Law;

*Public Health Law*

"premises" includes messuages, buildings, lands, tenements, hereditaments, vehicles, tents, vans, structures of any kind, drains, ditches or places open, covered or enclosed, and any ship or vessel in any port or on any inland waters.

- (2) All terms defined in the Townships Ordinance shall in this Law have the meaning assigned to those terms by the said Townships Ordinance.

*Medical Officers of Health*

Appointment  
of medical  
officers of  
health

4. The Commissioner may appoint any medical officer to be the medical officer of health for any area, and in the absence of any such appointment for any area the officer in medical charge of the area shall be the medical officer of health for the area.

Provided that the medical officer of health appointed by any Local Government Council shall be the Medical Officer of health for that Council.

Senior health  
officers

5. Every senior health officer shall be a medical officer of health, and whilst on duty in any place, shall have power to direct the sanitary work of such place and to give instructions to all sanitary inspectors, whether in the employment of the Government or not.

Duties of  
medical  
officers of  
health

6. It shall be the duty of every medical officer of health to inspect the areas to which he is appointed and to abate nuisances and otherwise to enforce the powers vested in him relating to public health.

*Nuisances*

Nuisances  
which may be  
abated  
summarily

7. The following shall be deemed to be nuisances—
- (a) any premises in such a condition as to be injurious to health;
  - (b) any premises which are so dark 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;

*Public Health Law*

- (c) any premises which contain rat holes or rat runs or other similar holes or which are infested with rats or in which the ventilating openings are not protected by gratings in such manner as to exclude rats therefrom;
- (d) any pool, ditch, gutter, watercourse, cesspool, drain, ashpit, refuse pit, latrine, dustbin, washing place, well, water tank, barrel, sink, collection of sullage water, receptacle containing stagnant water, or other thing in such a state or condition as to be injurious to health;
- (e) any animal or bird so kept as to be injurious to health of man or molesting to neighbours and any animal or bird suffering from a noxious or contagious disease;
- (f) any hole or excavation, well, pond or quarry in or near any street which is or is likely to become dangerous to the public;
- (g) any stable, cowhouse, 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 of such animals or birds;
- (h) any noxious matter or water flowing or discharged from any premises into any public street or into any gutter or side channel of any street;
- (i) any accumulation or deposit of rubbish of any kind whatever, or any decaying animal or vegetable matter, whether in the form of refuse, manure, decayed or tainted food, or in any form whatever;
- (j) any growth of weeds, cactus, long grass, reeds or wild bush of any kind which maybe injurious to health, and any vegetable that of itself is dangerous to children or others either by its effluvia or through eating its leaves, seeds, fruits or flowers;
- (k) any premises certified by the health officer to be so overcrowded as to be injurious or dangerous to the health of the inmates;
- (l) any premises on which servants or workmen are employed and suitable and adequate sanitary conveniences are not provided;

- (m) any act, omission, place or thing which is or may be dangerous to life, or injurious to health or property;
- (n) any, plant or tree which may be specified by the Commissioner, by a notice published in the Abia State Gazette on the recommendation of a medical officer of health, as being favourable to the breeding of mosquitoes, found in any area which may be specified in the said notice.

Notice  
regarding  
abatement of  
nuisances

8. (1) A health officer shall, if satisfied of the existence of a nuisance, serve a notice, hereinafter called an abatement notice, on the person by whose act, default or sufferance the nuisance arises or continues, or, if such person cannot be found, on the occupier or owner of the premises on which the nuisance arises requiring him to abate the same within the time specified in the notice, and to execute such works, and to do such things as may be necessary for that purpose, and, if the health officer think it desirable (but not otherwise), specifying any works to be executed.
- (2) The health officer may also by the same or another notice served on such person, occupier or owner require him to do what is necessary for preventing the recurrence of the nuisance, and, if he think it desirable, specify any works to be executed for that purpose, and may serve that notice notwithstanding that the nuisance may for the time being have been abated if the health officer consider that it is likely to recur on the same premises.
- (3) Where the nuisance arises from any want or defect of a structural character, or where the premises are unoccupied, the notice shall be served on the owner.
- (4) Where a notice has been served on any person (including an occupier or owner) under this section and either—
- (a) the nuisance arose from the wilful act or default of such person; or

- (b) such person fails to comply with any of the requisitions of the notice within the time specified, shall be liable to a fine of two thousand naira.

9. (1) If either—

- (a) the person (including the occupier or owner) on whom an abatement notice has been served as aforesaid makes default in complying with any of the requisitions thereof within the time specified; or

On non-compliance with notice, court may make nuisance order

- (b) the nuisance, although abated since the service of notice, is, in the opinion of the health officer, likely to reoccur on the same premises, the health officer shall make a complaint and the court hearing the complaint may make on such person a summary order, in this Law referred to as a nuisance order.

- (2) A nuisance order may be an abatement order, a prohibition order, or a closing order, or a combination of such orders.
- (3) An abatement order may require a person to comply with any of the requisitions of the notice, or otherwise to abate the nuisance within a time specified in such order.
- (4) A prohibition order may prohibit the recurrence of a nuisance.
- (5) An abatement order or prohibition order shall, if the person on whom the order is made so requires, or the court considers it desirable, specify the work to be executed by such person for the purpose of abating or preventing the recurrence of the nuisance.
- (6) A closing order may prohibit any premises from being used for human habitation.
- (7) A closing order shall only be made where it is proved to the satisfaction of the court that, by reason of a nuisance, premises are unfit for human habitation, and, if such proof is given, the court shall make a closing order, and may impose a fine of three thousand naira.

- (8) The court when satisfied that the premises have been rendered fit for human habitation, may declare that it is so satisfied and cancel the closing order.
- (9) If a person fails to comply with the provisions of a nuisance order with respect to the abatement of a nuisance he shall, unless he satisfies the court that he has used all due diligence to carry out such order, be liable to a fine of one hundred and fifty naira a day during his default; and if a person knowingly and wilfully acts contrary to a prohibition or closing order he shall be liable to a fine of three hundred naira a day during such contrary action; moreover the health officer may enter the premises to which a nuisance order relates, and abate or remove the nuisance, and do whatever may be necessary in execution of such order.
- Power to sell premises 10. (1) If an order of the court or notice of the health officer 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 health officer may apply to the court for an order to have the nuisance abated, and all costs of and expenses incurred in connexion therewith shall be paid to the health officer by the occupier or owner, and may be recovered as a debt.
- (2) If no owner or occupier can be found or if the expenses are not paid within six months after the completion of the abatement of such nuisance, the court may order the premises upon which the work shall have been done, or any part thereof, or any movable property found thereon belonging to such occupier or owner to be sold to defray the said cost and expenses.
- (3) The rules of court relating to sales in execution of decrees shall *mutatis mutandis* apply to such sale.
- Right of entry 11. (1) (a) It shall be lawful for the health officer to enter any premises at any time between the hours of six in the morning and six in the evening for the purpose of

- examining as to the existence thereon of any nuisance, or until a nuisance found to exist has been abated or the works ordered to be done are completed or the closing order is cancelled as the case may be, and when a nuisance order has not been complied with or has been infringed, to enter premises at all reasonable hours for the purpose of securing the execution of the order.
- (b) If the admission to premises is refused, the court may require the person having the custody of the premises to admit the health officer into the premises during the prescribed hours, and if no person having the custody of the premises is found the court may authorize the health officer forcibly to enter on such premises.
- (2) Any such order shall continue 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 shall be liable to a fine of one thousand five hundred naira.
12. All reasonable costs and expenses incurred in serving the notice, making a complaint or obtaining an order or 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 of the person by whose act, default or sufferance the nuisance was caused; and 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 owner of such premises. Cost of execution relating to nuisances
13. (1) Whoever by any act or default causes or suffers to be brought or to flow into any well, stream, tank, reservoir, aqueduct or pond used or intended for supplying water to man or beast or into any conduit communicating therewith Fouling water

any deleterious substance or does any act whereby such water is or may be fouled shall be liable to a fine of one thousand five hundred naira and a further sum of two hundred naira for everyday during which the offence is continued after conviction.

- (2) Such penalties may be recovered during the continuance of the offence or within one calendar month after it has ceased.

Health officer  
may inspect  
food exposed  
for sale and  
condemn  
unsound food.

14. The health officer may, at all reasonable hours, inspect any carcass, meat, poultry, game, fish, vegetables, corn, bread, flour, or other provisions exposed for sale or deposited in any place for the purpose of sale or of preparation for sale and intended for the food of man, the proof that the same was not exposed for sale or deposited for purpose of sale or preparation for sale and was not intended for the food of man resting with the party charged; and if any such article appears to the health officer to be diseased or unwholesome or unfit for the food of man he may condemn the same and order it to be destroyed or so disposed of as to prevent it from being used for the food of man, and the person to whom it belongs or in whose possession or premises it was found shall be liable to a fine of one thousand five hundred naira for every article condemned, and for any subsequent conviction, to a fine of seven thousand five hundred naira or to imprisonment for six months.

Search  
warrant

15. If any health officer or police officer shall show reasonable cause the court may grant a warrant to enter any building in which there is reason for believing that there is kept any animal, carcass, meat, poultry, game, fish, vegetables, corn, bread, flour, or other provisions intended for sale for the food of man, which are diseased, or unwholesome, or unfit for the food of man, and to search for, seize, and carry away any such animal or other article in order to have the same dealt with by the court.

Penalty for  
obstructing  
officer with  
search warrant

16. Any person who hinders, prevents or obstructs any such officer in the performance of his duty under such search warrant shall be liable to a fine of two thousand naira (owner or occupier to clean sheets near his premises)

### Infectious Diseases

17. (1) Whenever an infectious disease shall have broken out in any place, the Commissioner may by public notice declare such place or any portion thereof to be an infected area and may in like manner order the evacuation of the whole or any part of such infected area.

Declaration of  
infected area  
and order for  
evacuation

- (2) It shall not be lawful for any person to reside or carry on business within any infected area or portion thereof which is comprised in an order for evacuation, or to enter or be therein, except when passing along a thoroughfare, allowed to remain open to the public, without an order in writing to that effect signed by a medical officer, and upon such conditions as such medical officer may in such order direct.

- (3) Penalty for a first offence a fine of three thousand seven hundred and fifty naira or three months' imprisonment and for subsequent offences a fine of seven thousand five hundred naira or six months' imprisonment, or both.

18. Any person, licensed to sell intoxicating liquors in premises situated in any infected area comprised in an order for evacuation, shall be entitled to a transfer of the licence to premises situated outside the infected area where no higher licence fee is payable unless the Commissioner shall order a refund of the whole or any portion of the fee paid for the licence.

Spirit and  
wine and beer  
licences in  
area ordered to  
be evacuated

19. Whenever in the opinion of the medical officer of health, there is reason to suspect that a person has died of an infectious disease, it shall be lawful for the medical officer of health to order that the body of the deceased person shall be conveyed to such place as the medical officer of health shall appoint, for such examination as he may consider necessary.

Power to order  
post mortem  
examinations

20. A health officer may cause to be placed on or about any premises in which any case of infectious disease has occurred any mark which he may deem advisable for the purpose of denoting the occurrence

Marking of  
premises  
where  
infectious  
disease has  
occurred

- of such disease, and may keep such mark affixed for such time as he may deem necessary, and any person removing or obliterating any such mark without the authority of a health officer shall be, liable to a fine of one thousand naira.
- Disinfection** 21. A health officer may order the disinfection of any building in which any case or suspected case of infectious disease has occurred and of any article or thing in such building.
- Power for health officer to order destruction of house, building or anything** 22. (1) The medical officer of health may order the destruction of any building in which a case of infectious disease has occurred, or of any article or thing which may be considered necessary in the interest of the public health.
- (2) Any such order shall be carried out in such manner and by such person as the medical officer of health may direct.
- Destruction of animals** 23. A medical officer of health may order the destruction of any animals which he has reason to believe are likely to be agents in the transmission of an infectious disease, and may dispose of the carcasses of any animals so destroyed in such manner as he may think proper.
- Removal and detention of infected persons and suspects** 24. A medical officer of health may cause any person suffering or suspected to be suffering from an infectious disease to be removed to a Government hospital or other place provided by the Government or by a local government council to be suspects detained there until he can be discharged with safety to the public.
- Isolation of contacts** 25. A medical officer of health may order any person living in the same house or compound, or otherwise brought into contact with any person suffering or suspected to be suffering from an infectious disease, to be isolated in such place as the Government may provide, until he can be discharged with safety to the public, and every person authorized by the medical officer of health to carry out such order may use such force as is necessary to compel obedience to such order.

26. (1) When an inmate of any house is suffering from an infectious disease, the head of the family and in his default the person in attendance on the patient and in default of such person the occupier or owner of the building shall, as soon as he becomes aware that the patient is suffering from an infectious disease, give notice thereof orally or in writing to the medical officer of health. It is incumbent also upon every medical practitioner consulted by or in attendance on any patient suffering from an infectious disease to give such notice.
- (2) If anyone liable to give notice fails to give the notice required, he shall be liable to a fine of one thousand naira or to imprisonment for two months:
- Provided that if a person is not liable to give notice in the first instance but only in default of some other person, he shall not be liable to a penalty if he satisfies the court that he had reasonable cause to suppose that the notice had been duly given.
27. (1) A health officer may by notice in writing, require the owner of any bedding, clothing or other articles, which have been exposed to infection to cause the same to be delivered to such health officer for removal for the purpose of disinfection.
- (2) The bedding, clothing and articles shall be disinfected by the health officer, and shall be brought back and delivered to the owner free of cost.
28. Any person who knowingly lets for hire any house in which any person has been suffering from any infectious disease without having had such house and the articles therein properly disinfected to the satisfaction of the medical officer of health shall be liable to a fine of two thousand naira.

Notification  
of infectious  
diseaseRemoval of  
bedding and  
clothing for  
disinfectionLetting  
infected  
houses



Acts tending  
to the spread  
of disease

29. Any person who—
- (a) while suffering from an infectious disease or being in charge of any person so suffering, does any act or thing which tends to the spread of the disease; or
  - (b) gives, lends, sells, transmits or exposes without previous disinfections any bedding, clothing or other article which has been exposed to infection, shall be liable to a fine of two thousand naira or to imprisonment for three months.

Infected  
persons  
entering public  
conveyance  
without notice  
to the person  
in charge

30. Any person who, while suffering from any infectious disease, enters any ship or public conveyance without previously notifying to the person in charge thereof that he is so suffering, shall be liable to a fine of seven hundred and fifty naira or to imprisonment for one month, and in addition may be ordered to pay to the owner of the ship or public conveyance the amount of any expense such owner may incur in disinfecting such ship or public conveyance.

Disinfection  
of public  
conveyances

31. Every person in charge of any ship or public conveyance shall, to the satisfaction of the medical officer of health, immediately provide for the disinfections of such ship or public conveyance after it has to his knowledge conveyed any person suffering from any infectious disease, and if he fails to do so, shall be liable to a fine of one thousand naira

Provided that where the person in charge or owner of any such ship or public conveyance is unable in the opinion of the medical officer of health effectually to cleanse and disinfect such ship or public conveyance, the same may be cleansed and disinfected by the medical officer of health at the expense of the person or owner.

Apprehension  
of persons in  
public streets  
suffering from  
infectious  
diseases

32. Every health officer, administrative officer, police officer may apprehend and take, or cause to be apprehended or taken, to a hospital any person whom he shall find in any public street, public place, shop or public conveyance suffering from any infectious disease.

Appointment  
of house  
visitors

33. (1) When any infectious disease is epidemic in any place, the Commissioner may appoint whatever medical or other officers he may think fit to be visitors therein.
- (2) Such officers may enter any premises in which there may be, or be suspected to be, any case of infectious disease and examine such premises and give such order as to the cleansing or disinfections thereof or otherwise as they shall consider necessary.

Compensation

34. (1) The owner of any building, article or thing destroyed under an order made in pursuance of section 22, and the owner of any animal killed under an order made in pursuance of section 23, shall be entitled to compensation to be paid either out of general revenue or out of the funds of a local government council as may be prescribed or as the Commissioner may direct.
- (2) All claims for compensation under this section or under any rules under section 38, shall be heard and determined by a compensation board which the Commissioner hereby empowered to appoint, consisting of two persons, one of whom shall be unconnected with the public service.
- (3) The unofficial member of the board shall be entitled to his actual out-of-pocket expenses, and the Commissioner may, at his discretion, allow to him such further remuneration as he may think fit.
- (4) In appointing any compensation board, the Commissioner may—
- (a) define the limits of the jurisdiction of the board;
  - (b) appoint any member by name or ex officio;
  - (c) in case, any person appointed shall be or become unable or unwilling to act, or shall die, appoint another member in his place.

Time within  
which claims  
for  
compensation  
shall be made

- (5) Every appointment made under this section shall be notified in the *State Gazette*.
  - (6) A compensation board shall have all the powers of the High Court to summon witnesses, and to call for the production of books, plans or documents and to examine witnesses and parties on oath and all persons summoned to attend and give evidence or to produce books, plans or documents shall be bound to obey the summonses served upon them as fully in all respects as if the summonses had been issued by the High Court, and shall be entitled to like expenses as if they had been summoned to attend such court on a criminal trial, if the same shall be allowed by the board, but the board may disallow the whole or any part of such expenses in any case if they think fit.
  - (7) If the two members of a compensation board are unable to agree on the amount of compensation to be awarded (or on any point of practice or procedure arising before them), the amount or such compensation (and the point of practice or procedure) shall be referred for decision to a judge of the High Court, who shall for purposes of the reference be deemed to be a member of the compensation board, and whose decision shall be deemed to be the decision of the board.
  - (8) The award of the compensation board shall be in writing, signed by the members or by the judge, as the case may be, and shall be final.
  - (9) Any witness who shall willfully give false evidence in any proceedings before a compensation board shall be guilty of perjury and be liable to be prosecuted and punished accordingly.
35. Every claim for compensation shall, within two months after the happening of the event in respect of which the claim is made, be sent either directly to the compensation board or to an administrative officer for transmission to such board: and no claim which has not been sent to either such board or officer within the said period of

- two months shall be entertained unless with the consent of the Commissioner.
36. No civil proceeding of any kind whatsoever shall, without the written consent of the Attorney-General, be brought against any person for damages or compensation in respect of any measures taken or to be taken under this Law to prevent the spread of any infectious disease. Restriction on civil proceedings
  37. Where a person in charge of or in attendance on or living with a person suffering from an infectious disease is charged with an offence against this Law, relative to such infectious disease, he shall be presumed to have known of the existence of such disease in such person unless and until he shows to the satisfaction of the court that he had not such knowledge and could not with reasonable diligence have obtained such knowledge. Presumption of knowledge
  38. The Commissioner may make rules— Power to make rules
    - (a) for isolating all persons suffering or suspected to be suffering from an infectious disease, or brought into contact with any person so suffering, or suspected;
    - (b) for inspecting and granting permits to persons traveling by sea or land from a place where an infectious disease has occurred, and for disinfecting their clothes and effects;
    - (c) for closing, destroying, disinfecting, cleaning or otherwise rendering harmless, houses, buildings, latrines, wells, dustbins, dumping grounds and any place that by reason of the existence of infectious disease it may be deemed advisable so to deal with;
    - (d) for prohibiting the removal of property from infected houses;
    - (e) for prescribing the mode of burial or disposal of the bodies of persons dying from an infectious disease;
    - (f) for the removal of persons from an infected area the evacuation of which has been ordered by the Commissioner;



## Public Health Law

- (g) for establishing a cordon around any place where an infectious disease has occurred or otherwise preventing persons departing from or going to any such place;
- (h) for prescribing the reporting of cases of sickness and death;
- (i) for the disposal or destruction of refuse and sewage;
- (j) for the erection of temporary huts, mortuaries and similar buildings by the chiefs or headmen of towns or villages;
- (k) prescribing the acts or things, done under any rule, in respect of which compensation may be paid;
- (l) for declaring whether compensation shall be paid out of general revenue, or out of the funds of a local government council;
- (m) for the publication within the area affected of any notice under section 17 or rule made under this section;
- (n) for prescribing the procedure to be adopted by a compensation board; and
- (o) generally, for the better carrying into effect of any of the provisions of this Law relating to infectious diseases.

## Legal Proceedings

Penalty for  
obstructing  
execution of this  
Law

39. Any person who willfully hinders, prevents, or obstructs any health officer or other person in the execution of this Law shall be liable to a fine of one thousand naira

Obstruction of  
owner by  
occupier

40. If the occupier of any premises prevents the owner thereof from obeying any order made under or carrying into effect any of the provisions of this Law, the court, on complaint, and on proof of such prevention, shall by order require such occupier to permit the execution of any works which appear to the court necessary for the purpose of obeying such order or carrying into effect such provision, and if, within twenty-four hours after service on him of the order such occupier fail to comply therewith, he shall be liable to a fine of one thousand naira for every day during the continuance of such non-compliance.

## Public Health Law

41. For every contravention of the provisions of this Law and for every omission to do anything required to be done by or under this Law for which no other penalty is provided, the offender shall be liable to a fine of four thousand naira. General penalties
42. (1) Penalties, fines, costs and expenses, the recovery of which is not otherwise provided for, shall be recoverable upon summary trial. Recovery of penalties
- (2) Penalties, fines, costs and expenses imposed by or recoverable under any rule made by a local government council under this Law may, as against persons subject to the jurisdiction of a customary court, be sued for and enforced in a customary court.
43. (1) A notice, order or document required or authorized by this Law to be served on the owner or occupier of any premises shall be deemed to be properly addressed if 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, or, if there is no such person, on the premises to whom the same can with reasonable diligence be delivered, by fixing the notice on some conspicuous part of the premises. Service of notice
- (2) A notice, order or document required or authorized by this Law to be served on any person (including an owner or occupier) may be served-
- (a) by delivering 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.
44. (1) The occupier of any premises shall, if required by any health officer or any police officer, give his name and the name and address of the owner of the premises if known. Occupier to give information

- (2) Any occupier declining to give or willfully mis-stating the name or address either of himself or of the owner shall be liable to a fine of one thousand naira.
- Duties of Police** 45. Every police officer shall give information to the health officer of any offence which he knows or has reason to believe has been committed against this Law.
- Sanitary inspectors to have power of constables** 46. Every sanitary inspector while acting as such shall, by virtue of his appointment and without being sworn in, be deemed to be a police officer and have all powers and privileges of a police officer for the purpose of the execution of his duty under this Law.
- Joinder of parties** 47. Where any nuisance appears to be wholly or partially caused or contributed to by the acts or defaults of two or more persons (including an owner or occupier), any order may be served on one or several or all of such persons and proceedings may be instituted against one or several or all of such persons, whether in one proceeding or not, and one or several or all such persons may be ordered to abate such nuisance so far as the same appears to the court to be caused by his or their acts or defaults or may be prohibited from continuing any acts or defaults which the court finds as a matter of fact contributed to such nuisance, or may be fined or otherwise punished notwithstanding that the acts or defaults of any one of such persons would not separately have caused a nuisance, and the costs may be distributed as to the court may appear fair and reasonable.
- Burden of proof** 48. Where in any proceeding under this Law, any person is summoned or otherwise dealt with as the occupier of premises if he alleges that he is not the occupier, the proof of such allegation, shall be on him.
- Protection of health officer** 49. A health officer or other person 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 Law.

## CHAPTER 139

## PUBLIC HEALTH LAW

## SUBSIDIARY LEGISLATION

## Public Health Rules

*made under sections 40 (and also 41 and 42 of the Public Health Ordinance formerly Chapter 183 of the Laws of Nigeria, 1948)*

L.E.N. 1963  
Cap. 103  
L. of N. 1948  
Vol. IX p.423  
N.L.N. 47 of  
1951. E.R. Rules  
2 of 1952. N.L.N.  
131 of 1954

1. These rules may be cited as the Public Health Rules.
2. "Council" in any area or place, shall mean the council for such area for the purposes of these rules.

## PART I—INFECTIOUS DISEASES

3. When any case of infectious disease or suspected infectious disease is notified to the medical officer of health, he shall immediately visit and inspect, or appoint some fit and proper person to visit and inspect, the individual alleged to be suffering from the infectious disease; and, on being satisfied that the case is one of infectious disease, he may order such individual and all individuals who have been in contact with the case to remain on the premises where the case was at the time of infection, or he may cause them to be removed to an infectious diseases hospital, or other suitable place provided for the reception of cases suffering from an infectious disease, or for the segregation of contacts.
4. A medical officer of health or any sanitary inspector, police officer or other person acting on the instructions of a medical officer of

health may enter any premises to search for any case of infectious disease, or to inquire whether there is or has been on such premises any case of infectious disease.

If a sanitary inspector, police officer or other person as aforesaid shall find any case of infectious disease or a case suspected of being one, he shall report the same to the medical officer of health.

5. The officer in charge of the police in any place and every local government council shall afford every assistance to the medical officer of health in effecting the isolation of infected cases, suspects or contacts.
6. In case of yellow fever, all cases infected or suspected shall be protected by netting from mosquitoes and removed to the place of isolation in a screened ambulance or litter.
7. (1) Every person traveling by land or sea from a declared infected area may, if it be considered necessary by the medical officer of health, be subjected to medical inspection and examination prior to being permitted to proceed on his journey,
  - (2) A person who refuses to submit to medical examination shall not leave the infected area.
  - (3) Any persons discovered with suspicious symptoms shall be detained and dealt with as the medical officer of health may direct.
8. The clothing and effects of any person proceeding from a declared infected area may be disinfected at the discretion of a health officer.
9. All persons residing in a declared infected area shall undergo such medical inspection or examination as the medical officer of health may direct. The medical officer of health may place all or any persons in such area under observation in a place decided upon by him, or under surveillance, as he may consider necessary.

10. (1) Every person permitted to leave a declared infected area under surveillance shall comply with the following conditions—
  - (a) he shall satisfy the medical officer of health as to his name, intended destination and his place of residence thereat, and that such place is conveniently situated for medical supervision;
  - (b) he shall present himself for medical supervision during the prescribed period; and he may be required by the medical officer of health to deposit a sum, not exceeding three hundred naira, which may be forfeited if he fail so to present himself.
- (2) If the medical officer of health be not satisfied as herein required, or if the person fail to comply with paragraphs (a) and (b) hereof, the medical officer of health shall detain him under observation, or direct him to proceed to a specified place and there remain under observation during the prescribed period. In the latter case, the provisions of paragraph (b) hereof may, at the discretion of the medical officer of health, be applied to such person. In the case of plague, the period of detention under this rule may be extended to ten days.
11. When any person from a declared infected area is placed under observation or surveillance the period of observation or surveillance, shall be as follows—
  - (a) when observation is resorted to, the period shall not exceed five days, in the case of plague and cholera; six days, in the case of yellow fever or cerebro-spinal meningitis; twelve days, in the case of smallpox;
  - (b) when surveillance is resorted to, the period shall be the same as that of observation; save in the case of plague, when it may be extended to a period not to exceed ten days. In applying these measures, the period of observation or surveillance shall extend from the date of removal from

- the infected area; provided that among those under observation no subsequent case has occurred. If any further case of the same disease occur, the period of observation shall date from the day of the isolation of the last case;
- (c) the medical officer of health shall prescribe the periods of observation and surveillance in the event of any other infectious disease.
12. On all premises where there has been a case of infectious disease, whether the patient has died or recovered or been removed or is still on such premises, there shall be displayed a small red flag not less than a foot square, or some conspicuous mark, approved by a health officer, on the side of such premises nearest to a public street, and the flag or mark shall remain displayed until the premises, with their contents, shall have been cleansed and disinfected to the satisfaction of a health officer. Provision for the supply of such flags or marks shall be made by the medical officer of health. Any person who shall remove such flag or mark without the permission of a health officer shall be liable to a fine of seven hundred and fifty naira.
  13. The medical officer of health may close any premises whereon there may have been a case or suspected case of infectious disease, until he considers the place fit for human occupation, and may also close, until he considers the same to be disinfected, any buildings, latrines, wells, dustbins, dumping grounds and any place which, by reason of the existence of infectious disease, he may deem it advisable to close.
  14. No person shall remove any property from any infected premises, or from any premises whereon a suspected case of infectious disease has occurred, without the written permission of a health officer.
  15. All bodies of persons who have died from an infectious disease shall be disposed of in conformity with the directions of the medical officer of health.
  16. All clothing, bedding and any other articles worn or taken by the persons ordered to evacuate an infected area shall be disinfected.

17. The police shall furnish every assistance to the health officer in effecting the evacuation of any infected area and in the necessary measures pertaining thereto.
18. On the occurrence of an infectious disease in any place, the police, or the means of enforcing compliance at the disposal of the local government council, shall assist the health officer, if in his opinion it be necessary, by establishing a cordon round any declared area, for the purpose of preventing persons departing from or going to any such place.
19. On the occurrence of an infectious disease, the chiefs and headmen of any town, village or district, as well as all persons residing therein, whether such town, village or district be within an infected area or not, shall, if so directed, report or cause to be reported all cases of sickness and death occurring in their town, village or district.
20. When the infectious disease is plague, the chiefs and headmen of any town, village or district as well as all persons residing within such town, village or district shall also report or cause to be reported any undue sickness or mortality amongst rats or mice which may be observed.
21. For the carrying into effect of the two foregoing rules, the district officer shall, if required by a health officer, notify the chiefs, headmen and people residing in any town, village or district that it is their duty to report all cases of sickness, or death in human beings, or any excessive mortality among rats or mice, and instruct them as to the officer to whom such report shall be made.
22. (1) When it may appear to the medical officer of health that the holding of public meetings, funeral ceremonies, or other customs is likely to tend to the spread of any infectious disease, any magistrate, or local government council shall, if requested by the medical officer of health, prohibit such meetings, funeral ceremonies, or other customs.

- (2) Any person who is present at or takes part in any meeting, ceremony or custom which has been prohibited shall be liable to a fine of seven hundred and fifty naira.
23. When infectious disease occurs, a health officer may prescribe any measures which he considers necessary to ensure the destruction of rats, mice and other kinds of vermin, and of mosquitoes, their larvae and pupae, fleas, bugs or any other such parasites, and all persons shall obey any instruction given by a health officer in this behalf.
24. (1) To prevent the spread of infectious disease, the owner or occupier of any premises shall, if required by a health officer, render all roofs, partitions, floors and plinths of houses rat-proof,
- (2) When plague is present in any place no foodstuffs attractive to rats shall be kept in inhabited premises unless such foodstuffs are effectively protected against rats and mice to the satisfaction of the medical officer of health.
25. In the case of plague, all rats and mice, which have been caught or killed or found dead on any premises shall, as soon as possible, be placed by the owner or occupier in a strong solution of disinfectant, which shall be provided by the health officer; and the bodies of such rats or mice shall be subsequently removed and disposed of by the health officer.
26. When an infectious disease occurs in any place, the occupiers of premises in such place shall comply with any directions given by a health officer with regard to the disposal of refuse and sewage.
27. On the occurrence of an outbreak of infectious disease, an administrative officer may, if requested by the medical officer of health, require any council within his jurisdiction to make an order for the erection of temporary mortuaries and similar buildings as he may deem necessary.

## PART 2. SLAUGHTER-HOUSES AND SALE OF MEAT

28. No person shall slaughter any animal for the food of man except—
- in a public slaughter-house;
  - in a licensed private slaughter-house; or
  - under a special licence; and the animal has been examined by a health officer and passed by him as fit for slaughter.
29. (1) A council may, if it thinks proper, license any premises as a private slaughter-house. Every such licence shall be in the Form A in the Schedule and may be granted for any period provided that every such licence shall expire not later than December 31st of the year in which it is issued.
- (2) There shall be paid for every such licence a fee of one hundred naira for each month or part of a month for which the licence is to have effect. The council, in issuing any such licence, may impose and endorse thereon such special conditions (if any) as to the council may appear proper.
- (3) Any such licence may be cancelled by the council if the holder thereof commits any breach of the conditions of the licence or of the provisions of this Part.
30. A council may, if it thinks proper, issue a licence authorizing the holder thereof to slaughter animals of the kind and such number and in such premises as may be specified. There shall be paid for every such licence the fees following (which fees shall include the charges for the inspection and examination of the animal by the health officer)—
- |                          | N   | K   |
|--------------------------|-----|-----|
| Cattle per head...       | ... | 100 |
| Sheep and swine per head | ... | 20  |
| Goats per head...        | ... | -   |
31. The holder of a licence for a private slaughterhouse shall at all times keep his slaughter-house clean and in a good state to the satisfaction of the health officer, and shall comply with all instructions given by

- a health officer with regard to the disposal of blood, dirt, offal, filth and rubbish therefrom.
32. Every person who shall make use of a public or licensed slaughterhouse, shall keep the same in a perfectly clean state, and shall, before leaving, brush, sweep and clean away all blood, dirt, offal, filth and rubbish from such slaughter-house and thoroughly wash and cleanse the same; and all such blood, dirt, offal, filth, rubbish and sweepings shall, by such person, immediately be conveyed to such place and disposed of in such manner as may be directed by the health officer.
33. All public or licensed slaughter-houses shall be used only between the hours fixed by the council on the recommendation of the health officer.
34. The health officer shall inspect and examine daily, at such place and at such hours as he may appoint, all animals intended for slaughter.
35. If after inspection and examination an animal be passed as fit for slaughter, the health officer shall issue a certificate of fitness.
36. Every animal which has been inspected, and for which a certificate has been issued under these rules, shall be slaughtered within twenty-four hours; or the certificate of fitness for slaughter shall become invalid.
37. All instruments used for the slaughter of animals shall be approved by the health officer.
38. (1) After slaughter, the carcass of each animal shall be subject to examination and the whole or any part of any such carcass found to be diseased shall be seized and subsequently destroyed under the written instructions of the health officer if condemned by him.
- (2) The health officer shall order the mode of disposal of any such condemned carcass or part thereof; and the cost shall be borne by the owner.

39. (1) No meat shall be exposed for sale except between the hours of 6 a.m. and 6 p.m.; and, in places provided with a public market, the sale of meat shall be restricted thereto.
- (2) Anything in paragraph (1) to the contrary notwithstanding, the council may grant a permit in writing for the sale on approved premises, not being a public market, of such descriptions of meat as may be specified in such permit.
40. When the council, on the representation of the medical officer of health, considers it is to the interests of the public health, it may require that all meat exposed for sale shall be protected from flies by placing it in fly-proof cages which shall be provided by the vendor; the size and construction of such cages shall be according to a pattern approved by the medical officer of health.

## PART 3.— SANITATION, ETC

41. All plans for public latrines, urinals, dustbins and manure and night-soil depots and the sites thereof shall be approved by the medical officer of health before construction is commenced.
42. The medical officer of health shall give instructions for the maintenance in a sanitary condition of all public latrines, urinals, dustbins and manure and night-soil depots.
43. The medical officer of health shall advise the council as to the measures to be taken with regard to scavenging and the removal and disposal of all night-soil and other refuse and the cleansing of streets.
44. Occupiers of all premises shall provide covered receptacles for rubbish; the number, size and structure of such receptacles shall be approved by the health officer.
45. Every occupier shall collect all refuse on his premises and deposit it in the approved receptacles.
46. The occupiers of premises shall remove daily all refuse from the receptacles to a public refuse depot, or dispose of it in such way and at such place as the health officer shall approve.



47. (1) No plans or sections or specifications showing the arrangements for the sanitation or ventilation of any new building shall be passed by the council until the medical officer of health has had an opportunity of examining the same and stating any objections which he may have to any of such proposed arrangements.
- (2) In the event of the council differing from, and being unable to accept any alteration or amendment to such plans or sections advised by, the medical officer of health, the council shall not pass the plan or section concerned without the approval of the Commissioner.
48. The medical officer of health shall, when necessary, prescribe the maximum number of persons that may occupy any given room or premises.
49. A room used exclusively or partially as a dwelling room shall be deemed to be overcrowded when the vacant floor space available for each adult is less than fifty square feet, or the cubic capacity less than four hundred cubic feet of free air; two children under ten years of age counting as one adult.
50. Except with the written permission of a medical officer of health, no person shall, in areas in which building rules or bye-laws have been or are in operation, habitually use or permit to be used as a dwelling-house or sleeping place any building or part of a building approved under the said rules or bye-laws for non-residential purposes only.
51. The medical officer of health shall inspect all factories, workshops and breweries, and all places of public instruction, recreation or assembly, as he may deem necessary, for the purpose of their regulation and sanitary maintenance; and he shall ascertain that—
- (a) all doors open outwards;
  - (b) the drainage is effective and adequate;
  - (c) the minimum free air space per head is three hundred cubic feet; but the council shall have power, in any case, to raise this minimum on the recommendation of the medical officer of health;

- (d) there is a sufficiency of sanitary conveniences of approved type, with separate accommodation for females;
  - (e) the water supply is wholesome and sufficient;
  - (f) the ventilation is adequate;
  - (g) the disposal of waste products is satisfactory.
52. (1) All bake-houses, dairies, aerated water manufactories, eating-houses and food preserving and food preparing establishments shall be registered annually in the office of the council by the proprietor or occupier carrying on the business.
- (2) A council shall not register any premises under this rule until the premises have been inspected and approved by the health officer.
- (3) There shall be paid in respect of every such registration a fee of one hundred naira and the council shall issue a certificate of registration in the Form B in the Schedule.
- (4) Any such premises, which are not re-registered in the month of January in each year, shall be deemed to be unregistered premises.
53. All bake-houses, dairies or aerated water manufactories shall be paved or concreted, and drained to the satisfaction of the medical officer of health. The area of such premises shall, in no case, be less than two hundred square feet.
54. All bake-houses, dairies and aerated water manufactories shall be lime-washed inside throughout once every six months, or thoroughly cleaned periodically to the satisfaction of the health officer.
55. No animal or bird shall be allowed on premises used as bake-houses, dairies or aerated water manufactories, and all such premises shall be made fly-proof to the satisfaction of the medical officer of health.
56. No room used for any purpose mentioned in rule 55 shall be used as a sleeping apartment.

57. The sanitary arrangements and conveniences on all premises mentioned in rule 52 shall be to the satisfaction of the medical officer of health.
58. No water shall be used on any of the premises mentioned in rule 52 except that obtained from a source approved by the medical officer of health.
59. All flour, foodstuffs and water used in connexion therewith shall be kept adequately covered and all pans, moulds and other utensils shall be maintained and kept clean to the satisfaction of the health officer.
60. Measures, to the satisfaction of the health officer, shall be taken by the owners or occupiers of the premises mentioned in rule 52 to keep down vermin.
61. The health officer may prohibit any person suffering from any disease or ailment from entering or remaining on any of the premises mentioned in rule 52, should he for sanitary reasons deem it necessary.
62. If the medical officer of health shall consider that any premises used for any of the purposes mentioned in rule 52 should, in the interest of the public health, be closed, he may by notice in writing prohibit the proprietor or occupier from using such premises for any such purposes until such time as such prohibition shall be withdrawn.

*Laundries and Wash-houses*

63. Each user of a public laundry or wash-house shall be responsible for the cleanliness, both during and after use, of the portion of platform occupied and for that of the adjoining unoccupied area to a distance of twelve feet.
64. Water barrels after each day's use shall be inverted and left so until used again.
65. No refuse or solid material shall be thrown into the drains.

66. Each user is responsible for keeping clear of obstruction that portion of any drain adjoining his part of the washing platform.
67. In private laundries or wash-houses, the occupier shall ensure that the general cleanliness and drainage conforms to the requirements of the health officer.

## PART 4.—ANIMALS

68. A council may by public notice prohibit the bringing into, or keeping, within any municipality or urban county or part thereof, of any animals.
69. The site, structure, drainage and cleanliness of all stables, sheds, or areas assigned for the keeping of any animals within a township, or within a radius of half a mile from the boundary of the municipality, shall conform to the requirements of the medical officer of health.
70. The site, plan and construction of any stable or shed and the site of any area assigned for keeping horses and cattle in an urban area shall be submitted to the medical officer of health for approval, before construction is commenced.
71. The minimum floor space in a stable or shed for each horse shall be seventy-two square feet; and for each head of cattle, forty-eight square feet.
72. The floor surface of each stable or shed shall be laid to a fall of 1 in 50 and built up so that no portion of the floor space be less than two inches above the ground level of the surrounding open space and shall be so constructed that it shall be drained to the satisfaction of the medical officer of health into a sump, catchpit or other place set apart for such purpose.
73. All dung, litter and refuse from stables and sheds shall be disposed of to the satisfaction of the health officer.
74. A medical officer of health may prescribe the number of animals which may be kept on any premises and the number so prescribed shall not be exceeded.

75. The following diseases shall constitute contagious or infectious disease in animals-
- Rinderpest or cattle plague.
  - Contagious pleuro-pneumonia of cattle.
  - Foot and mouth disease.
  - Swine fever.
  - Epizootic Lymphangitis.
  - Anthrax.
  - Glanders and Farcy.
  - Scabies.
  - Tuberculosis.
  - Any other contagious or infectious disease which the Commissioner may by notice in the *Abia State Gazette* declare as such.
76. When an animal is suffering from a contagious or infectious disease, or a carcass, whether the animal has died or been slaughtered, has been found on examination to be infected with such disease, the place occupied by such animal when ill or when it died or any place where the animal was slaughtered shall be forthwith disinfected, by and at the expense of the owner or occupier of such place, to the satisfaction of the health officer, and the owner of the infected animal, the owner of the place which was occupied by such animal, and the person, if any, who slaughtered the animal shall each be bound to inform the health officer if they are aware of the presence of such disease.
77. Disinfections of the infected stable, shed or place shall be carried out as follows--
- in the case of a temporary grass hut, the hut shall be burnt;
  - in the case of a permanent building, the walls and floor shall be scraped and all scrapings shall be burnt, and when possible the ceilings, walls and floors shall be painted with a strong solution of chloride of lime and thereafter with a

- five per centum solution of carbolic acid or other strong disinfectant;
- all ropes, straw, dung and litter shall be burnt;
  - all butchers' implements and outfit, utensils and stable gear or fixtures shall be disinfected with a strong solution of carbolic acid, or other disinfectant.
78. (1) The carcass of an animal infected with glanders or farcy shall be burnt.
- (2) In the case of anthrax the carcass shall be buried immediately and as close as possible to the place where the animal died or was killed, at a depth of six feet, with, when possible, layers of lime one foot below and one foot above the carcass; all the natural orifices of the body shall be plugged.
- (3) In the case of rinderpest the whole carcass, and in the case of pleuro-pneumonia or tuberculosis the diseased organs or part, shall be buried.
- (4) In all cases the owner of the carcass shall be liable to pay the expense of the disposal of the carcass.
79. All enclosure, fields or areas occupied by infected animals and all places where infected animals have been buried shall be fenced by the owner thereof and no animal shall be permitted to occupy the same for a period of two months.

## PART 5.—GENERAL PROVISIONS

80. It shall be the duty of all medical officers to cause to be made from time to time inspection of their districts, with a view to ascertaining what nuisances exist which call for abatement under the powers of the Law, and to carry out the provisions of the Law for the purpose of abating the same, and otherwise to enforce the powers vested in them relating to public health.

81. Sanitary inspectors shall perform under the direction and supervision of the medical officer of health such duties as may be assigned to them by him.
82. No person shall in any urban area make any borrow-pit or excavation for building or other purposes without the approval of the health officer, which shall be obtained through the council. The health officer shall, on giving his approval, fix a suitable place for such borrow-pits and excavations and shall give instructions for filling in or efficiently draining the same.
83. Any person who shall commit a breach of or shall fail to comply with any of the provisions of these rules, or of any directions or instructions or prohibitions of a health officer given under any of these rules shall be liable to a fine of four thousand naira.

## SCHEDULE

## FORM A

THE PUBLIC HEALTH LAW (CHAPTER 139)  
*Private Slaughter-house Licence*

The premises described hereunder and in the control of.....  
 are licensed as a private slaughter-house from.....20.....  
 to....., 20.....  
 Date....., 20.....

Fee paid, N.....

.....  
 Secretary to Local Government

## FORM B

THE PUBLIC HEALTH LAW (CHAPTER 139)

Registration of Rake-houses, Dairies, Aerated Water Manufactories, Eating-houses, Food preserving and Food preparing Houses

The premises described hereunder and in the control of.....  
 are registered as..... from ..... 20.....  
 to.....20.....  
 Date....., 20.....  
 Fee N.....

.....  
 Secretary to Local Government