

CHAPTER 75

ENUGU STATE WASTE MANAGEMENT AUTHORITY LAW

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CHAPTER 75

ENUGU STATE WASTE MANAGEMENT AUTHORITY LAW

ENSL 2004

NO. 8

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A Law to dissolve the Enugu State Environmental Protection Agency and to establish the Enugu State Waste Management Authority and other matters connected therewith.

[29TH July 2004]

PART I — PRELIMINARY

1. This law may be cited as the Enugu State Waste Management Authority Law.

Short title

Interpretation

2. In this Law —

“abandoned vehicle” means vehicle not in use and parked in an inappropriate manner obstructing free flow of traffic or causing nuisance;

“Appropriate Authority” means other authority established by any Law in force and charged with environmental protection;

“Authority” means Enugu State Waste Management Authority established by section 3 of this Law;

“Built up area” means an area where there are structures or buildings either inhabited or uninhabited;

“Commercial vehicle” means taxis, buses and trucks of all descriptions used in conveying commuters and goods for fee;

“Commissioner” means Commissioner in charge of matters relating to the environment;

“Company” means a business organization that makes money, producing or selling goods or services and works;

“Constitution” means Constitution of the Federal Republic of Nigeria, 199;

“Corporation” means an organization or group of organizations that is recognized by Law as a single unit;

“Court” means the Environmental Protection Court referred to in section 30 of the Law;

“Deposit” means to put or lay down in particular place;

“disposal” means getting rid of waste.

“domestic waste” means garbage and other discarded solid from private material resulting from dwelling or residential home or tenement or educational establishments, or a nursing home and includes liquid waste;

“dump site” means designated place approved by the Authority for the discarding of specified type of waste;

“employee” means any person in employ of the authority.

“essential services” includes services in Hospitals, Media Houses, Fire Services, Law Enforcement Agencies and other services as may be declared to be essential services from time to time by the Authority;

“firm” means business organization other than a Corporation or Company;

“Governor” means Governor of Enugu State.

“industrial and commercial waste” means garbage from other discarded solid minerals resulting from industrial, commercial operations and include liquid waste and waste from mines and quarry;

“Judicial Service Commission” means the State Judicial Services Commission established by section 197 (1) of the constitution;

“law officer” means the Attorney General, the Solicitor-General, the Director of Public Prosecution or any other Legal Practitioner in the State Ministry of Justice;

“Managing Director” means the Chief Executive Officer of the Authority;

“Ministry” means the Ministry in charge of matters relating to environment;

“person” includes individuals, his legal representative, agents or assignees;

“premises” includes buildings, land hereditament, or places opened, covered or closed;

“prescribed form” means form as may be provided by the Authority from time to time for specific purpose;

“State” means Enugu State of Nigeria;

“undeveloped plot” means an area where there are no structures or building;

“urban cities” include Enugu, Nsukka, Oji River, Awgu Ninth mile corner, Obollor Afor and any other settlement as may be designated as urban by the State Government from time to time;

“waste” means any substance, which constitutes as scrap material, or any effluent or other unwanted surplus substance arising from an application or any process and includes any substance or article which requires to be disposed of as being broken, worn out, contaminated or otherwise spent;

PART II — ESTABLISHMENT OF WASTE MANAGEMENT AUTHORITY

3. (1) There is hereby established an Authority to be known as the Enugu State Waste Management Authority which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

Establishment of Authority.

(2) The affairs of the Authority shall except where otherwise stated, be conducted by the Board of Directors of the Authority which shall consist of a Chairman and the following other members, that is —

Board of Directors.

- (a) the Permanent Secretary, Ministry of Environment;
- (b) the Permanent Secretary, Ministry of Public Utilities;
- (c) the Permanent Secretary, Ministry of Works;
- (d) the Managing Director of the Authority;
- (e) two persons to be appointed by the Governor, being persons who by reason of their ability, experience or specialized knowledge of matters relating to environment and waste management are capable of making useful contributions to the work of the Authority.

(3) The Chairman shall be appointed by the Governor on the recommendation of the Ministry

4. (1) There shall be appointed by the Governor, on the recommendation of the Ministry, a Managing Director of the Authority who shall be its Chief Executive Officer and shall, subject to this Law, be responsible for the execution of the policy of the Authority and the day-to-day running of the Authority's activities and its associated services.

Managing Director and Secretary.

(2) The Authority shall, with the approval of the Commissioner, appoint a Secretary to the Authority who shall not be a member of the Board and who shall keep the records and conduct the correspondence of the Board and perform such other duties as the Chairman or Managing Director may from time to time direct.

Performance
Contract.

(3) The Managing Director shall on appointment enter into a performance Contract with the Ministry which shall among other things clearly stipulate the indicator for evaluating the performance of the Managing Director.

(4) The Managing Director shall be required to submit his performance report to the Ministry at periodic intervals of not more than six months.

(5) The Secretary to the Authority shall be a civil servant of not less than level 10.

Functions of
Authority

5. (1) Notwithstanding the provision of any other Law, the function of the Authority shall be —

- (a) to collect, remove, process, treat and safe dispose of domestic, hospital, commercial institutional and industrial waste;
- (b) to recycle waste;
- (c) to design blueprints for the establishment of sewage disposal system and clearing sewage;
- (d) to advise and make recommendations to the Ministry for improvements in collection, removal, processing, treatment and safe disposal of wastes;
- (e) to clean streets;
- (f) to remove and dispose of abandoned vehicles;
- (g) to remove and dispose of carcasses of dead animals from public places;
- (h) to monitor the clearing, cleaning and maintenance of drainage facilities within the State;
- (i) to design, operate and maintain waste disposal facilities;
- (j) to prepare and update from time to time master plans for waste collection and disposal in the cities, towns and villages within the State and the control of the resultant waste system within the State;
- (k) to approve and close watch on all waste disposal systems in the State; and
- (l) to do all such acts as appear to it to be requisite advantageous, convenient for or in connection with the carrying out of its functions or incidental to their proper discharge.

(2) For the purpose of carrying out the functions set out subsection (1) of this section, the Authority shall be guided by the policies, rules, regulations and practices set out by the Ministry.

6. (1) The Authority shall have power to carry out its functions under this Law including and without limiting the generality of the following, the power —

Powers of the Authority.

- (a) to hold, manage and alienate moveable and immovable property.
- (b) to enter into contracts or partnerships any company, firm or person which in opinion of the Authority with facilitate discharge of the said functions;
- (c) to train managerial, technical and such other staff for the purpose of the running of its operations and for waste management in general.

(2) Notwithstanding subsection (1) above, all contracts, including alienations and acquisition made by the Authority shall be referred by the Authority to the Commissioner for approval and in strict compliance with the guidelines issued by the Ministry.

Establishment of Departments.

PART III — MANAGEMENT AND STAFF OF THE AUTHORITY

7. (1) There shall be established for the Authority, the following departments, to wit:—

Appointment of Heads of Departments

- (a) Solid Waste,
- (b) Liquid Waste,
- (c) Technical Services,
- (d) Personnel /Administration,
- (e) Finance, and
- (f) Legal/Enforcement

which shall each be headed by a Head of Department.

(2) The Heads of Departments shall, subject to the approval of the Commissioner, be appointed by the Authority on such terms and conditions as the Authority may specify.

(3) The Heads of the Departments shall —

- (a) perform the functions relating to their respect departments;
- (b) report to the Managing Director; and

Powers of
Employ,

- (c) perform other functions as may be assigned to them by the Managing Director.

8. (1) The Authority shall subject to the provisions of this Law have power—

- (a) to employ and promote staff whose remuneration are within grade levels 01 to 06,
- (b) to recommend to the Ministry the employment and promotion of staff above salary grade level 06,
- (c) to exercise disciplinary control over all staff.

(2) The Authority may engage the services of agents, consultants and advisers from time to time to carry out any of its functions under this Law on conditions and terms to be determined by the Authority and shall collaborate with neighbourhood associations and other such organizations in carrying out its functions under this Law.

PART IV — FINANCIAL PROVISIONS

Fund of
Authority.

9. (1) The Authority shall establish and maintain a fund from which shall be defrayed all expenses incurred by the Authority in the performance of the Authority's duties and functions under this Law.

(2) The fund established under subsection (1) of this section shall consist of—

- (a) such sums as may from time to time, be granted to the Authority by the State Government and Local Governments under monthly subventions and budgetary allocations;
- (b) all waste management fees and other moneys payable to the authority in pursuance of this Law;
- (c) all moneys accruing to the Authority by way of endowment, grant, gift donation or sources other than loan or credit;
- (d) all interest on money invested by the authority;
- (e) all other sums of money or property which in any manner payable to or invested in the Authority in respect of any matter incidental to its functions.

(3) The funds as established under this section shall be paid into designated banks.

Financial Report.

10. The Authority shall —

- (a) cause to be kept proper accounts and books in respect of its revenue, expenditure, assets, and other financial transaction;
- (b) prepare and submit a monthly financial report to the Accountant General and to the Ministry; and
- (c) prepare and submit to the Ministry not later than 31st August of each year or such other time as may be directed by the Ministry the estimate of its expenditure and income during the next succeeding year.

11. (1) The Authority shall have an internal auditor who shall —

Annual Account and Audit.

- (a) ensure that the Authority and its agents, consultants and advisers comply with due financial and contractual performance process, and
- (b) prepare monthly reports to the Managing Director and the Ministry

(2) The Authority shall not later than 31st March of each year prepare and submit to the State Auditor General a detailed financial statement of its actions for the preceding year for audit, a copy of which shall be forwarded to the Ministry.

(3) The Auditor General of the State shall within 3 months of receipt of the said financial statement complete the audit and forward the certified copies of the audited accounts to the Ministry and the Authority.

(4) The Commissioner shall on receipt of the certified audited report present the report to the Governor and the State House of Assembly.

PART V — OFFENCES AND PENALTIES

12. (1) The owner, caretaker or occupier of any tenement within the State shall —

Offences relating to Tenements.

- (a) provide and maintain covered dustbin outside the tenement suitable to be used for depositing solid waste;

- (b) not cause obnoxious, toxic or poisonous waste to be deposited in the dustbin so provided under paragraph (a);
- (c) not cause effluent of liquid waste to be discharged into any drain, or any part thereof, within the tenement or the surroundings thereof;
- (d) keep his tenement and surroundings thereof free from weeds, crops or poisonous plants;
- (e) keep grasses low and trim, cut and trim flowers and hedges and keep them neat within the surroundings of the tenement;
- (f) ensure that drains running through or by the tenement are kept free from blockage;
- (g) ensure that no dirty water or stagnant water is kept in any part of the tenement or the surroundings thereof; and
- (h) keep clean, neat and free from odours such tenement and surroundings thereto;
- (i) bag all refuse;
- (j) keep clean the space from the premises to the road verge and drains (where applicable) of weeds refuse and effluent of liquid waste.

(2) Any person who contravenes any of the provisions of subsection (1) of this section is guilty of an offence and is liable on conviction to a fine of not less than N5, 000. or imprisonment for a term of six months or to both such fine and imprisonment.

(3) Where the tenement is a residential government building, the court shall recommend to the Head of Service or the Secretary to the State Government for ejection of the occupier who has been convicted of any offence under this section on three occasions.

(4) Where the tenement is a private or government hospital there shall be an incinerator for the destruction of chemicals and hazardous waste.

Owners of
undeveloped
Plots in built
up areas

13. The owner of any undeveloped plot in a built up area who fails to keep it clean and tidy or free from over grown grass is guilty of an offence and liable on conviction —

- (a) to a fine of not less than N2, 000. and in addition;
- (b) to the cost of clearing the overgrown grass by the Authority

14. Any person who, within the State carries on manufacturing operation or business in any premises shall cause the waste generated from the premises to be treated or purified in accordance with such standards as may be prescribed by the Authority.

Offences relating to industrial waste, commercial waste etc.

(2) Any person who generates liquid waste shall be required to provide, or as may be provided by the Authority, suitable holding tanks from which the waste shall be carried for disposal.

(3) Any person who dumps or deposits industrial, commercial, construction or hazardous waste in an unauthorized area or site or manner is guilty of an offence under this Law.

(4) Any person who stores or allows being stored in his tenement industrial or commercial waste or goods, which in the opinion of the Authority, is likely to cause health hazard is guilty of an offence under this Law.

(5) Any person who discharges or causes to be discharged any form of oil, grease, spent oil or other oily mixtures into any public drain, water course, stream, lake pond, canal or into the highway or land without the approval of the Authority is guilty of an offence under this Law.

(6) Any person who contravenes any of the provisions of subsections (1), (2), (3), (4) or (5) of this section is guilty of an offence and liable on conviction to a fine of N5, 000. or imprisonment for a term of six months or to both such fine and imprisonment.

(7) Where the offence is committed by a public liability company, the penalty shall be a fine of not more than N50, 000.

(8) Where the offence subsists the offender is liable to an additional fine of N500. each day the offence subsists.

15. (1) The driver or owner of a commercial vehicle operating within the State shall provide a refuse collection bin in the vehicle for use by commuters.

Provision of dustbins in commercial Vehicles

(2) Any form of littering from a moving vehicle constitutes an offence under this Law.

(3) Any person who contravenes any of the provisions of subsection (1) or (2) of this section is guilty of an offence and liable on conviction to a fine of N1, 000.

Public
Conveniences

16. (1) All owners or operators of tenements, petrol service stations, supermarkets, restaurants of 20 seats and above, cinema houses and other similar premises within the State, shall within three months from the commencement of this Law provide and maintain public conveniences for the consumers of their services.

(2) Any person who contravenes the provisions of subsection (1) of this section is guilty of an offence and liable on conviction to a fine of N5, 000. or imprisonment for a term of one year or to both such fine and imprisonment.

(3) Where the default subsists, the offender shall be liable to an additional fine of N200. for every day the offence subsists.

Removal of
Silt, disposal
of construction
debris etc.

17. (1) Any person who excavates or removes any silt, earth or material in the process of either constructing or repairing any drain and other similar works within the State shall be required to carry away such silt, earth or other material and dump it at places designated by the Authority.

(2) All construction debris or waste shall be properly disposed of at places designated by the Authority for such purpose.

(3) A vehicle carrying laterite silt, refuse, or construction materials shall be required to be covered to avoid littering of roads or other highways and endangering the lives of other road users.

(4) Any person who contravenes the provisions of subsections (1), (2) or (3) of this section is guilty of an offence and liable on conviction to a fine of N2, 000. or imprisonment for a term of six months or to both such fine and imprisonment.

(5) Where the offence is committed by a public liability, company, the penalty shall be N20, 000.

(6) Where the offence is committed by a private liability company the penalty shall be not more than N10, 000.

18. (1) Any person who —

Miscellaneous
Offences

- (a) throws or dumps any refuse or house hold waste in any place other than the place designated for throwing or dumping such refuse; or
 - (b) discharges or causes to be discharged raw and untreated human waste into any drain, watercourse, gorge, storm water, drainage or to any land or water; or
 - (c) throws or deposits in an open drain anything capable of obstructing a free and uninterrupted draining away of any liquid substance; or
 - (d) burns or causes to be burnt on any tenement, waste of any description; or
 - (e) places or leaves any motor vehicle, bicycle, tramp, wheel barrow, wood, stone, brick or any other thing in a street or highway in a manner capable of obstructing free flow of traffic or in the opinion of an authorized officer of the Authority, is capable of constituting nuisance; or posts bills in any place other than on bill boards or in any manner which may detract from the beauty of the environment; or
 - (f) sells or displays or offers or carries for sale any goods or article of trade in a road junction or at any other place prohibited by the Authority pursuant to this Law or any other Law; or
 - (g) erects or constructs any house, shed, kiosk, or any other structure in an unauthorized place or in contravention of any plan or design whether in general or particular as may be prescribed by the appropriate authority; or
 - (h) allows any dilapidated building or structure to be put into use of the occupants or other members of the occupants or other members of the public; or
 - (i) cultivates crops along the street lines or setbacks
- is guilty of an offence under this Law;

(2) Any person who contravenes any of the provisions of subsection (1) of this section is liable on conviction —

- (a) in the case of paragraph (a), (b), (c), (d), (e), or (j), of subsection (1), of this section to a fine of N2, 000. or imprisonment for a term of six months; and
- (b) in the case of paragraph (h), or (i) of subsection (1) of this section, to a fine of not less than N5, 000. or imprisonment for a term of one year or to both and shall in addition be ordered to demolish the offending structure or liable to the cost of demolition by the Authority.

Payment of
Waste
Management
Fees

19. (1) On commencement of this Law, the owner, caretaker or occupier of any tenement or operator of any manufacturing or other venture shall be required to pay waste management fees to the Authority.

(2) The amount payable are as specified in Schedule 1 to this Law and shall be paid to the Authority annually or as may be prescribed by the Authority.

Private
Waste
collection
licence etc.

20. (1) On the commencement of this Law, no person shall establish or operate any waste collection business in the State without a licence issued by the Authority and renewed from time to time on the payment of the prescribed fees.

(2) The fees payable for the issuance or renewal of a licence and other conditions governing the issuance and renewal of licence shall be determined from time to time by the Authority.

(3) Every application for a licence or for a renewal of a license shall be made to the Authority in the prescribed form and all fees in respect thereof paid to the Authority.

(4) Any person who contravenes the provisions of this section is guilty of an offence and liable on conviction to a fine of not less than N20, 000. or imprisonment for 2 years or to both such fine and imprisonment.

(5) Where the offence is committed by a corporation, company or firm the penalty shall be N100, 000.

21. (1) On the commencement of this Law, no car wash business shall be carried out by any person except in places designated by the Authority. Car Wash
Licence.

(2) No person shall engage in car wash business without a licence issued by the Authority and renewed from time to time.

(3) Any person who contravenes the provisions of subsection (1) or (2) of this section is guilty of an offence and liable on conviction to a fine of N2, 000. or N5, 000. as the case may be.

22. (1) Notwithstanding the provisions of this Law or any other written Law, the last Saturday of every month shall, from the commencement of this Law, be observed as sanitation day. Sanitation
day.

(2) There shall be carried out on each sanitation day general clean up activities between the hours of 7 o'clock and 10 o'clock in the forenoon of the same day.

(3) No person or group of persons is exempt from the general clean up activities on a sanitation day except —

- (a) people on essential services;
- (b) the sick; and
- (c) people exempted by the Authority.

23. For the purposes of this Law, sanitation activities shall include the following. Sanitation
Activities.

- (a) removal of deposit, rubbish or other substance that may obstruct or hinder a free or uninterrupted flow of a drain;
- (b) collection of refuse thrown on the ground or in a place within the vicinity other than a dust bin.
- (c) removal of dirt in form of waste paper and anything within the street or premises which is capable of causing nuisance;
- (d) removal of faeces and other human waste or dirty water accumulated within the premises or vicinity;

- (e) removal of weeds, uncared for shrubs, unkempt growth vegetation and trees growing within the living premises or immediately within the vicinity, of a person's abode;
- (f) collection and disposal of refuse and other household waste and depositing such waste at the dump site;
- (g) removal of stagnant water lying on the premises or on the premises or on the portion of the street if any, on which person's premises abut;
- (h) clearing all noxious matter in form of liquid, solid or gas and preventing same from flowing into the street or another persons's premises;
- (i) cleaning up gutters and drainage within and around the premises;
- (j) general clean up of the environment for a healthy living.

Restrictions of
Movements on
Sanitation days.

24. No movement of vehicles and pedestrians shall be allowed during sanitation hours unless for the purpose or in furtherance of sections 22 and 23 of this Law —

Refusal to
participate in the
clean up
Exercise.

25. Any person who refuses —

- (a) to take part in or contribute to the efforts of the neighbourhood committee for purposes of sanitation activities;
- (b) to participate in the clean up exercise on a sanitation day; or contravenes any of the provisions of section 23 or 24 of this Law

is guilty of an offence and on conviction shall be liable to a fine of N2,000.00 (two thousand naira) or six months imprisonment;

Ancillary
Offences.

26. Any person who engages, instigates, aids, facilitates or conspires with another to do a thing or act in any way prohibited under any of the provisions of this Law, shall be deemed to have committed the same offence and liable to be punished accordingly.

27. (1) A member of staff of the Authority, or any person authorized by the Authority to carry out any of its functions under this Law shall in the execution of his duties have power to enter into any premises between the hours of six in the forenoon and six in the evening for the purpose of inspection, and issuing of notices.

Offences relating to staff of the Authority etc.

(2) Any person who assaults or manhandles any member of staff of the Authority in the course of his duties, or obstructs, misleads or does anything likely to obstruct such member of staff or person from carrying into effect any of the provisions of this Law is guilty of an offence and liable on conviction to a fine of N5, 000. or imprisonment for a term of one year or both such fine and imprisonment.

(3) Any person who, not being lawfully authorized to carry out any function under this Law by the Authority, who misrepresents himself as having been authorized to enforce any part of this Law is guilty of an offence and liable on conviction to a fine of N10, 000. or imprisonment for a term of 12 months or to both such fine and imprisonment.

(4) A member of staff of the Authority shall not be held liable for any act or thing done by him in the Lawful execution of his functions under this Law.

28. (1) 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 or regulations made thereunder for which no penalty is provided, the offender shall be liable to a fine of not less than N2, 000. or imprisonment for a term of three months.

General penalties

(2) Where the offender is a public liability company, it shall be liable to a fine of N20, 000.

(3) Where the offender is a private liability Company, it shall be liable to a fine of not less than N5, 000.

29. A prosecution for an offence against the provisions of this Law, or any regulations made thereunder, shall not operate as a bar to any civil proceedings that may be instituted for damages or injury caused by the offender's contravention or non-compliance with the provisions of this Law.

Prosecution not to operate as a bar to civil action.

**PART VI — ESTABLISHMENT OF ENVIRONMENTAL
PROTECTION COURT**

- Establishment of Environmental Protection Court.
30. (1) There is hereby established for the State a court to be known as "the Environmental Protection Court.
- (2) The Court shall be presided over by a Magistrate duly appointed by the State Judicial Service Commission.
- (3) The appointment of a Magistrate under subsection (2) of this section shall be subject to the same conditions of service as are applicable to other Magistrates in the State.
- (4) Prior to the establishment of the Court under subsection (1) above, the Chief Judge shall designate any magistrate court as an Environmental Protection Court.
- Jurisdiction.
31. (1) Notwithstanding the provisions of the Magistrate Court Law, the court shall to be exclusion of any other Court have original jurisdiction over all matters specified under this Law.
- (2) On sanitation days the Court shall have summary jurisdiction to try offences committed on sanitation days.
- Venue of sitting.
32. (1) The Court shall sit in all magisterial districts of the State on such days as the Court may by notice specify.
- (2) In exercise of its jurisdiction specified under subsection (1) of section 31 of this Law, the Court shall sit at venues to be designated by the Authority for the purpose.
- Practice and procedure.
33. The practice and procedure of the Court shall be in conformity with practice and procedure obtainable in Magistrates' Courts in the State except that such practice and procedure may be subject to modifications as may be necessary to carry into effect the provisions of this Law.
- Allowances.
34. The Magistrates presiding over the Court on sanitation days shall be paid such extra allowances for sitting on sanitation days as may be approved by the Authority.

35. Appeals from the decision of the Court shall lie to the High Court of the State.

Appeals.

36. (1) A notice, order, court process or other document required to be served on the owner, caretaker or occupier of any premises shall have the address and description of the owner, caretaker or occupier and shall be deemed to be sufficient notice if it is delivered on the premises or is affixed in a conspicuous part of the premises.

Service of
notice to parties

(2) A notice shall constitute a notice in respect of a fender of parties within the same premises if the notice is given to any person on the premises or is affixed in a conspicuous part of the premises.

37. (1) Notwithstanding anything contained in any other enactment, no suit shall lie against the Authority, the Managing Director or any other officer or employee of the authority for any act done in pursuance or execution of this Law or any other enactment, or of any public duty or authority or in respect of any alleged neglect or default in the execution of this Law or such enactment or law, duty or authority, unless—

Limitation of
suits against the
Authority.

- (a) it is commenced within 6 months next after the act, neglect or default complained or; or
- (b) in the case of a continuation of damage or injury within 6 months next after the ceasing thereof.

(2) No suit shall be commenced against the Authority, the Managing Director or any officer or employee of the Authority before the expiration of a period of seven days after written notice of intention to commence the suit has been served upon the Authority by the intending plaintiff or his agent.

(3) The notice referred to in sub section (2) of this section shall clearly and explicitly state—

- (a) the cause of action;
- (b) the particulars of the claims;
- (c) the name and place of abode of the intending plaintiff and
- (d) the relief which he claims.

'Service of documents.

38. A notice, summons, or other documents required or authorized to be served upon the Authority under the provisions of this law or any other enactment or law may be served by delivering it to the Managing Director or the Secretary or by sending it by registered post and addressed to the Managing Director at the principal office of the Authority.

Representation of the Authority.

39. In any suit by or against the Authority, the Authority may be represented at any stage of the proceedings by:

- (a) any servant of the Authority, the Authority who shall satisfy the court that he is duly authorized in writing by the Managing Director in that behalf; or
- (b) a legal practitioner authorized in writing in that behalf; or
- (c) a Law Officer.

Restriction on Execution against Property of the Authority.

40. Any sums of money which may be the judgement of the Court be awarded against the Authority shall, subject to any directions given by the court where no notice of appeal of the said judgment has been given, be paid from the funds of the Authority maintained under section 9 of the Law.

Indemnity of officers.

41. The Managing Director, any officer or employee or agent of the Authority for the time being, shall be indemnified out of the assets of the Authority against any liability incurred by him in defending any proceeding, whether civil or criminal, in which judgment is given in his favour, or in which he is acquitted, if any such proceeding is brought against him in his capacity as the Managing Director, or employee or agent of the Authority.

Regulations and Guidelines

42. The Authority shall subject to the approval of the Ministry, make regulations and guidelines for the purpose of carrying out the provisions of this Law.

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Enugu State Waste Management Authority.**FIRST SCHEDULE****WASTE MANAGEMENT FEES****1. RESIDENTIAL CATEGORY**

(a)	Large detached Duplex	N9, 600. 00 per annum
(b)	Small detached Duplex	N8, 400. 00 per annum
(c)	Semi detached Duplex	N6, 000. 00 per annum
(d)	Detached Bungalow	N6, 000. 00 per annum
(e)	Semi detached Bungalow	N4, 800. 00 per annum
(f)	3 bedroom flat and above	N3, 600. 00 per annum
(g)	2 bedroom flat	N2, 400. 00 per annum
(h)	1 bedroom flat	N1, 800. 00 per annum
(i)	one room	N1, 200. 00 per annum

2. COMMERCIAL CATEGORY

(a)	Bank	
	(i) Regional/Head offices	N144, 000. 00 per annum
	(ii) Branch offices	N96, 000. 00 per annum
	(iii) Community Banks	N36, 000. 00 per annum
(b)	Insurance Companies/ other finance Houses	
	(i) Regional/Head offices	N60, 000. 00 per annum
	(ii) Branch offices	N36, 000. 00 per annum
(c)	Hotels	
	(i) 200 Rooms and above	N240, 000. 00 per annum
	(ii) 100 - 199 rooms	N180, 000. 00 per annum
	(iii) 50 - 99 rooms	N120, 000. 00 per annum
	(iv) 30 - 49 rooms	N96, 000. 00 per annum
	(v) 10 - 29 rooms	N60, 000. 00 per annum
	(vi) 1 - 9 rooms	N36, 000. 00 per annum

(d) Restaurants		
(i)	20 seats and above with fast food	N72, 000.00 per annum
(ii)	20 seats and above without fast food	N48, 000. 00 per annum
(iii)	10- 19 seats with fast food	N36, 000. 00 per annum
(iv)	10 - 19 seats without fast food	N24, 000 per annum
(v)	1 - 9 seats with fast food	N18, 000 per annum
(vi)	1 - 9 seats without fast food	N6, 000 per annum
(vii)	buckateria	N2, 400. 00 per annum
(e) Night Clubs		
(i)	with catering services	N36, 000. 00 per annum
(ii)	without catering services	N24, 000. 00 per annum
(f) Hospitals/Clinics/Pharmacy shops/Lab		
(i)	Government Hospitals above 100 beds	N60 000. 00 Per annum,
(ii)	Government Hospitals 50-99 beds	N48, 000. 00 per annum
(iii)	Government Hospitals 10- 49 beds	N24, 000. 00 per annum
(iv)	Government Health center	N3, 600. 00 per annum
(v)	Private Hospitals above 50 beds	N48, 000. 00 per annum
(vi)	Private Hospitals 10-49 beds	N24, 000. 00 per annum
(vii)	Private Hospitals 1- 9 beds	N12, 000. 00 per annum
(viii)	Consulting Clinics with pharmacy	N6, 000. 00 per annum
(ix)	Consulting Clinics without pharmacy	N3, 600. 00 per annum
(x)	Large Medical Lab	N18, 000. 00 per annum
(xi)	Medium Medical Lab	N12, 000. 00 per annum
(xii)	Small Medial Lab	N6, 000. 00 per annum
(xiii)	Large Pharmacy shop	N24, 000. 00 per annum
(xiv)	Medium/small Pharmacy shop	N18, 000. 00 per annum
(xv)	Patent Medicine shop	N3, 600. 00 per annum

(g) Stores/ Supermarkets/ Salons		
(i)	Departmental stores	N48, 000. 00 per annum
(ii)	Supermarkets	N36, 000. 00 per annum
(iii)	Normal Provision Stores	N18, 000. 00 per annum
(iv)	Provi. Stores with liquor on licence	N24, 000. 00 per annum
(v)	Kiosks	N1, 200. 00 per annum
(vi)	Salon with 4 driers and above	N4, 800. 00 per annum
(vii)	Salon with 1-3 driers	N2, 400. 00 per annum
(viii)	Barbers shop with more than 4 seats	N3. 000 .00 per annum
(ix)	Barbers shop with less than 4 seats	N1. 2 00.00 per annum
(h) Commercial Houses		
(i)	Airport	N120, 000. 00 per annum
(ii)	Airline offices	N36, 000. 00 per annum
(iii)	Transport Loading bay	N36, 000. 00 per annum
(iv)	Courier services company	N36, 000. 00 per annum
(v)	Professional services offices	N6, 000. 00 per annum
(vi)	Bakeries	N36, 000. 00 per annum
(vii)	Business center with over 8 equip	N18, 000. 00 per annum
(viii)	Business center with 4-7 equip	N6, 000. 00 per annum
(ix)	Business center with 1 - 3 equip	N2, 400 .00 per annum
(x)	Cyber café with 20 computers and above	N24, 000.00 per annum
(xi)	Printing Press (Big)	N36, 000 .00 per annum
(xii)	Printing Press (Medium)	N12,000.00 per annum
(xiii)	Printing Press (Small)	N6,000.00 per annum
(xiv)	Telecommunication/Internet Providers	N60,000.00 per annum
(xv)	Communication agencies	N12, 000. 00 per annum
(xvi)	Electrical/Electronics shops	N24,000.00 per annum
(xvii)	Mechanized Laundry Shops	N24,000.00 per annum
(xviii)	Non-mechanized laundry shops	N6, 000. 00 per annum
(xix)	Traveling Agencies	N12, 000.00 per annum
(xx)	Building materials shops	N12, 000.00 per annum
(xxi)	Boutique	N18. 000.00 per annum
(xxii)	Video rental shops	N6, 000.00 per annum
(xxiii)	Vulcanizers	N1, 200.00 per annum
(xxiv)	Watch repairers	N1,200.00 per annum
(xxv)	Shoe menders	N1,200.00 per annum
(xxvi)	Tailoring	N1,200.00 per annum

(i) Vehicle Dealers/workshops		
(i)	New vehicle dealers with workshop	N48,000.00 per annum
(ii)	New vehicle dealers without workshop	N24,000.00 per annum
(iii)	Used vehicle with workshop	N24,000.00 per annum
(iv)	Used vehicle without workshop	N12,000.00 per annum
(v)	Motor Mechanic workshop (complete)	N12,000.00 per annum
(vi)	Motor Mechanic workshop (sections)	N3,600.00 per annum
(vii)	Motor cycle mechanic workshop	N1,200.00 per annum
(j) Manufacturing/ production outfits		
(a)	Pharmaceutics	N120,000.00 per annum
(b)	Paints	N120,000.00 per annum
(c)	Aluminums (profiles only)	N24,000.00 per annum
(d)	Aluminums (complete)	N72,000.00 per annum
(e)	Cable electricals/electronics	N120,000.00 per annum
(f)	Motor Manufacturing/Assembly	N240,000.00 per annum
(g)	Cement/Asbestos	N240,000.00 per annum
(h)	Battery	N72,000.00 per annum
(i)	Iron and steel	N72,000.00 per annum
(j)	Metal fabrication/welders	N24,000.00 per annum
(k)	Rubber and tyre	N72,000.00 per annum
(l)	plastics	N72,000.00 per annum
(m)	Floor Mills	N180,000.00 per annum
(n)	Chemicals	N72,000.00 per annum
(o)	Textiles	N72,000.00 per annum
(p)	Food processing/canning	N48,000.00 per annum
(q)	Dairy products	N48,000.00 per annum
(r)	Pulp and paper	N48,000.00 per annum
(s)	Vegetables/Palm Kernel oil	N48,000.00 per annum
(t)	Dyes, Ink, Chalk and Ball pen	N48,000.00 per annum
(u)	Candles and Wax	N36,000.00 per annum
(v)	Furniture manufacturing Company	N24,000.00 per annum
(w)	Water in bottles	N36,000.00 per annum
(x)	Water in sachets	N48,000.00 per annum
(xxv)	Packaging	N36,000.00 per annum
(xxvi)	Photographic processing	N60,000.00 per annum
(xxvii)	Detergents/soaps	N48,000.00 per annum
(xxviii)	Asphalt/bitumen	N72,000.00 per annum
(xxix)	Gas processing	N36,000.00 per annum
(xxx)	Glass companies	N60,000.00 per annum
(xxxi)	Marbles/terrazzo processing	N24,000.00 per annum

(K)	Oil Marketing Companies	
	(i) Offices without dispensing pumps	N48,000.00 per annum
	(ii) With 10 dispensing pumps	N86,000.00 per annum
	(iii) With 6-9 dispensing pumps	N60,000.00 per annum
	(iv) With 4 - 5 dispensing pumps	N48,000.00 per annum
	(v) With 1 -3 dispensing pumps	N36,000.00 per annum
(L)	Farm Outfit	
	(i) Poultry more than birds	N72,000.00 per annum
	(ii) 2000 - 4999	N48,000.00 per annum
	(iii) 1000 - 2000	N36,000.00 per annum
	(iv) 500 -999	N24,000.00 per annum
	(v) 1 - 499	N12,000.00 per annum
	(vi) piggery more than 2000 pigs	N48,000.00 per annum
	(vii) 1000 -1999	N36,000.00 per annum
	(viii) 500 - 999	N24,000.00 per annum
	(ix) 1 - 499	N12,000.00 per annum
(m)	Markets	
	(i) Lock up shops	N1,200.00 per annum
	(ii) Open stores	N600.00 per annum
	(iii) Abattoirs & Lairages	N18,000.00 per annum
(n)	Construction Companies	
	(i) Big Construction companies	N144,000.00 per annum
	(ii) Medium	N86,000.00 per annum
	(iii) Small	N48,000.00 per annum
(o)	Breweries/Bottling Companies	
	(i) Category 1	N300,000.00 per annum
	(ii) Category 2	N240,000.00 per annum
	(iii) Category 3	N180,000.00 per annum

3. EDUCATIONAL/GOVERNMENT/WORSHIP SECTORS

(a)	Schools	
	(i) Primary/Nursery School 15 classes and above	N18,000.00 per annum
	(ii) Primary/Nursery School 10 - 14 classes	N14,400.00 per annum
	(iii) Primary/Nursery School 5 - 9 classes	N12,000.00 per annum
	(iv) Primary/Nursery School 1 - 4 classes	N6,000.00 per annum
	(v) Secondary Schools with Boarding	N24,000.00 per annum
	(vi) Secondary Schools without Boarding 10 classes	N18,000.00 per annum
	(vii) Secondary Schools without Boarding 1-9 classes	N12,000.00 per annum

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| (b) | Worship Centres | |
| | (i) Very large | N24,000.00 per annum |
| | (ii) Large | N18,000.00 per annum |
| | (iii) Medium | N6,000.00 per annum |
| | (iv) Small | N2,400.00 per annum |
| (B) | Government Establishments | |
| | (i) State/Fed. Ministry/Parast. Per floor occupied | N24,000.00 per annum |

Amendment
of section 4 of
third schedule

5. The third schedule to the principal Law is amended by substituting for section 4 thereof, the following new section 4, that is
(4) Subject to the provisions of this law all former duties, functions and powers of the former Enugu State Environmental Protection Agency not exercised by the Authority shall revert to the Ministry.

SECOND SCHEDULE

PART A. SUPPLEMENTARY PROVISIONS RELATING TO TENURE OF OFFICE, ETC OF MEMBERS OF THE BOARD.

Tenure of
office

1. (1) Subject to the other provisions of this Law, a member of the Board who is not an ex-officio member shall unless he previously relinquishes his membership on the Board-

- (a) hold office for four years on such terms as may be specified in his letter of appointment; and
- (b) be eligible for re-appointment for a further terms of four years, but shall vacate his office at the expiration of a period of eight years.

(2) No member of the Board shall be entitled to appoint an alternate or deputy to represent him at a meeting.

Members

2. Members of the Board, other than ex-officio members, shall be paid out of moneys at the disposal of the Board such remuneration and allowances as the Governor may determine.

proceedings

3. Subject to this Law and Section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the Chairman to have a second or casting vote), the Board may make standing orders regulating the proceedings of the Board or any committee thereof.

Meetings of
Board

4. The Board shall meet not less than four times in each year and on such

5. Every meeting of the Board shall be presided over by the Chairman and if the Chairman is unable to attend any particular meeting, a member may be appointed by the members present to act as chairman for that particular meeting

Pending at meeting.

6. A quorum at a meeting of the Board shall consist of four members of whom at least one shall be a member appointed under paragraph (e) of Section 3 of this Law.

Quorum

7. Where standing order made under paragraph 3 of this Schedule provide for the Board to co-opt persons who are not members of the Board, such persons may advise the Board on any matter referred to them by the Board, but shall not be entitled to vote at a meeting of the Board.

8. (1) The salaries of the Managing director of the authority and of his immediate subordinates shall be such as may be determined from time to time by the Governor.

Salaries

(2) The salaries of the other employees of the Authority shall be determined by the Authority, subject to the approval of the commissioner.

(3) Subject to any regulations made under paragraph 9 of this Schedule, the Authority shall pay to any of its employees such pensions and gratuities as it may determine.

9. The Board may make regulations providing for -

Regulations

- (a) the conditions of service of its employees ;
- (b) the grant of pensions, gratuities and other retiring benefits to its employees and their dependants, and the grant of gratuities to the estates or dependants of its deceased employees; and
- (c) the establishment and maintenance of medical benefit funds, superannuation funds, provident funds and the contributions (if any) payable thereto and the benefits receivable therefrom.

10. The fixing of the seal of the authority shall be authenticated by the signature of the Chairman and any other person authorized in that behalf by the Board.

Authentication
of
document

11. Any contract or instrument, which if made or executed by any person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Authority by any person generally or specially authorized to act for that purposed by the Board.

Signature of
the contract

12. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Authority shall be received in evidence and, unless the contrary is proved, be presumed without further proof to have been so signed and sealed.

Validity
proceedings

13. The validity of any proceedings of the Board shall not be affected -
(a) by any vacancy in the membership of the Board; or
(b) by any defect in the appointment of the Board; or
(c) by reason that a person not entitled to do so took part in the proceedings.

Duty of
members
disclosure of
Interest

14. A member of the Board who has any interest in any company or other concern with which the Authority proposes to make any contract or arrangement or any interest in such contract or arrangement shall disclose to the Board the fact such interest and the nature thereof, and such disclosure shall be recorded in the minutes of the Board, and such member shall take no part in any deliberation or decision of the Board relating to such contract or arrangement.

THIRD SCHEDULE

TRANSITIONAL PROVISIONS RELATING TO THE EMPLOYEES. ASSETS AND LIABILITIES OF THE DISSOLVED AGENCY

1. By virtue of this Law there shall be vested in the Authority on the appointed day without any further assurance all assets, funds, resources and other movable or immovable property which immediately before the appointed day were vested in the Agency dissolved by this Law (referred to in this part of this Schedule as "the Agency")

2. As from the appointed day-

- (a) the right, interests, obligations and liabilities of the Agency existing immediately before the appointed day under any contract or instrument, or at Law or in equity apart from any contract or instrument, shall by virtue of this Law be assigned to and vested in the Authority;
- (b) any such contract or instrument as is mentioned in paragraph (a) of this Schedule shall be of the same force and effect against or in favour of the Authority and shall be enforceable as fully and effectively if instead of the Agency the Authority had been named therein or had been a party thereto; and
- (c) the Authority shall be subject to obligations and liabilities to which the Agency was subject immediately before the appointed day, and all other persons shall as from the appointed day have the same rights, powers and remedies against the Authority as they had against the Agency in respect of any right, interest, obligation or liability of the authority may be commenced, continued or enforced by or against the Authority as if this Law had not been made.

3. Notwithstanding the dissolution of the Agency by section 43; of this Law but subject to such directions as may be issued by the Board, any person who immediately before the appointed day held office under the Authority shall, on the appointed day, be deemed to have been transferred to the Authority on terms and conditions not less favourable than those obtaining immediately before the appointed day and service under the Agency shall be deemed service under the Authority for pensions purposes.

4. Subject to the provisions of this Law, all former duties functions and powers of the former Enugu State Environmental Protection Agency shall revert to the Ministry.

5. In this Schedule, the "appointed day" means the day of coming into operation of the Law.

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The printed impression has been carefully compared by me with the Bill which has passed the house of Assembly of Enugu State of Nigeria and is found by me to be a true and correctly printed copy of the said Bill.

ABEL CHUKWU
Speaker of the House of Assembly

HERBERT E. UDEH
Clerk of the House of Assembly

..... day of 2004