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THE LAWS OF THE TARABA STATE OF NIGERIA

in force on the 1st day of January, 1993

REVISED EDITION

PREPARED UNDER THE AUTHORITY OF
THE REVISED EDITION (LAWS OF GONGOLA STATE OF
NIGERIA) LAW, 1989

by

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COMMISSIONERS FOR THE REVISION OF THE LAWS OF
TARABA STATE OF NIGERIA

IN THREE VOLUMES

VOLUME 3

CONTAINING T. RABA STATE LAWS, CHAPTERS 81-145

1997

CORRIGENDUM

Delete the words "Gongola State" and "Adamawa State" wherever they appear in these Laws and substitute therefor the words "Taraba State".

Delete the word "Yola" wherever it appears and substitute therefor the word "Jalingo".

Caps 1 and 2 of volume 1 of these Laws are not applicable.

CHAPTER 114

PUBLIC HEALTH

THE PUBLIC HEALTH LAW

NN 1963,
Cap. 109
GGSLN 3 of
1983

[26 July 1917] Date of
commence-
ment.

1. This Law may be cited as the Public Health Law.

Short title.

2.—(1) The Governor may by order apply to any area or place specified in such order—

Application.
GGSLN 3 of
1983.

- (i) any or all of the provisions of this Law; or
- (ii) any or all of the rules made under this Law; or
- (iii) any or all of the provisions of this Law and any or all of the rules made under this Law;

(2) An order applying any or all of the provisions of the Law shall not at the same time, unless it is expressly so provided, apply the rules made under any of the provisions of the Law so applied.

(3) Whenever any of the provisions of this Law or any rule is applied to any area or place, all penal and other ancillary provisions applicable for the due enforcement of such provisions and rules shall be deemed to be applied and be in force.

3. Definitions—

Interpreta-
tion.

“Commissioner” means the State Commissioner for the time being responsible for public health;

“dairy” means and includes any farm house, cowshed, milk store, milk shop or other place from which milk, other than imported preserved milk, is supplied, or in which milk, other than such imported milk, is kept for sale.

"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 such sanitary inspector or other person is serving in the medical or sanitary departments of the Government or is in the service of a local government;

"infectious disease" in relation to human beings, means plague, cholera, yellow fever, smallpox, cerebro-spinal meningitis, diphtheria, scarlet fever, typhoid, and sleeping sickness, and includes any disease of an infectious or contagious nature which the Governor may by public notice declare to be an infectious disease within the meaning of this Law;

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

"premises" means and 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.

Medical Officers of Health

Appoint-
ment 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 medical officer in medical charge of the area shall be the medical officer of health for the area.

Senior
health
officers.
GGSLN 3 of
1983.

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 (General)

7. The following shall be deemed to be nuisances—

Nuisances
which may
be abated
summarily.

- (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;
- (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, dust bin, 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 may be 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;

GOSLN 3 of
1983.

Notice
regarding
abatement
of nuisance.

- (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 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.

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.

he shall be liable to a fine of two hundred 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 recur 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.

Execution of works.

(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 five hundred 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 ten 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 twenty 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 connection 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 costs 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 authorise 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 two 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
nuisance.

13.—(1) Whoever by any act or default causes or suffers to be brought or to flow into any well, river, stream, tank, reservoir, aqueduct or pond used or intended for supplying water to man or beast or into any conduit communicating therewith any deleterious substance or does any act whereby such water is or may be fouled shall be liable to a fine of two hundred naira and a further sum of forty naira for every day during which the offence is continued after conviction.

Fouling
water.

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

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

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

Penalty for
selling.

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 twenty naira for every article condemned, and for any subsequent conviction, to a fine of one thousand 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 is 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 hundred naira.

Streets and Open Spaces

Owner or
occupier to
clear streets
near his
premises.
GGS LN 3 of
1983.

17.—(1) Every owner or occupier of any tenement shall clear and keep free from all undergrowth, weeds, filth, rubbish, and refuse of any description, the streets at the front, back or either side of such tenement, with the drains, gutters, or channels, on such streets:

Provided that when there shall be two tenements contiguous to any street, drain, gutter, or channel, and facing each other, the owner or occupier of each such tenement shall be responsible for keeping clean only half of the street and the drain, gutter, or channel nearest to his tenement.

(2) Every owner or occupier who shall fail to comply with the provisions of this section shall for each offence be liable to a fine of two hundred naira.

Penalties
for certain
offences.

18.—(1) Any person who—

(a) throws or lays on any street or tenement, whether occupied or not, or on any open space (except at such places as may be

set apart by the proper authority for such purpose) any rubbish or any offensive or unwholesome matter; or

- (b) commits any nuisance in any street or in any open space or in any place being an appurtenance of or adjoining a dwelling-house.

shall for each offence, in addition to any liability for damage at the suit of any person aggrieved, be liable to a fine of two hundred naira.

(2) Any person found committing any offence under this section may be taken into custody without warrant by any police officer, sanitary inspector or person whom he may call to his aid, or by the owner or occupier of the property on or with respect to which the offence is committed, or by any person authorised by him, and may be detained until he can be delivered into the custody of a police officer:

Provided that no person arrested under this section shall be detained by any police officer or other person longer than is necessary for bringing him before the court.

Infectious Diseases

19.—(1) Whenever an infectious disease shall have broken out in any place, the Governor 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) The penalty for a first offence shall be a fine of five hundred naira or three months' imprisonment and for subsequent offences a fine of one thousand naira or six months' imprisonment, or both.

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

20. 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.

Power to
order post-
mortem
examination.

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

Marking of
premises
where
infectious
disease has
occurred.

22. 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 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 hundred naira.

X Disinfection.

23. 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
to order
destruction
of house,
building or
anything.
GGSLN 3 of
1983.

24.--(1) The local government or 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 local government or medical officer of health may direct.

Destruction
of animals.

25. 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.

26.* 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 to be detained there until he can be discharged with safety to the public.

Removal and detention of infected persons and suspects.

27.* 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 authorised by the medical officer of health to carry out such order may use such force as is necessary to compel obedience to such order.

Isolation of contacts.

28.—(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, and every medical practitioner consulted by or in attendance on any patient suffering from an infectious disease shall give such notice.

Notification of infectious disease.

(2) If anyone liable to give notice fails to give the notice required, he shall be liable to a fine of one hundred 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.

29.—(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.

Removal of bedding, and clothing, for disinfection.

*Federal.

(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.

Letting
infected
houses

30. 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 hundred naira.

Acts tending
to the spread
of disease.

31. 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 disinfection any bedding, clothing or other article which has been exposed to infection,

shall be liable to a fine of two hundred naira or to imprisonment for three months.

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

32. 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 one hundred 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 the ship or public conveyance.

Disinfection
of public
conveyances.

33. Every person in charge of any ship or public conveyance shall to the satisfaction of the medical officer of health immediately provide for the disinfection 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 hundred 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 cleaned and disinfected by the medical officer of health at the expense of the person or owner.

34. Every health officer, police officer or in the case of a person subject to the jurisdiction of area courts, any authorised officer of a local government, 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.

Apprehension of persons in public streets suffering from infectious disease.
GGSLN 3 of 1983.

35.—(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.

Appointment of house visitors

(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 disinfection thereof or otherwise as they shall consider necessary.

36.—(1) The owner of any building, article or thing destroyed under an order made in pursuance of section 24, and the owner of any animal killed under an order made in pursuance of section 25, shall be entitled to compensation to be paid either out of general revenue or out of the funds of a local government as may be prescribed or as the Commissioner may direct.

Compensation.
GGSLN 3 of 1983.

(2) All claims for compensation under this section or under any rules under section 40 shall be heard and determined by a compensation board which the Commissioner is hereby empowered to appoint, consisting of two persons, one of whom shall be unconnected with the Government 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.

1 dead 1962

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(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 have 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 of 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 wilfully give false evidence in any proceedings before a compensation board shall be guilty of perjury and be liable to be prosecuted and punished accordingly.

Time within which claims for compensation shall be made.

37. 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.

Restriction on civil proceedings.

38. 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.

39. 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.

40. The Governor may 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;

Power to
make rules.
GGSLN 3 of
1983.

(b)*for inspecting and granting permits to persons travelling by sea or land from a place where an infectious disease has occurred, and for disinfecting their clothes and effects;

(c) for closing, destroying, disinfesting, 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 Governor;

(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 erection of temporary huts, mortuaries and similar buildings by the chiefs or headmen of towns or villages;

- (d) prescribing the acts or things, done under any rule, in respect of which compensation may be paid;
- (k) for declaring whether compensation shall be paid out of general revenue, or out of the funds of a local government;
- (l) for the publication within the area affected of any notice under section 19 or rule made under this section;
- (m) for prescribing the procedure to be adopted by a compensation board; and
- (n) generally for the better carrying into effect of any of the provisions of this Law relating to infectious diseases.

Miscellaneous Provisions

41. A local government council may make by-laws with regard to:-

- (i) the maintenance of public latrines, urinals, dust-bins and manure and night-soil depots in a sanitary condition;
- (ii) the disposal or destruction of refuse and sewage;
- (iii) surface scavenging, and the removal and disposal of night-soil and of other refuse;
- (iv) the cleansing of streets;
- (v) the provision and proper construction of rubbish receptacles on private premises;
- (vi) the erection and construction, demolition, re-erection and construction, conversion and reconversion, alteration, repair, sanitation and ventilation of public and private buildings;
- (vii) the prevention of overcrowding in premises or rooms either in respect of human beings or animals, including the designation of an officer to fix (subject, where the premises or rooms are situated within the area of a local authority, to a right of appeal by any person affected to such authority) the maximum number of human beings or animals which may occupy any particular premises or room;
- (viii) for preventing in any place where an infectious disease exists, the holding of public meetings or the performance of funeral or other local customs likely

General
purposes
for which
by-laws may
be made.
GGSLN 3 of
1983.



to tend to the dissemination of such infectious disease;

- (ix) for the destruction of rats, mice and other kinds of vermin, and of fleas, bugs, or any other such parasites as it may be deemed advisable to destroy and for rendering houses rat-proof;
- (x) the sanitary maintenance of factories, workshops, breweries and places of public instruction, recreation or assembly;
- (xi) the regulation of bake-houses, dairies, aerated water manufacturers, eating houses and food-preparing or food-preserving establishments;
- (xii) the regulation of laundries and wash-houses;
- (xiii) the admission into any urban area of cattle or other animals;
- (xiv) the construction, position and proper sanitary maintenance of all places where animals are kept;
- (xv) the methods to be adopted in cleansing and disinfecting places which have been occupied by any animal suffering from a contagious or infectious disease;
- (xvi) prescribing the duties of any person employed in connection with any of the purposes of this Law;
- (xvii) prohibiting or regulating the making of borrow pits or excavations;
- (xviii) prohibiting or regulating the sinking of wells and providing for the closing of wells; and
- (xviv) prohibiting, regulating or prescribing such matters or things as may be deemed necessary or advisable in the interest of the public health, and generally for carrying out and giving effect to the objects and purposes of this Law.

42. No by-law made by a local government under this Law shall come into operation until it has been approved by the Governor.

Legal Proceedings

Penalty for
obstructing
execution of
this Law

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

Obstruction
of owner by
occupier

44. 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 fails to comply therewith, he shall be liable to a fine of one hundred naira for every day during the continuance of such non-compliance.

General
penalties

45. 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 five hundred naira.

Recovery of
penalties.

46.—(1) All penalties, fines, costs and expenses, the recovery of which is not otherwise provided for, shall be recoverable upon summary trial.

(2) The Governor may by order confer upon all or any area courts jurisdiction to impose penalties, and to order the payment of costs and expenses, under this Law, upon or by persons subject to the jurisdiction of such court, subject to such restrictions and limitations, if any, as may be specified in such order.

Service of
notices.

47.—(1) A notice, order or document required or authorised 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.

(2) A notice, order or document required or authorised 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.

48.—(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 wilfully misstating the name or address either of himself or of the owner shall be liable to a fine of one hundred naira.

49. 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. Duties of police

50. 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. Sanitary inspectors to have powers of constables.

51. 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 of 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 which the court finds as a matter of fact contribute 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. Joinder of parties.

52. Where in any proceeding under this Law any person is summoned or otherwise dealt with as the occupier of premises, it shall be presumed that he is the occupier. Burden of proof.

he alleges that he is not the occupier, the proof of such allegation shall be on him.

Protection
of health
officer.

53. 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.