

CHAPTER S8 - SPECIAL ENVIRONMENTAL SANITATION COURT LAW

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SPECIAL ENVIRONMENTAL SANITATION COURT LAW

A Law to make provisions for the establishment of Special Environmental Sanitation Court in the State and for other matters connected therewith.

[Date of commencement: 23rd December, 2004]

PART 1

Establishment and Constitution of the Special Environmental Sanitation Court

1. Establishment of the Special Environmental Sanitation Court

(1) There is hereby established in the State a Court which shall be known as the Special Environmental Sanitation Court (hereinafter in this Law referred to as "the Court").

(2) There shall be divisions of the Court, one in each of the Senatorial Districts of the State.

2. Assignment of a Magistrate to preside over the Court

The Chief Judge may assign a Magistrate to be the presiding Magistrate of the Court.

3. Court Seal

(1) The Court shall have and use, as occasion may require, a seal bearing the inscription "Special Environmental Sanitation Court".

(2) The seal shall be kept by the Magistrate who may entrust the seal or duplicate to such officers of Court as he may think fit.

(3) Such seal shall be the seal of the Court for all purposes for which it may be required under the provisions of this Law or any enactment or rules of Court.

PART II

Jurisdiction and Law

4. Jurisdiction

(1) The Court shall have power and jurisdiction—

(a) over every part of the State and for the more convenient dispatch of its business, the Court may sit in any place and at any time within the State.

(b) in respect of cases arising out of or connected with the provisions of the Environmental Sanitation Law, Kwara State Environmental Protection Agency Law (as amended), its Regulations or any other Law on Environmental Protection and other related enactments; and such other matters as may be assigned to the Court under any other law.

[No. 5 of 2004, No. 5 of 1992 as amended.]

(2) Notwithstanding anything to the contrary in any Law, the jurisdiction of the Court shall be limited to the sum of five million naira.

(3) The House of Assembly may by a Law confer jurisdiction on the Court in respect of such other causes and matters of the nature as provided in subsection (1) (b) of this section as may from time to time arise.

5. Practice and Procedure

(1) The jurisdiction vested in the Court shall, so far as practice and procedure are concerned, be exercised in the manner provided by this Law or any other Law or by such rules and orders of Court as may be made pursuant to this Law or in the absence of any such provisions, in substantial conformity with the practice and procedure for the time being in force in the Magistrate Courts or District Courts of the State.

(2) A Magistrate presiding over the Court shall in addition to the powers conferred upon him under this Law, exercise such other powers as may be conferred upon him under any other law.

6. Appeals to the High Court

An appeal shall lie to the High Court from the decision of the Court within a period of thirty

days from the date of judgment.

PART III

General Provisions as to Trial and Procedure

7. Criminal Procedure

(1) Subject to the provisions of this section proceedings before the Court shall be conducted substantially in accordance with the provisions of the Criminal Procedure Code with such modifications as may be necessary as to bring it into conformity with the provisions of this Law with respect to all matters falling within the jurisdiction of the Court.

(2) Matters before the Court may be tried summarily in accordance with the provisions of the Criminal Procedure Code.

8. Trial with Assessors

The Court may if it thinks it expedient so to do, call in the aid of one or more Assessors specially qualified to try and hear the cause or matter wholly or partially with the assistance of such Assessors.

PART IV

Miscellaneous

9. Officers of the Court

(1) The Chief Judge may assign registrars, deputy registrars and such other officers as may be deemed necessary who shall perform all such duties with respect to the business before the Court and by any order of the Chief Judge.

(2) The registrars and deputy registrars shall have power to administer oaths and perform such other duties with respect to any proceeding in the Court as may be prescribed or by any special order of the Chief Judge.

10. Negligence or misconduct of officers

If an officer of the Court employed to execute an order wilfully or by neglect or omission loses the opportunity of executing it, then on complaint of the person aggrieved, and proof of the act alleged, the Court may, if it thinks fit, order the officer to pay the damages sustained by the person complaining, or part thereof, and the order shall be enforced as an order directing payment of money.

11. Evidence Act and rules of evidence

The mode of giving evidence in accordance with the provisions of the Evidence Act and other rules of evidence shall be applicable.

12. Notes of evidence and minutes of proceedings

(1) In every proceedings the presiding Magistrate shall take down in writing the substance of all oral evidence given before the Court and minutes of the proceedings and shall sign same at any adjournment of the case and at the conclusion thereof.

(2) The record so kept as aforesaid or a copy thereof purporting to be signed and certified as a true copy by the registrar shall at all times, without further proof, be admitted as evidence of such proceedings and of the statements made by the witnesses.

13. Inspection

The Court may on the application of either party or of its own motion, make such order for the inspection by the Court, the parties or witnesses of any movable or immovable property, the inspection of which may be material to the proper determination of the question in dispute, and give such direction in respect of such inspection as the Court may deem fit.

14. Protection

(1) No Magistrate or other person acting judicially under this Law shall be liable for any act done or ordered to be done by him in the discharge of his judicial duty or in the course of any proceeding before him.

(2) No officer of the Court or other person bound to execute the lawful warrants or orders of the Court or other person acting judicially shall be liable for the execution of a warrant or order which he would be bound to execute, if executed within the jurisdiction of the person issuing same.

15. Other names of the Court

The Court may also be known as the Environmental Protection Court.

16. Interpretation

In this Law, unless the context otherwise requires—

"**action**" means proceedings before the Court;

"**cause**" includes any action, suit or other proceedings;

"**Chief Judge**" means the Chief Judge of Kwara State;

"**Court**" means the Special Environmental Sanitation Court established under section 1 of this Law;

"**enactment**" includes any law or Act applicable or having effect in the State;

"**High Court**" means the High Court of Kwara State;

"**Judgment**" includes a decision or order of a Court;

"**matter**" includes every proceedings in the Court;

"**State**" means Kwara State of Nigeria;

"**suit**" includes actions.

17. Citation

This Law may be cited as the Special Environmental Sanitation Court Law 2004.

CHAPTER S8

SPECIAL ENVIRONMENTAL SANITATION COURT LAW

SUBSIDIARY LEGISLATION

No Subsidiary Legislation

