

CHAPTER P14 - PUBLIC HEALTH LAW

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Application.
3. Interpretation.

Medical Officers of Health

4. Appointment of environmental health officers.
5. Senior environmental health officers.
6. Duties of environmental health officers.

Nuisances (General)

7. Nuisances which may be abated summarily.
8. Notice regarding abatement of nuisance.
9. On non-compliance with notice, court may make nuisance order.
10. Power to sell premises.
11. Right of entry.
12. Cost of execution relating to nuisance.
13. Fouling water.
14. Environmental health officer may inspect food exposed for sale and condemn unsound food.
15. Search warrant.
16. Penalty for obstructing officer with search warrant.

Streets and Open Spaces

17. Owner or occupier to clear streets near his premises.
18. Penalties for certain offences.

Infectious Diseases

19. Declaration of infected area and order for evacuation.
20. Spirit and wine and beer licences in area ordered to be evacuated.
21. Power to order post-mortem examination.
22. Marking of premises where infectious disease has occurred.
23. Disinfection.
24. Power to order destruction of house, building or anything.
25. Destruction of animals.
26. Removal and detention of infected persons and suspects.
27. Isolation of contacts.
28. Notification of infectious disease.
29. Removal of bedding, and clothing, for disinfection.

SECTION

30. Letting infected houses.
31. Acts tending to the spread of disease.
32. Infected persons entering public conveyance without notice to the person in charge.
33. Disinfection of public conveyances.
34. Apprehension of persons in public streets suffering from infectious disease.
35. Appointment of house visitors.
36. Compensation.
37. Time within which claims for compensation shall be made.
38. Restriction on civil proceedings.
39. Presumption of knowledge.
40. Power to make rules.

Miscellaneous Provisions

- 41. General purposes for which by-laws may be made.
- 42. By-laws.

Legal Proceedings

- 43. Penalty for obstructing execution of this Law.
- 44. Obstruction of owner by occupier.
- 45. General penalties.
- 46. Recovery of penalties.
- 47. Service of notices.
- 48. Occupier to give information.
- 49. Duties of police.
- 50. Environmental health officers to have powers of constables.
- 51. Joinder of parties.
- 52. Burden of proof.
- 53. Protection of environmental health officer.

GENERAL NOTE: The expressions "Medical Officer of Health", "Sanitary Inspector" and "Health Officer" are substituted with the expression "Environmental Health Officer", wherever they occur in this Law, by Law No. 4 of 2006.

PUBLIC HEALTH LAW

The Public Health Law.

[NN 1963, Cap. 109, KWS 7 of 1978, KWS LN 1 of 1982, No. 4 of 2006.]

[Date of commencement: 26th July, 1917]

1. Short title

This Law may be cited as the Public Health Law.

2. Application

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

- (a) any or all of the provisions of this Law; or
- (b) any or all of the rules made under this Law; or
- (c) 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. Interpretation

Definitions—

"Commissioner" means the State Commissioner for the time being responsible for public health;

[KWS LN 1 of 1982.]

"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;

"environmental health officer" includes an environmental health officer or other person acting under the authority, whether general or special, of the environmental health officer, and whether such environmental health officer 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.

Environmental Health Officers

4. Appointment of environmental health officers

The Commissioner may appoint any medical officer to be the environmental health officer 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 environmental health officer for the area.

5. Senior environmental health officers

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

6. Duties of environmental health officers

It shall be the duty of every environmental health officer 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. Nuisances which may be abated summarily

The following shall be deemed to be nuisances—

- (a)* any premises in such a condition as to be injurious to health;
- (b)* any premises which are so dark or so ill-ventilated or so damp or in such a condition of dilapidation, as to be dangerous or prejudicial to the health of the persons living or employed therein;
- (c)* any premises which contain rat holes or rat runs or other similar holes or which are infested with rats or in which the ventilating openings are not protected by gratings in such manner as to exclude rats therefrom;
- (d)* any pool, ditch, gutter, watercourse, cesspool, drain, ashpit, refuse pit, latrine, dustbin, washing place, well, water tank, barrel, sink, collection of sullage water, receptacle containing stagnant water, or other thing in such a state or condition as to be injurious to health;
- (e)* any animal or bird so kept as to be injurious to health of man or molesting to neighbours and any animal or bird suffering from a noxious or contagious disease;
- (f)* any hole or excavation, well, pond or quarry in or near any street which is or is likely to become dangerous to the public;
- (g)* any stable, cowhouse, pigsty, or other premises for the use of animals or birds which are in such a condition as to be injurious to the health of man or of

such animals or birds;

- (h) any noxious matter or water flowing or discharged from any premises into any public street or into any gutter or side channel of any street;
- (i) any accumulation or deposit of rubbish of any kind whatever, or any decaying animal or vegetable matter, whether in the form of refuse, manure, decayed or tainted food, or in any form whatever;
- (j) any growth of weeds, cactus, long grass, reeds or wild bush of any kind which 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;
- (k) any premises certified by the environmental 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 an environmental health officer, as being favourable to the breeding of mosquitoes, found in any area which may be specified in the said notice.

[KWS LN 1 of 1982.]

8. Notice regarding abatement of nuisance

(1) An environmental 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 environmental health officer think it desirable (but not otherwise), specifying any works to be executed.

(2) The environmental 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 environmental health officer considers 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 thousand naira.

[No. 4 of 2006.]

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

(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
- (b) the nuisance, although abated since the service of notice, is, in the

opinion of the environmental health officer, likely to recur on the same premises,

the health office 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) *Execution of Works*.—An abatement order or prohibition order shall, if the person on whom the order is made so requires, or the court considers it desirable, specify the work to be executed by such person for the purpose of abating or preventing the recurrence of the nuisance.

(6) A closing order may prohibit any premises from being used for human habitation.

(7) A closing order shall only be made where it is proved to the satisfaction of the court that, by reason of a nuisance, premises are unfit for human habitation, and, if such proof is given, the court shall make a closing order, and may impose a fine of two thousand naira.

[No. 4 of 2006.]

(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 five hundred 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 two thousand naira a day during such contrary action; moreover the environmental 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.

[No. 4 of 2006.]

10. Power to sell premises

(1) If an order of the court or notice of the environmental 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 environmental 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 environmental 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.

11. Right of entry

(1) (a) It shall be lawful for the environmental 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 environmental 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 environmental 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 thousand naira.

[No. 4 of 2006.]

12. Cost of execution relating to nuisance

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.

13. Fouling water

(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 ten thousand naira and a further sum of two thousand naira for every day during which the offence is continued after conviction.

[No. 4 of 2006.]

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

14. Environmental health officer may inspect food exposed for sale and condemn unsound food

Penalty for selling.—The environmental 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 environmental health officer to be diseased or unwholesome or unfit for the food of man he may condemn the same and order it to be destroyed or so disposed of as to prevent it from being used for the food of man, and the person to whom it belongs or in whose possession or premises it was found shall be liable to a fine of five hundred naira for every article condemned, and for any subsequent conviction, to a fine of five thousand naira or to imprisonment for six months.

[No. 4 of 2006.]

15. Search warrant

If any environmental health officer or police officer shall show reasonable cause the

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

16. Penalty for obstructing officer with search warrant

Any person who hinders, prevents or obstructs any such officer in the performance of his duty under such search warrant shall be liable to a fine of two thousand naira.

[No. 4 of 2006.]

Streets and Open Spaces

17. Owner or occupier to clear streets near his premises

(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 street.

[KWS LN 1 of 1982.]

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 of any tenement shall provide dustbins for his tenement and same shall be used for depositing refuse of any description.

(3) 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 thousand naira and where the offence so committed by such owner occupier is in relation to a shop or market stall, such

shop or market stall shall in addition to such fine be sealed up for a period of two weeks from the date of such conviction.

[No. 4 of 2006.]

(4) Where the offence is committed by a body corporate it shall be liable to a fine of twenty thousand naira for each offence.

[No. 4 of 2006.]

(5) Notwithstanding the provisions of any other Law or enactment a Magistrate or Area Court Judge of any grade shall have jurisdiction to try summarily any of the offences stated under this Law.

(6) The provisions of this section shall apply to any township within the state.

(7) A Magistrate or an Area Court Judge trying offences under the Law in addition to trying offences summarily shall, as the case may be, sit as a Mobile Court within Kwara State.

18. Penalties for certain offences

(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 one thousand naira.

[No. 4 of 2006.]

(2) Any person found committing any offence under this section may be taken into custody without warrant by any police officer, environmental health officer 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 not longer than 24 hours.

[No. 4 of 2006.]

Infectious Diseases

19. Declaration of infected area and order for evacuation

(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.

(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 two thousand naira or six months' imprisonment and for subsequent offences a fine of five thousand naira or one year's imprisonment, or both.

[No. 4 of 2006.]

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

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.

21. Power to order post-mortem examination

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.

22. Marking of premises where infectious disease has occurred

An environmental 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 environmental health officer shall be liable to a fine of two thousand naira.

[No. 4 of 2006.]

23. Disinfection

An environmental 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.

24. Power to order destruction of house, building or anything

(1) The Local Government or the environmental health officer 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.

[KWS LN 1 of 1982.]

(2) Any such order shall be carried out in such manner and by such person as

the Local Government or environmental health officer may direct.

25. Destruction of animals

An environmental health officer 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. Removal and detention of infected persons and suspects

An environmental health officer 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.

27. Isolation of contacts

An environmental health officer 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 environmental health officer to carry out such order may use such force as is necessary to compel obedience to such order.

28. Notification of infectious disease

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

(2) If anyone liable to give notice fails to give the notice required, he shall be liable to a fine of two thousand naira or to imprisonment for two months.

[No. 4 of 2006.]

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. Removal of bedding, and clothing, for disinfection

(1) An environmental 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 environmental health officer for removal for the purpose of disinfection.

(2) The bedding, clothing and articles shall be disinfected by the environmental health officer, and shall be brought back and delivered to the owner free of cost.

30. Letting infected houses

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 environmental health officer, shall be liable to a fine of two thousand naira.

[No. 4 of 2006.]

31. Acts tending to the spread of disease

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 thousand naira or to imprisonment for three months.

[No. 4 of 2006.]

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

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 two thousand 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.

[No. 4 of 2006.]

33. Disinfection of public conveyances

Every person in charge of any ship or public conveyance shall to the satisfaction of the environmental health officer 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 two thousand naira.

[No. 4 of 2006.]

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

34. Apprehension of persons in public streets suffering from infectious disease

Every environmental 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.

[KWS LN 1 of 1982.]

35. Appointment of house visitors

(1) When any infectious disease is epidemic in any place, the Commissioner may appoint whatever medical or other officers he may think fit to be visitors therein.

(2) Such officers may enter any premises in which there may be, or be suspected to be, any case of infectious disease and examine such premises and give such order as to the cleansing or disinfection thereof or otherwise as they shall consider necessary.

36. Compensation

(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.

[KWS LN 1 of 1982.]

(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.

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

37. Time within which claims for compensation shall be made

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.

38. Restriction on civil proceedings

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. Presumption of knowledge

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.

40. Power to make rules

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;

[KWS LN 1 of 1982.]

- (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, disinfecting, cleaning or otherwise rendering harmless, houses, buildings, latrines, wells, dustbins, dumping grounds and any place that by reason of the existence of infectious disease it may be deemed advisable so to deal with;
 - (d) for prohibiting the removal of property from infected houses;
 - (e) for prescribing the mode of burial or disposal of the bodies of persons dying from an infectious disease;
 - (f) for the removal of persons from an infected area the evacuation of which has been ordered by the 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;
 - (j) 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. General purposes for which by-laws may be made

A local government council may make by-laws with regard to—

[KWS LN 1 of 1982.]

- (a) the maintenance of public latrines, urinals, dustbins and manure and night-soil depots in a sanitary condition;
- (b) the disposal or destruction of refuse and sewage;
- (c) surface scavenging, and the removal and disposal of night-soil and of other refuse;
- (d) the cleansing of streets;
- (e) the provision and proper construction of rubbish receptacles on private premises;
- (f) the erection and construction, demolition, re-erection and construction, conversion and re-conversion, alteration, repair, sanitation and ventilation of public and private buildings;
- (g) 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;
- (h) preventing in any place where an infectious disease exists, the holding of public meetings or the performance of funeral or other local customs likely to tend to the dissemination of such infectious

disease;

- (i)* 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 rendering houses rat-proof;
- (j)* the sanitary maintenance of factories, workshops, breweries and places of public instruction, recreation or assembly;
- (k)* the regulation of bake-houses, dairies, aerated water manufactories, eating houses and food preparing or food preserving establishments;
- (l)* the regulation of laundries and wash-houses;
- (m)* the admission into any urban area of cattle or other animals;
- (n)* the construction, position and proper sanitary maintenance of all places where animals are kept;
- (o)* the methods to be adopted in cleansing and disinfecting places which have been occupied by any animal suffering from a contagious or infectious dis-ease;
- (p)* prescribing the duties of any person employed in connection with any of the purposes of this Law;
- (q)* prohibiting or regulating the making of borrow pits or excavations;
- (r)* prohibiting or regulating the sinking of wells and providing for the closing of wells; and
- (s)* 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. By-laws

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

43. Penalty for obstructing execution of this Law

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

[No. 4 of 2006.]

44. Obstruction of owner by occupier

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 two thousand naira for every day during the continuance of such non-compliance.

[No. 4 of 2006.]

45. General penalties

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 two thousand naira.

[No. 4 of 2006.]

46. Recovery of penalties

(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.

47. Service of notices

(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. Occupier to give information

(1) The occupier of any premises shall, if required by any environmental health officer or any police officer, give his name and the name and address of the owner of the premises if known.

(2) Any occupier declining to give or willfully mis-stating the name or address either of himself or of the owner shall be liable to a fine of two thousand naira.

[No. 4 of 2006.]

49. Duties of police

Every police officer shall give information to the environmental health officer of any

offence which he knows or has reason to believe has been committed against this Law.

50. Environmental health officers to have powers of constables

Every environmental health officer 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.

51. Joinder of parties

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.

52. Burden of proof

Where in any proceeding under this Law any person is summoned or otherwise dealt with as the occupier of premises if he alleges that he is not the occupier, the proof of such allegation shall be on him.

53. Protection of environmental health officer

An environmental health officer or other person shall not be liable to any action, liability or demand on account of anything done by him bona fide for the purpose of executing this Law.

CHAPTER P14

PUBLIC HEALTH LAW

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Public Health Rules
 2. Public Health (Conservancy) Rules
 3. Public Health (Native Authorities) Rules
 4. Declaration of Infectious Diseases Notice
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GENERAL NOTE: The expressions "Medical Officer of Health", "Sanitary Inspector" and "Health Officer" are substituted with the expression "Environmental Health Officer", wherever they occur in this Law, by Law No. 4 of 2006.

PUBLIC HEALTH RULES

[Sections 40, 41 and 42.]

[Rules 2 of 1917, 7 of 1919, 5 of 1920, 1 of 1921, 2 of 1921, 8 of 1926, 4 of 1927, 10 of 1936, 12 of 1936, 9 of 1938, 9 of 1939, 1 of 1940, NN LN 169 of 1963.]

[Date of commencement: 2nd August, 1917]

1. These rules may be cited as the Public Health Rules.

[No. 9 of 1938.]

2. "Local authority" in any area or place, other than a township, to which these rules are applied by Order in Council made under section 2 (2) of the Law shall mean the

authority appointed by such order to be the local authority for such area for the purposes of the rules.

[No. 9 of 1938.]

PART I

Infectious Diseases

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

4. A police officer or other person acting on the instructions of an environmental health officer may enter any premises to search for any case of infectious disease, or to inquire whether there is or has been on such premises any case of infectious disease. If an environmental health officer, police officer or other person as aforesaid shall find any case of infectious disease or a case suspected of being one, he shall report the same to the environmental health officer.

5. The officer in charge of the police in any place and every native authority shall afford every assistance to the environmental health officer in effecting the isolation of infected cases, suspects or contacts.

6. In case of yellow fever, all cases infected or suspected shall be protected by netting

from mosquitoes and removed to the place of isolation in a screened ambulance or litter.

7. (1) Every person travelling by land or sea from a declared infected area may, if it be considered necessary by the environmental health officer, be subjected to medical inspection and examination prior to being permitted to proceed on his journey.

(2) A person who refuses to submit to medical examination shall not leave the infected area.

(3) Any persons discovered with suspicious symptoms shall be detained and dealt with as the environmental health officer may direct.

8. The clothing and effects of any person proceeding from a declared infected area may be disinfected at the discretion of an environmental health officer.

9. All persons residing in a declared infected area shall undergo such medical inspection or examination as the environmental health officer may direct. The environmental health officer may place all or any persons in such area under observation in a place decided upon by him, or under surveillance, as he may consider necessary.

10. (1) Every person permitted to leave a declared infected area under surveillance shall comply with the following conditions—

(a) he shall satisfy the environmental health officer as to his name, intended destination and his place of residence thereat, and that such place is conveniently situated for medical supervision;

(b) he shall present himself for medical supervision during the prescribed period; and he may be required by the environmental health officer to deposit a sum, not exceeding twenty naira, which may be forfeited if he fail so to present himself.

(2) If the environmental health officer be not satisfied as herein required, or if the person fails to comply with paragraphs (a) and (b) hereof, the environmental health

officer shall detain him under observation, or direct him to proceed to a specified place and there remain under observation during the prescribed period. In the latter case, the provisions of paragraph (b) hereof may, at the discretion of the environmental health officer, be applied to such person. In the case of plague, the period of detention under this rule may be extended to ten days.

11. When any person from a declared infected area is placed under observation, or surveillance, the period of observation, or surveillance, shall be as follows—

- (a) when observation is resorted to, the period shall not exceed five days, in the case of plague and cholera; six days, in the case of yellow fever or cerebro-spinal-meningitis; twelve days, in the case of smallpox;
- (b) when surveillance is resorted to, the period shall be the same as that of observation; save in the case of plague, when it may be extended to a period not to exceed ten days. In applying these measures, the period of observation or surveillance shall extend from the date of removal from the infected area; provided that among those under observation no subsequent case has occurred. If any further case of the same disease occurs, the period of observation shall date from the day of the isolation of the last case;
- (c) the environmental health officer shall prescribe the periods of observation and surveillance in the event of any other infectious disease.

12. On all premises where there has been a case of infectious disease, whether the patient has died or recovered or been removed or is still on such premises, there shall be displayed a small red flag not less than a foot square, or some conspicuous mark, approved by an environmental health officer, on the side of such premises nearest to a public street, and the flag or mark shall remain displayed until the premises, with their contents, shall have been cleansed and disinfected to the satisfaction of an environmental health officer.

Provision for the supply of such flags or marks shall be made by the environmental health officer. Any person who shall remove such flag or mark without the permission of an environmental health officer shall be liable to a fine of fifty naira.

13. The environmental health officer may close any premises whereon there may have been a case or suspected case of infectious disease, until he considers the place fit for human occupation, and may also close, until he considers the same to be disinfected, any buildings, latrines, wells, dustbins, dumping grounds and any place which, by reason of the existence of infectious disease, he may deem it advisable to close.

14. No person shall remove any property from any infected premises, or from any premises whereon a suspected case of infectious disease has occurred, without the written permission of an environmental health officer.

15. All bodies of persons who have died from an infectious disease shall be disposed of in conformity with the directions of the environmental health officer.

16. All clothing, bedding and any other articles worn or taken by the persons ordered to evacuate an infected area shall be disinfected.

17. The police, whether under Government or in the employ of a native authority shall furnish every assistance to the environmental health officer in effecting the evacuation of any infected area and in the necessary measures pertaining thereto.

18. On the occurrence of an infectious disease in any place, the police, or the means of enforcing compliance at the disposal of the native authority, shall assist the environmental health officer, if in his opinion it be necessary, by establishing a cordon round any declared area, for the purpose of preventing persons departing from or going to any such place.

19. On the occurrence of an infectious disease, the chiefs and headmen of any town, village or district, as well as all persons residing therein, whether such town, village or district be within an infected area or not, shall, if so directed, report or cause to be reported

all cases of sickness and death occurring in their town, village or district.

20. When the infectious disease is plague, the chiefs and headmen of any town, village or district as well as all persons residing within such town, village or district shall also report or cause to be reported any undue sickness or mortality amongst rats or mice which may be observed.

21. For the carrying into effect of rules 19 and 20, the district officer shall, if required by an environmental health officer, notify the chiefs, headmen and people residing in any town, village or district that it is their duty to report all cases of sickness, or death in human beings, or any excessive mortality among rats or mice, and instruct them as to the officer to whom such report shall be made.

22. (1) When it may appear to the environmental health officer that the holding of public meetings, funeral ceremonies, or other native customs is likely to tend to the spread of any infectious disease, any magistrate, local authority or native authority shall, if requested by the environmental health officer, prohibit such meetings, funeral ceremonies, or other native customs.

(2) Any person who is present at or takes part in any meeting, ceremony or native custom which has been prohibited shall be liable to a fine of fifty naira.

23. When infectious disease occurs, an environmental health officer may prescribe any measures which he considers necessary to ensure the destruction of rats, mice and other kinds of vermin, and of mosquitoes, their larvae and pupae, fleas, bugs or any other such parasites, and all persons shall obey any instruction given by an environmental health officer in this behalf.

24. (1) To prevent the spread of infectious disease, the owner or occupier of any premises shall, if required by an environmental health officer, render all roofs, partitions, floors and plinths of houses rat proof.

(2) When plague is present in any place no foodstuffs attractive to rats shall be kept in inhabited premises unless such foodstuffs are effectively protected against rats and mice to the satisfaction of the environmental health office.

[No. 8 of 1926.)

25. In the case of plague, all rats and mice which have been caught or killed or found dead on any premises shall, as soon as possible, be placed by the owner or occupier in a strong solution of disinfectant, which shall be provided by the environmental health officer; and the bodies of such rats or mice shall be subsequently removed and disposed of by the environmental health officer .

26. When an infectious disease occurs in any place, the occupiers of premises in such place shall comply with any directions given by an environmental health officer with regard to the disposal of refuse and sewage.

27. On the occurrence of an outbreak of infectious disease, an administrative officer may, if requested by the environmental health officer, require any native authority within his jurisdiction to make an order for the erection of temporary huts, mortuaries and similar buildings as he may deem necessary.

PART II

Slaughter Houses and Sale of Meat

28. In their application to townships, rules 30 to 43 shall be read subject to the following modifications—

[No. 9 of 1939.]

For four days during the Bairam Festival and two days during the Ramadan Festival a licence need not be obtained by Mohammedans for the slaughtering of sheep and goats.

29. A local authority of a township of the first class may, by by-laws made with the approval of the Governor, alter any of the fees prescribed by this Part and payable in such township.

[NN LN 169 of 1963.]

30. No person shall slaughter any animal for the food of man except—

- (a) in a public slaughter house;
- (b) in a licensed private slaughter house; or
- (c) under a special licence,

and the animal has been examined by an environmental health officer and passed by him as fit for slaughter.

31. (1) A local authority may, if it thinks proper, license any premises as a private slaughter house. Every such licence shall be in the Form A in the Schedule and may be granted for any period provided that every such licence shall expire not later than the 31st day of December of the year in which it is issued.

[Form A, Schedule.]

(2) There shall be paid for every such licence a fee of 10 naira for each month or part of a month for which the licence is to have effect. The local authority, in issuing any such licence, may impose and endorse thereon such special conditions (if any) as to the local authority may appear proper.

(3) Any such licence may be cancelled by the local authority if the holder thereof commits any breach of the conditions of the licence or of the provisions of this Part.

32. A local authority may, if it thinks proper, issue a licence authorising the holder thereof to slaughter animals of the kind and such number and in such premises as may be specified. There shall be paid for every such licence the fees following (which fees shall include the charges for the inspection and examination of the animal by the environmental

health officer)—

N	
Cattle, per head.....	
300.00	
Sheep and swine, per head.....	
200.00	
Goatss, per head.....	
100.00	

33. The holder of a licence for a private slaughter house shall at all times keep his slaughter house clean and in a state to the satisfaction of the environmental health officer, and shall comply with all instructions given by an environmental health officer with regard to the disposal of blood, dirt, offal, fifth and rubbish therefrom.

34. Every person who shall make use of a public or licensed slaughter house, shall keep the same in a perfectly clean state, and shall, before leaving, brush, sweep and clean away all blood, dirt, offal, filth and rubbish from such slaughter house and thoroughly wash and cleanse the same; and all such blood, dirt, offal, filth, rubbish and sweepings shall, by such person, immediately be conveyed to such place and disposed of in such manner as may be directed by the environmental health officer.

35. All public or licensed slaughter houses shall be used only between the hours fixed by the local authority on the recommendation of the environmental health officer.

36. The environmental health officer shall inspect and examine daily, at such place and at such hours as he may appoint, all animals intended for slaughter.

37. If after inspection and examination an animal be passed as fit for slaughter, the

environmental health officer shall issue a certificate of fitness.

38. (1) Subject to the provisions of any by-law made under rule 29 the fees set out in the third column hereunder shall be due and payable in all townships for the services set out in the first column in respect of the animals specified in the second column; but such fees may be reduced by the local authority of any township of the second and third class to amounts not less than those set out in the fourth column.

[No. 12 of 1936.]

Services for which fee is payable	Animal	Normal fee. per head	Minimum to which fee may be reduced, per head
For inspection, examination and if passed for slaughter, for issuing a certificate of fitness, in respect of animals to be slaughtered in a public or licensed slaughter house	All cattle	N	N
	Sheep		
	Swine	200.00	100.00
	Goats	50.00	30.00
		50.00	30.00
		50.00	30.00

(2) The Governor may by notice in the Gazette exempt any area or place from the operation of this rule.

39. Every animal which has been inspected, and for which a certificate has been issued under these rules, shall be slaughtered within twenty-four hours; or the certificate of fitness for slaughter shall become invalid.

40. All instruments used for the slaughter of animals shall be approved by the environmental health officer.

41. (1) After slaughter, the carcass of each animal shall be subject to examination and the whole or any part of any such carcass found to be diseased shall be seized and subsequently destroyed under the written instructions of the environmental health officer if condemned by him.

(2) The environmental health officer shall order the mode of disposal of any such condemned carcass or part thereof; and the cost shall be borne by the owner.

42. (1) No meat shall be exposed for sale except between the hours of 6 a.m. and 6 p.m.; and, in places provided with a public market, the sale of meat shall be restricted thereto.

(2) Anything in paragraph (1) to the contrary notwithstanding, the local authority may grant a permit in writing for the sale on approved premises, not being a public market, of such descriptions of meat as may be specified in such permit.

[No. 7 of 1919.]

43. When the local authority, on the representation of the environmental health officer, considers it is to the interests of the public health, it may require that all meat exposed for sale shall be protected from flies by placing it in fly-proof cages which shall be provided by the vendor; the size and construction of such cages shall be according to a pattern approved by the environmental health officer.

PART III

Sanitation, etc.

44. All plans for public latrines, urinals, dustbins and manure and night-soil depots and the sites thereof shall be approved by the environmental health officer before construction is commenced.

45. The environmental health officer shall give instructions for the maintenance in a

sanitary condition of all public latrines, urinals, dustbins and manure and night-soil depots.

46. The environmental health officer shall advise the local authority as to the measures to be taken with regard to scavenging and the removal and disposal of all night-soil and other refuse and the cleansing of streets.

47. Occupiers of all premises shall provide covered receptacles for rubbish; the number, size and structure of such receptacles shall be approved by the environmental health officer.

48. Every occupier shall collect all refuse on his premises and deposit it in the approved receptacle.

49. The occupiers of premises shall remove daily all refuse from the receptacles to a public refuse depot, or dispose of it in such way and at such place as the environmental health officer shall approve,

50. (1) No plans or sections or specifications showing the arrangements for the sanitation or ventilation of any new building shall be passed by the local authority until the environmental health officer has had an opportunity of examining the same and stating any objections which he may have to any of such proposed arrangements.

(2) In the event of the local authority differing from, and being unable to accept any alteration or amendment to such plans or sections advised by, the environmental health officer, the local authority shall not pass the plan or section concerned without the approval of the Governor.

[No. 5 of 1920.]

51. The environmental health officer shall, when necessary, prescribe the maximum number of persons that may occupy any given room or premises.

52. A room used exclusively or partially as a dwelling room shall be deemed to be overcrowded when the vacant floor space available for each adult is less than fifty square

feet, or the cubic capacity less than four hundred cubic feet of free air; two children under ten years of age counting as one adult.

[No. 2 of 1921.]

53. Except with the written permission of a environmental health officer, no person shall, in areas in which building rules or by-laws have been or are in operation, habitually use or permit to be used as a dwelling-house or sleeping place any building or part of a building approved under the said rules or by-laws for non-residential purposes only.

[No. 1 of 1940.]

54. The environmental health officer shall inspect all factories, workshops and breweries, and all places of public instruction, recreation or assembly, as he may deem necessary, for the purpose of their regulation and sanitary maintenance; and he shall ascertain that—

- (a) all doors open outwards;
- (b) the drainage is effective and adequate;
- (c) the minimum free air space per head is three hundred cubic feet; but the local authority shall have power, in any case, to raise this minimum on the recommendation of the environmental health officer;
- (d) there is a sufficiency of sanitary conveniences of approved type, with separate accommodation for females;
- (e) the water supply is wholesome and sufficient;
- (f) the ventilation is adequate;
- (g) the disposal of waste products is satisfactory.

55. (1) All bake-houses, dairies, aerated water manufactories, eating houses and food preserving and food preparing establishments shall be registered annually in the office of the local authority by the proprietor or occupier carrying on the business.

(2) A local authority shall not register any premises under this rule until the premises have been inspected and approved by the environmental health officer.

(3) There shall be paid in respect of every such registration a fee of 10 naira and the local authority shall issue a certificate of registration in the Form B in the Schedule.

(4) Any such premises, which are not re-registered in the month of January in each year, shall be deemed to be unregistered premises.

[Form B, Schedule.]

56. All bake-houses, dairies or aerated water manufactories shall be paved or concreted, and drained to the satisfaction of the environmental health officer. The area of such premises shall, in no case, be less than two hundred square feet.

57. All bake-houses, dairies and aerated water manufactories shall be lime-washed inside throughout once every six months, or thoroughly cleaned periodically to the satisfaction of the environmental health officer.

58. No animal or bird shall be allowed on premises used as bake-houses, dairies or aerated water manufactories, and all such premises shall be made fly-proof to the satisfaction of the environmental health officer.

[No. 1 of 1921.]

59. No room used for any purpose mentioned in rule 58 shall be used as a sleeping apartment.

60. The sanitary arrangements and conveniences on all premises mentioned in rule 55 shall be to the satisfaction of the environmental health officer.

61. No water shall be used on any of the premises mentioned in rule 55 except that obtained from a source approved by the environmental health officer.

62. All flour, foodstuffs and water used in connection therewith shall be kept adequately covered and all pans, moulds and other utensils shall be maintained and kept clean to the

satisfaction of the environmental health officer.

63. Measures, to the satisfaction of the environmental health officer, shall be taken by the owners or occupiers of the premises mentioned in rule 55 to keep down vermin.

64. The environmental health officer may prohibit any person suffering from any disease or ailment from entering or remaining on any of the premises mentioned in rule 55, should he for sanitary reasons deem it necessary.

65. If the environmental health officer shall consider that any premises used for any of the purposes mentioned in rule 55 should, in the interest of the public health, be closed, he may by notice in writing prohibit the proprietor or occupier from using such premises for any such purposes until such time as such prohibition shall be withdrawn.

Laundries and Wash-houses

66. Each user of a public laundry or wash-house shall be responsible for the cleanliness, both during and after use, of the portion of platform occupied and for that of the adjoining unoccupied area to a distance of twelve feet.

67. Water barrels after each day's use shall be inverted and left so until used again.

68. No refuse or solid material shall be thrown into the drains.

69. Each user is responsible for keeping clear of obstruction that portion of any drain adjoining his part of the washing platform.

70. In private laundries or wash-houses, the occupier shall ensure that the general cleanliness and drainage conforms to the requirements of the environmental health officer.

PART IV

Animals

71. A local authority may by public notice prohibit the bringing into, or keeping, within any township or part thereof, of any animals.

72. The site, structure, drainage and cleanliness of all stables, sheds, or areas assigned for the keeping of any animals within a township, or within a radius of half a mile from the boundary of the township, shall conform to the requirements of the environmental health officer.

73. The site, plan and construction of any stable or shed and the site of any area assigned for keeping horses and cattle in a township shall be submitted to the environmental health officer for approval, before construction is commenced.

74. The minimum floor space in a stable or shed for each horse shall be seventy-two square feet; and for each head of cattle, forty-eight square feet.

75. The floor surface of each stable or shed shall be laid to a fall of 1 in 50 and built up so that no portion of the floor space be less than two inches above the ground level of the surrounding open space and shall be so constructed that it shall be drained to the satisfaction of the environmental health officer into a sump, catch-pit or other place set apart for such purpose.

[No. 4 of 1927.]

76. All dung, litter and refuse from stables and sheds shall be disposed of to the satisfaction of the environmental health officer.

77. An environmental health officer may prescribe the number of animals which may be kept on any premises and the number so prescribed shall not be exceeded.

78. The following diseases shall constitute contagious or infectious disease in animals—

- (a) rinderpest or cattle plague;
- (b) contagious pleuro-pneumonia of cattle;
- (c) foot and mouth disease;
- (d) swine fever;
- (e) epizootic lymphangitis;

- (f) anthrax;
- (g) glanders and farcy;
- (h) scabies;
- (i) tuberculosis;
- (j) any other contagious or infectious disease which the Governor may by notice in the State *Gazette* declare as such.

79. When an animal is suffering from a contagious or infectious disease, or a carcass, whether the animal has died or been slaughtered, has been found on examination to be infected with such disease, the place occupied by such animal when ill or when it died or any place where the animal was slaughtered shall be forthwith disinfected, by and at the expense of the owner or occupier of such place, to the satisfaction of the environmental health officer, and the owner of the infected animal, the owner of the place which was occupied by such animal, and the person, if any, who slaughtered the animal shall each be bound to inform the environmental health officer if they are aware of the presence of such disease.

80. Disinfection of the infected stable, shed or place shall be carried out as follows—

- (a) in the case of a temporary grass hut, the hut shall be burnt;
- (b) in the case of a permanent building, the walls and floor shall be scraped and all scrapings shall be burnt, and when possible the ceilings, walls and floors shall be painted with a strong solution of chloride of lime and thereafter with a five *per centum* solution of carbolic acid or other strong disinfectant;
- (c) all ropes, straw, dung and litter shall be burnt;
- (d) all butcher's implements and outfit, utensils and stable gear or fixtures shall be disinfected with a strong solution of carbolic acid, or other disinfectant.

81. (1) The carcass of an animal infected with glanders or farcy shall be burnt.

(2) In the case of anthrax the carcass shall be buried immediately and as close as possible to the place where the animal died or was killed, at a depth of six feet, with, when possible, layers of lime one foot below and one foot above the carcass; all the natural orifices of the body shall be plugged.

(3) In the case of rinderpest the whole carcass, and in the case of pleuro-pneumonia or tuberculosis the diseased organs or part, shall be buried.

(4) In all cases the owner of the carcass shall be liable to pay the expense of the disposal of the carcass.

82. All enclosures, fields or areas occupied by infected animals and all places where infected animals have been buried shall be fenced by the owner thereof and no animal shall be permitted to occupy the same for a period of two months.

PART V

General Provisions

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

84. Environmental health officers shall perform under the direction and supervision of the medical officer of health such duties as may be assigned to them by him.

85. No person shall in any township make any borrow-pit or excavation for building or other purposes without the approval of the environmental health officer which shall be obtained through the local authority. The environmental health officer shall, on giving his approval, fix a suitable place for such borrow-pits and excavations and shall give instructions for filling in or efficiently draining the same.

86. Any person who shall commit a breach of or shall fail to comply with any of the provisions of these rules, or of any directions or instructions or prohibitions of an environmental health officer given under any of these rules, shall be liable to a fine of two hundred and fifty naira.

SCHEDULE

[Rule 31.]

FORM A

PUBLIC HEALTH LAW

Private Slaughter House Licence

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

Date.....,20..... Township
of.....

Fee Paid, N.....

.....

Local Authority

FORM B

[Rule 55.]

Registration of Bake-houses, Dairies, Aerated Water Manufactories, Eating Houses, Food Preserving and Food Preparing Houses

The premises described hereunder and in the control

of.....

are registered as

..... from.....,20.....

to.....20.....

Date.....20..... Township

of.....

Fee, N

.....

Local Authority.

GENERAL NOTE: The expressions "Medical Officer of Health", "Sanitary Inspector" and "Health Officer" are substituted with the expression "Environmental Health Officer", wherever they occur in this Law, by Law No. 4 of 2006.

PUBLIC HEALTH (CONSERVANCY) RULES

[Section 42.]

[Rules 12 of 1918, 1 of 1942.]

[Date of commencement: 21st November, 1918]

1. These rules may be cited as the Public Health (Conservancy) Rules and shall apply to townships of the second class but shall cease to apply to any such township when, by virtue of section 42 (b) of the Law, the local authority thereof makes conservancy by-Laws which are approved by the Governor.

[No. 1 of 1942.]

2. Night-soil shall not be removed from any building or carried along any public street at any other time than between the hours of 9 p.m., and 6 a.m., unless by the permission of

the environmental health officer.

3. Before removal of any pail from any house it shall contain a sufficient quantity of dry earth, ashes, sawdust or other suitable substance to act as absorbent and deodorant.
4. Each pail from every house shall be removed and emptied at least once daily. The householder shall be held responsible.
5. The contents of any pail shall not be emptied into any drain or sewer or public latrine or elsewhere except as directed by the environmental health officer who will notify the place for dejection by notice posted outside the courthouse.
6. No person shall empty the contents of any pail into another pail in any public street or open space whatsoever.
7. No person shall void any excrement or urine upon the floor of any public latrine or upon any portion of the latrine other than the receptacles furnished for that purpose.
8. Penalty for contravention of these rules a fine of #1000.00 for a first and of N500.00 for any subsequent offence.

GENERAL NOTE: The expressions "Medical Officer of Health", "Sanitary Inspector" and "Health Officer" are substituted with the expression "Environmental Health Officer", wherever they occur in this Law, by Law No. 4 of 2006.

PUBLIC HEALTH (NATIVE AUTHORITIES) RULES'

[Sections 41 and 42 and Order in Council 27 of 1940.]

[NAPN 2 of 1943, 15 of 1949.]

[Date of commencement: 21st January, 1943]

It is hereby notified that in exercise of the powers conferred upon Native Authorities by the Public Health (Native Authorities Enabling) Order in Council 1940, and by sections 41 and 42 of the Public Health Law, each of the Native Authorities set out in the Second

Schedule to this Notice has, in respect of the area of its jurisdiction, made the following Rules with the approval of the Governor:

[No. 27 of 1940.]

1. (1) These rules may be cited as the Public Health (Native Authorities) Rules.

(2) These rules shall apply to all persons subject to the jurisdiction of the Native Authority by which these rules are made whilst within the area subject to the jurisdiction of the said Native Authority,

2. Definitions—

"infectious disease" in relation to human beings includes plague, cholera, yellow fever, smallpox, cerebro-spinal meningitis, diphtheria, scarlet fever, typhoid fever, sleeping sickness, relapsing fever, dysentery, pneumonia, typhus, tuberculosis, anthrax, chicken-pox and any disease which the Governor may by public notice declare to be an infectious disease within the meaning of the Public Health Law;

"street" includes all roads, bridges, carriageways, cartways, horseways, footways, causeways and pavements;

"premises" means and includes houses, other buildings, lands, tenements, vehicles, tents, vans, structures of any kind, drains, ditches or places open, covered or enclosed, and any boat or vessel on any inland waters;

"Environmental Health Officer" has respectively the same meanings as they have in section 3 of the Public Health Law.

Sanitation of Premises

3. The occupier of any premises shall—

(a) prevent any refuse or stagnant water from lying in his premises or in that portion of the road or street immediately adjoining his premises;

(b) prevent the flow of noxious matter from his premises into a road or street;

- (c) collect daily all refuse, dung and sweepings in his premises and dispose of them in such manner and at such place as the native authority shall publicly direct;
- (d) take all reasonable steps to prevent mosquitoes breeding on his premises;
- (e) construct, when so directed by the native authority, salgas or other approved forms of latrines on his premises;
- (f) construct, when so directed by the native authority, a cover or other protection to prevent surface water from draining into any well on his premises.

4. No person shall—

- (a) make any excavation or hole in or within six feet of the nearest point of any street;
- (b) permit excessive growth of long grass or weeds on his premises or on the road or street adjoining his premises;
- (c) defecate in a public place;
- (d) pollute any water, well, stream or pond used for supplying water to man or beast;
- (e) dig any well without the sanction of the native authority;
- (f) permit the growth of high crops on land under his control in or within twenty yards of such land occupied as a residence;
- (g) make borrow-pits and excavations.

[No. 15 of 1949.]

5. The occupier of any premises shall notify the village or ward head of any case of infectious disease on his premises.

6. When any case of infectious disease has been notified to the village or ward head he may order the person suffering from such infectious disease and all persons who have been

in contact with such person to remain on the premises where such person was at the time of infection, and such premises shall then be placed in quarantine or he may cause them to be removed to any place provided for the reception of persons suffering from an infectious disease or for the segregation of contacts and to be detained there until they can be discharged with safety to the public.

[No. 15 of 1949.]

7. The clothing and effects of any person on premises in which a case of infectious disease has occurred may be disinfected at the discretion of the village or ward head.

8. On the occurrence of an infectious disease in any place the village or ward head may establish a cordon around such place for the purpose of preventing persons departing from or going to such place.

9. The native authority shall have power, on the recommendation of the environmental health officer and with the approval of the district officer, to declare any area to be an infected area and may order the evacuation or isolation of all or part of such area.

10. The native authority or such persons as may be authorised by the native authority are empowered, on the recommendation of an environmental health officer and with the approval of the district officer, within an infected area to—

- (1) prohibit the movement of persons in or out of such area;
- (2) remove for examination the body of any person who has died or is suspected to have died from an infectious disease;
- (3) cause any person in an infected area to be medically examined;
- (4) place a mark on any infected building;
- (5) order the disinfection or the destruction of the clothing, bedding or other effects of any person in an infected area and to pay compensation;
- (6) order the disinfection or the destruction of any building in an infected area;

- (7) order any premises in any infected area to be closed;
- (8) order the detention of any person deemed by the environmental health officer likely to cause the spread of an infectious disease; and
- (9) prohibit assemblies of persons likely to tend to the spread of an infectious disease.

11. The owner of any clothing, bedding, effects or building disinfected or destroyed and the occupier of any building closed and any person detained under the provisions of these rules shall be paid compensation by the native authority for any injury or loss suffered by him there from, and the native authority is hereby authorised to assess such compensation and pay it to the person entitled from the revenue of the native authority.

12. Any person who hinders or obstructs the native authority in the execution of any of the provisions of rule 10 of these rules shall be liable to a fine not exceeding 10 naira or to imprisonment not exceeding fourteen days for the first offence, and to a fine not exceeding fifty naira or to imprisonment not exceeding one month on a second or subsequent conviction.

Keeping of Animals

13. The native authority may prohibit the keeping of any animal within any named inhabited area.

14. The occupier of any premises on which there is any stable, shed, pen or other place used or intended to be used for keeping any animal shall construct and maintain the same in accordance with the requirements of the native authority and shall dispose of all dung, urine, litter and refuse from the same as the native authority may direct.

Slaughter of Animals

15. No person shall slaughter any animal intended for the food of man except in an

authorised slaughter place.

16. The owner of any animal slaughtered in an authorised slaughter place shall collect all blood and offal resulting from the slaughter of any such animal and bury or otherwise dispose of it in such manner and in such place as the native authority may direct.

17. The native authority or any person authorised by the native authority may inspect any meat or carcass intended for the food of man and may condemn any such meat or carcass if he is of the opinion that it is diseased or otherwise unfit for human consumption, and may order such meat or carcass to be destroyed or disposed of as he may direct.

18. Any person who sells any meat which is diseased or otherwise unfit for human consumption shall be liable to a penalty not exceeding five naira or to imprisonment not exceeding seven days for the first offence, and to a fine not exceeding ten naira or to imprisonment not exceeding fourteen days for each subsequent offence.

19. Where a slaughter house has been erected at any authorised slaughter place no person shall slaughter any animal at the slaughter place except in the slaughter house provided for the purpose.

20. The owner of every animal placed on the premises of a slaughter house provided by the native authority shall pay to the native authority the fee herein prescribed, before slaughter, in respect of each such animal—

Cattle—N200.00 for each day or part thereof.

Sheep—N50.00 for each day or part thereof.

Goat—N50.00 for each day or part thereof.

21. The native authority may order that the fees prescribed in rule 20 shall be paid at any authorised slaughter-place.

22. A slaughter house shall be used only during such hours as may be prescribed by the native authority.

23. The native authority may appoint inspectors to inspect animals on the premises of a slaughter house for the purpose of being slaughtered, as well as any meat or carcass which has been slaughtered and the sanitation of any slaughter house.

Bake-houses, Dairies, etc.

24. Every bake-house, dairy, aerated water manufactory, eating house and food-preserving and food preparing establishment situated in any area to which rules 24 to 37 have been applied shall be registered annually by the proprietor or manager thereof in the office of the native authority in the area of the jurisdiction of which such premises are situated.

25. A native authority shall not register any premises under rule 24 until the premises have been inspected and approved by an environmental health officer.

26. There shall be paid in respect of every such registration a fee of two thousand naira and the native authority shall issue a certificate of registration in the form in the Schedule to these rules.

27. Any such premises which are not registered in the month of January in each year shall be deemed to be unregistered premises.

28. Every bake-house, dairy, or aerated water manufactory shall be paved or concreted, and drained to the satisfaction of an environmental health officer. The area of such premises shall in no case be less than two hundred square feet.

29. Every bake-house, dairy, or aerated water manufactory shall be lime-washed inside thoroughly once every six months, or thoroughly cleaned periodically to the satisfaction of an environmental health officer.

30. No animal or bird shall be allowed on premises used as a bake-house, dairy, or aerated water manufactory and all such premises shall be made fly-proof to the satisfaction

of an environmental health officer.

31. No room used for any purpose mentioned in rule 24 shall be used as a sleeping apartment.

32. The sanitary arrangements and conveniences on all premises mentioned in rule 24 shall be constructed and maintained to the satisfaction of an environmental health officer.

33. No water shall be used on any of the premises mentioned in rule 24 except that obtained from a source approved by an environmental health officer.

34. All flour, foodstuffs and water used in making bread, aerated water or food in registered premises and all milk, butter or cheese in a registered dairy shall be kept adequately covered and all pans, moulds and other utensils therein shall be maintained and kept clean to the satisfaction of an environmental health officer.

35. Measures to the satisfaction of an environmental health officer shall be taken by the owner or occupier of any premises mentioned in rule 24 to keep down vermin.

36. An environmental health officer may prohibit any person suffering from any disease or ailment from entering or remaining on any of the premises mentioned in rule 24, should he for sanitary reasons deem it necessary.

37. If an environmental health officer shall consider that any premises used for any of the purposes mentioned in rule 24 should, in the interest of the public health, be closed, he may by notice in writing prohibit the proprietor or occupier from using such premises for any such purposes until such time as such prohibition shall be withdrawn.

38. Rules 24 to 37 inclusive shall apply only to such areas as the native authority may direct in writing.

Overcrowding

39. An environmental health officer shall, when necessary, prescribe the maximum number of persons who may occupy any room or premises.

40. A room used exclusively or partially as a dwelling house shall be deemed to be overcrowded when the vacant floor space available for each person is less than fifty square feet or the cubic capacity is less than four hundred cubic feet of free air. Two children under ten years of age shall be counted as one person.

General

41. Every person employed by a native authority, duly authorised in that behalf by the native authority employing him, may enter any premises within the area of the jurisdiction of the native authority—

(a) to inspect those premises;

(b) to ascertain whether there is any case of infectious disease on those premises.

Provided that such person shall, on all occasions on which he enters any such premises, invite the occupier of the premises or, in his absence or in the event of his incapacity to accompany him, any other male person on the premises, to accompany him while he is on such premises;

And provided further that only a female person employed by a native authority shall, under this rule, enter any premises occupied by women.

42. Any person contravening any of the provisions of these rules for which a penalty is not otherwise specifically provided shall be liable to a fine of five naira or imprisonment not exceeding seven days for the first offence, and to a fine not exceeding ten naira or to imprisonment not exceeding fourteen days for each subsequent offence.

FIRST SCHEDULE

Certificate of Registration of a.....

[under Rule 26.]

The premises situated at.....

and in the control of.....are hereby certified as registered as a.....in accordance with rule 26 of the Public Health

(Native Authorities) Rules, from the....., 20 until the 31st day of December, of December, 20.....

Dated this.....day of.....20.....

.....

Native Authority

SECOND SCHEDULE

ALL NATIVE AUTHORITIES IN KWARA STATE.

By-laws made under the Public Health Law

<i>No. of By-Laws</i>	<i>Section under which made</i>	<i>Title</i>
Public Notices 165 of 1946 (27 th Sept.)	41	The Kao Township (Dried Meat) By-Laws
58 of 1942 (12 th Mar.)	42	The Jos Township Public Health (Cattle and Other Animals) By-Laws

Notices Given Under Rule 71 of the Public Health Rules

<i>No. of Notice</i>	<i>Title if any</i>	<i>Area affected</i>	<i>Subject- matter of Rules</i>
Notice		Kano	Prohibiting bringing swine

1032 of 1935 (22 nd Aug)		Township	into the township except on permit and for slaughter
Govt. Notice 618 of 1939 (18 th May)		Kaduna Township	Prohibiting bringing cattle into the township except on permit and for inspection or slaughter
Public Notice 78 of 1939 (30 th Nov.)		Kano Township	Prohibiting grazing cattle in the township and bringing them unto the township except along certain routes
NRLN 23 of 1961		Zaria Township	Restriction on keeping of horses in the township.

DECLARATION OF INFECTIOUS DISEASES NOTICE

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Declaration of infectious diseases.

DECLARATION OF INFECTIOUS DISEASES NOTICE

[Section 3.]

[NN LN 109 of 1961.]

[Date of commencement: 29th June, 1961]

1. **Short title**

This notice may be cited as the Declaration of Infectious Diseases Notice.

2. **Declaration of infectious diseases**

The following diseases of an infectious or contagious nature are hereby declared to be infectious diseases within the meaning of the Public Health Law, that is to say—

Anthrax.

Chickenpox.

Dysentery (Amoebic, Bacillary, Unclassified).

Influenza.

Leprosy.

Measles.

Paratyphoid. Pneumonia (Broncho, Lobar, Unclassified).

Poliomyelitis—Acute (Paralytic, Non-Paralytic).

Rabies (Human).

Relapsing Fever (Louse Borne, Other).

Tetanus (Neonatal, Other).

Tuberculosis.

Typhus (Louse Borne, Other).

Whooping Cough.

