

CHAPTER 130 - SMOKING (PROHIBITION)

An Edict to Protect the Health of Non-smokers in the State

[1 July 1986]

1. This Edict may be cited as the State Smoking (Prohibition) Citation. Edict.

2. In this Edict unless the context otherwise requires:-

"Governor" means the Governor of the State;

"health professional" means a person duly registered or recognised by the appropriate authority or statutory body in Nigeria as a health professional eligible to engage in private practice of his profession;

"private health establishment" includes any:-

(a) medical laboratory centre operated by a specialist, pathologist, medical laboratory technologist or scientist;

(b) physiotherapy centre operated by a physiotherapist;

(c) radio-graphic (x-ray) centre operated by a specialist or duly qualified radiographer;

(d) centre or premises regulated by the Pharmacists Board of Nigeria; and

(e) other similar centre operated by any duly qualified and registered health professional;

"private hospital" includes any hospital, convalescent home, nursing home, maternity home, clinic and any premises providing for inpatient or outpatient care under the control of a medical practitioner or midwife or nurse but does not include a private health establishment;

"State" means the Gongola State of Nigeria.

3.—(1) There shall be exhibited and kept exhibited in prominent places in the rooms or buildings of each of the following:-

(a) State Ministry or State Department;

(b) State Board or parastatal;

(c) Local Government;

(d) court house;

(e) private hospital; or

(f) private health establishment,

so as to be read easily from such places, the warning "NO SMOKING. OFFENDERS SHALL BE PROSECUTED" written in red.

(2) For the avoidance of doubt, it is hereby declared that the building of a State Board or parastatal includes a Government hospital or clinic.

4. No person shall smoke any cigarette or cigar or pipe or other smoking material.:-

(a) at any meeting or in any room or building in any of the following places.:-

- (i) State Ministry or State Department;
- (ii) State Board or parastatal;
- (iii) a Local Government;
- (iv) court house;

(b) in, or within a distance of 50 metres of any.:-

- (i) Government hospital or clinic; or
- (ii) private hospital; or
- (iii) private health establishment.

5. The provisions of sections 3 and 4 of this Edict shall not apply to any State or Local Government quarters or State Government building used as a place of abode.

Offences.

6.—(1) Any person who contravenes section 4 of this Edict commits an offence and on summary conviction is liable to a fine of not less than one hundred naira.

(2) Where an offence is committed against this Edict in, or within a distance of 50 metres of, any Government hospital or clinic or private hospital or private health establishment, then the medical practitioner or midwife or nurse or health professional in charge of the Government hospital or clinic or private hospital or private health establishment shall be deemed to have committed an offence under this Edict and on summary conviction is liable to a fine not less than one thousand naira.

(3) A medical practitioner or midwife or nurse or health professional in charge commits no offence by virtue of subsection (2) of this section if he proves to the satisfaction of the Court.:-

(a) that the offence was committed without his knowledge; and

(b) that he exercised all due care and diligence to prevent the commission of the offence having regard to all the circumstances.

7. Any police officer or any other person may arrest without Powers of warrant any person who commits an offence against this Edict if arrest he has reasonable ground for believing that, that person shall abscond unless arrested, or if the name and address of that person are unknown to and cannot be ascertained by him.

8. The Governor may make Regulations generally for the Regulations, carrying into effect of the purpose of this Edict and without prejudice to the generality of the power so conferred, may amend any provision of this Edict in the interest of the public.

