



IMO STATE OF NIGERIA
2004, LAW NO. 9

A law to provide for Public Health in Imo State.

Long Title

BE IT ENACTED by the House of Assembly of Imo State of Nigeria as follows:

Enactment

1. This Law may be cited as the Imo State Public Health Law, 2004.

Citation

2. In this Law-

Interpretation

“Abattoir” means public slaughter house and comprises all that land and building, enclosed by iron fencing and walls, whether directly used for the slaughtering of animals or not;

“adult” means a person who is or appears to be eighteen years of age or above;

“animal” means any food animal that may be slaughtered for consumption such as cattle, sheep, goats, pigs, fowls and birds;

“approved butcher’s shop” means premises approved by the Local Government Council for the use of a butcher;

“articles or things” include living things;

“authorized person” means a health officer or any employee of Local Government in the State, any police officer or any other person authorized by the government in that behalf;

“bake-house” means any premises set apart or intended for the preparation or baking of bread and similar foodstuffs for sale;

“capital value” means the price which a purchaser might reasonably be expected to give for the tenement;

“certifying authority” means the traditional ruler, head chief of a town or village or any other person appointed or authorized by the Local Government Council to be a certifying authority for the purposes of this law;

“Chairman” means the chairman of a Local government Council;

“Chemist” includes any officer who has undergone the prescribed university training in pure and applied Chemistry or Industrial Chemistry or its related courses;

“council” means local government council;

“Commissioner” means the Commissioner charged with the responsibility for health;

“dairy” 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 imported milk, is kept for sale;

“dangerous building” means a building, structure, or anything attached to a building in such a state as to cause risk of injury either to the occupiers of such building or of any neighbouring

building or to the public;

“Government” means Government of Imo State of Nigeria;

“health officer” includes a medical officer of health, an Environmental health officer, a sanitary superintendent, a sanitary inspector or other person acting under the authority, whether general or special, of the medical officer of health, whether or not such sanitary inspector or other person is serving in the Ministry or is in the service of any other government body or council;

“infectious disease” in relation to human beings, includes any disease of an infectious or contagious nature which the Commissioner may by public notice declare to be an infectious disease within the meaning of this Law;

“illegal market” means a market that is prohibited under this law;

“medical officer” includes a medical officer in the service of the Government and a qualified medical practitioner employed by the Government or by a Council;

“medical officer of health” includes a medical officer, Public health officer with specialized training in public health assigned to a council and includes any officer as may act within the specific or general authority of the medical officer of health;

“Ministry” means the Ministry charged with the responsibility for health;

“occupier” means the person in occupation of the tenement in respect of which the word is used or of any part of such tenement, but does not include a lodger;

“offensive trade” includes street trading, any trade, business or manufacture which the Government may by order declare to be an offensive trade;

“owner” includes the person for the time being receiving the rent of the tenement in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would receive the same if the tenement were let to a tenant, and the holder of a tenement whether under lease, licence or otherwise;

“parents” includes the father or mother of a child and any person having custody of a child;

“Pest” means small animals or insects that harm or destroy food

supplies, cause to transmit any infectious substance or organism, to the food of man which may affect man's health;

"premises" include messuages, buildings, lands, tenement, hereditaments, vehicles, tents, vans, structures of any kind, drains, ditches or places open, covered or enclosed, and any ship or vessel, port or on any inland waters;

"Private premises" includes any compound, any dwelling house or any building within the curtilage thereof or the ground immediately outside any dwelling house or any building within the curtilage thereof;

"Private slaughter house" means premises licensed in accordance with the Public health law for slaughtering of animals intended for sale for human consumption and includes slaughter slabs.

"Public Slaughter house" means a slaughter house provided by the Council for the slaughter of animals for human consumption and includes a slaughter slab provided by the Council;

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

"tenement" includes any land with or without buildings which is held or occupied as a distinct or separate holding or tenancy, or any wharf or pier in the waters of Imo State or any stall;

"vector" means small animals or insect that harm or destroy food supplies, cause to transmit any infectious substance, organism, to the food of man which may affect man's health;

"vector control" means the term used for any action taken on the vectors themselves to ensure that they are unable to affect human directly or indirectly;

"vector control officer" includes an officer trained and qualified to handle vector control duties – medical officer, environmental health officer, entomologist, parasitologist, microbiologist and other officers designated as such in the service of the State or Local Government;

"water tanker" means a vehicle specially constructed for the purposes of conveying water from water source to the consumer.

"veterinary officer" means a veterinary Doctor, Animal Health and Husbandry Technologist.

PART II – HEALTH OFFICERS

3. The Government shall appoint a qualified public health or community health physician to be the medical officer of health for the purpose of

*Appointment of
medical officer of
health*

this law and in the absence of any such qualified person, a qualified medical officer in charge of the Local Government Area may be designated as the medical officer of health.

4. Every senior health officer shall be a medical officer of health, and whilst on duty in any place, shall have power to direct the sanitary work of such place and to give instructions to all sanitary officers in the employment of the Government.
5. It shall be the duty of every medical officer of health to inspect the areas to which he is appointed and to abate nuisance and otherwise to enforce the powers vested in him relating to public health.

Senior health officers

Duties of medical officers of health

PART III – NUISANCE

6. (1) The following shall be deemed to be nuisance –
 - (a) any premises in such a condition as to be injurious to health;
 - (b) any premises which is so poorly illuminated 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 contains rodent holes or rodent-runs or other similar holes or which are infested with rodents and vermine or in which the ventilating openings are not protected by gratings in such manner as to exclude rodents and vermine 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 things 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, pit 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;

Nuisance which may be abated

- (i) any accumulation or deposit of rubbish of any kind whatsoever or any decaying animal or vegetable matter, whether in the form of refuse, manure, decayed or tainted food, or in any other form whatsoever;
 - (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 health officer to be so overcrowded as to be injurious or dangerous to the health of the inmates;
 - (l) any premises including petrol stations, motor parks where persons, workmen and the public are employed in which 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 Gazette on the recommendation of a medical officer of health, as being favourable to the breeding of mosquitoes, found in any area which may be specified in the said notice.
 - (o) indiscriminate littering or dumping of refuse in the street or gutter or other public highway or in any unauthorized place.
 - (p) any premises used as a boarding house for the occupants in which suitable and adequate sanitary conveniences are not provided;
 - (q) any littered or neglected surroundings of any building including home, office, factory, industry and commercial premises.
- (2) (a) Where a child under the age of sixteen dumps refuse or throws litter indiscriminately into any gutter, drains, road verge, or road middle, the parent or guardian or master or mistress of the child shall be charged with actually committing the nuisance.
- (b) It shall not be a defence to a charge under this section that the parent or guardian or master or mistress of the child did not authorize the act or that the act was committed without his knowledge.
- (c) Any person who commits a nuisance under this sub-section shall on conviction be liable to a fine of two thousand naira (₦ 2,000.00) or imprisonment for two months.
- (3) The Ministry shall monitor environmental conditions in the State and shall ensure the preparation of and continuous updating of master plans for refuse collection and disposal and the establishment, operation and control of the resultant refuse disposal

systems.

(4) The Government shall designate refuse collection points and shall ensure that the places so designated are brought to the notice of the public.

7. (1) A health officer shall, if satisfied of the existence of a nuisance, serve a notice, hereinafter called an abatement notice, on the person by whose act, default or sufferance the nuisance arises or continues, or, if such person cannot be found, on the occupier or owner of the premises on which the nuisance arises requiring him to abate the same within the time specified in the notice, and to execute such works, and to do such things as may be necessary for that purpose, and, if the health officer deems it desirable (but not otherwise), specifying any works to be executed.

*Abatement notice
and penalty for
default*

(2) The health officer may also by the same or another notice served on such person, occupier or owner require him to do what is necessary for preventing the recurrence of the nuisance, and if he deems it desirable, specify any works to be executed for that purpose, and may serve that notice notwithstanding that the nuisance may for the time being have been abated, if the health officer considers that it is likely to recur on same premises.

(3) Where the nuisance arises from any want or defect of structural character, or where the premises are unoccupied, the notice shall be served on the owner or agent.

(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 or two months imprisonment.

8. (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 health officer, likely to recur on the same premises, the health officer shall make a complaint and the court hearing the complaint may make on such person a

*Noncompliance,
execution of works*

- summary order, in this Law referred to as a nuisance order.
- (2) A nuisance order may be an abatement order, a prohibition order, or closing order, or a combination of such orders.
 - (3) An abatement order may require a person to comply with any of the requisitions of the notice, or otherwise to abate the nuisance within a time specified in such order.
 - (4) A prohibition order may prohibit the recurrence of a nuisance.
 - (5) An abatement order or prohibition order shall, if the person on whom the order is made so requires, or the court considers it desirable, specify the work to be executed by such person for the purpose of abating or preventing the recurrence of nuisance.
 - (6) A closing order shall prohibit any premises from being used for human habitation or for any other purpose.
 - (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.
 - (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 one hundred naira a day during his default; and if a person knowingly and willfully acts contrary to a prohibition or closing order he shall be liable to a fine of two hundred naira a day during such contrary action; moreover the health officer may enter the premises to which a nuisance order relates, and abate or remove the nuisance, and do whatever may be necessary in execution of such order.
9. (1) If an order of the court or notice of the health officer for the abatement of nuisance by the occupier or owner is not complied with because the occupier or owner cannot be found or because the occupier or owner is imprisoned, the health officer may apply to the court for an order to have the nuisance abated, and all costs of and expenses incurred in connection therewith shall be paid to the health officer by the occupier or owner, and may be recovered as a debt. *Power to sell premises*
- (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

notice
for

ce,
works

property found thereon belonging to such occupier or owner to be sold to defray the cost and expenses.

- (3) The rules of court relating to sales in execution of decrees shall *mutatis mutandis* apply to such sale.
10. (1) (a) It shall be lawful for the health officer to enter any premises at any time between the hours of six in the morning and six in the evening for the purpose of examining as to the existence thereof 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 the premises at all reasonable hours for the purpose of securing the execution of the order. *Right of entry*
- (b) if the admission into the premises is refused, the court may order the person having the custody of the premises to admit the health officer into the premises during the prescribed hours, and if no person having the custody of the premises is found the court may authorize the health officer forcibly to enter on such premises.
- (2) Any order for entry 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 ten thousand naira. (₦10,000.00)
11. 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 nuisance caused by the act or default of the owner of the premises, such cost and expenses may be recovered from any person who is for the time being owner of such premises. *Cost of execution relating to nuisance*
12. (1) If the occupier of any premises prevents the owner thereof from obeying any order made under this law 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 *Obstruction of owner by occupier*

necessary for the purpose of obeying such order or carrying into effect such provision.

- (2) 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 five hundred Naira for everyday during the continuance of such non-compliance.

13.(1) The health officer may, at all reasonable hours, inspect any carcass, meat, poultry, game, fish, vegetables, corn, bread, flour, or other provisions exposed for sale or deposited in any place for the purpose of sale or of preparation for sale and intended for the food of man.

Inspection by health officer and penalty for selling condemned food.

- (2) 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 rests with the party charged.

- (3) If any such article appears to the 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 so 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 one thousand naira (₦1,000.00) for every article condemned, and any subsequent conviction, to a fine of five thousand naira (₦5,000.00) or to imprisonment for six months.

- (4) Any person who sells or offers for sale, any thing condemned by a health officer as aforesaid, commits an offence and upon conviction be liable to a fine of ten thousand naira (₦10,000.00) or imprisonment for one year.

14. If any health officer or police officer in company of health 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 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.

Search warrant

15. Any person who hinders, prevents or obstructs any officer in the performance of his duty under such a search warrant commits an offence and shall be liable upon conviction to a fine of two thousand naira (₦2,000.00) or imprisonment for two months.

Penalty for obstructing officer with search warrant.

PART IV. INFECTIOUS DISEASES

16. (1) Whenever an infectious disease breaks out in any place, the Commissioner may by public notice declare such place or any portion thereof to be an infected area and may in like manner order the evacuation of the whole or any part of such infected area. *Declaration of infected area and order for evacuation.*
- (2) It shall not be lawful for any person to reside or carry on business within any infected area or portion thereof which is comprised in an order for evacuation, or to enter or be therein, except when passing along a thoroughfare allowed to remain open to the public, without an order in writing to that effect signed by a medical officer, and upon such conditions as such medical officer may in such order direct.
- (3) Penalty for first offence is a fine of two thousand five hundred naira (₦2,500.00) or three months imprisonment and for subsequent offences a fine of five thousand naira (₦5,000.00) or six months imprisonment, or both.
17. 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. *Spirit, wine and Beer licences in area ordered to be evacuated.*
18. Whenever in the opinion of the medical officer of health there is reason to suspect that a person has died of an infectious disease, it shall be lawful for the medical officer of health to order that the body of the deceased person shall be conveyed to such place as the medical officer of health shall appoint, for such examination as he may consider necessary. *Power to order postmortem examination*
19. A health officer may cause to be placed on or about any premises in which any case of infectious disease has occurred any mark which he may deem advisable for the purpose of denoting the occurrence of such disease, and may keep such mark affixed for such time as he may deem necessary, and any person removing or obliterating any such mark without the authority of a health officer shall be liable to a fine of five hundred naira. (₦500.00) *Marking of premises where infectious disease has occurred.*

20. A health officer may order the disinfection of any building in which any case or suspected case of infectious disease has occurred and of any article or thing in such building.

21. (1) The medical officer or health officer may order the destruction of any building in which a case of infectious disease has occurred, or any article or thing which may be considered necessary in the interest of the public health.
(2) Any such order shall be carried out in such manner and by such person as the medical officer of health may direct.

22. A Veterinary officer of health may order the destruction of 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.

23. A medical officer of health may cause any person suffering or suspected to be suffering from an infectious disease to be removed to a Government hospital or other places provided by the Government or by a local government council to be detained there until he can be discharged with safety to the public.

24. A medical officer of health may order any person living in the same house or compound, or otherwise brought into contact with any person suffering or suspected to be suffering from an infectious disease, to be isolated in such place as the Government may provide, until he can be discharged with safety to the public, and every person authorized by the medical officer of health to carry out such order may use such force as is necessary to compel obedience to such order.

25. (1) When an inmate of any house, is suffering from an infectious disease, the head of the family and in his default the person in attendance on the patient and in default of such person, the occupier or owner of the building shall, as soon as he becomes aware that the patient is suffering from an infectious disease, give notice thereof orally or in writing to the medical officer of health. It is incumbent also upon every medical practitioner consulted by or in attendance on any patient suffering from an infectious disease to give such notice.

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

imprisonment for two months.

Provided that if a person is not liable to give notice in the first instance but only in default of some other person, he shall not be liable to a penalty if he satisfies the court that he had reasonable cause to suppose that the notice had been duly given.

26. (1) A health officer may by notice in writing require the owner of any bedding, clothing or other articles, which have been exposed to infection to cause the same to be delivered to such health officer for removal for the purpose of disinfection. *Removal of bedding, clothing, for disinfection.*
- (2) The bedding, clothing and articles shall be disinfected by the health officer, and shall be brought back and delivered to the owner free of charge.
27. Any person who knowingly lets for hire any house in which any person has been suffering from any infectious disease without having had such house and the articles therein properly disinfected to the satisfaction of the medical officer of health, shall be liable to a fine of five thousand Naira (N5,000.00). *Letting infected houses.*
28. Any person who -- *Acts tending to spread of disease.*
- (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 (N2,000.00) or to imprisonment for three months.
29. 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 five thousand Naira (N5,000.00) 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 such ship or public conveyance. *Entering public conveyance without notice to the person in charge.*
30. Every person in charge of any ship or public conveyance shall to the satisfaction of the medical officer of health immediately provide for the disinfection of such ship or public conveyance after it has to his knowledge conveyed any person suffering from any infectious *Disinfection of public conveyance.*

disease and if he fails to do so, shall be liable to a fine of five thousand Naira (₦5,000.00).

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

Apprehension of infected persons in public streets.
Every health officer, administrative officer, police officer 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.

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 or such premises and give such order as to the cleansing or disinfection thereof or otherwise as they shall consider necessary.

Compensation
(1) The owner of any building, article or thing destroyed under an order made in pursuance of section 21, and the owner of any animal killed under an order made in pursuance of section 22, shall be entitled to compensation to be paid either out of general revenue or out of the funds of a Local Government Council as may be prescribed or as the Commissioner may direct.

(2) All claims for compensation under this section or under any rules made under section 37 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 public 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) if 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 published in the State Gazette.
- (6) A Compensation Board shall have all the powers 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, and shall be entitled to claim expenses, 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 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.
34. 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.

*Time within which
claims for
compensation
shall be made.*

35. 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.

36. 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.

37. The Commissioner may make rules –

Power to 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;

(b) for inspecting and granting permit 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, toilets, dustbins, refuse 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 Commissioner;

(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 report of cases of sickness and death;

(i) for the disposal or destruction of refuse and sewage and prescribing fees payable by occupiers with respect to this service;

(j) for the erection of temporary huts, mortuaries and similar buildings by the chiefs or headmen of town or villages;

(k) prescribing the acts or things, done under any rule, in respect of

- which compensation may be paid;
- (l) for declaring whether compensation shall be paid out of general revenue, or out of the funds of a Local Government Council;
 - (m) for the publication within the area affected of any notice under Section 16 or rule made under this section;
 - (n) for prescribing the procedure to be adopted by a compensation board;
 - (o) for monitoring drinking water quality;
 - (p) generally for the better carrying into effect of any of the provisions of this Law relating to infectious diseases and public health.

PART V DRINKING WATER QUALITY

38. (1) The Ministry in collaboration with other relevant Government agencies shall ensure the regular monitoring of drinking water quality.
- (2) All water points from where water is collected for sale to the water tankers used for sale and distribution of water to the public shall be registered with the Ministry. The water tanker owner shall ensure that the tanker conforms to the quality required of such a tanker in line with the guidelines issued by the Commissioner.
 - (3) The Ministry shall cause the premises where the water supply is situated to be inspected before registration. Samples of the water shall be collected and sent to the public health laboratory, (where no such laboratory exists in the area, a private laboratory shall be used, but the cost of such analysis shall be paid by the owner of the premises or the processor or whoever owns the water point)
 - (4) The water from such premises shall conform to the National standard for drinking water quality.
 - (5) The Health officer, chemist, Biochemist, microbiologist or water scientist of the Ministry shall be responsible for the collection and report.
 - (6) The registration licence issued for both water tanker and water point, (source) is subject to renewal annually at a fee as prescribed by the Ministry.

*Monitoring
registration
water points*

39. (1) It shall be an offence for a person to sell water to the public from a source not approved by the Ministry and on conviction the offender shall be liable to a fine of one thousand naira (₦1,000.00) or one month imprisonment.

Offences and
penalty

(2) It shall be an offence for a water tanker not licensed by the Ministry to be used to convey water for human consumption, such tanker shall be impounded until licence is obtained.

(3) The owner of the impounded tanker shall be liable to a fine of two thousand naira (₦2,000.00) or two months imprisonment and if the owner is a corporate body, it shall be liable to a fine of ten thousand Naira. (₦10,000.00)

40. (1) If any company must discharge waste water from its premises into any drain which flows into any body of water outside the company's premises, that waste water shall be treated to such a state as to render it hazard free.

Waste water
discharge

(3) The company shall give a full disclosure of the chemicals used in the production process, it shall also state the limits of such chemicals including its residues expected in the waste water to be discharged.

41. (1) It shall be an offence for a company to discharge any waste water outside its premises untreated or treated in such a way as to contain concentrations of chemicals higher than the maximum permissible limits of the Imo State Environmental Protection Agency for such chemical.

Offences

(2) Any company that contravenes the provisions of this section, commits an offence and shall be liable on conviction to a fine of twenty thousand Naira (₦20,000.00) and the company premises shall be sealed until the default ceases.

42. Any person who by any act or default causes water to be polluted or causes pollutants to enter into water in any well, stream, river, tank, reservoir, aqueduct or pond used or intended as drinking water or does any act whereby drinking water is or may be polluted, commits an offence and shall be liable on conviction to a fine of five thousand naira (₦5,000.00) or six months imprisonment and in case of a

Polluting water

Public Health
corporate body, it shall be liable to a fine of thirty thousand naira (N30,000.00) for first offence and fifty thousand naira (N50,000.00) for subsequent offence.

PART VI MARKET SANITATION/STREET TRADING

43. (1) Every owner or occupier of a market stall shall keep free from either side, front and back and on roof top of such stall all filth, rubbish, refuse or waste. *Market*
- (2) Every stall shall be maintained in a sanitary and safe condition.
- (3) The owner or occupier of a market stall shall maintain any drain running through or by such stall in such a way as to avoid the blockage of such drain.
44. No person shall throw or deposit in any market, stall, open space, gutter, drainage system any litter, refuse or waste of any description except at such places as may be authorized by the Ministry or the health department of the Local Government where the market is situated. *Prohibiti waste dep*
45. Every market shall be provided with toilet facilities which shall be well maintained by the operators to the satisfaction of the Ministry. *Toilet faci*
46. Every trader in a market shall perform any normal, communal or special market sanitation exercise imposed by the Government within the specific period prescribed by an order or a directive of Government. *Market san exercise*
47. Arrangement of stalls and market spaces for the sale of wares shall be such as to protect public health and enhance sanitation of the markets. *Arrangement stalls*
48. Each Local Government Area Health Officer or any person authorized by him in writing either generally or specifically in that behalf may between the hours of 6.00a.m. and 6.00p.m. with or without assistants enter and examine any market stall or frontage or back or either side of the stall to ascertain the existence of any nuisance. *Power of inspection of health officer*
49. A health officer once satisfied of the existence of a sanitary nuisance in any market shall serve an abatement notice on the person who causes or continues the nuisance or, if such person cannot be found, or on the market association in accordance with section 7 of this Law. *Service of abatement noti*
50. Where the market association does not exist or is not found, the health officer shall complain to a court. At court, upon hearing the complaint, shall issue a closing order in accordance with section 8 of *Closure of stall*

the Law.

51. No person shall sell or hawk or expose for sale any goods, wares, articles or things whether or not from a stationary position in any place or street in the State.

52. Only duly authorized health officers may seize any goods, wares, articles or things exposed or offered for sale in any unauthorized place or street.

53. (1) Where goods, wares, articles or things or goods are seized in any place or street as provided under Section 52 and whether or not the owner is convicted of an offence under this part, the goods, wares, articles or things shall be forfeited and same shall be vested in the Local Government Council.

(2) The goods, wares, articles or things so vested under subsection (1) shall be disposed of in such manner as may be prescribed by the Commissioner, in the absence of the Commissioner, the goods, wares, articles or things shall be distributed to motherless babies homes and other charitable organisations.

54. Any person who fails or neglects to comply with the provisions of this part of this Law on market sanitation and street trading commits an offence and is liable on conviction to a fine of two thousand naira (N2,000.00) or to imprisonment for one month.

PART VII - ABATTOIRS AND SLAUGHTER HOUSES

55. (1) A Local Government Council may establish public abattoir/slaughter house where it deems fit in the interest of public health.

(2) The abattoir shall open from 4.30a.m. until 6.45p.m. daily.

(3) A council may, if it thinks proper, and after due inspection, issue a license authorizing 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 license, fees as prescribed by the council.

56. (1) No animal shall be slaughtered in the abattoir between the hours of 5.00p.m. and 4.00a.m. without the special permission of the veterinary officer of the Ministry of Agriculture.

Period for slaughter of animals

- (2) No person shall take any part in the slaughtering, flaying, dressing or handling of animals or carcasses in the abattoir unless he is licensed to do so by the veterinary officer.
- (3) A licence issued under this part shall expire on the 31st day of December of the year of issue and may be issued subject to such special conditions as the veterinary officer shall endorse thereon.
- (4) The veterinary officer may revoke a licence at any time.
- (5) A holder of a licence shall, when within the abattoir produce his licence if requested to do so by an officer of the Local Government or a police officer.
57. (1) No person shall slaughter any animal for the food of man except - *Persons and animals within the abattoir*
- (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 a veterinary officer and passed by him as fit for slaughter.
- (2) No person, other than health officers, veterinary officers and police in uniform and on duty, shall enter the abattoir without a permit granted by the medical officer of health/veterinary officer.
- (3) Sale or negotiation of a sale of any animal, meat or offal within the abattoir is prohibited.
- (4) No person shall bring or permit to enter into the abattoir any animal other than animals intended for the food of man.
- (5) No animal shall be within the abattoir for more than fifteen hours before the slaughter and no animal or part of an animal shall, except by order of a veterinary officer, remain within the abattoir for more than three hours after slaughter.
58. (1) A Council shall, if after due inspection and certification by veterinary officer and health officer license any premises as a private slaughter house. *Private slaughter house*
- (2) A private slaughter house licence may be granted for any period provided that every such licence shall expire not later than 31th day of December of the year in which it is issued.

(3) Every Local Government Council shall fix a fee for every such licence for each month or part of a month for which the licence is to have effect.

The council in issuing any such licence may impose and endorse thereon such special conditions (if any) as may appear proper to the Council.

(4) Any licence granted by the Council may be cancelled if the holder commits any breach of the conditions of the licence or of the provisions of this part of the Law.

59. (1) The holder of licence for private slaughter house shall at all times keep his slaughter house clean to the satisfaction of the veterinary officer/health officer and shall comply with all instructions given by a health officer with regard to the disposal of blood, dirt, offal, filth and rubbish therefrom.

Slaughter house to be kept clean

(2) Every person who shall make use of a public or licensed slaughter house shall keep the same in a perfectly clean condition, 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 be such person's responsibility and shall immediately be conveyed to such place and disposed of in such manner as may be directed by the health officer.

(3) Every person who shall make use of the Council's slaughter house and a holder of a licence for a private slaughter house shall comply with all such instructions as may be given by the health officer/veterinary officer.

(4) Notwithstanding the provisions of this part, during the Christmas and Easter holidays and any other religious festival as the council may approve, a permit need not be obtained by Christians or adherents of other religions for the slaughter of sheep, goats, cattle and any other animal meant for human consumption which are not slaughtered in a slaughter house, and the animals need not be inspected by the health officer/veterinary officer.

60. (1) The veterinary officer shall inspect and examine daily, at such approved places, all animals intended for slaughter after *Examination of animals*

payment of prescribed fees.

Prescribed fees shall include the charges for the examination of the animal, the issuance of a certificate of fitness and the supervision of the slaughter by a veterinary officer.

- (2) If after inspection and examination an animal be passed as fit for slaughter, the veterinary officer shall issue a certificate of fitness.
 - (3) All instruments used for the slaughter of animal shall be approved by the health officer.
 - (4) After slaughter, the carcass of each animal shall be subjected 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 health officer/veterinary officer.
 - (5) The health officer/veterinary officer shall order the mode of disposal of any condemned carcass or part thereof; and the cost shall be borne by the owner.
61. (1) No meat shall be exposed for sale except between the hours of 6.00a.m. and 6.00p.m. and in places provided with a public market, the sale of meat shall be restricted thereto. *Sale of meat*
- (2) All left over meat at the end of the day's operation shall be frozen in a cold room which shall regularly be inspected and kept in such condition to the satisfaction of the health officer.
 - (3) Notwithstanding the provision in sub-section (1), the Council may grant 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.
 - (4) Where the medical officer of health considers it to be in the interest of public health, he may require that all meat exposed for sale shall be protected from flies by placing it in fly proof cages/boxes which shall be provided by the vendor; the size and construction of such cages/boxes shall be according to a pattern approved by the medical officer of health.
62. (1) Every person engaged in the transportation of meat prior to its sale in a public market or in an approved shop shall cause such meat to be conveyed in conformity with the following provisions: *Transportation of animals*

(a) all meat shall be conveyed in a suitable vehicle or other means of transportation approved by the Ministry;

(b) the part of the vehicle or approved means of transportation on or in which the meat is conveyed shall be thoroughly clean;

(c) if the means of transportation is open at the top, front, back, or sides, the meat shall be completely protected from dirt by means of a cloth or other suitable material which shall be thoroughly clean.

(d) no person, live animal, or any commodity other than meat shall be conveyed in the same compartment;

(e) every person accompanying the meat shall be subject to food handler's medical examination.

63. Every person engaged in handling meat intended for sale to the public shall -
Handling of meat

(a) wear a clean and washable head covering;

(b) not permit any part of the meat to come into contact with the ground;

(c) take every necessary precaution to prevent flies and dirt from getting to the meat;

(d) undergo periodic medical/food handler's test at least twice a year and must always maintain adequate and satisfactory personal hygiene.

64. Any person who contravenes or fails to comply with the provisions of this part commits an offence and shall be liable on conviction to a fine of two thousand naira (₦2,000.00) or two months imprisonment.
Offences and penalty

PART VIII - FOOD AND FOOD PREMISES

65. (1) No person shall display or offer for sale to the public in any market, premises or any other public place any of the foodstuffs specified in sub-section 2 below, unless these foodstuffs are suitably protected from contamination and kept in any one of the appropriate containers specified in sub-section 2 below.
Display of food for sale

(2) The varieties of foodstuffs include akara (all varieties) moyin-moyin, boiled or roasted maize (all varieties) agidi, boiled or roasted or fried plantain (all varieties), roasted or boiled, or fried yam, puff-puff, boiled, fried or roasted meat, fish or poultry, peeled and or sliced fruits, chin-chin (Pastry), bread, bread cakes,

rice, beans, buns, sliced coconut or coconut cake, shelled, boiled, or roasted groundnuts, ukwa (bread fruit) be kept in a clean calabash bowl, glazed fitted with a close fitting lid or cover in basket or tray (metal or wooden) covered by a white cloth or in any other container approved by a health officer.

66. (1) Every bake-house, bottled water factory, eating house and food preparing or food-preserving establishment in an area shall be registered annually by the proprietor, occupier or manager thereof in the office of the medical officer of health. *Annual registration*
- (2) No premises registered under this part shall be used for purposes other than in respect of which they are registered except with the written consent of the medical officer of health.
- (3) No premises shall be registered under this part until they have been inspected and approved by a health officer and or any other agency concerned with the standardization and quality control of food meant for man and upon payment of the prescribed fee.
- (4) A certificate of registration issued under this part shall remain valid until 31st December, of the year in which it was issued.
- 67.(1) No loaf of bread, cake or any confectionary shall leave the premises of production without being labelled, wrapped and sealed. *Conveyance confectionary*
- (2) No person shall convey loaves of bread or other confectionaries in any vehicle other than a vehicle approved by medical officer of health.
68. If a health officer shall consider any premises registered under this part for closure in the best interest of the public, he may by notice in writing prohibit the proprietor, occupier or manager from using such premises for purposes mentioned in this part. *Closure Officer*
69. A health officer or any person duly authorized by the medical officer of health may at all reasonable times enter any premises registered under this part for the purpose of ascertaining compliance with the provisions of this Law. *Power to*
70. Any person who contravenes any of the provisions of this part commits an offence and shall be liable on conviction to a fine of two thousand naira (₦2,000.00) or two months imprisonment. *Offence penalties*

PART IX - MISCELLANEOUS

Penalty for
obstructing
execution of this
law.

General penalties

72. 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, five hundred naira (₦2,500.00).

Recovery of
penalties

73(1) All penalties, fines, costs and expenses, the recovery of which is not otherwise provided for, shall be recoverable upon summary trial.

(2) Penalties, fines, costs and expenses imposed by or recoverable under any rule made by a Local Government Council under this Law may, as against persons subject to the jurisdiction of a customary court, be sued for and enforced in a customary court.

Service of notice

74(1) A notice, order or document required or authorized 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 authorized 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.

Occupier to give
information

75(1) The occupier of any premises shall, if required by any health officer or any police officer, give his name and the name and address of the owner of the premises if known.

(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 one thousand Naira (₦1,000.00).

76. Every police officer shall give information to the health officer of any offence which he knows or has reason to believe has been committed against this Law. *Duties of Police*
77. Every sanitary inspector while acting as such shall, by virtue of this appointment and without being sworn in, be deemed to be a police officer and shall have all powers and privileges of a police officer for the purpose of the execution of his duty under this Law. *Sanitary inspectors to have power of constables*
78. (1) 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) an 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; *Joinder of parties*
- (2) one or several or 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 or may be prohibited from continuing any acts or defaults which the court finds as a matter of fact contributed to such nuisance; or
- (3) 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 cost may be distributed as may appear fair and reasonable to the court.
79. 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. *Burden of proof*
80. A health officer or other person shall not be liable to any action, liability or demand on account of any thing done by him bona fide for the purpose of executing this Law. *Protection of health officer*

PART X – GENERAL PROVISIONS

81. (1) The Environmental Health Officer, as a result of any routine inspection it appears to him that any premises or anything thereon is favourable to the propagation or harbouring of mosquitoes, rodent and other pests of public health importance, may by order in writing addressed to the owner or occupier of such premises, direct him within a specified time to take such specified measures, with regard to the premises or for the treatment, destruction or removal thereon as may bring them into a condition *General power of health officer to order action*

not favourable to the propagation or harbouring of mosquitoes and other pests.

(2) The Environmental Health Officer may in such order direct the owner or occupier to drain any land or fill up inequalities in the surface thereof or to construct other works so as to keep the land permanently free from standing water, over grown weeds and trees to the extent required by the order, and to refrain from doing such things or keeping such animals as may damage work done or increase the cost of maintenance thereof.

(3) The Environmental Health Officer may, by order in writing, direct the occupier of any premises to cover within a specified time and keep continuously covered any specified vessel or receptacle, including any tank, cistern or well, on or appertaining to the premises that mosquitoes shall be unable to enter such vessel or receptacle

(4) Where any premises are unoccupied such order may be addressed to the owner thereof as if he were the occupier.
82. The owner or occupier of any premises shall take such measures as are reasonably necessary:

- (a) to destroy mosquitoes wherever found;
- (b) to collect and remove empty tins, cans, bottles or other receptacles in which mosquitoes may breed;
- (c) to cut down and remove any grass, bamboo stumps, fern undergrowth or other vegetation in which mosquitoes are likely to breed or be harboured;
- (d) to bring any water or swamp into a condition not favourable to the propagation or harbouring of mosquitoes;
- (e) to fill with concrete or otherwise break holes or hollows in trees which hold or are likely to hold water, rodents and reptiles;
- (f) any filthy or disused articles capable of harbouring pest such as rodents, cockroaches and other insect of public health importance shall be removed.

Duty of
owner/occupier to
take preventive
measures

Duty of health
officer to take
preventive
measures

83. (1) The Health Officer or any person authorised by him either generally or specifically in that behalf in writing may, with the consent of the owner or occupier, and upon such terms as the Health Officer may think reasonable, take all reasonable measures on behalf of such owner or occupier to carry out the provisions of section 82.
(2) If in any prosecution for contravention of any of the provisions of

section 82, it is proved that eggs, larvae or pupae or mosquitoes were found in premises, the onus of proof or compliance with all or any of the provisions of subsection 82 shall lie upon the person charged with the contravention.

- 84.(1) If the owner or occupier of any premises on whom an order under the provisions of this part has been served fails to comply with the terms thereof, the Health Officer, or any person authorised by him either generally or specially in that behalf in writing may enter upon or into the said premises with such assistance and things as are necessary and may perform thereon or therein all acts and things required by the said order to be performed or done, and the cost thereof shall be recoverable from the owner or occupier by the health authority. *Recovery of cost for work performed*
- (2) If the amount of such cost is not paid by the party liable to pay the same within seven days after demand, an application may be made to a court and the cost recovered in the same way as if judgement has been obtained in that court for such amount.
85. (1) A Local Government Council may make bye-laws for: *Bye Laws for abattoirs & slaughter houses*
- (a) licensing slaughter-houses and regulating the slaughter of animals intended for human consumption, and the management and use of the slaughter-houses;
 - (b) providing for the inspection of such animals;
 - (c) regulating the preparation and sale of meat;
 - (d) prescribing charges for the use of slaughter-houses,
 - (e) the prevention of unnecessary pain or suffering to animals before or in process of their slaughter and prescribing the methods of slaughtering.
86. A Local Government Council may make rules or bye-laws with regard to: *Bye Laws for general Environmental Sanitation*
- (a) the maintenance of sanitary condition of public toilets, dust bins, urinals, bath houses, public refuses, collection bins, manure and other waste depots;
 - (b) surface scavenging, and the removal of refuse and of other waste.
 - (c) the cleansing of streets;
 - (d) the provision and proper construction of rubbish receptacles on private premises;
 - (e) the erection, construction, conversion and reconversion, alteration, repair, sanitation and ventilation of public and private building;
 - (f) the prevention of overcrowding in premises or rooms either in respect of persons or animals, including the the designation of a

Health Officer to fix (subject to the right of appeal by any person affected). The maximum number of persons or animals which may occupy any particular premises or room;

(f) for preventing in any place where a communicable disease exists, the holding of public meetings or the performance of funeral or other customs likely to promote the dissemination of such communicable disease;

(g) the destruction of rodents, mice and other kinds of pests, and of fleas, bugs, or any other such parasites as it may be deemed advisable to destroy and for rendering houses rodent proof;

(h) the regulation of bakeries, dairies, factories for the manufacture of bottled water, eating houses and food-preparing or food-preserving establishments;

(i) the provision and proper construction of cemeteries and burial grounds;

(j) provision in public places such as markets, motor parks, petrol filling stations and such like places of suitable and adequate sanitary conveniences for public use.

87. (1) The Commissioner shall in consultation with other relevant agencies, issue Health and Safety Standards for organizations wishing to be engaged in Waste Management.

Health and safety standards

(2) The Local Government Council shall license refuse and sewage management companies or ventures having fulfilled the minimum standards set by the Commissioner to operate in its jurisdiction or area.

(3) It shall be illegal for any company to operate a refuse and sewage management outfit without registering with the Local Government Council.

88. (1) The Local Government Council shall where possible construct sewage treatment plants at strategic locations within its areas of jurisdiction for use by all companies involved in sewage disposal and charge fees for such a service.

Construction of sewage treatment plant

(2) Private companies shall provide sewage treatment Plants for their establishment where necessary.

89. The Local Government Council shall inspect all sewage dislodging vehicles operating in the Local Government Area. Such vehicles found fit shall be licensed by the Medical Officer of Health. Such a

Inspection, Licensing of sewage dislodging

licence shall be renewed annually.

90. (1) The Health authority of the Council shall in collaboration with other relevant agencies designate areas where effluent and other matters from dislodging vehicles shall be emptied.

(2) It shall be an offence to dislodge sewage in any area other than areas approved by the Medical Officer of Health for that purpose.

(3) It shall be an offence to operate a dislodging vehicle which is not registered with the health authority. In any case where a person is charged under this section for operating an unregistered dislodging vehicle, dislodging in an unauthorized location, proof that the same was registered, and was not dislodging sewage in an authorized place shall be on the accused person.

91. The Ministry shall from time to time issue policy guidelines on all or any of the provisions of this law.

92. The Public Health Law, Cap 103, Laws of Eastern Nigeria, 1963 is hereby repealed. The repeal does not affect rules made pursuant to the Public Health Law 1963.

**PUBLIC HEALTH LAW
SUBSIDIARY LEGISLATION
PUBLIC HEALTH RULES**

1. These Rules may be cited as the Public Health Rules.
2. "Council" in any area or place, shall mean Local Government Council for such area for the purposes of these rules.

PART 1 – INFECTIOUS DISEASES

3. (a) When any case of infectious disease or suspected infectious disease is notified to the medical officer of health, 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

(b) 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 medical officer of health or any sanitary officer, police officer or other person acting on the instructions of a medical officer of health 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 a sanitary inspector, 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 medical officer of health.

5. The officer in charge of the police in any place and every local government council shall afford every assistance to the medical officer of health 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. (a) Every person travelling by land or sea from a declared infected area may, if it be considered necessary by the medical officer of health, be subjected to medical inspection and examination prior to being permitted to proceed on his journey.

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

(c) Any person discovered with suspicious symptoms shall be detained and dealt with as the medical officer of health may direct.

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

9. All persons residing in a declared infected area shall undergo such medical inspection or examination as the medical officer of health may direct. The medical officer of health 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. (a) Every person permitted to leave a declared infected area under surveillance shall comply with the following conditions-

(i) he shall satisfy the medical officer of health as to his name,

intended destination and his place of residence thereat, and that such place is conveniently situated for medical supervision;

(ii) he shall present himself for medical supervision during the prescribed period; and he may be required by the medical officer of health to deposit a sum, not exceeding five hundred naira which may be forfeited if he fails to present himself.

(b) If the medical officer of health is not satisfied as herein required, or if the person fails to comply with sub-paragraphs (i) and (ii) hereof, the medical officer of health 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 sub-paragraph (ii) hereof may, at the discretion of the medical officer of health, 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 observations 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 observations 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 medical officer of health shall prescribe the periods of observation and surveillance in the event of any other infectious disease.

12. (a) 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 a health officer, on the side of such premises nearest to a public street.

(b) The flag or mark shall remain displayed until the premises, with its contents, shall have been cleansed and disinfected to the satisfaction of a health officer.

(c) Provision for the supply of such flags or marks shall be made by the medical officer of health. Any person who shall remove such flag or mark without the permission of a health officer shall be liable to a fine of five hundred Naira.

13. The medical officer of health 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, toilets, 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 a 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 medical officer of health.

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

17. The police shall furnish every assistance to the 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 Local Government Council, shall assist the 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. When the infectious disease is plague, the traditional ruler, the chiefs and headmen of any town, village or council shall also report or cause to be reported any undue sickness or mortality among rats or mice residing within such town, village or council as well as persons

which may be observed.

20. For the carrying into effect of the two foregoing rules, the Local Government Council shall, if required by a health officer, notify the traditional ruler, the chiefs, headmen and people residing in any town, village or council 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 report shall be made.
21. (a) When it may appear to the medical officer of health that the holding of public meetings, funeral ceremonies, or other customs is likely to tend to the spread of any infectious disease, any Magistrate, or Local Government Council shall, if requested by the medical officer of health, prohibit such meetings, funeral ceremonies, or other customs.

(b) Any person who is present at or takes part in any meeting, ceremony or custom which has been prohibited shall be liable to a fine of five thousand Naira (₦5,000.00).
22. When infectious disease occurs, a health officer may prescribe any measures which he considers necessary to ensure the destruction of rats, mice and other kinds of vermin, and mosquitoes, their larvae and pupae, fleas, bugs or any other such parasites, and all persons shall obey any instruction given by a health officer in this behalf.
23. (a) To prevent the spread of infectious disease, the owner or occupier of any premises shall, if required by a health officer, render all roofs, partitions, floors and plinths of houses rat-proof.

(b) When plague is present in any place foodstuffs attractive to rats shall not be kept in inhabited premises unless such foodstuffs are effectively protected against rats and mice to the satisfaction of the medical officer of health.
24. 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 Health Officer, and the bodies of such rats or mice shall be subsequently removed and disposed of by the health officer.
25. When an infectious disease occurs in any place, the occupiers of premises in such place shall comply with any directives given by a

Health Officer with regard to the disposal of refuse and sewage.

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

PART II SANITATION, ETC.

27. All plans for public latrines, toilets, urinals, dustbins, and manure and sewage and the sites thereof shall be approved by the medical officer of Health before construction is commenced.

28. The medical officer of health shall give instructions for the maintenance of sanitary condition of all public latrines, toilets, urinals, dustbins, manure and sewages.

29. The medical officer of health shall advise the council as to the measures to be taken with regard to scavenging and the removal and disposal of all refuse and the cleaning of streets.

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

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

32. 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 health officer shall approve.

33. (1) No plans or sections or specifications showing the arrangements for the sanitation or ventilation of any new building shall be passed by the council until the medical officer of health 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 council differing from, and being unable to accept any alteration or amendment to such plans or sections advised by the medical officer of health, the council shall not pass the plan or section concerned without the approval of the Commissioner.

34. The medical officer of health shall, when necessary, prescribe the maximum number of persons that may occupy any given room or premises.
35. 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.
36. Except with the written permission of a medical officer of health, no person shall, in areas in which building rules or bye-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 bye-laws for non-residential purposes only.
37. The medical officer of health 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 council shall have power, in any case, to raise this minimum on the recommendation of the medical officer of health;
 - (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.
38. (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 council by the proprietor or

except carrying on the business.

(2) A council shall not register any premises under this rule until the premises have been inspected and certified by a Health Officer.

(3) There shall be paid in respect of every such registration a fee of five hundred naira for rated water factories, two thousand naira for restaurants excluding "Bukas" who should register with one thousand naira, and five hundred naira for eating houses. The council shall issue a certificate of registration.

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

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

40. 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 health officer.

41. 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 medical officer of health.

42. No room used for any purpose mentioned in rule 41 shall be used as a sleeping apartment.

43. The sanitary arrangements and conveniences on all premises, mentioned in rule 38 shall be to the satisfaction of the medical officer of health.

44. No water shall be used on any of the premises mentioned in rule 38 except that obtained from a source approved by the medical officer of health.

45. 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 health officer.

46. Measures, to the satisfaction of the health officer, shall be taken by the owners or occupiers of the premises mentioned in rule 38 to keep

47. The officer may prohibit any person suffering from any disease or ailment from entering or remaining on any of the premises mentioned in rule 38, should he for sanitary reasons deem it necessary.
48. If the medical officer of health shall consider that any premises used for any of the purposes mentioned in rule 38 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

49. 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.
50. Water barrels after each day's use shall be inverted and left so until used again.
51. No refuse or solid material shall be thrown into the drains.
52. Each user is responsible for keeping clear of obstruction that portion of any drain adjoining his part of the washing platform.
53. In private laundries or washhouses, the occupier shall ensure that the general cleanliness and drainage conforms to the requirements of the health office.

PART III ANIMALS

54. A council may by public notice prohibit the bringing into, or keeping, within any municipality or urban county or part thereof, of any animals.
55. 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 municipality, shall conform to the requirements of the medical officer of health.
56. 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 medical officer of health for approval, before construction is commenced.
57. The minimum floor space in a stable or shed for such horse shall be seventy-three square feet; and for each head of cattle, forty-eight square feet.
58. 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 medical officer of health into a sump, catch pit or other place set apart for such purpose.

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

60. A medical officer of health may prescribe the number of animals which may be kept on any premises and the number so prescribed shall not be exceeded.

61. The following diseases shall constitute contagious or infectious disease in animals-

(a) Rinderpest or cattle plague.

(b) Contagious pleura-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 Commissioner may by notice in the Gazette declare as such.

62. 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 health officer, and 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 health officer if they are aware of the presence of disease.

63. Disinfection of the infected stable, shed or place shall be carried out as follows:-

(a) in the case of 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 butchers implements and outfit, utensils and stable gear or fixtures shall be disinfected with a strong solution of carbolic acid, or other disinfectant.

64. (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 crifices 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.
65. 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.

GENERAL PROVISIONS

66. 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 of ascertaining what nuisances exist which call for abatement under the powers of the Law, and to carry out the provisions of Law for the purpose of abating the same and otherwise to enforce the powers vested in them relating to public health.
67. Sanitary inspectors shall perform under the direction and supervision of the medical officer of health such duties as may be assigned to them by him.
68. No person shall in any township make any borrow-pit or excavation for building or other purposes without the approval of the health officer which shall be obtained through the council. The health officer shall, on giving his approval, fix a suitable place for such borrow-pit and excavations and shall give instructions for filling in or efficiently draining the same.
69. 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 a health officer given under any of these rules shall be liable to a fine of five thousand Naira.

RT. HON. (BARR.) KENNEDY KELECHI NWAGWU
Speaker
Imo State House of Assembly



Passed again by the Imo House of Assembly by two-thirds majority this day of, 2004.

CHIEF ACHIKE UDENWA
Governor
Imo State of Nigeria

Assent withheld by me this day of, 2004

CHIEF ACHIKE UDENWA
Governor
Imo State of Nigeria



Assented to by me this day of 2004

EMMANUEL NGOZI IBEKWE
Clerk of the House of Assembly
Imo State of Nigeria

Emmanuel Ngozi Ibekwe

The printed impression has been carefully compared by me with the Bill which has been passed by the House of Assembly and found by me to be a true and correct printed copy of the said Bill.