



LAGOS STATE ENVIRONMENTAL PROTECTION AGENCY LAW

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CHAPTER L23

LAGOS STATE ENVIRONMENTAL PROTECTION AGENCY LAW

A Law to establish the Lagos State Environmental Protection Agency and for other matters incidental thereto or connected therewith (1997 No 9)

(Commencement)

(1st November, 1996)

1. Establishment of Lagos State Environmental Protection Agency

There shall be established an Agency to be known as the Lagos State Environmental Protection Agency (hereinafter referred to as “the Agency”)

(2) The Agency shall be a body corporate with perpetual succession and a common seal and shall have power to sue and be sued in its corporate name and to acquire, hold and dispose of its movable and immovable property for the purpose of carrying out its functions under this Law.

2. Composition of the Agency

(1) The Agency shall be composed of the following members:

(a) The Commissioner of the Environment and Physical Planning who shall be the Chairman;

(b) The Commissioners responsible for:

(i) Health and Social Welfare or his representative not below Grade Level 16;

(ii) Agriculture and Cooperatives or his representative not below Grade Level 16;

(iii) Works or his representative not below Grade Level 16;

(iv) Public Transportation or his representative not below Grade Level 16;

(v) Commerce and industry or his representative not below Grade Level 16;

(vi) Finance and Economic Development or his representative not below Grade Level 16;

(c) The Permanent Secretary of Local Government Administration or his representative;

(d) The Director of Environmental Services; Sewage and Water of the Ministry of the Environment and Physical Planning;

(e) The General Manager of the Lagos State Environmental Protection Agency who shall be the Chief Executive of the Agency; and

(f) Three other members who are experts on environmental matters who shall be drawn from either the Universities or the public at large or from both.

(2) There shall be a Secretary to the Agency who shall be an Assistant General Manager in the Department of Finance and Administration of the Agency.

(3) The provisions contained in Schedule 1 to this Law shall effect with respect to the proceedings of the Agency and other matters therein specified.

SCHEDULE 1

3. Appointment and Tenure of Office of members

(1) The non *ex-officio* members shall be appointed by the Governor.

(2) The non *ex-officio* members of the Agency shall hold office for a term of three (3) years and not more than two terms.

4. Remuneration of members

The non *ex-officio* members shall be paid such allowance as may be determined from time to time by the Governor.

5. Termination of Appointment

(1) The Governor may terminate at anytime the appointment of any non *ex-officio* member notwithstanding the contents of the letter of appointment if he is satisfied that the member is unfit or unable to discharge his functions either for reason of infirmity of body or mind or for misconduct.

(2) A non *ex-officio* member may resign his office by a letter addressed by him to the Governor.

6. Application of L.F.N Cap 346

Service in the Agency shall be a public service for the purpose of the Pensions Act and accordingly, officers and other staff of the Agency shall in respect of their services be entitled to such pensions.

7. Functions of the Agency

It shall be the functions of the Agency to:

(a) Advise the State Government on all environmental management policies;

(b) Give direction to the affairs of the Agency on all environmental matters;

(c) Prepare periodic master plan to enhance capacity building of the Agency and for the environment and natural resources management;

(d) Carry out appropriate tests on insecticides, herbicides and other agricultural chemicals;

(e) Carry out public enlightenment and educate the general public on sound methods of environmental sanitation and management;

- (f) Monitor and control disposal of solids, gaseous and liquid wastes generated by both government and private facilities in the State;
- (g) Monitor and control all forms of environmental degradation from agricultural, industrial and government operations;
- (h) Set, monitor and enforce standards and guidelines on vehicular emission;
- (i) Survey and monitor surface, underground and potable water, air, land and soil environments in the State to determine pollution levels in them and collect baseline data;
- (j) Promote co-operation in environmental science and technologies with similar bodies in other countries and international bodies connected with the protection of environment; and
- (k) Co-operate with the Federal, State and Local Governments, statutory bodies and research agencies on matters and facilities relating to environmental protection.

8. Power of the Agency

In carrying out the functions prescribed in Section 7 of this Law, the Agency shall have power to:

- (a) Require to be produced, examine and take copy of any license, permit, certificate or any other document required under this Law;
- (b) Require to be produced and examine any appliance, device or other item used in relation to environmental protection;
- (c) Enter into programs agreements of technical assistance with public or private bodies concerning environmental protection;
- (d) Apply enforcement measures to combat environmental degradations in manufacturing premises and government operations;
- (e) Enter and search vehicles, tents and other structures in any premises engaged in carrying out manufacturing operations or business;
- (f) Perform tests and take samples of any substance found on any premises searched; and
- (g) Accept gifts of land, money, books or other properties upon such terms and conditions as may be specified by the person making the gifts if such terms and conditions attached are not inconsistent with the functions of the Agency.

9. Power to make regulations

The Agency may make regulations generally for the carrying into effect the purpose of this Law and without prejudice to the generalities of the power so conferred in particular for prescribing:

- (a) Acceptable standards or criteria to control the pollution level of water, air, noise and land in consonance with the Federal Government guidelines and policies and criteria on the environment;
- (b) Acceptable erosion measures in consonance with Federal Government guidelines and policies on the national coastline;
- (c) Standards for effluent;
- (d) Basic standard requirements for nature conservation; and

(e) Waste management options.

10. Protection of members of the Agency

- (1) No member or officer of the Agency shall be liable to be prosecuted or sued in any court for any act done or ordered to be done by him in good faith in the discharge of his functions under this Law.
- (2) In any action or suit against the Agency no execution or attachment or process in the nature thereof shall be issued against the Agency but any sum of money which by judgment of the court is awarded, the Agency shall, subject to any directions given by the Agency, be paid from the general reserves fund of the Agency.

11. Establishment of Advisory Committee on the Environment

For the purpose of this Law, there is hereby established a body known as Advisory Committee on the Environment (hereinafter referred to as "the Committee")

12. Composition of the Committee

(1)The Committee shall consist of the following:

(a) The General Manager of the Lagos State Environmental Protection Agency, who shall be the Chairman;

(b) General Manager of the Lagos State Waste Management Authority;

(c) Director of Drainage in the Ministry of the Environment and Physical Planning or his representative not below Grade Level 14;

(d) Director of Development Control in the Ministry of the Environment and Physical Planning;

(e) A Director, in the Office of Local Government Administration;

(f) A representative of:

(i) Director of Environmental Services; Sewage and Water in the Ministry of the Environment and Physical Planning;

(ii) Nigerian Environmental Society;

(iii) Nigerian Conservation Foundation;

(iv) Nigerian Society of Engineers;

(v) Nigerian Institute of Town Planners;

(vi) Nigerian Medical Association;

(vii) Manufacturers Association of Nigeria; and

(viii) Nigerian Institute of Architects.

(2) The Secretary of the Committee shall be an officer in the Department of Administration and Finance of the Agency and shall not be below Grade Level 14.

13. Appointment and Tenure of office of the members of the Committee

(1) The non *ex-officio* members of the Committee shall be appointed by the Chairman of the Agency.

(2) The non *ex-officio* members shall hold office for three (3) years or as the Chairman of the Agency may specify in their letters of appointment provided the Chairman may vary such period without giving reason.

14. Remuneration of the members of the Committee

The non *ex-officio* members shall be paid such allowance as may be determined by the Agency.

15. Termination of Appointment

(1) The Chairman of the Agency with the approval of the members of the Agency may at any time terminate the appointment of any of the non *ex-officio* members of the Committee notwithstanding the content of the letter of appointment, if the Agency is satisfied that such a member is unfit to discharge his functions either for reason of infirmity of body or for misconduct.

(2) A non *ex-officio* member may resign his appointment by a letter addressed by him to the Chairman of the Agency.

16. Functions of the Committee

It shall be the function of the Committee to:

(a) Study and deliberate on basic matters relating to environmental protection whenever necessary as directed by the Agency;

(b) Identify environmental pollution control issues and make recommendations to the Agency;

(c) Examine and recommend on continuous basis other management options, such as minimization, recycling of waste, etc for industries and government operations in order to reduce degradation of the environment;

(d) Review and recommend the basic standard requirements for solid, liquid, gaseous or toxic waste management in the State;

(e) Establish and recommend acceptable safe methods of collection and disposal of hazardous and toxic waste in the State; and

(f) Identify and develop strategies for the conservation of natural environment.

17. Payment of Annual Environmental Development Charge

- (1) As from the commencement of this Law, any person engaged in any form of manufacturing shall pay not later than the 1st day of January of every year environmental development levy (herein referred to as "the charge") prescribed in Schedule 2 to this Law.
- (2) The charge referred to in subsection (1) of this section shall be subject to periodic review.

18. Financial provisions

- (1) The Agency shall establish and maintain a fund which there shall be defrayed all expenses incurred by the Agency.
- (2) The funds of the Agency shall consist of:
 - (a) Such sums as may from time to time be granted to the Agency by the State;
 - (b) All moneys raised for the purposes of the Agency by way of gifts, grants-in-aid, testamentary dispositions and sales of publications;
 - (c) All subscriptions from the charge, fees and charges for services rendered by the Agency and all other sums that may accrue to the Agency from any source.

19. Disbursement of Fund

The Agency may make provisions for the disbursement of the money from the fund referred to in subsection (1) of Section 18 of this Law generally for the carrying into effect the purpose of this Law and without prejudice to the generalities of the power so conferred in particular for:

- (a) Defraying extra budgetary expenses incurred by the Agency;
- (b) Improvement and establishment of standard and well equipped laboratories for the purpose of this Law;
- (c) Setting up of air monitoring pilot scheme; and
- (d) Financing various studies, workshops, seminars and public enlightenment on the environment and other environmentally related matters.

20. Registration of practicing Consultants on Environmental Management

- (1) As from the commencement of this Law, no person shall establish, carry on or run a consultancy on environmental management within the State except such consultancy is registered with the Agency under this Law;
- (2) The registration referred to in subsection (1) of this section shall be in such form and manner as may be prescribed by the Agency;
- (3) Fees for the registration under this Law shall be prescribed by the Agency.

21. Prohibition of manufacturing or storage of petroleum products etc

As from the commencement of this Law, no person shall operate the business of manufacturing of any description or the storage of chemicals, lubricants, petroleum products, cement other than that used in building, radioactive materials or gases or carry on the containerization of any oil or lubricant or petroleum produce in residential or commercial areas within the State except a written permission is obtained from the Agency.

22. Prohibition of discharge of waste, etc into the environment

As from the commencement of this Law, no person shall:

- (a) Carry on or run any manufacturing operation or business in any premises within the State except such waste generated in the process of such manufacturing operation or business is treated or purified to the satisfactory standards approved by the Agency before discharge into the environment;
- (b) Discharge or cause to be discharged, raw untreated human waste into any public drain, water-course, gorge, storm-water or unto any land within the State;
- (c) Discharge or cause to be discharged any form of oil, grease, spent oil including trade waste, brought about in the course of any manufacturing operation or business into any public drain, water-course, water gorge and road verge;
- (d) Discharge into the air any inadequately filtered and purified gaseous waste;
- (e) Burn, dump or bury or cause to be burnt, dumped or buried refuse of any type, bush, weeds, grass, tyres, cables or waste of any description without a written permit from the Agency: and
- (f) Use gamalin 20 or any herbicide, pesticide, insecticide, explosive or any other chemicals to kill aquatic animals or for any other purposes in rivers, lakes and streams.

23. Treatment of waste

Any waste mentioned under section 22 of this Law shall be adequately treated or purified by the person generating the waste and shall meet the standards set down by the Agency prior to discharge.

24. Application for permission, fees and renewal of permission

- (1) An application for permission referred to in section 21 of this Law shall be made in such form as may be prescribed by the Agency.
- (2) Fees for an application made under subsection (1) of this section shall be as prescribed by the Agency.
- (3) The Agency shall issue a written permission to any person who applies under this Law and has satisfied the conditions prescribed by the Agency.
- (4) A written permission granted under subsection (3) of this section shall be renewed annually.

25. Display of permission

A written permission granted under section 24 of this Law shall be displayed in a conspicuous place on the premises generating such waste.

26. Control of emissions from plants and equipment

As from the commencement of this Law, all emissions from vehicles, plants and equipment including generating plants in the State shall meet emission standard set by the Agency.

27. Inspection and supervision

The Agency or its duly authorized officer may at all reasonable time enter premises in respect of which the Agency has received application for written permission for purpose of inspection and to ensure that the conditions for permission under this Law are being complied with.

28. Power to search, seize and arrest

Any duly authorized officer where he has reasonable grounds for believing that an offence has been committed against the provisions of this Law may without warrant:

- (a) Enter, search and seize any item or substance which he reasonably believes in being used in the commission of such offence; and
- (b) Arrest or cause to be arrested any person reasonably believed to have committed such offence.

29. Obstruction of duly authorized person by the Agency

Any person who willfully delays or obstructs a person duly authorized by the Agency in the performance of its functions under this Law or fails without reasonable excuse to give any information which he is duly required to give shall be guilty of an offence and liable on conviction to a fine of two hundred thousand (N200, 000. 00) or a term of imprisonment not exceeding 5 years or to both.

30. Offences and penalties

- (1) Any person who contravenes or fails to comply with any provisions of this Law is guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred thousand naira ((N500, 000. 00) or a term of 5 years imprisonment in case of an individual and in case of a Company or Corporate body, a sum of one million naira (N1, 000, 000. 00)
 - (a) Where an offence has been committed against this Law by an establishment, company or corporate body, the person in charge of such establishment, or in the case of a company or corporate body, every director, manager, secretary and other officer knowingly being a party to such an offence shall be guilty of the like offence and liable to the same punishment;
 - (b) Any person on whose land such waste as specified in section 22 of this Law is dumped commits an offence and shall on conviction be liable to
 - i. A term of five(5) years imprisonment in case of an individual; and
 - ii. In case of an establishment, company or corporate body, a fine not exceeding two million naira (N2, 000, 000. 00) and in addition shall bear the cost of removal of the dumped waste;
 - (c) i. Any person who contravenes or fails to comply with any of the provisions of this Law for which no penalty has been provided is guilty of an offence and shall on conviction be liable to a fine of two hundred and fifty thousand naira (N250, 000. 00) or a term of 5 years imprisonment or both in case of an individual, in case of an establishment, company or corporate body, it shall on conviction be liable to a fine of one million naira (N1, 000, 000. 00)
 - ii. For any subsequent offence:
 - (a) In the case of an individual, a term of imprisonment for 10 years;

(b) In the case of an establishment, company or corporate body, a fine not exceeding two million naira (N2, 000, 000. 00)

(2) In addition to any penalty which may be imposed under the Law, the Agency may order the temporary closure of such premises.

31. Interpretation

In this Law, unless the context otherwise requires:

“Agency” means the Lagos State Environmental Protection Agency;

“Effluent” means waste generated from manufacturing or service operation or business;

“Environmental” includes water, air, land, all plants, man and other living animals;

“Industrial waste” means waste generated from any premises used wholly or partially for the purpose of manufacturing or servicing operation or business and it includes waste from mine or quarry;

“Governor” means the Governor of Lagos State;

“Ministry” means the Ministry of the Environment and Physical Planning;

“Person” means an individual and shall include corporate body, a limited liability company, a charitable organization or association of a partnership of any number of persons;

“Pollution” means man-sided alteration of the chemical, physical, ecological or biological quality of the environment;

“Premises” include a house or building or any part thereof together with its gardens or other appurtenances;

“Solid waste” means garbage, refuse, slugs and discarded solid materials but does not include solid or dissolved materials in domestic sewage of other significant pollutants in water resources;

“State” means the Lagos State of Nigeria;

“Waste” includes industrial solid, liquid, gaseous gases containing substances such as sulphur dioxide, oxides of nitrogen, hydrogensulphide, carbon-monoxide, ammonia, chlorine, smoke and metallic dusts and particles, oil organic vapours, corrosive reagent, flammable liquid solid, poison, poly chlorinated biphenyls, diocyanide, methy-melamine, ethylacetate, toxic substance, and cement waste, etc

32. Citation and Commencement

This Law may be cited as the Lagos State Environmental Protection Agency Law 1996 and shall come into force on 1st day of November 1996

SCHEDULE 1

SUPPLEMENTARY PROVISIONS RELATING TO THE AGENCY

Proceedings

1. The Agency shall ordinarily meet for the dispatch of business at such times and places as the Agency may determine but shall meet at least once every month.
2. Subject to this Law and section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the person presiding to have a second casting vote), the Agency may make standing orders regulating its proceedings or any of its committees.

(Cap. 192 L.F.N.)

3. Every meeting of the Agency shall be presided over by the Chairman or in his absence the members present shall elect one of their members to preside at the meeting.
4. The quorum at a meeting of the Agency shall consist of the Chairman (or in an appropriate case the person presiding at the meeting pursuant to paragraph 3 of this Schedule) and six other members.
5. Where upon any special occasion the Agency desires to obtain the advice of any person on any particular matter, the Agency may co-opt that person to be a member for as many meetings as may be necessary; and that person while so co-opted shall have all the rights and privileges of a member except that he shall not be entitled to vote.

Committees

6. (1) Subject to its standing order, the Agency may appoint such number of the standing and *ad hoc* committees as it thinks fit, to consider and report on any matter with which the Agency is concerned.
(2) Every Committee appointed under subparagraph (1) of this paragraph shall be presided over by a member of the Agency and shall be made up of such number of other persons, not necessarily members of the Agency.
(3) The quorum of any committee set up by the Agency shall be as may be determined by the Agency.
7. Where standing orders made pursuant to paragraph 1 of this Schedule provide for a committee of the Agency to consist of co-opted persons who are not members of the Agency, the Committee may advise the Agency on any matter referred to it by the Agency and the member thereof may attend any meeting of the Agency for that purpose.

Miscellaneous

8. The fixing of the seal of the Agency shall be authenticated by the signature of the Chairman and of the General Manager of the Agency.
9. Any contract or instrument which, if made by a person not being a body corporate would not be required to be under seal may be made or executed on behalf of the Agency by the General Manager or by any other person generally or specially authorized to act for that purpose by the Agency.

10. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Agency shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been signed or sealed.
11. The validity of any proceedings of the Agency or of a Committee thereof shall not be adversely affected
 - (a) By any vacancy in the membership of the Agency or any committee thereof; or
 - (b) By any defect in the appointment of a member of the Agency or any committee thereof.
12. Any member of the Agency or committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Agency or Committee thereof shall forthwith disclose his interest to the Agency or the Committee and shall not vote on any question relating to the contract or arrangement.

SCHEDULE 2

ENVIRONMENTAL DEVELOPMENT CHARGE

CATEGORY A (N150, 000 – N300, 000 per annum)

- i. Rubber/Tyre Manufacturing Companies;
- ii. Breweries;
- iii. Soft Drinks Manufacturing Companies;
- iv. Detergent and Soap Manufacturing Companies;
- v. Big Textiles Manufacturing Companies;
- vi. Cement and asbestos Manufacturing Companies;
- vii. Petroleum Prospecting, Exploring and Producing Companies;
- viii. Petroleum Refining/Petrochemical and Synthetic Fibre Companies

CATEGORY B (N100, 000 - N150, 000 per annum)

- i. Fertilizer/Ammonia/Urea Manufacturing Companies;
- ii. Gas Producing Companies;
- iii. Petroleum Products Manufacturing Companies;
- iv. Aluminum Producing Companies;
- v. 5 Star Companies;
- vi. Medium-Size Manufacturing Companies;
- vii. Food Processing/Food Canning Companies;
- viii. Dairy Products Producing Companies;
- ix. Pharmaceutical Manufacturing Companies;
- x. Other major Manufacturing Companies not in A

CATEGORY C (N50, 000 – N100, 000 per annum)

- i. Asphalt and Bitumen Producing Companies
- ii. Iron/Steel and other Metal Fabricating Companies;
- iii. Hotels with 100 Rooms and above;
- iv. Oil Services Companies;

- v. Vegetable/Palm Oil Producing Companies;
- vi. Fish Marketing, Preserving and Processing Companies;
- vii. Pulp/Paper Producing Companies;
- viii. Plastic Manufacturing Companies.

CATEGORY D (N25, 000 – N50, 000 per annum)

- i. Battery Manufacturing Companies;
- ii. Cables, Electrical and Electronic Companies;
- iii. Glass Companies;
- iv. Industrial Machinery Manufacturing Companies;
- v. Marble, Terrazo Manufacturing Companies;
- vi. Hotels with 71 – 100 Rooms;
- vii. Chemical Manufacturing Companies;
- viii. Independent Petroleum Products Marketing Companies;
- ix. Banks Corporate Headquarters;
- x. Shoe Manufacturing Companies;
- xi. Packaging Companies;
- xii. Printing and Publishing Companies;
- xiii. Carpet and Rug Manufacturing Companies;

CATEGORY E (N10, 000 – N25, 000 per annum)

- i. Vegetable/Palm Oil Marketing companies;
- ii. Chemical Marketing Companies;
- iii. Hotels with 41 to 70 Rooms;
- iv. First Class Hospitals and Clinics;
- v. Wood Processing Companies.

CATEGORY F (N5, 000 – N10, 000 per annum)

- i. Bank Branches;
- ii. Mechanized Dry Cleaning/Laundries;
- iii. Hospitals/Clinics with more than 25 beds;
- iv. Photographic Processing Companies;
- v. Motor Dealers;
- vi. Wood Furnishing and Allied Companies;
- vii. Hotels with 20 to 40 Rooms.

CATEGORY G (N5, 000 per annum)

- i. Hospitals/Clinics with 10 to 25 beds;
- ii. Photographic Marketing Companies;
- iii. Service and Processing Companies;
- iv. Machine Tools Marketing or Servicing and Assembling Companies;

- v. Mechanical Workshops;
- vi. Leather Manufacturing and Tanning Companies;
- vii. Restaurants with a sitting capacity for not less than 30 persons;
- viii. Abattoirs and Lairages;
- ix. Candle and other Wax Producing Companies;
- x. Dyes and Inks and Ball-pen Manufacturing Companies;
- xi. Animal Feed Mills;
- xii. Petrol Stations with 5 Pumps and above;
- xiii. Bakeries;
- xiv. Hotels with less than 20 Rooms;
- xv. Saw-Mill and other Small Scale Wood/Furniture Works and Factories.

CATEGORY H (N3, 000 per annum)

- i. Petrol Filling Stations with less than 5 Pumps;
- ii. Sewage Treatment Companies;
- iii. Laboratories (Medical or Photographic, where Chemicals and Water are used in considerable quantity);
- iv. Poultry Farms with 2, 000 or more Birds;
- v. Bank Rural Branches.

CATEGORY I (Not Exceeding N5, 000, 000. 00 per annum)

All other Companies or Firms not classified under this Schedule.