

35

Northern Provinces.

Sanitary Code

under

Laws of Nigeria

Chapter 73

Section 17.

Definitions.

"Native Authority" means a Native Authority appointed under the Native Authority Ordinance.

"Sanitary Inspector" means any person appointed as such by a Native Authority.

"Ward Head" means any district headmen, overseer, etc. appointed by the Native Authority.

"Native Tribunal" means the Native Courts duly approved by the Governor.

"Premises" has the same meaning as defined in Chapter 56 Laws of Nigeria in so far as it is applicable to the Northern Provinces.

"Street" has the same meaning as defined in chapter 57 Laws of Nigeria.

"Infectious Diseases" has the same meaning as defined in Chapter 56 Laws of Nigeria.

Nuisances which may be abated summarily.

- (1) Any premises in such a condition as to be injurious or dangerous to health.
- (2) Any premises which contain rat holes, rat-runs or double walls which would afford harbourage to rats, or which are infested with ~~rats~~ rats.
- (3) Any pool, ditch, gutter, water-course, cesspool, seige, drain, ashpit, refuse pit, latrine, dust-bin, washing place, well, water tank, barrel, sink, collection of sullage water, receptacle containing stagnant water, or other thing in such a state or condition as to be injurious to health.
- (4) Any animal or bird kept so as to be injurious or dangerous to the health of man.
- (5) Any animal or bird so kept as to be injurious to health or man or molesting to neighbours and any animal or bird suffering from a noxious or contagious disease.

- (6) Any stable, cowhouse, 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.
- (7) 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.
- (8) Any accumulation or deposit of rubbish of any kind whatever, or any decaying animal or vegetable matter, whether in the form of refuse, manure, decayed or tainted food, or in any form whatever.
- (9) Any growth of weeds, cactus, long grass, reeds, or wild bush of any kind.
- (10) Any premises so overcrowded as to be injurious or dangerous to the health of the inmates.
- (11) Any premises being living rooms which shall be used for any offensive trade.

Abatement of Nuisance.

3. (1) A Sanitary Inspector shall, if satisfied of the existence of a nuisance, report such nuisance to the Native Authority who shall then require the person who is responsible for the nuisance to abate same.

(2) The Native Authority shall also require the person responsible for any nuisance, to do that which is necessary to prevent a recurrence of the nuisance.

3. Provided that where the nuisance arises from any want, or structural defect, it shall be the duty of the owner to perform the works necessary to prevent the recurrence of the nuisance.

4. The Native Authority shall specify the time in which the nuisance shall be abated in the first instance, and he shall be abated in the first instance, and he shall also state a period, within the limit of which, such works as are considered necessary to prevent the recurrence of such nuisance shall be performed. Any person who fails to comply with the order of the Native Authority shall be brought before the Native Tribunal.

On non-compliance with order; Native Tribunal to claim nuisance or power to sell premises.

4. If the order of a Native Authority to abate a occupier of the premises cannot be found or because the

3.

owner or occupier is in prison, and Native Administration will do the work and the Native Tribunal shall have power to claim for all expenses incurred.

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 the nuisance, the Native Tribunal shall have power to order the premises upon which the work shall have been done, or any part thereof, or any moveable property found thereon belonging to such owner or occupier to be sold to defray the said expenses.

**Right of entry.**

5. If the Native Authority has reason to suspect the existence of any nuisance, he shall have the power to direct a Sanitary Inspector, accompanied by the Ward Head, to inspect the premises, exclusive of living rooms, on which the nuisance is suspected to exist, provided that no such inspection shall be made without the presence of the occupier of the said premises.

Any person who refuses to permit of such inspection shall be brought before the Native Tribunal.

Streets and Open Spaces.

**Owner or occupier to clear streets, lanes, etc., near his premises.**

6. The owner or occupier of any house or compound shall keep clear from all undergrowth, weeds, filth, rubbish and refuse of any description, the streets and lanes contiguous with such house or compound, including the drains, gutters or channels to the said streets and lanes.

**Joint owners to clear streets etc., nearest to his house or compound.**

Provided that when there shall be two houses or compound contiguous to any street, drain, gutter or channel, and facing each other, the owner <sup>or</sup> occupier of each such house or compound shall be responsible for keeping clear only half of the street, drain, gutter, or channel nearest to his house or compound.

4.

Throwing out rubbish, filth etc.

7. Any person who:-

(a) throws or lays on any street, lane or compound, or in any drain or gutter, or on any open space (except at such "Sanitary sites" which shall have been set apart by the Native Authority) any rubbish or filth, or

Committing nuisance

(b) commits any nuisance in any street, lane, gutter, drain or channel, shall be brought before the Native Tribunal.

A Sanitary Inspector shall have the power to take into immediate custody any person found depositing excrement, whether of human or animal origin, on any street or lane, or in any gutter, drain or channel.

Mosquito Breeding.

Prevention of mosquito larvae.

8. No owner or occupier of any house or compound shall keep on his premises any well or soakage pit not ~~xxx~~ properly covered and protected against the ingress of mosquitoes, nor shall he keep any tank, tub, barrel, or other vessel intended for the continual storage of water, unless the said vessel is so protected or screened as to prevent access of mosquitoes. The Native Authority may make local rules for the prevention of mosquito breeding.

Owner or occupier to comply with local rules.

9. Every owner or occupier of any house or compound shall comply with the local rules under section 8.

Non-observance of local rules.

10. The Native Authority shall have the power to instruct the Sanitary Inspector, accompanied by the Ward Head, to inspect any house or compound in which he has reason to suspect that these rules are not being carried out.

Provided always that such inspection shall be made in the presence of the owner or occupier, and that such inspection shall not extend to the living rooms of the house.

Destruction of mosquitoes.

11. A Sanitary Inspector shall have the power to take such action as may be necessary to destroy any mosquito larvae or pupae found breeding; and on instruction from the Native Authority, shall take such steps as may be necessary to prevent the recurrence of the breeding of mosquito larvae or pupae.

Owner or occupier contravening the local rules.

12. Any owner or occupier who, after a previous warning, shall again be guilty of contravening the local rules made under section 8 shall be brought before the Native Tribunal.

Infectious Diseases.

Notification of Infectious Disease.

13. 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 owner or occupier of the house or compound shall, as soon as he becomes aware that the patient is suffering from an infectious disease, give notice thereof to the Native Authority.

Disinfection and Destruction

14. The Native Authority shall have power to order the disinfection of any house in which a case of infectious disease has occurred, and the Native Authority may order the destruction of any house in which a case of an infectious disease has occurred, if the house from the nature of its structure is incapable of being disinfected; the Native Authority shall also have power to destroy any article or thing deemed necessary in the interests of public health.

Destruction of animals or birds.

15. The Native Authority may order the destruction of any animals or birds which he has reason to believe are likely to be agents in the transmission of any disease.

Compensation to owners.

16. The owner of any building article or thing which has been destroyed by authority under section 14, and the owner of any animals or birds which have been killed under the provisions of section 15, shall be

1000009  
65/1926

670

1000009 65/1926 31

entitled to compensation to be paid out of Native Administration funds.

**Grounds of  
Compensation.**

17. Claims under Section 16 shall be dealt with as laid down in Laws of Nigeria, Chapter 56 Public Health Ordinance Section 39, subsections, 2,3,4,5,6,7,8, except that, in the event of failure of agreement of a compensation board, the Lieutenant-Governor or his nominated deputy, shall decide, and his decision shall be final.

**Removal of  
person suffering  
from an Infec-  
tious disease to  
I.D.H.**

18. A Native Authority may cause any person suffering from, or suspected to be suffering from, an infectious disease, to be removed to an Infectious Diseases Hospital provided by Native Administration or Government, to be detained there until he can be discharged with safety to the public.

**Isolation of  
contracts**

19. The Native Authority may cause any person living in the same house or compound, or otherwise, brought into contact with a person suffering from, or suspected to be suffering from an infectious disease, to be isolated in such place as Native Administration shall provide.

**Letting of  
infected house  
or room for  
hire.**

20. Any person who knowingly lets for hire any house or room in which any person has been suffering from any infectious disease, without first having had the house and the articles therein disinfected, shall be guilty of an offence and shall be brought before the Native Tribunal.

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

21. Any person who while suffering from an infectious disease, enters any public conveyance, or public river craft without first notifying the person in charge thereof, shall be guilty of an offence and shall be brought before the Native Tribunal.

Removal of sick  
to hospital.

22. A Native Authority <sup>or</sup> ~~or~~ any Native Administration officer appointed by him may apprehend, or cause to be taken into hospital, any person found in any public place, market or public conveyance suffering from an infectious disease.

Appointment of  
Medical Officers  
to visit areas  
where infectious  
disease has  
occurred.

23. When an infectious disease assumes epidemic proportions in any place, the Governor may appoint whatever medical officers or other officers he may think fit, to be visitors in the area. These officers will have the right of entry for the detection of persons suffering from infectious disease, and for the giving of orders and directions as to the cleansing and disinfection of the premises.

Provided that such medical officers or other officers appointed under this section shall be accompanied by a Ward Head or other officer appointed by the Native Authority.

#### Abattoirs and Sales of Meat.

Power of  
Governor to  
make rules.

24. With the approval of the Governor a Native Authority may make rules for all or any of the following purposes:-

- (1) Design, structure and siting of Abattoirs.
- (2) Management of Abattoirs.
- (3) Inspection of animals intended as food for man.
- (4) Charges for use of Abattoirs.
- (5) Disposal of offal etc.
- (6) Design and structure of stalls intended to be used for the sale of meat.
- (7) Prevention of the indiscriminate hawking of meat.

#### Markets.

25. With the approval of the Governor or his representative a Native Authority may

- (a) establish markets
- (b) provide all such things as may be necessary for the use of the markets

- (d) demolish, reconstruct, abolish, close or move any market.
- (e) appoint market inspectors.

Power to make rules  
and bye-laws.

26. (1) A Native Authority may make byelaws in relation to any market established under the previous section for the following purposes:-

- (a) For regulating the use of markets and market buildings, and for keeping order, preventing obstructions, and maintaining cleanliness therein or in the approaches thereto.
- (b) Prescribing the goods which may be sold in any market.
- (c) Prohibiting the sale of any specified kind of goods within any specified area except in a market established under this Code.
- (d) For regulating stallages, rents, or tools and the collection thereof.
- (e) For fixing the days and the hours during each day on which a market may be held and for preventing the sale and purchase of goods in the markets on any days or at any hours except those fixed.
- (f) Prescribing the charges which may be made for the carriage by land or water of goods to or from the market within the limits named in the rules or byelaws.
- (g) Prescribing the weights, scales and measures to be used in the sale of any particular produce and regulating the use thereof.
- (h) For the examination of produce or articles of food.
- (i) For fixing the maximum price which may be demanded on the sale by retail of articles of food in a market established in a township.
- (j) For regulating the duties and conduct of inspectors, and other persons appointed for the purposes of this Code.

#### Miscellaneous Provisions.

General purposes  
for which rules and  
bye-laws may be  
made.

27. A Native Authority with the consent of the Governor may make bye-laws with regard to:-

- (1) The maintenance of public latrines, urinals, dust-bins, and manure and night-soil depots in a sanitary condition.
- (2) Surface scavenging, and the removal and disposal of night-soil and of other refuse.