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The following are Legal Notices for General Information.

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**A LAW TO ESTABLISH THE NASARAWA STATE WASTE MANAGEMENT
AND SANITATION AUTHORITY AND FOR CONNECTED MATTERS
(NASWAMSA)**



LEGAL NOTICE NO. 18 OF 2021

**NASARAWA STATE WASTE MANAGEMENT AND SANITATION
AUTHORITY LAW 2021**

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SCHEDULE I

- (4) The provisions contained in the First Schedule to this Law shall have effect in relation to the Board and matters mentioned therein.

*Tenure and
Remuneration
of the Board
members*

S.4. (1) Members of the Board shall hold office for a term of 4 years except a local Government Chairman who shall hold office with the Board for the duration of his term of office as Chairman.

- (2) The remuneration of the members of the Board shall be as may be determined by the Governor.

S.5. (1) The functions of the Authority shall be to

*Functions of
the Authority*

(a) Clean streets, remove, collect and dispose of domestic, commercial and industrial waste;

(b) Remove and dispose of abandoned and scrapped vehicles;

(c) Remove and dispose of carcasses of dead animals from public places;

(d) Prepare and update from time to time the master plans for waste collection and disposal in the cities, towns, and villages in the State and control resultant waste system within the State;

(e) Approve and monitor all waste disposal systems in the State;

(f) Make provision for waste management services to State agencies, Local Governments, industries, business entities and private persons within the State by receiving waste at the Authority's facilities pursuant to a contract agreement between the Authority and such other party;

(g) Issue, renew and revoke licenses of private waste collectors;

(h) Carry out Public health activities within the hours of 6am to 9pm such as inspection of premises, clearing of illegal street traders/hawkers, control of destitute persons.

(i) Do all such acts as are necessary or incidental to the proper discharge of its duties under this Law.

- (2) The Authority may carry out its functions in association with any other person or body lawfully empowered to do so in accordance with the provisions of this Law.

S.6. (1) The Authority shall have power to:

*Powers of the
Authority.*

(a) Employ such staff as it may consider necessary for the purpose of carrying out its functions under this Law and may, in accordance with the procedure applicable in respect of transfer of officers in the public service, accept officers on secondment to the Authority as soon as possible after the commencement of this Law;

(b) Determine the remuneration for its staff;

(c) Promote and exercise disciplinary control over such staff;

(d) Determine the fees payable for issuance, renewal of license to private waste collectors;

- (e) Engage in the sealing off of all premises which do not conform with Sections 12, 13 and 14 of this Law;
- (f) Authorize and delegate any officer, employee or servant of the Authority to act as an agent of the Authority in respect of any function, service or facility which may be exercised, performed or produced by the Authority under this Law;
- (g) In compliance with the Nasarawa State Harmonization and Administration of Revenue Law, set, collect and revise from time to time, rates, rentals and charges for the use of facilities or services provided by the Authority subject to the approval of the Board;
- (h) Establish and manage an organizational structure for recycling activities in the State;
- (i) Acquire, purchase, lease, hold, construct, manufacture or maintain any property whatsoever whether movable or immovable in accordance with any existing Laws.
- (j) Acquire any land for the purpose of planning, designing, transferring, managing, constructing, operating, maintaining waste disposal and processing facilities in accordance with any existing Laws.
- (k) Enter into agreement which may be necessary for and incidental to the discharge of its functions under this Law or any other enactment;
- (l) Enter into contract with Local Governments, State agencies, Regional authorities and private persons to provide waste management services in accordance with the provisions of this Law and to plan, design, construct, manage, operate and maintain solid waste disposal and processing facilities on their behalf;
- (m) Invest money standing to its credit not for the time being required for its purposes under this Law in stocks, shares, debentures, or other securities and subject to the approval of the Governor sell, such stocks, shares and debentures or other securities;
- (n) Accept or acquire and hold any security of any kind in any form whatsoever, excluding security in any company that has an interest in waste management or related activities such as operations, manufacture and sale of equipment and services including consultancy services;
- (o) Surrender, transfer or re-convey any security held by the Authority whether in exchange for other security or upon discharge; and
- (p) Adopt an official seal.

- (2) The Authority shall, in compliance with the Harmonization and Administration of Revenue Law, have the power to charge commercial tariffs, which may vary from area to area and make direct charges on users for services rendered where such circumstances may arise.
- (3) In the absence of the Board, its powers and functions provided for in this Law, may be executed by the Authority.
- (4) The Authority shall have power to provide other related services not mentioned in this Law for a fee which may be reviewed from time to time.

S.7 The Board may, with the approval of the Governor, make regulations for the efficient implementation of the provisions of this Law and with respect to all or any of the following matters:

- (a) The price of or charge for removal and collection of waste;
- (b) The amount to be paid for issuance and renewal of licenses;
- (c) The price to be paid for all services provided by the Authority;
- (d) The forms of all notices required to be given or sent under this Law and the issuance and service of same;
- (e) The prescription of penalties for offences against any Regulation made under this Section; and
- (f) Any other incidental matter necessary for the performance of its functions under this Law.

S.8. (1) There shall be an officer of the Authority to be known as the Director General of the Authority who shall be the Chief Executive Officer and shall be appointed by the Governor on the recommendation of the Board subject to confirmation of the State House of Assembly.

*Director
General and
Secretary.*

- (2) The Director General shall be responsible for the execution of the policy of the Authority and for the day to day administration of its affairs in accordance with the provisions of this Law.
- (3) There shall be a Secretary to the Authority who shall be a seasoned Environmental Health Professional from the Public Service with technical and managerial capacity who shall not be below the rank of Grade Level 14.
- (4) The Secretary shall -
 - (a) Keep the records and conduct the correspondence of the Board;
 - (b) Make arrangements for the meetings of the Board,
 - (c) Prepare the agenda and minutes of such meetings; and
 - (d) Perform such other duties as the Director General may from time to time assign.

- S.9** The Authority shall:
- (a) Establish and maintain a sustainable staff pension scheme;
 - (b) Grant pensions, gratuities or retirement benefits to its employees;
 - (c) Grant benefits to the dependents or estates of deceased employees;
 - (d) Establish, maintain and manage a pension scheme for the benefit of its officers or employees; and
 - (e) Require its employees to contribute to any pension scheme of their choice.
- S.10.(1)** No person shall establish or operate any waste collection business without a license issued by the License Authority issued by the License Authority.
- (2)** The license shall be in the form set out in the Schedule to this Law.
- (3)** An application for license or renewal of a license shall be in the form set out in the Schedule I to this Law and shall be addressed to the Authority.
- (4)** The Board shall from time to time prescribe the fees and conditions for the issuance and renewal of a license.
- (5)** The fees referred to under subsection (4) of this Section shall be payable to the Authority at the time when an application is made for the issuance or renewal of a license.
- S.11** Subject to the provisions in this Law with respect to the cancellation of any license for contravention of any provision of this Law, a license shall remain in force for one year License from the date of issue and shall expire at the end of that period.
- S.12** The Authority may from time to time by notice in writing addressed to a private waste collector requiring him to produce for inspection, the original of his license, or any officer of the Authority may be authorized to enter the office of a private waste collector, between the hours of 9am and 4pm, for the purpose of inspecting his license.
- S.13** Every owner or occupier of a tenement shall provide a covered dustbin as may be specified by the Authority outside the tenement for the collection of waste.
- S.14** No obnoxious, toxic or poisonous waste shall be deposited in the dustbin mentioned in Section 13 of this Law.

*Retirement and
Death benefits.*

*Waste
Collector
license.*

*Form A
Schedule II
Addressed*

*Lifespan of a
License.*

*Inspection of
License.*

*Provision of
Dustbin.*

*Prohibition of
obnoxious or
poisonous
waste.*

- S.15** No person shall;
- (a) Burn or cause to be burnt, waste of any description on a tenement or
 - (b) Dump waste at any place other than a waste disposal site designed by the Authority.
- S.16** Any vehicle used for transporting or conveying waste shall be covered in such a way that its contents cannot litter the high way or any road in the State.
- S.17.(1)** The State shall have the power to designate a place as a sanitary area where the waste collected from the user land-areas shall be dumped.
- (2) The Authority shall solely exercise the right to design, plan, operate, manage, construct and maintain such a place designated as a sanitary landfill site.
- S.18** The Authority shall have the responsibility of monitoring the enforcement of the activities and operations of private sector participants, ensure compliance with waste.
- S.19 (1)** Any person who contravenes any of the provisions of this Law commits an offence and shall be liable on conviction to a fine of not less than N5, 000.00 (Five Thousand Naira) or three months imprisonment; or both but where the contravention relates to the provisions of Section 14 of this Law, the person shall be liable to a fine of not less than N50,000.00 (Fifty Thousand Naira) or 6 months imprisonment or both, or may be required to carry out any appropriate community service in lieu of the fine or imprisonment.
- (2) Where the offence is committed by a corporation, company or firm other than a waste collection operator, the company, corporation or firm shall be liable on conviction to a fine of N50,000.00 (Fifty Thousand Naira) or more and in addition, the Secretary, General Manager or Manager of the Company shall be liable to a fine of N10, 000.00 (Ten Thousand Naira) or more or to three months imprisonment or both, or maybe required to carry out any appropriate community service in lieu of the fine or imprisonment.
 - (3) Where the offence is committed by a waste collection operator, the Authority may in addition to subsections (1) and (2) of this Section, suspend or cancel any license issued under Section 10 of this Law.

Prohibition of authorized burning or dumping of waste.

Prohibition of open transportation of waste.

Designation of Sanitary landfill site.

Monitoring and Enforcement.

Offences and Penalties.

- (4) Notwithstanding the provisions of any Law, any person who
- (a) Fails or neglects to pay the tariffs, fees or charges prescribed under this Law shall be deemed to be a debtor and such debt shall be recoverable by civil action in the appropriate court and in addition, the Authority shall terminate its services.
 - (b) Fails or neglects to pay the tariffs, fees or charges as at when due shall be liable to penalty on such fee, tariffs, or charges as may be determined by the Board.

S.20.(1) No suit against the Authority, a member of the Authority or any employee of the Authority, for any act done in pursuance or execution of provisions of this law or of any Period. Public duty or authority, shall be instituted in any court unless it is commenced within 3 months after the act, neglect or default complained of or in case of continuance of authority or its damage or injury within 3 months after the cessation thereof.

*Limitation
Period. Notice
of action
against the
authority or its
servant.*

(2) No suit shall be commenced against the Authority or any member or servant of the Authority or any person acting under the direction of the Authority in respect of any act purported to be done or any neglect of duty under this Law, before the expiration of a period of one month during which written notice of intention to commence the suit shall be served upon the Director General or the Secretary of the Authority by the intending plaintiff/claimant or his agent and the notice shall clearly and explicitly state the cause of action, the particulars of claim, the name and place of abode of the intending plaintiff and the relief which he claims.

(3) No member or servant of the Authority 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.

(4) In any action or suit against the property of the Authority, no execution or attachment or 4 process in the nature thereof shall be issued against the Authority, but any sum of money which may be the judgment of the court awarded against the Authority shall subject to any directions given by the court where notice of appeal has been given by the Authority in respect of that judgment, be paid by the Authority from the general funds of the Authority.

S.21.(1) Every notice required or authorized by this law or by any regulations made thereunder to be served or given by or on behalf of the authority shall be signed by the Director | General or any officer authorized by the Director General.

*Signing of
Notice*

(2) Any such notice shall be deemed to have been duly signed if it purports to bear the | signature of the Director General.

- Service of Notice*
- S.22.(1)** Every notice or order or other document requiring service or authorized by this Law or any regulation made thereunder to be served on any person may be served;
- (a) By delivering same to such person or by delivering same at the abode where such person ordinarily resides or to some adult member or servant of his family, or
- (b) If the name of such person is not known, or if service cannot with reasonable diligence, be effected under paragraph (a) of this section, by fixing same on a conspicuous part of the tenement in respect of which the notice or order or other documents is issued.
- (2)** A notice or order or other documents required or authorize by this Law or any regulation made thereunder to be served on the owner or occupier of any tenement shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of such tenement without further name or description.
- S.23.(1)** The funds and resources of the Authority shall comprise of all;
- (a) Fees, charges and tariffs for services rendered by the Authority payable by all users including all organs and agencies of the Federal, State and Local Governments respectively;
- (b) Sums received as donations, subscriptions, or amounts received as damages, etc.;
- (c) Sums and mortgages, debentures, investments and other property vested in the Authority; Moneys which may from time to time be granted to or invested in the Authority by other persons, companies or corporations;
- (d) Sums earned or arising from any property or investment acquired by or vested in the Authority.
- (e) Other sums accruing to the Authority from any other lawful source;
- (2)** The funds of the Authority shall be administered by the Authority for the purposes of this Law, in such manner as it deems fit.
- (3)** Nothing in this Section shall be construed as authorizing the authority to engage in reckless ventures involving the improper expenditure of public funds or transfer of public funds.
- S.24(1)** The Authority shall cause to be prepared not later than the 30th day of September in each year, an account of the expenditure and income of the Authority for the next succeeding financial year and present same to the Governor for approval.
- Annual Account.*
- (2)** The Authority shall cause to be kept proper accounts in respect and of its Audit Revenue and expenditure from time to time and shall within three months after the end of each financial year, prepare an Annual Statement of Accounts showing the financial position of the Authority in an accurate manner.

- (3) The Annual Statement of Accounts shall be audited by a reputable external audit firm to be nominated by the Director General subject to the approval of the State Auditor General.
- (4) As soon as the Annual Statement of Accounts has been audited, the Authority shall forward copies of same together with copies of the audit report for confirmation to the State Auditor-General and to the Governor.
- S.25 The Authority shall establish and maintain a general reserve fund out of Reserves the profits of the Authority for meeting contingencies, depreciation of assets, the liquidation of the Authority and for such other purposes as the Board may consider for the proper functioning of the Authority under this Law. *General reserve*
- S.26 (1) The Authority may, with the approval of the State Executive Council, money borrow such sums of money as it deems necessary, whether by way of mortgage or otherwise, for and in connection with the exercise of its functions under this Law. *Power to borrow*
- (2) An approval given for the purpose of this Section may be either general or limited to a particular borrowing or otherwise and may be subject to conditions.
- S.27 The Authority shall submit quarterly reports of its activities to the Office of the Governor, and these reports shall be made available to the public. *Quarterly Report*
- S.28 The Authority shall as soon as possible after the end of each financial year and in any case not later than the end of March of each year, submit the annual reports of its activities to the State Government. *Annual Report.*
- S.29 There shall be, transferred to and vested in the Authority, as soon as possible after commencement of this Law;
- (a) All properties whether real or personal, all trenching and waste grounds, water depots' and vehicles or other equipment used for collection of waste held by the Nasarawa Urban Development Board on such terms as may be agreed upon by the Authority;
- (b) And all assets and liabilities of the defunct Nasarawa Waste Disposal Board in connection with its functions relating to removal and disposal of waste on such terms as may be determined and approved by the Authority.
- S.30.(1) Subject to the provisions of this Law, Section 10 (1) (a), (i) & (iii) of the Nasarawa State Urban Development Board Law 2008, relating to sanitation, removal and disposal of waste is hereby repealed. *Repeal.*

- (2) Nothing in this Law shall affect any
 - (a) Order, rule, regulation, appointment;
 - (b) Conveyance, mortgage, deed or agreement made;
 - (c) Resolution passed, direction given, proceedings taken, instrument issued or thing done under the repealed enactment.
- (3) Every such order, rule, regulation, appointment, conveyance, mortgage, deed or agreement made, resolution passed, direction given, proceeding taken, instrument issued or thing done if in force immediately before the appointed day shall continue in force and in so far as it could have been made, passed, given, taken, issued or done under this Law shall have effect as if so made, passed, given, taken, issued or done and shall be construed with such modification, amendment and omission as would be in line with the general intendment of this Law.
- (4) Nothing in this Law shall be construed so as to prohibit the continuation of any inquiries whatsoever appointed under the repealed enactment begun before the appointed day, provided that the provisions of this Law shall apply to the report of any such inquiry as they apply to inquiries conducted under this Law.

S.31

In this Law, unless the context otherwise requires:

“**Authority**” means the Nasarawa Waste Management and Sanitation Authority established under Section 1 of this Law;

“**Appropriate Court**” includes a Magistrates Court and High Court of the State;

“**Board**” means the Governing Board of the Waste Management and Sanitation Authority.

“**Domestic Waste**” means garbage and other discarded solid waste resulting from a dwelling or residential home or tenement, a university or school or other educational establishment, a hospital or nursing home and includes liquid waste and carcasses of animals;

“**Employees**” means officers in the public service of the State or in the service of Local Governments transferred to the Authority;

“**Government**” means the government of Nasarawa State.

“**Governor**” means the Governor of Nasarawa State.

“**Hazardous Waste**” means any waste possessing the following qualities:

Interpretation

- (a) A liquid waste which has a flash point of less than or equal to 140 degrees F (60 degrees c) as determined by an approved test method;
- (b) A non-liquid waste which, under standard conditions, is capable of causing a fire through friction, absorption of moisture or a spontaneous chemical change and when ignited, the waste burns so vigorously and persistently that it constitutes a hazard;
- (c) An ignitable compressed gas or oxidizer;
- (d) Waste which may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored or disposed of, or otherwise mismanaged; or
- (e) Waste which may cause or contribute to an increase in mortality, or an increase in irreversible or incapacitating illness.

“Recyclable Materials” means materials which are capable of being recycled and which may be segregated from other waste material or collection and recycling, rather than collection and disposal.

“State” means the Nasarawa State of Nigeria,

“Secretary” means the Administrative Head of the Authority, who shall be a seasoned health environmental health professional from the public service not below the rank of Grade Level 14,

“Waste” means all waste materials, whether solid or liquid including but not limited to garbage, refuse and other discarded waste materials resulting from industrial, commercial and agricultural operations, including waste from mines and quarries and shall also include:

- (a) Any substance which constitutes a scrap material or an effluent or other unwanted surplus substance arising from the application of any process;
- (b) Any substance or article which requires to be disposed of as being broken, worn out, contaminated or otherwise soiled;
- (a) (c) Anything which is discarded or otherwise dealt with as if it were waste shall be presumed to be waste.

SCHEDULE I

Supplementary Provisions relating to the Governing Board of the Authority

1. Quorum

The quorum of the Governing Board of the Authority, referred to as ("the Board") shall be seven (7) members.

2. Power to co-opt

Where the Board desires to obtain the advice of any person upon any matter, the Board may co-opt such person to be a member for such meetings as may be required, and any such person, shall whilst so co-opted, have all the rights and privileges of a member of the Board, save that he shall not be entitled to vote on any question or count towards a quorum.

3. Meetings of the Board

(1) The Board shall meet at least once quarterly at such place and time as the Chairman may determine.

(2) A special meeting of the Board may be summoned at the request of the Chairman.

(3) All meetings of the Board shall be summoned by the Secretary.

(4) The Chairman shall preside at any meeting of the Board but in his absence the Board shall elect one of the members present to preside.

(5) Every question for decision by the Board at any meeting shall be decided by a majority of the votes of members present and voting.

(6) The Chairman or the member presiding in his absence shall at any meeting have a vote but in the case of an equality of votes, a second or casting vote.

(7) The Director General and the Secretary of the Authority shall be in attendance at all meetings of the Board and take part in its proceedings and the Board may also require any of its officers or servants to attend such meeting and take part in the proceedings but neither the Secretary nor any of the officers or servants of the Authority attending its meeting shall have a right to vote on any matter unless otherwise invited by the presiding Chairman.

(8) The validity of any proceeding of the Board shall not be affected by any defect in the appointment of a member or by reason that a person who is not entitled to do so took part in the proceedings.

4. Powers of the Board

(1) Without prejudice to the other provisions of this Law, the powers of the Board shall include in relation to its responsibilities under this Law, the:

- (a) Preparation of long term plans in consultation with appropriate government authorities;
- (b) Conduct of research relative to waste disposal system and the clearance, and maintenance of public drainage facilities and cleaning of streets;
- (c) Preparation of engineering survey and plans;
- (d) Exclusive rights to set standards relative to waste collection and waste disposal systems, the clearance and maintenance of public drainage facilities and cleaning of streets within the State in collaboration with appropriate government authorities; and
- (e) The conduct of other related or incidental activities.

(2) The Board may make regulations for the general conduct of the business of the Authority and may:

- (a) Establish special committees and standing committees of the Board;
- (b) Establish advisory committees consisting of members of the Board and persons other than members;
- (c) Regulate proceeding of such committees; and
- (d) Delegate to such committees any of its duties.

5. Tenure of office of Director General and Members of the Board

(1) Tenure of members of Board shall be as set out in the principal Law

(2) The office of a member of the Board shall become Vacant if

- (a) He resigns by notice in writing addressed to the Governor; or
- (b) He is removed by other members on the recommendation of the Governor except the Director General whose removal by the Board is subject to ratification by the Governor;
- (c) His term of office expires;
- (d) He dies; or
- (e) Incapacitation by reason of ill health or insanity

(3). The Director General shall hold office for a term of 4 years, after which he may be re-appointed upon the recommendation of the Board which shall be confirmed by the Governor.

6. Common Seal

- (1) The Common Seal of the Authority shall be such as may be determined by the Board and affixing of the Common Seal shall be authenticated by the signature of the Chairman and the Director General or some other person(s) authorized by the Board to act for that purpose.
- (2) Any document purporting to be a document duly executed under the Common Seal of the Authority shall be received in any court and shall, unless the contrary is proved, be deemed to be so executed.

7. Disclosure of interest by members of the Board

A member of the Board who is directly or indirectly interested in a transaction or project of the Authority shall disclose the nature of his interest at a meeting of the Board, and the disclosure shall be recorded in the minute's book of the Authority and such member shall not take part in any deliberation or decision of the Board with respect to that transaction.

ENGR. ABDULLAH A. SOLE
Governor
Nasarawa State of Nigeria

This printed impression (**Nasarawa State Waste Management and Sanitation Authority Law 2021**) has been carefully compared by me with the Bill, which has been passed by the Nasarawa State House of Assembly and is found by me to be a true and correct copy of the Bill.

EGO MAIKEFFI ABASHE

Clerk of the House

Nasarawa State House of Assembly Lafia

I assented this 13th day of November, 2021

ENGR. ABDULLAHI A. SULE

Governor

Nasarawa State of Nigeria