

Introduction

To compliment the Federal National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007 (?NESREA?), various States have passed their Environmental Laws and Regulations. As these State Laws are later in time, regulatory advancements, though at State level, has impacted on the existing Environmental Laws and Regulations.

Lagos State is one of the States, who in March 2017, passed into Law the Lagos State Environmental Management Protection Law, 2017 (?EMPL 2017?). This Law consolidates all the Laws and Regulations applicable to the management, protection and sustainable development of the environment in Lagos State. Though the EMPL 2017 has fourteen (14) parts, with 526 Sections, various Schedules and is 239 pages long, this Law considerably attempts to delve into more modern cosmopolitan environmental issues like waste management, litter, dumping of untreated toxic and or radioactive material into public drains; sanitation, street trading and hawking; obstruction to drainage systems, water generation, effluents, noise, signage, advertisement, gardens and parks, etc.

Some EMPL Regulations, Offences and Penalties

It is now mandatory for all waste collection, transportation, recycling, sorting, treatment and disposal businesses to only operate in Lagos State under a Licence issued, renewed, reviewed, suspended or revoked by the Lagos Waste Management Authority (?LAWMA?). Fines and terms of imprisonment apply on conviction, for any contravention of these provisions.

All Residents are now statutorily required to keep their premises and surrounding environment, forty-five (45) metres from all public sidewalks of a street, clean and devoid of litter and waste. As part of this requirement, all refuse are expected to be kept in securely tied and fastened plastic bags or leak proof dustbins, or covered litter bins. Any breach of any of the above provisions, on conviction, attracts various penalties among which are the sealing of the subject premises, fines and terms of imprisonment.

Objectionable **loud noises**, which are nuisance and adverse to public health, quality of life and the general environment, is also now statutorily prohibited except where a Licence is obtained prior to the complained event.

It is also now an offence to engage in any form of **Street Trading or Hawking** of goods, wares, articles or things on any major street, highway or public building. In addition to the forfeiture of the items, both the buyer and the seller risk paying fines and serving terms of imprisonment if found guilty and convicted of this offence.

Any person engaged in any form of commercial activity is required to pay, not later than the 1st day of January of every calendar year, an **Environmental Development Levy** to the Lagos State Environmental Protection Agency (?LASEPA?). The dumping and burying of any untreated, **injurious gases, toxic or radioactive waste** or substances, without a government issued Permit is now expressly prohibited and punishable with fines and terms of imprisonment where any infraction occurs.

Waste Management Facilities, Abattoirs and Livestock establishments, Housing Estates, Hotels, Hospitals and other commercial facilities shall not discharge any

trade or industrial waste or effluents into the public drains without first treating such waste and effluent, and retaining possession of a prior issued Permit from LASEPA.

Residents in residential premises are allowed, without a licence from the Lagos State Water Corporation (?LWC?), to construct, dig or extend in their premises, any well, **borehole** or other works for the supply of water for domestic use only. Such water supply systems must however be sited in hygienically conducive environment, protected from any kind or form of pollution. The quality of the water must also meet the World Health Organisation (?WHO?) recommended standards for water consumed.

Where a borehole or well is for commercial purposes, a Licence for groundwater abstraction must be obtained from LWC. Licences are also required to carry on any kind of wastewater business. Fines and terms of imprisonment also apply on conviction for any water infraction provisions under this Law.

No person shall erect any building or structure over, across or adjacent to any drainage, channel, sewer or sewerage system without first obtaining a Clearance Certificate from the Lagos State Wastewater Management Office (?LSWMO?); for drains and channels, the permit is from the Lagos State Office of Drainage Services.

It is an offence for any person to discharge, cause or permit to be discharge any kind of ~~untreated~~ **trade effluent** into any public sewer or drain-line without a Permit. Penalties include fines.

Also, any person who intends to develop an Estate, Hotel, Eatery, High Rise Building, Bus Terminal, Abattoir and Lairage, industrial laundry or cash-wash, petrol stations, medical institutions, educational institutions, irrigation project or any structure that will accommodate or serve 50 or more people must also obtain a Wastewater Clearance License from the LSWMO. Stiff Fines and terms of imprisonment apply on conviction for any infraction.

It is unlawful for any person to erect, construct, enlarge or structurally modify an outdoor structure, or operate any structure or **signage** for advertisement purposes without its owner being first registered and issued a Permit by the Lagos State Signage and Advertisement Agency (?LASAA?). The indiscriminate pasting of handbills, posters, signs and banners on side-walks, side-walls, trees, bridges, streets, highways and other public places is now expressly prohibited. Any contravention of any of these provisions, on conviction, carries fines, the removal of the signage and structure at the cost of the owner, as well as terms of imprisonment.

It is now an offence to fall or trim **trees**

in Lagos State without a prior Permit obtained for such a purpose from the Lagos State Parks and Gardens Agency (?LASPARK?). Other related offences include walking on lawns and gardens, instead of on designated walkways; spitting, urinating or defecating in any area of a Park, Garden or other open public space; failing to control animals or allowing animals to defecate in public places; etc. The penalties on conviction for any of these offences includes (i) replacement of each tree brought down, without a Permit, with five tree seedlings; (ii) fines and or terms of imprisonment for the latter and other offences.

Persons engaged in **Horticulture**, Flora and Roadside **Gardening** businesses are also now required to obtain a Permit from LASPARK before they

commence business.

Conclusion

As laudable as the provisions of the Lagos State Environmental Management Protection Law, 2017 may be, the enforcement of a majority of its provisions will remain a challenge in an economy still in recession, with high youth unemployment and wanton corruption.

Like with taxation, the few corporate statutory compliant entities will need to more diligently adhere to the provisions of this Law and international best practices regulating the environment; this is in order not to place their businesses at a high risk of infringement, fines, possible imprisonment of Directors, senior management personnel and brand damage.

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