



7th Assembly, House of Assembly, Lagos State

A LAW TO PROVIDE FOR THE REGULATION OF SMOKING IN PUBLIC PLACES IN LAGOS STATE AND FOR CONNECTED PURPOSES

LSPC 27/1/2014/30

1. In this Law unless the context otherwise requires –

“Commissioner” means the Commissioner for the Environment in Lagos State of Nigeria or such other member of the State Executive Council charged with the responsibility of the Ministry;

Interpretation

“Ministry” means the Lagos State Ministry of the Environment;

“Public Places” for the purpose of this Law excludes streets, roads, highways etc;

“Smoke” or “Smoking” means –

- i. The carrying or holding of any lighted pipe, cigar, cigarette of any kind, or any other lighted smoking equipment;
- ii. The lighting, inhaling or exhaling of smoke from a pipe, cigar or cigarette of any kind; or
- iii. Being in possession of any other lit substance in a form in which it could be smoked.

2. As from the commencement of this Law, no person shall smoke in all public places including but not limited to the places listed in the Schedules to this Law and any other place listed as such by Regulations made pursuant to the provisions of this Law.

Control
Of
Smoking

3. i. All such places mentioned above shall be known and referred to as “No Smoking Areas”

No
Smoking
Areas

ii. Without prejudice to the above subsection, an owner, occupier or a person in charge of a place listed in Schedule II may designate a section which shall not be more than ten percent (10%) of the premises as a “Smoking Area”

4. (1) It shall be the duty of any person who owns, occupies or is in charge of the management of a “No Smoking Area” to:

Duty of
Owner/
Occupier

- i. Ensure that approved “No Smoking” signs are displayed conspicuously at each entrance and in prominent locations throughout the premises;
- ii. Ensure that all “No Smoking Areas” are fixed with smoke detectors;

- iii. Ensure that where anyone smokes outside the premises of a public area, such is not done within ten (10) from the entrance of the premises; and
- iv. Cause a person smoking in a “No Smoking Area” to stop smoking.

(2) The “Smoking Area” designated in accordance with Section 3(2) above shall:

- i. Have good ventilations;
- ii. Where necessary, be equipped with ventilating equipment; and
- iii. Not compromise those in the “No-Smoking Area”

(3) Without prejudice to the lists in the Schedules, an owner, occupier or person in charge of a private premise may designate a place on the premise as a “No-Smoking Area.

Power to enter and inspect

5. A duly authorized Officer shall have power to enter and inspect any public place to ensure compliance with the provisions of this Law.

Obstruction of Officers

6. It shall be an offence to obstruct a duly authorized Officer from carrying out his duties under the provisions of this Law.

Penalties for Smoking in a “No-Smoking Area”

7. (1) Any person who smokes contrary to the provisions of this Law commits an offence and shall be liable on conviction to a fine of not less than ten thousand naira (N10, 000. 00) and not exceeding fifteen thousand naira (N15, 000. 00) or to imprisonment for a term not less than one (1) month and not exceeding three (3) months or both, or other non custodial punishment that the Judge may deem fit.

(2) Any person who repeatedly violates the provisions of subsection (1) above shall on conviction, be liable to a fine of fifty thousand naira (N50, 000. 00) or six (6) months imprisonment or both.

8. (1) Any owner, occupier or person in charge of a “No-Smoking Area” who fails to:

- i. Put up “No-Smoking” signs in conspicuous areas on his property;
- ii. Install smoke detectors on his property; and/or
- iii. Stop anybody smoking in the area from smoking;

Penalty for Non
Compliance by
Owner/Occupier of a “No-
Smoking Area”

Commits an offence and shall be liable on conviction to a fine of One hundred thousand naira (N100, 000. 00) or to imprisonment for a term of six (6) months or both, or other non custodian punishment that the Judge may deem fit.

(2) Where an offence under this Section is committed by a body corporate, firm or association any –

- i. Director, Manager, Partner, Company Secretary or other similar officers; or
- ii. Person(s) concerned in the management of the affairs of the body corporate, firm or association; or
- iii. Person(s) acting in any such capacity as aforesaid;

commits an offence and shall be liable on conviction to a fine of two hundred and fifty thousand naira (N250, 000. 00) as if he had himself committed the offence

(3) In addition to the penalties stated in this Section, repeated violation of this Law by an owner, occupier or person in charge of a “No-Smoking Area” may result in the sealing up of the property so affected in accordance with the Regulations made under this Law.

(4) It shall be a defense for an owner, occupier or person in charge with an offence under Section 4(1)(iii) and (iv) and Section 8(1)(iii) to show that he took reasonable steps to cause the person in question to stop smoking.

(5) Any person, owner, occupier or person in charge of a “No-Smoking Area” who does anything contrary to the provisions of this Law or Regulations made there under for which penalty is not described for in this Law commits an

offence and is liable on conviction to a fine of One hundred thousand naira (N100, 000. 00) or to imprisonment for a term of six (6) months or both, or other non custodian punishment that the Judge may deem fit.

9. (1) It shall be an offence to smoke in the presence of child under the age of eighteen (18) years in such a way, manner and place that may:

- Smoking in
the
presence of
a child
- i. Expose the child to any form of smoke; and
 - ii. Be in any other way injurious to the child.

(2) Any person who smokes in the presence of a child as stated in subsection (1) commits an offence and shall be liable on conviction to a fine of fifteen thousand naira (N15, 000. 00) or to imprisonment for a term of one (1) month or both or other non custodian punishment that the Judge may deem fit.

(3) Any person who repeatedly violates the provisions of subsection (1) above shall on conviction be liable to a fine of one hundred thousand naira (N100, 000. 00) or one (1) year imprisonment or both.

10.(1) The Commissioner may in accordance with the Regulations Approval Law, make Regulations

- Power to
make
regulations
- i. To further designate more places as “No-Smoking Areas” in the State; and
 - ii. For the purpose of achieving the provisions of this Law.

Enforc
ement
of
Regula
tions

11.(1) The Lagos State Environmental Protection Agency (LASEPA) shall enforce the provisions of this Law.

(2) Whenever the need arises, the General Manager, Lagos State Environmental Protection Agency may call upon the Lagos State Environmental and Special Offences Enforcement Unit and other Law enforcement agents to aid in the enforcement of the provisions of this Law.

Posting
of Signs

12. “Smoking” or “No-Smoking” signs, or the international “No-Smoking” symbol, which consists of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it, shall be prominently posted and properly maintained

where smoking is regulated by this Law, by the owner, occupier or person in charge of a “No-Smoking Area”.

Service
of notice
of
contrave
ntion

13. A notice of contravention shall be served within ten (10) days of such contravention on any person or business that contravenes the provisions of this Law.

Complaints

14.(1) Any person who desires to register a complaint under this Law, may initiate such complaint with the Ministry or at any place as may be directed by the Commissioner.

(2) Where a complaint arises against an Officer who is acting in accordance with his duties under this Law, the complainant shall lay such complaint with the Ministry or as may be directed by the Commissioner.

15. Nothing in this Law shall be construed as a permit to smoke where it is otherwise prohibited or restricted by other applicable Laws, or as regulating smoking in tobacco warehouses and tobacco manufacturing facilities.

16. This Law may be cited as The Regulation of Smoking Law and shall come into force six (6) months after the day of.....2014

SCHEDULES

SCHEDULE I

1. All places designated as “No-Smoking Areas” in the Act of the National Assembly of Nigeria;
2. Libraries, Archives, Museums and Galleries;
3. Public Toilets;
4. Hospitals, Hospices and other health premises;
5. Crèches, Nurseries, Day Care Centres and other premises used for the day care of infants, children or adults;
6. Kindergartens, Nursery, Primary and Secondary Schools;
7. Public Telephone Kiosks or Call Centres;

8. Public Transportation Vehicles within Lagos State;
9. Private Vehicles which have more than one person inside;
10. School buses;
11. Restaurants;
12. Cinemas, Concert Halls, Theatres, Amusement Arcades, Stadia and other premises used for entertainment of the members of public;
13. Halls and any other premises used for the assembly of members of the public for social, religious or recreational purposes;
14. Conference Centres and Exhibition Halls;
15. Shopping Centres;
16. Retail Shops;
17. Factories and other premises that are non domestic premises in which one or more persons work;
18. Premises which are being used wholly or principally as a place of work;
19. Lifts;
20. All common parts of flats and communal accommodation; and
21. Any structure that is enclosed or substantially enclosed and is open to public.

SCHEDULE II

1. Tertiary Institutions;
2. Bars and Night Clubs; and
3. Hotels.