

TOBACCO SMOKING (CONTROL) DECREE 1990



Decree No. 20

Commence
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:

1. Notwithstanding anything contained in the constitution of the Federal Republic of Nigeria 1979, as amended or in any other enactment or law, no person shall, as from the commencement of this decree, engage in or continue to engage in tobacco smoking in places specified in schedule 1 to this Decree.

Control of
tobacco
smoking

2.--(1) In pursuance of this Decree, no person shall advertise tobacco products to the general public in a bid to encourage tobacco smoking through any of the means specified in schedule 2 to this Decree unless the advertisement contains a warning that tobacco is dangerous to health.

Restriction on
tobacco
smoking
advertis-
ment.

(2) Pursuant to subsection (1) of this section, no tobacco industry, firm or association of individuals or any other body corporate shall sponsor or promote any of their products at any sports event sponsored or promoted by them.

3.--(1) Except as provided by this decree, no package containing tobacco products meant for smoking shall be sold in Nigeria, unless the following rotating warnings are inscribed on the package, that is---

Tobacco
packages to
contain certain
information.

(a) "The Federal Ministry of Health warns that tobacco smoking is dangerous to health"; and

(b) "Smokers are liable to die young". -

(2) Pursuant to subsection (1) of this section, it shall be unlawful for any person to sell any tobacco product in Nigeria unless the amount of the tar and nicotine contents of each unit of the product is stated on the package.

4. Any person who engages or continues to engage in tobacco smoking, otherwise than in compliance with the provisions of this Decree shall be guilty of an offence under this Decree and shall be liable on conviction to a fine of not less than N200 and not exceeding N1,000 or to imprisonment to a term of not less than one month and not exceeding two years or to both such fine and imprisonment.

Penalties for
smoking, etc.
in prohibited
areas

5. ---(1) Any person who advertises, sells, offers for sale any tobacco product otherwise than in compliance with the provisions of this Decree shall be guilty of an offence under this Decree and shall be liable, on conviction to a fine of not less than N5,000.

Penalty for advertising, selling, etc. of tobacco

(2) Where an offence under this Decree is committed by a body corporate or firm or other association of individuals-----

- (a) every director, manager, secretary or other similar office of the body corporate;
- (b) every partner or officer of the firm;
- (c) every person concerned in the management of the affairs of association; or
- (d) every person who was purporting to act in any such capacity as aforesaid, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding N5,000 or to imprisonment for a term not exceeding three years or to both such fine and imprisonment as if he had himself committed the offence, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.

6. ---(1) No suit or other legal proceedings shall lie against any person or officer authorized in that behalf by the Ministry for anything done or intended to be done in pursuance of this Decree.

Exclusion of proceedings.

(2) The question as to whether any provision of chapter IV of the constitution of the Federal Republic of Nigeria 1979 as amended, is being or would be contravened by anything done in pursuance of this Decree shall not be inquired in to in a court of law.

7. In this Decree, unless the context otherwise requires-----"tobacco" includes manufactured and unmanufactured tobacco of every description which is processed and used for smoking (in pipes, cigars and cigarettes).

Interpretation

8. This Decree may be cited as the Tobacco Smoking (Control) Decree 1990 and shall come in to operation on such date as the President, Commander-in-Chief of the Armed Forces may by order, published in the gazette appoint.

Citation and commencement

SCHEDULES

SCHEDULE 1

Section 1

- (a) Cinema, Theatre or Stadium
- (b) Offices;
- (c) Public Transportation;
- (d) Lifts;
- (e) Medical Establishments;
- (f) Schools; and
- (g) Nursery Institutions.

SCHEDULE 2

Section 2 (1)

- (a) Newspapers;
- (b) Magazines;
- (c) Radio;
- (d) Television;
- (e) Cinema;
- (f) Bill Boards; and
- (g) Handbills

Made at Lagos this 25th day of June 1990

General I.B. Babangida
President, Commander-In-Chief
of the Armed Forces,
Federal Republic of Nigeria

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purport)

The Decree makes provisions for the control of smoking of tobacco in certain places and also prohibits any form of advertisement that is liable to encourage tobacco smoking in Nigeria.