

ISSN

0022

JOURNAL

OF

SCHOOL

HEALTH

EDUCATION

VOL 4 NO 1 & 2 199 7

UNIVERSITY OF IBADAN LIBRARY

EDITORIAL

The Nigerian educational system is still in bad shape like all facets of social-political environment. This has greatly pose challenges to academics and health workers. It is on a happy note that I thank authors in this difficult time for sending papers to us for consideration and our editorial advisers/consultants for their various inputs.

Another addition to membership of the Editorial Board is F.A. Okanlawon, a Lecturer in the Department of Nursing, University of Ibadan, Ibadan.

I wish our readers happy reading.

Dr. C.A. Moronkola
Editor-In-Chief
August 1997.

TABLE OF CONTENTS

	PAGE
i. Editorial Boards And Editorial Advisers	i
ii Editorial	ii
iii. Authors and Their Articles	iii
1. Patience Mudaire, Ahmadu Bello University, Zaria - Socio-Economic Correlates of Child And Adolescent Primary School Children In Zaria.	1
2. Armina Kaidal and Abass, A.O., University of Ibadan, Ibadan. - Physiological Responses to Exercise: Special Consideration For Women Physical Training	7
3. Kalesarwo, O.O., Ogun State University, Ago-Iwoye. - Waste Disposal: Effective and Efficient Methods of Control	14
4. Achalu, O.E. and Mboho M.M., University of Uyo, Uyo. - Knowledge and Attitude Towards Family Planning By Public Health Nurses In Akwa Ibom State, Nigeria.	20
5. Ademiju, P.U., Lagos State College of Primary Education, Lagos.- Perception of Nurses in Ibadan On The Influence Of Family Background On Teenage Pregnancy In Ibadan.	28
6. Adewumi, I.K. and Fajewonyomi, Obafemi Awolowo University, Ile-Ife, Nigeria. - Design Considerations for Municipal Solid Wastes Silos In Developing Countries	35
7. Aderinto, A.A., University of Ibadan, Ibadan. - Problems and Prospects of Disabled Entrepreneurs In Ibadan	45
8. Okunbor, A.O., University of Benin, Benin City. - Recreational Sports: A component of The Campus Leisure System.	53
9. Ayeni, A., Osun State College of Education, Ila-Orangun - An Overview of Health Services Provided By Health Agencies.	61
10. Boroffice, O.B., Lagos State University, Lagos. - Occupational Health and Disease: Implication For The School Curriculum Development In Nigeria	66

11. Ojebode, P.A., Federal College of Education (Special), Oyo
- Population Control and Family Planning: The Christian Approach ... 76
12. Ogunmakin, A.O., Osun State College of Education, Ila-Orangun
- Stress: Its Nature and Implications On Creativity Among
Nigeria Workers. ... 82
13. Bamgbose, O., University of Ibadan, Ibadan.
- The Law and The Regulatory Agencies In The Provision Of
Health Care Services At the Local Government Level ... 87
14. Moronkola, O.A., University of Ibadan, Ibadan.
- Roles Of Health Workers and Lawyers in Meeting
Psycho-Social Health Needs Of Children Needing
Protective Measures And In Difficult Circumstances. ... 96
15. Abẹ, C.V., University of Ibadan, Ibadan.
Causes And Control Of Conflicts Among Professionals
Who Work With Children In Special Needs ... 103

BOOK REVIEW

- Author: O.A. Moronkola
Title: Careers in Health and International Health Agencies
Publisher: Amazing Grace Educational Books Ibadan, Nigeria.
Reviewer: Ojebode, F. I., St Andrews College of Education, Oyo. ... 109

THE LAW AND THE REGULATORY
AGENCIES IN THE PROVISION OF
HEALTH CARE SERVICES AT THE
LOCAL GOVERNMENT LEVEL

By

Bamgbose, O.

Senior Lecturer

Dept of Private and Business Law

University of Ibadan

Ibadan

ABSTRACT

In Nigeria, the Local Government is the third-tier of government. It is the nearest organ to the people. In discharging its functions, there are some legislations that imposes some duties on their tier of government. One major function of the local government is the delivery of good health care service. This function can only be effectively carried out, if the local government officials work together with different regulatory agencies that deal with different aspects of health services.

This paper examines that various laws relating to health services at the local government level, discusses the regulatory agencies involved in implementing the laws, high-lights how efficient the laws and agencies have been.

Part of the recommendations made on how to improve the health care services at the local government level include the active association in disseminating information with health rules; organising enlightenment campaigns in vernacular languages, using local and indigenous ways of disseminating information on relevant health care services to the people, and for local government officials to keep them abreast with current laws on health care services.

INTRODUCTION

In Nigeria, the local government is the third tier of government. Simply defined, local government can be said to be the government at the grassroots level. At this level, the local government is most important, nearest and most immediate organ of government to the people. Rural community dwellers in a local government area may be less bothered about what is happening to them at the Federal Level or at the State Level, if their needs are met at the local government level. Local Government administrators are very close to the people they govern as against other administrator at higher level that are not very close to the citizens.

The Local Government under the Constitution of the Federal Republic of Nigeria, (Cap 62, 1990) and it is vested with powers by the constitution to legislate on some matters. The power can be absolute in which case it is the local government that has authority over such matters. In other matters, the local government has concurrent jurisdiction with the state government, in which case, both levels of government can legislate on such matters and where there is a conflict the state law over rules. The Nigeria Constitution (Cap 62) in the 4th Schedule, states the functions of local government and this includes the provision and maintenance of health services and other health care services related functions.

The Law that governs the local government is the Local Government (Basic Constitutional and Transitional Provisions) Act. (Cap 213, 1990). This main Act is amended by Decree 25 of 1990, Decree 38 of 1990 and Decree 10 of 1991. This Act is Section 27 and 28 enumerates certain functions of the Local Government and these are categorised into main functions and other functions. Though, these functions are numerous, this paper however will restrict the discussion to those functions that have relevance to health care services.

By virtue of section 27 of the local government Act functions of the local government include:

- establishment and maintenance of cemeteries, burial grounds and homes for the destitute.
- establishment, maintenance and regulation of slaughter houses, slabs, markets and public conveniences.
- construction and maintenance of road and streets.
- Provision and maintenance of public conveniences and refuse disposal.
- Registration of all births, death and marriages.
- Control and regulation of restaurants and other places for sale of food to the public.
- Licensing, regulation and control of sale of liquor.

Section 28 of the Act goes further to provide that other functions of the local government include the participation of this level of government in the government of the State in respect of the provision and maintenance of health service. In carrying out these functions, the local government may make or adopt a by law to effectively discharge that function.

The function of the local government in establishing and maintenance of burial ground is a health care service at the grassroots level. Each local government area is to ensure that this is done in her area. There is no doubt that if a corpse is not properly disposed of as it should be done, this could result in the outbreak to epidemic disease which may seriously cause health hazard. It is also the function of the local government to register all births, death and marriages. It is easier to register birth and death at the local government levels than at the state level. This is because of the smaller sizes of the local government in comparison to the state and the accessibility of people to the local government offices in their area. The Birth, Death and Burial Laws in the states or the equivalent relevant laws, are given statutory backing by the Birth and Death (Compulsory registration) Act, (Cap 36, 1990). The Act provides that the secretary of the local government is deemed to be a registrar and has a duty to register birth and death. The

effect is that such figures from the register can be used to project for the immediate future, the health care services and facilities needed in that local government and estimated budget for such services. The function is not only limited to this but includes the registration and the keeping of records of unidentified corpses which invariably will involve the removal of such health hazard and also abandoned new born babies. The involvement of the local government in this regard is aimed at promoting community health status.

Provision and monitoring of public cemeteries, prompt collection of corpses on roads and prevention of indiscriminate burial of corpses in places not designated as public burial grounds helps to prevent diseases. A local government may make or adopt the Burial on Private Premises (regulation) Adoptive By-Law as provided by Public Health Law in the state where the local government is situated. The By-Law provides for laid down regulations that must be complied with to prevent health hazards. It is worthy of note that the authorization of such burials outside the designated public cemeteries are only for persons who by customary law are entitled to be so buried, however this is not the case of so many such burials which are based on sentimental reasons.

Furthermore, market places are under the control of the local government area where they are located. The conditions of some markets and the conduct of some sellers are matters that should be of concern to the local government. In certain cases, food items such as meat, gari are carelessly exposed to flies and germs by sellers with disregard to all sanitary rules. Section 27(k) of the local government law provides that it is the function of the local government to control and regulate shops and other places for sale of food for the public. The officials of the local government can discharge this duty by examining the preparation of the food and the manner it is offered for sale. (Part IV, Public Health Laws). The local government is also empowered to make By-Laws or adopt the Food stuff and regulated premises By-Law under the Public Health Law.

Slaughter houses are under the control of the local government within the state situated. The filth and deposit of wastes at many slaughter houses leaves a person in doubt as to whether such places are under the control of anybody. Local government officials are supposed to work with veterinary doctors assigned to that local government or the inspecting officer in charge.

Another issue which is under the local government and is a health related issue is that of water supply. The local government should be aware of any site where a well is sunk to ensure that the water is potable without adverse effect on users. However due to shortage of pipe borne water in many areas, residents resort to sinking of wells for their source of water supply without contacting the local government for approval. Closely linked with the above is the issue of building and construction which have health implications. This is under the portfolio of the local government who are empowered to make building Adoptive By-Law. Such issues such as drainage, sanitary conveniences, are of concern to the local government. Apart from approving the building plan, the local government are expected to inspect any building after completion and made recommendations on whether or not it is fit for occupation. This prevents loss of lives from collapsed building. Unfortunately, these issues are not often looked into the local government.

The issue of vaccination is not restricted to hospitals or clinic or to medical or paramedical personnel. In Part V of the Public Health Law, officials of the local government who are health officers are regarded as public vaccinators and the local government is empowered to make By-Law on certain issues on vaccination in their area. To enhance health care service in the local government, some local government officials who are not health officers may be regarded as public vaccinators.

From the above discussion, it is clear that the local government officials have a lot to do in the area of health care service.

In discharging many of its functions some legislation imposes certain duties on the local government. One of such legislation is the Public Health Law. The law governs issues relating to infectious diseases, slaughter houses, sale of meat and food and generally on sanitation.

Under the Oyo State Public Health Law (Cap 104), 1978) the local government is empowered to appoint a qualified medical practitioner to be the medical officer of health in that local government to enforce the law in that local government. However where such a person is not available, local government officers in that area have a duty to enforce the law is no excuse, therefore local government officers cannot be excused of liability where they fail to enforce the law where necessary. Certain nuisance are glaring health hazards to the people. Such a nuisance is easier combated at local government area which are smaller compared to being left for the state government whose officers may not be able to cover all nooks and corners of the state. The local government officers are the eyes of the government at the grassroots.

Many acts according to the law constitute nuisances.

These include:

- accumulation of deposit of rubbish of many kind.
- refuse pit latrine and dust-bin injurious to health.
- premises injurious to health.
- water flowing or discharges from any premises into public street.
- any act or omission, place or thing which is or may be dangerous to life or injurious to health. (Section 6, cap 104).

With these few illustration of what constitute nuisance, it appears that many of the local government areas are failing in duties. Many of these nuisances are common sight in the local government areas. The worst of all these nuisances is the accumulation of refuse on main roads in the heart of town.

There are so many examples of refuse dumps all over the country especially in cities and towns. Improper handling and disposal of wastes may lead to the spread of diseases. The dumps are eye sores and the refuse dumps constitute health hazards to inhabitants around them. This is not in line with the goal of the National Policy on Environment (1989) which is, to achieve sustainable development and in particular to secure for all Nigerians a quality of environment adequate for their health and well being. There is a link between environmental sanitation matters and health issues. It is unfortunate that in some local government areas where acts or things which constitute health hazards are found, the

officials of the local government concerned or members of agencies responsible for such hazards are usually found around such areas, but are busy and active in other duties. Such duties which are usually revenue yielding for them include collecting parking tolls at designated car parks under their jurisdiction and towing of vehicles not parked at parks. It is an accepted fact, that the local government are in dire need of funds to operate, but this should not be at the detriment of health as it is believed that "Health is Wealth". Furthermore, there is no doubt that the local government are facing problems of shortage of manpower and this problem makes efficient performance to be impossible. However, local government officials should not compound the problems being faced already by condoning some acts which constitute health risks committed in their presence like dumping of refuse in unauthorized places.

HEALTH RELATED STATE AND FEDERAL REGULATORY AGENCIES WORKING FOR BETTER HEALTH SERVICES AT LOCAL GOVERNMENT LEVEL

Some health related state and Federal regulatory agencies working also for better health services at the local government level include the following.

THE STATE ENVIRONMENTAL PROTECTION COMMISSION AGENCY

The above agency is established by the Environmental Protection Commission Edict. The Edict applies only the State where it is made. When acts or things which constitute health risks are found within any local government, it is not in all cases that the fault is solely on the local government concerned. This is because, the Environmental Protection Commission Edict in the State, provide for the establishment of a Commission which have as one of its function, the responsibility for the protection and development of the environment. The duties of the commission amongst other are:

- Waste Collection and Disposal
- Coordinating the activities of all agencies in the State on environmental matters
- Rendering advisory services and supporting all local government in such matters as sanitation
- cooperating with State Ministries and Local Government on matters relating to environmental protection.
- Mobilising inhabitants of all areas for the effective observance of environmental rules for the promotion of health and safe environment
- Initiating measures to ensure pollution, free air, land and water throughout the state.
- Taking steps to obviate, mitigate and eliminate environmental discomfort to individuals or groups on danger to lives and property.

From the above, it is apparent that in some cases the regulatory agency may be partly blamed for health hazards found in certain local government areas.

THE LOCAL GOVERNMENT ENVIRONMENTAL PROTECTION COMMITTEE

The above state committee is provided for under the State Environment Protection Commission Edict. From the provisions of the Edict it is clear that the local government is involved in the activities of the commission in relation to the area of jurisdiction of the local government. By section 16 (1) of the Oyo State Environmental Protection Commission Edict (No. 17 of 1990) (the provision of this Edict are very similar in all States) there is provision for the establishment of Local Government Environmental Protection Committees of the Commission. The purpose of the Committees is to maintain good environmental quality at the Local Government level. The membership of the Committee include the Chairman and the Secretary of the local government. Being members of the Committee implies that they have a part to play in determining the sanitation condition of the area being represented. Therefore the Chairman and the Secretary of the local government should ensure that representatives of their local government, insist on a health environment, by making the State, Environmental Protection Commission Agency implement whatever policy that would enhance good health care services in the local government.

THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY

This regulatory agency is established by the Federal Environmental Protection Agency Act (cap 131, 1990). The issues of Environmental Protection is linked with health issues, therefore the membership of the agency include a representative from the Federal Ministry of Health. In relation to the local government, one of the functions of the agency is to cooperate with the local government council on matters and facilities relating to Environmental Protection. The agency has power to maintain a National Environmental Standard and the agency gives enforcement powers to any Police Officer not below the rank of Inspector General of Police or any Custom Officer.

THE NURSING AND MIDWIFERY COUNCIL

This council is one of the agencies which regulate health care services, not only at the State level, but at the local government level. (Nursing and Midwifery Registration etc) Act, cap 332 1990). There is a supervisory authority set up by the council which is in charge of investigating cases of misconduct, malpractice and contravention of instructions given by the council against nurses and midwives. This authority carries out preliminary investigations into any case brought before it and decided whether the case should be a subject of proceedings before the Nurses and Midwives Disciplinary Tribunal. The Chief Nursing Officer in the state in which the local government is located is the head of the supervisory authority (Section 16, cap 332 1990).

A local government official is recognised as a complainant who can allege before the council. Issues on which a complaint can be made include unprofessional conducts by nurses and midwives, conviction of nurses and midwives for an offence by a court of law in Nigeria, such an offence being incompatible with the status of a nurse or midwife. Moreover, the local government officials can enhance health care service in their areas, by

ensuring that persons who set up maternity centres in their area, have spent at least five years in a recognised health establishment as a staff or midwives after registration with the Council. Such centres should be under the supervision of a registered gynecologist or obstetrician and that all conditions laid down by the Ministry of Health.

In addition to the above, it is also the responsibility of the local government, to register, in a register of birth, kept at the local government, all babies delivered by a midwife in any maternity centre in the local government. This is important for proper documentation and future planning for the health care services of babies born in the local government.

LIQUOR LICENSING TRIBUNAL

The above tribunal is another agency that regulates health care services at the local government level.

The consumption of liquor could be damaging to health. This is the reason why there is a law to control and regulate its consumption, manufacturing and sale. One of the functions of the local government is the regulation and control of liquor. Liquor includes beer, country liquor which includes "Ogogoro" and trade liquor, which is banned from being brought into Nigeria.

Secretary of the Local Government should be the clerk of the licensing tribunal where liquor licenses are issued out.

"Ogogoro" is a country liquor which is usually sold indiscriminately. The Liquor (Licensing) Law provides that a local government is empowered to make a By-Law on Ogogoro, prohibiting it, Restricting, regulating or licensing the manufacture, supply, possession or consumption of it. This is a By-Law that should be made by every Local Government to regulate the drinking and the indiscriminate consumption of "Ogogoro".

THE NATIONAL DRUG LAW ENFORCEMENT AGENCY

An important health issue which is of international concern is the issue of drug abuse. The regulatory agency for hard drugs for example, cocaine, heroine, and such other drugs is the National Drug Law Enforcement Agency (NDLEA) established by the National Drug Enforcement Agency Act (cap 253, 1990). In Nigeria, the issue of drugs is on the exclusive legislative list in the Nigerian Constitution (Second Schedule Part 1 item 19). This means that it is only the Federal Government that have jurisdiction over the legislation of drugs. The problems associated with drugs should be of concern to all well meaning Nigeria as it is a serious health problem. This agency is established to enforce laws against the cultivation, processing, sale, trafficking and use of hard drugs and to investigate persons suspected to have dealing in drugs and other related matters. This is purely a Federal agency and where matters on such issues are discovered by any local government, such reports have to be directed to the Agency and from the agency, it is directed to the appropriate unit. Every local government should resist the infiltration of drugs into their areas. By virtue of section 32 of this Act, issues relating to matters under this Act can be reported to the police, customs, any member of the armed force, or Director of NDLEA.

A common form of dangerous drug which is usually secretly cultivated in villages and places far away from the town is Indian Hemp. This dangerous drug is cultivated, sold and used and this has serious health implications. Local government officers should therefore report persons suspected of cultivating, selling or using Indian Hemp to the police officer in charge of the station in their local government who have been given power under the Dangerous Drug Act (cap 91, 1990) to investigate such cases and arrest persons involved.

CONCLUSIONS AND RECOMMENDATIONS

The local government has a lot of responsibility in the health care service at the grassroots level. In making use of the local government to realize the goal "Health for All", it is very important for officials at local government areas to seek the cooperation of the people at the grassroots. This can be done through the heads of families, head of wards, the heads of the different associations that may be relevant to the issue of health care and this will include the market traders association, landlord and tenants Associations in the local government area, nursing and midwifery association, farmers association and many others. A very close interaction of the local government officials with the heads of associations and winning their support and loyalty will go a long way in enhancing the health care services in the different local government areas, and will lessen the heavy burden which appears to be placed on the local government as these category of people are closer to the grassroots than the local government officials.

Moreover, the local government officials must work closely with the relevant regulatory agencies on health care services to improve health care services in their areas. This interaction is very important for a closer understanding of the operations of the different agencies. To improve health care services at the local government level, the following recommendations are made:

- i. Enlightenment campaigns in vernacular language using drama, radio and television jingles and adopting local and indigenous ways of disseminating information to people about health care rules and service is important in educating citizens.
- ii. Basic environmental and health rules should be included into the school curriculum both at the primary and secondary school levels to inculcate the good health services.
- iii. Refresher course should be organised periodically for local government officials on health and sanitation laws to keep abreast of laws which have relevance to their duties to deliver good health services to the people in their areas.

Health is wealth. The goal - Health for All must be achieved. The local government officials who are the enforcers of the laws or health care services together with the regulatory agencies and the citizens who enjoy the services should join hands and improve health care services.

END NOTES

1. Birth and Death (Compulsory Registration) Act Cap 346, Laws of the Federation 1990.
2. Constitution of the Federal Republic of Nigeria Cap 62, Laws of Federation 1990.
3. Constitution of the Federal Republic of Nigeria (Second Schedule Part 1, Item 19).
4. Dangerous Drug Act Cap 91 Laws of the Federation 1990
5. Environmental Protection Commission Edo State No. 17 of 1990
6. Federal Environmental Protection Agency Act Cap 131, Laws of the Federations.
7. Local Government (Basic Constitutional and Transitional Provisions) Act 1990.
8. Midwives (Disciplinary Tribunal and Assessors) Rule S 15 (2)
9. National Drug Law Enforcement Agency Act Cap 253, Laws of Federation 1990.
10. Nursing and Midwifery (Registration) etc). Act Cap 332, Laws of the Federations 1990.
11. Public Health Law, Cap 104, Laws of Oyo State 1978.
12. Public vaccinator (Appointment) Notice.