

CHAPTER 27
CONTROL OF ADVERTISEMENT LAW
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CHAPTER 27
CONTROL OF ADVERTISEMENTS LAW

A Law to provide for the control of advertisements and for related matters

Short title

27th August 1991]

1. This Law may be cited as the Control of Advertisements Law.

2. In this Law—

Interpretation

“advertisement” includes any word, letter, model, sign, placard, hoard, notice, device, bill, poster, leaflet or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of advertisement, announcement, auditory advertisement, direction or other modes of disseminating information, and any hoarding or similar structure intended for the display of advertisement, announcement, auditory advertisement direction or other information, for commercial purposes.

but does not include—

- (a) Any matter published in a newspaper, periodical, book, radio, or television;
- (b) any notice or other document required to be published in any manner by any other law;
- (c) a memorial or railway signal or any other marker published and displayed by the Nigerian Railway Corporation on railway premises or on land belonging to the Nigerian Railway Corporation. But excluding any matter displayed or published, for commercial purposes, on such premises land by any party or person other than the Nigerian Railway Corporation;
- (d) a notice board in a place of worship or on premises of a

social or educational club or organization displayed by the proprietor or a person in charge thereof and hearing any of the following—

(i) the name or names of the principal officer or officers or caretakers thereof.

(ii) the hours of worshiper meeting.

(iii) particulars of activities that take place, or that are to take place, or that have taken place in such place or premises;

(e) any unamplified oral announcements;

“auditor advertisement” includes the use of any loud-hailer, gramophone, or amplifier for the dissemination of information about products, manufactures or services offered or intended to be offered for sale or hire;

“building” includes any house, shop, store, factory, petrol filling station, club, workshop, wall-fence, door, gate, post, roof, pillar, hoarding, bridge, frame, paling, gable, panel, slip and staging;

“Commissioner” means Commissioner for the time being, charged with responsibility for local government administration;

“existing advertisement” means any advertisement which is current on the date on which this law is made

“Governor means Governor of the State;

“illuminated sign” means any advertisement which is designed or adopted to be illuminated by artificial lighting, directly or by reflection and which is so illuminated for the purposes of advertisement;

“land” includes buildings and land covered with water;

“local government” means local government established under the constitution;

“person publishing an advertisement” includes a person who by himself or by his servant or agent undertakes or maintains the publication of an advertisement and also any person to whose goods, trade, business or other concern, publicity is given by the advertisement;

“publish” in relation to any advertisement means to exhibit, erect or publish the advertisement in any public place or in any other place so that the advertisement is visible or audible from a public place: “site” means any land or building on which any advertisement is published:

“State” means Enugu State of Nigeria.

3. (1) Power to control the publication of advertisements in any part of the State shall upon the commencement of this Law vest in and be exercisable by the Commissioner subject to this Law.

(2) Any power conferred by any other written law upon any person or a local government or a town planning authority or other authority to control the publication of advertisements (other than for purposes of censorship only) within the area of authority of such person, local government, or authority shall upon the commencement of this Law cease to vest in and be exercisable by such person, local government, or authority, as the case maybe, under the written law conferring such power.

4. (1) The powers conferred by this Law shall —

Transfer of
power to
control
advertisement

Enactment on
the exercise of
powers

(a) where exercisable by the local government be subject to any general or specific directions of the commissioner:

Provided that such directions shall not be inconsistent with this Law: and

(b) in the interest of the environment, determine the suitability of the use of the site for the publication of advertisements:

(2) When exercising such powers or giving such directions and local government or the advertisement agent or the Commissioner. as the case may be. shall —

(a) in the interest of the environment, determine the suitability of the use of the site for the publication of advertisements:

(b) in the interest of public safety. have regard to the safety of persons who may use any road, railways, inland waterway or airfield affected or likely to be affected by any publication of advertisement, and in particular consider whether any such publication is likely to obscure, or hinder the ready interpretation of any road traffic sign. Railway signal or signal for the control or safety of navigation by water or air.

5. Subject to the provisions of this Law. any person who in any place within the area of a local government publishes any advertisement without being in possession of a valid permit issued under this law authorizing the publication of that advertisement is guilty of an offence. Control of advertisement

Provided that where no site or area is specified in the permit for the publication of an advertisement such advertisement may be published in the area of a local government which issued the permit

6. (1) Subject to the provisions of this Law. a local government may issue the following types of permit- Types of and fees for permit

(a) Commercial Advertisement Permit which permits the erection on a particular site of a special structure constituting the commercial advertisement (whose design shall be approved by the council to which the application is made) whether standing on its own support or affixed to a building or permits the display of an advertisement relating to—

(i) manufactured articles, or

(ii) services offered or intended to be offered to the public for reward.

(d) Auditory Advertisement Permit which authorizes the use of a loud-hailer. gramophone or amplifier in the advertisement of

(i) any product.

(ii) manufactured articles, or

(iii) services offered or intended to be offered for reward; either in specified areas or otherwise and the number of vans or other vehicles to be used in such advertisements.

(2). An auditory advertisement shall not be carried out at any time between 7,00 pm. and 6.00 am. and a person who contravenes this subsection is guilty of an offence.

(3) The permits for the types of advertisements mentioned in paragraphs a and (b) of subsection (1) above shall be as in the Forms set out in the First and Second Schedules to this Law respectively.

(4) The fees set out in the First schedule to this law are payable to the local government for the issue of permits, and where a permit is applied for or issued after the 31st of January of any year no reduction in fees as so set out shall be made.

(5) Each permit other than a special permit shall take effect from the date which it is issued and shall expire on the 31st day December of the year in which it is issued.

(6) The local government may refuse to issue a permit if the advertisement for which the permit is sought contains obscene or offensive language or injuriously affects amenities or natural beauty of any part of the area of the local government or the safety or convenience of the public.

7 (1) An application for a permit to publish advertisement shall be made to the local government in writing. Application for permit

(2) On receipt of the application the local government shall send an acknowledgment in writing to the applicant and maybe a direction addressed to him in writing require such information, or such evidence as may be requisite to enable it to verify and determine the matter in respect of which the application is made

(3) Subject to the provisions of this Law. where application for permit is made to the local government, the local government may grant the permit subject to the maintenance of the standard or other conditions specified in the permit.

(4) An application for a Commercial Advertisement Permit shall clearly state the exact site or area in which the advertisement will be displayed and also the following particulars—

- (a) the size of the advertisement;
- (b) the type, that is, whether a bill posting or hoarding or an illuminated sign, of otherwise:
- (c) the position. that is. whether permanently fixed or moveable.

(5) An application for an Auditory Advertisement Permit shall clearly state the number of vans or other vehicles and areas of operation to be used.

8. Where a local government rejects the application of any person for A permit under this Law. that person may appeal to other Commissioner in writing and the Commissioner m^c Appeal to the Commissioner after reviewing the matter, give such direction to the local government as he thinks fit.

9. Notwithstanding any other provision of this Law. where it is shown.to the satisfaction ^c Special permit the Commissioner that an advertisement—

- (a) is substantially different from the types of advertisements described in subsection (1) ^c section 6 of this Law or
- (b) is intended to be published for not more than twenty -one consecutive days in any year. whether alone or together with other advertisements of similar nature: the commissioner may. on the application in writing by the person intending to publish such advertisement. grant to that person a special therefor in the form of Part C in the First Schedule hereto after payment into the treasury of the local government of such fees {if any) as the Commissioner may think fit.

10. The Commissioner may subject to such terms and conditions as he may deem fit. appoint a suitable person, partnership or duly registered company to be known as an Advertisement Adviser, to advise the commissioner or the local government on any matter necessary or desirable for the better implementation of this Law including matters contained in an Advertisement Agent's report.

Advertisement Agent

11. A local government may. subject to such terms and conditions as it may deem fit. appoint a suitable person, partnership or duly registered company to be known as an Advertisement Agent in respect of the area of tire local government.

(2) An Advertisement Agent shall perform such duties as the local government may generally or from time to time specifically assign to him or it.

Modification or revocation of permit

12. The council may, on reasonable grounds, appearing or discovered after the grant of a permit, revoke or modify the permit.

(2) Where a revocation or modification of a permit is made by the council under this section and such revocation or modification does not arise as a result of an error of default made by the owner of the permit or his agent, the council shall pay to the owner of the permit—

(a) in the case of the revocation of a permit, a part of the fee paid by him. for which the permit was issued: and

(b) if the revocation or modification of a permit involves the removal or modification of an advertisement, reasonable costs of such removal or modification, as the case may be.

Advertisement injuries to amenities or environment

13.(1) Where the advertisement permitted under this Law becomes so soiled, defaced, damaged or is in such a state that in the opinion of the local government it constitutes a danger to the public safety, or injuriously affects the amenities or natural beauty of any part of the area of the local government. the local government may serve a notice on the person displaying the advertisement requiring him--

(a) to remove or renovate the advertisement within twenty-eight days; or to the advertisement as the local government may think fit'

(b) to carry out such other instruction within a specified time with respect to the advertisement as the council may think fit

(2) A person who disobeys or fails to carry out the Terms of any notice under this sect on is guilty of an offence.

(3) A notice under this section shall—

(a) specify the defect or injurious effect of the advertisement complained of; and

(b) in respect of paragraph (b) of subsection (1) state the time limit (not exceeding twenty-eight days) within which the said defector injurious effect shall be cured in pursuance of the terms of the notice,

Power of council to remove advertisement

14 (1) Notwithstanding any other provision of this Law if an Advertisement is displayed in breach of any provision of this Law The local government may by notice in writing require the person displaying the advertisement to remove the advertisement.

(2) If the person to whom notice is given under subsection (1) of this section fails. Move the advertisement within any time specified in the notice, the local government may remove the advertisement and shall recover the expenses for the removal from the person as a civil debt.

Penalty

15. Any person who is guilty of an offence under this Law is liable to a fine not exceeding fifty naira or in default of payment, to imprisonment for a term not exceeding three months, together with a further fine of one naira for every day that the offence continues after the date the local government has served the offender written notice of the offence, and the local government is hereby authorized to serve such notice to the offender,

Power to
enter private
premises.

16. An Advertisement Agent, or where such Agent is a company or partnership a representative thereof, and any officer of the council authorized in that behalf shall have power to enter any private premises for any purpose of this Law; such person entering the premises shall produce to any person entitled to demand it a written authority which shall be issued by the local government authorizing the bearer to enter private premises for the purpose of this Law.

FIRST SCHEDULE

A-COMMERCIAL ADVERTISEMENT PERMIT (AT SPECIFIED SITE) {(SECTION 6(3))}

.....of..... is permitted to exhibit, erect or display the following type of advertisement at the site described hereunder within the area of Local Government for the period from.....20.....to 31st of december,20 inclusive, subject to the following standards and the other conditions

Type of advertisement

Site of display of advertisement

Fees paid

Date20.....

.....

B COMMERCIAL ADVERTISEMENT

{(SECTION 6(3))}

.....ofis permitted to exhibit, erect or display the following type of advertisement at the site described hereunder within the area of Local Government for the period from 20 to 31st of december,20 inclusive, subject to the following standards and the other conditions

Type of advertisement

Site of display of advertisement

Fees paid

Date20

.....

Town Clerk/Local Government Secretary

.....

Local Government

C-COMMERCIAL ADVERTISEMENT PERMIT SHORT TERM POSTER) (Section 9)

.....of.....
 Is permitted to exhibit, erect or display the short term poster described below (at the site described hereunder within the area of Council) for days from the 20
 Subject to the following standards and other conditions
 Description of poster
 Fee paid
 Date20.....

 Commissioner
 Delete if inapplicable

SECOND SCHEDULE
 A-AUDITORY ADVERTISEMENT PERMIT (AT SPECIFIED SITE)
 {(SECTION 6(3))}

.....of.....
 is permitted to carry out or auditory advertisement with vans or motor vehicle at the site in the area specified below within the area of authority of the local government for the period days from the 20 to 31st of Desember,20 inclusive. Subject to the following standards and other condition

 Site or area od display of advertisement.....
 Fee paid.....
 Date.....20.....

 Town clerk/Local government

 Local Government

B-AUDITORY ADVERTISEMENT PERMIT
 (SECTION 6(3))

.....of.....
 is permitted to carry out or auditory advertisement with vans or motor vehicle at the site in the area specified below within the area of authority of the local government for the period days from the.....20.....to 31st December. 20.....inclusive. Subject to the following.....
 Site or area od display of advertisement
 Fee paid
 Date.....20.....

 Town clerk/Local government secretary

 Local Government

THIRD SCHEDULE
 FEES
 (Section 6(4))

Auditory advertisement with motor vehicle	N200 per motor
Vehicle per annum	N200 per motor
Auditory advertisement without motor vehicle	N12 per annum
Poster (less than 6.10cm .x4.57cm)	N40 per annum
Short term notices not exceeding 28days duration	N50 per annum
Notices exceeding 28 days during	N10 per annum
Hand bills and leaflets	Nil
Sponsored films	Nil
Fixed bill board with a display area greater area greater than 5.57 square meter but not exceeding 6.50 square meters	N15 per annum
Fixed bill boards with a display area greater than 6.50 square meter but not greater than 15.80 square meters	N20 per annum
15.80 square meters but not greater than 33.50 square meters	N30 per annum
Fixed bill boards with a display area greater than 33.50 square meter	N40 per annum