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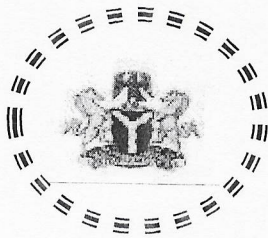
Niger State Legal Notice No. 6

The following is published in the supplement to this Gazette:-

N. S. L. No. 6 of 2020 – A LAW TO PROVIDE FOR THE ESTABLISHMENT OF NIGER STATE WATER AND SEWAGE CORPORATION, ESTABLISHMENT OF THE NIGER STATE WATER AND SEWAGE REGULATORY COMMISSION AND OTHER MATTERS RELATED THERETO

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A LAW

TO PROVIDE FOR THE ESTABLISHMENT OF NIGER STATE WATER AND SEWAGE CORPORATION, ESTABLISHMENT OF THE NIGER STATE WATER AND SEWAGE REGULATORY COMMISSION AND OTHER MATTERS RELATED THERETO

BE IT ENACTED by the House of Assembly of Niger State of Nigeria and by the Authority of same in this present Assembly as follows:

PART I – PRELIMINARY

Citation and Commencement

1. This Law may be cited as the Niger State Water and Sewage Corporation Law, 2020 and shall be deemed to have come into force on 25th day of March, 2020.

Interpretation

2. In this Law, unless the context otherwise requires:

“**Assessed value**” in relation to a tenement means the capital annual or unimproved value at which tenement is for the time being assessed in accordance with the provisions of the Niger State Tenement Rate;

“**Board**” means the Governing Board of Niger State Water and Sewage Corporation;

“**Catchments area**” means an area of land or water which contributes to the supply of waterworks;

“**Chairperson**” (“**Chairman**”) means the Chairperson of the Board;

“**Commissioner**” means the Commissioner for Ministry in charge of Water and related matters in Niger State;

“**Corporation**” means Niger State Water and Sewage Corporation;

“**Customer**” means any person or persons supplied or applying to be supplied with water from the waterworks or any person otherwise, liable for payment of the water rates, rents or charges for water supplied from waterworks;

“**Court of Competent Jurisdiction**” shall include Magistrate Court;

“**Dwelling house**” means premises used wholly or mainly for the purpose of private dwelling with or without any garage, out-house, garden, compound, yard, fore-court or other appurtenances belonging to or usually enjoyed with it;

“**Excess consumption**” means: –

- a) in the case of a tenement in respect of which general water rate is payable, quantity of water ascertained by meter as having been consumed in the tenement in excess of such monthly allowance may be prescribed; and
- b) in the case of a tenement in respect of which general water rate is not payable, quantity of water ascertained by meter as having been consumed in the tenement was in excess of prescribed volume;

“Financial year” means a period of twelve months commencing on 1st January;

“General water rate” is the amount to be paid to the Corporation by the owner in respect to any tenement or other property as determined by the Corporation;

“Governor” means the Executive Governor of Niger State;

“Ministry” means the Ministry responsible for Water Resources in Niger State;

“PCRC” means Performance Contract Monitoring and Review Committee

“NISWASEC” means the Niger State Water and Sewage Corporation;

“NSWC”

“Owner” includes:

- (a) the person for the time being receiving the rent of the tenement whether on his own account or an agent or trustee for any other person, or who would receive the rent if such tenement were let to a tenant; and
- (b) the holder of a tenement from Niger State whether under a certificate of occupancy, lease, license or otherwise;

“Occupier” means the person in occupation of tenement or any part thereof, but does not include a lodger;

“PSP” means Private Sector Participation

“Private supply” means a supply by means of a service to any tenement for the purpose of supplying water to be solely within the area of such tenement;

“Public supply” means supply by means of any public fountain, stand-pipe, valve, tap or other appliance for supplying water to the public other than a meter, by or through which water flows or is intended to flow from water works.

“Public fountain” means a fountain, stand-pipe, valve, tap or other device, natural or constructed, from which water discharges;

“Sewage” human excreta from septic tanks, soak ways, pit latrines etc.

“State” means Niger State of Nigeria;

“Street” includes a road, highway, bridge, thoroughfare, access road, avenue, alley, square, court or other passing or place over or to which the public have a right of way or access;

“Tenement” means any land (including an island, cave, lake or other water surface) with or without buildings which is held or occupied as a distinct or separate holding or tenancy, or any wharf, pier or jetty similarly held or occupied;

“Undertaking” means the system of all materials, equipment constructions, instrument and other devices used together in the production, supply and distribution of water;

“Water works” means all reservoirs, ponds, boreholes, wells and other subterranean water sources which are used with any dam, weir, tank, stem, tunnel, conduct, aqueduct, fountain, main-pipe, sluice valve, pump, engine, filter-bed, treatment plant or other structure or appliances constructed or used for the production, storage, supply, distribution, measurement or regulation of water by the Niger State Water and Sewage Corporation;

PART II – ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE CORPORATION

Establishment of
Niger State
Water
Corporation

- (1) There is hereby established for the State a body to be called the Niger State Water and Sewage Corporation in this Law referred to as the “Corporation”.
- (2) The Corporation shall be a body corporate with perpetual succession and a common seal and shall have power to sue and be sued in its corporate name.

Establishment
of the
Governing
Board

There shall be established a body to be called Governing Board hereinafter referred to as “the Board” of the Niger State Water and Sewage Corporation and shall in that capacity:

exercise all the functions of the Board; and

- (b) do or carry out all acts or things which the Board is, by this Law, or may, by any other law, be required to do or carry out.

Composition of
the Board

- (1) The Board shall consist of the following members:
 - (a) A Chairperson;
 - (b) Managing Director of the Corporation;
 - (c) A representative of Nigerian Society of Engineers registered with the Council for the Regulation of Engineering in Nigeria (COREN
 - (d) A representative of the Nigerian Bar Association (NBA);
 - (e) A representative of the Institute of Chartered Accountants of Nigeria (ICAN) or Association of National Accountants of Nigeria (ANAN);
 - (f) A representative of Nigerian Institute of Management (Chartered)
 - (g) One representative each of the following:
 - (i) the Ministry responsible for Water Resources;
 - (ii) Consumers Protection Council, CSOs or other Consumer advocacy groups operating in the State;
 - (iii) Niger State Chamber of Commerce, Industry, Mines and Agriculture; and

- (f) Two (2) other persons who by reason of their ability, experience or specialized knowledge of water supply or of business are capable of making useful contributions to the work of the Board.
- (2) The Chairperson and other members of the Board as provided in this law shall be appointed by the Governor in line with the criteria in section 6(1) of this Law and shall serve as part-time members of the Board.
- (3) A member shall not be made personally liable for any act or omission to do any act, or any default of the Board so long as such act, omission, or default is done in good faith and in the course of the operations of the Board.
- (4) The appointment of the Board shall be made in such a manner as to recognize the diversity of the people of Niger State
- (5) In the appointment of members, the Governor shall take into consideration 35% of gender and social inclusion (GESI) representation according to Nigerian National Gender Policy (NGP)- 2006 and the United Nations Charter on affirmative action for women.

Qualification and disqualifications of members of the Board

Qualifications of the Board Members include:

Board Members shall be citizens of Nigeria;

- (ii) the Chairperson shall have water industry Professional experience of not less than 10 years and must have achieved a reputable position in his career;
- (iii) Board members shall be knowledgeable individuals preferably with a sound professional background in the water industry or with corporate governance or other credentials whose abilities and experience complement the functions of the Board.

- (2) No person shall be qualified to be a member of the Board who -
 - (a) has been adjudged or otherwise declared -
 - (i) a bankrupt under any law in force in Nigeria and has not been discharged;

(ii) or, required to pay certain amount of money by a Court of competent jurisdiction and is unable to do so within the period prescribed by the court;

(iii) to be of unsound mind; or

(b) is detained as a criminal lunatic under any law for the time being in force in Nigeria;

(c) or, has been convicted -

(i) for an offence involving the security of the State, fraud, dishonesty or moral turpitude; or

(ii) for any other offence, and has not been granted a pardon; or

(d) has been found by the report of a Commission of Inquiry to be incompetent to hold public office or in respect of whom a Commission of Inquiry has found that while being a public officer, acquired assets unlawfully or defrauded the State or misused or abused his office or willfully acted in a manner prejudicial; or

(e) has had his property confiscated as a result of the finding of a Commission of Inquiry; and such findings have not been set aside; or

(f) is under sentence of death or sentence of imprisonment imposed upon him by any court of competent jurisdiction.

(3) Without prejudice to the provisions of subsection (1) of this Section, any member of the Board shall cease to be a member if:

(a) he is absent from three consecutive meetings of the Board without sufficient reason; or

(b) he is disqualified from practicing his profession in Nigeria by order of any competent authority made in respect of him personally.

Removal from office

4) Where the Board is satisfied that the continued presence on the Board of any member is not in the interest of the State, it may recommend to the Governor that the member concerned be removed from his office, and if the Governor, after making such

enquiries as he considers necessary, approve the recommendation, he may in writing declare the office of the member vacant.

- (5) A member appointed by the Governor other than ex-officio may at any time resign his office in writing addressed to the Governor.
- (6) The Governor may revoke the appointment of a member if the Governor is satisfied that such member -
 - (a) is incapacitated by physical or mental illness from performing his functions as a member; or
 - (b) is otherwise unable or unfit to discharge his functions as a member.

Tenure of
Office of
Members of
Board

- (1) All members of the Board shall hold office for a single term of Five (5) years.
- (2) The Chairperson of the Board shall report notify the Governor or his designate of all proceedings of the Corporation including vacancies occurring in the membership of the Board.
- (3) Where any member of the Board is incapacitated or unfit to discharge his functions, or is dead, the Governor shall replace him by persons of the same interest to complete the remainder of his tenure.

Remuneration of
members

There shall be paid to each member of the Board and of its Committees and any co-opted person such allowances in respect of travelling and other reasonable expenses at such rates as may from time to time, be fixed by the Governor.

Meeting of
the Board

9. (1) The Board shall ordinarily meet for the dispatch of business at such times and places the Chairperson may, from time to time determine every year, but not more than six times. Any meeting in excess of the allowed maximum of six times in a year shall only be held where circumstances warrant.

- (2) The Chairperson shall upon the request in writing signed by not less than four members of the Board summon a special meeting of the Board within fourteen days on receipt of such request.
- (3) At every meeting of the Board, the Chairperson shall preside, and in his absence, the members present shall elect a person from among themselves to preside at that meeting.
- (4) Every question coming before the Board at any meeting shall be decided by a simple majority of the votes of the Members present; and in the case of an equality of votes, the Chairperson or the other person presiding shall have a second or casting vote.
- (5) The quorum for any meeting of the Board shall be seven including the Chairperson or any other person presiding.
- (6) The Board may at any time co-opt any person or persons to act as an adviser or advisers at any of its meetings, but no persons so co-opted shall be entitled to vote at any such meeting on any matter for decision by the Board.
- (7) A member of the Board who is in any way directly or indirectly interested in any contract or transaction or project of the Board shall disclose the nature of his interest at a meeting of the Board and the disclosure shall be recorded in the minutes of the Board and the member;
 - (a) shall not take part in any deliberation or decision of the Board with respect to that contract or transaction or project;
 - (b) shall be disregarded for the purpose of constituting a quorum of the Board for any such deliberation or decision.
- (8) For the purpose of sub-section (7) of this section, a general notice given at a meeting of the Board by a member of the Board to the effect that he is a member of a specified company or firm and is to be regarded as interest in any contract or transaction or project of the Board concerning the company or firm, shall be regarded as a sufficient

disclosure of his interest in relation to that contract or transaction or project as the case may be.

- (9) A member of the Board need not attend in person at a meeting of the Board in order to make disclosure which he is required to make under sub-section (7) of this section if he takes reasonable steps to ensure that the disclosure is made by notice which is brought up and read at the meeting.
 - (10) Any member who infringes sub-sections (7) and (8) of this section shall be liable to be removed from the Board.
 - (11) The validity of the proceedings of the Board shall not be affected by any:
 - (a) vacancy among its members or by any defect in the appointment of any of them; or
 - (b) inadvertent omission to send any notice or inadvertent error in addressing it or failure in the delivery thereof.
 - (12) Except as otherwise expressly provided under this Section, and subject to this Law, the Board may make standing orders for the purpose of regulating its own procedure.
- (1) Subject to sub-section (2) of this Section, the Board may appoint one or more committees of the Board to advise it or to do anything with respect to –
- (a) the initiation, execution, administration or progress of any project, scheme or activity which the Board may undertake or in which it may participate; or
 - (b) any other purpose whether general or specific relating to the Board where the Board is of the opinion that such purpose is better regulated or managed by means of a Committee.
- (2) The Board may on such terms and conditions as may deem fit delegate to a Committee appointed under sub-section (1) of this Section any of its functions under this Law except that such delegation shall not include: -

Committees
of the Board

- (a) making extraordinary expenditure;

- (b) borrowing money; and
 - (c) making standing orders, rules or regulations.
- (3) The composition, tenure of office and remuneration of members of the Committee appointed pursuant to sub-section (1) of this Section, shall be determined by the Board.
- (4) A Committee appointed under sub-section (1) of this Section may include persons who are not members or officers or employees of the Corporation, but who possess such special qualification or experience as in the opinion of the Board shall be beneficial to the work of the Committees.

Secretary/
Legal Adviser
of the Board

11. (1) The Secretary/ Legal Adviser of the Corporation shall also serve as Secretary to the Board.
- (2) The Secretary shall subject to the directives of the Board, arrange the business for and cause to be recorded and keep minutes of all meetings of the Board, be responsible for all correspondence of the Board, and have custody of common seal of the Corporation.
- (3) The Secretary shall also perform such functions as the Board may direct or as the Managing Director may delegate to him and shall be assisted in his functions by such other employees of the Corporation as the Managing Director may direct.

Functions
of the
Board

12. The functions of the Board are as follows:
- (a) making strategic decisions on the activities and mandate of the Corporation;
 - (b) reviewing and approving the Corporation's business plans, budget and performance;
 - (c) approving pre-qualified PSP Contractors, including revenue mobilization Agents, in accordance with this Law and any other applicable Law;

- (d) monitoring the implementation of the State WASH Policy as it affects water supply and sewage in its areas of operation.;
- (e) ensuring compliance with regulations and standards set by the Regulatory Commission or Unit under the Ministry responsible for Water Resources;
- (f) approving and monitoring the implementation of the Corporation's Water Services Development and investment Plans;
- (g) proposing urban water tariffs for the approval of the Regulator;
- (h) taking all steps to ensure that in the discharge of its duties, the Board does not engage in activities without prejudice, undue influence, coerce or subvert the normal legal, commercial and financial activities of the Corporation; and
- (i) undertaking any other business which may be considered necessary by the Board in pursuance of the Corporation's functions as provided in this Law;

PART III – OBJECTIVES, FUNCTIONS AND POWERS OF THE CORPORATION

Objectives of the Corporation

13. The Corporation shall endeavor to achieve a sustainable water system development in the State, and shall:

- (i) secure for the present and future generations as well as for domestic, commercial, industrial, scientific and other users, an efficient supply and use of potable water;
- (ii) develop new sewage infrastructure as the Corporation may consider necessary for the purpose of providing effective and efficient containment, collection, transportation, treatment, and disposal Services for domestic, commercial, industrial and institutional human fecal sludge

Specific Functions of the Corporation

- (iii) produce for distribution to urban residents of the State sufficient potable water for their health and well-being;
- (iv) As part of the transition, there shall be organizational restructuring and staff capacity development in line with corporatization principles. Existing staff that may not fit into the corporatization agenda shall be transferred to other state Ministries, Department and Agencies. No staff shall be laid off as a result of the transition;

General
Functions of
the
corporation

14. (1) Without prejudice to the general effect of the Corporation as contained in Section 12 and subject to the provisions of this Law, the functions of Corporation shall be: -
- (a) to control and manage all water works vested in the Corporation under this Law;
 - (b) to establish, control, manage, extend and develop water-works as the Corporation may consider necessary for the purpose of providing wholesome, potable water for the consumption of the public and for domestic, trade, commercial, industrial, scientific and other uses;
 - (c) to ensure that adequate wholesome water is supplied to allow for a reduce tariff/charges for poor households/female headed and its customers regularly and at such charges as the Corporation may from time to time determine rates and propose to an established regulatory commission or unit for approval to its consumers regularly and at such charges as the Corporation may from time to time determine;
 - (d) to conduct or organize the conduct of research in respect of water supply, water development and matters connected therewith and submit the results of such research to the Commissioner or any person acting in such capacity for the formulation of policy;
 - (e) to develop, maintain and beneficially exploit water resources both natural and artificial; and

- (h) to determine rates charged under paragraph (c) of this sub-section, and any other service rendered, shall be such that revenue for any year would be sufficient or as nearly as may be reserved in the corporations' account to pay all working expenses, repayment due on loans borrowed by the Corporation for any extension works.
- (2) A tariff study shall be accomplished and periodically reviewed, which shall cover the socio-economic conditions of the community of water customers which includes affordability and willingness-to pay.
- (3) A phased (increasing block) water tariff increase shall be developed which is to be approved by a regulator
- (4) The Corporation may also do all such acts as may appear to it expedient for the purpose of achieving the objective set out in Section 12 of this Law and implementing the functions specified in sub-section (1) of this Section.

Powers of
the
Corporation

15. (1) Subject to the provisions of this Law and for the attainment of the objectives and functions of the Corporation under this Law, the Corporation shall have power -
- (a) to, having regard to the state policy and work plan jointly prepared with the Ministry and approved by the Commissioner, construct, reconstruct, maintain and operate water works, public fountains and all other stations, building and works necessary for the discharge of its functions under this Law;
 - (b) to extract water from any lake, river, stream or other natural sources;
 - (c) to extract water from underground sources by means of sinking boreholes, wells or artisan wells and the construction of their supporting structures;
 - (c) to examine any surface or underground water within its jurisdiction for the purpose of determining its productive quality and quantity including the existence and extent of pollution, the cause of such pollution and remedies thereof;

- (e) to enter land or premises at any time of the day for the purpose of laying, examining, repairing or removing any water pipe or hose, provided that before entry is made on any such land or premises, notice shall first be given to the owner or occupier thereof; reinstatement of land or property may be made to the satisfaction of owner;
- (f) to enter any land or premises after giving notice, where practicable, to the owner or occupier for the purpose of -
 - (i) inspecting any service or meter to ascertain whether there is any wastages, obstruction or damage to any service or meter or anything connected therewith;
 - (ii) laying pipes or installing meter or other instruments or appliances;
 - (iii) ascertaining the amount of water used or taken; and
 - (iv) connecting, disconnecting or otherwise controlling the supply of water to a tenement;
- (g) to diminish, withhold or suspend, stop, turn off or divert the supply of water through or by means of a water service stop-cock, valves, sluices, conduits, aqueducts, etc. whether wholly or partly whenever the Corporation considers it necessary so to do;
- (h) to enter into any commitments, agreements or other arrangements in respect of the provisions, distribution or sale of water;
- (i) to enter into contract or other legal transaction;
- (j) to acquire and hold any movable or immovable property and to dispose of such property and where there is any hindrance to the acquisition of the

property, the property may be acquired for the Corporation in accordance with relevant provisions of the Land Use Act of 1978 or any other law that may be enforceable in Nigeria;

- (k) to adopt with or without amendments such master plans for the maintenance and development of its undertakings as its officers may prepare and submit from time to time to the Ministry for approval and implementation;
- (l) to carry any water pipe through, across or under any street or any place laid out or intended as a street, and after giving reasonable notice in writing to the owner or occupier thereof, through or under any land whatsoever without paying any compensation, by making good any damage done;
- (m) to construct public fountains in any street or other public place; and
- (n) to do anything for the purpose of advancing the skill of persons employed by the Corporation or the efficiency of the equipment of the Corporation being operated, including the provision of facilities for training, education and research.

(2) In addition to the powers conferred by subsection (1), if it appears to the Corporation that any land in the State is to be needed for the purposes of any water-works, the Corporation may enter on any such land and may, subject to the Corporation giving, where practicable, 7 days' notice to the owner or occupier of the land on which it is intended to enter in order to –

- (a) survey and take levels of the land;
- (b) dig or bore under the soil; and
- (c) do all other acts necessary to ascertain whether the land is adapted for such purposes.

- (3) The Corporation shall have power to develop operational procedures, procure and enter into Public Private Partnerships for purposes of achieving the objectives and functions stipulated under this law.

PART IV – MANAGEMENT AND STAFF OF THE CORPORATION

Management of
Affairs of the
Corporation

16. The Board shall be charged with the responsibility of laying down general guidelines for the execution of all functions of the Corporation under this Law.

Managing Director

17. (1) The Corporation shall have an officer to be designated as “the Managing Director” who shall be the Chief Executive and Accounting Officer of the Corporation (referred to in this Law as “the MD”).

- (2) The Managing Director shall be appointed by the Governor on the recommendation of the Board subject to the following conditions:

- (a) that he shall be appointed out of three applicants selected through a competitive and transparent recruitment process carried out by an independent consultant appointed by the Governor pursuant to an advertisement for such vacancy by the engaged consultant.
- (b) that the appointment shall be subject to a performance contract for a term of 4 years on a full-time basis (with a probational period of six months to show performance on agreed deliverables). This may be renewable once upon considerations of the improved financial, managerial, operational, and other relevant indicators as contained in such Contract.;
- (c) that he shall be a person with a professional qualification in either accounting, business administration, law, engineering, the physical sciences related to water such as chemistry, biochemistry, geology, hydrogeology, microbiology and water resources management, registered with their professional bodies where such bodies exist and shall

have held a senior management position for a minimum of ten years in a public or private organization;

18. (1) The MD shall, subject to the powers of the Board under this Law, be charged with the overall responsibility of implementing the decisions and guidelines issued by the Board as well as the routine administration and control of employees of the Corporation.
- (2) The MD shall report to the Chairperson of the Board and be assisted in the performance of his duties by four Directors, who shall be appointed by the Board to be in charge of:
- (a) Operations;
 - (b) Commercial;
 - (c) Corporate Governance;
 - (d) Planning, Research, Monitoring and Evaluation;
- (3) The Board may on recommendation of the MD approve the establishment of other departments in addition to the ones specified in subsection (2) and appoint persons to take charge of such departments.
- (4) The MD shall also be assisted in the performance of his duties by Area Managers appointed by the Corporation.
- (5) The MD shall consult with the Ministry regularly on policy matters.

19. (1) There shall be a Performance Contract Monitoring and Review Committee (referred to in this Law as "the PCRC") constituted in accordance with this Law under the Ministry of Water Resources
- (2) The PCRC shall comprise the following members:
- a. A retired Judicial Officer not below the rank of a High Court Judge as Chairperson
 - b. A retired Head of Civil Service of the State
 - c. The Permanent Secretary Ministry of Water Resources – serve as the secretary of the committee
 - d. A representative of the private sector

- e. A representative of the civil society
 - f. A representative of the Board of the Corporation.
- (3) The committee shall meet at least once in six months and at any other time as may be requested by either party to the Performance contract
 - (4) The PCRC may engage the Services of person(s) to assist them in the discharge of their duties for more balanced opinions
 - (5) It shall be the responsibility of the PCRC to monitor compliance of the parties with the contract and to make recommendations to the Governor as deemed necessary.

Staff of the Corporation

20. (1) The Corporation may from time to time, engage such employees as may be necessary for the proper and efficient conduct of the business of the Corporation.
- (2) The Corporation may engage the services of consultants or advisors where necessary.
- (3) The Corporation shall be responsible for the appointment, promotion, and discipline of officers and employees of the Corporation.
- (4) The Corporation shall determine the salaries and emoluments of the staff and other employees of the Corporation.
- (5) Public officers may be transferred or seconded to the Corporation or may otherwise give assistance thereto upon request by the Corporation.

Discipline and Termination of Employees

21. (1) Whenever the Corporation considers it necessary to institute disciplinary proceedings against any staff of the Corporation, and after referring to the staff manual or any other document on the conditions of service, it is of the opinion that the misconduct alleged against such staff justifies retirement, dismissal or termination of his appointment with the Corporation, the following procedure shall apply:
 - (a) the Corporation shall forward to the staff a brief statement of the facts on which the allegation against him was based and shall call on him to submit a

statement in writing before a day to be specified (which date shall allow a reasonable interval for the purpose) any grounds upon which he relies to exculpate himself;

- (b) where the Corporation satisfies itself that the officer cannot exculpate himself having been given opportunity to do so, the Board shall appoint a three (3) member independent panel of inquiry to hold inquiry into the charge or allegation or misconduct of the officer;
 - (c) at any inquiry under this Section, the accused officer shall be permitted to be present and shall be allowed to cross-examine any witness testifying against him, to make a statement and call witnesses in his defense and to have access to all documentary evidence available against him;
 - (d) the panelists may in their absolute discretion permit the Corporation to be represented by a staff or a legal practitioner, and the accused officer shall also be permitted to be represented by a legal practitioner, if he so wishes;
 - (e) if after considering the report of an inquiry held under this section, the Corporation thinks that punishment should be meted on the accused officer, it shall revert to the Board for a final decision which shall be communicated to the accused officer.
- (2) Any staff of the Corporation shall be considered and treated for all purposes as having been dismissed from service by the very fact, and from the very date of absenting himself from duty without leave or reasonable cause and in circumstances evidencing an intention on his part to discontinue in the service of the Corporation;

PART V – FINANCIAL PROVISIONS, ASSETS AND LIABILITIES

Assets of the Corporation

22. All waterworks which are used or have been constructed by or on behalf of the Government and are the properties thereof
-

immediately before the commencement of this Law, shall as from the commencement of this Law vest in the Corporation by virtue of this Law and without further assurance, and such vesting shall extend to the whole of the waterworks (hereinafter referred to as the transferred waterworks) including all lands, works and other property, asset, powers and privileges appertaining thereto or held or enjoyed in connection therewith.

23. (1) All liabilities and obligations of the Government in respect of any transferred water works falling due to be discharged on or after the appointed date shall, as from that date, become the liabilities and obligations of the Corporation.
- (2) Every deed, bond, agreement instrument and working arrangement to which the Government was a party for the construction or otherwise in respect of any transferred Water works, shall subject to the provisions of the section, and unless the circumstances otherwise require, have effect as from the appointed day as if the deed, bond, agreement, instrument and working arrangement was with the Corporation.
- (3) Where, by the operation of any of the foregoing provisions of this section, any Waterworks, lands, works or other property, assets, powers, rights and privileges, are vested in the Corporation, the Corporation and all other persons under its direction shall, as from the appointed day, have the same rights, power and remedies (and in particular the same rights, and powers as to the taking and resisting of legal proceedings) vested in the government or any person or authority prior to the commencement of this law for ascertaining, perfecting, protecting or enforcing as the circumstances may require, such Waterworks, lands, work or other properties, assets, power, rights or privileges of the Corporation, and any legal proceeding by or against the Government ending on the appointed day in respect of the same shall be continued by or against the Corporation.

Funds and
Resources of the
Corporation

24. The funds and resources of the Corporation shall consist of -

- (a) all funds, assets, resources, undertakings and such rights and interests as the Corporation may, from time to time, acquire;
- (b) such sums as may, from time to time, be lent, granted or appointed to the Corporation by the State Government, Federal Government of Nigeria or any other Government institution;
- (c) properties and investments acquired by, or vested in the Corporation and monies, dividends and other benefits derived, earned or arising there from;
- (d) all sums from time to time received by or falling due to the Corporation in respect of the repayment of any loan or advance made by the Corporation;
- (e) all charges, rates, rents and other payment accruing to the Corporation for the services it renders; and
- (f) all other sums of money or properties which may in any manner become payable to or vested in the Corporation in respect of any matter incidental to its functions and powers under this Law.

Estimates of
Income and
Expenditure.

25. (1) The Corporation shall prepare detailed estimates of its income and expenditure for the following financial year and submit for approval to the Governing Board.
- (2) The expenditure of the Corporation shall be in accordance with the estimates approved by Governing Board.

Bank Account
and Borrowing
power of the
Board.

26. (1) The Corporation shall operate bank accounts with reputable banks approved by the Board for its funds and the signatories to the accounts shall be the MD and the Head of Accounts, or in their absence any other persons authorized by the Board.
- (2) The Corporation may, with the consent of the Governor, borrow whether by way of mortgage or otherwise on such terms and conditions as the Board may determine, any such sums of money as may be required in the execution of the functions conferred on the Corporation by this Law or by any other Law.

Debentures
to the
Government.

(3) Any person lending money to the Corporation shall not be bound to enquire as to whether the borrowing of the money is within the power of the Corporation or not.

27. (1) If the Government gives any loans to the Corporation at any time in accordance with the provisions of this Law, the Corporation shall, if so required by the Governor, issue to the Government debentures of nominal value equivalent to the sum lent.

(2) Debentures issued under this Section shall bear interest at such rates not in excess of Commercial Bank rates and from such dates as the Governor may specify.

28. Subject to the approval of the Governor, the Corporation may: -

(a) invest money standing to the credit and not for the time being required for the purpose of the Corporation's functions in stocks, shares debentures or any other securities; and

(b) sale, dispose of or otherwise deal with all or any of such securities.

General Reserve
fund of the
Corporation

29. (1) The Corporation shall establish and maintain a General Reserve Fund and shall, after defraying the charges mentioned in Section 28, pay into such Fund the net profit earned by the Corporation.

(2) The General Reserve Fund shall be applied by the Corporation in making good any loss or deficiency which may occur in any of its transactions.

(3) The Governor may give directions to the Corporation as to the balance to be maintained in General Reserve Fund and, where such directions are given, the Corporation shall not be required to pay any of its net profits into the Fund whereby the balance thereof would exceed the amount directed by the Governor.

30. The following charges shall be defrayed out of the revenues of the Corporation for any financial year -

(a) salaries, fees and allowances of Members of the Board;

- (b) salaries, remuneration, fees allowance, pensions, gratuities and other retirement benefits of the officers, employees and agents of the Corporation including technical or other advisers of or consultants to the Corporation;
- (c) all working and management expenses of the Corporation and all charges relating to its works, assets and other properties including proper provisions for depreciation and renewal of assets;
- (d) such expenses or minor works of capital nature as the Corporation considers necessary;
- (e) such sums of money including compensation which may be payable by the Corporation to any person or authority under this Law or any other Law;
- (f) taxes, rates and other levies payable by the Corporation under any applicable Law;
- (g) interest on any loan raised by the Corporation;
- (h) sum of money to be transferred to any sinking funds or otherwise set aside for the purpose of making provisions for the redemption of debentures, stocks or other securities or for the repayment of other loans; and
- (i) such other sums of money as the government may approve for payment out of revenue account of the Corporation in respect of any financial year.

Payments
into state
Revenue
Fund

31. Without prejudice to Section 28, at the end of each financial year, after the Corporation has made provision for -
l and doubtful debts;

preciation of assets;

abilitation and expansion of the water supply

- (d) other contingencies, if any, and after appropriation has been made to contributory scheme for officers and employees of the Corporation under Section 34 of this Law such part of the net profits of the Corporation remaining as the Governor may by writing direct, after consultation with the

Board, shall be paid into the State Consolidated Revenue Fund.

Bad and
Doubtful
Debts to be
written off

32. The Board may, subject to the approval by the, Board write off bad and doubtful debts of the Corporation.

Accounts and
Audit

33. (1) The Corporation shall keep proper books of account and proper records in relation thereto and shall maintain a double-entry system (accrual) of accounting and record keeping as expected of a corporate legal entity.
- (2) The books and account of the Corporation shall, within three months after the end of each financial year, be audited in accordance with the Constitution of the Federal Republic of Nigeria, or any other similar enactments.
- (3) The Corporation shall pay fees in respect of the audit to its External Auditor appointed by the Board.
- (4) For the purposes of sub-section (3) of this Section, the State Auditor-General may provide a guideline on the level of fees to be paid to the External Auditor so appointed.
- (5) It shall be the duty of the Board as soon as possible upon receiving the External Auditor's Report under this Section, to forward a copy each of the report to the Auditor General and the Governor.
- (6) The State Auditor-General may comment on the Corporation's Annual Accounts and the External Auditor's Report thereon.

34. (1) Where after receiving a copy of the Auditor's Report the MD is satisfied that: -
- (a) any sum due to the Corporation has not been duly brought to account by any person by whom such sum ought to have been brought into account; or
- (b) a deficiency; in moneys or destruction of property of the Corporation occurred by reason of the negligence, breach of official duty or other misconduct of any person, the Corporation may surcharge the amount of such loss or the destruction of the property upon that person.

(2) Before exercising his power under sub-section (1) the MD may by writing appoint a person to conduct an inquiry for the purpose of determining the cause, extent or value of the deficiency, loss or destruction referred to in sub-section (1).

(3) If the MD decides to surcharge any amount upon any person under sub-section (1), it shall cause a notice to be served on that person or his legal representative, in the event of his death, request that persons' estate or his legal representative to pay the amount surcharged within such period as may be specified in the notice.

(4) Notwithstanding sub-section (1) and (3), no liability to surcharge shall be incurred by any person who can prove to the satisfaction of the MD that he acted -

(a) in pursuance of, or in accordance with, the terms of a resolution of:

(i) the Board; or

(ii) any Committee duly appointed under this Law; or

(b) on lawful instructions of a superior officer or of the Board.

Recovery of surcharge.

35. Any amount notified as a surcharge under sub-section (3) of Section 32 shall be used for and recovered in any court of competent jurisdiction by the Corporation with full cost of action from the person upon whom the amount is surcharged as a debt due to the Corporation.

Contributory etc. Scheme for Officers and Employees of the Corporation

36. (1) The Corporation shall within one year after the coming into force of this Law, establish a contributory scheme for its officers or employees.

(2) For the purpose of sub-section (1), the Corporation shall-

(a) grant pensions, gratuities or other retiring benefits to any of the officers or employees of the Corporation or their dependents and may require such officers or

- employees to contribute to any pension or contributory scheme;
- (b) grant loans to any of the officers or employees of the Corporation for such purposes as the Board may approve;
 - (c) provide welfare facilities to its officers or employees.
- (3) The Board shall develop guidelines to give effect to this Section.

PART VI – WATER SUPPLY AND WATER RATES

Rates and Scales
of Charges to
Water

37. (1) The rates and scales of charges for water shall be such as the Corporation may, from time to time, with the approval of the Regulator, determine.
- (2) Subject to the provisions of sub-section (1), all charges for water sold in bulk or direct to consumers and for services rendered by the Board shall be fixed at such rates and at such scales that the revenue for such year from every sources will be sufficient as nearly as may be to pay:
- (a) the working expenses and other outlays of the Corporation properly chargeable to income in that year;
 - (b) the payments failing to be made in such year by the Corporation in respect of the interest of or repayment of the principal of any money borrowed by the Corporation;
 - (c) such sums as, the Board may think proper to set aside in the year for a general reserve, extensions, renewals, depreciation, loan and other like purposes.
- (3) Charges for water or services may, if the Corporation deems fit be fixed at different rates and scales for different services and localities.

Power to
levy General
Water Rate
to Tenants
or Persons

38. (1) The Corporation may, in any area, by order Direct: -
-

- (a) that there shall be levied and paid a general water rate of any amount assessed:
 - (i) in respect of the rents in an area, on the assessed value of the tenements and such percentage of the value as the order may prescribe;
 - (ii) annually in respect of every tenement such sum as general water rate as the order may prescribe;
 - (iii) in respect of persons' resident within a defined area may be divided into classes, such classes being assessed for general water rate on one or other of the method of assessment herein before described as the order may prescribe;
- (c) that no person shall be assessed for general rate in more than one of the various manners herein before mentioned;
- (c) that there shall be exempted from such general water rate any tenement or class of tenements, or any person or class of persons;
- (d) that where assessment of the general water rate are to be made as provided in sub-paragraph (i) of paragraph (a) such higher rate as the order may prescribe shall be levied and paid in respect of a non-domestic supply;
- (e) whether payments of general water rate are to be made monthly, quarterly, half-yearly or yearly and that the first payment of such general water rate shall become due on such rate date as the order may prescribe;
- (f) that such general water rate shall be paid with retrospective effect;
- (g) the officer to whom or the office at which the general water rate shall be paid and the time during which such payment may be made.

- (2) Any order made under this section may be given retrospective effect. Provided that -
 - (a) subject to the provisions of Section 39, water has in fact been supplied in respect of the period for which any order, whereby any general water rate is levied, is to be given retrospective effect;
 - (c) nothing in such order contained or by virtue of any of the provisions of the Law shall constitute or be construed as purporting to constitute an offence committed by any person any act or omission by him which was not such an offence by virtue of the provisions of such order of or Law except in so far as the same has taken place or has continued on or after the date of the publication of the order in the State Gazette.
- (3) The application of any order made under this Section may be general or may be limited as to area or time or otherwise.

Water Sector
Regulation

39. (1) There is hereby established a regulatory commission (hereinafter referred to as "Regulator"). The regulator shall be headed by a Director who must have previous experience of utility regulatory functions and to be appointed by the Governor on recommendation of the Commissioner for the Ministry responsible for water services through a competitive and transparent process of recruitment.

(2) There should be provision for transitional arrangements i.e. Government may decide to establish a regulatory unit as a Department within the Ministry of Water resources until such time that the Government establishes a regulatory commission.

Power to
make
regulations

(3) The Regulator may make regulations for carrying out the provisions of this Law, and without prejudice to the generality of the foregoing provisions, make regulations with respect to all or any of the following matters:

- (a) the price of, or charge for, water supplied -
 - (i) by means of public supply;

- (ii) by meter;
- (iii) by means of a private supply to a tenement;
 - (iv) to any office, barracks, institutions, undertaking or building whether of a public or private nature;
- (v) to a site of any building under construction;
- (b) levy or impose a special rate or charge;
- (c) the amount of rent to be paid for meters;
- (d) the officer to whom or the office at which the rate, charge or rent shall be paid, and whether such rate, charges or rent shall be paid monthly, quarterly, half-yearly, or yearly in arrears or in advance, and the date of which the first payment of such rate, charge or rent shall become due, or in the case of water supplied by a public supply the manner in which the charge for such water shall be payable;
- (e) exceptions from any water rate or charge of any tenement or class of tenement or, and person or class of persons;
- (f) the method and manner in which water may be taken from public fountains or public supply;
- (g) the price to be paid for all services constructed or laid by the Corporation and the time and place for the payment of the same;
- (h) the construction, laying, fitting, alteration and re-adjustment of services, and nature, quality, size and pattern thereof and of meters used therewith;
- (i) the forms of all notices required to be given or sent under this Law and the issuing and service thereof;
- (j) the control, whether or not by prohibition, of boating on or fishing in any water-works or any other form of activities that may pollute the water;
- (k) the prevention of the wrongful opening or closing of any lock, cock, valve, sluice or manhole appertaining to any water works or otherwise belonging thereto;

- (l) the prevention of waste of water;
 - (m) the prevention of the commission of any offence or nuisance in or about any of the works, plants, buildings or premises of the Corporation;
 - (n) the prevention for trespass upon or injury to stations, works, plants building or premises appertaining to any waterworks or otherwise belonging thereto;
 - (o) generally, for regulating the operation of the water works and the government thereof and maintenance of good order thereon;
 - (p) generally, for the preservation and the conservation of the sources of water in catchments areas;
 - (q) the prescription of penalties for offences against any regulations made under this Section.
 - (r) generally, for the construction of water works or sale, supply and distribution of water by persons or authority other than the Corporation, and
 - (s) fees payable for licenses or permits issued by the Corporation
- (4) Regulations made under this Section may be given retrospective effect, provided that:
- (a) subject to the provisions of Section 38 and Section 39 water has in fact been supplied in respect of the period for which any regulation was made, whereby any prices, charge or amount for water supplied or rent for meters is to be payable, are to be given retrospective effect;
 - (b) nothing in such regulation contained or by virtue of any of the provisions of this Law shall constitute or be construed as purporting to constitute an offence committed by any person any act or omission by him which was not such an offence by virtue of the provisions of such regulation of this Law except in so far as the same has taken place or has continued on or after the date of publication of the order in the State Gazette.
- (5) If any person contravenes or fails to comply with the provisions of any regulation made under the provisions of this Section, the Corporation may, without prejudice to its rights to take proceedings for a fine or other penalty in respect of such contravention or non-compliance, cut off the supply and in addition (in the alternative) may after such notice in writing as it

may think fit, enter and cause any water fittings belonging to or used by that person which are not in accordance with the requirements of the regulations to be altered repaired or removed, and may recover the expenses reasonably incurred by it in so doing from the person in default in the manner provided for the recovery of water rates.

- (6) The application of any of the regulations made under this section may be general or may be limited as to area or time or otherwise.

Liability for
payment of
Water Rate.

40. The owner or occupier of every tenement not exempted from a rate shall be liable to the Corporation for payment of the rate or charge but unless otherwise prescribed in order or regulations imposing such rate or charge the same shall be deemed an owner's rate, and as between the occupier and the owner of any tenement, shall in the absence of any agreement to the contrary, be borne by the owner, and the amount thereof, if paid by the occupier, may be recovered by him from the owner in an action for money paid to his use, or may be deducted from any rent due to or to become due in respect of the tenement.

Continuity and
Interruption of
Water Supply

41. (1) The Corporation shall as far as possible maintain a continuity of supply of water provided that:
- (a) the Corporation shall have the right to suspend the supply of water for such periods as may be necessary for carrying out inspection, tests, or repairs and for the making of new connections;
 - (b) the Corporation shall have the right to suspend or discontinue any supply where payment of any rates, dues, or charges are in arrears.
- (2) The Corporation shall in no case be under any obligation to pay damage or compensation for loss, damage or inconvenience caused to a consumer through any suspension, failure, discontinuance or a whole or partial interruption of supply of water however caused.
42. (1) The Corporation may purchase in bulk and may re-sell such water whether in bulk or by distribution direct to individual consumers.

(2) No person shall re-sell water supplied by the Corporation save under permit granted by the Corporation upon such terms and conditions as the Corporation may prescribe; provided that no such permit shall be required for the sale of food or any manufactured goods or other commodity in which water supplied by the Corporation is included.

Purchase and
Sale of Water

(3) No person shall sell water obtained from the waterworks or any other water source, to members of the public without a permit to that effect issued by the Corporation; provided that a person who has been issued a permit under any other law to sell water to members of the public shall not be required to obtain permit under this section.

Service to any
tenement

43. (1) The Corporation may supply water through any service to tenement or application being made by the owner or occupier thereof who shall pay to the Corporation any charges the Corporation may require for the laying of a service to such tenement.

(2) The Corporation may refuse to supply water to any particular tenement otherwise than through a meter which shall be supplied, installed and maintained by the Corporation.

Payment for
Excess
Consumption
and Meter
Rent.

44. (1) The occupier of a tenement to which water is supplied by meter shall pay monthly to the Corporation the amount due for the excess consumption and for meter rent.

(2) The Corporation shall as soon as may conveniently be after the end of each month notify the occupier of a tenement supplied with water of the amount due from him for excess consumptions and for meter rent, and the amount payable for excess consumption and the meter rent shall be paid by such occupier within fourteen days of the service upon him of such notice and if the same is not paid, the Corporation may disconnect the service to the tenement.

(3) If any person fails to pay the amount due from him for excess consumption or meter rent, the Corporation may recover the same with cost, together with the expense of

disconnecting the service to the tenement in any court of competent jurisdiction.

Liability of a
Customer
Service
Connections

45. The Corporation shall not by virtue of making any inspection or test of consumer's pipes, fittings, appliances and apparatus in accordance with the Law or any regulations made hereunder, whether in accordance with this Law or any regulations made hereunder whether during process of the work installation of the consumer's premises or after its completion, be deemed to be responsible for the efficiency of safety of the consumer's pipes, fittings, appliances and apparatus so inspected or tested, or from the use or misuse of apparatus by the consumer or any other person other than an employee of the Corporation.

Customer
Service
Entitlement.

16. Except in so far as or otherwise provided by this Law, where a supply of water is made by the Corporation in any part of an area for private purposes, every person within that part of the area shall, upon application to the Corporation, be entitled to a supply on the same terms on which other persons in such part of the area are entitled under similar circumstances to a corresponding supply, provided that in case of a fresh connection adequate water can be made available without detriment to existing supplies to persons or institutions in the area.

Expenses for
Alteration of
Water works.

47. (1) If any person or any department of the Government or any authority does any matter or thing which such person, department or authority is by/under any law authorized to do and which necessitates an alteration in any part of any water works or of any distribution system vested in or the property of the Corporation, the Corporation shall where no reasonable notice was given to it by such person, department or authority make such alteration and the expenses incurred thereby shall be borne by such person, department or authority.
- (2) In the event of any dispute arising as to the amount of such expenses the same may be referred by the person, department or authority as aforesaid or the Corporation to an Arbitrator to be appointed by the Regulator.

PART VII: MAPS OF WATERWORKS, SEWER MAPS

48. (1) Subject to the provisions of this section, it shall be the duty

of the Corporation to keep records of the location of:-

- (a) every resource main, water main or discharge pipe which is for the time being vested in the Corporation; and
 - (b) Any other underground works, other than a service pipe, which are for the time being vested in the Corporation.
- (2) It shall be the duty of the Corporation to ensure that the contents of any records for the time being kept by it under this section are available, at all reasonable times, for inspection by the public free of charge at an office of the Corporation upon prior application in writing to the Corporation.
- (3) Any information which is required under this section to be made available by the Corporation for inspection by the public shall be so made available in form of a map.
- (4) For the purpose of determining whether any failure to make a modification of any records kept under this section constitutes a breach of the duty imposed by subsection (1) that duty shall be taken to require any modification of the records to be made as soon as reasonably practicable after the completion of the works which make the modification necessary; and where records kept under this section are modified, the date of the modification and of the completion of the works making the modification, necessary shall be incorporated in the records.
- (5) The duties of the Corporation under this section shall be enforceable under this Law.

SEWER MAPS

49. (1) Subject to the provisions of this section, it shall be the duty of the Corporation to keep records of the location and other relevant particulars of:
- (a) every public sewer or disposal main which is vested in the Corporation;

- (b) every sewer in relation to which a declaration of vesting has been made by the Corporation, but has not taken effect; and
 - (c) every drain or sewer which is the subject of any agreement to make such a declaration which has been entered into by the Corporation.
 - (d) Such treatment facilities for sewage as may be designed and constructed
- (2) For the purposes of this section, the relevant particulars of a drain, sewer or disposal main are (in addition to its location) particulars:
- (a) of whether it is a drain, sewer or disposal main and of the desertion of effluent for the conveyance of which it is or is to be used; and of whether it is vested in the Corporation or, if it is not,
 - (b) of whether it is a sewer in relation to which a declaration has been made, or a drain or sewer which is the subject of an agreement.
- (3) The records kept by the Corporation under this section shall be kept separately in relation to the area of each Local Government Council within whose area there is any drain, sewer or disposal main of which the Corporation is required to provide copies of the contents of those records.
- (4) For the purpose of determining whether any failure to make a modification of any records kept under this section constitutes a breach of the duty imposed by subsection (1) above, that duty shall be taken to require any modification of the records to be made as soon as reasonably practicable after the completion of the works which make the modification necessary; and where records kept under this section are modified, the date of the modification and of the completion of the works making the modification necessary shall be incorporated in the records.
- (5) The duties of the Corporation under this Law shall be enforceable by appropriate authorities.

PART VIII – GENERAL PROVISIONS, OFFENCES AND PENALTIES

(1) There is hereby established a Magistrate Court for the Corporation (hereinafter referred to as "the Court")

Magistrate Court

50. Powers of the Court

- (1) The court shall have power to;
- (a) recover all surcharges, fines and penalties levied in furtherance of this Law.
 - (b) determine all matters relating to offences and penalties created under this Law;
 - (c) impose fines prescribed under this Law;
 - (d) effect the arrest of offenders of any of the provisions of this Law or regulations made hereto.
 - (e) issue an order of general or specific nature as it may deem fit in accordance with the provisions of this Law.
- (2) The Court shall be presided over by a Magistrate.
- (3) The proceedings of the court shall be in accordance with the provisions of the Criminal Procedure Code Law of Niger State.

Personal Immunity of Members, Agents, etc.

51. No member of the Board, agent, officer or other employees of the Corporation or member of any Committee appointed by the Board under this Law shall be personally liable for an act or default of the Corporation done or omitted to be done in good faith and without negligence of the operations of the Corporation.

Appeal against surcharge and compensation.

52. Any person -

- (a) who is aggrieved by the decision of the Corporation to surcharge any amount upon him; or
- (b) who is dissatisfied as to the amount of compensation payable to him under this Law, may appeal to the High Court within 30 days from the date of the decision or the award of the compensation.

Directions by the Governor.

53. The Governor may, after consultation with the Board, give to the Corporation in writing directions of a general nature not being inconsistent with the provisions of this Law or with contractual or other legal obligation of the Corporation relating to the

performance by the Corporation of its functions under this Law and the Corporation shall give effect to such directions.

Annual Report.

54. The Board shall, as soon as possible after the expiration of each financial year but within six months after the termination of that year, cause to be submitted to the Governor an Annual Report of the Board dealing generally with the activities and operations of the Corporation during that year which shall, without prejudice to the generality of the foregoing, include -

- (a) a copy of the audited accounts of the Corporation;
- (b) a statement of all directions given to the Corporation under Section 48 of this Law.

Water-works property of the Corporation not to be rated.

55. Any water-works vested in or the property of the Corporation shall not be valued for rating purposes under any existing enactment.

Water-works construction permission

56. Water works shall not be constructed by any person without the approval of the Corporation.

Construction of water works.

57. (1) This Section shall not apply to the construction of a well having a diameter exceeding 0.22 meters and a depth not exceeding 61 meters.
- (2) Subject to sub-section (1), no person, shall pump water or permit artisan water to flow from –
- (a) a well having a diameter not exceeding 0.22 meter and a depth exceeding 61 meters; or
 - (b) a borehole within 2 kilometers radius of water-works, without the permission of the Corporation.
- (3) The Corporation may by notice published in the State Gazette specify any area being further than 2 kilometers from any water-works where water shall not be pumped, or artisan water permitted to flow from any well or borehole without the permission in writing of the Corporation.

(4) Any person who contravenes any of the provisions of this Section commits an offence under this Law and is liable on summary conviction to a fine not exceeding ₦200,000.00 or to a term of imprisonment not exceeding 9 months.

58. (1) No person shall: –

(a) willfully or negligently damage a water-works, public fountain, service or meters; or

(b) unlawfully draw off, or divert water from any water works, public fountain, stream or water by which any water works are supplied; or

(c) pollute water in any water works, public, fountain stream, well, borehole or allow any foul liquid, gas or other noxious or injurious matter to enter into any such water or service connected therewith.

(2) Any person who contravenes any of the provisions of this Section commits an offence under this Law and is liable on summary conviction to a fine not exceeding ₦200,000.00 or to a term of imprisonment not exceeding 9 months; and in the case of a continuing offence, after a notice in writing to that person requiring him to stop committing the offence, to an additional fine not exceeding ₦10,000 in respect of each day on which the offence continues and to a term of imprisonment not exceeding one month.

59. (1) No person shall: –

(a) willfully or negligently misuse or waste or cause or permit to be misused or wasted any water passing into, though, upon or near any tenement; or damage a water-works, public fountain, service or meter; or

(c) alter or cause or permit to be altered any service without the written permission of the Corporation. unlawful draw off, or divert water from any water works, public fountain, stream or water by which any water works are supplied; or

(d) pollute water in any water works, public, fountain, stream, well, borehole or allow any foul liquid, gas or other noxious

Misuse of
water or
altered
service, etc

or injuries matter to enter any such water or service connected therewith.

(2) Any person who contravenes sub-section (1) commits an offence under this Law and is liable on summary conviction to a fine not exceeding ₦100,000 or to a term of imprisonment not exceeding three month.

Alter or damage service or meter

60. (1) No person shall –

(a) alter or cause or permit to be altered any service with intent to –

(i) avoid the accounts measurement or register, etc.

(ii) obtain greater supply of water than he is entitled to; or

(iii) avoid payment of water supplied to him; or

(b) willfully or negligently alter or damage or cause or permit to be altered or damaged any meter or service.

(2) Any person who contravenes sub-section (1) commits an offence under this Law and is liable on summary conviction to a term of imprisonment not exceeding 4 months without an option of fine.

(3) Any meter or service so altered or damaged shall be replaced or repaired by the Corporation at the expense of the person convicted and the cost of replacement or repair of such meter or service may be recovered upon the order of a court in the same manner as any penalty may be recovered upon conviction.

61. (1) Any person who puts or permits to be put or to remain, to accumulate on any tenement owned or occupied by him or his servant, or who fails to remove or to cause to be removed; or to take such steps as may be necessary to prevent, upon notice in writing from the Corporation, any foul nuisance or injurious matters, or any earth, deposit or excavated material in such manner or place that it may be washed, fall or be carried into any water-works or the gathering ground thereof commits an offence under this Law.

Foul accumulation of earth.

- (2) Any person who commits an offence under sub-section (1) is liable on summary conviction to a fine not exceeding ₦100,000 or to a term of imprisonment not exceeding 4 months; and in the case of a continuing offence, to an additional fine not exceeding ₦5,000 in respect of each day on which the offence continues.

Bathing,
washing,
etc. in
water-works

62. Any person who -

- (a) bathes or washes in any part of any water-works; or
- (b) throw or causes to enter any water-works, any dog, horse, goat, pig, or any other animal, or any bird or any cloth, material or things; or
- (c) wrongfully opens or closes any lock, cock valve, sluice or manhole belonging to water-works, commits an offence and on conviction shall be liable to a fine not exceeding the sum of ₦50,000.

General
penalties

63. Any person who contravenes any provision of this Law in respect of which an offence has not been prescribed, commits an offence and is liable on summary conviction to a fine not exceeding ₦100,000 or to a term of imprisonment not exceeding 6 months; and in the case of a continuing offence, to an additional ₦5,000 in respect of each day on which the offence continues.

Offence by
bodies or
persons

64. (1) Subject to sub-section (2) where an offence is committed under this Law or under regulations made hereunder by a body of persons, then -
- (a) in the case of a body corporate, other than a partnership every Director, Secretary or similar officer of the body is liable; and
 - (b) in the case of a partnership every partner of the partnership commits the offence.
- (2) No person commits an offence by virtue of sub-section (1) if he proves to the satisfaction of the Court:
- (a) that he did not consent to the commission of the offence; and

(b) that he did all in his power to prevent the commission of the offence having regard to all the circumstances.

Regulations

65. (1) The Regulator may make such regulations as it deems necessary for the purpose of giving effect to the provisions of this Law.
- (2) Without prejudice to the generality of sub-section (1), regulations made hereunder may prescribe fees or rates to be charged under this Law.
- (3) Regulations made under this Law may prescribe in relation to any contravention of the regulations:
- (a) penalties not exceeding a fine of ₦100,000 or 6 months "imprisonment";
 - (b) additional penalties not exceeding ₦5,000 per day in respect of continuing offence.
- (4) Any regulation made by the Regulator under this Law shall prevail over any guideline issued by the Board.

Administrative instruction

66. The Board may from time to time issue guidelines and administrative instructions in writing for internal operations of the Corporation including but without prejudice to the general effect of the foregoing, the conditions of service of the employees of the Corporation and the operation of the contributory scheme.

Service, Notice, etc.

67. Service upon the Corporation of any notice, order or other document may be effected by delivering such notice, order or other document or by sending it by registered post addressed to the Secretary of the Corporation.

Restriction on execution against the Corporation

68. No execution or attachment or process in the nature thereof shall be issued against any water-works vested in or the property of the Corporation, until the expiration of three months from the date of judgment of the Court.
69. (1) No suit shall be commenced against the Corporation

until one month has lapsed since a written notice to commence suit shall have been served on the Corporation by the plaintiff/complainant or his agent.


- (2) A notice under sub-section (1) shall state -
 - (a) the cause of action;
 - (b) the relief sought; and the name and place of abode of the complainant/plaintiff.

Repeals,
dissolutions
and savings,
etc.

- 70. (1) The Niger State Water Board Edict, 1976 is hereby repealed and accordingly, the Board existing immediately before the commencement of this Law is hereby dissolved.
- (2) Notwithstanding the repeal of the Edict; any agreement executed there under and in force immediately before the commencement of this Law shall continue in force as if made under this Law, except that agreements continued in force by this sub-section, unless modified by any new agreements entered into with the Board, confer only the benefits previously enjoyed under the agreements before the commencement of this Law.
- (3) Without prejudice to the general effect of Section 12 of the Interpretation Law (Cap. 52) the repeal of the Edict shall not affect any obligation or penalty incurred by any person before the repeal.
- (4) Notwithstanding the repeal of the Edict, any statutory instruments made hereunder and in force immediately before the commencement of this Law shall continue in force as if they were regulations made under Section 62 of this Law or by the Ministry and may accordingly be amended or evoked under that Section or by the Ministry.
- (5) Any employee engaged for the exercise of the functions and powers in respect of water supply and development of water resources, with effect from the commencement of this Law shall be deemed to be an employee of the Corporation, on the same terms and conditions of service as those employed by the dissolved Board.

FIRST SCHEDULE

I assented this... 20th... day of May 2020 Time 12:46 PM


Alhaji Abubakar Sani Bello
Governor of Niger State


SECOND SCHEDULE

I withheld assent this..... day of..... 2020 Time.....

Alhaji Abubakar Sani Bello
Governor of Niger State

THIRD SCHEDULE

I, Abdullahi M. Kagara, Clerk to the Legislature of Niger State hereby certify that this Law has been passed in accordance with Sub-Section 3 of Section 100 of the Constitution of the Federal Republic of Nigeria 1999. This printed impression has been carefully compared by me with the Bill, which has been passed by the Legislature and found by me to be a true and correctly printed copy of the said Bill.


ABDULLAHI M. KAGARA
Clerk to the Legislature

