



Plateau State Of Nigeria Gazette

Published by Authority

NO. 7

Jos 17th April, 2020

Vol. 2

Plateau State Notice No.6

CONTENTS:

PLATEAU STATE WATER SECTOR LAW, 2019.

PAGES..... 1 - 250

Printed and Published by Government Printer- Jos 00039/17/04/20/1000

Annual subscription: Nigeria N3,500.00

Application for the purchase of Gazette and other Government publication should be submitted to the Government Printer Jos. Remittance should be in money or postal order, crossed and made payable to the Government Printer Jos. Postage Stamps are Not acceptable



Plateau State of Nigeria
Gazette

Published by Authority

Vol. 2

For 17th April 2019

No. 7

Plateau State Gazette No. 8

CONTENTS

PLATEAU STATE

WATER SECTOR LAW, 2019

PLATEAU STATE WATER SECTOR LAW, 2019

Printed and published by Government Printer, Jos, Plateau State
Copyright © 2019, Plateau State Government
All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior written permission of the Plateau State Government.

ARRANGEMENT OF SECTIONS PART I

PRELIMINARY

1. Citation and Commencement
2. Interpretation

PART II

FUNDAMENTAL PRINCIPLES AND ENTITLEMENT TO USE OF WATER

3. Objectives and Functions
4. Gender Mainstreaming
5. General efficiency in the use of Water
6. Domestic use efficiency
7. Irrigation use efficiency
8. Economic benefits of Sanitation
9. Institutions' role in improving economic base of
Communities
10. Managing for financial viability
11. Water Trading
12. Water and Sanitation Services Strategy
13. Stake holder participation in sustainable management of
Water and Sanitation
14. Stakeholder training for Community management of Water
and Sanitation Facilities

15. Multi-stakeholder process in Water and Sanitation Management
16. Multi-stakeholder principles and strategies in Water and Sanitation Management
17. Government's attitude to multi-stakeholder participation

**PART III
SUSTAINABLE USE OF WATER**

18. Sustainable use of water in Agriculture
19. Economic sustainability in the use of Water
20. Social sustainability
21. Environmental sustainability
22. Groundwater sustainability
23. Water quality and pollution control

**PART IV
JOS WATER SERVICES CORPORATION**

24. Establishment of the Corporation
25. Establishment of Customer Care Centre
26. Functions of the Centre
27. Constitution of the Board of Directors
28. Remuneration for members of the Board
29. Tenure of office of members of the Board
30. Vacation of office by members of the Board
31. Proceedings of the Board

32.	Objectives of the Corporation	53
33.	Functions of the Corporation	56
34.	Powers of the Corporation	57
35.	Structure of the Corporation	58
36.	Business Units the Corporation	59
37.	Managing Director	60
38.	Executive Directors	61
39.	Secretary and Legal Adviser	62
40.	Functions of the Secretary and Legal Adviser	63
41.	Staff of the Corporation	64
42.	Pension Rights	65
43.	Management Committee	66
44.	Funds and resource of the Corporation	67
45.	Bank Accounts	68
46.	Application of the Board's Revenue	69
47.	General Reserve fund	70
48.	Loans and Grants	71
49.	Annual Estimates and Accounts	72
50.	Annual Reports	73
51.	Internal Audit	74
52.	Power to accept Gifts	75
53.	Power to Borrow	76
54.	Power to Invest	77

55. Power to raise capital on the Stock Exchange
56. Guarantee on Loans or other investments
57. Bad Debts
58. Proof of moneys due
59. Responsibility to Consumers
60. Rates and Scales of Charges
61. Application for Water Supply
62. Purchase, Resale and Distribution of Water
63. Prohibition of sale of water supplied
64. Payment for Water Rates and Charges
65. Corporation not responsible for installation works or for damage
66. Entitlement to supply of water without preferential treatment
67. Responsibility for expenses caused by certain necessary alterations
68. Map of Works

PART V
PLATEAU STATE MUNICIPAL WATER SUPPLY AND
SANITATION AGENCY (PLAMWASSA)

69. Establishment of the Agency
70. Composition of the Governing Board
71. Remuneration of members of the Board

72.	Tenure of office of members	92.
73.	Duties of the Board	94.
74.	Quorum	97.
75.	Vacation of Office	98.
76.	Objectives	99.
77.	Functions of the Agency	100.
78.	Powers of Agency	101.
79.	Responsibilities the Governor may perform of delegate	102.
80.	Structure of the Agency	103.
81.	Business units of the Agency	104.
82.	The General Manager	105.
83.	Assistant-General Managers	106.
84.	Secretary and Legal Adviser	107.
85.	Functions of the Secretary and Legal Adviser	108.
86.	Staff of the Agency	109.
87.	Pension Rights	110.
88.	Management Committee	111.
89.	Funds and resource of the Agency	112.
90.	Bank Accounts	113.
91.	Application of the Fund of the Agency	114.
92.	General Reserve Fund	115.
93.	Loans and Grants	116.
94.	Annual Estimates and Accounts	117.

95. Internal Audit
96. Power to Accept Gifts
97. Power to Borrow
98. Power to Invest
99. Power to raise capital on the Stock Exchange
100. Guarantee on Loans or other Investments
101. Bad Debts
102. Proof of moncys due
103. The Agency 's Responsibility to Consumers for Continuous Supply of Water
104. Rates and Scales of Charges.
105. Application for Water Supply of Charges.
106. Prohibition of Sale of Water Supplied by Agency
107. Payment for Water Rates and Charges
108. Supply to Local Government Councils and its Institutions.
109. Entitlement to Supply of Water without Preferential Treatment.
110. Maps of Waterworks and Sanitation Infrastructure.
111. Water Consumers Associations (WCAs)
112. Objectives
113. Functions
114. Structure
115. Board of Trustees

- 116. Functions of the BOT
- 117. Tenure of member of BOT

PART VI
PLATEAU RURAL WATER SUPPLY AND SANITATION
AGENCY (PRUWASSA)

- 118. Establishment of the Agency
- 119. Composition of the Board
- 120. Remuneration of members of the Board
- 121. Tenure of office of members
- 122. Duties of the Board
- 123. Quorum
- 124. Vacation of Office
- 125. Functions of PRUWASSA
- 126. The General Manager
- 127. Secretary and Legal Adviser
- 128. Functions of the Secretary and Legal Adviser
- 129. Staff of the Agency
- 130. Pension Rights
- 131. Management Committee
- 132. Meetings of the Board

- 133. Standing Orders
- 134. Committees of the Board
- 135. Common Seal

FINANCIAL PROVISIONS

- 136. Funds of PRUWASSA
- 137. Contributions to PRUWASSA's fund
- 138. Bank Accounts
- 139. Accounts and Audit
- 140. Annual Estimates and Accounts
- 141. Annual Report
- 142. Power to Borrow
- 143. Establishment of Local Government WASH Department
- 144. Functions of the Department
- 145. WASHCOM for each Community
- 146. Functions of the Committee

Part VII

PLATEAU STATE WATER SECTOR REGULATORY

COMMISSION

- 147. Establishment of the Regulatory Commission
- 148. Composition of the Commission
- 149. Primary duties of the Commission
- 150. Objective of the Commission

151.	Functions of the Commission	174
152.	Powers of the Commission	175
153.	Annual Report	176
154.	Bank Account	177
155.	Account and Audit	178
156.	Proofs of Money due	179
157.	Restriction on Execution	180
158.	Tenure of Office	181
159.	Remuneration	182
160.	Removal of Member of the Commission	183
161.	Resignation from the Commission	184
162.	The Regulatory Adviser	185
163.	Executive Secretary and Secretariat	186
164.	Appointment of Staff	187
165.	Confidentiality	188
166.	Consultation	189
167.	Commission not subject to direction or control	190
168.	Commission may publish Statements and Reports	191
169.	Commission must publish Guidelines	192
170.	Declaration of Pecuniary Interests	193
171.	Meetings of the Commission	194
172.	Conduct of Inquiry or Determination	195
173.	Determinations of Commission	196

174.	Matters to be included in Annual Report	151.
175.	Price Regulation	152.
176.	Tariff determinations	153.
177.	Other Regulatory Powers	154.
178.	General provisions relating to determinations	155.
179.	General power to obtain information and documents	156.
180.	Restriction on disclosure of confidential information	157.
181.	Application for Licence	158.
182.	Determination of Application	159.
183.	Provisions relating to Licences	160.
184.	Specific Licence Conditions.	161.
185.	Determination of Fees and Charges	162.
186.	Variation or Revocation of Licence	163.
187.	Publication	164.
188.	Transfer of Licence	165.
189.	Prohibition	166.
190.	Exemptions	167.
191.	Environmental Audit Unit	168.
192.	Funds and Resources	169.
193.	Determination of Surcharge	170.

**PART VIII
WATER SECTOR FUND**

194.	Water Sector Fund	171.
------	-------------------	------

195. Application of the Fund
196. Management of the Trust Fund

PART IX
WATER QUALITY STANDARDS AND ENVIRONMENTAL
ISSUES

197. Monitoring
198. Environmental Compliance
199. Quality of Water
200. Control of Ground Water
201. Irrigation Development
202. Surface Water Use/Abstraction
203. Discharge of Waste into Water Bodies
204. Watershed Management
205. Drainage and Land Reclamation
206. Standard of performance in connection with Water Supply
207. Duties of the Corporation with respect to Water Quality
208. Regulations for preserving Water Quality
209. Offence of supplying water unfit for human consumption
210. Contamination of Water Sources
211. Offences of contaminating, wasting and misusing Water, etc.
212. Regulations of preventing contamination, waste, etc., with respect to water fittings

- 213. Power to prevent damage and to take steps to prevent contamination, waste, etc.
- 214. Information to be given to Customers about overall performance
- 215. Power to deal with Foul Water and Pollution

**PART X
WATER SECTOR COURT**

- 216. Establishment of the State Water Court
- 217. Composition of the Court
- 218. Appointment
- 219. Tenure
- 220. Remuneration
- 221. Jurisdiction
- 222. Registrar of the Court
- 223. Proceedings
- 224. Appeal
- 225. Mode of Appeal
- 226. Exemption from liability

**PART XI
Legal Proceedings and Miscellaneous Provisions**

- 227. Limitation of Suits against the Corporation, etc.

228. Service of Notice
229. Restriction on execution against the Corporation
230. Indemnity of the Officers of the Corporation
231. Offences and Penalties
232. Provision relating to Defaulters etc.
233. Recovery of loss of Money
234. Appeal against Surcharge
235. Abstraction by Fire Authorities
236. Provisions relating to Land
237. Notice of intention to enter Land to construct new electric or main transmission lines, etc.
238. Compulsory acquisition of Land
239. Directives by the Governor
240. Directives by Commissioner
241. Power to make Regulations
242. Vesting of Assets, Rights, Obligations, Liabilities, etc.
243. Savings and transfers of Assets, Obligations, Liabilities and transfer of Staff etc.
244. Repeals

**PLATEAU STATE WATER SECTOR LAW, 2019
ENACTED BY THE PLATEAU STATE HOUSE OF
ASSEMBLY AS FOLLOWS:**

PART I

PRELIMINARY

Citation and
commencement

1. This Law may be cited as Plateau State Water Sector Law, 2019 and will come into operation on the...3rd...day of...Junc...2019.

Interpretation

2. In this Law:
“abstraction” in relation to water contained in any source of supply, means the doing of anything whereby any of that water is removed from that source of supply, whether temporarily or permanently, including anything whereby the water is so removed for the purpose of being transferred to another source of supply and “abstract” shall be construed accordingly;

“accountant-general” means the Accountant-General of the State;

“appropriate authority” means any authority having jurisdiction over a specific area for the purpose of this Law or any law;

“auditor-general” means the Auditor-General of the State;

“authorized officer” means any member of Staff of any Institution established pursuant to

this Law duly authorized in writing by such Institution, and shall include an officer of the Water Consumers Association (WCA) or Water Sanitation and Hygiene Committee (WASHCOM);

“area of operation” means the area of coverage for each of the Institutions as established in this Law;

“basic water supply” means the prescribed minimum standard of water supply services necessary for the reliable supply of a sufficient quantity and equality of water to households, including informal households, to support life and hygiene, as specified from time to time by the Commissioner;

“biodiversity” means different plant and animal life in a particular natural area;

“board” means the Board of any of the institutions created under this Law;

“bulk supply” means water supplied for the purpose of wholesale by any of the institutions or other operators;

“bulk water” means water intended for potable uses which is transported by tank-trucks or in reservoirs;

“business office” means an office of any of the institutions in any business unit;

“business unit” means any geographical area consisting a cell of any of the institutions;

“catchment management strategy” means acting in a way to carry out a positive integration of the planning, coordination of land, water and biodiversity management;

“catchment” means an area where water is collected by the natural landscape;

“chairman” means the Chairman of any of the Boards or bodies established pursuant to the relevant Sections of this Law;

“commission” means the Plateau State Water Sector Regulatory Commission;

“commissioner” means Commissioner for Water Resources and Energy;

“conduit” means a channel for transferring water or other fluid;

“consumer” means any person who is supplied with water and includes any person who applied to be supplied with water from any waterworks or any person who otherwise uses water and is liable for the payment of water rates, rents or charges but does not deliver or resell the service to others including an end- user in an informal settlement;

“contravention” includes a failure to comply;

“corporation” means the Jos Water Services Corporation established under Part III Section 24 (1) of this Law;

“decreasing block tariff” means the rate per unit of water is high for the initial (lower) block of consumption and decreases as the volume of consumption increases;

“deforestation” means removal of a forest or stand of trees where the land is consequently converted to a non-forest use;

“domestic supply” means water from any water agent that serves for drinking, washing, cooking, bathing and other related household matters;

“distribution system” means any operator’s networks or mains, pipes, pumping stations and service reservoirs through which water is conveyed to customers;

“domestic sewage” means the spent water supply of the Community from residential, commercial and Institutional users and may be generated from kitchen, bathroom, lavatory and toilets;

“domestic supply” means water supplied from any waterworks used in any tenement for drinking, washing, cooking, bathing or any other purpose of domestic life;

“drain” means any pipe or channel, etc, conveying only surface water or subsoil water or both and which is below ground level;

“emergency situation” means any situation declared as such by the Governor or the Commissioner;

“effluent” means liquid waste or sewage discharged into a river or the sea;

“essential services” includes hospitals, fire

services, orphanages, public schools and other consumers as may be prescribed by the Ministry;

“equitable” means fair and impartial;

“evaporation pond” means an artificial pond with very large surface area that is designed to efficiently evaporate water by sunlight and exposure to the surrounding temperatures;

“evapo-transpiration” means transport of water into the atmosphere from surfaces such as soil (soil evaporation) and from vegetation (transpiration);

“federal ministry” means the relevant Ministry established by the Federal Government;

“financial year” means the period prescribed as such in the Financial Regulations and Laws of the State;

“fire authority” means any authority or body of firemen duly constituted, organized or established under any Enactment or Law by the Federal, State or Local Government;

“flexi-time” means a system of working a set number of hours with the starting and finishing times chosen within agreed limits by the employee;

“functions” includes objectives and duties;

“gazette” means the Official Gazette of the Plateau State Government;

“gender” means the male and female species in the human population;

“gender mainstreaming” means a public policy concept of assessing the different implications for women and men of any planned policy action, including legislation and programmes, in all areas and levels;

“government” means Government of Plateau State;

“governor” means the Governor of Plateau State;

“greater Jos Master Plan” means the total area covering 1530 Square Kilometers (Km²) as delineated by the State Ministry for Lands Survey and Town Planning to cover the Jos North, Jos South, parts of Bassa, Barkin-Ladi, Jos East and Riyom Local Government Areas;

“groundwater” means water from an underground source;

“hydrant” means an outlet from a fluid-main often consisting of an upright pipe with a valve attached from which fluid (water or fuel) can be tapped;

“hydrological areas” means a basin shaped area of land bounded by natural features such as hills or mountains from which surface and sub-surface water flows into streams, rivers and wetlands;

“increasing block tariff” means the rate per unit of water increase as the volume of consumption increases;

'informal settlement' means a place where residents lack basic services;

"information" includes anything contained in any record, estimate or returns;

"institutions" means the Water and Sanitation agencies such as the Jos Water Services Corporation, Plateau State Municipal Water Supply and Sanitation Agency (PLAMWASSA), Plateau State Rural Water Supply and Sanitation Agency (PRUWASSA) and Plateau State Water Sector Regulatory Commission;

"intertic" means an interconnection between public water systems permitting the exchange or delivery of water between those systems;

"IWRM" means Integrated Water Resource Management;

"leakage" means water loss from the service provider's water distribution system;

"LGA" means Local Government Area;

"manhole" means any chamber constructed on a closed drain so as to provide access thereto for inspection, maintenance or cleaning;

"MDA" means Ministry, Department or Agency;

"member" means a member of the Board of any of the Institutions and includes the Chairman;

"meter" means a measuring instrument for determining the volume of water passing through a distribution piping;

"metered supply" means the supply of water by means of a service where the water supply is measured by a meter;

"ministry" means Ministry for Water Resources and Energy;

"national water laws and regulations" means all applicable Federal Water Laws and Regulations, the National Water Policy and guidelines prescribed by Federal Ministries;

"national water policy" means The Policy of the Federal Government on Water Supply, Sanitation and Hygiene and water resources as may be formulated approved and adopted from time to time;

"nonpoint sources pollution" means contamination arising from land use activities in a wide area comprising catchment or sub-catchment;

"occupier" in relation to a premises means the person in occupation of the whole or of any part of such premises, but does not include a lodger or squatter;

"owner" includes the person for the time being, receiving the rent of the tenement in respect of which the water is used, whether on his own account or as agent or trustee of any other person or who would receive the rent, if such tenement were to be left to a tenant and includes the holder of a tenement from the Governor whether under lease, license or otherwise;

"PPP" means Public Private Partnership, specifically in the development and management of Water and Sanitation infrastructure;

"permit" shall mean the certificate to be issued by the Commissioner stating the information that may be required as the Commissioner shall determine,

"person" means an Individual, Corporate Entity, Limited Liability Company, Partnership duly registered under the Companies and Allied Matters Act, or a natural person as defined under the Interpretation Act;

"PLAMWASSA" means Plateau State Municipal Water Supply and Sanitation Agency and it is one of the Agencies in this Law;

"pollution" means any human or animal activity that makes a body of water unfit its intended use;

"polluter-pays" means making the party responsible for a pollution to pay for the damage done to the natural environment;

"premises" means land with buildings or a distinct or separate holding or tenancy or any wharf or pier, or any tract of land used for any purpose;

"prescribed" means prescribed by Regulation;

and Transfer (BOT) and Build Own Operate

"private sector participant" means a Corporate Entity, Limited Liability Company, Partnership or Individual that provides any service or undertakes any activity in the Water and Sanitation services sector either by agreement or license from Government who has not been prohibited from undertaking such activity by Regulations prescribed by the Commissioner;

"private sector participation agreement" means an agreement between a Public Sector Agency or I body created in this Law and a Private Sector Participant to undertake any activity for the delivery of water or sanitation services on behalf of such Public Agency or body in accordance with the provisions of this Law or any other relevant Law;

"property" includes buildings and appurtenances, accessories, stores, materials, investments, funds, loans and accounts-receivable claims;

"public private partnership agreement" means an agreement between the Institutions in the Water Sector and a Private Sector Participant selected by the Institutions through competitive bidding procedure to carry out Public Private Partnership participation that sets the terms and conditions of such participation, including, without limiting the generality of the foregoing; Concessions, Leases, Management Contracts, Build Own

and Transfer (BOT) and Build Own Operate and Transfer (BOOT) Agreements, Technical Assistance Contracts, Consulting Services Contracts, Franchise, Bulk Water Supply and Purchase Agreements and Regulatory Agreements;

“public fountain” means any fountain, standpipe, valve, tap of any device used or intended to be used for or in connection with the supply of water to the public from any waterworks, and vested in or erected by the Corporation or its Concessionaire and which is the property thereof;

“records” include computer records and other records kept otherwise than in a document;

“regulatory body” means the State Infrastructure, Promotion and Regulatory Agency or the State Water Sector Regulatory Commission or any such similar body established by law;

“relevant authority” means any government Ministry, Department or Agency or any other body, which is competent to address matters within its powers;

“relevant state ministry” means the relevant Ministry of the State including the Water Resources Ministry, Ministry of Health, or the Ministry of Environment, or other ministry as applicable;

"riparian" means relating to or situated on the banks of a river;

"sanitation" means the prescribed minimum standard of services necessary for the safe, hygienic and adequate collection, removal, disposal or purification of human excreta, domestic waste-water and sewage from household;

"services" means the satisfactory fulfilment of Water and Sanitation needs of the final user;

"sewage" means used water and waste substances that are produced from human bodies, that are carried away from tenement or other sources;

"sewer" means a large underground pipe that carries wastewater and human waste away from buildings to a place where they can be safely gotten rid of;

"sewerage" means a system of piped network of sewers constructed to evacuate waste water and sewage from source and may include disposal and treatment of sewage;

"special area plan" means a statutory planning management tool approved by the Commissioner to deal with specific land management issues in a special area;

"state" means the Plateau State of Nigeria;

"state government" means the Government of Plateau State of Nigeria

"state information system" means the system for the collection of information pertaining to

Water Services to be created and maintained in accordance with this Law;

"state water agencies" means the Jos Water Services Corporation, Rural Water Supply and Sanitation Agency, Municipal Water Supply and Sanitation Agency and similar bodies in the State Water Sector;

"state water laws and policies" means this Law, all other relevant Laws, all Regulations including Orders and Guidelines issued by the Commissioner pursuant to this Law, and all Water Supply and Sanitation (WSS) Policies in the State.

"state-wide water services development plan" means the State-wide Water Sector Development Plan including the aggregate investment plan created by the Ministry and approved by the State Executive Council in accordance with this Law;

"stakeholder" means individuals or groups that affect water decisions;

"stakeholder participation" means individuals or groups being involved in the initiation, planning, implementation, management and evaluation of the decision-making process;

"street" includes any square, court, highway, road, thorough fare or public passage or place over which the public have a right of way;

"strict liability" means an absolute legal responsibility for an injury that can be

imposed on the wrong doer without proof of carelessness or default;

"substance" includes micro-organisms and any natural or artificial substance or other matter, whether it is in solid or liquid form of a gas or vapour;

"tailing dam" means a structure built for the purposes of storing mine waste and water from the mining process;

"tariffs" means the charges for Water Services and/or water-related services set in accordance with this Law;

"tenement" means any land with or without buildings which is held or occupied as a distinct or separate holding under tenancy or terms of occupation of any description;

"to pond" means to hold back or dam up flowing water or another liquid to form a collection called a pond;

"treated water" means water treated for domestic, commercial or industrial purposes;

"uniform volumetric charge" means a water Law showing the quantity used (cubic meters) multiplied by the price per unit of water;

"WASH" means Water Sanitation and Hygiene;

"WASHCOM" means Water Sanitation and Hygiene Committee;

"WCA" means Water Consumer Association;

"wastewater" means water containing any solid, chemical or biological, that makes this

water unfit for domestic or industrial use;
"water mains" means a water supply system or water supply network which is a system of engineered hydrologic and hydraulic component which provides water supply or a principal pipe in a system of pipes for conveying water, especially one installed underground;

"water pricing" means an activity that covers various processes to assign a price to water;

"water quality standards" means the health, environment, and sanitation standards relating to the quality of drinking water consistent with the National Drinking Water Quality Standards developed by the Federal Ministry of Health and the Standards Organization of Nigeria as may be amended from time to time;

"water resource" means any collection of water, surface or underground, that provides potable water and water for industrial uses;

"water services" means the abstraction, conveyance, treatment and distribution of portable water; water intended be converted to portable water or water for commercial use, where such water is provided to consumers or other water services providers, wastewater collection, treatment and disposal, and sanitation services;

"water service intermediary" means a Private Sector Participant who is obliged to provide water services to consumers under terms of a

Water Services
2015/16
01

Water Services
2015/16
01

contract where the obligation to provide such water services is incidental to the main object of that contract, including, without limitation under a contract relating to a housing estate or under an employment contract with a farm, mine or other industry;

"water services provider" means the State Water Agencies acting in that capacity and any other person who provides water services to consumers or other water services providers with or without the responsibility to collect any tariffs that may be due and includes a Water Services Intermediary;

"water service regulatory functions" means the prescribing of Rules, Orders and Regulations for the provision of water services, granting of water service provider licences and other regulatory functions of the ministry in accordance with this Law;

"water services provider licenses" means the license issued pursuant to this Law granting a person rights to provide water services within a jurisdiction i.e., the geographic areas specified therein and shall include a permit in accordance with Regulations or Guidelines issued by the ministry.

"water tariff" means a price assigned to water supplied by a public utility through a piped network to its customers;

"water works" means a reservoir, dam, well, pump house, borehole, pumping installation, purification work, sewage treatment plant, sewers, access road, dedicated electric power supply pipeline, meter, fitting or apparatus built, installed or used by a Water Services Provider to provide water services;

"wetland" means land consisting of marshes or swamps;

"WUE" means Water Use Efficiency programme;

Objectives and functions

3.

(1) The objectives and functions of the Water Sector Law shall be to enable:

(a) the guarantee of citizens' right of access to sustainable clean Water and Sanitation;

(b) the sector fulfil the basic Water and Sanitation needs of the present and future generations;

(c) Water and Sanitation Institutions promote equitable and affordable water access to reduce poverty.

(d) stakeholders adopt catchment areas as the basic units for water resources management;

(e) stakeholders in the Water and Sanitation sector in the State protect all water resources and maintain their sustainability;

(f) stakeholders in the Water and Sanitation sector protect all aquatic

- (g) ecosystems;
- (g) water institutions recognize the existing customary uses of water;
- (h) water institutions recognize the principle of 'polluter-pays';
- (i) water users must avoid significant harm to others;
- (j) water and sanitation institutions promote efficient, sustainable and beneficial use of water in the interest of the public;
- (k) water institutions facilitate social development, poverty reduction, improved public health, economic development and gender equity;
- (l) water institutions recognize the growing demand for water use, promote conservation and consider the economic value of water;
- (m) all institutions support initiatives that reduce and prevent pollution and degradation of water resources;
- (n) state, its Water and Sanitation institutions, manage floods, desertification, droughts, erosion control and land drainage;
- (o) water and sanitation institutions establish comprehensive and equitable coverage of water supply and sanitation, including

promoting Public Private Partnerships in the delivery of water services;

- (p) water and sanitation institutions promote the Public Private Partnership (PPP) principles in the development and management of water resources infrastructure;
- (q) water and sanitation institutions promote safety of dams;
- (r) water and sanitation institutions recognize and implement the principle of water as an economic and social good, taking into consideration the socio-economic status of the users and, particularly, affordability; and
- (s) water and sanitation institutions provide training and capacity building to all its staff.

(2) The institutions named in this Law shall achieve the purposes set out in sub-section (1) of this Section under the guidance of the following principles:

- (a) participating and consulting with Urban, Small Towns, Local Governments and Rural Communities, Women and all other visible Stakeholders;
- (b) managing resources at the lowest

- tier of intervention;
- (c) adopting administrative efficiency;
- (d) upholding transparency;
- (e) building accountability; and
- (f) implementing National and State Policies on gender and the environment.

(3) To implement the principles laid down in sub-sections (1) and (2) above, the institutions named in this Law shall promote the concept of Integrated Water Resources Management, together with the coordinated management of;

- (a) economic requirements, social welfare and environmental sustainability;
- (b) land and water resources;
- (c) surface water and groundwater resources; and
- (d) upstream and down-stream interests.

Gender Mainstreaming 4. (1) The Principles laid down in Sub-section 1 of Section 3 above promotes Gender Mainstreaming and shall apply to gender and social equity in the Water and Sanitation Sector.

(2) Gender Mainstreaming shall be an

integral part of any project on Water and Sanitation. It shall have the following components:

(a) assessing the implications for gender in any planned action, including Legislation, Policies or Programmes in all areas and at all levels;

(b) inclusion of a strategy for making gender concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of Policies and Programmes in all political, economic and societal spheres; and

(c) achieving gender equality at all times.

(3) Gender consideration shall exist at Policy level and this consideration shall survey the following:

(a) government and the institutions shall include gender issues in State Policy Reforms on Water and Sanitation;

(b) government and institutions shall carry out audit to identify gaps in responding to gender issues;

(c) the Ministry and the institutions shall allocate resources for gender mainstreaming activities;

(d) the Sector Policy shall address all barriers relating to gender in making

productive use of water in the areas of Household, Livestock, Irrigation, Cottage Industries and other related purposes;

- (c) policies shall address issues of women's participation and representation in projects;
- (f) institutions shall respect gender policies that align with investments;
- (g) institutions shall support State and Federal Government to fulfil mainstreaming policy goals; and
- (h) stakeholders shall regularly incorporate gender considerations in studies, reviews or research related to fostering sector goals.

(4) The indicators for sub-section 3 above are as follows:

- (a) gender-specific objectives at the sector level;
- (b) gender Policies within the institutions;
- (c) water and sanitation distribution ratios;
- (d) percentage of population on-network versus off-network; and
- (e) percentage of expenditure by gender in accessing Water and Sanitation services in different parts of the

State.

(5) Government and its institutions shall:

(a) ensure compliance with gender mainstreaming by observing the following in its workplace:

- i. equitable work environment convenient to all;**
- ii. absence of discrimination based on gender, race, age, marital status, pregnancy and parenthood;**
- iii. placing a check against discrimination relating to a person's disability during recruitment;**
- iv. avoiding discrimination in staff promotion and staff training; and**
- v. ensuring staff safety at work; this safety includes travels during work;**

(b) ensure compliance with the conditions of service as enshrined in the Civil Service Rules to balance work and family responsibility;

(c) ensure that none of the following is practised in any of its work places:

- i. sexual and psychological abuse aimed at embarrassing the victim;**

- ii. ethnic and racist abuse aimed at embarrassing the victim; and
 - iii. images and other signs of harassment; and
 - (d) carry out disciplinary measures against any person who contravenes any of the provisions in sub-section (5) (c) (i) – (iii) above.
- (6) Government and its Institutions shall facilitate women's role in water operations in low income areas as follows:
- (a) incorporating the key objectives of water supply service to low income areas;
 - (b) articulating Guidelines, Strategies and Principles of water supply services to low income areas;
 - (c) establishing pro-poor units that shall respond to gender issues;
 - (d) creating practical mechanisms that empower men and women financially through flexible water connection payment terms, appropriate Tariffs and targeted Subsidies; and
 - (e) partnering with Community Based Organizations and Private Entrepreneurs to penetrate and expand water services to the low-income settlements.

(7) (a) All institutions shall lead and facilitate the principle of gender in urban sanitation using the following processes:

- i. partnering with Local Governments, Local Women Groups and the Private Sector to overcome technical and financial barriers against women accessing urban sanitations;
- ii. establishing a sustainability plan for the operation and maintenance of public-pay-and-use facilities;
- iii. establishing a practical strategy that ensures women and children's safety in such facilities:

Provided that in doing this, respect to local norms, beliefs and customs are observed to avoid local embarrassment and a possible backlash;

(a) the Institutions shall ensure the involvement of women in decision making on payment schemes and on issues relating to children's need; and

(b) the Institutions shall introduce practical strategies for sanitation and hygiene at the lowest level of a formal education:

Provided that in the case of the girl child, uninterrupted school attendance is

ensured.

(8) An effective monitoring and evaluation process in gender mainstreaming shall be based on:

- (a) assessment of the positive or negative impacts of a programme; and
- (b) assistance in making informed decisions on future programmes.

(9) In ensuring equal participation of gender in decision making at all levels, institutions shall:

- i. organize Sector meetings at the Community level which shall overcome all cultural barriers against women's participation;
- ii. provide user-friendly information on policies, strategies, plans and investments;
- iii. ensure the use of feedback mechanisms for citizens' complaints and challenges arising from activities at all levels of Water and Sanitation providers;
- iv. ensure gender involvement in planning, budgeting and strategy building; and
- v. entertain criticisms from Civil Societies which shall form inputs into present and future plans of the Institutions.

(b) institutions shall use measures in sub-

section (a) above to assess compliance by institutions using the underlisted indicators:

- i. ratio of gender contributions in decision making;
- ii. percentage of women participation in such decision making; and
- iii. number of policies and strategies published with inputs from non-state actors and marginalized groups.

(10) In ascertaining behavioural change of gender in the provision of Water and Hygiene, institutions shall ensure and observe the following:

- i. undertaking regular studies on baseline behaviour;
- ii. ensuring gender equal opportunities in roles promoting Hygiene and Trainings; and
- iii. providing Sanitation and Hygiene facilities in Primary Schools.

General efficiency in the use of Water

5. The institutions in ensuring the general use of water, shall consider the cost of providing water resources and the equal benefits to users without disruption to the environment.

Domestic use Efficiency

6. (1) All institutions shall adopt successful Water Use Efficiency (WUE)

- programme using:
- (a) consumption meters that provide consumer's water usage information to the Provider and Consumer;
 - (b) consumption meters that provide the most accurate assessment of distribution system leakage;
 - (c) consumption meters on all existing and new direct service connections;
 - (d) consumption meters on all clustered entities, that is fair, transparent and objective to both Service Provider and Consumers;
 - (e) consumption meters on all new connections; and
 - (f) meters at an earlier date in order to calculate accurate distribution leakage.
- (2) Without prejudice to a Consumer's right of rejection of consumption meter, the Public Health benefits of piping water to all Consumers, shall override such rejection.
- (3) Consumption meters are compulsory in all circumstances, except in clustered entities like:
- (a) camp grounds;
 - (b) recreational parks;
 - (c) property designated as a mobile home park;

- (d) building with multiple units; and
 - (e) complexes with multiple buildings served with a single connection.
- (4) Institutions shall ensure that only qualified professionals install the consumption meters to avoid:
- (a) disturbing the distribution system;
 - (b) contaminating the distribution system; and
 - (c) making the water unsafe and unreliable.
- (5) Institutions shall calibrate their meters from time to time for accuracy, to avoid loss of Revenue.

Irrigation use efficiency

7. (1) Institutions shall ensure that water efficiency in irrigation is achieved using:
- (a) initial system design;
 - (b) proper installation; and
 - (c) consistent management and maintenance.
- (2) Institutions shall ensure sustainable efficiency in water use for agricultural Irrigation by:
- (a) making Water Licence Holders have water meters on their water connections;
 - (b) supplying water quantity that meets the need of irrigation activities in every year;
 - (c) monitoring water system to ensure

- (d) that irrigation water seldom ponds and does not run off the field;
 - (e) irrigation system applies water to the plant rooting only;
 - (f) scheduling irrigation according to rainfall;
 - (g) scheduling irrigation according to evapotranspiration; and
 - (h) conducting regular maintenance checks on the sprinklers and meters for leaks.
- (3) Institutions shall enhance capacities of its staff improving irrigation efficiencies and use best management practices and trainings.

- Irrigation use efficiency**
8. Institutions shall introduce sanitation strategies to achieve the following benefits:
- (a) improved property prices, increased school participation and enhanced living standard;
 - (b) improved health status, increased productivity, increased quality of life and high savings in healthcare costs;
 - (c) improved quality of ground and surface water, with consequential increased savings in water treatment procedures;
 - (d) increased venture into cottage industry and consequent increase

- (c) increased savings in treating domestic water supply;
- (f) improved quality of water that attracts tourism and increased financial gains;
- (g) improved foreign and local investments;
- (h) increased production of non-contaminated fish;
- (i) improved agricultural production; and
- (j) improved aesthetics that cause rise in property values.

Institutions role in improving economic base of Communities

9. (1) Institutions shall organize local residents in form of Co-operatives responsible for Community water connection and metering schemes
- (2) The cooperatives shall use the following in the water connection and metering schemes:
- (a) each Community Cooperative shall select a Community Leader who becomes an Employee of the Institution;
 - (b) the Institution shall install a Main Meter or 'Grand Meter' for the entire Community. In addition, the Institution shall install individual sub-meters that shall serve Four or

Five households as a group;
the meter arrangements that are created as above shall ensure a Community wide metering of water consumption; and

(d) each family shall settle its water Law at the designated payment point. (3) (a) the Cooperatives shall encourage shareholding between the Institutions and the Communities, to create economic benefits wherein a hosting Community shall be entitled to 20% share allocation from the Institution;

(3) the 20% share allocation to the Community shall be distributed among Community groups in proportions of:

- i. 40% to empower local male entrepreneurs, including creating employment for other locals;
- ii. 40% to empower local female entrepreneurs, including creating employment for other locals; and
- iii. 20% for youth capacity building, especially in the area of agro-allied venture.

(4) Institutions shall:

- (a)** harness human and physical infrastructure constructing and maintaining Water and Sanitation structures in the Communities; and
- (b)** achieve the above-mentioned goal by doing the following:
 - i.** appointing a group of representatives in the Community as Leaders in the infrastructure construction;
 - ii.** requesting the relevant Local Government to pay monthly stipends to Heads of Households participating in the construction projects;
 - iii.** providing the technical and feasibility studies, construction materials and technical trainings to Community members; and
 - iv.** organizing weekly Stakeholders' meetings to update residents, NGOs, the Civil Society and Government Officials.

Managing for financial viability

- 10. (1)** Institutions shall deliver reliable services and ensure financial viability for economic base improvement in gaining access to market finance.
- (2)** Strong internal management capacity of the institutions is the pre-requisite for

gaining access to market finance.

(3) To gain access to market finance, institutions shall maintain a strong internal management capacity through having:

- (a) an array of skilled human resources;
- (b) an effective business planning cycle linking policy with financial reality;
- (c) a functioning and transparent Management Information Systems (MISs) as means of creating effective management;
- (d) a strong Revenue management for handling the issue of Unaccounted-For-Water (UFW);
- (e) an efficient and responsive Consumer service for improving an overall public perception;
- (f) the provision of timely audited Accounts, a demonstrated compliance with Environmental Regulators and a positive attitude towards change;
- (g) a consistent and sustainable State-of-the-Art Agency structure and function that shall justify the continuation of the existing partnerships between the State and her external Sponsors; and
- (h) maintenance status in (g) above to attract more International and Local Sponsors.

- Water Trading** 11. (1) Institutions shall facilitate the development of markets where farmers and private operators shall trade water to make it accessible to citizens of the State.
- (2) The institutions shall achieve the goal in (1) above through:
- (a) provision of Irrigation Licences;
 - (b) facilitating trade in seasonal water allocations;
 - (c) enlightening the Public/Traders on the hydrological areas to ensure sustainability of the ecosystems; and
 - (d) guiding and monitoring the sale of Water Licenses to Community Cooperatives by Private Water License holders.

- Water and Sanitation Services Strategy** 12. Government and its institutions shall adopt the following strategies in providing Water and Sanitation services to its citizens by:
- (a) adopting an elastic system of water allocation where every competing need will be satisfied, in spite of any changing circumstances;
 - (b) applying the principle of equitable and sustainable water supply;
 - (c) adopting a demand-driven approach to water supply. This entails the observance of flexible time with sufficient opportunity for local decision-making, resource mobilization

capacity building in the Community;
and

- (d) avoiding rigid scheduling of projects as this inhibits Community participation and reduces long-term sustainability of Water and Sanitation Projects.

Stakeholder participation in sustainable management of Water and Sanitation

13. (1) Government through the institutions in the Water Sector shall ensure the sustainable management of Water and Sanitation through stakeholder participation in the Water and sanitation project.

(2) The different component of the stakeholders' participating in the Water and Sanitation project in the Community shall comprise of:

- (a) the Community itself with population stratified along ethnic, socio-economic, religion and gender;
- (b) other Communities that shall share experience and ideas with the target Community;
- (c) the institution that is the originator of the project in the Community;
- (d) the Non-Governmental Organizations (NGOs) and Civil Society Organizations (CSOs);
- (e) State and/or Local Government;
- (f) Public Sector;
- (g) Trade Unions or disaggregated Workers' Associations;

- (h) Academia;
- (i) Women's Groups;
- (j) Environmental Groups;
- (k) Faith Groups;
- (l) Students' groups, youth organizations; and
- (m) Retirees.

Stakeholder training for Community management of Water and Sanitation Facilities 14. (1) The stakeholders participating and contributing profitably to the Water and Sanitation management shall be trained in the following ways:

- (a) human resource development that reflects partnership in sustainable sector development between Government, Communities, Private Sector and Non-Governmental Organizations; and
- (b) identifying the particular training needs of women and ensuring equal training and employment opportunities in all cases; and

(2) the training shall aim at producing adequate technical and managerial hands for the sector.

Multi-stakeholder process in Water and Sanitation Management 15. Different stakeholders shall observe the following process in the management of Water and Sanitation:

- (a) accommodating a wide range of perspectives with more creative approaches to problem solving;

- (b) addressing complex and inter-dependent problems in a more integrated and comprehensive manner;
- (c) respecting the views of beneficiaries and potential local owners of proposed ideas/solutions, which shall produce greater sustainability outcomes;
- (d) producing a spirit of joint goal-setting that is completely different from a 'command-and-control' approach;
- (e) speeding the development and implementation of innovative solutions;
- (f) acting as a catalyst for Policy innovation;
- (g) increasing trust and respect among stakeholders; and
- (h) producing clear information and assessments that are independent of Government.

Multi-stakeholder principles and strategies in Water and Sanitation Management

16. (1) Working principles and strategies to be used in the management of Water and Sanitation by stakeholders shall include:
- (a) the stakeholders' willingness in adopting new knowledge and learning;
 - (b) the stakeholders' tolerance to other people's ideas;

- (c) using the most qualified people in the design of the process;
- (d) using the core group representatives drawn from all relevant stakeholders;
- (e) co-ordinating the group that develops suggestions on issues, objectives, scope and timelines, procedures for Dialogues, Decision-making, Rapporteur actions, Documentation relating to the wider Public and Fund-raising;
- (f) using a code of honour relating to confidentiality;
- (g) having a Memorandum of Understanding (MoU) or Terms of Reference (ToR);
- (h) having a standing plan about issuing documentation, detailing purpose, expected outcomes, datelines and status of the outcome;
- (i) the inclusion of relevant Officials with inputs and suggestions that add value to the deliberations;
- (j) establishing mechanisms for sharing information and common knowledge base;
- (k) adopting open and transparent call on diverse individuals for participation; and
- (l) having a clear, understandable and

- (c) welcome, at all stages of project development to the grassroots level; actors bring government and delegation of power to 'non-public'
- (b) recognize that sharing and process is democracy in action;
- (a) understand that a multi-stakeholder

Government's
attitude to multi-
stakeholder
participation

17. Government and the institutions shall:

- (d) facilitators of a multi-stakeholder process shall suppress politics, allay fears and remove confusion among participants.
 - (c) government and institutions shall carry along all relevant stakeholders, including dissenting voices, in both infrastructural and institutional intervention; and
 - (b) an individual shall not exclude himself/herself on account of a perceived poor basic education or knowledge of matters to be discussed;
 - (a) the participant shall decide from the beginning a side to represent and he shall stand firm on its decision;
- (2) The following points shall be taken into consideration when participating as a stakeholder in the management of Water and Sanitation:

achievable goals.

- (1) Sustainable use of water in Agriculture. (1) Institutions shall ensure the prevention of Water Pollution arising from land use activities and farming. These polluting activities include:
 - (a) leaching of Fertilizers;
 - (b) soil erosion that spreads out over a wide area, causing control difficulties; and
 - (c) fertilizers, pesticides, manure and slurry.
- (2) Institutions shall take the following measures to protect Water Resources to help farmers and other relevant stakeholders:
 - (a) in studying the farms characteristics;
 - (b) set a management plan for potential pollutants.
- (3) Institutions shall adopt conservation practices that:

**PART III
SUSTAINABLE USE OF WATER**

- (d) and ensure financial prudence for development, stakeholders' ideas and ensure financial prudence for trust the stakeholders in Water and Sanitation management, and sanction stakeholders who violate the rules; and
- (e) participate in all stages of a Project.

- (a) slow the transport and delivery of polluted water;
 - (b) redirect movement of polluted water; and
 - (c) chemically or biologically remediate or intercept the Pollutant before or after it is delivered to the water resource.
19. (1) Institutions shall help farmers adopt good water resources management to achieve economic sustainability of water. This management shall make Farmers:
- (a) cut production costs;
 - (b) maintain an improved land productivity; and
 - (c) reduce pollution risk.
- (2) The Farmers shall achieve the benefits stated in sub-section (1) above through the following measures:
- (a) using irrigation water price that provides benefits and subsidies reducing demand for water using an appropriate water-saving device;
 - (b) using a plan of the farm pipelines to detect and repair burst pipes;
 - (c) following closely the monthly record of water meters in detecting leaks and studying water use statistics;
 - (d) understanding how the amount and source of water withdrawals impact Local Communities and Ecosystems;

Economic sustainability in the Use of Water

(c) understanding how the quantity and quality of wastewater discharges impact Local Communities and ecosystems; and
 (f) having adequate responses to water risks which include supply disruptions, price increases and more stringent Regulations.

Social Sustainability

20. (1) Institutions shall help Farmers and other relevant stakeholders in water improvement at farm level and adopting good practice measures to achieve social sustainability. This will be achieved through:

(a) making potable Water and Sanitation accessible to Farmers and their Employees;

(b) teaching water conservation and prevention of water pollution to Farmers and their Employees, as empowerment on sound water use in the farm environment;

(c) supporting the Farmers and their Employees in ensuring adequate irrigation monitoring and scheduling; training the Farmers and their Employees on integrated pesticide and nutrient management; and

(e) making Farmers understand the nature of conflicting water use demands with the Communities

demands, thus ensuring a robust demand profile for all users.

- Environmental sustainability** 21. (1) Farmers shall adopt a good mix of agricultural practices that impacts positively on the existing water resources situations in the short and long term.
- (2) This shall be achieved through Farmers:
- (a) adopting irrigation method that maximizes intended plant irrigation without effluents polluting Communities water resources;
 - (b) constantly checking and making instant repairs on the Irrigation System, the Pumps, Mains and Hydrants;
 - (c) securely isolating potential pollutant like Pesticides and keeping away these pollutants from flood-prone areas;
 - (d) controlling effectively issue of integrated pest management and using low water fertilizers; and
 - (e) dutifully stopping infiltration or wastewater flow to surrounding areas of ecological importance.

- Groundwater sustainability** 22. (1) Institutions shall take proactive measures to prevent ground water resources contamination. These measures are:
- (a) regulating effectively all human activities in Agriculture and related

activities;

- (b) keeping a tight control on human activities at landfills, industrial discharge areas, leaking gasoline storage tanks, cesspools, septic tanks and domestically used chemicals;
 - (c) timely removal of any pollutant spills before the pollutant contacts with the soil;
 - (d) monitoring human activities on Streams and Rivers as these sources of water recharge the Groundwater;
 - (e) liaising with the Environment Ministry in preventing household refuse dumping, industrial wastes dumping and discharge and pumping of human waste into Streams and Rivers; and
 - (f) developing Geographic Information Systems (GIS) as an integral part of the database modules for analyses and evaluations of alternative management strategies.
- (2) Institutions shall liaise with the Local Administration or Community to have full knowledge of the history of any site proposed for siting a Groundwater resource.
- (3) The information in sub-section (2) above shall guide in siting the Groundwater resource in areas close to:

- (a) Septic Tanks;
- (b) Wastes and refuse dumps; and
- (c) Cemeteries.

(4) Institutions shall help Farmers monitor the Irrigation Wells for water quality.

Water quality and pollution control

23. (1) Stakeholders shall avoid activities that contributes to the reduction in quality water. These activities include:

- (a) disposing raw effluent from disused Urban Water Sewer System;
- (b) uncontrolled handling of effluent from industrial activities;
- (c) uncontrolled handling of effluents from Farm Irrigation Systems;
- (d) uncontrolled discharges from informal settlements, like Urban Slums;
- (e) unchecked deforestation activities;
- (f) indiscriminate solid waste disposal; and
- (g) continuous wetland and riparian encroachment.

(2) Stakeholders shall check pollution and consequential fall in water quality using the following approaches:

- (a) co-participating in taking measures against water resources pollution;
- (b) co-participating in managing Sanitation and solid waste disposal;
- (c) requesting institutions to support

Stakeholders, Civil Society
Organizations and NGOs in
protecting community water
resources; and

- (d) ensuring that institutions comply with
Water Resources Regulations.

PART IV

JOS WATER SERVICES CORPORATION

Establishment of 24. (1) There is established for the State a body to
the Corporation be known as the Jos Water Services
Corporation (hereinafter referred to as
"the Corporation").

(2) The Corporation shall:

- (a) be a body corporate with perpetual
succession and a Common Seal;
(b) have powers to sue and be sued in its
corporate name;
(c) have power to enter into Contracts or
Partnership with any person (whether
corporate or unincorporated) which in
its opinion will facilitate the discharge
of the functions conferred on it by this
Law; and
(d) be capable of holding, purchasing,
acquiring, managing and disposing of
property, movable and immovable.

(3) The Area of operation of the Corporation
shall be all settlements within the Greater
Jos Master Plan.

Establishment of 25. (1) There is established for the Corporation, a

Customer Care Centre

Customer Care Centre (hereinafter referred to as "the Centre") which shall be situated within the Corporation's Headquarters.

- (2) The Corporation may also establish Customer Care Centers in its Business Offices as it deems necessary with a view to bringing its services closer to the Consumers.

Functions of the Centre 26.

The functions of the Centre shall be to:

- (a) receive and pursue complaints from Consumers regarding:
 - i. quality of water;
 - ii. water leakages;
 - iii. damage to properties of the Corporation;
 - iv. water connection charges; standards of service; and
 - v. other related matters.
- (b) settle minor disputes and protect the interests of all Consumers;
- (c) monitor all matters appearing to the Centre to affect the interests of consumers or potential Consumers;
- (d) consult with any Operator about matters which affect the interest of Consumers or potential Consumers to that Operator;
- (e) make representations where appropriate on behalf of a Consumer or Complainant to any Private Sector Operator;
- (f) receive and pursue complaints from

Environmental Agencies and Government bodies on pollution matters; and forward complaints to the relevant authorities where applicable.

Constitution of the Board of Directors

27. (1) There is established for the Corporation a Governing Board (hereinafter referred to as "the Board") which shall comprise;
- (a) a Chairman who shall serve on part time basis;
 - (b) the Permanent Secretary in charge of the Ministry responsible for Water Resources Management;
 - (c) the Permanent Secretary in charge of the Ministry responsible for Finance;
 - (d) the Permanent Secretary Ministry of Justice;
 - (e) the Managing Director of the Corporation;
 - (f) the Executive Directors in the Corporation in charge of:
 - i. Technical Services;
 - ii. Business Development; and
 - iii. Finance and Administration.
 - (g) a representative of the Plateau Chambers of Commerce, Industry, Mines and Agriculture; and
 - (h) a Secretary and Legal Adviser.
- (2) The Chairman shall be appointed by the Governor.

Remuneration for members

28. There shall be paid to the Chairman and the representative of the Plateau Chamber of

of the Board Commerce, Industry, Mines and Agriculture such remuneration or other benefits as the Governor, may from time to time determine.

Tenure of office of the Chairman of the Board 29. The Chairman of the Board shall hold Office:

- (a) for a term of Four years in the first instance and may be reappointed for a further non-renewable term; and
- (b) on such terms and conditions as may be stipulated in his Letter of Appointment.

Vacation of office by Chairman of the Board 30. (1) Notwithstanding the provisions of Section 29 (a) of this Law, the Chairman shall vacate Office in the following circumstances:

- (a) a three-month period following a written Resignation Notice to the Governor, or at the expiration of such other period of notice as he and the Governor may agree;

- (b) alternatively, on the date he begins to serve a sentence of Imprisonment imposed without the option of a Fine:

- i. in Nigeria, in respect of an Offence; or
- ii. outside Nigeria, in respect of an Offence involving financial Impropriety or any conduct which, if committed in Nigeria, would constitute an Offence;

- (c) the chairman may also vacate his Office if he:
- (i). attends fewer than 75% of the Board's meeting in any one-year period with no cogent reason;
 - (ii). is barred or suspended from his professional body;
 - (iii). becomes bankrupt;
 - (iv). becomes of unsound mind or incapable of carrying out his duties; or
 - (v). is guilty of serious misconduct in relation to his duties as a member of the Board.

Proceedings of the Board 31. The proceedings of the Board shall be governed by the Rules contained in Schedule 2 to this Law.

Objectives of the Corporation 32. The objectives of the Corporation shall comprise:

- (a) providing safe, adequate and affordable water supply services to the residents in its area of operations in accordance with the provisions of this Law;
- (b) providing Sewage and Wastewater Management Services, whether by the provision of Sewers or otherwise, for the collection, treatment and disposal of Sewage and Wastewater generated by Consumers within its

area of operation, and other services incidental thereto;

(c) collaborating with the Ministry to secure efficient use of water resources for the conservation and protection of the water resources of the State;

(d) operating on sound commercial practice in line with the State Tariff Policy and Regulations and maintaining Customer focus for service sustainability and efficiency, while ensuring that its revenues are sufficient to provide for:

- i. All depreciation, amortization and interest's costs;
- ii. all operations and maintenance costs; and
- iii. a reasonable return on investment.

33. Functions of the Corporation The functions of the Corporation shall be to:

(a) control and manage all Water Schemes and Sewage infrastructure vested in the Corporation;

(b) develop new water supply infrastructure as the Board may consider necessary for the purpose of providing wholesome, potable water for domestic consumption of the public, and water for agricultural, power, commercial, industrial,

recreational, scientific and other uses;

(c) develop new waste water and sewage infrastructure as the Corporation may consider necessary for the purpose of providing effective and efficient collection, treatment, and disposal services for Agricultural, Power, Domestic, Industrial, Recreational, Commercial, Scientific and other water-related waste;

(d) ensure that adequate wholesome water is supplied to its consumers in line with National Drinking Water Quality Standards (NDWQS);

(e) recommend Rates and Scale of Charges for Water and Sewage Management Services subject to approval by the Commission;

(f) conduct and organize Research and Training with respect to Water Supply and Sewage Services;

(g) develop, maintain and beneficially exploit water resources both natural and artificial;

(h) provide data on Water Supply, Sanitation and Hygiene related matters for formulation of Policy;

(i) prepare plans for the development

and maintenance of Water Supply and Waste Water Services Infrastructure in its areas of operation (hereinafter referred to as "the Water and Sanitation Services Development Plans") in consultation with the relevant Authorities, Stakeholders and Consumer Groups;

- (j) identify and implement projects for the provision of Water and /or Sewage Service which may be undertaken with Private Sector Participation (PSP), after consultation with the relevant authorities and subject to the approval of the Governor in cases involving divestiture or Sale of Assets;
- (k) enter into any Commitments, Agreements, Joint Venture, Performance Contracts, Public-Private Partnership Agreements (PPP) or other arrangements in respect of the provision, distribution, supply or sale of Water and Sewage Management Services;
- (l) provide consultancy and project management in respect of Water Sanitation and Sewage Services;
- (m) establish and implement proper accounting procedures for all Assets and Liabilities of the Corporation;

- (n) specify the terms and conditions of supply of Water and Sewage Services to the Consumers in accordance with Regulations issued by the Commission and in accordance with the provisions of this Law;
- (o) recommend Regulations to the Commission for the protection and preservation of the Assets of the Corporation and Water, Sanitation and Sewage management in the State;
- (p) promote the rational use of water resources and potable water;
- (q) conduct training and retraining of Staff for skills development;
- (r) collect Rates and Charges for Water Supply and Sewerage Services in accordance with the Regulations issued by the Commission; and
- (s) carry out any other activities that are expedient or necessary for the effective and efficient performance of its functions under this Law.

Powers of the Corporation 34. Subject to the provisions of this Law, the Corporation's functions shall include:

- (a) owning all water services Assets and constructing new water services

within its area of operation;

(b) owning all sewerage networks, sewerage management and other wastewater Infrastructure and Assets and construct all such Assets within its area of operation;

(c) determining and collecting all Rates and Charges payable by Customers for Water Supply and Sewerage Management Services provided by the Corporation; and determining all other Fees, subject to approval by the Commission;

(d) acquiring, purchasing, leasing, holding, constructing, manufacturing, maintaining or insuring any property forming part of the Water and Sewerage Management Services infrastructure of the Corporation, whether moveable or immoveable as required;

(e) laying any Water Pipe or Sewers through, across or under any Street or any place laid out or intended as a Street and thereafter giving reasonable notice in writing to the owner or occupier thereof and making good any damage done;

(f) examining from time to time any surface or underground water

forming part of the water resources of the State for the purpose of determining water pollution, if any, exists and its causes and to do likewise in respect of other water bodies by arranging with the relevant Authority under and in accordance with the provisions of any existing Law in that behalf;

(g) issuing reasonable notice to the Occupier thereof, at any time between the hours of Six o'clock in the morning and Six o'clock in the evening or in case of urgency at any other time for the purpose of entering into premises or place upon which any service has been laid or into which any Water Supply or Sewage Services is supplied so as to:

(i) inspect and repair any facility and to ascertain whether there is any wastage, leakage, obstruction, illegal connection or disposal of sewerage or damage to any facility or meter therein and anything in connection therewith;

(ii) ascertain the amount of water taken or used; or

(iii) disconnect the supply of water or of any Sewer to any

premises;

- (h) reducing, withholding or suspending, turning off or diverting the supply of water through or by means of any service or public fountain either wholly or in part whenever the Corporation deems necessary subject to any Regulation of the Commission on same;
 - (i) accepting, acquiring and holding any security of any kind in any form whatsoever;
 - (j) surrendering, transferring or re-conveying any security held by the Corporation whether upon exchange for other security or upon discharge;
 - (k) making, drawing, accepting, or endorsing, negotiating instruments;
 - (l) investing any excess monies, in accordance with the provisions of this Law and the Fiscal Responsibility Law; and
- granting exemptions from any Water Rate or charge of any premises or class of premises to any person or class of persons.

Structure of the Corporation 35. (1) The Corporation shall consist of the following Directorates:

- (a) Directorate of Technical Services;
 - (b) Directorate of Business Development; and
 - (c) Directorate of Finance and Administration.
- (2) The Corporation shall establish the following Units:
- (a) Publicity and Protocol;
 - (b) Audit; and
 - (c) Legal and Corporate Services.
- (3) The Corporation may, subject to the approval of the Board, establish such number of Directorates and Units for the effective performance of its functions under this Law.

Business Units of the Corporation

36. (1) The Board may designate such areas of operation of the Corporation outside the Head Office of the Corporation which shall be known as Business Units.
- (2) A Business Unit shall perform such functions of the Corporation as the Board and Corporation may determine.

Managing Director

37. (1) The Governor shall, on the recommendation of the Board,

appoint, as an Officer of the Corporation, a Managing Director for the Corporation who shall be subject to the general direction of the Board.

(2) The Managing Director shall be:

- (a) the Chief Executive and Chief Accounting Officer;
- (b) responsible for the implementation of the decisions and policies of the Board as well as the general administration of the Corporation; and
- (c) performing such other duties as the Board may from time to time direct.

(3) The Managing Director shall:

- (a) be appointed by the Governor from three Applicants selected through a competitive and transparent recruitment process carried out by the Board either by themselves or through a certified competent Consultant in respect of an advertisement for such vacancy;
- (b) be a person with a professional qualification in either Engineering, Business Administration, Physical Sciences or Earth Sciences and

having relevant cognate experience in running a Public Utility or a Public or Private Organization and shall have held a Senior Management position for a minimum of Ten years; and

- (c) be appointed pursuant to a Performance-based Employment Contract for a term of Five (5) years on a full-time basis which may be renewable for another period of Five (5) years and no more upon consideration of the improved financial, managerial, operational and other relevant indicators as contained in such Contract.

**Executive
Directors**

38. (1) The Governor shall, on the recommendation of the Board of Directors through the Commissioner, appoint Management Team for the following Departments:

- (a) Technical Services;
- (b) Business Development; and
- (c) Finance and Administration;

(2) The recommendation of the Commissioner shall be based on the following qualifications:

(a) Executive Director Technical Services shall possess at least a First Degree in Engineering, Physical or Earth Sciences with relevant cognate experience;

(b) Executive Director Business Services shall possess at least a First Degree in the Engineering or Business Sciences with relevant cognate experience; and Executive Director Finance and Administrative shall possess at least a First Degree in Accounting, Law, Humanities, Business or Public Administration with relevant cognate experience.

Secretary and Legal Adviser 39. (1) There shall be appointed by the Board a Secretary and Legal Adviser for the Corporation.

(2) The Secretary and Legal Adviser shall be appointed on such terms and conditions as may be contained in his Letter of Appointment.

(3) The Secretary and Legal Adviser shall be a Legal or Professional Corporate Services Practitioner with a minimum of Ten (10) years post call experience.

Functions of the Secretary and Legal Adviser 40. The Secretary shall perform the following functions:

- (a) be responsible to the Managing Director;
- (b) be the Head of the Corporation's Legal Unit and responsible for giving advice on all Legal matters affecting the Corporation;
- (c) organize and take minutes of the meeting of the Board;
- (d) keep the Seal and records of the Board and conduct correspondences of the Board;
- (e) arrange for the payment of Fees and Allowances of meetings and all other matters affecting Members of the Board;
- (f) communicate Policy decisions at Board meetings to affected Departments;
- (g) render necessary advice on compliance with Laws, Rules and Regulations affecting the Board;
- (h) keep custody of copies of Assets, Financial and Annual Reports; and
- (g) perform such other duties as the Board or Managing Director may from time to time direct.

Staff of the Corporation

41. (1) The Corporation shall have power:

- (a) to appoint directly or from any Public Service of the Federation, any number of Staff and other Employees as it may from time to time deem necessary to assist the Corporation in the discharge of its functions under this Law;
- (b) conduct Promotion exercises; and
- (c) undertake Disciplinary Measures.

(2) The Conditions of Service of members of Staff shall be as may be determined by the Board and in accordance with prevailing Terms and Conditions of Service for Public Corporations.

(3) The Conditions of Service shall include:

- (a) conditions for Appointment, Promotion and Discipline of the Employees of the Corporation; and
- (b) procedures for appeals by Employees against any disciplinary measures regarding their employment:

Provided that until such Conditions of Service are made, any instrument relating to Conditions of Service in the Public Service of the State shall be applicable with such modifications as may be

necessary to the Employees of the Corporation.

(4) A person appointed from any of the Public Service in the Federation may transfer his service to the Corporation.

(5) The Board shall approve Appointments, Promotions and Disciplinary Measures deliberated upon pursuant to the provisions of sub-section (1) of this Section.

(6) The Corporation subject to the approval of the Board may determine the Salaries, Emoluments and other benefits of the Employees of the Corporation.

Pension Rights 42. (1) Service in the Corporation shall be approved service under the provision of the State Pension Law and accordingly, Staff and Employees of the Corporation shall be entitled to Pensions, Gratuities and other Retirement Benefits as prescribed under the Pensions Law of the State.

(2) Without prejudice to the provisions of sub-section (1) of this Section, nothing in this Law shall prevent the appointment of any person to any Office on terms which preclude the grant of Pension, Gratuity or other retirement benefits with respect to that Office.

Management 43. The Managing Director in the discharge of

Committee

his functions shall be assisted by a Management Committee which shall comprise the:

- (a) Managing Director, as Chairman;
- (b) Executive Director Technical Services;
- (c) Executive Director Business Development;
- (d) Executive Director Finance and Administration;
- (e) Head of Audit Unit; and
- (f) Secretary and Legal Adviser as Secretary.

- (2) The Management Committee shall be responsible for making recommendations to the Board in respect of the Appointment, Promotion and Discipline of Senior Officers of the Corporation and any matter that may be referred to it by the Board or Managing Director.

FINANCIAL PROVISIONS

Funds and Resources of the Corporation

44. (1) The Funds and Resources of the Corporation shall consist of:
 - (a) all Sums, Investments or other property vested in the Corporation by virtue of the provisions of this Law;

- (b) such sums or other advances by way of Loans or Grants to the Corporation by the Government;
- (c) such sums or other property as may from time to time be advanced by way of Loans or Grants to the Corporation by any Government or Statutory Body in the State or any Agency or Institution of any such Government, any Development Partner and Private Foundation or any person whatsoever;
- (d) any investments or other property whatsoever acquired by the Corporation;
- (e) monies earned or arising from any investments or other property acquired by or vested in the Corporation;
- (f) all other sums whether as Water Rates, Water Service Charges or other property whatsoever which may in any manner become payable to or vested in the Corporation in respect of its powers and duties or of any other incidental matter under this Law or by virtue of the provisions of this Law;
- (g) any money allocated to the Corporation under the State Government's Budgetary Allocation; and
- (h) such other money as may from time to

time accrue to the Corporation.

- (2) The Corporation shall ensure that its Funds and Resources are adequate to meet the Operating Expenses, Depreciation Charges, Debt Servicing requirements and such percentage of its Annual Capital Expenditure requirements as may be determined by the Governor and any shortfall may be provided as a Loan by the State Government to the Corporation upon such terms as the Governor may determine to ensure that the Corporation continues to provide Water Supply and Sewerage Management Services to the Consumers.

Bank Accounts 45. (1) The Corporation shall operate such number of Accounts with reputable Banks approved by the Board and all monies of the Corporation shall be paid into any such Accounts.

- (2) No Charge or other instruments for withdrawal of money from any such Accounts operated under sub-section (1) of this Section shall be made unless it is signed by the Managing Director and Executive Director Finance and Administration with the Executive Director Business Development serving as an alternate signatory to the Executive Director Finance and Administration.

Application of 46. The following charges shall be defrayed

the Fund of the Corporation

out of the Revenue of the Corporation for any Financial Year, namely:

- (a) the Remuneration and Allowances of the members of the Governing Body and those of any Committees of the Board;
- (b) the Salaries, Remuneration, Fees, Allowances, Pensions and Gratuities of the Staff, Agents, Technical and other Advisers or Consultants of the Corporation;
- (c) all expenses for working and management of the Corporation and its Waterworks and other properties including proper provision for depreciation, wear and tear or renewal of Assets;
- (d) such works of a capital nature as the Corporation may deem necessary from time to time;
- (e) such sums including Compensation that may be payable by the Corporation to any person or Authority by virtue of the provisions of this Law or any other Enactment;
- (f) Taxes, Rates and other Levies payable by the Corporation under this Law;
- (g) Interest or Loans raised by and on behalf of the Corporation;

(h) sums required to be transferred to any Sinking Fund or otherwise set aside for the purpose of making provision for the redemption of or other Securities or the repayment of other Loans; and

(i) such other sums as the Board may approve for payment out of the Revenue Account of the Corporation in respect of any Financial Year:

Provided that the Income and Property of the Corporation shall not be rated for Taxation under the relevant Laws of the State.

General Reserve Fund 47. (1) Without prejudice of the provisions to the Fiscal Responsibility Law, the Corporation shall establish and maintain a General Reserve Fund in a separate Account into which shall be paid the following:

(a) not more than 5 % of the Revenue of the Corporation as may be determined by the Board for any Financial Year;

(b) balance of the Revenue of the Corporation for any Financial Year;

(c) operating Profits as may accrue to the Corporation in any Financial Year;

(d) such money as the Governor may from time to time direct from any sources.

(2) The General Reserve Funds shall be used for:

(a) the actualization of the plans of the Corporation with respect to the provision of Water Services delivery as contained in any approved Water Services Development Plan;

(b) emergency and urgent needs of the Corporation relating to the rendering of urgent and essential services as the Board may from time to time authorize subject to the approval of the Governor;

(c) making good the loss or deficiency which may occur in any of the transactions of the Corporation:

Provided that where the Fund is used to meet State or National Water related emergencies, the Government shall make arrangements to replace such amount upon application by the Corporation.

Loans and grants 48.

(1) The State Government may give to the Corporation the following:

(a) Grants of any sums of money or property deemed necessary; and

(b) Loans upon such terms as to repayment, with interest or otherwise as the Government may determine.

(2) The Government may, if it deems it expedient to do so, waive in favour of the Corporation any Right or Liability to the Government in respect of any property vested in the Corporation by virtue of the provisions of this Law.

Annual estimates and accounts 49.

(1) The Corporation shall, not later than 30th September of each year, submit for the approval of the Government an estimate of its Expenditure and Income including payments for the Corporation's fund for the next succeeding year.

(2) The Corporation shall keep proper accounts to conform with Standard Accounting Practice, in respect to each year and proper records in relation to those Accounts and shall cause its Accounts to be audited within Six Months after the end of each year by Auditors appointed from the list and in accordance with Guidelines supplied by the Auditor-General.

Annual Reports 50.

The Corporation shall prepare and submit to the Governor not later than Six Months after the end of each year, a Report in such Form as the Commissioner may direct on the activities of the Corporation during the immediately preceding year, and shall include in such Report a copy of the audited accounts of the Corporation for that

year and the Auditors' Report on the Accounts.

- Internal Audit** 51.
- (1) The Corporation shall have an Internal Auditor who shall be appointed by the Board under such terms and conditions as may be specified in his Letter of Appointment.
 - (2) Subject to the provision of this Law, the Internal Auditor shall be responsible to the Board for the performance of his function.
 - (3) As part of its function under this Law, the Internal Auditor shall at intervals of Three (3) Months prepare a Report on the Internal Audit Work carried out by him during the period immediately preceding the preparation of the Report and submit to the Board for deliberation.
 - (4) The Internal Auditor's Report shall cover the financial transactions of the Corporation.
 - (5) Without prejudice to the general effect of sub-section (3) of this Section, the Internal Auditor shall make in each Report such observations as appear to him necessary as to the conduct of the financial affairs of the Corporation during the period to which the Report relates.

(6) The Board shall transmit such Report with its comments to the supervising Ministry who shall forward same to the Governor.

Power to accept Gifts 52. (1) The Corporation may accept Gifts of Land, Money or other property on such terms and conditions, if any, as may be specified by the person or Organization making the Gift.

(2) The Corporation shall not accept Gifts if the conditions attached by the person or Organization offering the Gifts are inconsistent with the functions of the Corporation or against the interest of the State.

Power to Borrow 53. (1) 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 sum of money as may be required in the execution of the function conferred on the Corporation under this Law.

(2) An approval given for the purpose of this action may be either general or limited to a particular borrowing and any specified conditions.

Power to Borrow 54. The Corporation may subject to the provisions of this Law and the conditions of any Trust

created in respect of any property, invest all or any of its funds in any Security prescribed by the Investments and Securities Act or in such other Securities as may from time to time be approved by the Governor.

Power to raise Capital on the Stock Exchange 55. The Corporation may with the approval of the Governor raise Capital for the implementation of its developmental plans and programmes through the Capital Market or by issuing Bonds or other Instruments and by satisfying all the necessary requirements of the Stock Exchange in that regard subject to the approval of the Governor.

Guarantee of Loans or other Investments 56. (1) Subject to the provisions of any Law, the State Government may guarantee by an undertaking the payment of the Principal and Interest of any sum or sums borrowed or Bonds issued by the Corporation.

(2) Any sums required by the Corporation for the purpose of making good its obligations shall be charged by the Commissioner of Finance on the Consolidated Revenue Fund of the State Government, subject to the provisions of the Fiscal Responsibility Law.

Bad Debts 57. The Corporation may, subject to approval by the Governor write off Bad Debts of the Corporation.

Proof of Monies Due 58. In any action for the recovery of any rate or other monies (other than Fines and Penalties)

payable or recoverable under and by virtue of the provisions of this Law, a Certificate under the hand of the Corporation in that behalf, that any sum of money is due, and that the Defendant is the person liable to pay the same, shall be evidence of such Debt and of non-payment thereof, and of the fact that the Defendant is the person liable to pay the same.

Responsibility of the Corporation to Consumers 59.

(1) The Corporation shall as far as possible ensure affordable, economical and sustainable access to Water Services to all Consumers within its area of operation subject to the:

- (a) availability of resources;
- (b) need for an equitable allocation of resources to all Consumers within the Corporation's area of operation;
- (c) need to monitor and ensure access to water services in an equitable manner;
- (d) duty to Consumers to pay approved Tariff, which must be in accordance with the State Tariff Policy and Regulations issued by the Commission;
- (e) duty to conserve Water Resources;
- (f) nature, topography, zoning and situation of the area in question;

- (g) right of the Corporation to limit or discontinue the provision of water services if there is a failure to comply with reasonable conditions set for the provision of such services.
 - (h) need to carry out inspections, test or repairs and for the making of new connections; and
 - (i) need to effect alterations and modifications to its Pipelines and other facilities or general maintenance of water subject to notice as may be determined by the Regulatory Commission.
- (2) The Corporation shall not be under any obligation to pay Compensation or Damages for loss, damages or inconveniences caused to any Consumer through any suspension, failure, discontinuance of a total or partial interruption of the supply of water howsoever caused in furtherance of subsection (1) of this Section except in the case of negligence on the part of any Employee or Agent of the Corporation.
- (3) The Corporation shall take reasonable steps to notify the Public ahead of time of any proposed interruption in the provision of water services subject to any Regulations by the Commission with respect to same.

Rates and Scale of Charges

60.

- (1) The Corporation shall from time to time propose Rates and Scales of Charges payable for water supply and other services within its area of operation in accordance with a methodology for Tariff Setting approved by the Commission which allows for the fixing of Economic Rates for Water Supply and Sewage Services in order to meet its financial objectives and in accordance with the provisions of this Law.
- (2) The Water Rates and Charges may differ for different Rates, Locations and Users based on economic situation as shall be approved by the Commission.
- (3) In proposing the Rates and Charges for Water Supply, Sewage and other services, the Corporation shall consult with the Consumers to whom such Rates shall be applied to determine their willingness to pay for specified service levels and service delivery methodology as well as Tariff Impact Assessment for planning purposes.
- (4) Subject to sub-section (1) of this Section, the Corporation may propose a review of the Tariff annually to reflect Inflation, changes in cost of inputs and other social considerations.

Water Supply

61.

- 1) Subject to the provisions this Law and any Rules or Regulations made thereunder, the

Corporation may supply water to any tenement upon Application made by the owner or occupier thereof and such application shall be accompanied with payment of Fees or Rates as the Corporation may from time to time determine.

- (2) The Corporation may refuse to supply water to any particular premises otherwise than by a Meter or Device installed and maintained by the Corporation:

Provided that the Corporation shall not disconnect any user or fail to connect a potential Consumer for the failure of the Corporation to provide such Meter in accordance with service Regulations issued by the Commission.

Purchase, Resale and Distribution of Water 62.

Subject to the provisions of this Law, the Corporation may purchase water in bulk and may resell such water either in bulk or by distribution to individual Consumers.

Prohibition of Sale of Water Supplied 63.

As from the commencement of this Law, it shall be unlawful for any person to resell water supplied by the Corporation except pursuant to a License or other Agreement with the Corporation for the purpose:

Provided that no Authority shall be required for the sale of any manufactured goods or other commodities in which water supplied by the Corporation is included.

Payment for Water Rates and Charges 64. (1) The owner or occupier of any tenement to which water is supplied by the Corporation shall pay to the Corporation such Rates and Charges for water supply or other services as may from time to time be determined and approved by the Commission.

(2) Where any person fails to pay Water Rates or Charges within one Month after it has become due, the Corporation may recover such Rates or Charges with cost by an Application brought before a Court of competent jurisdiction.

Corporation not responsible for Installation Works or for damage 65. The Corporation shall not by virtue of making any inspection or test of a Consumer's Pipes, Fittings, Appliances and Apparatus in accordance with the provisions of this Law, or any Regulations made there-under, whether during the progress of the work of installation at the Consumer's premises or after its completion, be responsible for the efficiency or safety of the Consumer's Pipes, Fittings, Appliances and Apparatus so inspected or tested or arising out of the use or misuse of apparatus by the Consumer or any other person other than an Employee of the Corporation.

Entitlement to supply of water without preferential 66. Except in so far as is otherwise provided by this Law, where a supply of water is provided by the Corporation in any part of an area for private purposes, every person

treatment

within that part of the area shall, upon application to the Corporation, be entitled to a supply on terms and conditions as the Corporation may deem fit:

Provided that in the case of a first-time connection adequate water can be made available without detriment to existing supplies to persons or Institutions in the area.

67. (2) If any person or any MDA, or other Authority does anything, which such Person, MDA or Authority is by or under any Law authorized to do and which necessitates an alteration in any part of any Waterworks or of any Distribution System vested in or the property of the Corporation, the Corporation shall on reasonable notice being given to it by such person, MDA or Authority make such alteration and the expenses incurred thereby shall be borne by such Person, MDA or Authority.

(2) In the event of any dispute as to the amount of such expenses, the same may be referred to by the person or MDA for Arbitration.

68. (1) The Corporation shall keep, modify and update annually printed and electronic records of the location of:

(a) all Resource Mains, Water Mains or Discharge Pipes 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) Any modification of the records by the Corporation made pursuant to subsection (1) of this Section, shall be made as soon as possible and the date of such modification and completion of the work resulting in the modification shall be incorporated into the records.

(3) 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:

Provided that where copies of such information are required, the Corporation may charge a reasonable Fee for the provision of such copies thereof.

(4) 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 the form of a Map.

PART V

**PLATEAU STATE MUNICIPAL WATER SUPPLY AND
SANITATION AGENCY (PLAMWASSA)**

- Establishment of the Agency** 69. (1) There is established the Plateau State Municipal Water Supply and Sanitation Agency (in this Law referred to as the "Agency").
- (2) The Agency shall:
- (a) be a Body Corporate with perpetual succession and a Common Seal;
 - (b) have power to sue and be sued in its corporate name;
 - (c) have power to enter into Contracts or Partnership with any person (whether corporate or unincorporated which in its opinion will facilitate the discharge of the functions conferred on it by this Law; and
 - (d) be capable of holding, purchasing, acquiring and disposing of property, moveable and immovable in conjunction with the Board of Survey.
- (3) The area of operation of the Agency shall include all settlements with a population of over 5,000 outside the Greater Jos Master Plan also referred to as the Municipal Areas in this Law.
- (4) All existing State-owned Water and Sewage Management Infrastructures in the municipal areas in Plateau State

other than those within the Greater Jos Master Plan, are hereby vested in the Agency.

Establishment and Composition of the Governing Board

70. (1) There is established for the Agency a Governing Board (hereinafter referred to as the "Board") which shall comprise Of the:
- a) Chairman who shall serve on part time basis;
 - b) Permanent Secretary in charge of the Ministry responsible for Water Resources Management;
 - c) Permanent Secretary, Ministry responsible for Local Government and Chieftaincy Affairs;
 - d) Permanent Secretary Ministry of Justice;
 - e) Permanent Secretary in charge of the Ministry responsible for Finance;
 - f) General Manager of the Agency;
 - g) a representative of the Civil Societies Organization (CSO) active in the Water Sector;
 - h) a representative of the Water Consumers Association (WCA) established under Section 111 of this Law; and
 - i). Secretary and Legal Adviser as the Secretary:

Provided that at least one of the members shall be a Woman.

- (2) The Chairman and members of the Board shall be appointed by the Governor, upon recommendation of the Commissioner.
- (3) The Board shall meet once every quarter

and at such times that the Chairman may determine.

- (4) The provisions contained in the Schedule to this Law shall have effect with respect to the proceedings of the Board and other matters mentioned therein.

**Remuneration of
Members of the
Board**

71. There shall be paid to the members of the Board such remuneration and other benefits as the Governor may from time to time determine subject to State Policy on same.

**Tenure of Office
of Members**

- (1) The Chairman and other members shall hold office for a term of Four (4) years and shall be eligible for re-appointment for one term of Four (4) years and no more.
- (2) The appointment shall be upon such terms and conditions as may be stipulated in their Letters of Appointment.
- (3) All members of the Board of the Agency except the General Manager and the Secretary, shall be appointed to serve as part-time members.
- (4) At the expiration of tenure of a Board, the following shall perform the functions of the Board pending the constitution of a new Board within Six (6) months, the:
 - i. Permanent Secretary in charge of Water Resources and Energy as acting Chairman;
 - ii. Permanent Secretary Local Government and Chieftaincy Affairs;

Tenure of Office of Members 72.

- iii. General Manager of the Agency; and
 - iv. Secretary of the Agency.
- (1) The Chairman and other members shall hold shall be eligible for re-appointment for one t
- (2) The appointment shall be upon such terms : their Letters of Appointment.
- (3) All members of the Board of the Agency Secretary, shall be appointed to serve as part
- (4) At the expiration of tenure of a Board, the fi the Board pending the constitution of a new .
- v. Permanent Secretary in charge of V Chairman;
 - vi. Permanent Secretary Local Governm
 - vii. General Manager of the Agency; and
 - viii. Secretary of the Agency.

Duties of the Board 73.

The specific duties of the Board shall include, but not limited to the following:

- (a) making strategic decisions on the activities and mandate of the Agency;
- (b) reviewing and approving the Agency's Business Plans, Budget and Performance;
- (c) approving plans and procedures for the engagement of Private Sector Partners in collaboration with the State Water Resources and Sanitation Regulatory Commission;
- (d) ensuring that the activities of the

Agency meets the Standards set by the Regulatory Commission;

- (e) approving and monitoring the implementation of the Agency's Water Services and Sanitation Development Plan;
- (f) propose a Tariff Methodology in furtherance of the State's Water and Sanitation Tariff Policy for the approval of the Commission;
- (g) any other business which may be considered necessary by the Board in pursuance of the Agency's function as provided in this Law.

Quorum 74. (1) The quorum for a meeting of the Board of the Agency shall be two-thirds ($\frac{2}{3}$) majority of members.

- (2) The Chairman shall preside at meetings of the Board and in his absence, the members present at the meeting shall elect one of their members present to preside.

Vacation of Office 75. (1) Notwithstanding the provisions of Section 70 of this Law, a member shall vacate Office and the Office shall become vacant:

- (a) one month after the date upon which he gives notice in writing to the Governor of his intension to resign;
- (b) on the date he begins to serve a sentence of Imprisonment imposed without the option of a Fine:
 - (i) in Nigeria, in respect of a crime involving dishonesty or fraud; or
 - (ii) outside Nigeria, in respect of an

(c) Offence involving financial impropriety or any conduct which if, committed in Nigeria, would constitute an Offence;

(c) if he;

(i). attends fewer than 75% of the Agency's Board meetings in any one-year period without sufficient reasons;

(ii). in the case of members who have professional qualifications, is barred or suspended from practice by his professional body;

(iii). becomes bankrupt;

(iv). becomes of unsound mind or incapable of carrying out his duties; or

(v). is guilty of a serious misconduct with relation to his duties as a member of the Board of the Agency.

(2) A member of the Board of the Agency may only be removed on the dissolution of the Board.

Objectives 76. The objectives of the Agency shall be to:

(a) provide safe, adequate and affordable water supply services to the residents of all Municipal Areas in the State;

(b) provide water related sanitation facilities and other services and promote Community -led total Sanitation in Municipal Areas in

- (c) accordance with this Law; collaborate with the Ministry responsible for Water Resources to ensure efficient use, conservation and protection of Water Resources including the preparation of Development Plans for input into the State Water, Sanitation and Hygiene (WASH) Sector Development Plans;
- (d) implement cost recovery and commercial orientation in service provision and maintain Customer focus for service sustainability and efficiency; and
- (e) implement Capital Investment Plans for the purpose of expanding access to Water and Sanitation Services for the citizens in the areas served within the shortest possible time.

Functions of the Agency 77. The functions of the Agency shall be to:

- (a) control, operate and maintain all Water and Sanitation Facilities vested in the Agency;
- (b) undertake Planning, Design, Construction and Maintenance of Municipal Water Supply Facilities including Motorized and Solar powered Borehole-based Schemes;
- (c) establish, control, manage, extend and develop water facilities as the Agency may consider necessary for the purpose of providing

- (d) undertake Public Enlightenment, Training and Mobilization for Community participation in all its programmes;
- (e) ensure that adequate and wholesome water is supplied to Consumers regularly and at such Charges as the Commission may, from time to time, approve;
- (f) conduct or organize the conduct of Research in respect of Water Supply, Sanitation and matters connected with and submit the results of such Research to the Ministry for the formulation of Policy;
- (g) coordinate activities in its Administration and Finance, as well as make Intergovernmental and Non-governmental linkages subject to the overriding coordination, responsibility of the Ministry;
- (h) undertake the Agency's Programme Planning, monitoring of on-going and completed projects as well as the collection and storage for easy retrieval of all Data, Records and Statistics on its operation;
- (i) assist the Communities within the Municipal Areas to form Water Consumers Associations (WCA)

- (j) and provide technical and other advisory services for same; where deemed appropriate, transfer ownership of any Water Scheme to benefitting Communities through appropriate Water Consumers Associations (WCA) by means of a Transfer Agreement stating the conditions of such Transfer;
- (k) propose its Rates and present it to the Commission for approval after consultation with the Water Consumer Association (WCA);
- (l) collaborate closely with all Local Government WASH Departments on all activities;
- (m) plan, design, construct and operate all State owned Municipal Sanitation Infrastructure;
- (n) promote Sanitation and Hygiene Practices; and monitor and prevent activities that may pollute the Water Resources of the State

78. Powers of the Agency (1) The Agency shall, subject to the provisions of this Law, have power for the purpose of carrying out its functions to:

- (a) own all State-owned Municipal Water Supply and Sanitation Infrastructure and Assets and to construct new ones as deemed necessary;
- (b) fix Rates and Charges payable by Consumers for water supply and

- other services provided by the Agency, subject to approval of the Commission;
- (c) prepare Water and Sanitation Development Plans for Municipal Area Water Sector;
 - (d) acquire, purchase, lease, hold, construct, manufacture, maintain or insure any property forming part of the Assets required for or in connection with the performance of its functions and Sell, Lease, Concede, Dispose of or otherwise deal with such property or any part thereof, subject to the approval of the Governor, in instances of Sale;
 - (e) undertake any Land acquisition procedure necessary for the performance of its functions in accordance with all valid Legislations;
 - (f) enter into any Agreement with any person for the performance of any of its statutory functions under this Law;
 - (g) protect, maintain and improve all existing natural water courses in consultation with relevant Authorities;
 - (h) 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, and making good any damage done;
 - (i) abstract water from any Lake, River,

Stream or other natural source forming part of the Water Resources of the State and to do likewise in respect of other waters by arranging with the appropriate Authority under and in accordance with the provisions of any existing Law in that behalf and may assign such rights to Private Operators pursuant to a Public Private Partnership Agreement;

(j) examine from time to time any surface or underground water forming part of the Water Resources of the State for the purpose of determining that pollution, if any, exists and its causes and to do likewise in respect of other water by organizing with the appropriate Authority under and in accordance with the provisions of any existing Law in that behalf;

(k) construct Stand Pipes or Public Fountains in any Street or Public place;

(l) enter into Agreement with any person for the supply, construction, manufacture, maintenance or repair of any property which is necessary or appropriate for the purpose of the Agency; and

(m) do anything for the purpose of advancing the skills of persons employed by the Agency or the efficiency of the equipment of the Agency or the manner in which the

equipment is operated including the provision of facilities for Training, Education and Research.

(2) The Agency shall have power for the purpose of carrying out its functions to do all such acts as appear to it to be requisite, advantageous, or convenient and may carry on any activities in that behalf either alone or in association with any other person or body.

(3) The Governor may by Order confer on the Agency such other additional functions as he may think fit, either:

(a) of a kind similar to the functions specified in sub-section (1) of this Section; or

(b) which, in the opinion of the Governor, can be conveniently exercised by the Agency in association with the functions already specified above.

Responsibilities 79. In the absence of a Board of the Agency and the Governor may perform or delegate

79. In the absence of a Board of the Agency and until such time that the Board is constituted pursuant to this Law, the Governor or any person to whom he has delegated the responsibility of the Agency, shall execute any Document, exercise or perform any of the Agency's powers or functions excluding to make Regulations, provided that such period shall not exceed Six (6) Months.

Structure of the Agency 80. (1) The Agency shall consist of the following Departments:

(a) Publicity and Protocol;
(b) Audit; and
(c) Legal.

- (2) The Agency shall establish the following Units:
 - (a) Publicity and Protocol;
 - (b) Audit; and
 - (c) Legal.
- (3) The Agency may, subject to the approval of the Board, establish such number of Departments and Units for the effective performance of its functions under this Law.

Business Units of the Agency 81. (1) The Agency may designate such areas of operation outside the Head Office which shall be known as Business Units.

(2) A Business Unit shall perform such functions of the Agency as the Board and Agency shall determine.

The General Manager 82. (1) There shall be appointed a General Manager (referred to in this Law as "The GM") by the Governor on the recommendation of the Board.

(2) The GM shall:

- (a) be the Chief Executive and Chief Accounting Officer of the Agency;
- (b) be responsible for the implementation of the decisions and policies of the Board as well as the general administration of the Agency; and
- (c) perform such other duties as the Board may from time to time direct.

(3) The GM shall be:

- (a) appointed from Applicants selected through a competitive and transparent recruitment process

carried out by the Board either by themselves or through a certified competent Consultant in respect of an Advisement for such Vacancy;

(b) a person with a Professional Qualification in Water, Civil or Sanitary Engineering or Public Health with sound relevant experience of not less than Fifteen (15) years; and

(c) appointed pursuant to a Performance-Based Employment Contract for a term of Five (5) years on a full-time basis which may be renewable for another period of Five (5) years and no more, upon consideration of the improved financial, management, operational and other relevant indicators as contained in such Contract.

Assistant-General Managers 83. (1) The Governor shall on the recommendation of the Commissioner appoint Assistant-General Managers (referred to in this Law as "AGM") for the following Departments:

- (a) Finance and Administration;
- (b) Operations; and
- (c) Technical Services.

(2) The recommendation of the Commissioner shall be based on the following qualifications:

- (a) Assistant-General Manager, Finance and Administration shall possess at least a First Degree in Accounting,

Law, Humanities, Business or Public Administration with relevant cognate experience;

(b) Assistant-General Manager, Operations shall possess at least a first Degree in Engineering, Business Administration or Natural Sciences with relevant cognate experience; and

(c) Assistant-General Manager, Technical Services shall possess a first degree in Engineering or Public Health with relevant cognate experience.

Secretary/Legal Adviser 84. (1) There shall be appointed by the Board a Secretary and Legal Adviser for the Agency.

(2) The Secretary/Legal Adviser shall be:
(i) appointed on such terms and conditions as may be contained in the Letter of Appointment; and
(ii) a Legal practitioner with a minimum of Ten (10) years post call experience and shall be the Head of Legal Unit

Functions of the Secretary / Legal Adviser 85. The Secretary / Legal Adviser shall perform the following functions:

(a) organize and take minutes of meetings of the Board of the Agency and at the Senior Management meetings;

(b) be the custodian of records of the Agency and conduct correspondences on behalf of the Agency;

- (c) arrange for payment of Fees and Allowances of meetings and all other matters affecting members of the Board of the Agency;
- (d) perform all duties as the Board or the Management of the Agency may from time to time direct;
- (e) communicate Policy decisions of the Board to affected Departments;
- (f) render necessary advice in compliance with Laws, Rules and Regulations affecting the Agency;
- (g) establish and maintain the Register and Minutes Books of the Board of the Agency;
- (h) keep custody of Copies of Assets, Register, Financial and Annual Reports of the Agency;
- (i) prepare, vet and review all Contracts; and
- (j) represent the Agency in Court matters to which it is a Party.

Staff of the Agency

86. (1) The Agency shall have power:

- (a) to appoint directly or from any Public Service of the Federation any number of Staff and other Employees as it may from time to time deem necessary to assist the Agency in the discharge of its functions under this Law;
- (b) conduct promotion exercises; and

(c) undertake disciplinary measures.

(2) The Conditions of Service of members of Staff shall be as may be determined by the Board and in accordance with prevailing Terms and Conditions of Service for Public Service.

(3) The Conditions of Service shall include:

(a) conditions for Appointment, Promotion and Discipline of Employees of the Agency;

(b) procedures for Appeals by Employees against any disciplinary measures regarding their employment:

Provided that until such Conditions of Service are made, any Instrument relating to Conditions of Service in the Public Service of the State shall be applicable with such modifications as may be necessary to the Employees of the Agency.

(4) A person appointed from any of the Public Service in the Federation may transfer his Service to the Agency.

(5) The Board shall approve Appointments, Promotions and Disciplinary Measures deliberated upon pursuant to the provisions of sub-section (1) of this Section.

(6) The Agency, subject to the approval of the Board, may determine the Salaries, Emoluments and other benefits of Employees of the Agency.

Pension Rights 87. (1) Service in the Agency shall be approved service under the provisions of the State Pension Law and accordingly, Staff and Employees of the Agency shall be entitled to Pensions, Gratuities and other retirement benefits as prescribed under the Pension Law of the State;

(2) Without prejudice to the provisions of subsection (1) of this Section, nothing in this Law shall prevent the appointment of any person to any Office on terms which preclude the Grant of Pension, Gratuity or other retirement benefits with respect to that Office.

Management Committee 88. The General Manager in the discharge of his functions shall be assisted by a Management Committee which shall comprise:

- (a) General Manager as Chairman;
- (b) Assistant-General Manager, Technical Services;
- (c) Assistant-General Manager, Operations;
- (d) Assistant-General Manager, Finance and Administration;

(c) Head of Audit Units; and

(f) Secretary and Legal Adviser as Secretary.

(2) The Management Committee shall be responsible for making recommendations to the Board in respect of the Appointment, Promotion and Discipline of Senior Officers of the Agency and any matter that may be referred to it by the Board or General Manager.

Funds and Resources of the Agency 89. (1) The Funds and Resources of the Agency shall consist of:

(a) all sums, investments or other property vested in the Agency by virtue of the provisions of this Law;

(b) such sums or other advances by way of Loans or Grants to the Agency by the Government;

(c) such sums or other property as may from time to time be advanced by way of Loans or Grants to the Agency by any Government or Statutory Body in the State or any Agency or Institution of any such Government, any Development Partner and Private Foundation or any person whatsoever;

(d) any investments or other property

whatsoever acquired by the Agency;

(c) monies earned or arising from any investments or other property acquired by or vested in the Agency;

(f) all other sums (whether as Water Rates, Water Service Charges) or other property whatsoever which may in any manner become payable to or vested in the Agency in respect of its powers and duties or of any other incidental matter under this Law or by virtue of the provisions of this Law;

(g) any money allocated to the Agency under the State Government's budgetary allocation; and

(h) such other money as may from time to time accrue to the Agency

(2) The Agency shall ensure that its Funds and Resources are adequate to meet the Operating Expenses, Depreciation Charges, Debt Servicing Requirements and such percentage of its Annual Capital Expenditure requirements as may be determined by the Governor and any shortfall may be provided as a Loan by the State Government to the Agency upon such terms as the Governor may determine to ensure that the Agency continues to provide Water Supply and

Sewerage Management Services to the Consumers.

Bank Accounts 90. (1) The Agency shall operate such number of Accounts with reputable Banks approved by the Board and all monies of the Agency shall be paid into any such Accounts.

(2) No Charge or other Instruments for withdrawal of money from any such Accounts operated under sub-section (1) of this Section shall be made unless it is signed by the General Manager and Assistant-General Manager, Finance and Administration with the Assistant-General Manager Technical Services serving as an alternate signatory to the Assistant-General Manager Finance and Administration.

Application of the Funds of the Agency 91. The following Charges shall be defrayed out of the Revenue of the Agency for any Financial Year, namely:

- (a) the Remuneration and Allowances of the Members of the Governing Board and those of any Committees of the Board;
- (b) the Salaries, Remuneration, Fees, Allowances, Pensions and Gratuities of the Staff, Agents, Technical and other Advisers or Consultants of the Agency
- (c) all expenses for working and

- management of the Agency and its Waterworks and other properties including proper provision for depreciation, wear and tear or renewal of Assets;
- (d) such works of a capital nature as the Agency may deem necessary from time to time;
- (e) such sums including Compensation that may be payable by the Agency to any person or Authority by virtue of the provisions of this Law or any other Enactment;
- (f) Taxes, Rates and other Levies payable by the Agency under this Law;
- (g) Interest or Loans raised by and on behalf of the Agency;
- (h) sums required to be transferred to any Sinking Fund or otherwise set aside for the purpose of making provision for the redemption of other Securities or the repayment of other Loans; and
- (i) such other sums as the Board may approve for payment out of the Revenue Account of the Agency in respect of any Financial Year:

Provided that the income and property of the Agency shall not be rated for Taxation

under the relevant Laws of the State.

General Reserve Fund 92. (1) Without prejudice to the provisions of the Fiscal Responsibility Law, the Agency shall establish and maintain a General Reserve Fund in a separate Account into which shall be paid the following:

- (a) not more than 5% of the Revenue of the Agency as may be determined by the Board for any Financial Year;
- (b) balance of the Revenue of the Agency for any Financial Year;
- (c) operating profits as may accrue to the Agency in any Financial Year;
- (d) such money as the Governor may from time to time direct from any sources.

(2) The General Reserve Funds shall be used for:

- (a) the actualization of the plans of the Agency with respect to the provision of Water Services Delivery as contained in any approved Water Services Development Plan;
- (b) emergency and urgent needs of the Agency relating to the rendering of

urgent and essential services as the Board may from time to time authorize, subject to the approval of the Governor;

(c) making good the loss or deficiency which may occur in any of the transactions of the Agency:

Provided that where the Fund is used to meet State or National water related emergencies, the Government shall make arrangements to replace such amount upon application by the Agency.

Loans and Grants 93. (1) The State Government may give to the Agency the following:

(a) Grants of any sums of money or property deemed necessary; and

(b) Loans upon such terms as to repayment, with interest or otherwise as the Government may determine.

(2) The Government may, if it deems it expedient so to do, waive in favour of the Agency any right or liability to the Government in respect of any property vested in the Agency by virtue of the provisions of this Law.

Annual Estimates 94. (1) The Agency shall, not later than 30th September of each year, submit for the

and Accounts approval of the Government an estimate of its Expenditure and Income including payments for the Agency's Fund for the next succeeding year.

(2) The Agency shall keep proper accounts to conform with standard accounting practice, in respect to each year and proper records in relation to those Accounts and shall cause its accounts to be audited within Six (6) Months after the end of each year by Auditors appointed from the List and in accordance with Guidelines supplied by the Auditor-General.

(3) The Agency shall prepare and submit to the Governor not later than Six (6) Months after the end of each year, a Report in such Form as the Commissioner may direct on the activities of the Agency during the immediately preceding year and, shall include in such Report a Copy of the audited Accounts of the Agency for that year and the Auditors' Report on the Accounts.

Internal Audit 95. (1) The Agency shall have an Internal Auditor who shall be appointed by the Board under such terms and conditions as may be specified in his Letter of Appointment.

(2) Subject to the provision of this Law, the Internal Auditor shall be responsible to the Board for the performance of his function.

(3) As part of its function under this Law, the Internal Auditor shall at intervals of Three (3) Months prepare a Report on the Internal Audit Work carried out by him during the period immediately preceding the preparation of the Report and submit the Report to the Board for deliberation.

(4) The Internal Auditor's Report shall cover the Financial Transactions of the Agency.

(5) Without prejudice to the general effect of sub-section (3) of this Section, the Internal Auditor shall make in each Report such observations as appear to him necessary as to the conduct of the financial affairs of the Agency during the period to which the Report relates.

(6) The Board shall transmit such Report with its comments to the supervising Ministry who shall forward same to the Governor.

Power to accept Gifts

96. (1) The Agency may accept gifts of Land, Money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift.

(2) The Agency shall not accept gifts if the conditions attached by the person or organization offering the gifts are inconsistent with the functions of the

Agency or against the interest of the State.

Power to Borrow 97. (1) The Agency 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 sum of Money as may be required in the execution of the functions conferred on the Agency under this Law.

(2) An approval given for the purpose of this action may be either general or limited to a particular borrowing and any specified conditions.

Power to Invest 98. The Agency may, subject to the provisions of this Law and the conditions of any Trust created in respect of any Property, invest all or any of its Funds in any Security prescribed by the Investments and Securities Act or in such other Securities as may from time to time be approved by the Governor.

Power to raise Capital on the Stock exchange 99. The Agency may, with the approval of the Governor raise capital for the implementation of its developmental plans and programmes through the Capital Market or by issuing Bonds or other Instruments and by satisfying all the necessary requirements of the Stock Exchange in that regard subject to the approval of the Governor.

- Guarantee of Loans and other Investments 100. (1) Subject to the provisions of any Law, the State Government may guarantee by an undertaking the payment of the Principal and Interest of any sum or sums borrowed or Bonds issued by the Agency.
- (2) Any sums required by the Agency for the purpose of making good its obligations shall be charged by the Commissioner for Finance on the Consolidated Revenue Fund of the State Government subject to the provisions of the Fiscal Responsibility Law.
- Bad Debts 101. The Agency may, subject to approval by the Governor, write-off Bad Debts of the Agency.
- Proof of Monies Due 102. In any action for the recovery of any Rate or other Monies (other than Fines and Penalties) payable or recoverable under and by virtue of the provisions of this Law, a Certificate under the hand of the Agency in that behalf, that any sum of Money is due and that the Defendant is the person liable to pay the same, shall be evidence of such Debt and of non-payment thereof, and of the fact that the Defendant is the person liable to pay the same.

GENERAL ADMINISTRATION: WATER SUPPLY AND DISTRIBUTION

- The Agency's Responsibility to Consumers for Continuous Supply of Water
103. (1) The Agency shall as far as possible maintain a continuity of supply of Water to residents within its areas of operation:
- Provided that the Agency shall have the right to:
- (a) suspend the supply of Water for such periods as may be necessary for carrying out inspections, tests, or repairs and for the making of new connections;
 - (b) suspend the supply for the purpose of effecting alterations and modifications to its Pipelines and other facilities or general maintenance of the Water Works subject to issuance of Notice; or
 - (c) discontinue any supply where the payment of any Rate, Dues or Charges are in arrears.
- (2) The Agency shall in no case be under any obligation to pay Damages or Compensation for loss, damages or inconveniences caused to any Consumer through any suspension, failure, discontinuance or a total or partial interruption of the supply of water howsoever caused.

- Rates and Scales of Charges.
104. (1) The Agency shall from time to time propose Rates and Scale of Charges payable for water supply and other services in its area of operation in accordance with a methodology for

Tariff-setting earlier approved by the Commission which allows for the fixing of Economic Rates for water supply and other services in order to meet its financial objectives in accordance with the provisions of this Law.

- (2) The Water Rates and Charges may be fixed at different rates for different locations and different users as may be approved by the Commission.

**Application for
Water Supply
Charges.**

105.

- (1) The Agency may supply water to a tenement upon application of the Owner/Occupier thereof which service shall be by Contract between the Parties pursuant to Rules and Regulations issued by the Commission.

- (2) The Agency may refuse to supply water to any particular premises other than by a Meter installed and kept in repair by the Agency, provided that Agency may not disconnect any user or fail to connect a potential Consumer for the failure of the Agency to provide the said Meter.

**Prohibition of
Sale of Water
Supplied by
Agency**

106.

As from the commencement of this Law, it shall be unlawful for any person to resell water supplied by the Agency except pursuant to an Agreement with the Agency for that purpose, provided that no authority shall be required for the sale of any manufactured goods or other

Commodities in which water supplied by the Agency is included.

Payment for Water Rates and Charges

107. (1) The Owner or Occupier of any tenement to which water is supplied by the Agency shall pay to the Agency such Rates and Charges for water supply or other service as may from time to time be determined by the Commission in consultation with the Water Consumer Association (WCA) and approved by the Commission.

(2) Upon failure by a Consumer to pay any outstanding Water Rates and Charges pursuant to a notice by the Agency in accordance with Regulations issued by the Commission, the Agency may recover such Rates or Charges by an application brought before the High Court of the State or any other special Court created for that purpose.

Supply to Local Government Councils and its Institutions.

108. (1) Where Stand Pipes or other supply services are provided for communal use, upon application by the relevant Local Government Council, the Agency shall have power to charge for such service in accordance with rates approved by the Commission and the Local Government Councils shall pay such Rates from its resources.

(2) The Agency shall have powers to collect from the Local Government Councils Fees in respect of services, provided to

Institutions within the Local Government including those for Primary Schools, Markets and Water Fountains in each of the respective Local Governments Areas.

Entitlement to Supply of Water without Preferential Treatment. 109. Except in so far as is otherwise provided by this Law, where a Supply of Water is provided by the Agency in any part of an area for private purposes, every person within that part of the area shall, upon application to the Agency, be entitled to a supply on terms and conditions as the Agency may deem fit, provided that in the case of a first-time connection, adequate water can be made available without detriment to existing supplies to persons or institutions in the area.

Maps of Waterworks and Sanitation Infrastructure. 110. (1) Subject to the provisions of this Section, it shall be the duty of the Agency 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 Agency; and
(b) any other underground Works, other than a Service Pipe, which are for the time being vested in the Agency.

(2) It shall be the duty of the Agency 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 Agency

upon prior application in writing to the Agency.

(3) Any information which is required under this Section to be made available by Agency for inspection by the Public shall be so made available in the 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 sub-section (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 Agency shall put in place a mechanism to receive and address Consumer Complaints in an efficient and effective manner and as may be prescribed by the Agency.

(6) The duty of the Agency under this Section shall be enforceable under this Law by the Commission.

Establishment of Water Consumers Associations (WCAs) 111. (1) There is established a Water Consumers Association (hereinafter referred to as "WCA") as a voluntary, Non-Profit, Non-Ethnic, Non-Political, Non-Religious and Non-Governmental Organization (NGOs).

(2) The Association is a body corporate with perpetual succession and a Common Seal.

Objectives 112. (1) The objectives of the WCA shall be to:

- (a) provide adequate, affordable and safe water in a sustainable manner;
- (b) identify the appropriate technology option for water supply;
- (c) own or manage and operate water supply facilities for the Community;
- (d) collect the WCA-approved Water Rates from Water Consumers to cover the administration, operation and maintenance costs of the water facilities;
- (e) refer disputes regarding Rates charged to the relevant Government Agency for Adjudication;
- (f) improve and adopt best hygiene practices and construct Sanitation Facilities, according to the Environmental Health Conditions in the prescribed Area;
- (g) build consensus initiative and leadership among members; and
- (h) operate with Governments, NGOs,

and other Agencies in the construction, operation and maintenance of Water Schemes, as may be considered necessary.

Functions

113. (1) The functions of WCAs shall be to:
- (a) design and adopt appropriate technology for water supply and coordinate the construction and supervision of the projects in consultation with the WASH Department in the LGAs and relevant State Agency;
 - (b) design, maintain and enforce the use of appropriate Sanitation Facilities and support any Rural Environmental Sanitation and Hygiene Initiative introduced by the Government or other Organization;
 - (c) undertake Water, Sanitation and Hygiene (WASH) education and creates awareness of WASH principles among members, particularly in Schools and among Women and Children;
 - (d) organize technical training of Local Artisans for the operation and maintenance of the Water Supply Schemes;
 - (e) promote improvement of traditional sources of Community Water Supply comprising protected Spring Orifices, protected Hand-Dug Wells and Rainwater Harvesting;
 - (f) promote construction and maintenance of Public Toilet

Facilities and Household Toilet Facilities;

- (g) ensure compliance with the National Standards for Drinking Water Quality;
- (h) monitor and protect the quality of Raw Water Sources;
- (i) ensure community participation and feedback in the design and implementation of projects and undertake sustained Stakeholder and Community Consultation and Information; and
- (j) ensure all residents have access to sufficient potable water at an affordable price.

Structure of WCAs

114. (1) The Congress is the highest Decision-making and Policy approving authority of WCA. It is comprised of all its registered members.
- (2) The Congress shall meet once at the Annual General Meeting to:
- (a) formulate Policy;
 - (b) approve amendments of the Constitution;
 - (c) ratify membership of the Board of Trustees or Executive Committee;
 - (d) approve the Association's Budget; and
 - (e) approve the Association's Annual Work-Plan.

Board of Trustees of

115. (1) The Board of Trustees (herein referred to as the "BOT") shall consists of a

WCAs

maximum of Eight (8) Members drawn from registered members, with equitable women representation who must be persons of honour and proven integrity in Society.

- (2) One of the members shall be selected to be the Chairman (usually the District Head of the Community).

Functions of the BOT

116. The BOT shall:

- (a) advise and approve such matters regarding landed property;
- (b) hold in trust for the Community all properties of the Association; and
- (c) chair all Congress meetings, through its Chairman.

Tenure of member of BOT

117. (1) Members of the BOT shall hold Office for a term of Five (5) years and may be eligible for a further reappointment for a term of Three (3) years, provided that no Trustee holds Office continuously for more than Eight (8) years.

- (2) A Board member may resign membership of the BOT by giving at least One (1) Month notice in writing to the Chairman.

- (3) A Board member shall cease to hold Office due to: Insanity, Bankruptcy, Conviction for a Criminal Offence, Resignation, Removal from Office and Relocation Outside the State.

PART VI
PLATEAU RURAL WATER SUPPLY AND SANITATION
AGENCY (PRUWASSA)

Establishment of the Agency 118. (1) There is established the Plateau State Rural Water Supply and Sanitation Agency (in this Law referred to as 'PRUWASSA').

(2) PRUWASSA shall:

- (a) be a body corporate with perpetual succession and a Common Seal;
- (b) have power to sue and be sued in its corporate name;
- (c) have power to enter into Contracts or Partnership with any person (whether corporate or unincorporated) which in its opinion will facilitate the discharge of the functions conferred on it by this Law; and
- (d) be capable of holding, purchasing, acquiring and disposing of property whether movable or immovable.

(3) The Area of Operation of PRUWASSA shall include all Settlements with a population of not more than 5,000 outside the Greater Jos Master Plan also referred to as Rural Areas in this Law.

Composition of the Board 119. (1) There shall be established for PRUWASSA, a Board (in this Part referred to as the "Board") which shall comprise of:

- (a) a part-time Chairman;

(b) three other part-time members who shall be appointed by the Governor;

(c) seven ex-officio members comprising the:

- i. General-Manager;
- ii. Permanent Secretary, Ministry for Water Resources and Energy;
- iii. Permanent Secretary, Ministry of Finance;
- iv. Permanent Secretary, Ministry of Health;
- v. Permanent Secretary, Ministry of Environment and Solid Minerals;
- vi. Permanent Secretary, Local Government and Chieftaincy Affairs;
- vii. Permanent Secretary, Ministry of Agriculture; and Permanent secretary, Ministry of Justice

Remuneration of members of the Board 120. There shall be paid to the members of the Board, such remuneration and other benefits as the Governor may from time to time determine subject to State Policy on same.

Tenure of Office of Members 121. (1) Except for other Ex-officio Members, the Chairman and members of the Board shall hold Office for Four (4) years and shall be eligible for reappointment for one term of Four (4) years and no more.

(2) Except for Ex-officio members, any member of the Board may by notice resign his appointment.

(3) Any vacancy occurring in the

membership of the Board shall be filled by an appointment of a successor who shall represent the same interest, but the Board may continue to function notwithstanding any vacancy in its membership.

(4) At the expiration of a Board, the following shall perform the functions of the Board pending the constitution of a new Board within Six (6) Months:

- (a) Permanent Secretary, Ministry for Water Resources and Energy;
- (b) Permanent Secretary, Ministry for Local Government and Chieftaincy Affairs;
- (c) the General-Manager; and
- (d) the Secretary.

Duties of the Board

122. The specific duties of the Board shall include, but not limited to the following:

- (a) making strategic decisions on the activities and mandate of PRUWASSA;
- (b) reviewing and approving PRUWASSA's Business Plans, Budget and performance;
- (c) approving plans and procedures for the engagement of Private Sector Partners in collaboration with the State Water Regulatory Commission;
- (d) ensuring that the activities of

PRUWASSA meets the standards set by the Regulatory Commission;

- (e) approving and monitoring the implementation of PRUWASSA's Development Plan;
- (f) propose a Tariff methodology in furtherance of its Policy for the approval of the Commissioner;
- (g) any other business which may be considered necessary by the Board in pursuance of PRUWASSA's function as provided in this Law.

Quorum 123. (1) The quorum for a meeting of the Board of the Agency shall be two-thirds ($\frac{2}{3}$) majority of members.

- (2) The Chairman shall preside at meetings of the Board and in his absence, the members present at the meeting shall elect one of their members present to preside.

Vacation of office 124. Notwithstanding the provisions of Section 121 of this Law, a member shall vacate Office and the Office shall become vacant:

- (a) one month after the date upon which he gives notice in writing to the Governor of his intension to resign;
- (b) on the date he begins to serve a sentence of Imprisonment imposed without the option of a Fine:
 - (i) in Nigeria, in respect of a Crime

involving Dishonesty or Fraud; or
(ii) outside Nigeria, in respect of an Offence involving Financial impropriety or any conduct which if, committed in Nigeria, would constitute an Offence; or

(c) if he:

- (i). attends fewer than 75% of the Agency's Board meetings in any one-year period without sufficient reasons;
- (ii). in the case of members who have professional qualifications, if the member is barred or suspended from practice by his professional body;
- (iii). becomes bankrupt;
- (iv). becomes of unsound mind or incapable of carrying out his duties; or is guilty of a serious misconduct with relation to his duties as a member of the Board.

Functions of PRUWASSA 125. (1) The functions of PRUWASSA shall include:

- (a) the establishment of working contact with all Local Governments in the State on issues of Water and Sanitation;
- (b) assisting Local Governments in the provision of adequate and safe water supply and sanitation coverage, use and maintenance status;
- (c) supporting the Local Government in Water supply and sanitation

- coverage, use and maintenance status;
- (d) establishing an Award Scheme to recognize Local Government achievements in Hygiene Education, Water and Sanitation coverage;
 - (e) monitoring the State of repairs of all Water Supply and Community - based Sanitation Facilities and assessing the performance of Local Governments;
 - (f) organizing training for Hand Pump maintenance within the State and recommending to Local Governments expert Contractors accredited by the Regulatory Commission (established under Section 147) for such works;
 - (g) ensuring that Guinea Worm and other Sanitation/Water-Borne diseases are eradicated through Hygiene Education and Campaigns;
 - (h) liaising with the State Ministry of Water Resources and Energy to update the status of the Rural Water Supply and Sanitation coverage at quarterly intervals;
 - (i) compilation and maintenance of a State-wide inventory of Rural Water and Sanitation Sources, including conditions, type of pump or source;
 - (j) training on a continuous basis of Local Government Dug Well and Manual Rig Teams, Sanitation Artisans, Community -Based

Hygiene Education Facilitator and Hand Pump Mechanics;

- (k) supporting Local Governments that wish to have their own Dug Well and Manual Rig teams to procure and maintain such equipment;
- (l) assisting Local Governments to plan and implement their Water Supply, Sanitation and Hygiene Education Programmes, devising Schemes that will allow Community participation in terms of capacity outlay and maintenance;
- (m) assisting Local Governments with diagnostic surveys to establish local conditions and attitudes related to Water Use, Sanitation and Hygiene Practices;
- (n) supervising the construction of Low-Cost Technology Latrines, such as Sanplat, Ventilated improved Pit Latrine and demonstrated units in strategic places in the Local Government Areas;
- (o) facilitating the development of alternative Rural Water Supply sources and improvement on the existing native water supply sources for Communities; and
- (p) coordinating activities of all Rural Water Supply and Sanitation Agencies in the State.

The General Manager 126. (1) There shall be appointed a General Manager (referred to in this Part as "The

GM") by the Governor on the recommendation of the Board.

(2) The GM shall:

(a) be the Chief Executive and Chief Accounting Officer of PRUWASSA;

(b) be responsible for the implementation of the decisions and policies of the Board as well as the general administration of PRUWASSA; and

(c) perform such other duties as the Board may from time to time direct.

(3) The GM shall be:

(a) a person with a professional qualification in Water, Civil or Sanitary Engineering, Geo-Sciences or Public Health with sound relevant experience of not less than Fifteen (15) Years; and

(b) appointed pursuant to a Performance-Based Employment Contract for a term of Five (5) Years on a full-time basis which may be renewable for another period of Five (5) Years and no more, upon consideration of the improved Financial,

Management, Operational and other relevant indicators as contained in such Contract.

Secretary/Legal Adviser 127. (1) There shall be pointed by the Board a Secretary and Legal Adviser for PRUWASSA.

- (2) The Secretary/Legal Adviser shall be:
- (i) appointed on such terms and conditions as may be contained in the Letter of Appointment; and
 - (ii) a Legal Practitioner with a minimum of Ten (10) years post call experience and shall be the Head of Legal Unit.

Functions of the Secretary / Legal Adviser 128. The Secretary / Legal Adviser shall perform the following functions:

- (a) organize and take minutes of meetings of the Board and at the Senior Management meetings;
- (b) be the custodian of records of PRUWASSA and conduct correspondences on its behalf;
- (c) arrange for payment of Fees and Allowances of meetings and all other matters affecting members of the Board;
- (d) perform all duties as the Board or the management of PRUWASSA may from time to time direct;
- (e) communicate Policy decisions of the Board to affected Departments;

- (f) render necessary advice in compliance with Laws, Rules and Regulations affecting PRUWASSA;
- (g) establish and maintain the Register and Minutes Books of the Board;
- (h) keep custody of copies of Assets, Register, Financial and Annual Reports of PRUWASSA;
- (i) prepare, vet and review all Contracts; and represent PRUWASSA in Court matters to which it is a Party.

Staff

129. (1) PRUWASSA shall have power:
- (a) to appoint directly or from any Public Service of the Federation any number of Staff and other Employees as it may from time to time deem necessary subject to the approval of the State Civil Service Commission to assist in the discharge of its functions under this Law;
 - (b) conduct promotion exercises; and
 - (c) undertake disciplinary measures.
- (2) The Conditions of Service of members of Staff shall be as may be determined by the Board and in accordance with prevailing terms and Conditions of Service for Public Service.
- (3) The Conditions of Service shall include:
- (a) conditions for Appointment, Promotion and discipline of

Employees of PRUWASSA; and

(b) procedures for appeals by Employees against any disciplinary measures regarding their employment:

Provided that until such Conditions of Service are made, any instrument relating to Conditions of Service in the Public Service of the State shall be applicable with such modifications as may be necessary to the employees of PRUWASSA.

(4) A person appointed from any of the Public Service in the Federation may transfer his service to PRUWASSA.

(5) The Board shall approve Appointments, Promotions and Disciplinary measures deliberated upon pursuant to the provisions of sub-section (1) of this Section.

(6) PRUWASSA, subject to the approval of the Board, may determine the Salaries, Emoluments and other benefits of Employees of PRUWASSA.

Pension Rights 130. (1) Service in PRUWASSA shall be approved service under the provision of the State Pension Law and accordingly, Staff and Employees of the Agency shall be entitled to Pensions, Gratuities and other Retirement benefits as prescribed under

the Pensions Law of the State;

(2) Without prejudice to the provisions of sub-Section (1) of this Section, nothing in this Law shall prevent the appointment of any person to any Office on terms which preclude the grant of Pension, Gratuity or other Retirement benefits with respect to that Office.

Management Committee 131. (1) There shall be a Management Committee which shall comprise of all Departmental Heads and shall be charged with the responsibility of making recommendations to the Board in respect of the Appointment, Promotion and Disciplinary control of all Officers of PRUWASSA on Salary Grade Level 07 and above.

(2) There shall be an Appointment, Disciplinary and Promotions Committee which shall comprise of some Heads of Department as may be Appointed by the Management Committee regarding Appointments, Promotions and Disciplinary actions in respect of Employees of PRUWASSA on Salary Grade Level 6 and below.

Meeting of the Board 132. (1) The Board shall hold such meetings at such times and places as the Chairman may

- determine.
- (2) The Chairman shall preside at every meeting of the Board and in his absence the members present shall elect one of them to preside.
 - (3) The quorum of the Board shall be as stipulated in paragraph 3 of the Second Schedule to this Law.
 - (4) The proceedings of the Board shall not be invalid only by reason of improper constitutions of the Board or a defect in the appointment of a member of the Board.

Standing Orders 133. The Board may make Standing Orders for the proper conduct of its business and the regulation of its proceedings or those of any its Committees.

Committees of the board 134. The Board may appoint or constitute Standing or Ad-hoc Committees as the case may be to perform any of its functions on its behalf but no decision of such Committee shall have effect unless it has been confirmed by the Board.

Common Seal 135. (1) The Board as soon as may be after its establishment, provide itself with a Common Seal.

(2) The Common Seal of the Board shall be authenticated by the signature of the Chairman of the Board or some other member authorized by the Board in that behalf and the signature of the Secretary of the Board.

- (3) Judicial notice shall be taken of the Common Seal of the Board and every document purporting to be an Instrument made by the Board and to be sealed by the Common Seal (to be authenticated in accordance with this paragraph) of the Board and shall be received in evidence and be deemed to be such Instrument without further proof unless the contrary is shown.

FINANCIAL PROVISIONS

- Funds of PRUWASSA** 136. The funds of PRUWASSA shall include:
- (a) Grants from:
 - i. Federal Government of Nigeria;
 - ii. State Government;
 - iii. Local Government; and
 - iv. Local or International Donors.
 - (b) Revenue that may accrue from the activities of PRUWASSA; and
 - (c) Individual or Corporate Donors.
- Contribution to PRUWASSA's fund** 137. The contribution to the fund of PRUWASSA shall be in accordance with the provisions of the National Policy on Water Supply and Sanitation.
- Bank Account** 138. PRUWASSA shall operate such number of Accounts with reputable Banks approved by the Board and all monies of PRUWASSA shall be paid into any such Accounts.
- Accounts and audit** 139. (1) PRUWASSA shall:
- (a) cause to be kept proper Accounts in respect of its functions under

this Law and other records in relation thereto; and

(b) prepare in respect of each Financial Year a Statement of Account in such Form as a may be approved by the Chief Executive

(2) The Statement of accounts shall be a fair and accurate Statement of the financial position and of the result of the operation of the Agency for the Financial Year to which it relates.

(3) The Annual Statement of Accounts shall be audited by the Auditor.

(4) As soon as the Annual Statement of Accounts has been audited, PRUWASSA shall forward to the Governor a copy of the Statement of Accounts together with a copy of the Report made by the Auditor.

(5) Before the commencement of each Financial Year, PRUWASSA shall prepare an estimate of its Revenue and Expenditure for that Financial Year and submit the same to the State Executive Council for approval.

(6) A withdrawal shall not be made from PRUWASSA's Accounts unless such is authorized and signed by the General Manager and the Accountant of PRUWASSA.

Annual estimates and accounts 140. (1) PRUWASSA shall, not later than 30th September of each year, submit for the approval of the Government an estimate

of its Expenditure and Income including payments for the Agency's Fund for the next succeeding year.

- (2) PRUWASSA shall keep proper Accounts to conform with Standard Accounting Practice, in respect to each year and proper records in relation to those Accounts and shall cause its Accounts to be audited within Six (6) Months after the end of each year by Auditors appointed from the List and in accordance with Guidelines supplied by the Auditor-General.

Annual Report 141. (1) PRUWASSA shall within Six (6) Months after the end of each year submit to the Governor Report in such Form and containing such particulars as he may from time to time direct, dealing with its activities during that Financial Year.

Power to Borrow 142. (1) PRUWASSA may with the prior consent of the Governor borrow such monies as may be required to carry out its functions under this Law.

- (2) PRUWASSA may demand and accept such Securities for Loans granted by it to Local Government or Communities and charge such Rates as it may deem reasonable.

- (3) All Projects initiated by PRUWASSA shall, when completed, be handed over to be maintained by the Community.

(4) Benefiting Communities of Projects are to provide Labour and Security on Projects Sites during construction and after due hand over by PRUWASSA.

Establishment of Local Government WASH Department 143. (1) There is established in each Local Government of the State, Water Supply, Sanitation and Hygiene Department (hereafter called 'WASH Department').

(2) The Officers of the Department shall be as provided by the Unified Cadre for Local Government WASH Departments.

Functions of the Department 144. (1) The Department shall be responsible for:

(a) the establishment of contact and support with the Agency and all Communities in the Area;

(b) the development of Annual Plans of action and Budget for the Local Government;

(c) encouraging and supporting Communities to mobilize, organize and establish Water and Sanitation Committees and ensuring the maximum involvement of women;

(d) compiling of an inventory and maintenance of Water and Sanitation facilities in all communities and monitoring of their operations;

(e) identifying and training of Hand-Pump Mechanics, Caretakers, Latrine Artisans and Hygiene Facilitators;

- (f) maintenance of records for plans and requests, concerning Water and Sanitation Hygiene Education and other sanitary activities in all Communities in the Local Government;
- (g) mobilizing and supporting Community linkages with other Developmental Agencies;
- (h) encouraging and supporting Teachers in Primary and Post-Primary Schools to teach and promote Hygiene Education to Pupils and members of the Community;
- (i) ensuring the eradication of Guinea Worm and other Water-borne Diseases in the Local Government Area;
- (j) liaising with the Agency for Progress Reports and Policy Guidelines and Standards;
- (k) working with Parents-Teachers Associations to promote the improvement or construction of Water and Sanitation Facilities in Schools;
- (l) training of Water and Sanitation Committee members to plan and implement the activities of the Committee;
- (m) promotion of environmentally friendly activities to organize, establish and manage self-help Gardens, using Waste or Run-off

Water from Water Facilities and maintaining Village Waste Disposal Pits;

- (n) promotion of good hygiene practices in the utilization and maintenance of Water and Sanitation Facilities;
- (o) provision of Participatory Technique Tools, Training and Coordination of activities of Village-Based Hygiene Facilitators; and
- (p) effective utilization of State Training Facilities for the provision Of Water Supply and Maintenance of the Facilities.

WASHCOM for 145. (1) There shall be established for each Community in the Local Government, a Water Supply and Sanitation Hygiene Committee ('herein after referred to as 'WASHCOM').

(2) The Committee shall comprise of:

- (a) a Chairman (Male or Female: Literacy is an advantage);
- (b) Vice-Chairman (Female if Chairman is Male and vice versa: Literacy is an advantage);
- (c) Secretary (Male or Female: Literacy is a criteria);
- (d) Assistant Secretary (Female if Secretary is Male and vice versa. Literacy is a criteria);
- (e) Financial Secretary (Literacy is a criteria);
- (f) Assistant Financial Secretary

(Literacy is a criteria);

(g) Treasurer (Male or Female);

(h) Provost (Male or Female); and

(i) Patrons (not necessarily members but between 2 to 3 revered leaders, such as Community Leader, Religious Leaders and Community Elders).

Functions of the Committee 146. (1) The Committee shall:

(a) cooperate with the Department on Water Sanitation and Hygiene Programmes for the Community;

(b) undertake all necessary and relevant Sanitation Education;

(c) encourage development of skills to promote Community participation with the active involvement of Women;

(d) adapt Training Materials to the Social and Cultural situation of the Community;

(e) participate in the planning, design and management of safe water and sanitary facilities.

(f) encourage the teaching of Hygiene Practices to children at the Community level;

(g) ensure the provision of Latrines in the Community;

(h) ensure the eradication of Water-borne Diseases in the Community;

(i) mobilize the Community to take active part in the construction of Water and Sanitation Facilities; and

(j) mobilize the Community to contribute at least 5% of the Capital cost in Cash or Kind and all maintenance costs for safe water supply.

PART VII PLATEAU STATE WATER SECTOR REGULATORY COMMISSION

Establishment of the Regulatory Commission. 147. (1) There is established the Plateau State Water Sector Regulatory Commission (referred to in this Law as "the Commission").

(2) The Commission:

- (a) is a body corporate with perpetual succession and a Common Seal;
- (b) may sue and be sued in its corporate name;
- (c) shall be capable of taking, purchasing, leasing, holding, selling or exchanging and disposing of movable and immovable properties;
- (d) may do all acts and things which a body corporate may by Law do and which are necessary for the purposes of this Law.

(3) The Common Seal of the Commission shall be kept in such custody as the Commission directs and shall not be used except as authorised by the Commission.

Composition of the Commission. 148. (1) The Commission shall comprise of Seven (7) voting members who shall serve on a part-time basis as follows:

(a) a Chairman nominated by the Commissioner and must be a person holding at least the following qualifications:

- (i) a University Degree in Law, Economics, Business Management or Engineering; and
- (ii) at least Ten (10) years relevant cognate experience;

(b) one Member nominated by the Nigerian Society of Engineers (NSE) and shall be:

- (i) a Registered and Financial member of NSE and is also registered with Council for the Regulation of Engineers in Nigeria (COREN);
- (ii) an Engineer who has practiced for at least Ten (10) Years; and
- (iii) a Professional Engineer who has served in the Public or Private Sector at Management level;

(c) one Member nominated by Plateau State Chamber of Commerce and Industry being a person who has served as a Senior Executive in a listed Public Company for more than two (2) years; and

(d) one Member nominated by the Regulatory Advisor, being a person with at least Five (5) Years' experience in International

Regulation of Utility and Infrastructure Enterprises who shall be either:

- (i) public utility Regulator;
 - (ii) contracted Technical Advisor to a Public Regulatory Body; or
 - (iii) Regulatory Adviser to a regulated Utility;
- (c) a Legal Practitioner nominated by the Honourable Attorney-General and Commissioner for Justice with at least Ten (10) Years post call experience in company matters and the Utility Industry.
- (f) one Member nominated by the Institute of Chartered Accountants of Nigeria (I.C.A.N) or Association of National Accountants of Nigeria (A.N.A.N) and shall either be:
- (i) a registered and Financial Member of I.C.A.N or A.N.A.N;
 - (ii) has practiced as a Chartered Accountant of at least Ten (10) years standing; and
 - (iii) has served as a Professional Accountant in the Public or Private Sector at Management level; and
- (g) one member nominated by the

Consumer Protection Council (CPC),
being a person with at least Five (5)
Years relevant working experience.

(2) The Governor shall appoint the Nominees
subject to confirmation by the State House
of Assembly.

(3) There shall be an Executive Secretary, who
will be a full time and non-voting member
of the Commission.

Primary duties of the Commission. 149. The primary duty of the Commission shall be
to ensure that:

- (a) Water and Sewerage functions are properly carried out in the State; and
- (b) operators in the Sector secure reasonable returns on their capital to finance the proper carrying out of those functions.

Objectives of the commission 150. The objective of the Commission shall be to:

- (a) protect the long-term interest of Consumers with regard to Price, Quality and Reliability of services in the Water Sector;
- (b) have regard to the following:
 - (i) facilitate efficiency in the Water Sector and for efficient long-term investment;
 - (ii) facilitate the financial viability of the Water

Sector;

- (iii) ensure that the misuse of monopoly or non-transitory market power is prevented;
 - (iv) facilitate effective competition and promote competitive market conduct;
 - (v) ensure that regulatory decision-making has regard to all relevant Health, Safety, Environmental and Social Legislations applying to the Water Sector;
 - (vi) ensure that Users and Consumers (including low-income or vulnerable Consumers) benefit from the gains from competition and efficiency; and
 - (vii) promote consistency in regulation between States and on a National basis.;
- (c) without derogating from subsections (1) and (2), perform its functions and exercise its powers in such a manner as it considers best in achieving any of its objectives under this Law; and
- (d) protect the activities along the entire value chain of the Water

Supply and Sanitation Services
from the source to the Consumer.

Functions of the Commission 151. (1) The functions of the Commission shall be to:

- (a) regulate the sourcing, production, distribution, supply and use of Water, the quality of service and the Tariff and Charges payable to ensure the financial stability of the Water Sector and regulate allowable returns to the Operators;
- (b) approve the Rates and Scales of Charges payable for Water Supply, Waste Water, Sewerage and other services within the State and such Rates and Scales of Charges are to be determined taking into consideration the interests of the Consumers, the need to ensure the viability of the Water Sector, and the need to ensure competition amongst the Operators;
- (c) set, approve and review Standards of Performance of services in the Sector;
- (d) provide Regulatory Rulings or Regulatory Submissions from any Private Participant and the Institutions;
- (e) ensure that Regulatory Rulings are in compliance with the terms of the Project Agreements between the

Institutions and Private Participants;

- (f) contract a qualified Firm through Competitive Bidding Procedures, to act as a Regulatory Adviser to the Commission.
- (g) ensure that Regulatory Rulings maintain the financial stability and allowable returns of the Institutions;
- (h) ensure compliance with Service Standards and requirements subject to existing Contracts between the participants in the Water Sector and the relevant Law in that regard;
- (i) ensure that the functions of Water Supply and Sewerages Services are properly carried out in the State;
- (j) ensure that the interests of every person who is a Customer of any of the Institutions is protected in respect of the fixing and recovery by the Institutions of Water and Sewerage Charges and, that:
 - (i) the interest of Customers and potential Customers in Rural Areas are so protected; and
 - (ii) no undue preference is shown and that there is undue discrimination, in the fixing of Charges;

Regulations and Private Participants

(k) ensure that the interest of such person in respect of the other terms on which services are provided by the Operator in the course of carrying out its activities are protected;

(l) perform such functions as are conferred on it by this Law and complying with all relevant Legislation applicable to the Sector;

(m) advise the Governor on matters relating to the Economic Regulation of the Water Sector, including reliable issues;

(n) when requested by the Governor, make an enquiry into the systemic reliability of supply issues relating to the Water Sector or other essential service as specified by him;

(o) conduct inquiries and report on matters relating to the Water Sector;

(p) make recommendations to the Governor as to the following:

- (i) reforms necessary in the Sector;
- (ii) compliance by any Service Provider in the Sector; and
- (iii) whether any Operator or Service provider should

continue to operate in the Sector;

(q) conduct Public Education Programmes;

(i) for the purpose of promoting its objectives under this Law and the relevant Legislations; and

(ii) in relation to changes in the regulation of the Sector; and

(r) advise the Governor in relation to any other matter referred to the Commission by the Governor.

(2) Additional duties specifically relating to Economic Regulation of Water and Sewerage services as may be assigned by the Governor to the Commission.

Powers of the Commission.

152. (1) The powers of the Commission shall be to:

(a) approve the Tariff, Fees and other Charges charged by the Institutions for Water and Sewerage services in the State;

(b) where applicable, set or modify Tariff, Rates and Charges by Private Participants to provide Water and Sewerage services in the State;

(c) set or modify Service requirements, Standards and Targets;

- (d) approve the allowable returns of the Institutions;
 - (e) obtain from all regulated entities the Financial Statements and Business Records necessary to fulfil the Commission's Primary Duties as Stated in Section 149 of this Law;
 - (f) require all Water Sector Operators to provide such Financial Statements and Business Records as are requested by the Commission on a timely and accurate basis and for the purposes of this subsection, "timely" shall mean within Four (4) Weeks of receipt of a notification to submit Financial Statements or Business Records;
 - (g) regulate the activities of those engaged in the provision of Drinking Water contained in Bottles or Polythene Bags with a view of ensuring acceptable Service Standards; and
 - (h) regulate the activities of those engaged in the provision and supply of water and other services where there is no provision by the Provider.
- (2) All Rulings of the Commission shall be binding upon all Operators in the Sector

(3) Subject to the provisions of this Law, the Commission shall have power to perform all necessary acts in connection with the performance of its functions and to enable it to achieve its objectives under this Law.

Annual Report 153. (1) The Commission shall submit an Annual Report of its activities to the Governor and the State House of Assembly in accordance with the provisions of this Law.

(2) The Annual Report shall among other information, contain a detailed presentation of the performance of the Commission during the reporting year stated against set targets in the approval plan and shall also contain analysis of the opportunities and constraints impacting upon the Commission's performance and the actions proposed for addressing them.

Bank Accounts 154. The Commission shall operate an Account with a Bank or Banks in the State and the signatories to the Account shall be either the Chairman of Board or when absent, a designated representative as the case may be, and the Executive Secretary or when absent, a designated representative.

Accounts and Audit 155. (1) The Commission shall keep proper accounts of all its transactions in such terms as the Board may direct, being a form that shall comply with Standards

Commercial Practice.

- (2) The form of Accounts shall be such as to secure the provision of separate information in respect of each of the main activities and divisions of the Commission.
- (3) The Accounts shall be audited annually by External Auditors appointed by the Commission from a List of approved Auditors provided by the Auditor- General of the State.
- (4) The Commission shall within Six (6) Months after the end of each Financial Year, furnish the State House of Assembly with a:
 - (a) copy of the audited Account of the Commission;
 - (b) copy of the general Report and full Report of the External Auditor;
 - (c) detailed Report of the State of affairs of the Commission for the Financial Year, including a Statement of the change in the General Reserve Fund arising from the activities of the Commission during the Year reported upon; and
 - (d) the Commission shall publish its Annual Report in two National Daily Newspapers circulating within the State and on the Internet.
- (5) The Commission shall cause the audited Account and the Report of the Commission

to be published in the State Government Official Gazette after complying with subsection (4) of this Section.

Proofs of Money Due 156. In any action for the recovery of any Rate or other monies (other than Fines and Penalties) payable or recoverable under the provisions of this Law, a Certificate under the hand of the Commission in that behalf, that any sum of money is due and that the Defendant is the person liable to pay same, shall be evidence of such Debt and of non-payment, and the fact that the Defendant is the person liable to pay the same.

Restriction on execution 157. An Execution or Attachment of Process shall not be issued against any property vested in the Commission except with the prior consent of the Attorney- General.

Tenure of office 158. The Chairman of the Commission shall hold Office:

- (a) for a term of Four (4) Years in the First instance and may be reappointed for a further term of Four (4) Years and no more; and
- (b) on such terms and conditions as may be stipulated in the Letter of Appointment.

Remuneration 159. The Chairman and Members shall be paid such remuneration or other benefits as the Governor may determine from time to time.

**Removal of
Member of the
Commission**

160. A Member of the Commission shall only be removed by the Governor, if the Member:

- (a) attends fewer than 75 percent of Commission's meetings in any one-year period;
- (b) becomes of unsound mind or is incapable of carrying out the duties of the Commission;
- (c) has a conflict of interest as established by Documentary Evidence indicating a possible or actual commercial benefit arising from the operations of any of the State Water Sector Institutions;
- (d) is convicted of a Felony or any offence involving Dishonesty;
- (e) becomes Bankrupt or makes an arrangement with Creditors;
- (f) is guilty of serious Misconduct relating to his duties; and
- (g) in the case of Members who have professional qualifications, is suspended or removed from the Professional Body.

**Resignation
from the
Commission**

161. (1) A Member may resign from the Commission at any time and the resignation shall be submitted in writing to the Chairman of the Commission.

- (2) If the Chairman of the Commission chooses to resign, the resignation shall be submitted to the Governor.

(3) Resignations shall be effective Ninety (90) Days from the date in which the written resignation is received by the Chairman or the Governor and the member shall retain full voting powers and obligations during the period from the date of the submission of a resignation and the effective date of the resignation.

The Regulatory Adviser

162. (1) The Commission shall hire a Regulatory Adviser to provide one member and the Regulatory Adviser shall be a Firm or Institution that is competent to provide advisory services on Water Utility Regulation as evidenced by the following:

- (a) extensive prior experience in providing advisory services to Utility Regulation Institutions;
- (b) extensive prior experience of operating as a Regulator of Public utilities; and
- (c) demonstrated corporate capability to provide Staff with experience in regulatory matters.

(2) The Regulatory Adviser shall be hired through a Competitive and Transparent Bidding Process at the discretion of the Commission.

(3) The Regulatory Adviser may provide to the Commission, Technical Staff required to prepare Analyses and Rulings in accordance with this Law.

(4) The member nominated by the Regulatory Adviser is prohibited from participating in any proceedings or decisions relating to the procurement of the Regulatory Adviser.

Executive Secretary and Secretariat. 163. (1) There shall be appointed by the Governor, subject to the approval of the State House of Assembly, an Executive Secretary for the Commission.

(2) The Executive Secretary shall be a person who has served at Management level in the Public or Private Sector for a minimum of Ten (10) Years.

(3) The Executive Secretary shall be the accounting and administrative Officer of the Commission and shall hold office on such terms and conditions as may be specified the Letter of Appointment

Appointment of Staff 164. (1) The terms and Conditions of Service (including terms and conditions, as to Remuneration, Allowances, Pensions, Gratuities and other retirement benefits and medical benefits) of the Employees of the Commission, shall be determined by the Commission.

(2) The Commission may appoint such additional Staff or Consultants as it deems necessary for the efficient performance of the primary duties and functions of the Commission under this Law.

(3) The Commission shall enter into

Agreements or arrangements for the use of the services of any Staff of a Department, Statutory Authority or other Public Body.

(4) An engagement under sub-section (2) shall be on any terms and conditions the Commission considers appropriate.

(5) All Employees of the Commission shall sign an Oath affirming their allegiance and service to the Commission and pledging themselves to observe strict secrecy with respect to all transactions of the Commission.

(6) An Employee of the Commission shall not seek any form of employment in the Water Sector until two years after his Resignation or Retirement.

(7) For the purposes of this Part, "employee" shall include Members and Staff of the Commission.

Confidentiality 165. (1) The Commission and its Employees shall keep confidential all Financial and Business Records submitted by the Institutions and other Operators in the Sector pursuant to their regulatory submissions.

(2) For the purposes of this Section, "confidentiality" means that all Financial and Business Records of the Operators submitted pursuant to regulatory

submissions shall be:

- (a) held in properly secured facilities, with adequate supervision of the Records by the Commission; and
- (b) withheld from Public disclosure, except as required to explain specific regulatory rulings.

Consultation 166. The Commission shall consult with all relevant MDAs in the:

- i. making of Determinations;
- ii. conduct of an Inquiry; and
- iii. preparation and review of regulatory practice.

Commission not subject to direction or control 167. Except as provided for under this Law, the Commission is not subject to the direction or control of the Governor or any other person in respect of any Determination, Report or Inquiry.

Commission may publish Statements and Reports 168. The Commission may publish Statements and Reports relating to the performance of its functions and the exercise of its powers.

Commission shall publish Guidelines 169. (1) The Commission shall develop and publish a Guideline on consultation and regulatory practice relating to processes for making Determinations and conducting Inquiries.

(2) The Guidelines on consultation and regulatory practice:

- (a) shall include such matters as are prescribed; and

(b) may include any other matter that the Commission considers appropriate.

Declaration of Pecuniary Interests

170. (1) If a member has a pecuniary interest in a matter being considered or is about to be considered in the course of performing assigned duties, the member shall as soon as practicable, on having knowledge of the relevant facts, declare the nature of that interest to the Commission.

(2) Sub-section (1) does not apply if the interest is as a result of the supply of Goods or Services that are available to members of the Public on the same terms and conditions.

(3) Unless the Commission by a simple majority of members present and voting otherwise directs, if a Member has made a declaration under this Section, the Member shall not take any further part in any decision in relation to the matter.

(4) A failure to comply with this Section does not affect the validity of any act or decision of the Commission.

Meetings of the Commission

171. (1) The Chairman may convene as many meetings of the Commission as he considers necessary for the efficient conduct of its affairs, provided that the Chairman or, when absent, a Member appointed to act as Chairman shall preside

at such meetings of the Commission.

- (2) The Quorum for a meeting of the Commission shall be $\frac{2}{3}$ majority of Members.
- (3) Any issue arising at a meeting of the Commission shall be determined by a majority of the votes of the members present and voting on the issue.
- (4) The person presiding has a Deliberative Vote and, in the event of an equality of votes on any issue, a Casting Vote.
- (5) Subject to this Law, the Commission may regulate its own proceedings.

- | | | |
|---|------|--|
| Conduct of Inquiry or Determination | 172. | The Commission shall determine which Members are to sit on a particular Inquiry or Determination. |
| Determinations of the Commission | 173. | A Determination of the Commission shall be made at the meeting constituted as required by Section 171 (3) of this Law. |
| Matters to be included in Annual Report | 174. | The Commission shall include the prescribed information annually relating to the operation and performance of the Commission in its Annual Report. |
| Price Regulation | 175. | The Commission may regulate Fees, Prices and Charges for or in respect of prescribed Goods and Services supplied by or within the Water Sector. |

- Tariff determinations** 176. (1) In making a Tariff Determination, the Commission shall adopt any procedure which the Commission considers best to meet the objectives specified in this Law.
- (2) In making a Determination under this Section, the Commission shall have regard to:
- (a) the particular circumstances of the Water Sector and the prescribed Goods and Services for which the Determination is being made;
 - (b) the costs of making, producing or supplying the Goods or Services;
 - (c) the cost of complying with relevant Health, Safety, Environmental and Social Legislation applying to the Water Sector;
 - (d) the return on Assets and Investments of the regulated Provider;
 - (e) any relevant Inter-state and International Benchmarks for Tariff Cost and Return on Investments in any comparable Sector;
 - (f) the financial implications of the Determination for the Water Sector; and

- (g) any other factor that the Commission considers relevant.
- (3) In making a Determination under this Section, the Commission shall ensure that:
- (a) wherever possible, the costs of regulation do not exceed the benefits; and
 - (b) the decision takes into account and clearly articulate any trade-off between Costs and Service Standards.
- (4) A Tariff Determination by the Commission may regulate prescribed Goods and Services in any manner the Commission considers appropriate.
- (5) Without limiting the generality of subsection (4), the manner may include:
- (a) fixing Tariff Price or the Rate of increase or decrease in the tariff and Charges;
 - (b) specifying pricing Policies or Principles;
 - (c) specifying an amount determined by reference to a General Price Index, the cost of production, a rate of return on Assets and Investments employed or any other specified factor;

- (d) specifying an amount determined by reference to quantity, location, period or other specified factor relevant to the rate or supply of the Goods or Services in the Sector;
- (e) fixing a maximum average revenue or maximum rate of increase or minimum rate of decrease in the maximum average revenue in relation to prescribed Goods or Services in the Sector; and
- (f) monitoring the levels of Tariff, Fees and Charges for prescribed Goods and Services in the Sector.

Other regulatory Powers

177. (1) The Commission may exercise such powers (including the power to make Determinations) for or with respect to:

- (a) standard and Conditions of Service and Supply;
- (b) licensing;
- (c) market conduct; and
- (d) other economic regulatory matters as may be conferred on the Commission under this Law.

(2) The Commission shall have the power to act as Arbitrator or nominate Arbitrators to adjudicate and settle disputes arising between Operators, Consumers, the Institutions and in accordance with the Regulations and this shall be a condition in all Licenses granted under this Law.

(3) In making a Determination under this Section, the Commission shall have regard to any:

- (a) factor specified in the empowering Instrument; and
 - (b) other factor that the Commission considers relevant.
- (4) This Section is subject to anything to the contrary in the empowering Instrument.

General provisions relating to Determinations

178. (1) A Determination shall include a Statement of the purpose and reasons for the making of the Determination.
- (2) Notice of the making of a Determination shall be published:
- (a) in the Government Gazette;
 - (b) in a National Daily Newspaper generally circulating in the State; and
 - (c) on the Internet.
- (3) The Notice shall include:
- (a) a brief description of the nature and effect of the Determination; and
 - (b) details of when the Determination takes effect and how a copy of the Determination may be obtained from the Commission.
- (4) The Commission shall send a copy of a Determination to:
- (a) each Operator in the Sector to which the Determination applies; and

(b) any person who made a submission to an Inquiry to which the Determination relates and who has asked for a copy of the Determination.

(5) A Determination takes effect on and from:

(a) the date on which Notice of its making is published in the Government Gazette, a National Daily Newspaper circulating in the State and on the Internet; and

(b) any later date of commencement as may be specified in the Determination.

(6) Subject to the provisions of this Law, a Determination takes effect from when it is amended or revoked by a later Determination or on such other date as is specified and a Determination is binding on the Corporation or any other Operator specified in the Sector.

General Power to obtain information and Documents

179. (1) The Commission may require any person who has custody of any information or document that it is of the opinion that the information or document would assist it in the performance of any of its objectives or functions under this Law to make available to the Commission, the information or a copy of the document.

(2) A requirement to produce such information shall be made in a written Notice specifying the:

- (a) information or document required;
- (b) period of time within which the requirement must be complied with; and
- (c) form in which the information or copy of the document is to be given to the Commission.

(3) A person who without lawful excuse fails to comply with any requirement made under this Section shall be guilty of an Offence.

(4) It is a lawful excuse for the purposes of subsection (3) that compliance may tend to incriminate the person or make the person liable to a penalty for any other Offence.

(5) A person shall not in purported compliance with a requirement, knowingly give the Commission information that is false or misleading.

(6) A person shall not:

- (a) threaten, intimidate or coerce another person; or

- (b) take, threaten to take, incite or be involved in any action that causes another person to suffer any loss, sustain any injury or disadvantage because that other person complied, or intends to comply, with a requirement made under this Section.

(7) A person shall not be liable in any way for any loss, damage or injury sustained by another person because of the giving in good faith of any information or a document to the Commission under this Section.

Restriction on disclosure of confidential information 180. (1) This Section applies if at the time the information or document is given, the person giving it States that it is of confidential or commercially sensitive nature.

(2) The Commission shall not disclose the information or the contents of the document to any person unless it is:

(a) of the opinion that:
(i) the disclosure of the information or document would not be detrimental to the person supplying it; or

(ii) although the disclosure of the information or documents would be detrimental to the person supplying it, the public's benefit in disclosing it outweighs the detriment; and

(b) of the opinion, in relation to any other person who is aware of the information or the contents of the document and who might be detrimentally affected by the disclosure that:

- (i) the disclosure of the information or document would not be detrimental to that person; or
 - (ii) although the disclosure of the information or documents would be detrimental to that person, the public's benefit in disclosing it outweighs the detriment;
- (c) giving the person who supplied the information or document a written notice stating that the Commission:
- (i) wishes to disclose the information or contents of the document, specifying the nature of the intended disclosure and setting out detailed reasons why the Commission wishes to make the disclosure; and
 - (ii) is of the opinion required by paragraph (a) and setting out detailed reasons why it is of that opinion;
- (d) aware that the person who supplied the information or document in turn, received the information or document from another person and is aware of that other person's identity and address, the Commission gives that other person a written notice:
- (i) containing the details required by paragraph (c); and
 - (ii) stating that the Commission is

of the opinion required by paragraph (b) in relation to him, her or it and setting out detailed reasons why it is of that opinion; and

(c) shown that no Notice of Appeal is lodged in respect of any notice given under paragraph (c) or (d) within the time permitted by this Law.

Application for License 181. (1) A person may apply to the Commission for the issue of a License authorizing the provision of the prescribed service in the Application.

(2) An Application shall be in a Form approved by the Commission and be accompanied by such documents as may be determined by the Commission.

(3) An Application must be accompanied by the required application Fee fixed by the Commission.

Determination of Application 182. (1) Subject to sub-section (2) of this Section, the Commission may grant or refuse an Application for the issue of a License for any reason the Commission considers appropriate, having regard to the objectives specified in Section 150 of this Law.

(2) The Commission may not grant an Application for the issue of a License

unless the Commission is satisfied that the Applicant has the capacity to comply with the conditions of the License.

(3) The Commission shall publish a Notice in a National Daily Newspaper generally circulating in the State:

(a) specifying that an Application for a License in respect of the provision of the relevant prescribed services has been lodged with the Commission by the person specified in the Notice; and

(b) inviting interested persons to make submissions to the Commission in respect of the application within the period and in the manner specified in the Notice.

(4) Subject to this Section, the Commission may determine the procedures that are to apply in respect of the issue of Licenses.

(5) The Commission shall notify an Applicant in writing of its decision to grant or refuse to grant the application and, in the case of a decision to refuse to grant the application, of the reasons for its decision.

Provisions relating to Licenses 183. (1) A License is to be issued for such term (if any) as is determined by the Commission and specified in the License.

- (2) A License shall be subject to such conditions as are determined by the Commission.

Specific License 184. Conditions The conditions for grant of a License shall include provisions requiring the Licensee to:

- (a) pay specified Fees and Charges in respect of the License to the Commission;
- (b) enter into Agreements on specified terms or on terms of a specified type;
- (c) maintain specified accounting records and to prepare accounts according to specified principles;
- (d) comply with any relevant determination in respect of prescribed services;
- (e) provide, in the manner and form determined by the Commission, such information as the Commission may from time to time require; and
- (f) specify procedures for variation or revocation of the License.

Determination of 185. Fees and Charges The Fees and Charges to be specified in respect of a License are to be determined by the Commission having regard to the total amount of the costs and expenses of the Commission that are incurred or are likely to be incurred by the Commission in the exercise of its powers for or in connection with the performance of its functions and the achievement of its objectives in relation to the

Water Sector.

- Variation or revocation of License** 186. (1) A License or the License conditions may be varied:
- (a) in accordance with the procedures specified in the License conditions;
 - (b) by agreement between the Commission and the Licensee; or
 - (c) by a Notice in accordance with subsection (2) served on the Licensee.
- (2) The Commission shall not vary a License or the License conditions by a Notice unless:
- (a) the Commission is satisfied that the variation is necessary having regard to the objectives specified in Section 150 of this Law; and
 - (b) the Commission has given the Licensee an opportunity to make representations on the matter.
- (3) The Commission may revoke a License in accordance with the procedures specified in the License conditions.
- Publication** 187. The Commission shall ensure that:
- (a) Notice of the grant of a License, includes:
 - (i) the name of the Licensee;
 - (ii) the term of the License; and
 - (iii) the place where a copy of

the License may be inspected; and

(b) Notice of a Variation or Revocation is published in the Government Gazette and a National Daily Newspaper circulating in the State and on the Internet as soon as possible after the grant of a License or the variation or Revocation, as the case requires.

Transfer of License 188. (1) The holder of a License may apply to the Commission for approval to transfer the License.

(2) An Application shall be in the Form approved by the Commission and be accompanied by such documents as may be required by the Commission.

(3) An Application shall be accompanied by the application Fee fixed by the Commission.

(4) The Commission shall publish on the Internet and in a National Daily Newspaper generally circulating in the State, a Notice:

(a) specifying that an Application for the transfer of the License has been lodged with the Commission for the transfer by the holder to a proposed Transferee specified in

the Notice; and

(b) inviting interested persons to make submissions to the Commission in respect of the Application within the period and in the manner specified in the Notice.

(5) Subject to the provisions of this Section, the Commission may approve or refuse to approve the application for any reason it considers appropriate, having regard to the objectives specified in Section 150 of this Law.

(6) The Commission may not approve the Application unless it is satisfied that the proposed Transferee has the capacity to comply with the conditions of the License.

(7) The Commission may determine that, on the transfer of the License under this Section, the conditions to which the License is subject are varied as determined by the Commission.

(8) Subject to the provisions of this Section, the Commission may determine the procedures that shall apply in respect of the transfer of the License.

(9) The Commission shall notify an Applicant in writing of its decision to approve or refuse to approve the

application and, in the case of a decision to refuse to approve the application, of the reasons for its decision.

Prohibition 189. A person who is the provider of prescribed services must not engage in the provision of such services unless the person:

- (a) is the holder of a License authorizing the provision of the relevant prescribed services; or
- (b) is exempted from the requirement to obtain a License in respect of the provision of the relevant prescribed services.

Exemptions 190. (1) The Governor on the advice of the Commission may by Order published in the Government Gazette, exempt a person from the requirement to obtain a License in respect of the provision of the prescribed services specified in the Order.

- (2) An exemption may be of general or specified application.
- (3) An exemption is subject to such terms, conditions and limitations as are specified in the Order.
- (4) An Order under sub-section (1) may confer powers and functions on and leave any matter to be determined by, the Commission.

Environmental Audit Unit 191. (1) There is established an Environmental Audit Unit in the Commission.

(2) The Unit shall monitor and ensure compliance by the Corporation and other operators in the Sector with Environmental Laws and Regulations in the State and any obligations as may be conferred by any Ruling of the Commission.

(3) The audited Report of the Unit shall be forwarded to the Commission bi-annually.

Funds and Resources 192. (1) The funds and resources of the Commission shall comprise:

(a) a surcharge on Tariff payable by Consumers of Water, Waste Water and Sewerage Services, and other services in the Sector as the Commission may by Regulation decide, subject to the approval of the Governor;

(b) such sums or other property as may be advanced by way of Loans or Grants to the Commission by any Local Government Council or Statutory Corporation in the State, the Federal Government or any Agency or Institution of any such Government, any International Organization and Private Foundation or any person

- whatsoever;
- (c) any investments or other property whatsoever acquired by or vested in the Commission;
- (d) money earned or arising from any investments or other property acquired by or vested in the Commission; and
- (e) all other sums (whether as Water Rates, Water Charges, Waste Water and Sewerage charges or otherwise) or other property whatsoever which may in any manner become payable to or vested in the Commission in respect of its powers and duties or of any other incidental matter under this Law or by virtue of the provisions of any other Law.

(2) A Surcharge shall be payable on a License specified in Section 181(1) in accordance with this Section.

(3) The Surcharge is payable at such intervals and in such amounts as is determined by the Commission by notice in writing to the Licensee.

Determination of 193. Surcharge The Surcharge to be specified in respect of a License shall be determined having regard to the total amount of the Costs and Expenses of the Commission that are incurred or are likely to be incurred by the Commission in the exercise of its powers for or in connection with the performance of its functions and the

achievement of its objectives in relation to the Sector.

PART VIII

WATER SECTOR FUND

Water Sector Fund 194. (1) There is established for the Water Sector a Fund to be known as the Water Fund (hereinafter referred to as "the Fund"), which shall be administered by the Plateau State Water Sector Regulatory Commission.

- (2) The Fund shall be made up of funds from the following sources:
- (a) Loans and Grants;
 - (b) such annual contribution by the State Government as the Governor may deem appropriate;
 - (c) contributions from Donor Agencies; and
 - (d) contributions from Private Sector;
 - (e) 2.5% deduction of all charges on Water Supply and Sanitation Services;
 - (f) Fines, Fees and Penalties; and
 - (g) any other service

(3) All funds received under the Fund shall be credited to the Special Account of the Fund.

Application of the Fund 195. All the monies accrued into the Trust Fund shall be applied for the following purposes:

- (a) improving or maintaining Water

- Quality and Water Quantity for Downstream Users;
- (b) maintaining regular flows of Water throughout the year;
- (c) maintaining or enhancing Natural Ecosystem Biodiversity, both Freshwater and Terrestrial;
- (d) improving or maintaining Human well-being and quality of Life for Upstream Human Communities;
- (e) creating a multi-Institution al governing body bringing together Public and Private Partners;
- (f) creating opportunities that avoid costs of Water Treatment by investing in Nature instead of Infrastructure;
- (g) creating sustainable financing for long-term conservation efforts; and
- (h) operations of the Plateau State Water Sector Regulatory Commission.

Management of the Trust Fund 196. (1) The Commission shall open a dedicated Special Account with any reputable Bank into which monies accrued to the Fund shall be deposited.

(2) The Chairman of the Commission shall have powers, in consultation with Members of the Commission, to grant approval for the release of the funds in strict compliance with the provisions of Section 195 of this Law.

(3) All Contracts under the Fund shall be awarded by resolution at a meeting of the Commission held for that purpose, to any deserving Corporate Body so awarded after meeting up with all requirements in compliance with the provisions of the Public Procurement Law of the State.

(4) The Commission shall make a Yearly Narrative and Financial Report available to the Governor, the Executive Council, the State House of Assembly and all contributing Organizations and publish same for Public scrutiny.

PART IX
WATER QUALITY STANDARDS AND ENVIRONMENTAL ISSUES

Monitoring 197. (1) The State Water Sector Regulatory Commission shall be the monitoring body of Water and Waste Water Management.

(2) The Plateau Environmental Protection and Sanitation Agency (referred to in this Law as "PEPSA") shall be the monitoring body in respect of Liquid Wastes, Disposal of Solids, Land and Soil, Environmental issues in the State.

(3) It shall also determine Pollution levels, collect Baseline Data and work in conjunction with other Agencies approved by Law.

Environmental Compliance 198. The Corporation in carrying out its functions and duties under this Law shall comply with existing Environmental Laws and Regulations in the State.

Quality of Water 199. The Corporation shall ensure that Water supplied to any premises is wholesome and conforms with the World Health Organization (WHO) Standards for potable water.

Control of Ground Water 200. (1) Every Borehole shall be sited in a hygienically conducive environment and protected from pollution.

(2) In all cases, the location of a Borehole other than those for domestic use shall be authorized by first obtaining the appropriate License from the Commission for Groundwater Abstraction.

(3) Any Borehole Water certified to be hazardous to health shall be prohibited temporarily or permanently from being supplied for consumption.

(4) The quality of water to be delivered to the Public shall be required to be of World Health Organization (WHO) recommended Standards

Irrigation Development 201. (1) Any person setting up an Irrigation Project shall obtain a License from the Commission.

(2) It shall be mandatory to have an Environmental Impact Assessment study before establishing any Irrigation Project and during operation of the Project.

(3) It shall be mandatory that regular monitoring of the identified negative impact be undertaken, and appropriate mitigation measures be put in place by the Licensee.

Surface Water Use/Abstraction 202. Raw water from surface abstraction, so far as the use to which it is to be put allows, must be returned substantially undiminished in quality and not harmful to Aquatic Life.

Discharge of Waste into Water Bodies 203. (1) A person shall not discharge or cause or permit the discharge of any of the following substances into any Water Body:

- (a) inflammable solvent;
- (b) tar or other liquids immiscible with water;
- (c) hazardous or toxic substances beyond the limits approved by the Law;
- (d) materials containing cyanides, chromates, dichromate, peroxides, chlorinated;
- (e) bi-phenols and chlorinated hydrocarbons; and
- (f) waste of whatever kind or nature that

cannot be satisfactorily purified by natural process and sewage treatment process.

(2) In determining the point of discharge of Wastewater, a Licensee shall be required to discharge at a safe distance from an existing point of abstraction approved by the Commission.

(3) A Licensee shall be required to comply with the method of waste conveyance acceptable to the Commission and as specified on the License.

(4) In all cases, a Licensee shall comply with existing Regulations for municipal waste conveyance and disposal and ensure that the method of discharge shall be environmentally safe while Pipe conveyance systems shall be leakage-free and metered.

(5) The Commission shall require Government Agencies, Companies, Industries or Persons constructing Urban Drainage Systems to incorporate suitable mechanisms such as desilting and oil removal devices on drainage outfalls to reduce grit, oil, fat and other polluting substances reaching bodies of water through Urban Drainage Systems.

Watershed Management 204. In the event that the environment is degraded as a result of any activity of any person, the owner of such works shall be required to restore the environment at the owner's expense to its original state or to a state as near as possible to the original state, and failure to comply with this requirement shall be punishable as set out in the 3rd Schedule to this Law.

Drainage and Land Reclamation 205. (1) Except in cases of overriding Public interest, Environmental Impact Assessment studies shall be mandatory for the approval of locations of drainage and Land Reclamation Works.

(2) In the case of existing works, an Applicant shall be required to provide plans for mitigating the adverse effects, if any, and shall be required to provide evidence of proper operation and maintenance.

(3) On the completion of such works, the Licensee shall restore the environment to its original state or a state as near as possible to the original state with the approval of the Commission.

Standard of performance in connection with Water Supply 206. (1) For the purpose of:
a) facilitating the determination of the extent to which breaches of the obligations imposed by the following provisions of this Law

are to amount to breaches of the duty imposed; or

supplementing that duty by establishing overall standards of performance in relation to that duty:

the Commission may by Regulation provide for contravention of such requirements as may be prescribed to be treated for the purposes of this Law as breach of that duty.

(2) The Commission may by Regulation prescribe such standard of performance in connection with the provision of supply of water as, in its opinion, ought to be achieved in individual cases.

(3) Regulations under sub-section (2) of this Section may provide that if the Corporation fails to meet a prescribed Standard it shall pay such amount as may be prescribed to any person who is affected by the failure.

(4) Without prejudice to the generality of the powers conferred by sub-section (2) of this Section, Regulations under that sub-section may:

(a) include a requirement for the Corporation, in prescribed circumstances, to inform a person of available rights by virtue of any

such Regulations;

(b) provide for any dispute under the Regulations to be referred by either party to the Commission;

(c) make provision for the procedure to be followed in connection with any such reference and for the Commission's Determination on such a reference to be enforceable in such manner as may be prescribed;

(d) may prescribe circumstances in which the Corporation is to be exempted from requirements of the Regulations.

(5) Where the Commission determines any dispute in accordance with Regulations under this Section, it must, in such manner as may be specified in the Regulations, give its reasons for reaching such decision with respect to the dispute.

Duties of the Corporation with respect to Water quality

207.

(1) It shall be the duty of the Corporation when supplying water to any premises for domestic or food production purposes to:

- a) supply only water which is wholesome at the time of supply; and
- b) ensure in relation to each source or combination of sources from which the Corporation supplies water to premises for domestic or food production purposes, that there is, in general, no deterioration in the quality of the water which is supplied from that source or combination of sources.

(2) For the purposes of this Section, water supplied by the Corporation to any premises shall not be regarded as unwholesome at the time of supply where it has ceased to be wholesome only after leaving the Corporation's pipes.

(3) The provisions of this Section shall apply in relation to water which is supplied by the Corporation whether or not the water is that which the Corporation is required to supply by virtue of any provision of this Law.

(4) The duties of the Corporation under this Section shall be enforceable by the Commission.

Regulations for 208. preserving water quality

(1) The Commission may by Regulations require the Corporation to take all such steps as may be prescribed for the purpose of securing compliance with Section 207 of this Law.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), Regulations under that sub-section may impose an obligation on the Corporation to:

(a) take all such steps as may be prescribed for monitoring and recording whether the water which the Corporation supplies to premises for domestic or food production purposes is wholesome at the time of supply;

(b) take all such steps as may be prescribed for monitoring and recording the quality of the water from any source, or combination of sources, which the Corporation uses or is proposing to use for supplying water to any premises for domestic or food production purposes;

(c) ensure that a source which the Corporation is using or proposing to use for supply of water for domestic or food production purposes is not so used until prescribed requirements for establishing the quality of water which may be supplied from that source have been complied with;

(d) keep records of the localities within which all the premises supplied with water for domestic or food production purposes by the

Offence of supplying water unfit for Human consumption 209. (1) Subject to sub-section (3) of this Section where the Corporation supplies water by means of pipes to any premises and that water is unfit for human consumption, the Corporation shall be guilty of an offence and liable on conviction, to a Fine not exceeding Five Hundred Thousand Naira (₦500,000.00).

(2) For the purposes of this Part and any other Law under which an individual is guilty of an offence by virtue of sub-section (1) of this Section the penalty on conviction for an Offence under this Section shall be deemed to include Imprisonment (in addition to a Fine) for a term not exceeding Two (2) Years.

(3) In any proceedings against the Corporation for any Offence under this Section, it shall be a defence for the Corporation to show that it:

(a) had no reasonable grounds for suspecting that the water would be used for human consumption; or

(b) took all reasonable steps and exercised all due diligence for securing that the water was fit for human consumption on leaving its pipes or was not used for human consumption.

Contaminati on of Water 210. (1) Subject to sub-sections (2) and (3) of this Section, a person is guilty of an

Sources

offence under this Section if he is guilty of any act or neglect where the water in any waterworks which is used or likely to be used for:

(a) human consumption or domestic purposes; or

(b) manufacturing food or drink for human consumption; is polluted or likely to be polluted.

(2) Nothing in this Section shall be construed as restricting or prohibiting any method of cultivation of Land which is in accordance with the principles of good Husbandry.

(3) Nothing in this Section shall be construed as restricting or prohibiting the reasonable use of oil or tar on any Highway maintainable at public expense so long as the Highway Authority takes all reasonable steps for preventing:

(a) the oil or tar; and

(b) any liquid or matter resulting from the use of the oil or tar, from polluting the water in any Waterworks.

(4) A person who is guilty of an offence under this Section shall be liable:

(a) on summary conviction, to a Fine not exceeding One Million Naira

(N1,000,000.00) and, in the case of a continuing Offence, to a further Fine not exceeding Two Hundred Thousand Naira (N200,000.00) for everyday during which the offence is continued after conviction; and

(b) on conviction to Imprisonment for a term not exceeding Two (2) Years or to a Fine or both.

(5) Proceedings for an offence under this Section shall not be instituted except by the Commission or the Director of Public Prosecutions of the State.

(6) In this Section "Waterworks" include:

(a) any Spring, Well, Adit, Borehole, Service Reservoir or Tank; and

(b) any Main or other Pipe or Conduit of the Corporation.

Offences of 211. (1) If any person who is the owner or occupier of any premises to which a supply of water is provided by the Corporation intentionally or negligently causes or suffers any water fitting to be or to remain out of order, in need of repair or constructed or adapted, or to be used so that:

(a) water in a Water Main or other Pipe connected with such a Water Main or Pipe, is or likely to be

(b) water supplied by the Corporation to those premises is or is likely to be contaminated before it is used; or

(c) that water so supplied is or is likely to be wasted or, having regard to the purposes for which it is supplied, misused or unduly consumed;

that person shall be guilty of an offence and liable, on summary conviction, to a Fine not exceeding Five Hundred Thousand Naira (₦500,000.00).

(2) Any person who uses any water supplied to any premises by the Corporation for a purpose other than the one for which it is supplied to those premises shall, unless the other purpose is the extinguishment of a fire, be guilty of an offence and liable, on summary conviction, to a Fine not exceeding One Hundred Thousand Naira (₦100,000.00).

(3) For the purposes of this Section, the owner or occupier of any premises shall be regarded as responsible for every Water Fittings on the premises which is not a water fitting which a person other than the owner or, occupier is liable to maintain.

contaminated by the return of any substance from those premises to that Main or Pipe;

water supplied by the Corporation to those premises is or is likely to be contaminated before it is used; or

that water so supplied is or is likely to be wasted or, having regard to the purposes for which it is supplied, misused or unduly consumed;

that person shall be guilty of an offence and liable, on summary conviction, to a Fine not exceeding Five Hundred Thousand Naira (₦500,000.00).

(2) Any person who uses any water supplied to any premises by the Corporation for a purpose other than the one for which it is supplied to those premises shall, unless the other purpose is the extinguishment of a fire, be guilty of an offence and liable, on summary conviction, to a Fine not exceeding One Hundred Thousand Naira (₦100,000.00).

(3) For the purposes of this Section, the owner or occupier of any premises shall be regarded as responsible for every Water Fittings on the premises which is not a water fitting which a person other than the owner or, occupier is liable to maintain.

Regulations of 212. (1) The Commission may by Regulations preventing contamination, waste, etc., with respect to Water fittings

(a) that water in a Water Main or other Pipe of the Corporation is not contaminated and that its quality and suitability for particular purposes is not prejudiced, by the return of any substance from any premises to that Main or Pipe;

(b) that water which is in any pipe connected with any such Main or other Pipe or which has been supplied to any premises by the Corporation is not contaminated, and that its quality and suitability for particular purposes is not prejudiced, before it is used;

(c) the prevention of waste, undue consumption and misuse of any water at any time after it has left the pipes of the Corporation for the purpose of being supplied by the Corporation to any premises; and

(d) that water fittings installed and used by persons to whom water is or is to be supplied by the Corporation are safe and do not cause or contribute to the erroneous measurement of any water or the reverberation of any

pipe.

(2) Without prejudice to sub-section (1) of this Section, Regulations under this Section may, for any of the purposes specified in that sub-section, make provision in relation to such water fittings as may be prescribed for:

- (a) forbidding the installation, connection or use of the fitting where they have not been approved under the Regulations or where they contravene the Regulations;
- (b) requiring the fittings, for the purposes of provision made by virtue of paragraph (a) to be of such size, nature, strength or workmanship, to be made of such materials or in such a manner or to conform to such standards as may be prescribed by or approved under the Regulations;
- (c) imposing such other requirements as may be prescribed with respect to the installation, arrangement, connection, testing, disconnection, alteration and repair of the fittings and with respect to the materials used in their manufacture;
- (d) the giving, refusal and revocation, by prescribed persons, of approvals required for the purposes of the Regulations; and

(e) such approvals to be capable of being made subject to such conditions as may be prescribed and for the modification and revocation of any such condition.

(3) Without prejudice, Regulations under this Section may:

(a) impose separate or concurrent duties with respect to the enforcement of the Regulations on the Corporation, Local Authorities and such other persons as may be prescribed;

(b) confer powers on the Corporation or Local Authority to carry out works and take other steps, in prescribed circumstances, for remedying any contravention of the Regulations;

(c) provide for the recovery by the Corporation or Local Authority of expenses incurred by the Corporation or Authority in the exercise of any power conferred by virtue of paragraph (b);

(d) provide for a contravention of the Regulations to constitute a summary offence punishable, on summary conviction, by a Fine as set out in the 3rd Schedule to this Law;

(e) require prescribed Charges to be paid to persons carrying out

functions under the Regulations;
(f) enable the Commission to authorize exemptions and departures from such of the requirements of the Regulations as may be prescribed, to make any such authorization subject to such conditions as may be prescribed and to modify or revoke any such authorization or condition; and
(g) require disputes arising under the Regulations to be referred to the Court established under this Law and for determinations under the Regulations to be subject to such rights of appeal as may be prescribed.

(4) Any person designated in writing for the purposes of this sub-section in such manner as may be prescribed may enter any premises for the purpose of:

(a) ascertaining whether any provision contained in or made or having effect under this Law with respect to any Water Fittings or with respect to the waste or misuse of water is being or has been contravened;

(b) determining whether, and if so in what manner, any power or duty conferred or imposed on any person by Regulations under this Section should be exercised or performed; or

- (c) exercising such power or performing such duty; or
- (d) carrying such inspections, measurements and tests on premises entered by that person or on Water Fittings or other articles found on any such premises and take away such samples of water or of any Land and such water fittings and other articles, as that person has been authorized to carry out or take away in accordance with Regulations under this Section.

Power to prevent damage and to take steps to prevent contamination, waste, etc.

(1) Without prejudice to any power conferred on the Corporation by Regulations, where the Corporation provides supply of water to any premises and has reason for believing that:

(a) damage to persons or property is being or is likely to be caused by any damage to, or defect in, any water fitting used in connection with the supply of water to those premises which is not a service pipe belonging to the Corporation;

(b) water in a Water Main or other Pipe of the Corporation is likely to be contaminated by the return of any substance from those premises to that Main or Pipe;

(c) water which is in any pipe connected with any such Main or other Pipe or which has been supplied by the Corporation to those premises is being or is likely to be contaminated before it is used; or

(d) water which has been or is to be so supplied is being or is likely to be wasted or, having regard to the purposes for which it is supplied, misused or unduly consumed;

the Corporation may exercise the powers conferred by sub-section (2) of this Section in relation to those premises.

(2) The steps specified in a Notice under sub-section (3) of this Section shall be

Information to be given to Customers about overall performance 214.

(1) The Corporation shall, in such form and manner and with such frequency as the Commission may direct, take steps to inform its Customers of the:

- (a) Standards of overall performance established under this Law which are applicable to the Corporation; and
- (b) Corporation's level of performance in respect of each of those Standards.

(2) In giving any such direction, the Commission shall not specify a frequency of less than once in every period of Twelve (12) Months.

(3) The duty of the Corporation to comply with this Section shall be enforceable by the Commission.

Power to deal with Foul Water and Pollution 215.

(1) Subject to the provisions of this Part, the Corporation for the purpose of carrying out its functions, shall have power to carry out:

(a) in a Street, all such works as are requisite for securing that the water in any relevant Waterworks is not polluted or otherwise contaminated; and

(b) any works requisite for, or incidental to, the purposes of any works falling within paragraph (a) including for those purposes, the

following kinds of works:

- (i). breaking up or opening a Street;
tunnelling or boring under a Street;
- (ii). breaking up or opening a Sewer, Drain or Tunnel;
- (iii). moving or removing earth and other materials.

(2) Subject to the provisions of this Part, the Corporation for the purpose of carrying out its functions, shall have power to carry out:

(a) in any Street, all such works as are requisite for securing that the water in any relevant Waterworks is not polluted or otherwise contaminated; and

(b) any works requisite for, or incidental to, the purposes of any works falling within paragraph (a) above.

(3) Without prejudice to the powers conferred on sub-sections (1) and (2) of this Section, the Corporation shall have power, on any Land which belongs to the Corporation or over which or in which the Corporation has acquired the necessary Easements or Rights, to construct and maintain Drains, Sewers, Water Courses, Catch Pits and other works for the purpose of:

(a) intercepting, treating or disposing of any foul water arising or flowing on that Land; or

(b) otherwise preventing the pollution:

(i) of any waters, whether on the surface or underground, which belongs to the Corporation or from which the Corporation is authorized to take water;

(ii) without prejudice to subparagraph (i) above, of any Reservoir which belongs to or is operated by the Corporation or which the Corporation is proposing to acquire or construct for the purpose of being so operated; or

(iii) of any underground strata from which the Corporation or any Water Corporation is for the time being authorized to abstract water.

(4) Where the Corporation is proposing to carry out any such works as are mentioned in sub-section (3) of this Law and the proposed works will affect any Watercourse, the Corporation shall consult the Commission before carrying out the works.

(5) In this Part, the references to the laying of a relevant Pipe shall include references to the:

- (a) laying of any Drain or Sewer for any of the purposes mentioned in sub-section (3) (a) and (b) of this Section; and
- (b) construction of a Watercourse for any of those purposes.

PART X WATER SECTOR COURT

**Establishment of
the State Water
Sector Court** 216

(1) There is established a State Water Sector Court (referred to in this Law as "the Water Court") and it shall have such jurisdiction, power and authority conferred on it by this Law and by any Regulations made thereunder.

(2) The Court shall be situated in any place designated by the Chief Judge of the State.

**Composition of
the Court** 217.

(1) The Court shall consist of:

- (a) a Chairman who shall be a serving Judicial Officer not below the rank of a Chief Magistrate;

(b) an Environmental Engineer who shall be a registered member of the Nigerian Society of Engineers or Council of Registered Engineers;

(c) an Economist, who shall be a First-Degree holder in Economics or Finance with Ten (10) Years post-qualification experience either in the Public or Private Sector.

(2) The Court shall be duly constituted for the purpose of hearing and determining any matter before it, if it consists either of the Chairman sitting alone or the Chairman and any other member.

Appointment 218. (1) The Governor shall appoint the:

(a) Chairman of the Court, on the recommendations of the Chief Judge of the State; and

(b) other members of the Court on the recommendations of their professional bodies.

Tenure 219. The Chairman and members of the Court shall hold Office for Four (4) Years and be eligible for re-appointment for a further term of Three (3) Years.

Remuneration 220. The Chairman and members of the Court shall be paid such Remuneration, Fees and Allowances as the Governor may approve.

Jurisdiction 221. The Court shall have powers to:

- (a) investigate and adjudicate on all Complaints and disputes concerning the Water Sector;
- (b) determine all matters referred to it for consideration;
- (c) sit on all appeals from the Determinations and Rulings of the Commission;
- (d) summon any person to give evidence before it;
- (e) make any Ruling as may be expedient; and
- (f) make its own Rules of Procedure.

Registrar of the Court 222. (1) The Registrar of the Court shall be a Legal Practitioner with at least Five (5) Years post call experience.

(2) The Registrar of the Court shall be a serving Officer in the State Ministry of Justice and shall be appointed by the Governor on the recommendation of the Attorney-General and Commissioner for Justice.

Proceedings 223. The proceedings of the Court shall continue on a day to day basis, until the matter is disposed of subject to adjournments as deemed fit by the Court.

Appeal 224. (1) Any party may appeal against the decisions of the Corporation or the Commission Centre or any Operator in the Water Sector to the Court within Twenty-One (21) Days after the notification of the final decision of the Corporation, the Complaints Centre, Commission, etc., has been communicated.

(2) An Appeal against the decision of the Court shall lie as of right to the High Court in the State. Such Appeal shall be made within Twenty-one (21) days after written notification of the ruling of the Court.

(3) The Chairman of the Court shall cause a sitting of the Court within Twenty-One (21) Days of receipt of an Appeal.

(4) The aggrieved party may attend and be heard or an authorized representative may attend the sitting of the Court.

Mode of Appeal 225. An Appeal to the Court shall be on the prescribed Form and on payment of a Fee as may be prescribed in the Regulations made under this Law.

Exemption from liability

226. A Member of the Court shall not be liable for any act done in good faith in exercise of the powers conferred on the Court by Section 221 of this Law.

PART XI

LEGAL PROCEEDINGS AND MISCELLANEOUS PROVISIONS LEGAL PROCEEDINGS

Limitations of Suits against the Institutions

227. (1) Subject to the provisions of this Law, the provisions of the Public Officers Protection Act shall apply in relation to any Suit instituted against any Member, Officer or Employee of any of the Institutions in this Law.

(2) No Suit against a Member of any of the Boards under this Law or any other Officer or Employee of the Institutions for any act done in pursuance or execution of any Law or any Public duties in respect of any alleged neglect or default in the execution of such act, duties or authority shall lie or be instituted in any Court unless:

- (a) it is commenced within Three (3) Months next after the act, neglect or default complained; or
- (b) in the case of continuation or damage or injury, within Three (3) Months next after the ceasing thereof.

(3) No Suit shall be commenced against any of the Boards or any other Officer or Employee of the Institutions before the expiration of a period of One (1) Month after written notice of intention to commence the suit shall have been served on the Institution by the intending Plaintiff or his Agent; and

(4) The Notice shall clearly and explicitly state the:

- (a) Cause of Action;
- (b) Particulars of Claim;
- (c) Name and Place of the abode of the intending Plaintiff; and
- (d) Relief claimed.

Service of Notice 228. Any Summons, Notice or other Document required or authorized to be served upon any of the Institutions under the provisions of this Law or any other Law may be served by delivering same to the Heads of the Institutions or by sending it by registered post and addressed to the Heads at the Headquarters of the Institutions.

Restriction on execution against the Institutions 229. (1) In any Action or Suit against any of the Institutions, no Execution or Attachment of Process shall be issued against them.

(2) Any sums of money which may be awarded against any of the Institutions shall, subject to any directions given by the Court, be paid from the General Reserve Fund of such Institution.

Indemnity of
Officers of the
Institutions

230. Every Member of the Board, Agent, Auditor, Officer or Employee of any of the Institutions shall be indemnified out of the Assets of such Institution against any liability incurred by such Member, Agent, Auditor, Officer or Employee in defending any proceeding, whether Civil or Criminal, if any such proceeding is brought against the Member, Agent, Auditor, Officer or Employee in that capacity.

Offences and
Penalties

231. The Offences and Penalties are as provided in the 3rd Schedule to this Law

MISCELLANEOUS PROVISIONS

Provisions relating
to Defaulters, etc.

232. (1) Where any person contravenes the provisions of this Law, the Institution concerned may, without prejudice to its Rights commence proceedings against the Defaulter by:

- (a) serving a Notice in writing on the defaulting Occupier or Consumer; and
- (b) authorizing or causing an Officer or Employee of the Institution to enter and alter, disconnect, stop or remove any Water Fittings belonging to or used by such defaulting Occupier or Consumer.

(2) Upon the Occupier or the Consumer remedying the default or contravention referred to in sub-section (1) of this

Section, the Institution may cause repairs, replacement and re-connection of the fittings and shall recover from the Defaulter, the cost or expenses reasonably incurred to effect the repairs or replacement or re-connection as the case may be.

Recovery of loss of Money 233. (1)

Where, upon consideration of any Audit Report, the Institution is satisfied that in respect of its functions under this Law:

- (a) a sum due to the Institution has not been duly brought to account by any person; and
- (b) there is loss of money or destruction of any of the property of the Institution which has occurred by reason of:
 - i. negligence; and
 - ii. breach of official duty or other

Misconduct of any person:

the Institution may surcharge such money, or the value of the property lost or destroyed upon the person aforesaid whether he is member of Staff of the Institution or an Agent.

- (2) Before exercising any of the powers specified under sub-section (1) of this Section, the Institution may, in writing,

authorized any person to conduct an inquiry for the purposes of the Section (and to take evidence and examine Witnesses) by Summons, require all such persons as it may deem fit to appear before it at a time and place Stated in such Notice or Summons and to produce all such Books, Records, Accounts and other Documents and Materials as it may consider necessary for the purposes of the Inquiry.

(3) If the Institution decides to surcharge any person under sub-section (1) of this Section, it shall cause a Notice to be served upon such person.

(4) Notwithstanding anything to the contrary contained in sub-section (1) of the Section, no liability to surcharge shall be incurred by any Officer, Employee or Agent of the Institution, if it can prove to the satisfaction of the Institution that the Officer, Employee or Agent acted in pursuance and in accordance with the terms of a Resolution of the Board or of any Committee duly appointed by the Board under this Law or on the written instructions of any Officer, Employee or Agent of the Institution: Provided that nothing in this sub-section shall exempt any person from liability to surcharge within the provisions of this Section where it is proved that the

Officer, Employee or Agent knew or ought reasonably to have known that the terms of the Resolution or Written Instructions as aforesaid were not in accordance with provisions of this Law or Rules or Directions given hereunder.

- (5) Any amount notified as a Surcharge in accordance with sub-section (3) of this Section shall be due to the Institution and may be sued for and recovered in any Court of competent jurisdiction at the instance of the Institution.
- Appeal against Surcharge** 234. (1) Any person who is aggrieved by any decision of any the Institutions for a Surcharge of any amount exceeding an amount as shall be determined by the Board may within Thirty (30) Days of such Decision appeal to the Governor for a review of the Decision.
- (2) The Governor, shall have power to confirm, vary or quash the Decision of such Institution and give such direction(s) as may deem fit in each circumstance.
- Abstraction by fire Authorities** 235. (1) Subject to sub-section (2) of this Section, any Fire Authority may abstract Water from any Public Fountain, Service or Waterworks of the Institution for the purpose of prevention or control of Fire.

(2) Water shall not be abstracted by any Fire Authority for the purpose of testing any Firefighting Appliance except with the consent of the Institution and such consent shall not be unreasonably withheld.

(3) No Charge shall be made for Water supplied by the Institution under subsection (1) or (2) of this Section.

(4) Any Main, Pipe, Valve, Hydrant, Service or other Waterworks required within the area of operation of any of the Institutions by any Fire Authority in the discharge of its function to prevent and control Fire shall be provided by the Institution as may from time to time be determined: Provided that such Main, Pipe, Valve, Hydrant, Service or other Waterworks shall vest in the Institution and shall be maintained by such Institution as the Fire Authority may, from time to time, require.

(5) In this Section, "fire authority" means any Authority or Body of Firemen duly constituted, organized or established under any Enactment or Law by the Federal and State Government.

Provisions relating to Land 236.. (1) Whenever it appears to any of the Institutions that any Land in the State is required for the purpose of carrying

any proposed or existing Water Main shall be placed and Under Wood as may interfere with the construction or proper working of any of the Water Main; or carry out any other work connected with supply of Water.

save as is otherwise, such Institution shall when practicable, give notice to the Occupier of any Land on which it is intended to enter.

Any Water Main placed across or over Road shall be placed so as not to interfere with the passage along such Road, and the Institution shall make good any Road opened or broken up for the purpose referred to in sub-section (1) of this Section.

Where any entry made under sub-section (1) of this Section occasions any damage requiring the payment of Compensation, the Institution shall pay Compensation as it thinks fit in the circumstances, from time to time.

Before constructing a new Public Fountain, Main Pipe, Valve, Hydrant, Siphon or other Waterwork across any land or attaching any fixture to any Building, the Institution shall when practicable serve on the Occupier of that land or Building such notice as

out its functions under this Law, such Institution shall, subject to the provisions of the Land Use Act permit its Servants or Agents together with all necessary Workmen enter upon such Land to:

- (a) (i) survey and take levels of the Land;
 - (ii) dig or bore the subsoil; and
 - (iii) do such other things as are necessary to ascertain whether the Land is adapted for such purposes.
- clear, set out and mark the boundaries of the Land in respect of which it is proposed to make an Application under sub-section (1) of this Section: Provided that no such Officer, Agent, Servant or Workman of the Institution shall enter into any Building upon any enclosed Court or Garden attached to a Dwelling House without giving at least Seven (7) Days' Notice of Intention to Enter to the Occupier and the Occupier shall not unreasonably withhold consent as requested;
- (c) construct, place, maintain, examine, repair, alter or remove any Water Main;
 - (d) cut and remove on each side of

out its functions under this Law, such Institution shall subject to the provisions of the Land Use Act, carry out its functions together with all necessary Workmen upon such

(c)

any proposed or existing Water Main all such Trees and Under Wood as may interfere with the construction or proper working of any of the Water Main; or carry out any other work connected with supply of Water.

(2) Save as is otherwise, such Institution shall when practicable, give notice to the Occupier of any Land on which it is intended to enter.

(3)

Any Water Main placed across or over any Road shall be placed so as not to interfere with the passage along such Road, and the Institution shall make good any Road opened or broken up for the purpose referred to in subsection (1) of this Section.

(4) Where any entry made under subsection (1) of this Section occasions any damages requiring the payment of Compensation, the Institution shall pay Compensation(s) as it thinks fit in the circumstances, from time to time.

(4)

Where any entry made under subsection (1) of this Section occasions any damages requiring the payment of Compensation, the Institution shall pay Compensation(s) as it thinks fit in the circumstances, from time to time.

Notice of intention 237. (1) to enter land to construct new Waterworks, etc.

Before constructing a new Public Fountain, Main Pipe, Valve, Hydrant Service or other Waterworks across any land or attaching any fixture to any Building, the Institution shall when practicable serve on the Occupier of such Land or Building such notice as is

referred to in sub-section (2) of Section 236, which shall be in writing in which it is intended to be constructed or attached.

(2) If within Thirty (30) Days after the service of such Notice the occupier fails to lodge an objection with the Institution in writing to the work specified in the Notice, the Institution may proceed with that work.

(3) If the owner of any Land or Building across or on which a Water Main or fixture has been constructed or attached requires the position of such Fountain, Main Pipe, Valve, Hydrant, Service or other waterworks to be altered, the Institution may alter the position subject to such conditions as it may deem fit.

Compulsory acquisition of Land 238. (1) Whenever there is any hindrance to acquisition by the Institution of any Land required for the purpose of carrying out its functions and powers under this Law, including any failure by the Institution to reach agreement as to the amount to be paid in respect of the acquisition, the Commissioner for Lands, Survey and Town Planning, upon the application of the Institution and after such inquiry as he may think fit, may declare that the Land is required for the service of

such Institution.

(2) Upon such declaration being made, the Land to which it relates shall be deemed to be Land required for Public Purposes within the meaning of the provisions of the Land Use Act and the Governor may cause action to be taken under the Land Use Act for acquiring the Land for the State Government.

(3) The Compensation, if any, payable under the Land Use Act for the acquisition under sub-section (2) of this Section shall be paid accordingly by the appropriate Authority.

Directives by the Governor 239. The Governor may give to the Institutions such Directives of a general or specific nature relating to matters of Policy with regard to the performance by the Institution of its functions under this Law and it shall be the duty of the Institution to comply with the directives or cause them to be complied with.

Directives by the Commissioner 240. Subject to the approval of the Governor, the Commissioner may give to the Institution such Directives of a general or specific nature relating to matters of Policy with regard to the performance by the Institution of its functions under this Law and it shall be the duty of the Institution to comply with the Directives or cause them to be complied with.

Power to make 241. The Water Sector Regulatory Commission

Regulations created under Section 147 shall make Regulations affecting the Institutions with respect to all or any of the following matters:

- (a) fixing the Rate and Scale of Charges payable for the water supplied by Meter or otherwise within the State;
- (b) granting exemptions from any Water Rate or Charge of any premises or class of premises to any person or class of persons;
- (c) the amount payable in respect of water supplied to any Government in the State, Institution or Institutions, be it Public or Private, or to any special part of any Institutions as aforesaid;
- (d) the amount of rent payable on the Institutions' Meters;
- (e) the method and manner in which Water may be taken from Public Fountains;
- (f) fees payable for services rendered by the Institution together with the time and place of payment of such Fees;
- (g) the construction, laying, fitting, alteration or adjustment of services and the nature, quality, size and pattern used;

- (h) the Forms of all Notices required to be given or sent under this Law and the issuing and service of same;
- (i) the control, whether by prohibition or otherwise of Boating on or Fishing in any Waterworks;
- (j) the prevention of the wrongful opening or closing of any Lock, Cock, Valve, Sluice or Manhole pertaining to any Waterworks or otherwise belonging thereto;
- (k) the prevention of the commission of an Offence or Nuisance in any Business Office of the Institution, Works, Plant, Building or Premises of the Institution;
- (l) the prevention of illegal tapping of water;
- (m) the prevention of trespass upon or injury to Stations, Works, Plants, Buildings or Premise appertaining to any Water Works or otherwise belonging thereto;
- (n) generally regulating the operations of the Waterworks and the governance thereof and maintenance of good order thereon;
- (o) generally, for the preservation and the conservation of the

- sources of water in the areas appertaining to the Institutions' operations;
- (p) the preservation of wastage and leakage of water;
- (q) licensing procedure for Water Services Operators and other participants in the Water Sector including informal Operators;
- (r) Offences and Penalties; and
- (s) any other matter which in the opinion of the Commission may be regulated where such other matter is under the provisions of this Law.

Vesting of Assets, Rights, Obligations, Liabilities, etc. 242. All the State Government's existing and future Assets, Infrastructure or Investments including obligations and liabilities arising from the activities of the State Government in the Water Sector shall be vested in the Institutions.

Savings and Transfer of Assets, Obligations, Liabilities and Transfer of Staff, etc. 243. (1) All movable and immovable Assets or other Property, Rights, Liabilities or Obligations of the former Plateau State Water Board which were, by virtue of the Statutory (Miscellaneous Provisions) Edict, 1984 vested in the Government of the State and PRRUWASSA shall without further assurance, be vested in the relevant Institution.

(2) The Statutory Functions, Rights, Obligations and Liabilities of the State Law as they relate to the supply of water in the State existing before the commencement of this Law under any Contract or Instrument, shall subject to any contrary Directive(s) by the Governor, be vested in the relevant Institution established under this Law.

(3) Any such Contract or Instrument as is mentioned in sub-section (1) of this Section, shall be of the same force and effect against or in favour of the relevant Institution established by this Law and shall be enforceable as fully and effectively as if instead of the Authority existing before the commencement of this Law, the relevant Institution established by this Law has been named therein or had been a Party thereto.

(4) The Institutions established by this Law shall be subject to all Obligations and Liabilities to which the Plateau State Water Board, PRUWASSA or any Authority existing before the commencement of this Law was subject before the commencement of this Law and all persons shall have the same Rights, Power and Remedies against the relevant Institution

institution established under this Law as the Plateau State Water Board, PRUWASSA or any Authority by which a person was appointed or terminated.

(5) Any Proceeding or Cause of Action pending or existing immediately before the commencement of this Law, by or against the Authority in respect of any Right, Interest, Obligation or Liability of the Plateau State Water Board, PRUWASSA or any Authority, may be continued or as the case may be, commenced by or against relevant Institutions and any Determination of a Court, Tribunal or other Authority may be enforced by or against the relevant Institution established by this Law to the same extent that such Proceeding or Cause of Action or Determination might have been continued, commenced or enforced against the relevant Institution .

(6) Any person who, immediately before coming into force of this Law, is the holder of any Office in the Plateau State Water Board, PRUWASSA or any Authority existing before the commencement of this Law shall, on the commencement of this Law and without further assurance, continue in Office and be deemed to have been appointed to his Office by the relevant

Institution established under this Law unless the Plateau State Water Board, PRUWASSA or any Authority by which the person was appointed terminates the Appointment.

Repeals 244. (1) The following Enactments are hereby repealed:

- (a) Waterworks Law, Cap 137, 1963;
- (b) Plateau State Water Board Edict No 4 1991; and
- (c) Plateau Rural Water Supply and Sanitation Agency (PRUWASSA) Law, 2001.

Schedule 1

1. Attributes for good performance of the Institutions

- (1) The Institutions shall have attributes that enable them perform effectively and adequately. Therefore, the following attributes are very necessary to achieve this expectation.
- (2) Organizational Autonomy confers on the Institutions power to:
 - (a) source the right calibre of Staff without interference from the State Ministry of Water Resources and Energy;
 - (b) discipline and fire Staff without interference from the State Ministry of Water Resources and Energy;
 - (c) retrain existing Staff internally; or
 - (d) recruit Staff from an external source where the right calibre of Staff are absent internally.
- (3) Market Orientation signifies the ability to:
 - (a) take Economic and Financial decisions before embarking on sourcing external inputs to any proposed Project;
 - (b) award to outside Experts' non-core functions beyond the skills of Local Professional Staff; and
 - (c) award to outside Experts any function that is cheaper to procure.
- (4) Consumer Orientation in the Institution comprises:
 - (a) policy of being Consumer Centric;
 - (b) attitude of listening to Consumers' needs;
 - (c) soliciting Consumers' views on standards and levels of service;
 - (d) policy of responding to Consumers' Complaints within 48 Hours; and
 - (e) relevant units where Business Professionals take charge of Consumer orientation matters.

- (5) Organizational Culture represents the following:
- (a) reflection of the feeling of self-belonging, inclusiveness and recognition;
 - (b) the situation where Chief Executives and top Management take lead in inculcating good corporate culture; and
 - (c) the situation where there is clear and comprehensive mission Statement to address every Staff's awareness.
- (6) Leadership in the Institution shall:
- (a) inspire key Stakeholders;
 - (b) include autonomous Board of Directors to give directions without interfering with daily activities of the Institution;
 - (c) be committed and work towards fulfilment of the various missions of the Institution;
 - (d) be amenable to institutional change programmes; and
 - (e) undergo from time to time process of capacity building to meet challenges of the changing times.
- (7) Management and Administration shall have:
- (a) the ability to extract best results from available resources, including Human Resources; and
 - (b) the potential to undergo requisite and continuous Trainings to meet the challenges of their tasks.
- (8) Technical Capability shall comprise:
- (a) presence of facilities for continuous on-the-job Trainings;
 - (b) presence of Policy for continuous external trainings;
 - (c) the guarantee of continuous Staff Training to meet the fast changing technological trends in the equally fast changing world; and
 - (d) trainings that empower Staff to maintain old Equipment to increase the life span of these Equipment.
- (9) Interactions with key External Institutions shall:

- (a) enhance the sustainability of the Institution;
- (b) keep the Institution afloat among the comity of bodies that would naturally affect the fortunes of this Institution; and
- (c) compel the Institution to provide adequate and appropriately staffed liaison unit to project the Institution's interests to external bodies.

- 1. At every meeting of the Board, the Chairman shall preside and in his absence the member present at the meeting shall appoint one of their members to preside at the meeting.
- 2. The quorum for a meeting of the Board shall be not less than two-third of the total number of members of Board as at the date of the meeting and the quorum of a Committee of the Board shall be as determined by the Board.
- 3. The Board shall for the purpose of this law meet quarterly in each year and subject thereto, the Board shall meet whenever it is summoned by the Chairman.
- 4. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt the person to the meeting of the Board for such period as it thinks fit, but a person who is a member by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.
- 5. A Member of the Board who is directly or indirectly interested in any matter being deliberated on by the Board, or is interested in a Contract made or proposed to be made by

the Board shall, as soon as possible after the relevant facts have come to the person's knowledge, disclose the nature of the interest at a meeting of the Board.

7. A disclosure under paragraph Six (6) above shall be recorded in the Minutes of Meetings of the Board and the member concerned shall:

(a) not, after the disclosure, take part in any deliberation or decision of the Board; and

(b) be excluded for the purpose of constituting a quorum of any meeting of the Board for any deliberation or decision, with regard to the subject matter in respect of which the interest is so disclosed.

Committees

8. (1) Subject to its Standing Orders, the Board may appoint such number of Standing and Ad-hoc Committees as it thinks fit to consider and report on any matter with which the Board is concerned.

(2) A Committee appointed under this paragraph shall consist of such number of persons (not necessarily members of the Board as may be determined by the Board), and a person, other than a Member of the Board, shall hold Office on the Committee in accordance with the terms of such Appointment and the Committee shall be presided over by a Member of the Board.

(3) The quorum of any Committee set up by the Board shall be as may be determined by the Board.

- (4) A decision of a Committee of the Board shall be of no effect until it is ratified and confirmed by the Board.

Miscellaneous

9. The fixing of the Seal of the Board shall be authenticated by the signature of the Chairman or any other person generally or specifically authorized by the Board to act for that purpose.
10. Any Contract or Instrument which, if made by a person not being a Body Corporate, would not be required to be under Seal and may be executed on behalf of the Board by the Secretary or by any other person generally or specially authorized by the Board to act for that purpose.
11. Any document purporting to be a Contract, Instrument or other Document duly signed or sealed on behalf of the Board shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.
12. The validity of any proceedings of the Board or of any of its Committees shall not be affected by:
- (a) any vacancy in the membership of the Board, or Committee;
 - (b) any defect in the appointment of a Member of the Board or Committee; or
 - (c) by reason that any person not entitled to do so took part in the proceedings of the Board or Committee.
13. A Member of a Committee who has a personal interest in any Contract or Arrangement entered into or proposed to be

SCHEDULE 3

SECTION 127 (3) (d), 201

Fines

S/N	VIOLATION	FINES MINIMUM	FINES MAXIMUM
1.	Vandalization of Pipe Network due to road repairs (individual)	₦10,000.00	₦15,000.00
2.	Vandalization of Pipe Network due to road repairs (Corporate)	₦50,000.00	₦150,000.00
3.	Vandalization of Pipe Network due to construction (individual)	₦10,000.00	₦15,000.00
4.	Vandalization of Pipe Network due to construction (corporate)	₦50,000.00	₦150,000.00
5.	Vandalization of Production Centres/Borehole Sites (individual)	₦250,000.00	One (1) Year Imprisonment or both
6.	Vandalization of Production Centres/Borehole Sites (corporate)	₦500,000.00	One (1) Year Imprisonment or both
7.	Illegal Water connection activities:		
	(a) Water Vending	₦100,000.00 With One (1) Year Imprisonment or both	₦250,000.00 With One (1) Year Imprisonment or both
	(b) Car Wash facilities	₦100,000.00 With One (1) Year	₦250,000.00 With One (1)

		Imprisonment or both	Year Imprisonment or both
	Domestic connections		
8.	Illegal Bottling or Packaging Water from facilities of any State Water Agency	₦100,000.00 With One (1) Year Imprisonment or both	₦150,000.00 With One (1) Year Imprisonment or both
9.	Assault of staff of any State Water Agency in the course of their duties	₦50,000.00 With Six (6) Months Imprisonment or both	₦150,000.00 With Six (6) Months Imprisonment or both
10.	Modification of property classification without prior consent of the Corporation in writing	₦50,000.00 and immediate disconnection	₦100,000.00 and immediate disconnection
11.	Illegal advertisement on overhead tanks and pipe network belonging to of any State Water Agencies	₦100,000.00	₦250,000.00
12.	Collection of cash payment for settlement of Law by Staff of the Corporation	₦10,000.00 and	
		(a) Suspension for a period of Two (2) Weeks for a first Offence	
		(b) Suspension for a period	

		of One (1) Month without pay for a second Offence	
		(c) Summary dismissal for a Third Offence	
13.	Payment of cash for settlement of Law to a member of Staff by Public	Immediate disconnection and	
		(a) A Fine of ₦10,000.00 as reconnection Fee for first Offence	
		(b) A Fine of ₦25,000.00 as reconnection Fee for each subsequent Offence	
14.	Discharge of Industrial Waste to the Raw Water River Course	The penalty shall be as provided under the Plateau State Environmental Protection Agency Law	
15.	Collusion of any Staff with a third party to defraud the State Water Agencies	Summary dismissal and prosecution	

16.	Dumping Chemical Waste Petroleum Products or Prohibited Substance	Corporate Body ₦5 Million	Five (5) Years ₦500,000.00 daily Penalty
		Individual ₦500,000.00	Two (2) Years ₦50,000.00 daily Penalty

Speaker,
Pitau State House of Assembly

12th day of June 2019



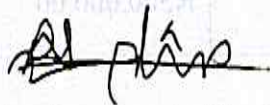
Rt. Hon. Simon Saka Along
Government
Pitau State of Nigeria

Received by Two - Thirds Majority

The _____ day of _____ 2019

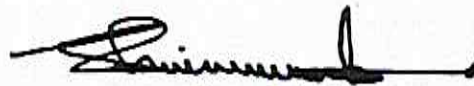
Rt. Hon. Peter Akpan Akpan
Speaker,
Pitau State House of Assembly

This printed impression has been carefully compared by me with the Law which has been passed by the Plateau State House of Assembly and found by me to be true and correctly printed copy of the Law.



Longbap, Ponven Wuyep
Clerk,
Plateau State House of Assembly

I assent this 3rd day of June 2019



Rt. Hon. Simon Bako Lalong
Governor,
Plateau State of Nigeria.

Repassed by Two - Thirds Majority

This _____ day of _____ 2019

Rt. Hon. Peter Ajang Azi
Speaker,
Plateau State House of Assembly.

Governor of
Plateau State,

FORWARDING OF PLATEAU STATE WATER SECTOR LAW 2019 FOR ASSENT

Following the presentation by you of the Water Sector Law, 2019, the House, after a careful consideration of same passed the Law as follows:

SCHEDULE TO THE LAW

SHORT TITLE OF THE LAW	LONG TITLE OF THE LAW	SUMMARY OF THE CONTENTS OF THE LAW	DATE PASSED
Plateau State Water Sector Law	A Law to Establish Water Sector Law in Plateau State and Other Connected Purposes.	The Law seeks to establish Water Sector Law in Plateau State.	03/06/2019

2. In accordance with Section 100 (3) of the 1999 Constitution (As Amended), I forward to you the Law as passed for your Assent.



Rt. Hon. Peter Ajang Azi
Speaker

Government of
Plateau State

FORWARDING OF PLATEAU STATE WATER SECTOR LAW 2019 FOR ASSENT
Following the presentation by you of the Water Sector Law, 2019, the House
after a careful consideration of same passed the law as follows:

SCHEDULE TO THE LAW

SHORT TITLE OF THE LAW	LONG TITLE OF THE LAW	SUMMARY OF THE CONTENTS OF THE LAW	DATE PASSED
Plateau State Water Sector Law	A law to Establish Plateau State Water Sector Law in Plateau State and Sector Law in Other Connected Plateau State	The law relate to establish water	23/06/2019

In accordance with section 100 (2) of the 1999 Constitution (as amended), I forward to you the law as passed for your Assent.



Speaker
Hon. Peter Ajang Aji

Printed by CPJ 50034110R150M000

