

**EKITI STATE WATER SUPPLY AND
SANITATION LAW, 2013**

NO. 8 OF 2013.

EKITI STATE OF NIGERIA

EKITI STATE WATER SUPPLY AND SANITATION LAW, 2013.

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EKITI STATE WATER SUPPLY AND SANITATION LAW, 2013.
NO. 8 OF 2013.
EKITI STATE OF NIGERIA

A LAW TO MAKE PROVISION FOR ADEQUATE POTABLE WATER AND WATER SUPPLY IN EKITI STATE AND OTHER RELATED MATTERS.

Commencement

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ENACTED by the House of Assembly of Ekiti State as Follows:-

PART 1

Water Supply services delivery Agencies.

1. The following Agencies, Associations, Committees and persons shall be responsible for water service delivery in Ekiti State:
 - (1) Ekiti State Government.
 - (2) Ekiti State Water Corporation. (EKSWC)
 - (3) Ekiti State Rural Water Supply and Sanitation Agency. (EK-RUWASSA)
 - (4) Local Government Authorities. (LGAs)
 - (5) Water Consumers Associations. (WCAs)
 - (6) Water Sanitation and hygiene Committees. (WASHCOM)
 - (7) Water Services Providers. (WSP)

Urban Areas.

2. (1) The State Government shall:-
 - (a) In the short term, through Ekiti State Water Corporation, as the State owned Water Supply Service Provider, retain ownership, management and maintenance of the water supply schemes including all its assets and liabilities for water supply in the urban areas of the State.
 - (b) In the medium term, the State owned Water Supply Service Provider mentioned in paragraph 'a' above shall transform into Public - Private Service Provider.
 - (c) In the long term, ensure the transformation of the Public-Private Service Provider mentioned in paragraph 'b' above into a Limited Liability Company.
- (2) The word 'term' as used in this Section shall be used as defined in the State Water Supply and Sanitation Policy Implementation Guidelines or as may otherwise be defined in this Law or any other regulations made thereunder.

Role of Ministry of Environment and other agencies.

3. (1) The Ministry of Environment shall in collaboration with the Operation Department under the BIPU or any Government Agency charged with the responsibility shall identify and mark all areas to be known as urban areas.
- (2) Ekiti State Water Corporation or any Service Provider charged with the responsibility of water supply service delivery in the urban areas shall sub-divide the urban areas into administrative units for the purpose of formation of Water Consumers Associations to enhance water supply and sanitation management and tariff payment.
- (3) The Small Towns Water Supply, Sanitation and Sewerage Department (STWSSSD) of the Water Corporation and State Environmental Protection Agency (SEPA) shall be responsible for urban areas' sanitation and hygiene practices.

Small Towns.

4. (1) The Small Towns Water Supply, Sanitation and Sewerage Department (STWSSSD) of the Ekiti State Water Corporation shall be responsible for small towns' mini water supply schemes and sanitation and hygiene practices.
- (2) There shall be Water Consumer Association (WCA) in every small town.
- (3) The Water Consumer Associations (WCAs) shall own, manage and maintain the water scheme in their respective towns.
- (4) The ownership of the schemes shall be transferred by the State Government to Water Consumer Associations (WCAs) to be held in trust pursuant to a transfer agreement duly entered into between the parties.
- (5) The State and Local Governments shall be responsible for the construction of new schemes and rehabilitation or upgrading of the existing schemes in all the areas designated as small town.

Rural Water supply.

5. (1) The following Agencies and Committees shall be responsible for rural water supply in each Local Government area:-
 - (a) Rural Water Supply and Sanitation Agency (RUWASSA).

- (b) Water Sanitation and Hygiene (WASH) department of Local Government Authority;
- (c) Water Sanitation and Hygiene Committees (WASHCOMs).

- (2) The State and Local Governments shall jointly be responsible for the construction of new schemes and rehabilitation or upgrading of the existing schemes.
- (3) The Government shall transfer ownership, operation and maintenance of the schemes to Water Sanitation and Hygiene Committees (WASHCOMs).
- (4) Rural Water Supply and Sanitation Agency (RUWASSA) shall be responsible for the training of Water Sanitation and Hygiene Committees (WASHCOMs) and other functions provided in the Law establishing it.

Establishment of Water Consumer Associations (WCAs).

- 6. (1) There is established in all areas of the State, a Water Consumer Association (WCA) which shall own, manage and operate water supply schemes for the benefit of the consumers in the areas covered by the schemes.
- (2) Water Consumer Associations in small towns and urban areas of the State shall be hereinafter referred to as “WCAs”.
- (3) Water Sanitation and hygiene Committees in rural communities shall be hereinafter referred to as “WASHCOMs” as established under Section 13 of this Law.
- (4) Water Consumer Associations (WCAs) and Water Sanitation and Hygiene Committees (WASHCOMs) shall be autonomous bodies appointed or elected by the community, and shall own, manage and maintain the water systems in their areas of authority.
- (5) The Government shall transfer the ownership of the small towns and rural schemes to Water Consumer Associations (WCAs) and Water Sanitation and Hygiene Committees (WASHCOMs) respectively to be held in trust pursuant to a transfer agreement.
- (6) The Water Consumer Association (WCA) shall:

- (a) be registered as Public Trustee under Part C of the Companies and Allied Matters Act, LFN, 2004
- (b) be a body corporate with perpetual succession and a common seal;
- (c) have power to sue and be sued in its corporate name; and
- (d) be capable of holding, purchasing, acquiring and disposing of movable and immovable items.

Composition of Water Consumer Association.

7. (1) The Water Consumer Association (WCA) shall consist of:
- (a) All water consumers within a prescribed area in a General Assembly;
 - (b) The Executive Committee (the Board) being the management of the Water Consumer Association (WCA) shall be elected from the members of the village/community in a General Assembly with the majority of the members in the Association present. The minutes of the meeting shall contain signatures/thumbprints of all those present in accordance with the Constitution of the Water Consumer Association (WCA).
- (2) This Executive Committee or the Board shall comprise of:-
- (a) Chairman of the Executive committee;
 - (b) Six (6) experienced and senior members of the community which shall include at least two female members.
- (3) The Chairman and other members of the Board shall possess a minimum of Secondary School Leaving Certificate or educational level adequate for effective administration of the Association.

The Water Consumer Association (WCA) and its Constitution.

8. (1) The composition, appointment, tenure and remuneration and all other matters relating to the administration of the Water Consumer Association (WCA) shall be as stipulated in the Constitution of the Water Consumer Association (WCA) as provided in Schedule 1 to this Law.
- (2) The provisions contained in the constitution in Schedule 1 to this Law shall have effect with respect to the proceedings of the Water Consumer Association (WCA), and the other matters mentioned therein.

General Provisions.

9. (1) The Water Consumer Association (WCA) shall be accountable to the consumers under its authority organized as follows; -

- (a) **Rural** – there shall be one Water Sanitation and Hygiene Committee (WASHCOM) per village.
 - (b) **Small town** – there shall be one Water Consumer Association (WCA) per town.
 - (c) **Urban Town** - there shall be one Water Consumer Association (WCA) per area in accordance with the administrative sub-divisions of the urban area.
 - (d) Each Local Government Area shall have a Water Sanitation and Hygiene (WASH) department which shall be responsible for the registration and control of the Water Sanitation and Hygiene Committees (WASHCOMs).
- (2) The Water Consumer Associations (WCAs) may engage the services of Water Service Provider (WSP) to undertake Operation and Maintenance of the water schemes subject to approval of Water Supply Regulatory Agency (WASRA).
 - (3) Water Consumer Associations (WCAs) in urban and small town areas shall apply and obtain operation licenses from Water Supply Regulatory Agency (WASRA) prior to the commencement of any operation.
 - (4) The Water Supply Regulatory Agency (WASRA), the Local Government Area (LGA) councils, the Ekiti State Rural Water Supply and Sanitation Agency (EK-RUWASSA) and other relevant Agencies or Departments, shall provide support and advisory services to all Water Consumer Associations (WCAs) and Water Sanitation and Hygiene Committees (WASHCOMs) on technical matters, including but not limited to;
 - (a) Conduction of engineering studies to determine the size and the cost of various systems.
 - (b) Construction, supervision and setting up of Operation and Maintenance contracts after systems are constructed.

Provided that the final decision remains with the Water Consumer Associations (WCAs) and Water Sanitation and Hygiene Committees (WASHCOMs) respectively, and not the Local Government Area (LGA) or the Ekiti State Rural Water Sanitation Agency (EK-RUWASSA) or the Water Supply Regulatory Agency (WASRA) but shall be obliged to furnish the Water Consumer Association (WCA) with relevant information to guide them in making the decision.

- (5) The Water Consumer Associations (WCAs) may apply for necessary funds from the Local and State Governments as well as other funding programmes at the

Federal Level and External Support Agencies (ESAs) and International Financial Institutions, through the State Government for the purpose of constructing new schemes, rehabilitating or upgrading existing ones requiring capital expenditure.

- (6) Communities in rural and semi-urban areas shall contribute to the cost of construction of new schemes and capital rehabilitation or upgrading projects as contained in Section 5.7.3 of the Water Supply and Sanitation Policy:
 - (a) The counterpart contribution of the community shall be by collections from members of the community whether in cash or in kind as may be determined by the Water Supply Regulatory Agency (WASRA) and the Local Government Area (LGA).
 - (b) In places comprising multiple Local Government Areas (LGAs), contributions shall be by way of a capital surcharge on tariffs.
- (7). The Water Consumer Associations (WCAs) shall establish tariff using guidelines from Water Supply Regulatory Agency (WASRA) and the tariff shall be subject to Water Supply Regulatory Agency (WASRA) final approval.
- (8) The Water Supply and Hygiene Committees (WASHCOMs) in rural areas shall operate and maintain systems and collect revenue from consumers as follows:
 - (a) in areas with hand pumps- directly by the Water Sanitation and Hygiene Committee (WASHCOM) members through the hand pump borehole caretaker or a service provider.
 - (b) in areas with more complex systems comprising motorized boreholes with pipe reticulation- by contract with a local water service provider.

FUNCTIONS, POWERS AND OBJECTIVES OF THE WATER CONSUMER ASSOCIATION.

Objectives of the Water Consumer Association.

10. (1). The objectives of the Water Consumer Association (WCA) shall be to;
 - a. provide safe, adequate and affordable water supply services to the residents of the community to which it relates as provided in Schedule 1 hereto.
 - b. to collaborate with all relevant agencies in the water sector, the State and Local Governments, Civil Society Organizations, the private sector, water consumers, State ministries relevant to the Sector and the Bureau of Infrastructure and Public Utilities to secure efficient use of water resources

for the conservation and protection of the water resources of the State and the water needs of its community.

Functions of the Executives of Water Consumer Association (WCA).

11. (1) The functions of the Water Consumer Association (WCA) through the Board shall be to;
- (a) Ensure the supply of adequate and potable water throughout the prescribed area at reasonable charges as may be approved by the Water Supply Regulatory Agency (WASRA);
 - (b) Develop, control, manage and maintain all water supply facilities and new water services assets in the prescribed area either directly or pursuant to project agreements with Water Supply Providers, or by raising necessary funds from other sources subject to the provisions of this Law.
 - (c) Prepare plans for the maintenance and development of water supply services, water services assets and new water services assets in the prescribed areas (referred to as the “Development Plans”), pursuant to consultation with the relevant authorities, stakeholders, and consumer groups which shall be submitted to the Local Government Authority.
 - (d) Identify and implement projects for the provision of water supply services which may be undertaken with water service provider, pursuant to consultation with the relevant authorities, in order to fulfill the water service obligations of the Water Consumer Association (WCA).
 - (e) Extend and develop existing water supply system within the prescribed area;
 - (f) Establish, manage, control and develop new water supply system for public and general purposes within the prescribed area;
 - (g) Verify and monitor compliance by the water service provider with any project Agreement
 - (h) Establish and implement proper accounting procedures and inventories for all of the assets and liabilities of the Water Consumer Association (WCA);
 - (i) Specify the terms and conditions of supply of water to the consumers;
 - (j) Promote the rational use of water resources and potable water supplied by the Water Consumer Association (WCA) and take steps to prevent wastage;
 - (k) Take steps to protect the water resources and other assets and facilities within its authority from trespass, pollution and other nuisance by any member of the public;

- (l) Collect rates and charges for water supplied, distributed, or sold in bulk by the Water Consumer Association (WCA) and;
- (m) Carry out any other activities that are expedient or necessary for the effective and efficient performance of its functions under this Law.

General Powers of the Water Consumer Association (WCA) Executives.

12. (1) The Water Consumer Association (WCA) shall, subject to the provisions of this Law, have power for the purpose of carrying out its functions to:
- (a) own on behalf of the Water Consumer Association (WCA) all water services assets and participate in the construction of new water services assets within the prescribed area.
 - (b) fix rates and charges payable by customers for water supplied by the Association within the prescribed area subject to the approval of the Water Supply Regulatory Agency (WASRA).
 - (c) determine the manner in which rates shall be paid by the consumers
 - (d) determine fees to be paid for all services of the Association.
 - (e) prepare developmental plans for the maintenance and development of water supply services assets and new water services assets;
 - (f) acquire, purchase, lease, hold, construct, maintain or insure any property forming part of the water services assets or new water services assets, whether movable or immovable, 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;
 - (g) undertake any land acquisition procedure necessary for the performance of its functions, in accordance with all valid legislation;
 - (h) enter into agreement with any person for the management, supply, construction, maintenance or repair of any water services asset or new water services asset whether movable or immovable;
 - (i) procure water abstraction rights from the relevant authorities and may assign such rights to Water Supply Providers (WSPs) under a contract;
 - (j) Construct, reconstruct, maintain and operate water supply scheme and all other buildings and works necessary for the discharge of the functions of the Board of WCA under this Law;
 - (k) 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;
 - (l) abstract water from any lake, river, stream or other natural source forming part of the water resources of the State within the prescribed area, and to

- do likewise in respect of other water by arrangement with the appropriate authority under and in accordance with the provisions of any existing law in that behalf;
- (m) examine from time to time any surface or underground water forming part of the water resources of the State within the prescribed area for the purpose of determining what, if any, pollution exists and its causes and to do likewise in respect of other water by arrangement with the appropriate authority under and in accordance with the provisions of any existing Law in that behalf;
 - (n) enter upon any land at anytime for the purpose of examining, repairing or removing any water pipe which is the property of the Water Consumer Association (WCA) ;
 - (m) construct stand pipes or public fountains in any street or other public places;
 - (o) at any time between the hours of seven o'clock in the morning and six o'clock in the evening, or in case of urgency at any other time, to enter into premises or place upon which any service has been laid or into which any water supply services is supplied so as to:
 - (i) inspect any service and to ascertain whether there is any wastage, leakage, obstruction, illegal connection or damage to any service or meter therein and anything in connection therewith;
 - (ii) ascertain the amount of water taken or used or;
 - (iii) disconnect the supply of water to any premises;
 - (p) diminish, withhold or suspend, stop, turn off or divert the supply of water through or by means of any service or public fountain either wholly or in part whenever the Board deems necessary;
 - (q) enter into agreement with any person for the supply, construction, maintenance or repair of any property whether movable or immovable, which is necessary or appropriate for the purpose of the Water Consumer Association (WCA) ;
 - (r) accept or acquire and hold any security of any kind in any form whatsoever;
 - (s) delegate the responsibility to provide water services and the operation, management and maintenance of water services assets and new water services assets, to water services providers pursuant to project agreements subject to the Policy of the Government with respect thereto;
 - (t) surrender, transfer or re-convey any security held by the Executive whether upon exchange for other security or upon discharge;
 - (u) in relation to any security held by the Executive, exercise any power, right or privilege in respect thereof that a private individual would be capable of exercising in like circumstances;

- (v) insure its properties against all forms of risk;
 - (w) write off bad debts with the approval of the Governor;
 - (y) raise finances or borrow money by issuing debenture or any other securities or in any other manner in connection with the exercise of its functions subject to the approval of the Governor;
 - (z) retain and expend corporate income, as defined under relevant accounting standards, for the purposes of fulfilling its functions under this Law.
- (2) The Water Consumer Association (WCA) shall partner with Ekiti State Community Development Agency (EKSCDA) to develop community driven development strategies in order to improve water supply and sanitation in their areas of authority.
- (3) The Water Consumer Agency (WCA) shall have powers 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.
- (4) The Water Consumer Association (WCA) shall have the power to enforce and ensure compliance with all the provisions under this Law dealing with sanitation and hygiene.

Water Sanitation and Hygiene Committees (WASHCOMs).

- 13.** (1) There is established in each community in the rural areas, a Water Sanitation and Hygiene Committee (WASHCOM) as the Water Consumer Association of the community.
- (2) The Water Sanitation and Hygiene Committee (WASHCOM) for each community shall be registered by the Local Government Authority of the area and a Certificate of Registration shall be issued to that effect.
- (3) The Water Sanitation and Hygiene Committee (WASHCOM) for each rural community shall comprise of:-
- (a) A representative of each quarter in the village out of which a Chairman shall be appointed,
 - (b) A treasurer who shall preferably be a woman,
 - (c) A Secretary,
 - (d) Membership of the executive of the Water Sanitation and Hygiene Committee (WASHCOM) shall include at least two women.
 - (e) An environmental Health Officer in the Local Government Council Area shall be member of ex-officio of WASHCOM.

- (4) Local Government Area Water Sanitation and Hygiene department shall train the members of the Water Sanitation and Hygiene Committee (WASHCOM) on technical and financial management of water and sanitation facilities
- (5) The Local Government Area Water Sanitation and Hygiene department shall train artisans and other technical persons in the village on the operation and maintenance of the scheme and on the replacement of parts.
- (6) The Water Sanitation and Hygiene Committee (WASHCOM) shall implement projects in collaboration with the Local Government Area Water Sanitation Hygiene departments on the eradication of water borne and sanitation related diseases through the promotion of behavioral changes amongst its residents with respect to water/waste management, environmental and personal hygiene;
- (7) The Water Sanitation and Hygiene Committee (WASHCOM), in collaboration with the Water Supply and Hygiene departments in the Local Government Area shall conduct a comprehensive inventory of all water supply and sanitation facilities in the Community;
- (8) The Water Supply and Sanitation Committee (WASHCOM) shall develop in collaboration with the Local Government Area Water Supply and Hygiene department and with the assistance of Rural Water Supply Agency (RUWASA), a water supply and sanitation master plan for the community and ensure its implementation including the actions to be taken in the event of water contamination
- (9) The Water Sanitation and Hygiene Committee (WASHCOM) shall, in collaboration with the Local Government Area Water Sanitation and Hygiene department, and with the assistance of Rural Water Supply and Sanitation Agency (RUWASSA), agree on appropriate technology options for the water supply and sanitation facilities for the community.
- (10) The Water Sanitation and Hygiene Committee (WASHCOM) shall, in collaboration with the Local Government Area Water Supply and Hygiene department regulate, coordinate and supervise the construction of sanplat, Ventilated Improved Pit (VIP) Latrines, and other sanitation facilities in the community;
- (11) The Water Sanitation and Hygiene Committee (WASHCOM) shall work in partnership with Local Government Area department, and the appropriate department for community development at the local government level and other appropriate agencies to promote Community Led Total Sanitation (CLTS) in the community.
- (12) The Local Governments Water Sanitation and Hygiene departments shall in partnership with appropriate departments, Water Sanitation and Hygiene Committees (WASHCOMs) and other appropriate agencies enhance coordination,

data collection and management for the development of the water supply and sanitation sector.

Establishment of an Inter-Ministerial Committee on Water Resources Management.

14. (1) There is hereby established a Committee to be known as Inter-Ministerial Committee on Water Resources Management.
- (2) The Committee shall comprise of representatives of the following agencies:-
- (i) The Bureau of Infrastructure and Public Utilities (BIPU).
 - (ii) Ekiti State Water Corporation (EKSWC).
 - (iii) Ekiti State Rural Water Supply and Sanitation Agency (EK-RUWASSA).
 - (iv) Ministry of Agriculture & Natural Resources.
 - (v) Ministry of Environment.
 - (vi) State Environment Protection Agency (SEPA).
 - (vii) Ministry of Health.
 - (viii) Ministry of Women Affairs, Gender Empowerment & Social Welfare.
 - (ix) Office of the Millennium Development Goals (MDGs).
 - (x) Ekiti State Community Development Agency (EKSCDA).
 - (xi) A representative of the Local Government Areas.
 - (xii) Ministry of Information & Civic Orientation.
 - (xiii) Ministry of Rural Development and Community Empowerment.
- (3) The Chairman of the committee shall be from the Bureau of Infrastructure and Public Utilities (BIPU).
- (4) The Secretary of the committee shall be from Ministry of Environment.
- (5) The Committee shall ensure effective coordination, control and management of water resources.
- (6) The Committee shall have the power to handle all water related matters including:-
- (a) Water for domestic use.
 - (b) Water for industrial use
 - (c) Water for agriculture use,
 - (d) Recreation/tourism, etc
- (7) The Committee shall develop a framework that will ensure water for different uses is adequate and sustainable.

- (8) The Committee shall facilitate advocacy to Government on all matters of Water Resources Management in the State.

PART II
WATER SERVICE PROVIDERS (WSPs)

Functions of Water Service Providers.

- 15.** The Water Service Providers shall:
- 1) function as the owner, manager and or operator of water supply scheme;
 - 2) provide expertise to the Ekiti State Water Corporation, Water Consumer Association or other public service providers to operate, maintain and manage the water supply systems,
 - 3) give knowledge and expertise in water supply service delivery.

Establishment and Operation of Water Service Provider.

- 16.** 1. Government may:
- (1) transform Ekiti State Water Corporation into Water Service Provider, which will run as an independent and commercial viable entity and which shall compete on an equal footing with private Water Service Providers.
 - (2) support the initial set-up of the Water Service Provider which will gradually be withdrawn in the medium term.
2. Water Service Providers may be:-
- (a) private individuals or companies who have comparative advantage expertise in water service delivery.
 - (b) be hired by Ekiti State Water Corporation, Water Consumer Association or Water Sanitation and Hygiene Committees (WASHCOMs) to operate their water systems.
3. Where Water Service Providers is hired for service delivery, it shall be paid the agreed fees for the services provided in accordance with the terms of the contract.
4. Water Service Providers shall be accountable to its Contracting Authority and also to the consumers.
5. A Water Service Provider's operation could range from one person maintaining a rural borehole, a large national or international water company running the major

systems, or any other arrangement to achieve the water supply services operation and maintenance functions.

6. All Water Service Providers shall be equally entitled to compete against each other in the same market, based on price, expertise and quality of service delivery.
7. Water Service Providers shall ensure that women are employed within their operations for instances of interaction with other women consumers.
8. All Water Service Providers shall obtain license, permit or approval from the Water Supply Regulation Agency to operate in the sector.
9. Water Service Providers shall undertake sanitation, health and hygiene promotion awareness campaigns as part of their corporate social responsibility.
10. Private borehole operators may also be granted permits to operate as Water Service Providers; and sell water directly to consumers.
11. Private borehole operators may also enter into Public Private Partnership arrangement with the Government.

Conditions for the provision of Water Services.

17. (1) Water Services shall be provided on terms and conditions set by the Water Supply Regulation Agency, consistent with applicable laws and regulations.
- (2) These conditions shall:
 - (a) be in writing, accessible to the public and available free of charge to any Consumer;
 - (b) accord with applicable National and State Water Laws and Policies;
 - (c) accord with conditions for the provision of Water Services contained in this Law and all regulations made pursuant to this Law;
 - (d) accord with every applicable Water Services Development Plan adopted in terms of this Law; and
 - (e) provide for:
 - (i) the technical conditions of existing or proposed extensions or upgrading of water supply schemes;
 - (ii) the determination and structure of Tariffs as may be approved by the Water Supply Regulation Agency;
 - (iii) the conditions for payment of Tariffs;

- (iv) the circumstances under which Water Services may be limited or discontinued;
 - (v) procedures for limiting or discontinuing Water Services; and
 - (vi) measures to promote water conservation and demand management.
- (3) Procedures for the limitation or discontinuation of Water Services shall:
- (a) be fair and equitable; and
 - (b) provide for the required notice of intention to limit or discontinue Water Services and for an opportunity to make representations, unless:
 - (i) other Consumers would be prejudiced;
 - (ii) there is an Emergency Situation; or
 - (iii) the Consumer has interfered with a limited or discontinued service;
- (4) Every person who uses Water Services provided by any Water Service Provider shall do so subject to any applicable conditions set by the Water Supply Regulation Agency.
- (5) Where one Water Supply Provider provides water services to another Water Supply Provider, it may not limit or discontinue those services for reasons of non-payment, unless it has given at least 15 days' notice in writing of its intention to limit Water Services or 30 days' notice in writing of its intention to discontinue those Water Services to:
- (a) the other Water Supply Provider;
 - (b) the Water Supply Regulation Agency .

Duty to provide access to Prescribed Water Services.

- 18.** (1) Every Water Service Provider shall ensure efficient, affordable, economical and sustainable access to Water Services to all consumers or potential consumers in its area of jurisdiction in accordance with the terms of its Water Service Provider permit.
- (2) The duty in Section 18 (1) is subject to:
- (a) the terms of the Water Service Provider permit;
 - (b) the need to regulate access to Water Services in an equitable way;
 - (c) the duty of customers to pay reasonable charges, which must be in accordance with set tariff for water services;

- (d) the duty to conserve water resources;
 - (e) the nature, topography, geological formation, zoning and situation of the land in question; and
 - (f) the right of the relevant Water Supply Provider to limit or discontinue the provision of Water Services if there is a failure to comply with conditions set for the provision of such services by the customers.
- (3) Water Supply Provider shall not unreasonably refuse or fail to give access to Water Services to a customer or potential customer in its area of jurisdiction.
 - (4) Water Supply Provider shall in emergency situations take all reasonable steps to provide basic water supply to any person within its area of jurisdiction and may do so at cost to the State Government, in accordance with the standards prescribed by Water Supply Regulatory Agency.
 - (5) WSP may impose from time to time reasonable limitations on the use of Water Services in agreement with Water Supply Regulatory Agency.
 - (6) No provisions of this Section shall be interpreted to expand the obligations of a Water Supply Provider (WSP) under a Water Supply Services Agreement in accordance with the provisions of this Law and/or pre-existing Law.

Rights of Water Services Provider.

- 19.** (1) The Water Service Provider (WSP) may:
- (a) construct, operate, alter or repair any Water Services Work in accordance with the terms of its Water Service Provider (WSP) permit and, where applicable, any Water Supply Services Agreement and with the permission of the relevant State Government Authorities, as the case may be;
 - (b) charge tariffs for Water Services provided by it which should have given different rates to all categories of water users with a view to subsidizing the poor and vulnerable groups including people living with HIV/AIDS in accordance with this Law and the Tariff structure approved by Water Supply Regulatory Agency (WASRA);
 - (c) introduce metering system or develop a most practicable and acceptable transparent and accountability means of revenue collection in all settlements.

- (d) apply for, enter into agreements for, and perform all obligations related to grants or loans under a Water Sector Programme Commitment.

Obligations of Water Services Provider.

- 20.** (1) A Water Services Provider shall:
- (a) comply with the provisions of its Water Service Provider (WSP) terms of permit and laid down regulations, general codes, and other requirements issued by the Water Supply Regulation Agency (WASRA) from time to time, unless stayed by a Court of competent jurisdiction and notwithstanding that the Water Service Provider (WSP) has or may intend to take legal action challenging any such order or notice;
 - (b) provide the Water Services in accordance with all applicable State and Federal Water Laws and any other Laws applicable to it;
 - (c) prepare and submit to Water Supply Regulatory Agency (WASRA) in each year such accounting information as may be required unless expressly exempted by Water Supply Regulatory Agency;
 - (d) provide to Water Supply and Regulatory Agency (WASRA) complete and regular information, in the form and substance as may be prescribed and requested by Water Supply Regulatory Agency (WASRA).
 - (e) ensure compliance with the approved Tariff and with any other obligation of the Water Service Provider (WSP) provided under this Law or terms of its permit and to enable Water Supply Regulatory Agency (WASRA) to monitor and implement the Water Service Development Plan.
- (2) Every Water Service Provider shall establish procedures for dealing with complaints by its customers.

**PART III
ROLE OF STATE GOVERNMENT**

The role of the State Government.

- 21.** (1) The role of the State government in the water supply and sanitation sector shall be to;

- (a)** support the development of human resources in the sector through the provision of education and training opportunities at Universities, Polytechnics, National Water Resources Institute (NWRI) and other training institutions tailored to the specific situation in Ekiti State.
- (b)** institutionalize monitoring and evaluation of activities in the water sector to track progress of changes and to make necessary adjustments required to achieve the desired outcomes. Benchmarking shall be an integral part of evaluation.
- (c)** institutionalize data gathering and information management to provide necessary data for long-term planning purposes.
- (d)** institutionalize water supply system planning.
- (e)** institutionalize the funding of the value based Water Sanitation and Hygiene Education programme and promote sanitation and hygiene with contributions from the third tier of government and other stakeholders in Ekiti State.
- (f)** allow competition on equal basis among Water Supply Providers (WSPs) on commercial basis;
- (g)** develop and review water policy and legislation in conjunction with Water Service Providers, Water Consumer Associations, Water Sanitation and Hygiene Committees (WASHCOMs), Civil Society Organizations and Local Government Areas.
- (h)** finance capital project such as rehabilitation, upgrading of existing water supply schemes and construction of new systems.
- (i)** provide subsidy to WSP in respect of poor segments of the population to increase their level of access to safe and reliable water supplies.
- (j)** ensure that prospective borehole owners and spring developers (community or private) obtain approval for the land to be used from the agency responsible for land allocation before drilling is embarked upon.
- (k)** actualize the policy objectives and supervise the reform implementation process.

- (l) facilitate timely release of funds for water supply and sanitation activities annually.
- (m) ensure that all funds from internal and external sources for water supply and sanitation programmes are properly utilized.
- (n) promote the integration of sanitation and hygiene education and Community Led Total Sanitation (CLTS) into schools' curricular at primary and secondary schools and tertiary institutions, particularly teachers' training institutions and college of health science and technology or any other institutions where environmental health officers are trained.
- (o) engage in the training, capacity building and involvement of government personnel, Civil Society Organizations (CSOs), the private sector, communities and environmental health officers in water supply and sanitation service delivery throughout the State.
- (p) ensure the provision of appropriate and adequate water supply and sanitation facilities in all public institutions of the State and ensure that such institutions pay the prescribed fees or rates.
- (q) promote the celebration of UN dedicated dates for sanitation and hygiene such as World Water Day, World Toilet Day and Global Hand Washing Day.
- (r) promote awareness campaign and sensitization of consumers about the changes that are taking place in the sector and other water supply issues through the State Ministry of information and civic orientation and other available information disseminations organs.

Private Sector Participation.

22. (1) Government shall create an enabling environment for the participation of the private sector in the delivery of water supply and sanitation services with a view to improving performance in service delivery and accelerate access and coverage.
- (2) Government shall ensure that the private sector have a major role in the water supply sector in order to ensure adequate water supply, job creation and economic growth.

- (3) Government shall carry out a Strength, Weakness, Opportunity and Threat (SWOT) analysis with a view to determining which area of its operations has least comparative advantage in water supply and sanitation delivery and create an enabling environment for private sector to be involved.
- (4) Government shall determine the competence of private companies willing to participate in water and sanitation service delivery in the State.
- (5) Government shall ensure that communities in urban areas are organized into Water Consumer Associations and are involved in the management, operation and maintenance of water supply thereby enhancing revenue collection.
- (6) Government shall ensure that contracts or agreements entered into with a third party (private sector) aimed at improving water supply in the State are properly documented, adequately supervised and well executed.
- (7) Government shall encourage the Water Consumer Association in the small towns or Water Sanitation and Hygiene Committees (WASHCOMs) in the rural communities to patronize private sector in the management of their water system.
- (8) For improved service delivery, Government shall encourage each government owned Water Supply Provider management team to enter into proper agreement with private sector on management of urban water supply scheme in the area of its operation where it deems necessary.
- (9) Government shall ensure that the process of engaging private sector for water supply operations is not only competitive, but transparent, responsive and accountable.
- (10) Government shall develop a framework through which small towns and rural communities can be linked with private sector for operations and management of their schemes.

The Bureau of Infrastructure and Public Utilities (BIPU).

- 23.** (1). The State Government, through the Bureau of Infrastructure and Public Utilities (BIPU) shall have the following powers;
- (a) To finance capital project such as rehabilitation, upgrading of existing water supply schemes and construction of new systems.

- (b)** To maintain information data station, planning and development, policies and programmes formulation for the State.
- (c)** To develop state-wide technical standards for the industry in conjunction with the Ekiti State Water Corporation, Ekiti Rural Water Supply and Sanitation Agency and the Water Supply Regulatory Agency.
- (d)** To serve as a link between the State and the Federal Government, external support agencies and persons involved in the water supply in the State.
- (e)** To serve as a centre of knowledge of the water sector and disseminate information.
- (f)** To provide necessary enabling environment for the involvement of the private sector in water supply and sanitation services;
- (g)** To monitor and evaluate water supply and sanitation policy and sector performance;
- (h)** To coordinate state-wide water resources and issues with water supply development plans;
- (i)** To coordinate with other states relevant ministries or agencies;
- (j)** To coordinate and fund Water Supply Regulatory Agency;
- (k)** To drive all associated changes in the water sector and create change management office for that purpose;
- (l)** To re-orientate consumers about the changes that are taking place and other water supply issues through the Ministry of Information, Civic Orientation & Strategy.
- (m)** In the short term, support Ekiti State Water Corporation (EKSWC) to convert all public water points into water kiosks in urban areas, to be managed by individuals who are resident members of the administrative zone and shall sell water at a prescribed and agreed rate to members of the public.

Local Government Authorities (LGAs).

24. (1). The Local Government shall;

- (a) Facilitate, support and coordinate all matters between the Water Consumer Associations (WCAs) and local government areas.
- (b) Support and promote the development of Water Consumer Association especially in communities where the association is non-existent or very weak.
- (c) Disseminate information on State and Federal government programmes to the communities and Water Consumer Associations.
- (d) Assist communities to create Water Consumer Associations and coordinate with other Water Consumer Associations.
- (e) Serve as the link between the Water Consumer Association and the WASRA and external support agencies involved in water supply and sanitation services in the Local Government Areas.
- (f) Contribute to financing capital projects (rehabilitation or upgrading of existing and construction of new systems) but will not implement them.
- (g) Facilitate processes and create the enabling environment for success at the Local Government Area level.
- (h) Maintain Local Government Area information database, undertaking Local Government Area-wide planning and developing Local Government Area-wide programmes and make available relevant data to the data station of **the PRS** Department of Bureau Infrastructure Public Utilities.
- (i) Monitor and evaluate project implementation.
- (j) Coordinate Local Government Area-wide water resource management issues with water supply development plans.
- (k) Coordinate with State ministries including Department of Bureau of Infrastructure, Ministry of Environment and Ministry of Health for the development of water sanitation and hygiene.

- (l)** Providing subsidies to Water Sanitation and Hygiene Committees (WASHCOMs) in rural areas and Water Consumer Associations in small towns water supply systems where cross-subsidy through water rates and tariffs cannot provide affordable water rate for the poor and ensuring that accountability between the consumer and the provider is maintained.
- (m)** Establish Water Sanitation and Hygiene Departments whose responsibilities shall be to:
 - (i)** facilitate the registration of Water Sanitation and Hygiene Committees (WASHCOMs).
 - (ii)** the construction, supervision of boreholes, hand-pumps, hand dug wells and other simple water systems.
 - (iii)** collaborate with Water Supply Regulatory Agency for technical training and give advice to the Water Sanitation and Hygiene Committees (WASHCOMs).
 - (iv)** promote Community Led Total Sanitation (CLTS) in all the villages within the Local Government Area.
 - (v)** perform any other function that may be assigned to it by the state Government.
- (n)** Ensure separate appropriation and timely release of funds for Water Sanitation and Hygiene activities annually.
- (o)** Make appropriate bye-laws to support the planning, implementation and monitoring of Water Sanitation and Hygiene (WASH) programmes.
- (p)** Source funds from internal and external sources for the promotion of WASH programmes.
- (q)** Develop WASH programmes for the Local Government headquarters and communities in their area in consultation with all stakeholders.
- (r)** Provide support to communities and households for Water Sanitation and Hygiene development.
- (s)** Ensure that all funds from internal and external sources for water sanitation development are properly utilized.
- (t)** Provide technical assistance to households for the upgrading of on- site

sanitation facilities e.g. traditional pit latrines, sanplast latrines, etc to a safer and convenient facility.

- (u) Promote safe sanitation technology options in all the communities through a value based Water Sanitation and Hygiene programmes to be promoted at school level.
- (v) Engage in the training and capacity building of government personnel (environmental health officers, monitors, enforcers, and administrators) and community artisans to be involved in the maintenance of Water Sanitation and Hygiene facilities in the communities.

PART IV

EKITI STATE WATER SUPPLY REGULATORY AGENCY.

Establishment of Ekiti State Water Supply Regulatory Agency.

25. (1) There shall be established a regulatory agency to be known as the Ekiti State Water Supply Regulatory Agency (WASRA) (hereinafter referred to as “the Regulatory Agency”).
- (2) The Regulatory Agency is a corporate body with perpetual succession and a common seal and may:
- a. acquire, hold and dispose of real and personal property;
 - b. sue and be sued; and
 - c. as a corporate body, exercise the rights, powers, and privileges and incur liabilities and obligations of a natural person of full age.

Objectives of Water Regulatory Agency.

26. (1) The principal objectives of the Regulatory Agency shall be to:
- (a) Promote the State Water Law and Policy;
 - (b) Create, promote, and preserve efficient industry and market structures, and to ensure optimal utilisation of resources for the provision of Prescribed Water Services;
 - (c) Maximize access to Prescribed Water Services, by promoting and facilitating consumer connection to distribution systems in its area.

- (d) Ensure adequate supply of water to Consumers and ensure that Consumers (including low-income or vulnerable Consumers) benefit from any gains from increased competition and efficiency;
 - (e) Ensure that the prices charged by Water Services Providers are sufficient to allow the Water Services Providers to finance their activities and to allow for reasonable earnings for efficient operation;
 - (f) Control water and waste management and discharge water.
 - (g) Ensure the safety, security, reliability, and quality of service in the production and delivery of water to Consumers;
 - (h) Ensure that regulation is fair and balanced for Water Services providers, consumers, investors, and other stakeholders;
 - (i) Receive complaints and resolve disputes between customers and Water Services providers;
 - (j) Ensure that regulatory decision-making has regard to all relevant health, safety, environmental and social legislations applying to the water sector, and
 - (k) Promote consistency in regulation between all stakeholders in the State water sector.
- (2) Without prejudice to subsection (1), the Regulatory Agency shall perform its functions and exercise its powers in such a manner as it considers best in achieving any of its objectives under this Law.
- (3) In furtherance of the objects referred to in this Section, the Regulatory Agency shall perform the water services regulatory functions conferred on it or as may be provided under this Law.

Establishment of the Board of Water Supply Regulatory Agency.

27. (1) There is hereby established the Board for the Regulatory Agency.
- (2) The Board shall consist of a Chairman and the following persons as members:-
- (a) An Administrative Secretary.
 - (b) A representative of customers;
 - (c) A representative of Water Supply Providers;
 - (d) A representative of the Department of Bureau of Infrastructure and Public Utilities;
 - (e) A representative of Rural Water Supply and Sanitation Agency
 - (f) A Legal Practitioner of not less than 10 years cognate experience from the office of the State Attorney-General and Commissioner for Justice; and

- (g) One member being a person with at least five years experience in the regulation of utility and infrastructure.
- (3) The Governor may increase the number of members but shall ensure that members are chosen from the public and private sectors, and shall take into consideration experience or professional qualifications in the following fields or areas of competence: engineering disciplines; water resources management; hydrology; drinking water ; sewerage, ground water development; environmental sciences in the water sector, in utilities regulation and in law, accountancy, economics, finance or administration.
- (4) There shall be appointed by the Governor, a Chairman for the Regulatory Agency who shall be the Chief Executive Officer and shall be a full-time member of the Regulatory Agency.
- (5) A person shall not be appointed as Chairman unless he is a citizen of Ekiti State and a holder of at least a degree from a recognized institution with at least 10 years working experience in relevant field.

Tenure of Office.

28. (1) Subject to the provisions of this Law, a member shall hold office for a period of four (4) years:
- (2) A member shall hold office on such terms and conditions as the Governor may specify in the letter of appointment.
- (3) A member shall be eligible for re-appointment for another four (4) years term and thereafter may not be eligible to serve the Board.
- (4) The terms, remuneration and conditions of service of members shall not be varied or altered to their detriment during their tenure of office.
- (5) The Chairman shall continue in office after the expiry of his term until the Board is reconstituted.

PROVIDED that such extension shall not exceed six months.

Disqualifications of Member of Water Regulatory Agency.

29. (1) A person shall not be appointed as a member of the Regulatory Agency who:

- (a) is not a citizen of Nigeria and not a permanently resident in Nigeria; or
- (b) has a pecuniary interest in any Water Services Provider regulated under this Law or any entity which is in competition with or provides similar services to those supplied by a Water Services Provider regulated under this Law within the State unless the Governor is satisfied that the interest or activity is indirect and passive and will not interfere with the person's impartial discharge of his duties as a member, or unless the pecuniary interest is terminated prior to the appointment taking effect; or
- (c) has:
 - (i) been adjudged or otherwise declared insolvent or bankrupt and has not been rehabilitated or discharged; or
 - (ii) made an assignment to, or arrangement or composition with his creditors which has not been rescinded or set aside; or
- (d) has been certified by a competent authority to be of unsound mind; or
- (e) has been banned from practicing his profession; or
- (f) is a member of any of the Legislative House:

PROVIDED that a member of a Legislature who is so appointed shall resign his membership of the House before taking up the appointment.

Vacation of Office.

- 30.** (1). A member shall vacate his office if:
- (a) he gives notice in writing to the Governor of his intention to resign, or
 - (b) on the expiry of such period of notice that has been approved by the Governor ; or
 - (c) he has been convicted of any offence involving dishonesty, or fraud of financial impropriety; or
 - (d) he attends less than 75% of the total number of Board's meetings within one year period.
- (2) The Governor may suspend or remove any member in the public interest.

Business of the Water Supply Regulatory Agency (WASRA).

- 31.** (1) Subject to this Law, the Regulatory Agency may regulate its own proceedings.

- (2) The Regulatory Agency shall meet for the dispatch of business as often as it is necessary, expedient and, subject to this Section, may adjourn, close and otherwise regulate its meetings and procedure as it deems fit.
- (3) The Chairman or in his absence, any member chosen by the members present from among themselves shall preside at the meeting of the Regulatory Agency.
- (4) All decisions of the Regulatory Agency shall be on the basis of majority of the members present and voting.
- (5) No act or proceeding of the Regulatory Agency shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Regulatory agency, except where actions are not supported by a quorum.
- (6) The quorum for the meeting of the Regulatory Agency shall be 4 (four) and each member present shall have one vote on each question before the Board and, in the event of an equality of votes, the Chairman shall have a casting vote in addition to a deliberative vote.
- (7) For a meeting of the Regulatory Agency to review any previous decision or order taken by the Regulatory Agency, the quorum shall not be less than the members present when the decision was taken or order was made.

Disclosure by members.

- 32.** (1) If a member:
- (a) acquires or holds a direct or indirect pecuniary interest in any matter that is under consideration by the Regulatory Agency;
 - (b) owns any property or has a right in property or a direct or indirect pecuniary interest, in a company or association of persons which results in the member's private interests coming or appearing to come into conflict with his functions as a member;
 - (c) knows or has reason to believe that a relative of the member has acquired or holds a direct or indirect pecuniary interest in any matter that is under consideration by the Regulatory Agency, or owns any property or has a right in property or a direct or indirect pecuniary interest in a company or association of persons which results in the member's private interests coming or appearing to come into conflict with his functions as a member,

or if for any reason the private interests of a member comes into conflict with his functions as a member,
the member shall forthwith disclose the fact to the Regulatory Agency.

- (2) A member referred to in subsection (1) shall take no part in the consideration or discussion of, or vote on, any question before the Regulatory Agency which relates to any contract, right, immovable property or interest referred to in that subsection.
- (3) A member shall, prior to accepting his appointment to the Regulatory Agency, make a declaration of assets in accordance with paragraph 11 of the Fifth Schedule to the 1999 Constitution of the Federal Republic of Nigeria (as amended).
- (4) Any member who contravenes subsections (1), (2) or (3) of this Section commits an offence and is liable on conviction to a fine of ₦50,000 (fifty thousand naira) or an imprisonment for 6 (six) months or both.

Validity of Decisions.

33. (1) No decision or act of the Regulatory Agency done under the direction of the Regulatory Agency shall be invalid on the ground that:
 - (a) there existed a vacancy or vacancies among the members; or
 - (b) there existed some defect in the constitution of the Regulatory Agency at the time the decision was taken or Law was done or authorized.
- (2) If a member referred to in section 32 above takes part in the consideration of a matter in which his private interests are in conflict with his function as member, the other members may subsequently ratify any such decision or action.

Administrative Secretary and Secretariat.

34. (1) There shall be appointed by the Governor an Administrative Secretary for the Regulatory Agency who shall be the Chief Executive and Accounting Officer of the Regulatory Agency and shall hold office on such terms and conditions as may be specified in his letter of appointment
- (2) He shall be responsible for the day to day administration of the affairs of the

Regulatory Agency and perform such other functions as may be directed by the Board from time to time.

Appointment and Remuneration of Staff.

35. (1) Members shall be paid from the funds of the Regulatory Agency such remuneration and allowances, if any, as the Regulatory Agency may propose from time to time for the approval of the House of Assembly, which in approving the same shall have regard to the salaries and allowances paid to the staff of other regulatory agency operating in Nigeria and Ekiti State and the following principles:
- (a) the specialised nature of work to be performed by the Regulatory Agency;
 - (b) the salaries paid in the private sector to individuals with equivalent responsibilities, expertise and skills; and
 - (c) the nature of the expenses incurred by the Regulatory Agency employees, including national and international travel expenses.
- (2) Other staff of the Regulatory Agency shall be paid from the funds of the Regulatory Agency such remuneration and allowances as the Regulatory Agency shall determine.

FUNCTIONS OF THE REGULATORY AGENCY.

Functions of the Water Services Regulatory Agency (WASRA).

36. (1) The Regulatory Agency, in addition to any other functions imposed on it by this Law shall perform the following regulatory functions for the provision of Prescribed Water Services in the State:
- (a) advise the State Government on water supply matters;
 - (b) License Water Services Providers;
 - (c) Develop water supply and sanitation sector guidelines on the technical and financial management of Water Services Providers.
 - (d) Make regulations prescribing all matters which by this Law are required or permitted to be prescribed or which, in the opinion of the Regulatory Agency, are necessary or convenient to be prescribed for carrying out or giving effect to this Law, including:

- (i) the administration of the affairs of the Regulatory Agency, including, inter alia, the holding of meetings, hearings and proceedings, arbitration and mediation proceedings, the conduct of inquiries and investigations, becoming a party, the handling of information, and generally the conduct of its business
- (ii) the procedure for issuing Water Service Provider [WSP] Licenses;
- (iii) the determination of the standards for the provision of Prescribed Water Services including Water Quality Standards;
- (iv) the method and manner by which the Tariffs that may be charged by Water Services Providers for their Services will be determined including a Metering scheme for certain large use Consumers, to the extent practicable and cost-effective;
- (v) the duties, powers, rights, and obligations of a Water Service Provider;
- (vi) the resources procurement policies of, and entry into Private Sector Person [PSP] Agreement by, the Water Services Providers, including, as may be applicable, the review and approval of same;
- (vii) the requirements of Water Services Development Plans;
- (viii) procedures for monitoring compliance with this Law and any other applicable Laws and Policies of water;
- (ix) guidelines to eliminate illegal connections, unregulated or illegal use of Prescribed Water Services; and
- (x) practices, procedures and reporting requirements for monitoring and enforcing this Law including establishment of fines and penalties.

Discharge of Functions.

- 37.** (1) In the discharge of its regulatory functions under this Law, including the making of regulations and of any decision or determination, the Regulatory Agency shall:
- a) consult in good faith with persons who are or are likely to be affected by the decision including Water Services Providers, Consumers and any Consumer associations;
 - b) give to such persons an opportunity to make submissions to and to be heard by the Regulatory Agency;
 - c) have regard to the evidence or facts adduced at any hearing and to matters contained in any submissions;
 - d) give reasons in writing for every decision;

- e) ensure that notice is given of each regulation, decision or determination in the Government Gazette, and in a national daily newspaper circulating in the State and on the official website of the State Government;
 - f) ensure that decisions are accessible to the public at reasonable times and places; and
 - g) ensure that decisions are consistent with all applicable Federal and State water Laws and policies, and water Sector programme commitments of the State.
- (2) The Regulatory Agency may make interim order pending the final disposition of a matter before it.

Arbitration and decision making.

38. (1) The Regulatory Agency may exercise such other powers including the power to make determinations and to act as an arbitrator in disputes under a PSP or PPP Agreement.
- (2) In making a determination under this Section, the Regulatory Agency shall have regard to any factors specified in the Private Sector Participation Agreement in relation to economic regulatory matters.

Issuance of License to Operate as Water Services Provider.

39. (1) No person shall operate as a Service Provider unless such person:
- a) has been issued with a license by the Regulatory Agency; or
 - b) has been exempted from the requirement to obtain a license in respect of the provision of the relevant prescribed water services.
- (2) Notwithstanding the provisions of subsection (1) of this Section, any person, public or private, who at the commencement of this Law, was acting as a Water Services Provider without a WSP License, may continue to do so until the expiry of reasonable notice, which notice shall not exceed six months, given by the Regulatory Agency that the continuation will be subject to the issuance of WSP License.
- (3) The Regulatory Agency shall have the authority to determine whether a person is engaging, or is about to engage in business for which a WSP License is required under this Law or any other Law, and may by an order published in the Gazette,

exempt any person from the requirement to obtain a Water Service Provider License in respect of the provision of the prescribed Water Services specified in the order: PROVIDED that the exemption shall state whether it is of general or specific application.

- (4) An exemption shall be granted subject to the terms, conditions and limitations specified in the Order without prejudice to the powers and functions of the Regulatory Agency in relation to the regulation of the provision of Prescribed Water Services by such Services Providers.
- (5) The Regulatory Agency may issue an interim Water Service Provider License to any person as specified under this Law for a period not exceeding eighteen months, or such shorter period as may be considered appropriate, if it is necessary in the public interest.
- (6) Any person who contravenes this Law on obtaining the required Water Service Provider License commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine of ₦100,000.00 (one hundred thousand naira) or both, and thereafter ₦10,000 per day until the default is abated.
- (7) The Regulatory Agency shall have the authority to order any person who contravenes this Law as stated in subsection (6) above, to cease his operations license, and to make such other orders, including an order to another Water Service Provider to disconnect facilities as may be necessary to prevent the continuation or reoccurrence of the contravention.

Limitations on Transfer.

- 40.** (1) No Water Services Provider shall assign or cede its Water Service Provider (WSP) License or transfer its undertaking, or any part thereof, by way of sale, mortgage, lease, exchange or otherwise without the prior written consent of the Regulatory Agency as provided in this Law:
- (2) PROVIDED that, where the circumstances requires, the Regulatory Agency may approve the transfer subject to terms and conditions, and stipulate whether the consent is specific or general, for any or all the foregoing as provided in subsection (1) of this Section.

Application for license.

- 41.** (1) An application for a Water Service Provider (WSP) License shall be made to the Regulatory Agency in the form and manner prescribed, and be accompanied by the prescribed fees and such information or documents as may be required by the Regulatory Agency.
- (2) Subject to subsection (3) of this Section, if on consideration of an application that satisfies the requirements of subsection (1), the Regulatory Agency is also satisfied that:
- a) the applicant is likely to comply with the provisions of this Law, including, without limitation, all codes of conduct, standards, regulations and Water Service Provider (WSP) License terms and conditions, applicable to the service or system it intends to provide or operate; and
 - b) the grant of the Water Service Provider (WSP) License is in the public interest.
- And after the consideration of all relevant factors, including but not limited to the following:
- (i) existing lawful services;
 - (ii) efficient/beneficial use of Prescribed Water Services in the relevant geographic area; and
 - (iii) the socio-economic impact of issuing or failure to issue a Water Service Provider License;
- the Regulatory Agency shall issue the appropriate Water Service Provider License, as the case may be, to the applicant.
- (3) If on consideration of an application that satisfies the requirements of subsection (1), the Regulatory Agency is not satisfied as to the additional matters referred to in subsection (2) of this Section; it shall refuse to issue a Water Service Provider License to the applicant, subject to affording the applicant adequate opportunity to make representations in the matter.
- (4) The period between the Regulatory Agency's receipt of an application under subsection (1) and all documents and information submitted in support of it, and the date on which it notifies the applicant of the adequacy of the documents and information, shall not exceed thirty days.
- (5) The period between the Regulatory Agency's receipt of an application that satisfies the requirements of subsection (1), and the date on which the Regulatory Agency notifies the applicant of its decision or proposed decision in accordance

with subsection (2) or subsection (3) of this Section, as the case may be, shall not exceed six months, unless the applicant consents to an extension of the period.

- (6) Notwithstanding subsections (1) to (5), the Regulatory Agency may establish simplified procedures for different Water Services Providers such as Water Service Intermediaries so as to expedite the application and licensing process.

Terms and Conditions of License.

42. (1) A Water Service Provider License shall be issued subject to such terms and conditions as required under this Law or as the Regulatory Agency may stipulate in its regulations.
- (2) Unless expressly indicated in the Water Service Provider License, the grant of a WSP License shall not hinder or restrict the grant of a WSP License to another person for a like purpose and, in the absence of such an express indication, the Water Service Provider shall not claim any exclusivity: PROVIDED that the Regulatory Agency may allow a Water Service Provider License to be exclusive for all or part of the period of the Water Service Provider License, for a specific purpose, for a geographic area, or for some combination of the foregoing.
- (3) A Water Service Provider License may contain terms and conditions for the Water Service Provider License to cease to have effect or to be modified or amended by the Regulatory Agency in such circumstances as may be specified in the Water Service Provider License.
- (4) A WSP License shall be valid for 5 years in the first instance and subject to satisfactory performance and conditions set by the Regulatory Agency, it shall be renewable thereafter in increment of 5 years.

Determination of Fees and Charges.

43. The Regulatory Agency shall impose a fee in accordance with this Section in relation to all Water Service Provider (WSP) License issue under this Law, which shall be payable in such amount as determined by the Regulatory Agency to be a reasonable estimate of the costs which will be incurred by the Regulatory Agency in relation to regulation of the Prescribed Water Services to which the Water Service Provider (WSP) License relates, and at such intervals as determined by the Regulatory Agency.

Renewal of License.

44. At the expiry of his license and subject to payment of the appropriated fee, a Services Provider shall apply to the Regulatory Agency in the form and manner and within the period prescribed for a renewal of the Water Service Provider (WSP) License.

Amendment of License.

45. (1) Subject to this Section, the provisions of a Water Service Provider License may be amended:
- (a) in accordance with the procedures specified in the License; or
 - (b) by agreement between the Regulatory Agency and the Water Services Provider;
- (2) The Water Services Provider shall publish a notice of the proposed alteration or amendments to the Water Service Provider License in accordance with such directions as may be given by the Regulatory Agency, stating the period prescribed by the Regulatory Agency, within which objections or representations in connection with the amendments may be made to the Regulatory Agency.
- (3) The Regulatory agency shall not amend any Water Service Provider License until all objections or representations received by the Regulatory Agency have been considered.

PART V STANDARDS AND TARIFFS.

Standards.

46. (1) The Regulatory Agency shall in consultation with appropriate Federal and State ministries, Water Services Providers, Consumers and other interested parties, develop the following performance standards and codes:
- (a) Standards of overall performance in connection with the provision of Prescribed Water Services and in connection with the promotion of the efficient use of water by Consumers;
 - (b) Determine appropriate technical codes and manuals that may be required for the safe, reliable, and efficient operation of the system; and
 - (c) Such other standards, codes, manuals as the Regulatory Agency may require.

- (2) Standards, codes and manuals approved by the Regulatory Agency pursuant to subsection (1) shall be binding on the applicable Water Services Providers and shall be published by the applicable Water Services Providers in such manner as the Regulatory Agency may direct.
- (3) The Regulatory Agency may, depending on the nature of the service provided, set different standards for different Water Services Providers under this Law.
- (4) In carrying out its functions under this Law, including setting and monitoring standards under this Section, the Regulatory Agency shall consult and cooperate with the State Ministry of Environment and State Environmental Protection Agency and any other State agencies responsible for environmental and water resource management regulation.

Tariffs.

- 47.** (1) The Regulatory Agency shall adopt and provide to the Service Providers tariff methodologies for tariffs that may be charged by the Services Provider for the prescribed water services.
- (2) No Services Provider shall fix any tariff to be charged for water services unless the tariff is in accordance with the applicable tariff methodology adopted for regulating water tariffs and has been approved by the Regulatory Agency.
 - (3) In determining tariff methodologies, the Regulatory Agency shall have regard to the:
 - (a) particular circumstances of the Water Services for which the determination is being made;
 - (b) costs of producing and supplying the water services;
 - (c) interests of the Services Provider including assurance of the financial integrity of the Services Provider;
 - (d) cost of complying with relevant health, safety, environmental and social legislation;
 - (e) the need to provide incentives for continued improvement in technical and economic efficiency and quality of Water Services;
 - (f) the interests of consumers, including the need to avoid undue discrimination between consumers and consumer categories.
 - (4) The Regulatory Agency may establish simplified tariff methodologies for different Services Providers such as Water Services Intermediaries.

- (5) Notwithstanding subsection (3) (f) of this Section, in establishing Tariff methodologies, the Regulatory Agency shall differentiate among consumers on the basis of differences in total water consumption, the time periods on which water is consumed, and other such criteria as may affect the cost of providing a service and may allow a lifeline tariff for some consumers.
- (6) Prior to approving a tariff methodology, the Regulatory Agency shall give notice in the gazette and in one or more National Newspapers with wide circulation in the State, of the proposed establishment of a tariff methodology, indicating the period within which objections or representations in connection with the same may be made to the Regulatory Agency.
- (7) The Regulatory Agency shall fix the date on which the tariff methodology shall come into operation and it shall cause the notice to be published in the Gazette and any newspaper circulating in the State.
- (8) The Regulatory Agency shall with the help of experts in the field of water regulation establish procedures for undertaking fixed and extraordinary reviews of the Tariff methodology.
- (9) Any person, upon whom any function has been conferred or imposed in connection with setting tariffs, shall be bound by a tariff methodology that has come into operation under this Section.
- (10) A Services Provider shall file with the Regulatory Agency, within the specified time and in the prescribed form a schedule showing the tariff charged by it for the Services it provides.
- (11) It shall be an offence for a Service Provider to transfer any fines or penalties levied against it under this Law to the Consumers.

Budgets.

48. (1) The Regulatory Agency shall, not later than 30th September in each year, prepare and submit to the Bureau of Infrastructure and Public Utilities or Ministry of Budget, Economic Planning & Service Delivery an estimate of the expenditure which the Regulatory Agency proposes to incur in respect of that financial year in

order to carry out the functions of the Regulatory Agency during the next succeeding year.

- (2) The Regulatory Agency may during any financial year prepare and submit to the Governor a supplementary budget relating to expenditures which were inadequately provided for in the annual budget due to unforeseen circumstances.
- (3) A supplementary budget shall be deemed to form part of the annual budget of the Regulatory Agency for the financial year to which it relates.
- (4) The Regulatory Agency with the approval of the Governor and the State House Assembly may vary its approved budget prepared under this Section: PROVIDED that no variation may be made which has the effect of increasing the total amount of expenditure provided for in the budget.

Funds of the Regulatory Agency.

49. (1) There is established for the Regulatory Agency a fund into which all monies accruable to the Regulatory Agency shall be paid and from which shall be defrayed all expenditure incurred by the Regulatory Agency.
- (2) The funds of the Regulatory Agency shall consist of:
 - (a) fees, charges and other income accruing to the Regulatory Agency from Water Services Providers, or any other monies, as may accrue to the Regulatory Agency, whether in the course of its operations or otherwise, excluding any fines or penalties recovered pursuant to this Law;
 - (b) funds allocated to the Regulatory Agency by the State House of Assembly, pursuant to a request by the Regulatory Agency for additional funds required to meet its reasonable expenditure.

Accounts and Audit.

50. (1) The Chairman shall ensure that proper accounts and other records relating to such accounts are kept in respect of all Regulatory Agency activities; funds and property, including such particular accounts and records as the Regulatory Agency may require.
- (2) The accounts shall be audited annually by external auditors appointed in accordance with the guidelines for the appointment of auditors issued by the Auditor-General of the State.

- (3) The auditor shall be entitled at all reasonable times right of access to the books of the Regulatory Agency and shall require to be produced to him all accounts and other records relating to such accounts which are kept by the Regulatory Agency or its agents and to require from any officer or employee or agent of the Regulatory Agency such information and explanation as in the auditor's opinion are necessary for the purpose of their audit.
- (4) Any officer or employee or agent of the Regulatory Agency who fails without just cause to comply with a requirement of an auditor in terms of subsection (3) commits an offence and is liable on conviction to a fine of ₦100, 000 (one hundred thousand naira) or 2 years imprisonment or both.

Annual Reports.

- 51.** (1) The Regulatory Agency shall submit an annual report of its activities to the Governor in accordance with the provisions of this Law.
- (2) The annual report shall, amongst other information, contain a detailed presentation of the Regulatory Agency's performance during the reporting year stated against any targets set in the Regulatory Agency's approved plans together with an analysis of the opportunities and constraints impacting upon the Regulatory Agency's performance and the proposed actions for addressing them.
 - (3) The Regulatory Agency shall, within six months after the end of the financial year, furnish the Governor and the State House of Assembly with:
 - (a) a copy of the audited accounts of the Regulatory Agency through the Office of the Auditor General of the State; and
 - (b) a copy of the report of the external auditor.
 - (4) The Regulatory Agency shall cause the audited accounts and annual report to be published in the State Government Official Gazette after complying with subsection (3) of this Section.

Other reports.

- 52.** (1) In addition to any report which the Regulatory Agency is required by this Law to submit to the Governor, the Regulatory Agency shall submit to the Governor such other reports as may be deemed required and such other reports as the Regulatory Agency considers necessary.

- (2) The Governor shall publicly release any reports submitted pursuant to subsection (1) within two months following the receipt of such a report.

Immunity of members and staff of Regulatory Agency.

53. (1) No liability shall be attached to the Chairman, members or other staff of the Regulatory Agency for any loss or damage sustained by any person as a result of the bona fide exercise or performance of any function which, by or in terms of this Law, is conferred or imposed upon such person.
- (2) No execution or attachment of process shall be issued against any property vested in the Regulatory Agency except with the prior consent of the Attorney General.

Benchmarking of Regulatory Agency.

54. Where required under any Water Sector Programme commitments or by the Governor, the Regulatory Agency shall submit such reports to the Governor or any person, organisation or authority as may be required in order to facilitate the comparison of activities and performance of the Regulatory Agency against any other Water Supply Regulatory Agency operating elsewhere.

Delegation of powers.

55. (1) Subject to subsection (2) of this Section, the Regulatory Agency may in writing delegate any power vested in it under this Law, and may impose separate or concurrent duties with respect to enforcement of any regulations or orders made by it in a particular area on any Water Service Provider or a Local Government Authority.
- (2) Notwithstanding anything contained in subsection (1) of this Section, the Regulatory Agency shall not delegate the power:
- (a) to make regulations; or
 - (b) to issue or cancel Water Service Provider Licenses.

Advisory support and outsourcing.

56. (1) The Regulatory Agency may appoint Advisory Committees to advise it on the exercise of the Water Services Regulatory functions contained in Part II of this Law.

- (2) The Regulatory Agency may enter into arrangements with private sector experts to advise it or to undertake the performance of any prescribed Water Sector Regulatory functions.
- (3) Any private sector expert appointed under this Section shall be appointed by an open and competitive bidding, subject to all applicable bidding and award guidelines, including adequate technical requirements.

Scope of the Law.

- 57.** This part of this Law shall apply throughout the State Water Supply sector and on all stakeholders in the sector including Water Services Providers for the purpose of regulating the Prescribed Water Services.

Right of action.

- 58.** (1) Notwithstanding anything contained in this Law, a person who has made an application for a Water Service Provider License may challenge any failure by the Regulatory Agency to take a decision on the application within a reasonable time of six (6) months.
- (2) The provision of this Section shall not operate to prejudice the right of any person who is aggrieved by any decision of the Regulatory Agency to challenge the decision before a competent Court: PROVIDED that the action shall be commenced within 21 days of the decision.

**PART VI
STATE INFORMATION SYSTEM, WATER AND SANITATION SERVICES
DEVELOPMENT PLAN**

Establishment of the State Information System.

- 59.** (1) For the purpose of efficient and effective information gathering;
- (a) The Government shall establish an effective information gathering mechanism and reliable, monitoring and evaluation system for the water supply and sanitation sector.

- (b) The processed data shall be forwarded at regular interval to the State Information System on Prescribed Water Services and water and sanitation generally.
 - (c) Government shall establish a frame work for Integrated Water Resources Management (IWRM) and a data station at the operations Department of Bureau of Infrastructure and Public Utilities for planning and budgeting and data bank in the State Ministry of Budget and Economic Planning & Service Delivery.
 - (d) The data collected through the information systems shall be the bedrock for planning and budgeting for the sector.
 - (e) All information provided shall be in a format accessible to all stakeholders.
 - (f) For the purpose of subsection (1) of this section, the Regulatory Agency may require any Service Provider and consumer to furnish information to be included in the State Information System.
 - (g) The Regulatory Agency or the provider of the State Information System may charge a reasonable fee for making information available, subject to the objectives of transparency and effective public access to relevant information.
 - (h) Government shall support the Monitoring and Evaluation units (M&E) of each of the Ekiti State Water Corporation, Ekiti State Rural Water Supply and Sanitation Agency, State Environmental Protection Agency and PRS Department of Bureau of Infrastructure and Public Utilities with adequate operational tools with a view to :-
 - (i) establishing a Monitoring and Evaluation database at each agency, and
 - (ii) use data obtained therewith for planning and budgeting for the respective agencies.
- (2) The M&E unit in the Operations Department in the BIPU shall be the data station for the sector as all other agencies in the sector shall be linked.
- (3) The M&E unit shall on a monthly basis submit data necessary for sector performance measurement to the Ministry of Budget and Economic Planning & Service Delivery for water sector performance appraisal and budgeting.

Duty to prepare draft of Water Service Development Plan.

60. (1) Upon the commencement of this Law, any Water Services Provider operating in the State shall prepare and submit to the Regulatory Agency as required by the terms of the license:

- (i) a Water Services Development Plan for its area of jurisdiction; and
- (ii) a summary of that plan.

- (2) Notwithstanding subsection (1) of this Section, the Regulatory Agency may either:
- a) Waive the requirement for a Water Services Development plan, or
 - b) Establish a simplified planning questionnaire, for different Water Service Providers.

Contents of Water Services Development Plan.

- 61.** (1) Any Water Service Development Plan shall be in the form prescribed by the Regulatory Agency, and consistent with any applicable national guidelines and any State Water Sector Programme commitments.
- (2) In addition to the provisions of subsection (1) of this Section, a Water Service Development Plan shall include the following details:
- (i) the existing water supply situation in the Services Provider's service area including the service area boundaries;
 - (ii) a schedule of the principal water service works used by the Services provider;
 - (iii) the size and distribution of the population within the area;
 - (iv) the existing prescribed water services provided in the area and details regarding pressure, availability, unaccounted for water losses, interruptions in service due to power failures.
 - (v) current operation arrangements including PSP arrangements, the use of secondary service providers including vendors and tanker services; and of the estimated number and location of persons within the area who are not being provided with a Basic Water Services;
 - (vi) Development planning objectives and priorities of the Water Services Provider;
 - (vii) a five year investment plan in the form and substance prescribed by the Regulatory Agency and an operational management plan in the form and substance prescribed by the Regulatory Agency.

Implementing Water Services Development Plan.

- 62.** (1) A Water Services Provider shall:

- (a) take reasonable steps to bring its Water Services Development Plan to the notice of its consumers, potential consumers and other Water Services Providers within its area of jurisdiction; and
 - (b) invite public comments thereon to be submitted within a reasonable time.
- (2) A copy of the Water Services Development Plan, with its summary and written comments thereon shall be made available for inspection at the office of the Services Provider and obtainable on payment of a nominal fee.

Approval of Water Services Development Plan.

- 63. (1) The Regulatory Agency shall review the Water Services Development Plan to ensure that it is consistent with this Law and the terms and conditions of the Water Service Provider License and any applicable Private Sector Participation and Private Public Partnership Agreement.
- (2) The Regulatory Agency shall monitor implementation of the Water Services Development Plan.

Deviation from Water Services Development Plan.

- 64. A Water Services Provider shall not undertake activities that constitute a substantial deviation from a Water Services Development Plan approved by the Regulatory Agency unless it is embodied in a new Water Services Development Plan adopted in accordance with the procedure set out.

Reporting on implementation of Water Services Development Plan.

- 65. A Water Services Provider must report on the implementation of its Water Services Development Plan during each financial year in the form and times prescribed by the Regulatory Agency.

State Master Plan for Development.

- 66. (1) Based on the approved Water Services Development Plans submitted by Services Providers and any Water Sector Programme commitments of the State, the Regulatory Agency shall prepare, on annual basis, a State master plan for development.

- (2) The Regulatory Agency shall cause a summary of the State Master Plan for the sector development to be published in the Gazette and any national newspaper circulating in the State.

Financial Assistance.

- 67.** (1) The Regulatory Agency may make recommendations for financial assistance for Services Providers under any Water Sector Programme Commitments or Government facilities.
- (2) The Regulatory Agency shall not recommend financial assistance to any Services Provider who fails to comply with its obligations under this Law.

GENERAL PROVISIONS.

Compliance with other Laws.

- 68.** No approval given under this Law and nothing in this Law relieves any Water Services Provider or any other person from complying with any other Law relating to the management or regulation of the environment or water resources; or with any other applicable State or Federal water Laws or Policies including, where required, any obligation on a Water Services Provider to obtain a license or permit to abstract water to be used in providing the Prescribed Water Services.

Entry and inspection of property.

- 69.** (1) Any person authorised in writing by the Regulatory Agency may:
- a) subject to the provisions of subsection (3) of this Section, at any reasonable time and without prior notice, enter any property and inspect any water services works or facilities in order to ascertain whether it is being carried out in compliance with this Law or any regulation made pursuant to this Law;
 - b) after reasonable notice to the owner or occupier of any property, enter the property with the necessary vehicles, equipment and material for its work:
 - (i) to repair, maintain, remove or demolish any water services works or facility belonging to or operated by the Water Services Provider concerned;
 - (ii) to establish the suitability of any water source or site for the construction of water services works or install water service facility;

- (iii) search, excavate, bore or carry on any activity necessary for the recovery of measurement of water; and
 - c) after reasonable notice to the owner or occupier of any property, pass through a property in order to enter another property lawfully.
- (2) Any person entering any property shall identify himself or herself and present his or her authorisation.
- (3) A dwelling, private residence or business place may only be entered where it is necessary in terms of this Law to do so and on reasonable notice and at a reasonable time.

PART VII PRIVATE SECTOR PARTICIPATION [PSP] AGREEMENTS.

PSP Agreements.

- 70.** (1) Subject to this Law, the Government owned Service Provider may enter into a PSP Agreement with any person to perform any function, service or provide facilities which may be exercised, performed or provided by a Services Provider under this Law or any other applicable Law.
- (2) The award of a PSP Agreement shall be carried out in accordance with all applicable Laws and policies, including the following provisions:
- a) except as otherwise authorized, the Private Sector Partnership (PSP) Agreements shall be awarded by open and competitive bidding, subject to bidding and award guidelines, including adequate technical requirements.
 - b) The scope of the project or activities of the subject of the Private Sector Partnership Agreements (including the design, construction, maintenance or operation, rehabilitation, expansion, management or operation of existing water scheme) shall conform with the State Master Plan for development, or otherwise as approved by the State Executive Council;
 - c) Any award of contract pursuant to this Section shall be consistent with the bidding and award guidelines developed for the Private Sector Partnership Agreement and any relevant Laws, circulars, regulations and guidelines relating to the tendering of public contracts and Private Sector Investment on infrastructure;

- d) The Regulatory Agency shall approved Private Sector Partnership (PSP) Agreement only if the Agreement complies with this Law, the State master plan for development and any prescribed procedures for award of Private Sector Partnership Agreement.
- (3) The Regulatory Agency may develop further provisions for the procedure for award of PSP Agreements which may include compulsory provisions to be included in a PSP Agreement.
- (4) Upon the conclusion of a Private Sector Partnership Agreement or joint venture agreement, the Service Provider shall within fourteen days of the signing of the Agreement supply a copy thereof to the Regulatory Agency.

PART VIII WATER SANITATION AND HYGIENE.

Water Sanitation and Hygiene.

71. The following Government Agencies shall be responsible for water sanitation and hygiene in the State;

- 1) Ministry of Environment.
- 2) State Environmental Protection Agency (SEPA).
- 3) Ekiti State Waste Management Authority.
- 4) Ekiti State Water Corporation.
- 5) The Town Planning Authority.
- 6) Ekiti State Rural Water Supply and Sanitation Agency (EK-RUWASSA).
- 7) All Local Government Authorities.
- 8) Water Consumer Associations.
- 9) Water Sanitation and Hygiene Committees (WASHCOMs).
- 10) Bureau of Infrastructure and Public Utilities (BIPU).
- 11) Ministry of Health.
- 12) Ministry of Education, Science and Technology.
- 13) Private Service Providers in the State.
- 14) Community Based Organizations and NGOs.

Responsibility of Ekiti State Ministry of Environment in reducing Pollution.

72. It shall be the responsibility of Ekiti State Ministry of Environment in collaboration with relevant government agencies to:-

- (1) take all measures that will reduce the pollution rate in the State to the barest minimum.
- (2) enforce the State environmental standards and regulations;
- (3) check and control unwanted human activities that affects the environment,
- (4) In collaboration with the State Town Planning Authority check indiscriminate construction of :-
 - (i) Fuel stations.
 - (ii) Industries.
 - (iii) Residential areas.
 - (iv) Commercial areas including market and abattoirs.
 - (v) Other human activities that directly or indirectly cause pollution.

Responsibilities of Local Government Authorities in promoting Hygiene and Sanitation Education.

- 73.** All Local Government Authorities shall in collaboration with all Water Consumer Associations, Water Services Providers, Water Sanitation and Hygiene Committee (WASHCOMs) within its area, Ministry of Health and Ministry of Education and other stakeholders if any, ensure and promote;
- 1) hygiene and sanitation education and awareness in respect of water usage, conservation and protection, among the people of the area;
 - 2) health education including prevention of water borne diseases and its effects ;
 - 3) child education on hygiene and sanitation in respect of water, both at home and schools;
 - 4) in conjunction with the State Government who shall primarily provide funds for the promotion of water sanitation and hygiene campaign with support from donor Agencies if available.
 - 5) in consultation with Water Consumer Associations and Water Sanitation and Hygiene Committees (WASHCOMs) in the area, set and enforce all regulations that will protect all categories of water systems in the State including water works, boreholes, hand pumps and any other water system from effluents;
 - 6) conduct active and regular house to house sanitary inspection.
 - 7) mobilize and encourage private sector participation in the provision of sanitation facilities in strategic areas for transient population within the L.G.A.

- 8) ensure disposal of dead and animal carcasses found near or in any water source or system.
- 9) Take all measures including environmental impact assessment (EIA) before construction of any water system in the area that will reduce environmental impact to the surrounding areas.
- 10) Control the rearing of animals in relation to water sources or water schemes and impound any stray animal.
- 11) Sensitize and mobilize its community members to contribute and participate in any water sanitation programme and sanction anybody who fails to do so.

Promotion of Water Sanitation and Hygiene education in Primary and Secondary Schools.

74. The BIPU shall collaborate with the Ministry of Education, Science & Technology on matters of water sanitation and hygiene education with a view to incorporating Community Led Total Sanitation (CLTS) concept to primary and secondary school curricula.

Pollution Prevention.

75. (1) It shall be a duty of every person or institution established under any Law of the State to promote and observe the State policy on point and non-point sources of pollution of the water resources of the State.
- (2) Any such person or institution shall promptly notify both the State Environmental Standards Enforcement Agency in charge of pollution control and the BIPU and any other Agency responsible for standards enforcement in the area of any actual or threatened infringement whereupon such environment agency shall take appropriate steps pursuant to the Law establishing it.
- (3) All Water Consumer Associations, Water Service Providers, relevant Government Ministries and Agencies and the Water Supply Regulatory Agency (WASRA) shall take all appropriate legal, economic and social measures to control non – point source pollution including promoting –
- (a) hygiene and sanitation; and
 - (b) enforcement of treatment standards for industrial effluents discharged into water sources.

- (4) In cases of emergencies or threat of imminent serious pollution, the Operation Department under the Bureau of Infrastructure and Public Utilities (BIPU) in collaboration with other relevant Government Agencies, the Water Supply Regulatory Agency (WASRA), shall take appropriate steps to rectify the problem as soon as practicable and thereafter inform the relevant enforcement agency.
- (5) Upon a notification of a point or non-point source of pollution to the enforcement agency by any person, the Operation Department under the BIPU in collaboration with other relevant State Ministries or the Water Supply Regulatory Agency (WASRA) shall continue to monitor and ensure actual abatement of such pollution occurring within the State.
- (6) In the event that such pollution continues for a period of two days after notification to the enforcement agency, the Bureau of Infrastructure and Public Utilities (BIPU) in collaboration with other relevant State Ministries may take appropriate steps to abate such pollution including prosecution of such polluters and suspension of a license for wastewater discharge or related water supply.
- (7) Where the BIPU and ministries take such steps as contemplated in this Section, such costs incurred shall be recovered from the party(s) directly or indirectly responsible for the pollution.

Fouling Water.

- 76.** Whoever by any act or default causes or suffers to be brought or to flow into any well, river, stream, tank, reservoir, aqueduct or pond used or intended for drinking water or to flow into any conduit communicating with such drinking water any such deleterious substance or does any act whereby such drinking water is or may be fouled shall be guilty of an offence under this Law.

Cost of execution relating to nuisance.

- 77.** All reasonable costs and expenses incurred in serving a notice, making a complaint or obtaining an order or in carrying an order into effect shall be deemed to be money paid at the request of the person on whom the order is made or if no order is made, but the nuisance is proved to have existed when a notice is served or the complaint made, then the person by whose act, default or sufferance the nuisance was caused and in the case of a nuisance caused by the act or default of the owner of the premises, such cost and expenses may be recovered from any person who is for the time being owner of such premises.

PART IX
OFFENCES AND PENALTIES.

Illegal construction of waterworks.

- 78.** (1) No person shall construct any waterworks or water supply facilities in the State without obtaining a permit from the WASRA.
- (2) No person shall construct any illegal structure within the waterworks premises.
- (3) Any person who contravenes the provision of subsection (1) above commits an offence and shall be liable on conviction to a fine of ₦ 50,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.
- (4) Any person who contravenes the provision of subsection (2) above commits an offence and shall be liable on conviction to a fine of ₦ 50,000 or to imprisonment for a term not exceeding 3 months or to both such fine and imprisonment.
- (5) The provisions of subsections (1) and (2) of this Section shall not apply to a person who constructs a hand dug well within his premises for the use of his family or for wells constructed for public purpose provided the permission of the Bureau of Land Services is sought and obtained for the use of the State land and for compliance with the planning regulations respectively, but not for borehole for public use.
- (6) Any person who constructs a borehole or a well for the use of the public without obtaining the approval from the Bureau of Land Services for the use of the State land and for compliance with the planning regulations respectively but not for borehole commits an offence and upon conviction shall be liable to:-
- (a) a fine of ₦50,000 in the case of a public borehole or two month imprisonment,
 - (b) a fine of ₦5,000 in case of public well.

Offences relating to water diversion, pollution, etc

- 79.** (1) Any person who –
- (a) willfully or negligently damages any dam, weir, waterworks, reservoirs, boreholes, hand-pumps, public fountain or any other public water system, source or service; or
 - (b) unlawfully draws, diverts or takes water from any source or from any stream by which any water is supplied, or

- (c) makes an unauthorized opening or closes any clock, cock, valve, sluice or manhole of any waterworks; or
- (d) pollutes any water or water source; or
- (e) allows or causes any foul liquid or gas or other noxious or toxic or injurious substance or matter to be discharged into any water source or any facility of any Water Consumer Association (WCA) or Water Sanitation and Hygiene Committees (WASHCOMs) or Water Service Providers whether in the rural, semi-urban or urban areas commits an offence and shall be liable on conviction to a fine of:-
 - (i) ₦ 100,000 or to imprisonment for a term not exceeding 6 months or and to a further penalty of ₦ 1,000 for each day that the offence continues in case of a major water supply scheme;
 - (ii) ₦50,000 or to imprisonment for a term not exceeding 6 months or and to a further penalty of ₦ 1,000 for each day that the offence continues in case of a mini water supply scheme;
 - (iii) ₦ 25,000 or to imprisonment for a term not exceeding 6 months or and to a further penalty of ₦ 1,000 for each day that the offence continues in case of a borehole or hand dug well water supply scheme.

Offences relating to wastage.

- 80.** Any person who alters, causes or permits to be altered any pipeline, fittings or fountains or any waterworks leading to wastage without the consent of the Water Supply Provider or Water Consumer Association, Water Sanitation and Hygiene Committee or the State Government, commits an offence and shall be liable on conviction to a fine of ₦ 5, 000.00 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

Offences relating to fraudulent measurements.

- 81. (1)** Any person who alters, causes or permits to be altered, any pipeline, fittings, meters or any waterworks with the intent to –
- (a) avoid the accurate measurement or register of water by means of any meter;
 - (b) obtain a greater supply of water than he is entitled, or to avoid payment for such supply; or
 - (c) willfully or negligently damages, alters, cause or permit to be damaged or altered any meter, commits an offence and shall be liable on conviction to:-

- (i) a fine of ₦ 300,000 or imprisonment for a term not exceeding 6 months or both in case of pipeline of above 300mm diameter;
- (ii) a fine of ₦ 150,000 or imprisonment for a term not exceeding 6 months or both in case of pipeline of 100mm to 300mm diameter;
- (iii) a fine of ₦ 50,000 or imprisonment for a term not exceeding 6 months or both in case of pipeline of diameter less than 100mm;
- (iv) a fine of ₦ 20,000 or imprisonment for a term not exceeding 5 months in the case of appurtenances such as fittings, service reservoirs, etc of distribution pipelines;
- (v) a fine of ₦10,000 in case of domestic house or premises or imprisonment for a term not exceeding 3 months or both.

Provided that any Water Supply Providers or Water Consumer Association, Water Sanitation and Hygiene Committee or Government who is the victim of any of the above mentioned offences listed above shall be compensated fully by the offender for any loss or damage caused.

Offences relating to nuisance.

- 82.** (1) Any person who puts, allows to be put or to remain, or to accumulate on any tenement owned or occupied by him or his servant or agent, any foul material or substance in such manner or place that it causes nuisance or may fall or be washed or be carried into or obstructs any waterworks commits an offence and shall be liable on conviction to a fine of ₦ 10,000 or to imprisonment for a term not exceeding 4 months or to both such fine and imprisonment.
- (2) Any person who allows any material or substance or any nuisance to remain after notice for the clean up or removal or remediation has been served on him by any legal authority shall, in addition to the penalty specified in subsection (1) of this Section, be liable to a further penalty of ₦ 1,000 for each day that the offence continues.

Offences relating to bathing, washing, etc

- 83.** (1) Any person who –
- (a) bathes or washes clothes, materials or other things in any part of any waterworks or reservoir or its appurtenances, hand pumps, boreholes or any other water system or
 - (b) puts, allows or causes to enter into any waterworks any horse, dog, goat, cow, pig or any other domestic animal or any bird or other things; or

(c) makes an unauthorized opening or closes any clock, cock, valve, sluice or manhole belonging to any waterworks;
commits an offence and shall be liable on conviction to a fine of ₦ 10,000 or imprisonment for a term not exceeding 1 (one) month or to both such fine and imprisonment.

Incitement.

84. Any person who incites or assists any person to misrepresent in any way his ratable capacity or any information material to the assessment of or rating upon tenement of which he is the owner or occupier commits an offence and shall be liable on conviction to a fine of ₦ 15,000 or imprisonment for a term of 3 months.

Obstruction of authorized persons.

85. Any person who obstructs or assaults another person legally authorized to act in the course of carrying into effect any of the provisions of this Law commits an offence and shall be liable on conviction to a fine of ₦ 50,000 or imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

Offences of impersonation.

86. Any person, including staff of the Water Supply Provider or Water Consumer Association, Water Sanitation and Hygiene Committee, Ekiti State Water Corporation, Ekiti State Rural Water Supply and Sanitation Agency, LGAs or other Government Authority, who, not being lawfully authorized to carry out any function under this Law and who under any guise or cover, holds out himself as having been authorized to enforce any part of this Law commits an offence and shall be liable on conviction to a fine of ₦ 10,000 or to imprisonment for a term not exceeding 3 months or both .

Conspiracy.

87. Any person who conspires with, procures, instigates, aids, or facilitates another person to do anything or omits to do anything prohibited under any of the provisions of this Law, commits an offence and shall be liable under the relevant provisions of this Law relating to such offence and shall be punished as if he committed the offence himself.

Other Offences.

- 88.** (1) Any person who:
- (a) continues the wasteful use of water after being called upon to stop by the Water Supply Provider or Water Consumer Association, Water Sanitation and Hygiene Committee, Ekiti State Water Corporation, Ekiti State Rural Water Supply and Sanitation Agency or Water Supply and Regulation Agency; or
 - (b) intentionally obstruct any person exercising or attempting to exercise any right of entry and inspection of property under Section 69; or
 - (c) fails to provide any information or access to any books, accounts, documents or assets when required to do so in terms of this Law;
- Commits an offence and liable on conviction, to a fine of ₦ 5,000 or imprisonment for a term not exceeding 1 month or both.
- (2) Whenever any act or omission by any employee or agent of Water Supply Provider constitutes an offence under this Law, and takes place with the express or implied consent of the employer, the employer shall, in addition to the employee or agent, be liable to conviction for that offence.
 - (3) No person shall construct any residential premises without adequate and appropriate toilet facilities in accordance with the State water supply and sanitation policy;
 - (4) No person shall defecate in any public place including, rivers, streams, boreholes, hand pumps, hand dug wells or any other water systems, facilities and their surroundings.
 - (5) No person shall defecate or intentionally dump any waste or other pollutants into any public drains thereby causing the same to be blocked.
 - (6) Any person convicted for any of the offence under subsections 3, 4, 5 above shall be sentenced to imprisonment for a term of three months or a fine of ₦ 2, 000 or both.

PART X
MISCELLANEOUS AND TRANSITIONAL PROVISIONS.

Directives by the Governor.

- 89.** (1) The Governor may give to any Water Supply Provider within a prescribed urban area through the Water Supply and Regulation Agency such directives of a general nature or relating generally to matters of policy with regard to the exercise by the Water Supply Provider of its functions under this Law and it shall be the duty of the Water Supply Provider to comply with the directives or cause them to be complied with.
- (2) The LGA may give to any Water Sanitation and Hygiene Committee such directives in furtherance to matters of policy with regard to the exercise by the Water Sanitation and Hygiene Committee of its functions under this Law and it shall be the duty of the Water Sanitation and Hygiene Committee to comply with the directives or cause them to be complied with.

Certain provisions relating to defaulters.

- 90.** (1) Where any person is in default of payment of rates, the Water Supply Provider or Water Consumer Association or Water Sanitation and Hygiene Committees shall without prejudice to its rights commence proceedings for recovery against any defaulter as follows:
- (a) notify the defaulter of the amount due and
 - (b) where the defaulter is connected to the water system, the Water Supply Provider shall authorize or cause any person to enter and alter, disconnect, stop or remove any water fittings belonging to or used by such defaulting occupier or consumer.
 - (c) in the small town or rural area, the Water Consumer Association or Water Sanitation and Hygiene Committee, as the case may be, shall compel the defaulter to settle his contribution through-
 - (i) manual labour that may be required by the Water Sanitation and Hygiene Committee provided the defaulter has no financial means; or
 - (ii) appropriate Court action where the defaulter has the means to pay but refuses to.
- (2) Upon payment of prescribed fees by the occupier or the consumer remedying the default or contravention referred to in subsection (1) of this Section and the reconnection fees for suspended services, the Water Supply Provider shall cause repairs, replacement and re-connection of the water fittings as the case may be.

PROVIDED that this Section shall not apply to a consumer who was wrongfully disconnected from the system.

Recovery of loss of money.

91. (1) Where, upon consideration of any audit report, the Water Supply Provider, Water Consumer Association or Water Sanitation and Hygiene Committee is satisfied that in respect of its functions under this Law –
- (a) a sum due to it has not been duly brought to account by any person; and
 - (b) there is loss of money or destruction of any of its property which has occurred by reason of –
 - (i) negligence; and
 - (ii) breach of official duty or other misconduct of any person, the Water Supply Provider, Water Consumer Association or Water Sanitation and Hygiene Committee may surcharge such money or the value of the property lost or destroyed upon the person aforesaid whether he is a member of staff of the Board, an agent of the Board or a member of the community.
- (2) Before exercising any of the powers specified under subsection (1) of this Section, the Water Supply Provider, Water Consumer Association or Water Sanitation and Hygiene Committee may, in writing, authorize any person to conduct an inquiry for the purposes of this 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 purpose of the inquiry.
- (3) If the Water Supply Provider, Water Consumer Association or Water Sanitation and Hygiene Committee decide to surcharge any person under subsection (1) of this Section, it shall cause a notice to be served upon such person.
- (4) Notwithstanding anything to the contrary contained in subsection (1) of this Section, no liability to surcharge shall be incurred by any officer, employee or agent or member of the community of the Water Supply Provider, Water Consumer Association or Water Sanitation and Hygiene Committee if he can prove to it that he acted in pursuance, and in accordance with the terms of a resolution of the Water Supply Provider, Water Consumer Association or Water Sanitation and Hygiene Committee or of any committee duly appointed by it

under this Law or on the written instructions of any officer, employee or agent so empowered by it.

Provided that nothing in this subsection shall exempt any person from liability to surcharge within the provisions of this Section where it is proved that he 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 subsection (3) of this Section shall be due to the Water Supply Provider, Water Consumer Association or Water Sanitation and Hygiene Committee and may be sued for and recovered in any court of competent jurisdiction at the instance of the Water Supply Provider, Water Consumer Association or Water Sanitation and Hygiene Committee.

Appeals against surcharge.

92. (1) Any person who is aggrieved by any decision of the Water Supply Provider, Water Consumer Association or Water Sanitation and Hygiene Committee for a surcharge of any amount exceeding ₦ 1,000 shall within thirty days of such decision appeal to the Water Supply Provider, Water Consumer Association or Water Sanitation and Hygiene Committee for a review of its decision.
- (2) Where the aggrieved person is not satisfied with the decision of the Water Supply Provider, Water Consumer Association or Water Sanitation and Hygiene Committee in sub-section (1) above, he may appeal to the Water Supply Regulatory Agency for a review of the Water Supply Provider, Water Consumer Association or Water Sanitation and Hygiene Committee's decision.
- (3) The Water Supply Regulatory Agency, shall have power to confirm, vary and quash the decision of the Water Supply Provider, Water Consumer Association or Water Sanitation and Hygiene Committee and give such direction as it may deem fit in each circumstance.

Provisions relating to land.

93. (1) Wherever it appears to a Water Supply Provider, Water Consumer Association or Water Sanitation and Hygiene Committee that any land within the prescribed area is required for the purpose of any waterworks, the Water Supply Provider, Water

Consumer Association or Water Sanitation and Hygiene Committee shall, subject to the Land Use Act, apply to

- (a) the Governor for land within an urban area
- (b) the relevant Local Government Authority within a small towns or rural area for approval for its officers or agents to enter upon the land and
 - (i) survey and take levels of the land
 - (ii) drill holes under the subsoil; and
 - (iii) do such other things as are necessary to ascertain whether the land is adapted for such purposes.

Provided that no such officer, agent, servant or workman of the Water Supply Provider shall enter any building or upon any enclosed court or garden attached to a dwelling house (except with the consent of the occupier) and at least seven days notice of intent to enter shall be given to such occupier.

- (2) Where any entry made under subsection (1) of this Section occasions any damages requiring the payment of compensation, the Water Supply Provider, Water Consumer Association or Water Sanitation and Hygiene Committee shall pay compensation as determined by an independent valuer appointed by the Water Supply Regulatory Agency.

Abstraction by fire authorities for fire fighting.

94. (1) Subject to subsection (2) of this Section, any fire authority may abstract water from any public fountain, service or waterworks of the Water Supply Provider 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 fire fighting appliance except with the consent of the Water Supply Provider and such consent should not be unreasonably withheld.
 - (3) No charge shall be made for water supplied by the Water Supply Provider 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 the Water Supply Provider by any fire authority in the discharge of its functions to prevent and control fire shall be provided by the WSP upon payment thereof by the fire authority. Such fees or rates as the Water Supply Provider may from time to time be determined provided that such main, pipe, valve, hydrant, service or other waterworks shall vest in the Water Supply

Provider and shall be maintained by the Water Supply Provider 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, State or local Government.

Savings, and transfers of liabilities, staff etc

95. (1) The statutory functions, rights, obligations and liabilities of the Ekiti State Water Corporation as they relate to the supply of water in the State existing before the commencement of this Law under any contract or instrument, or in Law or in equity apart from any contractor or instrument, shall by virtue of this Law and without further assurance, be vested in the Water Service Provider established under this Law.
- (2) Any such contract or instrument mentioned in subsection (1) of this Section, shall be of the same force and effect against or in favour of the Water Supply Providers established by this Law and shall be enforceable as fully and effectively as if the Water Supply Providers established by this Law had been named therein or had been a party thereto.
- (3) The Water Supply Providers established by this Law shall be subject to all obligations and liabilities to which the Water Corporation existing before the commencement of this Law and all persons shall have the same rights, powers and remedies as they had against the Water Corporation.
- (4) Any proceeding or cause of action pending or existing immediately before the commencement of this Law, by or against the Water Corporation in respect of any right, interest, obligation or liability of the Water Corporation may be continued or as the case may be, commenced by or against the Water Supply Provider and any determination of a court, tribunal or other authority or person may be enforced by or against the Water Supply Provider 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 Water Supply Provider.
- (5) Any person who immediately before the coming into force of this Law is the holder of any office in the Water Corporation existing before the commencement of this Law shall, on the commencement of this Law and without further assurance, continue in office in accordance with any re-engineering that might be

carried out for efficient and effective performance of the Water Service Provider and be deemed to have been appointed to his office by the Water Supply Provider established under this Law unless the authority by which the person was appointed terminates the appointment or the appointee legally withdraws his/her services.

Existing Laws and savings.

- 96.** (1) The Ekiti State Water Corporation Law, Cap. E 36 Laws of Ekiti State, 2012 (as amended), shall remain in force, **Provided** that any of its provisions that are inconsistent with the provisions of this Law shall become inoperative, null and void to the extent of its inconsistency as from the commencement of this Law to avoid any conflict, or the orderly implementation or achievement of the main objectives of this Law.
- (2) The Ekiti State Rural Water Supply and Sanitation Agency (EK-RUWASSA) established by Ekiti State Law, No. 11 of 2011, to support all LGAs in the State on Rural Water Supply, Sanitation and Hygiene shall remain in force **Provided** that any of its provisions that are inconsistent with the provisions of this Law shall become inoperative, null and void to the extent of its inconsistency as from the commencement of this Law to avoid any conflict or the implementation or achievement of the main objectives of this Law.
- (3) The governance, name and service areas of the State Water Corporation remains as defined in accordance with the re-engineering that might be carried out, unless otherwise determined by the Regulatory Agency by notice published in the official Gazette.
- (3) All existing rights and obligations of the State Water Corporation shall remain in force after the commencement of this Law.
- (4) Anything done before the commencement of this Law by the Water Corporation and any regulation made or condition set under or in terms of any Law repealed by subsection (1) remain valid and is deemed to have been done, made or set under or in terms of the corresponding provisions of this Law if:
- (a) It is capable of being done, made or set under or in terms of this Law;
 - and
 - (b) it is not in conflict with the main objects of this Law as set in Section 3.

- (5) The service areas and existing rights and obligations of any Water Services Provider operating under a PSP Agreement pre-existing this Law shall remain as set out in the PSP Agreement.

PART XI
INTER- MINISTERIAL TASK GROUP ON SANITATION.

Establishment of State Task Group on Sanitation (STGS).

- 97.** (1) There is hereby established a State Task Group on Sanitation (STGS)
- (2) The group shall comprise of representatives from the following State Ministries/ Agencies:-
- (i) Ministry of Environment. - Chairman
 - (ii) Bureau of Infrastructures and Public Utilities.
 - (iii) Ekiti State Environmental Protection Agency (SEPA).
 - (iv) Ekiti State Waste Management Authority.
 - (v) Ekiti State Water Corporation.
 - (vi) Ministry of Health.
 - (vii) Hospitals Management Board.
 - (viii) Ministry of Education, Science & Technology.
 - (ix) SUBEB.
 - (x) Local Government Service Commission.
 - (xi) Ministry of Women Affairs, Gender Empowerment & Social Welfare.
 - (xii) Ministry of Integration and Inter-Governmental Relation.
 - (xiii) Millennium Development Goals (MDGs) Office.
 - (xiv) Ministry of Budget, Economic Planning & Service Delivery.
 - (xv) Ekiti State Community & Social Development Agency.
 - (xvi) WASH, Departments of 16 LGAs.
 - (xvii) RUWASSA - Secretary
- (3) The Chairman of the group shall be from the Ministry of Environment.
- (4) The Secretary of the group shall be from Ekiti State Rural Water Supply and Sanitation Agency (EK-RUWSSA).
- (5) The EK-RUWASSA is to run and finance the secretariat and ensure the implementation of the group's decision.

Powers of the State Task Group on Sanitation.

98. The group shall exercise the following powers:-

- (1) Co-ordinate the issue of sanitation in the State.
- (2) Advocacy to government on all matters of environmental sanitation and excreta disposal including urban sanitation.
- (3) Work with other relevant MDAs or groups in the State to ensure that environmental standards and regulations are enforced throughout the State.
- (4) Work with RUWASSA and other relevant agencies of the State to develop a water and sanitation school curriculum for primary and secondary schools.
- (5) Work with the appropriate MDAs to introduce Community Led Total Sanitation into the curriculum of School of Hygiene and Colleges of Health Technology in the State.
- (6) Collaborate with the media to propagate, educate and enlighten the general public on sanitation and observe UN days on sanitation and Hygiene.

Governor's Power to add to the Functions of the Group.

99. The Governor of the State shall have the power to add any power or function to the group.

PART XII.

Power of the Water Corporation and EK-RUWASSA to apply Law.

100. The State Water Corporation and EK-RUWASSA shall have the power to apply and implement any relevant provisions of this Law

Interpretation.

101. In this Law, unless the context otherwise requires –

“**Abstraction**” means removal or pumping of water from river, spring, surface water or underground water or other source for human, industrial or other uses.

“**Access**” means having adequate potable water supply and sanitation facilities by all households at all times.

“**Affordable**” means availability of potable water for consumption and other uses to support life and personal hygiene and or construct, own, operate and

maintain sanitation facilities, without a major disruption in expenditure pattern, whereby sanitation facility does not consume more than 3% of the household income.

“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 personal hygiene, as specified from time to time by the Regulatory Agency.

“BIPU” means Bureau of Infrastructure and Public Utility.

“Constitution” means the 1999 Constitution of the Federal Republic of Nigeria (as amended).

“Consumer” means any actual or potential end user who receives prescribed water services from a Water Services Provider and does not deliver or resell the service to others including an end user in an informal settlement or any person who otherwise use water and liable for the payment of water rates or charges;

“Coverage area” means an area served by a water scheme or other water services and includes an area represented by a registered Water Service Provider (WSP), Water Consumer Association (WCA) or Water Sanitation and Hygiene Committee (WASHCOM).

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

“Federal Government” means the Government of the Federal Republic of Nigeria.

“Financial year” means every period of twelve months terminating on the 31st day of December;

“Gazette” means Official gazette of Ekiti State.

“Governor” means the Governor of Ekiti State.

“Household” means the number of persons catered for by the household head at a time. The average household size in Nigeria is Seven (7) persons, and the

national policy provides for a household latrine to be used by at most Ten (10) persons living in the same compound.

“Hygiene” means the concept which relates to personal and behavioural practices that reduce or prevent the incidence or spreading of diseases. Such practice includes hand washing with soap.

“Illegal connection” means any connection to a water pipe without the explicit authorization of the relevant agency or association charge with the responsibility;

“Law” means Law enacted wholly or in part for the purpose of water supply and sanitation services regulation.

“Leakage” means the loss of water from any crack or hole in the piping system or loss of water in the production or distribution system or from parts of service pipes.

“LGA” means the Local Government Authority or Area Council having jurisdiction over a specific area or third tier of Government responsible for administration at the local level of Government in Ekiti State and in each case, pre-exist this Law.

“Meter” includes any appliance used for measuring and ascertaining the quantity of water taken or used or passes from any waterworks by means of any service;

“Metered supply” means the supply of water by means of a service where the water supply is measured by meter;

“National Water Laws” means all applicable Federal Water Acts and regulations and guidelines prescribed by Federal Government.

“National Water Policy or NWP” means (i) the National Water Supply and Sanitation Policy (First Edition, 2000) (as amended), (ii) the National Water Resources Management Policy (2nd draft, 2003), and other national water policies promulgated from time to time.

“Owner” includes the person, group of persons or a corporate entity, limited liability company, partnership or individual possessing or having water supply scheme or sanitation facilities with a view to making its services available to the public of Ekiti State.

“Permit” means the certificate or approval issued or given by Water Supply Regulatory Agency (WASRA) stating the information that may be required as the Water Supply Regulatory Agency (WASRA) shall determine, but does not include the payment of annual charges.

“Person” means an individual, corporate entity, limited liability Company, partnership duly registered under the Companies and Allied Matters Act, 2004;

“Pollution” means man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water or to make water impure or unclean, or cause harm by introducing chemicals, waste products, or similarly damaging or poisonous substances to water.

“Potable Water” means water that meets the Nigerian standard for drinking water for human consumption

“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;

“Private Sector participant” means any private entity, whether a natural person, body corporate or a consortium or joint venture entering into a project agreement;

“Project agreement” means an agreement between the water provider or the State Government and a private Sector participant selected by either of them through competitive bidding procedures to carry out private sector participation that sets the terms and conditions of such participation, including without limiting the generality of the foregoing, concessions, leases, management contracts, BOT Agreements, technical assistance contracts, consulting services contracts, franchises, bulk water supply and purchase agreements and regulatory agreements;

“Property” includes buildings and appurtenances, accessories, stores, materials, investments, funds, loans and accounts receivable claims;

“PSP Agreement” means a service agreement, management agreement or any agreement entered into by or on behalf of the State and a Private Sector Person selected by the State through a competitive bidding process **(i)** to provide prescribed Water supply or sanitation Services or **(ii)** to improve, rehabilitate or expand the network of Prescribed Water Services capabilities within the state.

“Public Fountain” means any fountain, standpipe, valve, tap of any appliance 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 Water Consumer Association and which is the property thereof;

“Relevant Authority” means any Governmental Ministry, Department or agency or any other body, which is competent to address matters within its power;

“Sanitation” means the basic sanitation which is defined as the management of human urine and faeces at the household level and maintenance of hygienic conditions.

“Service” means all pipes, valves, cisterns, corks, fittings, and other appliances (except any meter as herein defined) by or through which water flows or is intended to flow from any waterworks or which are or may be used for the purpose of supplying any tenement from any waterworks, and being the property of the owner or occupier or such tenement’

“Stakeholders” means all the citizens of or inhabitants or people living in Ekiti State.

“State Government” means the Government of Ekiti State.

“State Water Laws and Policies” means all applicable State Water Laws, regulations and policies including order and guidelines issued by the Regulatory agency or otherwise pursuant to this Law.

“Sustainable” means the ability of a water supply or sanitation delivery facility or system to continuously ensure users’ satisfaction at all times without jeopardizing the ability of future use.

“Tariffs” means the charges for prescribed water supply or sanitation services set in accordance with this Law, the prescribed regulation of the Regulatory Agency and the conditions for service of the applicable Water Services Provider.

“Term” means a fixed period of time for the implementation of the state current water policy or target period set to accomplish certain activity in the water and sanitation sector. It is divided into: - short, medium and long terms.

“Waterworks” includes all reservoirs, ponds, boreholes or well, dams, tanks, cisterns, channels, tunnel, filter beds, conduits, aqueducts, mains pipe, fountains, sluices, used or constructed for the storage or conveyance, supply, measurement or regulation of water.

“Water Service Provider” means the body responsible for water supply production, transmission, distribution and supply within a specific jurisdiction together 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 prescribed Water Services, granting of WSP Licenses and other functions of the State Water Supply Regulatory Agency in accordance with this Law.

“Water Quality Standards” means the health, environment, and sanitation standards relating to the quality of drinking water consistent with National and State Water Laws and Policies.

“WSP License” means the license issued pursuant to this Law granting a person rights to provide prescribed Water Services within a jurisdiction i.e., the geographic areas specified therein.

SCHEDULE 1
MODEL CONSTITUTION FOR SMALL TOWN WATER CONSUMER ASSOCIATION (WCA)

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We, the Trustees and Members of this Association, in order to provide a clean, safe, improved and reliable supply of potable water and sustainable sanitation practices to our members and to our immediate community at affordable cost within the framework of the Ekiti State Water Supply and Sanitation Law, do enact and establish this Constitution for the Association.

Section 1: NAME.

The Association shall be known and addressed as and shall hereinafter be referred to as ‘The Association.’

Section 2: OBJECTS.

- 2.1: To provide adequate, affordable and safe water in a sustainable manner.
- 2.2 To identify the appropriate technology option(s) for Water Supply.
- 2.3: To own and operate water supply facilities for the Community.
- 2.4: To charge members and non-members whatever it (i.e. WCA) considers to be appropriate fees subject to the approval of the WASRA to cover its administration, operation and maintenance costs
- 2.5: To improve environmental health conditions in the prescribed area and thereby improve the health and hygiene of the members.
- 2.6: To build consensus, initiative and leadership among members.
- 2.7: To co-operate with governments, NGOs and other agencies for the construction, operation. And maintenance of water schemes as may be considered necessary.

Section 3: FUNCTIONS OF THE ASSOCIATION.

- 3.1: To collect and manage funds for constructing and operating water supply scheme(s).
- 3.2: To maintain completed Water Scheme(s) and ensure their proper use.
- 3.3: To construct household sanitation facilities

Section 4: AREA OF OPERATION.

The area of operation of the Association shall be

Section 5: MEMBERSHIP.

There shall be only one registered member per stakeholder household at any time. Each household will be represented by an individual in the household:

- 5.1: Members shall be citizens or household residents in Community or shall own property in the Community.

- 5.2: Members shall be of good standing and willing to pay for improved water supply;
- 5.3 Intending members shall pay an appropriate membership registration fee as may be fixed by the Association;
- 5.4: Members shall have paid the commitment fees;
- 5.5: Members shall be adults, not younger than 18 years of age;
- 5.6: There shall be a register showing as a minimum for each household, the names, addresses, amount(s) contributed with date(s), balance(s) due, date of joining. Other relevant particulars will be recorded at the discretion of the Association;
- 5.7: There shall be an attendance register for the purpose of recording attendance of members at meetings;

Section 6: TERMINATION OF MEMBERSHIP.

Membership of the Association shall be terminated in the following circumstances:

- 6.1: Death of the Member where the remaining household moves away from the WCA area;
- 6.2: Permanent insanity of Member, if the remaining household moves away from the WCA area;
- 6.3: Banishment or expulsion from the community;
- 6.4: If the whole households voluntarily move away from the WCA area;
- 6.5: Refusal by the household to pay the required financial contribution to the Association;
- 6.6: Conviction on any criminal charge or if the household representative is declared Bankrupt
- 6.7: Misconduct or other acts contrary to the stated Objects of the Association.

Section 7: EXECUTIVE COMMITTEE.

- 7.1 The management of the Association shall be vested in the Executive Committee, hereinafter known as the Committee which should be elected or re-elected for two years.
- 7.2 The Committee shall have, as a minimum, five (5) members drawn from the WCA membership list to fulfill the roles of:
- Chairperson
 - Secretary
 - Treasurer

- Scheme Supervisor (for Operations and Public Relations)
- Women's Representative (who shall be female).

These posts should be held for a period not more than 2 years and should be subject to election or re-election after each term.

- 7.3 The Committee shall appoint alternates for Committee roles where the need arises.
- 7.4 The Committee shall appoint a member to represent the interests of the WCA on, for example, the Water Development Committee in the prescribed area and in the Governing Board of the water supply Scheme where such scheme serves more than the area covered by this WCA.
- 7.5 Inter alia, the Chairperson shall have the following duties:
- (i) To convene and preside over all meetings of the Committee, general and extra-ordinary.
 - (ii) To be a joint-signatory to all cash withdrawals from the Association's bank account(s).
 - (iii) To perform such other functions, that would enhance the collective efforts of members.
- 7.6 Inter alia, the Secretary to the WCA shall have the following duties:
- i. To keep and maintain correctly, an up-to-date register of members together with a record of paid-up membership dues.
 - ii. To be a joint-signatory to all cash withdrawals and payments from the Association's bank account(s).
 - iii. To sign on behalf of the Association and conduct all its correspondence.
 - iv. To summon and attend all meetings, recording the proceedings of such meetings and ensure that accurate minutes are duly signed by the Members of the Committee.
- 7.7 Inter alia, the Treasurer shall have the following duties:
- (i) To keep a true and accurate account of the Association's funds.
 - (ii) To pay out all orders supported by proper vouchers and receipts signed by the Chairperson.
 - (iii) To be custodian of the Association's bank passbook and/or cheque Books.
 - (iv) To take charge of all money received and make disbursements in accordance with the directives of the Executive Committee.
 - (v) To deposit all receipts and other funds over the limits fixed by the General Meeting in any bank approved for this purpose.
 - (vi) To ensure that the Association's accounts are audited annually.
 - (vii) To prepare, submit and read the Association's Financial report at the Annual General Meeting.

- (viii) To issue proper receipts for all money paid into the Association by Members and other parties.

7.8 Inter alia, the Scheme Supervisor will have the following duties:

- i. To supervise the production and distribution of water.
- ii. To disseminate information to the Executive Committee and the other WCA Members about progress and developments in the water scheme.
- iii. To advise and assist the Executive Committee in matters relating to equipment and facilities, operation and maintenance of the scheme.

7.9 Amongst other things, the Women's Representative will have the following duties:

- (i) To maintain an accurate register of WCA female members for consultations.
- (ii) To visit each WCA female member at least once every quarter to elicit their views and comments on the water supply scheme, communicate these to the Executive Committee for consideration and provide feedback on requests to the WCA Executive Committee.
- (iii) To disseminate project information to all female members of the WCA.
- (iv) To convene periodical meetings of female WCA members.
- (v) To liaise with appropriate agencies in Health & Hygiene matters and convene H&H education meetings for the female Members of the WCA.
- (vi) To educate female WCA members, peer group educators and influential women on their roles in STWSSP.
- (vii) To mobilize and encourage WCA female Members to organise opening ceremonies and fund-raising events for the WCA.
- (viii) To be a joint-signatory to all cash withdrawals and payments from the Association's bank account(s).

Section 8: POWERS AND DUTIES OF THE EXECUTIVE COMMITTEE.

The Committee shall exercise all the powers of the Association except those reserved for the General Meeting, subject to any regulations duly laid down by the Association.

The duties of the Executive Committee shall be:

- i. To observe in all their transactions, the constitution, regulations and resolutions of the Association.
- ii. To ensure the maintenance of true and accurate accounts of all money received and expended and all the assets and liabilities of the Association
- iii. To keep an accurate register of members and their contributions correct and up-to-date.

- iv. To present before the Annual General Meeting an income and expenditure account and an audited balance sheet for the WCA.
- v. To consider the inspection notes of the Government Public Utility or Water Resources Staff and take necessary action.
- vi. To admit new members subject to the confirmation of a General meeting.

- vii. To summon General Meetings.
- viii. To institute, conduct, defend, refer to arbitration or abandon legal proceedings by or proceedings by or against the Association, its officers or employees in matters concerning the affairs of the Association.
- ix. To appoint, confirm and fix the salary and conditions of appointment of any employee.

- x. To put in place an internal administrative support system which will foster the Association's collective strength.

Section 9: LIABILITY OF THE EXECUTIVE COMMITTEE.

In their conduct of the affairs of the Association, the Committee shall exercise prudence and diligence and shall be responsible for any loss sustained through acts or omissions contrary to the resolutions, regulations and constitution of the Association.

Section 10: DISQUALIFICATION OF MEMBERS OF THE COMMITTEE.

A member of the Executive Committee shall cease to hold office if he or she:

- i. Ceases to be a Member of the Association.
- ii. Becomes of unsound mind.
- iii. Acts in a manner prejudicial to the interest or stated Objects of the Association.
- iv. Bankruptcy.
- v. Permanent disability

The presence of at least one third of the fully paid-up members shall be necessary for the disposal of any business at a General Meeting as well as at the Annual General Meeting.

Section 12: TENURE OF OFFICE.

All elected officers shall hold office for a period not exceeding 2 years and may be re-elected for only one additional term.

Section 13: MEETINGS.

Section 13.1: General Meetings

The ultimate authority of this Association shall be in the general body of Members who shall meet monthly at a place and time fixed by the Association.

Section 13.2: Executive Committee Meeting

The Executive Committee shall meet at least once a month and shall be convened by the Secretary on the advice of the Chairperson.

Section 13.3: Annual General Meeting.

The Annual General Meeting shall take place within two (2) months after the annual Statement of Account has been prepared.

Section 13.4: Purpose of the Annual General Meeting.

- (i) To formulate policy in accordance with the stated Objects of the Association.
- (ii) To ratify any appointments.
- (iii) To consider and approve the Association's budget.
- (iv) To elect the Chairperson, Vice-Chairperson, Secretary and Treasurer.
- (v) To appoint the Trustees and the Executive Committee.
- (vi) To confirm the admission and expulsion of Members.
- (vii) To amend or repeal the Constitution.
- (viii) To dispose of any other business duly brought before it.

SECTION 14: VOTING.

All questions shall be determined by majority of votes of the Members present at the meeting provided that the number attending matches or exceeds the required Quorum. Each Member shall have one vote only.

A household may nominate a Proxy from amongst the members of the household provided that the Proxy fulfils the Membership conditions in Section 5 of this Constitution.

In addition to his/her ordinary vote, the Chairperson shall have a casting vote.

Section 15: COMMON SEAL.

The common seal of the Association shall be of a pattern approved by the Corporate Affairs Regulatory Agency; and any instrument to which the Common Seal has been affixed shall be binding on the Association. The common seal shall be in the safe custody of the Secretary.

Section 16: DISCIPLINE.

Discipline shall be maintained by the imposition of penalties or sanctions for breach of rules and regulations by a Member. Such sanction shall be proportionate to the gravity of the offence committed and shall be determined by an ad hoc Disciplinary Committee which shall be set up to try an offender or group of offenders.

Section 16.1: Offences.

Any of the following shall constitute an offence which could attract appropriate sanctions or penalties:

- (i) Absence from meetings of the Association without reasonable cause.
- (ii) Rowdiness or disruptive behaviour at meetings.
- (iii) Insubordination to, obstruction of, or assault of Association officials in the course of performing their lawful assignments on behalf of the Association.
- (iv) Proven cases of scandalous acts against Members.
- (v) Divulging matters confidential to the Association or withholding essential information from the Association.
- (vi) Fighting during meetings of the Association.
- (vii) Refusal or willful neglect to pay the required dues or contributions to the association.
- (viii) Engaging in conduct prejudicial to the interests of the Association.

Section 16.2: Disciplinary Committee.

The Executive Committee shall have powers to empanel a Disciplinary Committee of five members who shall be persons of proven integrity, varied background and experience to investigate and adjudicate upon any reported offence(s). The Disciplinary Committee shall be empowered to apportion sanctions and penalties according to the gravity or seriousness of the offence. Such sanctions and penalties could range from fines to expulsion from the Association.

16.3: Appeal against decision.

A member who is not satisfied with the decision of the Disciplinary Committee may make a formal written appeal against the decision to the Executive Committee within

four (4) weeks of the decision. The Executive Committee will consider the appeal and rule on the matter at its next meeting. The ruling of the Committee at that time shall be final.

Section 17: FINANCE.

Section 17.1: Banking and Revenue Collection.

The Association shall keep its funds in the nearest suitable bank on resolution passed at the Executive Committee meeting.

Section 17.2: Sources of Funds:

The sources of funds shall be:

- (i) Commitment fees of Members.
- (ii) Contribution of Federal, State and Local Governments.
- (iii) Proceeds from sale of water to consumers.
- (iv) Donations from Members and non-members.
- (v) Loans from Members and non-members.
- (vi) Launching of appeals or development funds.
- (vii) Miscellaneous sources approved by the STWSSDC.

Section 17.3: Signatories to Bank Account.

There shall be four (4) signatories approved for the operation of the Association's bank account(s). These shall comprise the Chairperson, the Secretary, the Treasurer, and the Women's Representative. All payments by the Association and withdrawals from the Association's accounts shall require any two (s) signatures.

Section 17.4 : Revenue Collection.

The Association shall collect revenue in the period and place prescribed by a General Meeting and in the manner determined by a meeting of the Executive Committee.

Section 17.5 : Accounting and Reporting.

- (i) The Association shall submit quarterly accounts and financial reports to the Funding Agency, which shall remain the Bureau of Infrastructure and Rural Development, throughout the construction and the defect liability period.
- (ii) The Annual General Meeting shall determine the regularity of subsequent reports after the construction and the defect liability period.

Section 17.6 : TARIFFS AND REVENUE.

- (i) The Association shall set tariffs and revenue within the limits prescribed by

the WASRA.

- (ii) The tariffs and revenue to be collected shall be approved by the Annual General Meeting.

Section 18: TRUSTEES.

- (i) The Chairman, the Secretary and if the General meeting so approves, one other Member of the Executive Committee shall be the Trustees of the Association.
- (ii) It shall be the duty of the Trustees to sign on behalf of the Association all cheques and legal documents including those concerned with the transfer of funds, acquisition and disposal of the Association's property.

Section 19: OPERATION AND MAINTENANCE.

- (i) The Association shall have the responsibility to manage, operate and maintain the water point, including all the assets, head works, spares, pumps and other appurtenances so as to ensure regular supply of water to consumers.
- (ii) The Association shall contract qualified and skilled maintenance artisans for the purpose of operating and maintaining the water point.

Section 20: Planning for the Water and Sanitation in the prescribed area.

Executive Committee shall collaborate with the Local Government Area Water Supply Regulatory Department to prepare plans for the improvement of access and quality of water supply to the members of the Association

Section 21: Health, hygiene and sanitation issues.

The Association must link up with the **State Water Supply and Sanitation Department Committee (STWSSDC)** on all health and sanitation issues. The Water Consumer Association is obliged to organize the construction of a demonstration sanitation facility within its area. It should also see that all its members are participating in an annual health and hygiene education training session.

Section 22: AMENDMENTS.

This Constitution shall be subject to amendment or repeal by a two-third majority vote of members present at an Annual General Meeting.

Section 23: DATE.

This constitution shall become effective from the day of 20 . .

EXPLANATORY NOTES.

This Law is promulgated to: -

- (1) Improve water governance at the State, Local Government and community levels in the State.
- (2) Provide for adequate potable water and safe sanitation facilities to all residents of the State through participatory investment and management by all stakeholders with a view to guaranteeing available, accessible, affordable, reliable and sustainable service delivery.
- (3) Sustain 100% ultimately full coverage of water supply and sanitation services delivery throughout the state.
- (4) Set standards for Water supply, Sanitation and Hygiene in the State and create penalties for defaulters.
- (5) Have an effective, affordable, consistent, achievable and sustainable water supply; it is necessary to establish minimum standards of supply and also to enforce these standards.
- (6) Provide for an integrated approach to the management of water, sanitation and hygiene service delivery to the final beneficiaries.
- (7) Make sure that people pay for the services rendered based on level of service provided with a view to at least recover Operation and Maintenance cost.
- (8) Allow all water supply service providers to set appropriate tariff subject to approval by the Water Supply Regulatory Agency (WASRA) or other appropriate agency.
- (9) Grant water supply service agencies adequate autonomy with a view to empowering them to recover at least their Operation and Maintenance and gradually recover overhead cost.
- (10) Allow Government to provide for the majority of capital financing for rehabilitation or upgrading of existing systems and construction of new systems and the future O&M shall be by the system.

- (11) Involve communities in the planning, construction, operation, management, ownership and Operation and Maintenance of water schemes through their registered community development associations for sustainability.
- (12) Make Government to be a policy maker, supervisor, regulator, facilitator of change and create enabling environment for sustainable operation by all sector players.
- (13) Allow relevant Government Agency or service provider to enter into Public Private Partnership (PPP) or Private Sector Participation (PSP) agreement for improved performance and quality service delivery.
- (14) Place ownership of all the assets of urban based water schemes in public trust by the public water Agencies, and to be managed with commercial principles.
- (15) Place assets provided under the small and rural schemes to be held in trust for Government by the respective small towns and rural communities through their Water Consumer Associations and Water Sanitation and Hygiene Committees (WASHCOMs).
- (16) Water supply and sanitation management and development should be based on a bottom-up demand driven approach, involving users, planners and policy makers at all levels.
- (17) Protect water sources and supply from environmental contamination and pollution.
- (18) Provide for reliable data collection from all water agencies of the State and storage in the unit of Monitoring and Evaluation in the Department of Planning Research and Statistics of Bureau of Infrastructure and Public Utilities.
- (19) Establish new relevant institutions for improved governance and performance of the sector and creation of an enabling legal environment for effective implementation.
- (20) Create offences and punishments against persons who contravene any of the provisions of this Law.