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CHAPTER 154

**RURAL WATER SUPPLY AND
ENVIRONMENTAL SANITATION AGENCY LAW**

ABSN No. 2 of 2002

A Law to make provision for the establishment of the Rural Water Supply and Environmental Sanitation Agency in the State and to provide also for the establishment of Local Government and Community Committees of the Agency and for matters connected therewith or incidental thereto.

Commencement

[1st April, 2002]

Citation

1. This Law may be cited as The Rural Water Supply and Environmental Sanitation Agency Law.

Interpretation

2. In this Law:-
 "Agency" means the Rural Water Supply and Environmental Sanitation Agency established pursuant to Section 3 of this Law;
 "Council" means the Governing Council of the Agency;
 "Chief Executive" means the Executive Governor of the State or any person acting on his behalf;
 "State" means the Abia State of Nigeria.

PART I

Establishment of the Agency

3. (i) There is hereby established for the State a body to be known as the Rural Water and Environmental Sanitation Agency.
 (ii) The Agency shall be a body corporate, with perpetual succession and a common seal and with power to sue and be sued in its corporate name;
 (iii) The Agency shall have power to own, hold and dispose of property whether movable or immovable within and outside Nigeria.

4. There shall be for the Agency a Governing Council which shall comprise:

Composition of the Council of the Agency

- | | | |
|-----|---|--------------------|
| (a) | Secretary to the State Government | -Chairman |
| (b) | The Commissioner for Finance and Economic Planning | - Member |
| (c) | The Commissioner for Health | - Member |
| (d) | The Commissioner for Education | - Member |
| (e) | The Commissioner for Environment and Solid Mineral | - Member |
| (f) | The Commissioner for Rural Development And Strategic Planning | - Member |
| (g) | The Commissioner for Women Affairs and Youth Development | - Member |
| (h) | The Executive Secretary State Planning Commission | - Member |
| (i) | The Programme Manager | - Secretary/Member |

5. The Governing Council shall be responsible for decision and policy making of the Agency.

Function of the Governing Council

6. The Agency is multi-disciplinary with the following departments and functions:-

Departments of the Agency and their Functions

- (i) Community Mobilization and Hygiene Education Department which shall -
- co-ordinate Advocacy at the State and Local Government Area Levels;
 - support Local Government Area to mobilize and train Communities to participate in Water and Environmental Sanitation Activities;
 - support Local Government Area to carry out Community Hygiene Education for behavioural change.
- (ii) Environmental Sanitation Department which will promote and support Environmental Sanitation Development including

*Rural Water Supply and
Environmental Sanitation Agency Law*

Latrine construction, Waste Management System, Drainage System, Primary Environment Care (PEC) and training of Technicians and Artisans.

- (iii) Water Supply Department function of which include –
 - (a) carry out hydrogeological survey
 - (b) drilling and construction of borehole
 - (c) alternative water supply
 - (d) training of technicians and artisans
- (iv) Planning, Monitoring and Evaluation Department which will be responsible for –
 - (a) data collection and management.
 - (b) development of project plans.
 - (c) project monitoring and evaluation.
- (v) Workshop and Maintenance Department which will
 - (a) ensure proper upkeep of Machineries, Equipment and Vehicles; and
 - (b) provide technical support to the State in procurement of vehicles, equipment and spare parts.
- (vi) Administration and Finance Department which will ensure proper administrative and financial control of the Agency.

Functions of the
Agency 7.

The Functions of the Agency include:

- (a) The establishment of working contact and report with all Local Government in the State on issues of water and environmental sanitation;
- (b) Assist Local Governments in the provision of adequate safe water supply and environmental sanitation facilities and the rehabilitation and improvement of existing sources;
- (c) Support the Local Government to take inventory of existing water supply and environmental sanitation coverage, use and maintenance status;

*Rural Water Supply and
Environmental Sanitation Agency Law*

- (d) The establishment of an award scheme to recognize Local government achievements in hygiene, education, water supply and environmental sanitation coverage;
- (e) The setting of minimum standards for all water supply and environmental sanitation works in the state;
- (f) The Co-ordination of rural water supply and environmental sanitation activities at the Local Government Area and community levels;
- (g) Monitor rural water supply and environmental sanitation activities at the Local Government Area and community levels;
- (h) Ensure Guinea Worm and other Environmental Sanitation/Water borne diseases are eradicated through hygiene education and provision of water and environmental sanitation facilities;
- (i) Ensure participation of women in the State in the Agency's projects;
- (j) Liaise with the Federal Ministry of Water Resources for national guidelines and reporting up-date data on water supply and environmental sanitation coverage to the Ministry's Monitoring Units at quarterly intervals;
- (k) The compilation and maintenance of a state wide inventory of water and environmental sanitation sources including condition, type of pump or sources;
- (l) The training on a continuous basis of Local Government dug well and manual-rig teams, sanitation artisans, community based hygiene education facilitators and hand pump mechanics;
- (m) Support Local Governments that wish to have their own dug well and drilling rigs teams to produce and maintain such equipment;
- (n) Assist Local Government to plan and implement their water supply, environmental sanitation and hygiene education

- Programmes devising schemes, which will allow community participation in terms of capacity building and maintenance:
- (o) The construction of low technology Latrines such as SANPLANT VENTILATE IMPROVED PIT LATRINES and demonstrated toilets units in strategic places in the Local Government Areas;
- (p) The development of alternative water supply sources and improved on the existing water supply sources for communities;
- (q) The co-ordination of activities of all rural water supplies and environmental sanitation activity in the State.

PART 2

Establishment of
 Local Government
 WES Department
 Water Supply and
 Environmental
 Sanitation
 Department

8. There shall be established in each Local Government in the State Water Supply and Environmental Sanitation Department (Hereinafter called the "department")

- (i) "The officers of the department shall include:
 - (a) **The Head of Department:**
 With the following sub-officers:
 - (i) Water Supply Officer
 - (ii) Sanitation Officer
 - (iii) Community Mobilization/Hygiene Education Officer
 - (iv) Planning, Monitoring and Evaluation Officer
- (ii) The Department shall be responsible for:
 - (a) The establishment of contact and report between the Agency and all communities in the area;
 - (b) The development of annual plan of action and budget for the Local Government;

- (c) Encourage and establish water supply and environmental sanitation committee and ensuring the maximum involvement of women;
- (d) The compilation of an inventory and maintenance of water and sanitation facilities in all communities and monitoring thereof of their operations;
- (e) The identification and training of hand pump mechanics, caretakers, latrines artisans and hygiene facilitators;
- (f) The maintenance of records for plan and request concerning water supply and environmental sanitation hygiene education and other sanitary activities in all communities in the Local Government.
- (g) Mobilizing and supporting community Linkages with other relevant developmental agencies and organization.
- (h) Encouraging and supporting teachers in primary and post primary schools to teach and promote hygiene education to pupils and members of the community.
- (i) Contribute to the eradication of water and environmental sanitation related diseases in the Local Government Area.
- (j) Liaise with the Agency for progress reports and policy guidelines and standards;
- (k) Working with Non Governmental Organisations (NGOs) Community Based Organisations (CBOs) in collaboration with Local Government Area to promote the improvement or construction of Water and environmental sanitation facilities in schools;
- (l) Training of water Supply and Environmental Sanitation Committee members to plan and implement water supply and environmental sanitation in communities;

- (m) Promoting environmentally friendly activities and awareness in communities;
- (n) Promoting good hygiene practices in the utilization and maintenance of water and environmental sanitation facilities.

PART 3

Establishment of WESCOM 9. There shall be for each community in the Local Government Area Water Supply and Environmental Sanitation Committee (Hereinafter called the "WESCOM")

Composition of WESCOM 10. The WESCOM shall comprise:

- (a) Chairman
- (b) Secretary
- (c) Treasurer
- (d) Financial Secretary
- (e) Two Ex-officio Members

Two of these members (above shall be Women).

Functions of WESCOM 11. The WESCOM shall:

- (a) Collaborate with department of Water Supply and Environmental Sanitation programmes on behalf of the community;
- (b) Undertake all necessary and relevant hygiene sanitation promotion in the community;
- (c) Encourage development of skills to promote community participation with the active involvement of women;
- (d) Participate in planning, design, construction, operation of WES facilities;
- (e) Promote household food and water security in the community;
- (f) Support the immunization/nutritional supplementation of children in the community;

- (g) Contribute to the eradication of water supply and environmental sanitation related diseases in the community;
- (h) Mobilize the community to take active part in the construction of water supply and environmental sanitation facilities.

PART 4

12. The funds of the Agency shall include contributions from:

- (a) The Federal Government of Nigeria;
- (b) The State Government;
- (c) The Local Government;
- (d) Communities;
- (e) Donor Agencies;

*Funds of the
Agency and their
Contributors*

13. i. The contributions to the fund of the Agency shall be:

(a) The Federal Government of Nigeria:	50%
(b) The State Government:	25%
(c) The Local Government:	20%
(d) Community	5%

ii. All contribution in section 13(i) above shall make adequate budgetary provisions in respect of their contribution.

iii. Donor Agencies may contribute to the development of rural water supply in the State financially or materially from time to time.

*Contribution of
the Agency's
Fund*

14. The Agency shall maintain accounts with approved bank(s) into which all fund shall be paid.

Bank Account

15. i. The Agency shall in November of each Year prepare full statement of accounts of financial transactions for the year ending:

*Statement of
Account*

*Rural Water Supply and
Environmental Sanitation Agency Law*

	ii.	A withdrawal shall not be made from the Agency's accounts unless such is authorized and signed by the Programme Manager and the Accountant of the Agency;
	iii.	The Governing Council may approve an alternative signatory in case of continued absence or infirmity of the Programme Manager.
Borrowing Power	16.	The Agency may with the prior consent of the Chief Executive ratified by the House of Assembly borrow such monies as may be required to carry out its functions under this Law.
Completed Projects	17.	i. All projects initiated by the Agency shall when completed, be handed over to be maintained by the WESCOM; ii. Benefiting communities are to provide security on project sites construction and after due handover by the Agency.
Appointment of Programme Manager	18.	There shall be a Programme Manager of the Agency appointed from the Civil Service who shall be appointed by the Chief Executive subject to the ratification of the State House of Assembly.
Qualification of Programme Manager and Functions	19.	The Programme Manager shall be a qualified Water Engineering Professional and shall be so qualified for not less than ten years. i. He shall have previous experience in water and environmental sanitation services; ii. The remuneration and allowances of the Programme Manager shall be as may be spelt out in the instrument that appointed him.
Tenure	20.	The tenure of office for the Programme Manager shall be five (5) years.
Removal of the Programme Manager	21.	The Governor shall remove the Programme Manager for incompetence and or misconduct upon an address supported by 2/3 majority of the members of the State House of Assembly.

*Rural Water Supply and
Environmental Sanitation Agency Law*

	22.	The Agency shall recruit and/or request for secondment of qualified staff from the Civil/Public service with the approval of the Governing Council.	Staffing
	23.	i. Governing Council shall hold such meetings at such times and places as the Chairman may determine. ii. The Chairman shall preside at every meeting of the Council and in his absence the members present shall elect one of them to preside; iii. The quorum of the Council shall be six members; iv. Proceedings of the Council shall not be invalid only by reason of improper constitution of the council or a defect in the appointment of a member of the Council.	Meeting of the Council
	24.	The Council may make standing orders for the proper conduct of its business and the regulation of its proceedings or those of any of its communities.	Standing Orders
	25.	The Council may appoint or constitute standing or ad-hoc committee, as the case may be, to perform any of its functions on its behalf, but no decision of such committee shall have effect less the Council has confirmed it.	Committee of the Council
	26.	i. The common seal of the Agency shall not be used or affixed to a document unless in pursuance of a resolution duly passed at a meeting of the council; ii. The seal of the Agency shall be authenticated by the signature of the Chairman and the Programme Manager. (iii) Any contract or instrument, which would be required to be under seal if entered or executed by a person, may be entered into or executed on behalf of the Agency by any person generally or specifically authorized in that behalf by the Council; iv. Any document purported to be a document duly executed under the seal of the Agency shall be received in evidence	Authentication of Documents

*Rural Water Supply and
Environmental Sanitation Agency Law*

[CAP. 154 3818

and shall unless the contrary is proved, be deemed to be so executed.

Legal
Proceedings

27. In any action or proceedings by or against the Agency a legal officer shall represent it or a private legal practitioner approved by the Attorney General of the State.

Service of
Notice

28. All notices to the Agency shall be addressed to the Programme Manager and delivered to its head office.

Application of
Pensions Acts
LFN Cap 346

29. Service in the Agency shall be pensionable within the meaning of the Pensions Act.

Sale of Food Law

[CAP. 155 3819

CHAPTER 155

SALE OF FOOD LAW

Arrangement of Sections

Section

1. Citation
2. Interpretation
3. Prohibition of the sale of articles of food not of the proper nature, substance and quality
4. Provision for the sale of compounded articles of food
5. Protection from offences by giving of label.
6. Prohibition of the abstraction of any part of any article of food before sale without notice
7. Appointment of analysts.
8. Purchaser may have food analysed
9. Officers named may procure sample of food to be analysed
10. Provision for dealing with the sample when purchased
11. Provision when the sample is not divided
12. Person refusing to sell any article to any officer liable to a penalty
13. Form of the certificate
14. Proceedings against offenders
15. Analyst's certificate to be *prima facie* evidence
16. Defendant in any prosecution to prove that he is protected by exemption or provision.
17. Defendant to be discharged if he proves that he bought the article in same state as sold and with a written warranty
18. (a) Misapplication of warranty
(b) False warranty
(c) False label
19. Proceedings and contracts not to be affected
20. Certificate of analyst to be evidence in proceedings for offences under section 243 of the Criminal Code.

SCHEDULE