

ADAMAWA STATE WATER SUPPLY AND SANITATION SERVICES LAW, 2024

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SCHEDULES

ADAMAWA STATE HOUSE OF ASSEMBLY

A BILL

FOR

A LAW TO PROVIDE FOR ADAMAWA STATE WATER SUPPLY
AND SANITATION HYGIENE SERVICES AND FOR OTHER
MATTERS INCIDENTAL THERETO

APPLICATION

This Law shall apply to:

1. Adamawa State Water Services Regulatory Commission
2. Private Sector Participation and Service Providers
3. Adamawa State Water Corporation
4. Adamawa State Small Towns Water Supply and Sanitation Agency
5. Adamawa State Rural Water Supply and Sanitation Agency
6. Relevant Ministries, Departments and Agencies

Date of Commencement ()

BE IT ENACTED by the House of Assembly of Adamawa State of Nigeria and by the authority of same as follows:

PART I- PRELIMINARY

Short title and
Commencement

1. This Law may be cited as Adamawa State Water Supply and Sanitation Services Law, 2024 and shall come into operation on^{2nd} day of^{OCT}.....2024.

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

"Access to improved sanitation facilities" means the percentage of the population using improved sanitation facilities.

"Access to safe drinking water" means the percentage of the population using improved drinking-water sources.

"Access to sanitation" means the percentage of the population using improved sanitation facilities.

"Appurtenances" means pipes, cisterns, cocks, fittings and other appliances, structures or equipment, other than meters, through which water flows or is intended to be used for the purpose of supplying water from water works or other water storage facilities;

"Appropriate authority" means the Commissioner for the time being having responsibility for, or such public body or person having powers under, any other law imparting on, or relating to, water or sanitation and includes a public or statutory office, person, body or institution under the following:

- (a) Local Government Administration;
- (b) Land Administration Law;
- (c) Relevant institution or enabling Law managing water resources;
- (d) Environmental Management Law;
- (e) Inland Waters Shipping Law;
- (f) Public Health Law;
- (g) Food and Drugs;
- (h) Town and Country Planning Law;
- (i) Disaster Management Law;
- (j) Public Private Partnership Law;

(k) any treaty, agreement or convention, to which Nigeria is a State party, relating to water resources;

"Authorized person" means an employee or agent of the Commission

"Billing" means making a charge for the amount of water supplied, or sanitation services provided, to a consumer;

"Billing period" means the period for which a charge is determined for the amount of water supplied, or sanitation services provided, to a consumer;

"Board of the Commission" means the Board Members of the Commission established by Section 12;

"Chairperson" means the Chairperson of the Board and includes any person presiding at a meeting of the Board of the Commission, Corporations or Agency;

"Catchment area" means an area that is part of a basin, designated under the relevant law;

"Community" means a group of people in either in the urban, Small Towns or Rural areas who receive piped water from a common source emanating from water points or water works;

"Connection" means appurtenances or sewerage services to a consumer from water works or sewerage systems,

"Consumer" includes any person, institution or organization supplied or applying to be supplied with, or using water from, water works, receiving sanitation or sewerage services or liable for payment of any fees or other charges for the supply or use of water or sanitation or sewerage services;

"Commission" means the Adamawa State Water Services Regulatory Commission established under Section 8;

"Commissioner" shall be the person appointed to be responsible for the State's water resources.

"Customer centric" refers to an approach to conducting water services provision that focuses on providing a positive customer experience both at the point of sale and after the sale in order to ensure sustainability and gain competitive advantage.

"Deputy Director-General" means the person appointed Deputy Director-General of the Commission in accordance with section 18(3);

"Developer" means a person who develops a gated community, housing estate, or similar property;

"Disaster" is an incident connected with water, resulting suddenly, either from natural causes or from human conduct, and which causes or poses an imminent threat or causes serious harm or damage to a water resource, the people, property or to an area, and includes;

- (a) a flood which is likely to occur or has 'occurred;
- (b) a drought which is likely to occur or has occurred
- (c) any water works which might fail or have failed
- (d) any risk posed by any dam; or hazardous matter or harmful or toxic substance discharged into a water resource or ground water;
- (e) outbreak of a disease posing a threat to a rural community, small town, urban area or the whole state.

"Director-General" means the person appointed Director-General of the Commission in accordance with section 18;

"Easement" means the right to enter, use and occupy so much of the land of another person as may be necessary for, or incidental to, the construction or maintenance of water works or the exercise or enjoyment of an entitlement conferred in accordance with this Law or other written law;

"Facilities" means a structure, system, appurtenance, plant or equipment, whether located on private or public property, that is necessary for the provision of water or sanitation services to a consumer by a local authority, water utility or service provider;

"Gated community" means a residential community, containing strictly controlled entrances enclosed in a perimeter wall or fence, consisting of small - residential streets with various shared amenities;

"Guidelines" means the guidelines issued by the Commission in accordance with this Law;

"Housing estate" means a group of houses, apartments and other buildings built together as a single development with or without commercial facilities;

"License" means a license issued in accordance with this Law;

"Local authority" means a council established under Establishment and Administration of Local Government Councils Law;

"Mains" includes a water-pipe owned and maintained by a water utility or service provider, including connections to a mains;

"Meter" means an appliance, apparatus or device used to measure, ascertain or regulate the rate of flow or the amount of water taken or used from water works, and includes any meter box, meter box cover and indicator marking the position and size of such meter;

"Occupier" means any person who, in relation to any land or premises, is in actual occupation of, or responsible for, managing the land or premises;

"Owner" means the owner of the property or the person for the time being receiving the rent in respect of the property, whether on that person's own account or as an agent or trustee for another person;

"Own use" means

- (a) the supply of water or provision of sanitation services to the property of an individual by the individual for various uses; or
- (b) the supply of water and sanitation services to the offices or plant of a person or an entity, by the person or entity, for that person's or entity's commercial or industrial use; but does not include services or supplies provided by a service provider;

"Performance contract" means a contract made under Section 6;

"Permit" means an authority issued in accordance with the relevant Law controlling water resources;

"Person" includes a company, association or other body of persons whether incorporated or unincorporated;

"Piped water" means water supplied through appurtenances to a consumer by a local authority, water utility or service provider;

"Pollution" has the meaning assigned to it in the relevant law managing the environment;

"Property" means a structure, building or part of a building, and includes land with or without buildings which is held or occupied as a distinct or separate holding or tenancy;

"Public institution" includes public or private schools, • universities, colleges, hospitals, clinics defence and security housing;

"Public tap" means a fountain, standpipe, tap, trough, valve or other appliance or structure erected, provided or maintained by or on behalf of a local authority, water utility or service provider for the purpose of supplying water to more than two or more consumers;

"Public sewerage system" means a sewerage system owned and operated by a local authority or water utility;

"Reasonable" shall be defined through regulation as it pertains to each particular circumstance;

"Rural water supply" refers to a water supply and sanitation system that provides potable water to a rural area with a population of less than 5,000 for domestic purposes predominantly drinking, cooking, bathing, and hygiene;

"Sanitation" means the provision of on-site sanitation services including latrines, septic tanks and other ancillary facilities; and shall include hygiene;

"Sanitation works" means sewers, drains, pipes, ducts or channels, whether open or closed, used for the drainage of human excreta, waste water or other effluents from a property or on-site sanitation system;

"Sanitation services" means -

- (a) the disposal, on-site or off-site, of human excreta, waste water or other effluents;
- (b) the collection of sewage, excluding untreated toxic waste and storm water, from
- (c) residential, commercial or industrial sources; or
- (d) the treatment and disposal of human excreta, waste water and other effluent, in accordance with this Law and the relevant laws or any other written law;

"Secretary" means the person appointed in accordance with Sections 19, 39 and 50;

"Service area" means the area in which a water utility. or service provider is mandated, under a condition of a license, to supply water or sanitation services;

"Service level guarantee" refers to a minimum service: level guaranteed to the consumer by the Service provider at a specified price over a period of time: as approved by the Commission in accordance with Section 14;

"Service level agreement refers to an agreement entered into between the Commission and a water utility or service provider where a set of targets are agreed that are to be achieved towards meeting minimum service levels as determined by the commission over a specified period in accordance with Section 14;

"Service provider" means a person who provides water and sanitation services and is licensed in accordance with Section 80;

"Sewer" means a pipe or conduit, other than a drain for use or conveyance of sewage;

"Sewage" means human excreta, soil water, waste water, manufacturing or trade effluent;

"Sewerage system" means a system of sewers that moves human excreta, waste water and other effluents from their point of origin to another place so that they can be disposed of or treated, and includes a sewage treatment plant;

"Small towns water supply*" refers to towns or peri-urban areas with limited infrastructure with a population of between 5,000 and 20,000.

"Special regulatory supervision agreement" means an agreement between the Commission and a water utility or service provider made pursuant to Section 100;

"Statutory manager" means a person appointed by the Commissioner as a statutory manager for a water utility or service provider made pursuant to Section 100;

"Waste" means any matter whether liquid, solid or gaseous which is discharged, emitted or deposited into a sewerage system;

"Waste water" means water which has been used for domestic, commercial, agricultural, trade or industrial purposes and is discharged into a sewerage system;

"Water point" means a single source of water, such as a well, borehole, tap or public tap;

"Water supply" means the provision of appropriate facilities and services for the sourcing, treatment and distribution of potable water or water intended to be converted to portable water;

"Urban water supply" means a water supply and sewerage system targeting an area with a population greater than 20,000 inhabitants.

with minimum supply standard of 100 litres per capita per day with reticulation and limited or full house connections as determined by the beneficiary government;

"Utility" means a water supply and sanitation utility established in accordance with Sections 87, 88 and licensed in accordance with Section 86;

"Water works" includes all gathering grounds, off-takes, reservoirs, dams, weirs, tanks; cisterns, tunnels, filter beds, conduits, aqueducts, mains, pipes, meters, fountains, sluices, valves, hydrants, pumps, prime movers and all other structures and appliances used or constructed for the storage, conveyance, supply, measurement or regulation of water and sanitation services which are used or have been constructed by or on behalf of a water utility or service provider for water supply or sanitation or sewerage; and

"Water works area" means an area of land or water delineated by the Commissioner as an area connected with the supply of water or sanitation or sewerage services.

Objectives and Guiding Principles

3. (1) The objective of this Law is to promote and ensure the right of every person in Adamawa State to have access to efficient, effective and sustainable water supply and sanitation services by providing for:-

- (a) the right of access to basic sanitation and basic water supply necessary to secure sufficient water and an environment not harmful to human health or well-being;
- (b) the setting of norms and standards for service provision for tariffs in respect of water supply and sanitation services;
- (c) the preparation and adoption of water services development plans by the Ministry responsible for water resources;

- (d) a regulatory framework for all utilities and Water Service Providers
- (e) the establishment of Water Supply and Sanitation service delivery utilities;
- (f) effective coordination, liaison and coordination of interventions in the management, development and utilization of water resources, by Federal, State and Local Governments as well as other nongovernmental agencies and bodies;
- (g) the establishment of a Water Supply and Sanitation Service Management system;
- (h) the promotion of effective water resource management and conservation;
- (i) coordination, liaison and collaboration with the sector institutions with other National and State agencies in the management, development and utilization of water resources, in accordance with the National Water Resources Policy and Strategy, the State Water Resources Policy and the Water Supply and Sanitation Sector master plan; and;
- (j) facilitate and promote private sector participation in Water Supply and Sanitation.

(2) The following fundamental principles shall be taken into account in achieving the objectives of this Law:-

- (a) water is a finite and vulnerable resource requiring an integrated approach to its management; everyone has a right of access to basic potable water and basic sanitation which right takes precedence over supply for any other uses;

- (b) the establishment of State water supply service delivery Agencies, their powers and duties, and of State steering committees;
- (c) the formulation, monitoring review of the Adamawa State Water Sanitation and Hygiene Policy for the water and sanitation sector;
- (d) coordination of intervention in water and Sanitation delivery by Federal, State and Local Governments as well as other Non-Governmental Agencies and bodies;
- (e) the promotion of effective water resource management and conservation for water within the constitutional authority of the State; and
- (f) collaboration of the Sector Institutions with other National and State Agencies in the development of water and sanitation services in accordance with the National Water Policy, the State Water Sector Master Plan and this Law.
- (g) the State Government shall implement integrated water Resources management principles to facilitate effective management, sustainability of water services and environmental conservation;
- (h) Creation of an enabling environment and appropriate incentives for the provision of reliable, sustainable and affordable water supply and sanitation services;
- (i) the Government shall prioritize hygiene promotion programs in communities, schools and health care facilities and in emergency context to facilitate the adoption of best hygiene practices by the people in the state;

- (j) promote the management of water supply and sanitation services at the lowest appropriate level taking into account the different tiers of the Local Government Authorities;
- (k) establish mechanisms to facilitate communities to meet the cost of operation and maintenance for their water supply and sanitation services;
- (l) there shall be equity between both gender in accessing water supply and sanitation services and, in particular, women shall be empowered to fully participate in issues and decisions relating to the sustainable development of water supply and sanitation services;
- (m) water Supply and Sanitation services are basic human right issues therefore access to potable water and improved sanitation should be at affordable costs;
- (n) achievement of full cost recovery for water supply and sanitation services (capital recovery, operation and maintenance) through appropriate charges in the long run;
- (o) the government shall provide the necessary enabling environment to support the active participation of the Private Sector in water supply and sanitation Services;
- (p) the Government shall promote active participation of community stake holders in WASH service delivery to ensure community ownership of WASH program accountability and sustainable service for the poor;
- (q) gender mainstreaming shall be taken into consideration in all decision making processes, in the Urban, Small Towns and Rural Areas or any designated areas of Local Authorities pertaining to water supply and sanitation services;

- (r) commercialization shall be a feature under this Law and all public water utilities in Urban and small towns and shall be managed as commercial enterprises, free from political interference, autonomous in its managerial, financial, and technical and personnel functions to ensure effective operation, maintenance, and cost recovery;
- (s) conflict and Dispute resolution will take the form of arbitration, mediation, reconciliation and courts of law as the last resort;
- (t) the State Government shall ensure that the responsibility for Policy formulation and sector coordination, water supply and sanitation service provision, and sector regulation shall be clearly separated and vested in prescribed institutions; and
- (u) the water supply and sanitation services regulator shall be independent.

PART II- ADMINISTRATION AND PLANNING

Powers of the
Commissioner

4. The Commissioner of Water Resources shall be responsible for:-
 - (a) general oversight as it relates to water supply and sanitation services;
 - (b) providing support, collaboration, liaison and coordination to any federal institution charged with the management of water resources in the State;
 - (c) implementing and periodic review of State Water Resources Policy and Strategies;
 - (d) coordinating and providing technical and financial support for construction of water and sanitation facilities and infrastructure where applicable;

- (e) coordinating, planning and resource mobilization for water supply and sanitation services;
- (f) securing capital finance for schemes of State and public importance;
- (g) ensuring that all authorities or persons established under this Law perform their statutory functions;
- (h) in consultation with the institution responsible for state/national statistics, establish and maintain a water resources information management system, which will be accessible by both gender, in accordance with regulations issued by the Commission providing for the content of the system, which shall include relevant hydrological, hydro geological meteorological, climatological, water quality, water storage and data, and relevant information on potential for the use of water;
- (i) ensure, in collaboration with the ministries responsible for health and local government, and other appropriate authorities, that water supply and sanitation services are managed in such a manner as will help combat cholera, dysentery, malaria and other waterborne diseases;
- (j) promoting integrated water resources management (IWRM) as the underlying approach supporting water supply and sanitation services provision;
- (k) Supporting catchment areas as the relevant management unit, for the provision of water supply and sanitation services within the relevant management arrangement for the applicable hydrological basins which covers Adamawa State.

Declaration of Disaster or Emergency Situation	5. (1) The Governor shall, on the recommendation of the Commissioner and the relevant body dealing with disaster and emergency incidents, by statutory order, declare a State disaster due to any emergency arising in the State. (2) The Commissioner shall, on the recommendation of the relevant body dealing with disaster and emergency incidents, by statutory order, declare an emergency relating to a specific are of Adamawa State. (3) The Commissioner shall prescribe the specific actions to be done during periods of disaster or emergency, drought, floods and pollution or spillage of harmful or toxic substances.
Performance Contract	6. (1) There shall be a Performance Contract for the proper functioning of the utilities and service providers on such terms as the Commission shall determine. (2) The Performance Contract shall provide for key performance indicators and an incentive/penalty framework for their achievement or non- achievement.
Responsibility of Councils	7. (1) Without prejudice to the Local Government System, Establishment and Administration of Local Government Councils Law, councils shall ensure that all utilities and service providers comply with this Law. (2) A local authority may make by-laws, in their areas of jurisdiction, with respect to water supply and sanitation services to give effect to the efficient and sustainable provision of these services. (3) Notwithstanding subsection (1), where a local authority is unable to supply water and sanitation services to a locality within its jurisdiction, and no such services are being provided by a utility or

service provider, the local authority may contract any person, another local authority, entity, service provider to do so.

(4) A person, entity, other local authority, water utility or service provider contracted to provide services, in accordance with subsection (3), shall have power to enforce by-laws relating to the provision of water supply and sanitation services issued by the local authority.

PART III- ADAMAWA STATE WATER SERVICES REGULATORY COMMISSION

Establishment of
the Adamawa
State Water
Services
Regulatory
Commission

8. (1) There is hereby established Adamawa State Water Services Regulatory Commission, (hereinafter referred to as "the Commission").

(2) The Commission shall be a corporate body with perpetual succession and a common seal and shall have power, in its corporate name, to sue and be sued and, in the exercise and performance of its powers and functions, to do and permit all such things as may lawfully be done or permitted by a body corporate.

Objectives of
the Commission

9. The objective of the Commission is to:

- (a) promote, regulate and enforce all State Legislation and Water Policies;
- (b) create, promote, and preserve efficient industry and market structures;
- (c) to ensure optimal utilization of resources for the provision of water services;
- (d) maximize access to water services, by • promoting and facilitating consumer connections to distribution systems in urban areas, small towns and rural areas;
- (e) to ensure the safety, security, reliability, quality of service in the production and delivery of water consumers;

- (f) make regulations to ensure the availability of the water resources of the State to the generality of the residents of the State by controlling the sinking of boreholes and surface water utilization;
- (g) receive complaints and resolve disputes between consumers and Water Service Providers;
- (h) to ensure that regulatory decision-making has regard to all relevant health, safety, environmental and social legislations applying to the water sector; and
- (i) collaborate with Sister-States and relevant Federal Agency on water policies.

Powers and
Functions of the
Commission

10. The powers and functions of the commission shall be to:

- (a) License and regulate water supply and sanitation services;
- (b) Provide standards relating to plant and equipment pertaining to water supply and sanitation services;
- (c) develop a Water Supply and Sanitation Services Tariff Strategy;
- (d) approve tariffs proposed by utilities and service providers;
- (e) monitor and investigate water quality and standards of service provided by utilities and service providers;
- (f) monitor all utilities and service providers in the implementation of water safety plans;
- (g) receive complaints and, resolve disputes between consumers and Water Services providers;
- (h) establish guidelines for private sector participation in the development, operation and management of water supply and sanitation services;

- (i) conduct public inquiries on proposed tariffs or rates so as to enhance public confidence and transparency in the tariff, or charge setting and revision process;
- (j) establish a water supply and sanitation information management system for the proper administration of its functions;
- (k) give direction or orders to any person granted a license under this Law;
- (l) prescribe standards and codes of conduct in respect of:-
 - (i) Licenses;
 - (ii) Service Providers; and,
 - (iii) Public safety.
- (m) promote the development of water supply and sanitation services in accordance with recognized international standard best practices;
- (n) establish community management arrangements in urban, small towns and rural areas as may be required;
- (o) monitor compliance with established standards for the design, construction, operation and maintenance of facilities for water services;
- (p) promote a customer centric approach in water service delivery by utilities and service providers;
- (q) monitor the agreements entered into with the private sector by utilities: water service providers and WCAs to take appropriate action where necessary to improve their effectiveness;
- (r) to disseminate information about water services;
- (s) promote water conservation and demand management measures;

- (t) publish forecasts, projections and information on water services;
- (u) liaise with other bodies for the better regulation and management of water services;
- (v) to advise the Commissioner concerning any matter in connection with water services;
- (w) in consultation with the relevant appropriate bodies enforce the national code of practice for development of ground water resources;
- (x) perform any other function that may be necessary for the proper functioning of the commission under this Law.

Scope of the Commission

11. The scope of the authority of the Commission shall apply to all public, private institutions and the general public.

Establishment of Board of the Commission

12. Members of the Commission shall be appointed by the Governor in accordance with section 13.

Composition of the Commission

13. (1) The Commission shall consist of the following Members:-

- (a) a Chairman to be appointed by the Governor the person to be appointed shall be a holder at least the following qualifications:-
 - (i) a university degree in Geosciences/WASH Related Fields; economics, business management or finance; and
 - (ii) at least ten (10) years cognate experience in WASH/financial management;
- (b) one member appointed by the Governor, who shall be a registered and financial member of ICAN/ANAN;

(c) representatives of the following Ministries:-

- (i) Water Resources;
- (ii) Local Government;
- (iii) Finance;
- (iv) Justice;
- (v) Environment;
- (vi) Health;
- (vii) Women Affairs;
- (viii) Agriculture, and
- (ix) Education.

Other Terms and
Conditions of
appointment

14. Other Terms and Conditions of appointment of members of the Commission shall be as provided in Schedule 1.

Monitoring of
Utilities and
Service Provider

15. (1) The Commission shall monitor the performance of all utilities and service providers to ensure compliance with this Law and the terms and conditions of a license.

(2) The Commission shall enter into a service legal agreement with all utilities and service providers towards achieving service legal guarantees issued to customers.

Power to
Obtain
Information

16. (1) The Commission may direct any person or an appropriate authority to provide information that may assist the Commission in the performance of its functions.

(2) The Commission may, for the purposes of subsection (1), by notice, signed by the Chairperson or Secretary of the Board of the Commission and served on an appropriate authority or on a relevant person, require the appropriate authority or person to furnish information, in writing, produce a document to the Board of the Commission or give evidence orally.

- (3) A notice, issued in accordance with subsection (2), shall specify the time within which, and manner of, compliance with the notice.
- (4) A person shall not be obliged to give information or produce a document to the Commission where such information or document may incriminate the person or contravene any other written law.
- (5) The Board of the Commission may require evidence to be given before the Board of the Commission on oath or affirmation and the Chairperson or Secretary of the Board of the Commission may administer the oath or affirmation.
- (6) A person who without lawful excuse refuses or fails to comply with a notice issued, in accordance with this section, commits an offence and shall be liable, on conviction, to a fine not exceeding One Hundred Thousand Naira (N100, 000.00) or to imprisonment for a period not exceeding Six months or to both.
- (7) A person who knowingly gives false or misleading information or evidence in purported compliance with a notice issued in accordance with this section commits an offence and shall be liable, on conviction, to a fine not exceeding Two Hundred Thousand Naira (N200,000) or to imprisonment for a period not exceeding one year or to both.
- (8) The Commission may obtain expert advice from any person that may assist the Commission in the performance of its functions.

Power to hold
Inquiries

17. (1) Notwithstanding subsection (2), the Board of the Commission may conduct an inquiry where it considers it necessary or desirable for the purpose of carrying out its functions.
- (2) The Board of the Commission shall conduct an inquiry before exercising a power to-
- (a) grant, renew or cancel a license;
 - (b) approve a tariff, rate or charge;

(c) establish a code of conduct.

(3) The Director-General shall give notice of the Board of the Commission's intention to hold an inquiry by publishing the notice in the Adamawa State Government Gazette or a local newspaper of general circulation in Adamawa State specifying the:-

- (a) purpose of the inquiry;
- (b) time within which submissions may be made to the Commission; and
- (c) form in which submissions shall be made.

Appointment of
Director-
General

18. (1) There shall be a Director-General to be appointed by the Governor on recommendation of Board of the Commission, on such terms and conditions as the Board may determine, a Director-General who shall be the chief executive officer of the Commission and who shall, subject to the control of the Board of Commission, be responsible for the administration of affairs of the Commission.

(2) The Director- General shall be a person who has served at senior management level in the public or private sector for a minimum of five (5) years.

(3) The Board of the Commission may appoint a Deputy Director-General, who shall assist the Director-General in the performance of his functions under this Law,

(4) The Deputy Director- General shall discharge the functions of the Director- General whenever there is a vacancy in the office of Director-General or if the Director-General is absent for any other cause.

Secretary and
Other Staff of
the Commission

19. (1) The Secretary of the commission shall be appointed by the Governor who shall be a Lawyer with 10 years post-call cognate experience.

(2) The Secretary shall be under the general supervision of the Director-General, carry out legal and corporate secretarial duties of the Board of the Commission, be responsible for the general administration of the affairs of the Board of the Commission and perform such other function of the Board of the Commission as may be assigned to him by the Board of the Commission.

(3) The Board may appoint, on such terms and conditions as it may determine, such other staff as maybe necessary for the performance of the functions of the Commission.

Development of
Water Tariff
Strategy

20. (1) The Commission shall develop a tariff strategy for water supply and sanitation services through public consultation.

(2) In developing a Tariff Strategy, the Commission shall take into account the following:-

- (a) water use efficiency;
- (b) social equity; and
- (c) financial sustainability of the institutions.

(3) The tariffs developed should be able to;

- (a) Generate revenue to recover costs of production of water supply and sanitation or sewerage services;
- (b) adopt cross subsidization where necessary.

Water Resources
Protection Areas

21. (1) Where the Commission is satisfied that special measures are necessary for the protection of a catchment, or geographic area, it may, after consulting any appropriate authority, recommend to the Commissioner that, that area to be declared a water resources protected area.

(2) The Commissioner may, on receiving a recommendation under subsection (1), declare, by statutory notice, a catchment, or geographic area to be a water resources protected area.

Department

22. The Commission shall, subject to the approval of the Governor, establish such departments as it deems necessary, which departments shall include Legal Services Department.

Budgets

23. The Commission shall prepare and submit an estimate of its budget to the Commissioner responsible for Budget matters in accordance with Adamawa State laws and regulations on such matters.

Funds of the
Commission

24. The funds of the Commission shall consist of:-

- (a) fees, charges and other income accruing to the Commission from water service providers, or any other monies, as may accrue to the Commission, whether in the course of its operations or otherwise, excluding any fines or penalties recovered pursuant to this Law;
- (b) surcharge on tariffs payable by consumers of water services as the Commission may by regulation decide; and
- (c) funds allocated to the Commission by the House of Assembly by an appropriation Law, pursuant to a request

by the Commission for additional funds required to meet its reasonable expenditure.

Accounts and
Audit

25. (1) The Director- General shall ensure that proper account and other records relating to such account are kept in respect of all Commission activities, funds and property including such particular accounts and records as the Commission may require.

(2) The accounts shall be audited in accordance with laws and regulations applicable to such matters in Adamawa State.

(3) Any staff or employee or agent of the Commission who fails to comply with a requirement of an auditor in terms of subsection (2) commits an offence and is liable on conviction to a fine of N100,000.00 or 2 years imprisonment.

Annual Reports

26. The Commission shall submit an annual report of its activities covering from January to December of each year to the Governor.

PART IV- PRIVATE SECTOR PARTICIPATION

Private sector
Participation

27. (1) The Private sector wishing to provide water supply and sanitation services in Adamawa State shall do so through Private Sector Participation Agreement and in accordance with this Law; the Adamawa State Public Procurement Law and any other relevant law in the State including the following:-

- (a) the scope of the project or activities, the subject or the Private Sector Participation Agreement including the design, construction, maintenance of operation of new water services facilities or the modernization, rehabilitation, expansion, management or operation of

existing water services facilities, shall conform with the State Water Sector Development Plans as approved by the State Executive Council;

- (b) any award of contract pursuant to this section shall be consistent with the bidding and award guidelines contained in the Procurement Law of the State and any other relevant Laws, circulars, Regulations and guidelines relating to the tendering of public contracts and private sector investment on infrastructure; and
- (c) the Commission shall approve Private Sector Participation Agreement only if the Agreement complies with this Law, the Water Services Development Plan and the State-Wide Development Plan and any prescribed procedures for award of the Private Sector Participation Agreement.

(2) The Commission may develop further provisions for the procedure for award of Private Sector Participation Agreements which may include compulsory provisions to be included in a Private Sector Participation Agreement.

(3) Upon the conclusion of a Private Sector Participation Agreement or Joint Venture Agreement, the service provider shall within fourteen days of the signing of the Agreement supply a copy thereof to the Commission.

PART V- ESTABLISHMENT OF THE ADAMAWA STATE WATER CORPORATION

Incorporation of Adamawa State Water Board as a Corporation

28. (1) There is hereby established the Adamawa State Water Corporation (hereinafter referred to in this Law as "the Corporation") to be registered and incorporated under the relevant Law as:-

- (a) Public or private company;

- (b) Joint venture with an individual or with a private or public company; or

(2) The shares of the corporation shall be as follows:-

- (a) Adamawa State Government to own 60%;
- (b) Private Sector to own 40%.

(3) The Corporation shall be financially and administratively autonomous and will be free from political interference or influence.

(4) The corporation shall apply to the Commission for a License to operate in accordance with regulations issued by the Commission for that purpose.

Functions of the Corporation

29. (1) The functions of the Corporation shall be to provide effective, affordable and efficient water supply and sanitation services in urban areas; within its service area, in accordance with this Law, and –

- (a) collaborate with the Ministry responsible for water resources and provide advice on Policy and legislative issues related to water supply and sewerage service provision;
- (b) ensure that all water works are equipped with functional laboratories with the necessary human resources;
- (c) ensure that the water quality standards conform to Nigerian Standard on drinking water and international standards, especially the World Health Organization (WHO).:
- (d) develop and maintain water and sanitation or sewerage works plan and execute projects for the supply of water and sanitation or sewerage services;

- (e) provide public information on rights and obligations of consumers in relation to water and sanitation;
- (f) propose tariffs, rates or charges for water supply and sanitation services for approval by the Board of the Commission;
- (g) collect tariffs, or charges for water supply and sanitation or sewerage services in accordance with the State Water Tariff Strategy as may be prescribed;
- (h) keep custody, acquire, including through compulsory purchase, construct and operate water and sanitation or sewerage works;
- (i) implement cost recovery and commercial practice in service provision; and, maintain customer focus for service sustainability and efficiency.
- (j) establish a comprehensive water services management information system;
- (k) establish Customer Care Centres as prescribed.
- (l) provide data on water supply, sanitation, and hygiene related matters for formulation of policy;
- (m) control and manage all water schemes vested in the Corporation.

(2) The Corporation shall adhere to the minimum service level guarantees including the service indicators, rules and guidelines issued by the Commission.

(3) The Corporation shall keep all necessary documentation such as maps of its water and sanitation networks and related infrastructure.

Customer Care
Centre

30. There is hereby established for the Corporation, a Customer Care Centre which shall be within the Corporation's Headquarters and its area offices.

Functions of
the Centre

31. The functions of the Centre shall be to:-

- (a) receive and ensure the resolution of complaints from customers and the general public regarding:-
 - (i) quality of water;
 - (ii) water leakages;
 - (iii) damage to properties of the Corporation;
 - (iv) water connection charges;
 - (v) standards of service; and
 - (vi) other related matters.
- (b) settle disputes and protect the interests of all customers and the public;
- (c) monitor all matters appearing to the Centre to affect the interests of customers or the public;
- (d) consult with operators on customer-operator relationship;
- (e) make representations in appropriate cases on behalf of a customer or complainant to any Private Sector Operator
- (f) receive and resolve complaints from Environmental Agencies and Government bodies on water pollution matters;
- (g) forward complaints to the relevant authorities where applicable.

Limitation of
Action

32. (1) No suit shall be instituted in any court against the Corporation, a member of the Corporation, the Managing Director, any staff, or other employee of the Corporation for any act done in pursuance to the execution of this Law, or public duties or in respect of any alleged neglect or default in the execution of this Law, duties or authority unless:-

- (a) it is commenced within six months immediately following the act, neglect or default complained; or
- (b) in the case of continuation of damage or injury within six months next after the ceasing thereof.

(2) No suit shall be commenced against the Corporation, the Managing Director or any staff, other employee of the Corporation before the expiration of a period of one month after written notice of intention to commence the suit shall have been served on the Corporation by the intending plaintiff or his agent; and the notice shall clearly and explicitly State the:-

- (a) cause of action;
- (b) particulars of claim;
- (c) name and place of the abode of the intending plaintiff; and
- (d) relief which he claims.

Land Acquisition

33. (1) Wherever it appears to the Corporation that any land in Provision Relating to the urban areas of the State is required for the purpose of Acquisition of Land for any waterworks, the Corporation shall, subject to the Land Use Act, apply to the Governor for approval for its officers or agents to enter upon the land and:-

- (a) survey and take levels of the land;

- (b) drill a borehole under the subsoil; and do such other things as are necessary to ascertain whether the land is adapted for such purposes including the conduct of Environmental Impact Assessments (EIA).

PROVIDED that, no such officer, agent, servant or employee of the Corporation shall enter any building or any enclosed court or garden attached to a dwelling house (except with the consent of the occupier) after serving seven (7) days' notice of intention to enter.

(2) Where any entry made under subsection (1) of this section occasions any damages requiring the payment of compensation, the Corporation shall pay compensation based on the assessed value of the damage.

Powers of the
Corporation

34. (1) The Corporation shall, in carrying out its functions, have the power to: –

- (a) access, through easements, any land for the purpose of laying water mains or sewers or erecting public taps after reasonable notice to the owner or legal occupier of land;
- (b) install meters on property in accordance with the cost recovery plan;
- (c) enter into Public-Private Partnership arrangements for the efficient functioning of the corporation;
- (d) develop a tariff charge for water supply and sanitation services;
- (e) after giving reasonable notice enter into an agreement with the owner or occupier of land or appropriate authority for collecting, conveying or preserving potable water which the corporation is authorized to take;

- (f) obtain the necessary permit to abstract water resources from any watercourse in accordance with the provisions of the relevant Law;
- (g) restrict, diminish, withhold or suspend the supply of potable water;
- (h) in collaboration with the appropriate authorities monitor and prevent activities that may pollute water resources that are in the vicinity of water supply facilities that may affect the quality of water resource.
- (i) after reasonable notice enter onto property of its consumers for a purpose related to the provision of water supply and sanitation or sewerage services.

Board Members

35. (1) There shall be a Board for the Corporation which shall be responsible for carrying out the functions of, and managing the business and affairs of the Corporation.

(2) The First Schedule shall apply to the Board of the Corporation.

Functions of the Board of Corporation

36. (1) Notwithstanding the Articles of Association of the Corporation, the Corporation shall:—

- (a) ensure the effective and efficient provision of water supply and sanitation services;
- (b) provide strategic direction to the Corporation in the performance of its functions;
- (c) approve strategic plans for water supply and sanitation services;
- (d) ensure the financial viability of water supply and sanitation services;

- (e) approve the budget, annual report and audited accounts of the Corporation; and
- (f) borrow money as may be necessary for the proper functioning of the Corporation.

(2) Without prejudice to the generality of subsection (1), the corporation may, for purposes of carrying out its function and in accordance with its business plan:—

- (a) purchase, lease or otherwise require property, plant, equipment and facilities; or
- (b) purchase, lease or otherwise acquire land, or arrange for the compulsory acquisition of land in accordance with the relevant State Law.

(3) The corporation shall have power to demolish structures obstructing service lines without any liability attaching, after giving 7 days notice to the owner or person in charge of the structures.

Managing Director

37. (1) The Governor shall, on the recommendation of the Board, appoint the Managing Director (referred to in this Law as "MD") who shall be subject to the general direction of the Board and shall:-

- (a) be the Chief Executive and Accounting Officer of the Corporation;
- (b) be responsible for the implementation of the decisions and policies of the Board of the Corporation as well as the general administration of the Corporation;
- (c) to perform other functions as directed by the Board of the Corporation in line with provisions of this Law.

(2) The MD shall be:-

- (a) appointed through a competitive and transparent recruitment process carried out by the Board of the Corporation either by themselves, through a consultant pursuant to an advertisement for such vacancy or by any other process that is competitive and transparent;
- (b) a person with a professional qualification in either Engineering, Geosciences, Law, Accountancy, Business Administration, Physical and Environmental Sciences or other relevant discipline and registered with their Professional bodies where such bodies exist and shall have held a senior management position for a minimum of ten (10) years in a public or private organization;
- (c) be appointed pursuant to a Performance Based Employment Contract for a term of 5 years on a full-time basis which may be renewable upon considerations of the improved financial, managerial, operational, and other relevant indicators as contained in such Contract.

(3) A report shall be submitted by the MD to the Board on a quarterly basis as an assessment of the performance of the MD which shall also include a proposed action plan to be forwarded he Board to the Governor.

Directorates and
Appointment of
Directors

38. (1) There shall be Six Directorates for the Corporation and are as follows: -

- (a) Human Resources Directorate;
- (b) Quality Control Directorate;
- (c) Field Operations Directorate;

- (d) Planning and Projects Directorate;
- (e) Commercial Services Directorate; and
- (f) Finance and Supply Directorate.

(2) There shall be Six Directors appointed by the Board of the Corporation from within the staff of the Corporation who are qualified to be appointed as Directors in accordance with the Scheme of Service of the State.

(3) The Six Directors shall head the Directorates mentioned in sub-section (1) above.

Secretary and
Legal Adviser

39. (1) There shall be a Secretary who shall be the Legal Adviser (referred to in this Law as "the Secretary") to the Board of the Corporation and be responsible to the MD; and shall assist the Board and the Corporation in the discharge of their functions under this Law.

(2) The Secretary shall be appointed by the Governor.

(3) The Secretary shall be a Legal Practitioner with a minimum of 10 years' post-call experience and shall be the head of the Corporation's Legal Unit.

Functions of
the Secretary

40. (1) The Secretary shall, under the general supervision of the MD, carry out corporate secretarial duties for the Board of the Corporation and perform such other functions of the Board as may be assigned to the Secretary by the Board of the Corporation.

(2) Perform all other duties as the Board or the MD may direct.

Appointment of
Other Staff of the
Corporation

41. The Board of the Corporation may appoint, on such terms and conditions as the Board of the Corporation may determine, such other staff as maybe necessary for the performance of the functions of the Corporation.

Duty to
Provide Water

42. Notwithstanding any other law and subject to this Law, the Corporation shall provide water supply and sanitation or sewerage services to its designated service area, except where a person provides such services solely for own use.

Financial
Provisions of
the Corporation

43. (1) The funds of the Corporation shall consist of: -

- (a) monies appropriated by the Adamawa State House of Assembly for the purposes of the corporation monies which the corporation may receive as tariffs, rates or charges for water supply rendered by it;
- (b) monies received from the local government authority in its service area;
- (c) monies borrowed by the corporation, with the approval of the governor;
- (d) donations, grants and bequests received from any person or organization, as the board of the corporation may approve;
- (e) monies legally acquired in the performance of its functions.

(2) There shall be paid from the funds of the Corporation: -

- (a) the salaries allowances, gratuities, pensions and loans to the staff of the Corporation;

- (b) such reasonable travelling and other allowances for members of the Board of the Corporation and of members of any committee when engaged on the business of the Corporation at such rates as the Corporation may determine; and
- (c) any other expenses incurred by the Corporation in the performance of its functions.
- (d) the Corporation shall operate Bank Accounts with reputable Banks approved by the Board for its funds and the signatories to the accounts shall be the Managing Director and the Head of Accounts, or in their absence any other persons authorized by the Board.
- (e) any investments or other property whatsoever acquired by the Corporation;

(3) The Board shall: -

- (a) cause to be kept proper Accounts in respect of its functions under this Law and other records in relation thereto; and
- (b) prepare, in respect of each financial year statement of accounts in such form as may be required by the financial regulations of the State and best accounting standards.

(4) The said annual Statement of Accounts shall be a fair and accurate statement of the financial position, and of the results of the operations of the Corporation for the financial year to which it relates.

(5) The said annual Accounts shall be audited by an Auditor or Auditors to be appointed annually by the State Auditor General and the remuneration to be paid by the Board of the Corporation to such

external Auditors shall be approved by the Governor on the recommendation of the State Auditor-General,

(6) As soon as the annual Statement of Account has been audited as aforesaid, the Board of the Corporation shall forward a copy of the said statement of accounts together with a copy of the Report made thereon to: -

- (a) the Commissioner responsible for water resources;
- (b) the Commissioner responsible for Finance;
- (c) the State Auditor General; and
- (d) the chairman of the Board of the Corporation.

Annual Reports

44. The Corporation shall prepare and submit to the Governor not later than six months after the end of each year, a report on the activities of the Corporation during the immediate preceding year, and shall include in such report a copy of the audited accounts of the Corporation for that year.

PART VI- ESTABLISHMENT OF THE ADAMAWA STATE SMALL TOWNS, WATER SUPPLY AND SANITATION AGENCY

Establishment of the Adamawa State Small Town Water Supply and Sanitation Agency

45. (1) There is hereby established the Adamawa State Small Towns Water Supply and Sanitation Agency (referred to in this Law as ("ADSSTWSSA"))

(2) The ADSSTWSSA shall: -

- (a) have power to sue and be sued in its name;
- (b) be capable of holding, purchasing, acquiring and disposing of movable and immovable property; and

- (c) be financially and administratively autonomous and will be free from political interference or influence.

(3) There shall forthwith, be vested with selected existing and/or new State-owned water and sewage management facilities in selected small town areas of the State.

Objectives of
the ADSSTWSSA

46. The objectives of the ADSSTWSSA shall be to:-

- (a) provide potable water supply and sanitation to the communities, Water Consumers Associations and other consumers in small towns;
- (b) provide and promote water related sanitation facilities which includes Community led total, sanitation, and sanitation marketing
- (c) implement cost recovery and commercial orientation in service provision and maintain customer focus for service sustainability and efficiency; and;
- (d) implement capital investment plans for the purpose of expanding access to water and sanitation services for the people in the small towns.

Functions of the
ADSSTWSSA

47. The functions of ADSSTWSSA shall be to: -

- (a) develop sustainable access to potable water and sanitation services in small towns;
- (b) facilitate a cost-sharing arrangement with beneficiary communities towards capital investment for construction of water supply and sanitation services based on their willingness and ability;

- (b) undertake planning, design, construction and maintenance of all Small Towns Water Supply facilities including motorized and solar powered borehole-based schemes;
- (c) undertake advocacy programmes and mobilization for Community participation in relevant projects and programmes;
- (d) ensure that adequate and wholesome water is supplied to consumers regularly.
- (e) support the Commissioner in implementation and reviewing Water Policies and Strategies;
- (f) in consultation and liaison with Local Government Councils, facilitate formation of Water Consumer Associations and provide technical and other advisory services for the same.
- (g) where appropriate, transfer ownership of any water schemes to benefitting communities through the relevant Transfer Agreement stating the conditions of such transfer;
- (h) provided such transfer shall be in conformity with the regulations issued by the Commission.
- (i) propose water rates, tariffs for approval by the Commission, after consultation with customers or the relevant Water Consumers Associations.
- (j) collaborate on matters of WASH with Local Government Council units or Departments responsible for Water, Sanitation and Hygiene.
- (k) plan, design, construct, and operate preselected state-owned small-town water supply and sanitation services.
- (l) Establish Customer Care Centres as prescribed by the Commission.

- (m) in collaboration with the appropriate authorities, monitor and prevent activities that may pollute water resources that are in the vicinity of water supply facilities and may affect the quality of resource.

Powers of the
ADSSTWSSA

48. (1) The ADSSTWSSA, subject to the provisions of this Law, has the power to:

- (a) own pre-selected or relevant state-owned. water supply and infrastructure facilities;
- (b) fix rates and charges payable by consumers for water supply and other services provided by ADSSTWSSC subject to the approval of the Commission;
- (c) prepare water supply and sanitation services development plans for the Small Towns in conjunction with the Local Government Councils;
- (d) undertake land acquisition where necessary in accordance with section 33 carryout any works in connection with the supply of water supply and sanitation services after giving reasonable notice in writing to the owner or occupier thereof;
- (e) carryout any works in connection with the supply of water supply and sanitation services after giving reasonable notice in writing to the owner or occupier thereof;
- (f) through the relevant appropriate authority, obtain the necessary permit to abstract water from any watercourse in accordance with the provisions of the relevant Law.
- (g) in conjunction with the relevant appropriate authority, monitor and determine pollution, its causes and recommend remedial action;

- (h) enter into agreement with any person for the supply, construction, manufacture, maintenance or repair of any property which is necessary or appropriate for the purpose of the ADSSTWSSA.

(2) The ADSSTWSSA shall have power to do all such acts as may be necessary to carry out its functions under this Law.

(3) The Governor may direct the ADSSTWSSA to do any such act not inconsistent with this Law.

Appointment of
General-Manager

49. The General Manager shall be appointed by the Governor, and he shall be subject to the general direction of the ADSSTWSSA;

- (a) be the Chief Executive and Chief Accounting Officer of the ADSSTWSSA;
- (b) be responsible for the implementation of the decisions and policies ADSSTWSSA Board as well as the general administration of ADSSTWSSA;
- (c) perform such other duties as the Board of the ADSSTWSSA may direct;
- (d) the General Manager shall be a person with a professional qualification in either Engineering, Accountancy, Business Administration, Physical and Environmental Sciences or other relevant discipline and registered with their Professional bodies where such bodies exist and shall have held a senior management position for a minimum of ten (10) years in a public or private organization.

Secretary and
Legal Adviser

50. (1) There shall be a Secretary, who shall be the Legal Adviser (referred to in this Law as the ADSSTWSSA Secretary) to the ADSSTWSSA; shall be responsible to the General Manager and shall assist the ADSSTWSSA Board and the ADSSTWSSA in the discharge of its functions under this Law.

(2) The ADSSTWSSA Secretary shall be appointed by the ADSSTWSSA Board under such terms and conditions as it may determine.

(3) The ADSSTWSSA Secretary shall be a Legal Practitioner with a minimum of 10 years' post-call experience and shall be the head of the Agency's Legal Unit.

Functions of
the Secretary

51. (1) The ADSSTWSSA Secretary shall be under the general supervision of the General Manager, and shall carry out secretarial duties for the ADSSTWSSA Board.

(2) Perform all other duties as the ADSSTWSSA or may direct.

Other Staff
of the
Agency

52. (1) The ADSSTWSSA shall appoint such other staff as may be required for the proper functioning of the ADSSTWSSA through a competitive and transparent recruitment process carried out by itself, through a consultant pursuant to advertisements for such vacancies or by any other process that is competitive and transparent.

Funds of the
ADSSTWSSA

53. (1) The provisions relating to the general administration and financial matters as applicable to the Adamawa State Water Corporation shall apply to the ADSSTWSSA including but not limited to matters pertaining to: -

- (a) funds and resources;
- (b) bank accounts;
- (c) application of the ADSSTWSSA's Funds;

- (d) loans and grants by the State Government;
- (e) annual Budgets and Accounts;
- (f) annual reports;
- (g) borrowing;
- (h) investments;
- (i) exemption from Taxation;
- (j) power to raise capital on the stock exchange;
- (k) power to accept gifts;
- (l) Guarantee on loans or other instruments of ADSSTWSSA by the Federal and State Government; and
- (m) other financial matters.

Tariffs and
Charges

54. The ADSSTWSSA, shall fix rates and scales of charges payable for water supply and sanitation services in accordance with tariff strategy

Application for
Water Supply

55. (1) Any person may apply to the ADSSTWSSA for the supply of water and the ADSSTWSSA may through a contract whose conditions have been approved by the Commissioner, supply potable water.

(2) Every person supplied with potable water shall be supplied with a meter, installed under the appropriate cost recovery plan. Provided that ADSSTWSSA may not disconnect any user or fail to connect a potential consumer for the failure of ADSSTWSSA to provide an appropriate meter.

Prohibition of sale
of Water Supplied
from ADSSTWSSA

56. No person shall re-sell potable water supplied by ADSSTWSSA, except with an Agreement with ADSSTWSSA in conformity with regulations approved by the Commission.

Payment for
Portable Water

57. (1) Any person supplied by ADSSTWSSA shall pay such rates and charges for water supply or and sanitation service as may be determined by ADSSTWSSA.

(2) Failure to pay water rates and charges will result in disconnection of service by the ADSSTWSSA in accordance with regulations issued by the Commission and the ADSSTWSSA may recover such rates or charges by application brought before the relevant Court of Law in Adamawa State.

Water Supply to
Local Government
Councils

58. The ADSSTWSSA may supply water and sanitation services for communal use to any Local Government Council that applies through the designated process approved by the Commission; Provided that the Local Government Council pays the prescribed charges or fees.

Maps of Water
Works and
Sanitation
Infrastructure

59. Subject to the provisions of this section, it shall be the duty of ADSSTWSSA to keep records of the location of water mains or discharge pipes and any other ground works which are vested in the ADSSTWSSA.

Establishment of
Water Consumers
Association

60. (1) The ADSSTWSSA in liaison with Local Government Councils shall facilitate the establishment of WCAs by communities in small towns to own, operate and manage water supply and sanitation schemes for designated communities in each small town.

(2) The objective of the WCA shall be to undertake the operation, maintenance and management of the water supply schemes within its own area either by itself or by engaging a private water operator.

(3) The WCAs shall be registered as cooperative societies with the relevant State department.

61. (1) Any WCA that wishes to take over a water scheme from the ADSSTWSSA shall in the prescribed manner apply to the Commission and if the Commission is satisfied that the WCA possesses sufficient capacity to successfully operate the Scheme, the Commission shall facilitate the transfer from the ADSSTWSSA.

(2) Any transfer made shall be by formal agreement specifying the terms and conditions of such transfer.

(3) The WCA shall obtain an operating License from the Commission pursuant to such Agreement.

PART VII- ADAMAWA STATE RURAL WATER SUPPLY AND SANITATION AGENCY

62. (1) There is hereby established the Adamawa State Rural Water Supply and Sanitation Agency (RUWASSA).

(2) The Agency shall: -

- (a) be a body with perpetual succession and a Common Seal;
- (b) have power to sue and be sued in its corporate name; and;
- (c) be capable of holding, purchasing and acquiring property, movable and immovable.

(3) All existing and new State-owned water infrastructures in all Rural Areas are hereby vested in the Agency.

(4) All the rights, assets and liabilities which before the commencement of this Law were vested in the UNICEP Assisted Water and Sanitation Project in Adamawa State are hereby transferred and vested in the Agency.

Objectives of the
ADRUWASSA

63. The Objectives of the ADRUWASSA shall be to: -

- (a) facilitate construction of water supply and sanitation facilities;
- (b) provide technical support and build capacity of communities in rural areas
- (c) promote improved hygiene promotion in the rural communities.

Functions of the
ADRUWASSA

64. The Functions of ADRUWASSA shall include: -

- (a) facilitating access to potable water for - benefiting communities, supporting them on reaching consensus on the appropriate design technology for water supply, coordinate the construction, rehabilitation and supervision of water facilities;
- (b) issue certificate of compliance with standards set by the Commission for the construction of water schemes and hand over such schemes to the community for management and operation, subject to the technical supervision by ADRUWASSA and the LGA WASH Units or Departments;
- (c) support the State Rural Water Supply Programme;
- (d) design and supervise the construction of all new sanitation facilities in rural areas, rehabilitate, monitor and improve all existing sanitation facilities and support the Rural Sanitation Programme;
- (e) liaise with the Federal and State Government MDAs and external support Agencies in the design and implementation of programmes and projects in the area of

rural water supply and Water related Sanitation and Hygiene activities;

- (f) conduct and support studies and research projects that may support the effective functioning of ADRUWASSA;
- (g) undertake training or capacity development particularly in rural communities and public institutions;
- (h) organize technical training of staff of LGA WASHCOMs and local artisans for the operation and maintenance of the water supply schemes and sanitation facilities;
- (i) promote improvement of traditional sources of community water supply such as springs, protected hand dug wells and rain water harvest;
- (j) construction and maintenance of public and household toilet facilities;
- (k) promote Community Led Total Sanitation (CLTS) and support the certification process of open-defecation free status to compliant communities;
- (l) ensure compliance with the Nigerian Drinking Water Quality Standards;
- (m) monitor and undertake preventive and remedial action, in collaboration with the Ministry of Health, Ministry of Local Government, any outbreak of guinea worm or any water-related disease or any other real or potential health threat associated with the delivery or provision of water supply and sanitation services in the rural areas;

- (n) promote private sector participation in the sanitation industry in rural areas to attract resources for sustainable development of the rural water sanitation;
- (o) liaise and coordinate with the ADSSTWSSC regarding interventions in the LGAs to achieve synergy between the rural and small towns areas;
- (p) conduct raw and treated water quality investigations to ensure compliance by all operators in the rural water supply and sanitation sector with the Nigerian Drinking Water Quality Standards;
- (q) implementation of the Water Safety Plan;
- (r) perform such other activities as the Board may direct to further its functions under this Law;
- (s) the overall coordination of rural water supply and sanitation activities in the state and set standards.
- (t) the promotion of improved personal and environmental hygiene through mobilization and public enlightenment.
- (u) to undertake initial bacteriological and chemical certificate test of new boreholes in the state to assess portability.
- (v) to carryout routine bacteriological and chemical analysis, boreholes and water quality surveillance at source level and point of consumption in the state to ensure continuous fitness of the water for drinking.
- (w) to carry out the treatment of bacteriological contaminated boreholes.
- (x) to carryout borehole drilling and connected activities.

- (y) to carry out the assessment of quality of borehole installation materials with a view to monitoring their impact on water quality.
- (z) identify and partner with United Nations, multilateral and bilateral funding organizations interested in funding water and sanitation activities.
- (aa) lobby and advocate for funding support to the water and sanitation sector in the state.

Powers of
ADRUWASSA

65. The ADRUWASSA shall have power to: -

- (a) prepare Master Plans as may be necessary for the development and maintenance of rural water and sanitation infrastructure;
- (b) facilitate construction of water and sanitation facilities for benefiting communities in rural areas;
- (c) undertake community mobilization to form Committees for Water, Sanitation and Hygiene (to be known as "WASHCOMs"): -
 - (i) develop community capacity for management and administration of the WASHCOMs;
 - (ii) develop strategies to enhance Community Led Total Sanitation and improved hygiene;
- (d) support WASHCOMs integrate into any overarching body that may be formed for the WASHCOMs at the State level;
- (e) construct and maintain buildings and other works necessary for the discharge of its functions under this Law; and
- (f) enter into Private Sector Partnerships in accordance with this Law as may be necessary.

Departments of
ADRUWASSA

66. The ADRUWASSA may establish Departments for the effective performance of its functions including but not limited to the following: -

- (a) Sanitation, Hygiene and Community Mobilization, Department;
- (b) Water Supply and Quality Control Department;
- (c) Planning, Monitoring and Evaluation Department; and
- (d) Administration and Finance Department.

Establishment
and Registration
of WASHCOMs

67. (1) A Water Supply, Sanitation and Hygiene Committee (in this Law referred to as "WASHCOM"), shall be established for relevant rural areas in Local Government Areas.

(2) The WASHCOM shall be registered by the Local Government Council and issued with the relevant certificate.

(3) Each WASHCOM shall constitute members not exceeding 13 depending on the size of the community and its membership and shall be gender balanced to represent the different age brackets spread across the different community units.

(4) Where 50:50 gender representations cannot be achieved, 40% members made up by women shall be employed. It shall have sub-committees as the need may arise.

(5) The WASHCOM shall comprise the following: -

- (a) a Chairperson (male or female. Literacy is an advantage);
- (b) a vice Chairperson (female if Chairperson is male and vice versa. Literacy is an advantage);
- (c) a secretary (male or female. Literacy is an advantage);
- (d) assistant secretary (female if Secretary is male and vice versa. Literacy is a criteria);

- (e) a financial secretary (literacy is a criteria);
- (f) assistant financial secretary (literacy is a criteria);
- (g) a treasurer of the committee (male or female);
- (h) a provost (female or male);
- (i) an assistant provost (female if Provost is male and vice versa); and
- (j) Patrons (not necessarily members but between 2 to 3 revered leaders in the community.

(6) A WASHCOM shall: -

- (a) be formed in the rural areas for the management of water supply and sanitation facilities on behalf of a particular Community;
- (b) promote community ownership of WASH facilities and determine by consensus the cost of operation and maintenance of water points in their areas;
- (c) propose and collect tariffs for the operation and maintenance of the water points;
- (d) be responsible for basic hygiene sensitization activities and community advocacy;
- (e) collaborate with the WASH Departments and ADRUWASSA on water supply sanitation and hygiene programmes of the Federal, State or Local governments on ' behalf of the Community;
- (f) encourage development of skills of members to promote community participation with the active involvement of women;
- (g) participate in planning, construction, and operation of Community

- (h) WASH facilities;
- (i) promote household food and water security in the Community by encouraging prudent use of water and preventing wastage;
- (j) contribute to the eradication of Water borne and poor sanitation hygiene related diseases in the community;
- (k) mobilize the community to contribute in the construction of water supply and Sanitation facilities;
- (l) collaborate with the WASH Departments in the preparation of the WASH development Plans for the community;
- (m) support and promote Community Led Total Sanitation (CLTS) in the community; ensure that the community contributes to financing of small-scale water supply facilities or extension schemes as may be appropriate;
- (n) participate in project design and implementation; and
- (o) provide general oversight regarding use of water supply and sanitation services in accordance with general guidance issued by the Commission.

Appointment of
General-Manager

68. (1) The Governor shall appoint a General Manager for ADRUWASSA who shall be: -

- (a) the Chief Executive Officer and Chief Accounting Officer;
- (b) responsible for the implementation of the decisions and policies of the ADRUWASSA general administration of the Agency: perform such other duties as the Board may from time to time direct;
- (c) the General Manager shall be a person with a professional qualification in either Engineering, Geosciences, Law, Accountancy, Business Administration, or other relevant

discipline and registered with their professional bodies where such bodies exist and shall have held a senior management position for a minimum of ten (10) years in a public service; and

- (d) the General Manager shall be paid an appropriate remuneration consistent with a similar position of authority and responsibility in the Civil Service of the State.

Appointment of Other Staff

69. (1) The ADRUWASSA may appoint such number of staff and other employees as it may require either directly from the private sector or by way of deployment from the State Public Service to assist in the discharge of its functions under this Law.

(2) The ADRUWASSA Board may determine the terms and conditions of service which shall include: -

- (a) conditions for the appointment, promotion, termination and dismissal of staff and employees;
- (b) procedure for appeals by staff and employees against dismissal, termination or other disciplinary measures; Provided that until such conditions of service are made, the conditions of service of Adamawa State Public Service shall be applicable, with such modifications as may be necessary for staff and employees of ADRUWASSA.

Remuneration of ADRUWASSA Staff

70. (1) The ADRUWASSA shall determine the remuneration of its staff and employees in accordance with the relevant State government salary scheme.

(2) Conditions of Service in the ADRUWASSA shall be approved under the relevant Pensions Law and accordingly, staff and employees of the

ADRUWASSA shall be entitled to pensions, gratuities and other retirement benefits as prescribed under such Law.

Funds of
ADRUWASSA

71. (1) the funds of the ADRUWASSA shall consist of: -

- (a) such sums as may from time to time be advanced by the Federal Government, State Government, Local Government, any international organization, private foundation or any person whatsoever;
- (b) all budgetary allocations approved for the ADRUWASSA by the Adamawa State House of Assembly; and
- (c) funds received from the Water Services Fund under this Law.

(2) All funds for capital projects for the provision of water supply, sanitation facilities and hygiene promotion shall include contributions from the State, the Local Governments and from the relevant community in cash or kind as a token of commitment to the Project as may be agreed between the relevant parties.

(3) Notwithstanding subsection 2(1) the Community, through the ADRUWASSA may apply for contributions and support from the Federal, State and Local Governments and donor agencies for necessary funds for their capital projects.

Power to
Borrow Money

72. The ADRUWASSA may borrow any sum of money as may be required in the exercise of its functions under this Law subject to the approval of the Governor and the provisions of any relevant Law.

Handover
Projects

73. (1) All community projects when completed, shall be handed over to be operated and maintained by the WASHCOM of the beneficiary

Community with an appropriate Transfer Agreement as approved by the Commission.

(2) Every benefiting Community shall provide security on project sites during construction and after due handover by the ADRUWASSA. Completed project shall be certified by ADRUWASSA and the WASH unit/department as meeting standards for the construction of such works issued by the Commission and conforming to the relevant Law regulating construction of water facilities in Nigeria.

Additional
Revenue

74. The ADRUWASSA may propose fees and charges for any of its services as may be approved by the Commission and such fees shall be published in the State Gazette.

PART VIII- SERVICE PROVIDERS

Service Providers

75. (1) A developer, other than a utility, may apply to the Commission to be licensed as a service provider in accordance with section 82.

(2) Subject to subsection (1), if a service provider is a body corporate or entity, the service provider shall be financed and operate separately from the core functions of its shareholders or sponsors.

(3) The Commission shall collect a license fee from a service provider.

Functions and
Responsibilities
of Service
providers

76. (1) Subject to subsection (1) of section 74, a service provider may provide water supply, sanitation and hygiene services to a gated community or housing estate under its ownership.

(2) Sections 29 and 34 shall apply, with the necessary modifications, to a service provider.

(3) A service provider shall cause to be prepared and submitted to the Commission within six months after the close of each year an annual

report generally detailing the activities and operations of the service provider during that year.

(4) The report specified in subsection (3), shall be accompanied by: -

- (a) a statement of all directives given by the Commission to the service provider during the year in question and how these have been effected; and
- (b) such other information as the Commission may direct.

(5) A service provider shall not delegate its functions of water supply or sanitation services, except with the written permission of the Commission.

Agreement to
Supply Water
and Sanitation
Services

77. (1) A service provider may enter into an agreement with the corporation for the supply of water and sanitation services to particular communities within its service area.

(2) Subject to subsection (1) above, an agreement shall specify the powers and functions which shall be performed by the service provider during the term of the agreement and may make provision for or with respect to: -

- (a) the concurrent performance by the Corporation and the service provider of the same functions in different parts of the service area;
- (b) the indemnity by the service provider of any liability of the Corporation arising from the performance or nonperformance of its functions; and
- (c) the use, maintenance, rehabilitation and development by the service provider of water and sanitation infrastructure and facilities of the Corporation.

(3) A service provider may enter into agreements with more than one Corporations for purposes specified in subsection (1) and (2).

Register of
Service
Providers

78. (1) The Commission shall keep a register of all service providers, licensed in accordance with Part IX, and shall, at least once in every year publish in the State Gazette a list of the service providers.

(2) The register, referred to under subsection (1), shall be available for public inspection during business hours.

(3) The Commission shall ensure that, where possible the register referred to under subsection (1), shall be accessible to the public electronically.

PART IX- LICENSING PROCEDURE

Licensing of
Utilities and
Service
Providers

79. (1) any person who intends to provide water supply and sanitation services shall do so in accordance with this Law.

(2) Any person who contravenes subsection (1) commit an offence and shall be liable, on conviction, to a fine not exceeding One Hundred Thousand Naira (N100,000) for each day that the offence continues or to imprisonment for a term not exceeding two years.

(3) Notwithstanding subsection (1), an applicant for a license, as provided under subsection (1) shall in addition comply with provisions of the relevant law managing water resources in the Federal Republic of Nigeria.

Application for
License

80. (1) A Person may apply to the Commission for a license to operate as a utility or service provider.

(2) An application under subsection (1) shall: -

- (a) be accompanied by a prescribed fee;
- (b) be accompanied by a statement certified by the relevant institution that the applicant has adhered to other laid down regulations;

- (c) be in such form as may be required by the Commission and shall;
- (d) specify the following: -
 - (i) the name of the utility or service provider;
 - (ii) the principal place of business of the service provider;
 - (iii) the names and qualifications of the senior staff of the utility or water service provider;
 - (iv) the type of water facilities to be provided and used and location of supply;
 - (v) a business plan which shall include: -
 - (a) objective of the plan;
 - (b) performance targets;
 - (c) technical and financial capacity for providing water services;
- (e) the Commission shall prescribe the rules and procedure for monitoring and reviewing the business plan submitted in accordance with sub-section 2;
- (f) any other details as may be prescribed.

Grant of
License, validity
and Renewal

81. (1) every license shall be granted within a period of sixty days of receipt of the application for a license subject to prescribed terms and conditions as specified under Section 87: -

- (a) if the application is in accordance with this Law;
- (b) upon a satisfactory assessment of the technical and financial capability of a service provider; and
- (c) if the water services to be provided do not contravene any other law.

(2) license shall be deemed to be granted after sixty days of lodgment it not granted by the Board of the Commission.

(3) Subject to section 88 a license granted in accordance with this section shall be valid for a renewable period of Five years provided the applicant has been in compliance with the terms of the license.

Conditions of
License

82. (1) A utility or service provider, who has been granted a license in accordance with Section 86 shall: -

- (a) maintain, at its registered office, an updated record of maps, in the prescribed manner and form, showing the entire water networks, sewerage systems and related facilities and infrastructure related to the license; and
- (b) file a copy of an updated record of the maps, showing the entire water networks, sewerage systems and related facilities and Infrastructure, with the local authority in its service area.
- (c) construct and maintain water supply mains and where required sewerage systems to the boundary of a consumer's property;
- (d) operate in accordance with the business plans submitted under subsection 85 (2) (d) (v); and
- (e) construct and maintain sanitation works.

(2) A person in charge of any water works, or who intends to construct any water works, shall in the prescribed manner and form, at least fourteen days prior to the commencement of such works, file a written request with the service provider requesting a copy of the maps showing the water networks, sewerage systems and related facilities and infrastructure in the area.

(3) A water utility or service provider shall within five days of receiving a request, made in accordance with subsection (2), avail a copy of the maps showing the water networks, sewerage system and related facilities and infrastructure.

Refusal to
Issue License

83. (1) The Board of the Commission shall reject an application for a license if:-

- (a) it is not in accordance with this Part;
- (b) the applicant fails to provide and show technical and financial capability to the satisfaction of the Board of the Commission;
- (c) the activity or business to be carried out contravenes or is likely to contravene any other law; or
- (d) the applicant submits false information in relation to the application.

(2) The Board of the Commission shall, where it rejects an application in terms of subsection (1), within sixty days from receipt of the application inform the applicant, in writing, giving reasons for the rejection.

Failure to
Commence
Operations

84. (1) Where the licensee is unable to commence operations within three months from the date of the grant of a license, the licensee shall notify the Board of the Commission of the failure giving reasons and the Board of the Commission shall, if satisfied with the reasons, specify the period within which the licensee shall comply with the terms of the license.

(2) Where the licensee is unable to supply water or sanitation services, in accordance with the license and this Law, the licensee shall notify

the Board of the Commission, in writing, and surrender the license to the Board of the Commission.

(3) Where a period of three months, from the date of the grant of a license has expired, the licensee fails to supply water or sanitation services in accordance with the terms of the license and this Law and no notification has been made in accordance with this section, the license shall lapse and shall, subject to section 94 be cancelled or revoked and the Board of the Commission shall publish the information in accordance with this section.

Transfer of
License

85. (1) A license shall not be transferred to a third party without the prior approval of the Board of the Commission who shall not unreasonably withhold such approval.

(2) Every application for approval to transfer a license shall be made to the Commission who shall within thirty days of the application approve the application subject to such condition as the Board may impose.

(3) A person or service provider who contravenes Sub-Section (1) commits an offence and shall be liable on conviction to a fine not exceeding Fifty Thousand Naira for every day that offence continues.

Amendment of
License

86. The Board of the Commission may amend a license granted under section 86 on the application of the licensee: -

- (a) where there has been a change in the shareholding or other beneficial interest in the service provider;
- (b) where the name of the business enterprise is changed;
- (c) where there has been a change in the service area; or

- (d) for any other reason submitted by the licensee if the Board of the Commission considers the reason to be necessary for the improvement of water supply or sanitation services.

Appeal Against the
Decision of Board
of the Commission

87. (1) Any person aggrieved by decision of the Board of the Commission may lodge an appeal to the Governor.
- (2) Where an appeal is lodged in accordance with subsection (1), the Governor may give such directions to the Board of the Commission as the Governor considers necessary to enable the Governor determine the appeal.
- (3) The Governor shall determine an appeal lodged in accordance with subsection (1), within 30 days from the date on which the appeal was lodged.
- (4) The Governor may, in determining an appeal, confirm, vary or set aside the decision of the Board of the Commission.

Appeal against
decision of
Governor

88. If a licensee is aggrieved with the decision of the Governor, the licensee may appeal to a Court of Competent jurisdiction.

Revocation of
License

89. (1) Subject to the provisions of this Law, the Board of the Commission may cancel or revoke a license granted under section 86 if the licensee: -
- (a) obtained the license by fraud or negligent submission of false information;
 - (b) has engaged in any financial mismanagement, corrupt practices or fraud in relation to water supply and sanitation;
 - (c) transfers or otherwise assigns a license without the prior approval of the Board of Commission;

(d) contravenes this Law, any regulations issued under this Law or any term and condition of the license.

(2) The Board of the Commission shall, before cancelling a license in accordance with subsection (1), give written notice to the licensee of its intention to cancel and requiring the water utility or service provider to: -

(a) put in place measures, within a period of not more than thirty days that would ensure compliance with this Law, the license or enforcement notice; or

(b) give reasons why the license should not be cancelled.

(3) The Board of the Commission shall not cancel a license under this section if the licensee takes remedial measures, to the satisfaction of the Board of the Commission, within the period of thirty days referred to in subsection (2).

(4) The Board of the Commission may, after giving the licensee an opportunity to be heard in person or in writing, cancel the license if the licensee, who has been notified as specified under Sub-Section (2):-

(a) fails to give reasons to the satisfaction of the Board of the Commission why the license should not be cancelled; or

(b) does not take remedial measures to the satisfaction of the Board of the Commission within the time specified in that subsection.

(5) If the Board of the Commission cancels a license in accordance with subsection (4), the Board of the Commission shall publicize such cancellation in the Adamawa State Government Gazette and in a newspaper of wide circulation in Adamawa State.

90. (1) The Commission shall maintain a register of all licensees with the following: -

- (a) their names and businesses.
- (b) in the case of a registered association or public benefit organization, the nature of the association or organization and the particulars of its registration;
- (c) the nature of services of the licensee;
- (d) the conditions, if any, attaching to their license; and
- (e) any other prescribed matter.

(2) The register of the licensees shall be accessible to the public for inspection at no charge and shall be publicized, placed or posted in accessible formats at such places as may be determined by the Board of the Commission.

(3) The Commission shall develop and publish guidelines to regulate the conduct of licensees.

PART X- GENERAL REGULATORY PROVISIONS FOR WATER UTILITIES AND SERVICE PROVIDERS

91. (1) The Governor may by order, compulsorily acquire land on the recommendation of the Commission for the purposes associated with the provision of water supply or sanitation services, in accordance with the Land Use Act.

(2) An acquisition of land, for purposes stated in subsection (1), shall be completed in accordance with such directives as the Governor may give in an order issued under this Law.

(3) The Governor shall, before making an order in accordance with subsection (1), be satisfied that: -

- (a) all reasonable steps to acquire the land intended to be used, on reasonable terms by agreement with the owner of the land or the traditional authority in the area and has failed; and
- (b) the acquisition of the land is necessary for the purposes specified in subsection (1).

(4) The Governor may, under such conditions as he may consider necessary, including conditions requiring the payment of compensation, in accordance with subsection (1), except that the land may only be use for the intended purpose and will revert to its original use after the purpose for which it was acquired has been achieved.

(5) A water utility or service provider shall pay reasonable and just compensation, in accordance with the Land Use Act, to any person who suffers loss or damage through the exercise of the powers conferred by this section.

(6) If the owner of, or any person lawfully occupying, land to be acquired under this section is temporarily absent from Nigeria, the purpose so authorized to enter, take possession and make use of the land leaving all questions as to the compensation to be paid for the land to be settled later in accordance with Sub-Section (5).

Procedures and
Requirements
for Works and
Utilities

92. (1) A water utility or service provider may execute water works in accordance with regulations under this Law.

(2) Where a water utility or service provider has acquired the right to place or replace facilities across, under or along, any street or has so placed a facility, in accordance with this Law or any other law, that water utility or service provider may break up the street and may repair, alter, or remove any facility so placed.

(3) A water utility or service provider shall before exercising a power conferred by this section or executing any works, give to the local authority or other appropriate authority concerned, notice in writing, not exceeding thirty days, as the water utility or service provider may require to complete water or sanitation works, except in case of an emergency, where the water utility or service provider shall as soon as possible after the execution of the works inform the local authority and other appropriate authorities concerned.

(4) The works executed as provided under this section shall, except in the case of an emergency, be exercised under the supervision of the local authority or other appropriate authorities concerned: Provided that, if a local authority or other appropriate authorities fail to exercise the powers of supervision, after such notice has been given, the water utility or service provider may exercise those powers without such supervision.

(5) Where a water utility or service provider carries out water or sanitation works, the water utility or service provider shall: -

- (a) comply with the by-laws of the local authority and other written laws;
- (b) complete the water or sanitation works with reasonable dispatch;
- (c) reinstate and make good a street that has been opened or broken up and remove the refuse occasioned;
- (d) while the street is opened, broken up or obstructed, cause the water and sanitation works to be fenced, guarded and lit during the night.

(6) if a water utility or service provider contravenes subsection (5), the local authority or other appropriate authorities concerned may cause

the work that has been delayed or not done to be executed at the expense of the water utility or service provider.

(7) A water utility or service provider shall pay a local authority or the appropriate authority concerned the costs reasonably incurred by it in exercising any necessary supervision under this section or reinstating and making good any street opened or broken up by the water utility or service provider.

Permit for
Connection into
the Water Works
by Developer or
Constructor

93. (1) a developer or constructor may apply for amendment of a license to enable such developer or constructor to connect to his or her infrastructure in accordance with this Law.

(2) Where permission is given in accordance with subsection (1), the Board of the Commission shall issue a permit to the developer of the property or constructor.

(3) A water utility or service provider shall charge a permit holder such rates, as the Board of the Commission may approve, for the connection into a water supply network or sewerage

(4) The Commission shall issue regulations for purposes of this section and, in particular for the application, conditions and grant of a permit for purposes of this section, including any fee to be paid.

Powers to
Reduce Levels of
Service

94. (1) Where there is a shortfall in the supply of water or availability of water due to climatic conditions, natural or other disasters outside the control of the water utility or service provider or during maintenance of facilities, a water utility or service provider may with the prior written approval of the Board of the Commission and subject to section 5 or as may be prescribed by statutory instrument: -

- (a) ration water supplies;
- (b) restrict hours of water supply;

- (c) terminate water supplies for nonessential uses;
- (d) levy additional consumption charges for non-essential use or on nonessential users;
- (e) revise the tariffs, rates or charges for non-essential use; or
- (f) otherwise modify normal operating procedures, subject to Sub-Section (2).

(2) Any modification of normal operating procedures by a water utility or service provider, in accordance with paragraph (e) of subsection (1), shall be: -

- (a) designed, as far as possible, to safeguard public health, and to maintain domestic or noncommercial use, commercial and industrial use, in that order of priority; and
- (b) notified to the local authority in respect of the water utility, or service provider's service area.

(3) A utility or service provider shall, before taking action, as specified in subsection (1), give adequate notice, as may be prescribed by statutory instrument, to the consumers and a consumer so notified shall not be entitled to compensation for inconvenience or loss of profit.

Water Quality and
Special Regulatory
Supervision

95. (1) The Commission shall, in liaison with the relevant appropriate authority, ensure that the Nigerian Standard for Drinking Water Quality are observed and adhered to by all utilities and service providers.

(2) Where the Commission is satisfied that a water utility or service provider provides water supply or sanitation services which do not meet the minimum standards established in accordance with Sub-Section (1), the Board of the Commission may place the water utility or service provider under special regulatory supervision.

(3) The Commission shall sign a special regulatory supervision agreement, as may be prescribed by statutory instrument, with a water utility or service provider, referred to in subsection (2), before placing the water utility or service provider, under special regulatory supervision and through the Commissioner appoint a statutory Manager.

(4) A statutory Manager shall conduct the business of the utility or service provider under such conditions and guidelines as may be determined by the Commission.

Own Use

96. (1) Notwithstanding the other provisions of this Law, the ' Commission shall not regulate the supply of water and sanitation services for own use.

(2) Notwithstanding subsection (1), a person who supplies water and sanitation services for own use shall ensure that a private sanitation or sewerage installation is sited in accordance with this Law.

PART XI- WATER WORKS AND FACILITIES

Construction of
Water Works and
Consultation

97. (1) Subject to the provisions of this Law, laws relating to planning permission or land use management, a water utility or service provider may construct water works within or outside its service area in accordance with this Law and as prescribed by statutory instrument.

(2) A local authority, an appropriate authority or a developer shall consult a water utility or service provider in the service area before any change in land use or zoning is approved by an appropriate authority and before any consent is given for any new property development.

(3) A water utility, service provider or local authority shall, in its service area, may establish procedures for adequate consultation to be carried

out for property development planning or implementation of physical water works.

Construction and
Maintenance of
Facilities

98. (1) A water utility or service provider shall, within its service area, construct and maintain facilities to the boundary of a consumer's property in accordance with this Law and as prescribed by statutory instrument.

(2) Where a water facility has been constructed, the owner of the property shall, within a period specified by a water utility or service provider, connect appurtenances to the facility.

(3) A facility which is no longer in use after the connections, referred to in Sub-Section (2), have been made, shall be closed off and left in a safe condition by the water utility or service provider.

Maps,
Underground
Works and
facilities

99. (1) All maps showing locations of underground water works facilities shall be kept by a water utility and service providers in accordance with this Law and as may be prescribed by statutory instrument.

(2) A copy of maps specified in subsection (1), shall be submitted to the relevant local authority within the specific service area.

(3) Every developer, service provider, constructor, and road works contractor shall, request in writing, for maps showing the location of water works and facilities for that service area within fourteen days prior to commencement of any works.

(4) A local authority, water utility or service provider shall respond to a request, made in accordance with subsection (3), within Seven days of receipt of the request.

(5) A developer, constructor or road works contractor that does not comply with subsection (3) shall be deemed to have had notice of the

existence of the underground water works and facilities and shall be liable for any damage to such underground water works and facilities.

Prohibition of
Certain Activities
Relating to water
Works or
Facilities

100. (1) Any person who without authority: -

- (a) enters into a water works area or interfere in any way with the facilities of a water utility or service provider;
- (b) connects to a water transmission and distribution pipe;
- (c) interferes with any house connection or meter; or
- (d) connects to any sewer or sewerage system or, discharge liquid or solid matter into a sewerage system.

(2) A person who contravenes: -

- (a) paragraph (a) of subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding Three Hundred Thousand Naira or to imprisonment for a term not exceeding three years, or;
- (b) paragraphs (b), (c) and (d) of subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding Five Hundred Thousand Naira or to imprisonment for a term not exceeding Five years.

(3) A disconnection of an unauthorized connection to a facility shall be at the cost of the owner and any associated damage: or loss shall not be compensated by a water utility or service provider that effects the disconnection.

Rights over
Private Facilities

101. (1) Where a water supply or private sewerage installation on private property malfunctions and interferes or is likely to interfere with the proper functioning of a water supply system or sewerage system of a water utility or service provider or may be a threat to public safety, health or service delivery, the water utility or service provider shall

notify the owner or occupier of the property to rectify the problem in accordance with this Law and as prescribed by a relevant statutory instrument.

(2) If the owner or occupier of the private property referred to in subsection (1), does not comply with a notice, issued under subsection (1), within the time specified by the water utility or service provider, a representative or contractor of the water utility or service provider may enter into the private property and remedy the problem at the owner's or occupier's expense.

(3) a person authorized in writing by a water utility or service provider, may with a warrant, at a reasonable time and for purposes of this section and regulations issued under this Law, enter any premises on which there are facilities to: -

- (a) inspect the facilities in order to ascertain whether there is any waste leakage, obstruction or damage to a facility or meter therein;
- (b) regulate, repair or alter a facility or meter;
- (c) ascertain the amount of water used; or
- (d) disconnect the supply of water to premises or diminish, withhold, suspend, stop, turn off or divert the supply of water to other premises.

(4) A representative or contractor of a water utility or service provider authorized in writing by a water utility or service provider may, for purposes of this section, be accompanied and assisted by a police or other designated security officer.

Damaged Water
Networks or Facilities

102. (1) Where a person damages or causes damage, as a result of any water works, to a water network or facility, a water utility or service provider may, after due investigations, require the person found responsible for the damage, at the person's own expense, to: -

- (a) construct such additional water networks or facilities as are necessary to remedy the damage or prevent any recurrence of the damage; or
- (b) pay compensation for the damage caused to the water networks or facility.

Water Works to
Cause Minimum
Damage and
Compensation

103. (1) where water works are executed in accordance with this Part and as may be prescribed under statutory instrument, a water utility of service provider shall cause as little detriment and inconvenience and do as little damage as is possible to the property of an owner or occupier.

(2) A water utility or service provider who causes damage to the property of an owner or occupier shall make full compensation for the damage sustained as a result of the water works and, in default of agreement between the parties, the amount of compensation shall - be determined by arbitration.

Interference
with Water
Works

104. A person who interferes with, willfully or negligently misuses, wastes or causes to be interfered with, or allows to be misused or wasted, water passing into, through or upon premises that are near water works in contravention of this Law and regulations issued under this Law, commits an offence and shall be liable, on conviction, to a fine of Five Hundred Thousand Naira or to imprisonment for a term not exceeding five years.

PART XII- WATER SUPPLY AND SANITATION SERVICES

TRUST FUND

Water Service Trust Fund

105. (1) There is hereby established a Trust Fund for the water supply and sanitation services sector.

(2) The Fund shall be a body corporate with perpetual succession and a common seal and shall have power, in its corporate name, to sue and to be sued and, in the exercise and performance of its powers and functions under this Law.

(3) The Fund shall consist of such funds as may be: -

- (a) appropriated by Adamawa State House of Assembly for the purposes of the Fund;
- (b) received by the Fund from donations, grants and bequests from whatever source; and
- (c) payable to the Fund by or under any other written law.

Vesting and Administration of Funds

106. (1) The Fund shall vest in the Trustees and be administered by the Ministry of Water Resources in accordance with the guidelines issued by the Trustees.

(2) The Trustees shall ensure prudent controls are established for the Fund, especially relating to: -

- (a) fiscal controls and accounting procedures governing the Fund;
- (b) reporting procedures for matters relating to the Fund; and
- (c) investment of the monies of the Fund.

(3) Subject to Sub-Sections (1) and (4) the Fund shall be administered by a committee of nine members constituted by the Commissioner.

(4) The committee constituted, in accordance with subsection (2), shall consist of representatives from: -

- (a) the Ministries responsible for water resources, Ministry of housing, health, local Government, Justice and finance;
- (b) State Planning Commission;
- (c) the Commission;
- (d) a consumer association dealing with water supply and sanitation or sewerage matters.

Objectives of
the Fund

107. The objective of the Fund shall be to support: -

- (a) community level initiatives for the sustainable management of water supply and sanitation services;
- (b) development of water services in rural areas considered not to be commercially viable for provision of water services by licensees;
- (c) development of water services in the under-served poor small towns and urban areas; and
- (d) research activities in the area of water services, sewerage, sanitation and water borne hygiene issues.

Funds Manager
and Disbursement
of Funds

108. (1) The Trustees shall appoint a fund manager on such terms and conditions as it may determine.

(2) A fund manager, appointed in accordance with subsection (1), shall be responsible for the management of the Fund under the general directions of the Trustees constituted under this Part.

(3) The fund manager may disburse monies from the Fund to the rural Water Supply and Sanitation Agency, or service provider which makes an application to the Trust Fund for financial assistance, in accordance with this Law and the directions of the Trustees.

(4) The Trustees shall, before approving disbursement of monies from the Fund, determine the economic needs of the rural Water Supply and

Sanitation Agency, or service provider applying for financial assistance from the Fund, in accordance with criteria established by the Trustees.

Appointment
of Other Staff

109. The Fund may appoint such officers and other staff as may be necessary for the exercise and performance of its functions, upon such terms and conditions as the Trustees shall determine.

Financial Year,
Annual
Accounts and
Audits

110. (1) The financial year of the Fund shall be the period of months ending on 31st December in each year.

(2) The Trustees shall cause to be prepared proper books of account and a report relating to the activities of the Fund in every financial year.

(3) The audited account of the Fund and the report of the activities of the Fund shall be submitted to the Trustees for consideration and approval.

(4) The Trustees shall, not later than six months after the close of the financial year, submit to the Commissioner responsible for water resources a copy of the audited accounts of the Fund together with the report of the activities of the Fund for that financial year.

(5) The Commissioner shall, as soon as practicable after receiving the audited accounts and report submitted under subsection (4), lay them before the Adamawa State House of Assembly.

PART XIII- ENFORCEMENT AND GENERAL PROVISIONS

Appeals

111. (1) A person aggrieved with a decision of the Commission or Board of the Commission, where such appeal is specifically provided for under any other provision, may appeal to the Governor within Thirty-days after the date of receipt of the decision.

(2) The Governor may confirm, vary or set aside a decision of the Commission or Board of the Commission.

Enforcement
Practices

112. (1) The Commission shall issue an enforcement notice water utility or service provider where it is satisfied that the person is likely to contravene a provision this Law, any regulation issued under this Law or guideline, standard or directive issued by the Commission or any condition of a license.

(2) An enforcement notice issued in accordance with subsection (1), shall clearly state all relevant details of the notice including: -

- (a) the person addressed;
- (b) all issues including statistics and other financial information;
- (c) the documentation to be submitted to substantiate any information provided in the report; and
- (d) the provisions of this Law, guideline; standard or applicable legislation that has not been complied with;

(3) An enforcement notice issued in accordance with subsection (1), shall require a water utility, service provider or other person to comply with the notice, within a period specified by the Director-General or penalty imposed by the Commission as may be prescribed.

(4) A water utility service provider or other person who, willfully and unlawfully fails to comply with any enforcement notice issued under this section commits an offence and shall be liable, on conviction, to pay damages and effect repairs immediately.

Power to Establish
and Maintain
Easements

113. (1) A local authority, water utility or service provider may subject to the other provisions of this section and regulations issued by statutory instrument, establish easements in order to ensure that any

new development immediately adjacent to its facilities, both above and below ground, is secured.

(2) A local authority, water utility or service provider shall, before establishing an easement under subsection (1), serve on the owner or occupier of the land a notice of intention to establish the easement and the description of the path and nature of the easement provided the owner or occupier is resident or has a representative within Nigeria.

(3) If, within thirty days after the service of a notice in accordance with subsection (2), an objection has been received against such notice, the local authority, water utility or service provider may refer the matter to the Governor for a decision and the Governor may make such order as may be necessary in the particular circumstance:

Provided that any question as to an amount of compensation to be paid shall, for all damage sustained or likely to be sustained by the owner or occupier by reason or consequence of the exercise of such powers, be decided with any necessary modifications in accordance with Section 96.

Right of Entry

114. (1) When, a local authority, water utility or service provider uses land or has placed a facility in position in accordance with this Law or any regulations issued under this Law, the local authority, water utility or service provider shall have reasonable access to the land or facility for the purposes of carrying out its functions.

(2) When a water utility or service provider has acquired land or a right over land under another law relating to water, the provisions of subsection (1) shall apply, with the necessary modifications, to access such land, subject to the conditions applicable under the provisions of that Law.

Offences Relating
to Linking or
Diverting Water

115. (1) A person who unlawfully draws off, diverts or takes water from, or enters a water works commits an offence.

(2) A person who is convicted for an offence specified in subsection (1) shall be liable to a fine not exceeding Fifty-Thousand Naira or 3 months' imprisonment.

Offences Relating to
Bathing, Washing,
etc. in water Works

116. A person who: -

- (a) bathes in any part of a water works or water works area or in a vessel used by a water utility or service provider for supplying water from a public tap;
- (b) washes, throws or causes or permits to enter into a water works or any part of the water works or water works area or into any vessel used by a water utility or service provider for supplying water from a public tap, any animal, clothing, material or thing; or
- (c) wrongfully opens or closes a lock, cock, valve, sluice or manhole of a water works; commits an offence and shall be liable, on conviction, to a fine not exceeding, Fifty-Thousand Naira or three months' imprisonment.

Offences Relating
to Water Pollution
Illegal Structures
and Inhabitation

117. (1) Notwithstanding any other law a person who discharges or applies poisonous, toxic, eco-toxic, obnoxious or obstructing matter, radiation or other pollutant or permits another person to dump or discharge such matter or pollutant into water works commits an offence and shall be liable, on conviction, to a fine not exceed Five Hundred Thousand Naira or to imprisonment for a term not exceeding 5 years.

(2) Any person who, on or in any part of a water works, erects, inhabits, allows or causes to be erected whether of permanent or

temporary nature or who inhabits any cave, cavity, depression or hole in any part of the water works, except for part of the land which has been allocated under a right of occupancy, commits an offence and shall be liable, on conviction, to a fine not exceeding Thirty Thousand Naira or to imprisonment for a term not exceeding 2 years.

(3) Where a court convicts a person, in pursuance of subsection (1), (2) or (3), it may issue an order requiring: -

- (a) that person to remove an object or stop that person from doing an act or omission with respect to which an offence has been committed and the person shall comply with the order; and
- (b) the payment of such amount of money for remedying the damage or loss arising.

(4) Any Person who vandalizes any water facility by destroying the facility or any of its part commits an offense and is liable upon conviction to: -

- (a) restore, repair or replace the vandalized facility.
- (b) a fine not exceeding Thirty Thousand Naira or Six months' imprisonment.

Offences Relating to
Assaulting, Hindering
or Delaying Officials

118. (1) A person who assaults, threatens, resists, hinders, or delays, in any manner, an official or employee of a local authority, water utility or service provider in performing their functions under this Law commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand Naira or to imprisonment for a term not exceeding three years.

(2) Where an act or omission punishable under this Law can equally be punishable under another written law, the offender shall be proceeded

against and punished either under this Law or under such other law but shall not be liable to be punished twice for the same offence.

Offences by a
Body Corporate or
an Unincorporated
Body

119. Where an offence is committed by a body corporate or an unincorporated body, every Managing Director, chief executive officer or manager of the body corporate or unincorporated shall be liable on conviction, to the penalty provided for that offence, as if the Managing Director, chief executive officer or manager personally committed the offence, unless the Managing Director, chief executive officer or manager proves to the satisfaction of the court that the act constituting the offence was done without the knowledge, consent or connivance of the Managing Director, chief executive officer or manager or that the Managing Director, chief executive officer or manager took reasonable steps to prevent the commission of the offence.

General
Offences

120. (1) A person who: -

- (a) delays or obstructs the Director-General, an employee of the Commission or an appropriate authority in the performance of their functions under this Law;
- (b) refuses to give the Director-General, an employee of the Commission or an appropriate authority;
- (c) such reasonable assistance as the Director-General, an employee of the Commission or an appropriate authority may require for the purpose of exercising a power specified under this Law;
- (d) unreasonably delays or withholds information;
- (e) conceals or falsifies records:

- (f) willfully destroys records without lawful authority; or gives the Director-General, or an employee of the Commission or an appropriate authority false or misleading information in answer to an investigation; commits an offence and is liable, on conviction, to a fine of Fifty-Thousand naira or three months' imprisonment.
- (2) Any person who alters, causes or permits to be altered any pipeline, fittings or fountains of any waterworks leading to wastage of treated water without the consent of any treated water supply utility, commits an offence and shall be liable on conviction to a fine of N200,000.00 or to imprisonment for a term not exceeding 12 months.
- (3) Any person who alters, causes or permits to be altered, any pipeline, fittings, meters of 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, causes or permits to be damaged or altered any meter, commits an offence and shall be liable on conviction to a fine of N200,000.00 or to imprisonment for a term not exceeding 12 months.
- (4) (a) 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 water works of any water supply utility, commits an offence and shall be liable on conviction to a fine of N200,000.00 or to imprisonment for a term not exceeding 12 months and to

a further penalty of N10,000.00 for each day that the act or omission that constitutes the offence continues.

- (b) 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 the Commission, the Ministry responsible for water resources or any other relevant State Agency shall, in addition to the penalty specified in subsection (1) of this section, be liable to a further penalty of 45,000.00 for each day that the act or omission that constitutes the offence.

Admission of
Guilt

121. (1) Where evidence is available that would reasonably support the bringing of charges against a person for an offence the fine of which does not exceed Thirty Thousand Naira, and where that person admits, in writing, to the offence, the Director-General, may accept from that person: -

- (a) a sum of money together with all reasonable expenses that the local authority, water utility or service provider may have incurred in the inspection or taking of measures in connection with the offence; and
- (b) the payment of all tariffs, rates and charges which would have been due under this Law.

(2) The admission of an offence under this section shall be a bar to any further criminal proceedings in respect of that offence.

Administrative
Penalties

122. (1) The Commission may impose an administrative penalty, in form of a monetary payment, for the contravention of any directive, guideline or standard made pursuant to this Law or any condition of a license.

(2) Subject to the approval of the Board of the Commission, a water utility or service provider may impose monetary penalties for late payment or nonpayment of a tariff, rate or charge.

General
Penalties

123. (1) A person who contravenes a provision of this Law shall, if no penalty is specified or prescribed in respect of the offence, be liable on conviction, to a fine not exceeding Two Hundred Thousand Naira or to imprisonment for a period of 1 year.

(2) All fines and penalties levied by the commission shall be paid directly into the state Treasury and shall not be retained by the commission.

Regulations

124. (1) The Commissioner responsible for Water Resources may in consultation with the Board of the Commission, make regulations for the effective administration of this Law and shall issue regulations which may include: -

- (a) anything required to be prescribed by statutory instrument in accordance with this Law;
- (b) minimum service level indicators;
- (c) content of service level agreements;
- (d) activities to be conducted during disaster situations;
- (e) supply of drinking water;
- (f) frequency of sampling and installation of sampling points;
- (g) monitoring of drinking water quality;
- (h) quantity of water supplied;
- (i) water supply services in service areas; access, continuity, interruption, restriction, disconnection of water supply to consumers;
- (j) procedure for emergency lock offs;

- (k) installation of water meters, meter readings, billing and account status;
- (l) complaint handling related to billing system and poor quality of service;
- (m) reconnection of supply and compensation schemes;
- (n) publication of compliance and reporting of service levels;
- (o) dispute resolution;
- (p) procedure and process for tariff applications;
- (q) procedure for appointment, power and duties of a statutory manager;
- (r) corporate governance;
- (s) data collection and analysis;
- (t) format of annual reports; and
- (u) format of budget, quarterly financial reports and annual audited accounts.

(2) Without prejudice to the generality of subsection (1), the Commissioner may, in consultation with the Commissioners responsible for Local Government and the environment, make regulations governing the planning, design and construction of facilities and water works.

PART XIV- TRANSITIONAL POWERS

125. On the appointed date, reference in any written law of any other legal document to Adamawa State Water Board, Adamawa State Small Towns, and the Adamawa State Rural Water Supply and Sanitation Agency shall be read and construed as references to the bodies established and under sections 28, 45 and 63 of this Law.

126. (1) Subject to this Law, all property, rights and obligations which immediately before the appointed dates were the property, rights and obligations of the Boards of the Adamawa State Water Board and the Small Towns Water Supply and Sanitation Agency shall be vested in the Adamawa State Water Corporation and the Adamawa State Small Towns Water Supply and Sanitation corporation.

(2) Any assets, rights, liabilities and obligations of the Adamawa State Government are deemed to be transferred to the Adamawa State Water Corporation and the Adamawa State Water Supply and Sanitation Corporation in respect of which transfer, requires registration, the Adamawa State Water Corporation and the Adamawa State Water Supply and Sanitation Corporation shall make an application in writing to the appropriate registration authority for registration of the transfer.

127. (1) Without prejudice to the provisions in this Law on or after the appointed date, Boards of the Adamawa State Water Corporation and the Adamawa State Water Supply and Sanitation Corporation shall, on such terms and conditions as it may deem fit and with the approval of the Commissioner determine, appoint as officers of the Corporation such employees of, or public officers from, the previous Agencies as may be necessary for the performance of the functions of the Corporations.

(2) Where an officer from the Public Service is appointed to the service of the Corporations under Sub-Section (1):-

- (a) the terms and conditions of service with the Corporations shall not be less favorable than those the officer enjoyed in the Public Service; and

- (b) the officer shall be deemed to have retired under the relevant instrument dealing with retirements in the public service.

(3) On or after the appointed date employees of the Adamawa State Water Corporation and the Adamawa State Water Supply and Sanitation Corporation who are not engaged by the Corporations under subsection (2), shall be retained by the Adamawa State Government and shall: -

- (a) be re-deployed in the service of the Adamawa State Government; or
- (b) be retired under the relevant instrument dealing with retirements in the public service.

FIRST SCHEDULE

MEMBERSHIP AND PROCEDURE OF BOARDS, AND COMMITTEES

1. This Schedule applies to the Boards of: -
 - (a) Adamawa State Water Services Regulatory Commission;
 - (b) Adamawa State Water Corporation.

2. The Chairperson and members shall be identified for appointment through an open and competitive process.

3. Members shall be drawn from: -
 - (a) Representatives from the following Ministries;
 - (i) Water Resources;
 - (ii) Local Government;
 - (iii) Finance;
 - (iv) Justice;
 - (v) Environment;
 - (vi) Health;
 - (vii) Land and Survey.
 - (b) The private sector who possesses qualifications and proven experience in the following fields: -
 - (i) Water resource management;
 - (ii) Water engineering;
 - (iii) consumer protection;
 - (iv) trade and economy;
 - (v) Law;
 - (vi) social sciences;
 - (vii) environmental management;

- (viii) Business Administration;
- (ix) Water demand management and conservation;
- (x) economics and finance;
- (xi) community management structures;
- (xii) environmental matters;
- (xiii) Geo-science.

(c) A woman representing the female gender.

Terms and
Conditions of
Service

4. (1) The Chairperson and other members shall be part time and hold office for a term of four years and only be eligible for re- appointment for one additional term.

(2) In the absence of a Board and until such time a Board is constituted, the Governor or any person to whom he delegated the responsibility shall execute any document, exercise or perform any of the Powers or functions excluding the power to make regulations, provided that such period shall not exceed one year.

(3) A member may be appointed to act in the office of Chairperson during the illness or absence of the Chairperson, and a member so appointed shall have all the powers and be able to carry out all the functions of the Chairperson.

(4) An appointment under this paragraph may be made, and at any time revoked, by the person or body who appointed or elected the Chairperson.

Vacation of
Office

5. A member shall vacate his/her office and his/her office shall become vacant: -

- (a) one month after the date upon which he/she gives notice in writing to the Governor of his/her intention to resign; or
- (c) on the date he/she begins to serve a sentence of imprisonment imposed without the option of a fine: -
 - (i) in Nigeria, in respect of a crime involving dishonesty or fraud; or
 - (ii) outside Nigeria, in respect of an offence involving financial impropriety or any conduct which, if committed in Nigeria, would constitute an offence;
 - (iii) if he/she attends fewer than 75% of Board meetings in any one-year period without written reasons;
 - (iv) in the case of members who have professional qualifications, if the member is barred or suspended from his/her professional body; or
 - (v) if he or she becomes bankrupt; or
 - (vi) becomes of unsound mind or incapable of carrying out his duties;
 - (vii) he/she is guilty of serious misconduct in relation to his/her duties as a Board Member; and
 - (viii) a Board Member may also be removed on the resolution of the Board.

Meetings

6. (1) Subject to this Law, the Boards may regulate their own procedure.

(2) The Boards shall meet every quarter at such places and times as the Chairperson may determine, but the first meeting of the Board

shall be called by the Commissioner not later than one month after the commencement of this Law.

(3) The Chairperson may give not less than fourteen days' notice of a meeting of the Board, and if not less than two thirds so request in writing for the meeting notwithstanding subsection 3, an extra-ordinary meeting may be called upon giving a shorter notice.

(4) A quorum at a meeting of the Board shall be two-thirds of the designated number of members.

(5) The Chairperson shall preside at all meetings of the Board

(a) in the absence of the Chairperson, the Vice-Chairperson; or

(b) in the absence of both the Chairperson and the Vice-Chairperson, such member as the member's present shall elect for the purpose of that meeting only.

(6) A decision of the Board on any question shall be by a majority of the members present and by voting at the meeting and, in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to the deliberative vote.

7. The Board may invite any person whose presence is in its opinion, desirable to attend and participate in the deliberations of a meeting but that person shall have no right to vote.

8. The validity of any proceedings, act or decision of the Board shall not be affected by any vacancy in its, membership or by any defect in the appointment of any member or because any person not entitled to do so took part in the proceedings.

9. The Board shall instruct the Secretary to produce minutes of the proceedings of every meeting of the Board and of every meeting of any committee constituted by the Board.

Committees

10. (1) The Board may for the purpose of performing its functions under this Law constitute committees, the Chairperson of which shall be a Board Member, and may delegate to a committee any of its functions or the functions of the relevant Board.

(2) The Board may appoint as members of a committee established under subsection (1), persons who are or are not Board members and such persons shall hold office for such period as the Board may determine:

Provided that at least half of the members of a committee shall be members of the Board.

(3) Subject to any specific or general directions of the Board, any committee established under subsection (1), may regulate its own procedure.

Disclosure of Pecuniary

11. (1) If any person is present at a meeting of the Board or a committee at which any matter, in which that person is directly or indirectly interested in a private capacity, is the subject of consideration, that person shall, as soon as is practicable after commencement of the meeting, disclose that interest and shall not, unless the Board or the committee otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

(3) A person who contravenes subsection (1) commits an offence and shall be liable, upon conviction, to a fine not exceeding seven Hundred Thousand Naira, or to imprisonment for a term not exceeding Five years.

Prohibition of
Publication or
Disclosure of
Information to
Unauthorized
Persons

12. (1) A person shall not, without the consent in writing given by or on behalf of the Board, publish or disclose to any person, otherwise than in the course of that person's duties, the contents of any documents, communication or information whatsoever which relates to, and which has come to that person's knowledge in the course of that person's duties under this Law.

(2) A person who contravenes subsection (1) commits an offence and shall be liable, upon conviction, to a fine not exceeding seven Hundred Thousand Naira, or to imprisonment for a term not exceeding Five years.

(3) If any person having information which to that person's knowledge has been published or disclosed in contravention of subsection (1), unlawfully publishes or communicates any such information to any other person, that person shall be liable, upon conviction, to a fine not exceeding Six Hundred Thousand Naira, or to imprisonment for a term not exceeding Five years.

Exemption
from Action

13. An action or other proceeding shall not lie or be instituted against the member of staff of the Commission, Corporations, Agency, relevant Board Member, or a committee of the Board, or in respect of, any act or omission to be done in good faith in the exercise of performance of, or purported exercise or performance of, any of the powers, functions or duties conferred under this Law.

Remuneration
and
Allowances

14. There shall be paid to a member of the Board, a member of a committee such remuneration or allowances as may be determined by the Governor from time to time.

Annual Reports

15. (1) The Board shall cause to be prepared and submitted to the Commission and the Commissioner, within six months after the close of each financial year, or as the Adamawa State House of Assembly directs an annual report detailing generally the activities and operations of the Corporations, Agency or service provider during that year.

(2) The report, as specified in subsection (1), shall be accompanied by:-

- (a) a copy of the audited accounts of the Corporation, Agency, together with the auditor's statement on the accounts; and
- (b) such other information as the Commission or the Adamawa State House of Assembly may direct.

SECOND SCHEDULE

TRANSITION FROM RURAL TO SMALL TOWNS; SMALL TOWNS TO URBAN AREAS

1. The designated areas of operations of utilities and the Agency may from time to time require adjustment on account of increase in population.

2. In such instances the following shall take place: -

- (a) Rural Areas to Small Towns: -

- (i) when the population of rural areas goes beyond 5,000 people it ceases to be rural area and transforms into a Small Town Area.
- (ii) the ADSSTWSSC and ADSRUWSSA shall liaise and prepare transitional arrangements as prescribed.

Provided that the relevant WASHCOMs and the WCAs are provided reasonable notice of the transition.

(b) Small Towns to Urban Area: -

- (i) when the population of a Small Town increases beyond 20,000 it ceases to be a small town and transforms into an urban area.
- (ii) the ADSSTWSSC and ADSWC shall liaise and prepare transitional arrangements as prescribed.

Provided that the relevant Water Consumers Association are provided with reasonable notice of transition.

- (iii) Small Towns may require providing details of all appurtenances associated with the relevant water schemes/facilities.

This printed impression has been carefully compared by me with the Bill which has passed the House and found by me to be a true and correctly printed copy of the said Bill

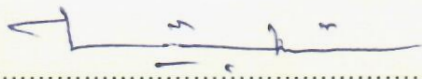
UMAR USMAN HAMIDU LALEH
Clerk to Adamawa State House of Assembly

I assent this 2nd day of OCT 2024

RT. HON. AHMADU UMARU FINTIRI
Governor,
Adamawa State of Nigeria

SCHEDULE OF BILL

SHORT TITLE	LONG TITLE	SUMMARY OF CONTENTS	DATE PASSED BY THE HOUSE
Adamawa State Water Supply and Sanitation Services Law, 2024	A Bill for a Law to provide for Adamawa State Water Supply and Sanitation Hygiene Services and for other matters incidental thereto.	The Bill seeks to provide for the State Water Supply and Sanitation Services, in which its application will be on Adamawa State Water Services Regulatory Commission, Adamawa State Water Corporation, Small Towns Water Supply and Sanitation Agency, Rural Water Supply and Sanitation Agency and Private Sector Participation and Service Providers.	20 th August, 2024



UMAR USMAN HAMIDU LALEH

Clerk to Adamawa State House of Assembly