

# Adamawa State of Nigeria Gazette

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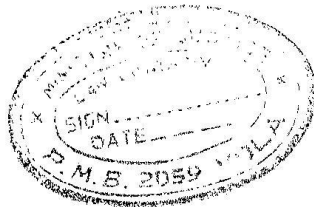
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*Adamawa State Notice No. 16*

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ADS. Edict No. 2 of 1996 -- Adamawa State Rural Water Supply and Environmental Sanitation Agency Edict 1996 - A3-A7



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ADAMAWA STATE RURAL WATER SUPPLY AND  
ENVIRONMENTAL SANITATION AGENCY EDICT 1996



**Adamawa State of Nigeria**  
Edict No.2 of 1996

(11th April, 1996)

Date of  
Commencement.

THE MILITARY ADMINISTRATOR OF ADAMAWA STATE OF  
NIGERIA hereby makes the following Edict -

1. This Edict may be cited as the Adamawa State Rural Water  
Supply and Environmental Sanitation Agency Edict, 1996 and shall be deemed  
to have come into force on the 11th day of April, 1996.

Short title and  
Commencement.

2. In this Edict unless the context otherwise requires -  
"Agency" means Adamawa State Rural Water Supply and Environmental  
Sanitation Agency established by Section 3;  
"Commissioner" means the Commissioner responsible for Water Resources  
and Rural Development;  
"Financial Year" means the twelve months ending on the 31st day of  
December in any year;  
"Government" means Government of Adamawa State;  
"Military Administrator" means the Military Administrator of the State;  
and  
"State" means Adamawa State of Nigeria.

Interpretation.

3. There is hereby established for the state a body to be known as the  
Adamawa State Rural Water Supply and Environmental Sanitation Agency.

Establishment of the  
Agency.

4. The Agency -

Agency to be Body  
Corporate.

- (a) is a body corporate;
- (b) shall have an official seal;
- (c) may acquire, hold and dispose off real and personal property; and
- (d) may sue and be sued in its corporate name.

5. The functions of the Agency shall be as follows -

Functions of Agency.

- (a) to enhance service levels for both Water Supply and Sanitation in the State;
- (b) to greatly reduce drudgery and work load of rural women and children;
- (c) to increase access to safe Water and Sanitary means of excreta disposal;
- (d) to improve programme sustainability;
- (e) to achieve impact in terms of improved sustained health of rural women and children, and impact in terms of capacity building and women

- (g) empowerment at Local and State levels;
- (g) to establish a programme of systems development and institutional capacity building; and
- (h) to significantly contribute to environmental issues, improve sustainable linkages with sister programmes, contribute to the reduction of diarrhoea disease and stimulate growth and development of communities and the economy.

Directions by Military Administrator.

6. The Military Administrator may give to the Agency directions of a general or special nature in the exercise of its functions under this Edict and the Agency shall comply with the directions.

Powers of Agency.

- 7. In the exercise of its functions, the Agency shall have the power -
  - (a) to send suitable persons for training in Water Supply and Environmental Sanitation Control System;
  - (b) construct any work for Water Supply or for Environmental Sanitation, on or in any land in the State; and
  - (c) to do anything that may lawfully be done to enhance its efficiency in the exercise of its functions.

Appointment of Programme Manager.

8. (1) There shall be for the Agency a Programme Manager who shall be the Chief Executive and be appointed by the Military Administrator.

(2) The person to be appointed the Programme Manager must have obtained sufficient qualification and experience in the field of Geology, Hydro-Geology or any of the Geo-Sciences.

(3) The Programme Manager shall be responsible for the day to day administration of the Agency.

Other Staff of Agency.

- 9. Without prejudice to the generality of subsection (1) of Section 8, the Agency shall have the power -
  - (a) to appoint such other staff as it may determine;
  - (b) to pay its staff such remuneration and allowances as it may, with the approval of the Commissioner, determine; and
  - (c) to pay in respect of any staff such pensions and gratuities as are payable to persons of equivalent grade in the Civil Service of the State.

Funds and Resources of Agency.

- 10. The sources of funds and resources of the Agency shall be -
  - (a) such sums or other property as may be advanced as loan, grant or shall appropriated to the Agency by the Government;
  - (b) such sums or other property whatsoever as may be advanced as loan or grant to the Agency by a Township, Local Government, Statutory Corporation, any Government, Agency or Institution of any such Government, an International Organisation, Private Foundation or any person whatsoever; and
  - (c) all other sums or property which may in any manner become payable to or vested in the Agency in respect of any matter incidental to its functions and powers under this Edict.

11. (1) The Agency may borrow sums required by it for meeting any of its obligations or discharging of its functions under this Edict.

Power to borrow  
money.

(2) The power of the Agency to borrow shall be exercisable only with the approval of the Military Administrator as to the amount of loan and the sources of the borrowing.

(3) The approval may be either general or limited to a particular borrowing, or subject to any conditions which the Military Administrator may impose.

**12. The Agency shall -**

Accounts and Audit.

- (a) Keep proper accounts of its transactions; and
- (b) Keep proper records relating to the accounts; and prepare, in respect of each financial year, a statement of accounts in a form prescribed by the State Auditor General.
- (c) The books and accounts of the Agency shall, within 3 months after the end of each financial year, be audited in accordance with Constitution of the Federal Republic of Nigeria 1979, as amended by the Constitution (Suspension and Modification) Decree 1986;
- (d) The Agency shall pay fees in respect of the audit to its External Auditors appointed by the State Auditor General who may provide guidelines on the level of fees to be paid to the External Auditors;
- (e) It shall be the duty of the Agency as soon as possible on receiving the External Auditors report under this Section, to forward a copy each to the State Auditor-General, the Commissioner and the Military Administrator;
- (f) The State Auditor-General may comment on the Agency's Annual Accounts and the External Auditor's report; and
- (g) Where the State Auditor General comments on the Annual Accounts and the External Auditor's report, he shall submit his comments to the Commissioner and the Military Administrator.

13. (1) Where after receiving a copy of the Auditor General's report the Commissioner is satisfied that -

Surcharge.

- (a) any sum due to the Agency has not been duly brought to account by any person by whom such sums ought to have been brought in to account; or
  - (b) a deficiency in the monies or destruction of the property of the Agency occurred by reason of the negligence, breach of official duty or other misconduct of any persons, the Commissioner may surcharge the amount of such loss or destruction of the property upon that person.
- (2) Before exercising his power under subsection (1), the Commissioner may by writing appoint a person to conduct an inquiry for the purpose of determining the cause or extent or value of deficiency, loss or destruction referred to in subsection (1).
- (3) If the Commissioner decides to surcharge any amount upon any person under subsection (1), he shall cause a notice to be served on that person

or his legal representative to pay the amount surcharged within such period as may be specified in the notice.

(4) Notwithstanding subsection (1) and (3), no liability to surcharge shall be incurred by any person who can prove to the satisfaction of the Commissioner that he acted in pursuance of, or in accordance with the terms of a resolution of the Agency, or any Committee duly appointed under this Edict.

14. Any amount notified as a surcharge under subsection (3) of Section 13 shall be sued for and recovered in any court of competent jurisdiction by the Agency with full cost of action from the person upon whom the amount is surcharged as a debt due to the Agency.

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

(2) For the purpose of subsection (1), the Agency shall -  
(a) grant pensions, gratuities or other benefits to any of the officers or employees of the Agency and their dependants and may require such officers or employees to contribute to any pension or contributory scheme;

(b) grant loans to any of the officers or employees of the Agency for such purposes as the Agency may approve; and  
(c) provide welfare facilities to its officers or employees.

(3) The Agency shall make regulations to give effect to the Section.

16. The Agency may sue or be sued in its corporate name provided that -

(a) no suit against the Agency or any servant or employee of the Agency for any act done in pursuance of any of the functions of the Agency or in respect of any alleged neglect or default in the execution of such function shall lie or be instituted in any court unless it is commenced within 12 months next after the act, neglect or default complained of or in the case of continuing damage or injury within 12 months next after the ceasing thereof; and

(b) no suit shall be commenced against the Agency until one month at least after a written notice of intention to commence the same shall have been served upon the Agency by the intending Plaintiff or his agent; and such notice shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending Plaintiff and the relief which he claims.

17. Any person who is -

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

18. (1) The Agency shall, as soon as possible after the expiration of each financial year but within the first quarter after the termination of that

Recovery of  
Surcharge.

Contribution Scheme  
for Officers and  
Employees of  
Agency.

Action by or against  
Agency.

Appeal against  
Surcharge and  
Compensation.

Annual Report.

year, cause to be submitted to the Military Administrator an Annual Report of the Agency dealing generally with the activities and operations of the Agency within that year which shall, without prejudice to the generality of the foregoing, include -

- (a) a copy of the audited accounts of the Agency;
- (b) a statement of all the directions given to the Agency under Section 6 of this Edict;
- (c) report submitted by the External Auditors under Section 12 of this Edict in relation to that financial year; and
- (d) such other information as the Military Administrator may request.

(2) A copy of the Annual Report shall be forwarded by the Agency to the Commissioner.

19. (1) The Agency shall give financial and material support to communities who through their Village Unions or other organisations embark on constructing boreholes, wells, dams or any work for the provision of potable drinking water or any such construction works for the purpose of environmental sanitation.

Support to  
Communities.

(2) For the purposes of subsection (1) a village or any other organisation may impose levies on members or its community to raise funds for any construction work and may organise communal labour for such construction work.

MADE at Yola this 11th day of April, 1996.

COMMISSIONER OF POLICE MUSTAPHA ISMAIL  
*Military Administrator  
Adamawa State of Nigeria*

**EXPLANATORY NOTE**

*(This note does not form part of this Edict and has no legal effect but it is intended to explain its purpose).*

The purpose of this Edict is to establish an Agency for Rural Water Supply and Environmental Sanitation in Adamawa State.