

CHAPTER 150

WATER CORPORATION LAW

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## CHAPTER 150

## WATER CORPORATIONS LAW

**A Law to make provisions for a body to develop, provide, conserve and distribute water in the State, and for connected matters.**

[3rd February, 1976]

E.C.S. 17 of  
1973, 15 and  
29 of 1984;  
A.S. 16 of  
1978, 16 of  
1982 and 5 of  
1985.

## Part 1.—Preliminary

1. This Law may be cited as the Anambra State Water Corporation Law. Citation.

2. In this Law—

Interpretation.

“appropriate authority” means the Ministry or Department of the State Government for the time being charged with responsibility for matters relating to water supply;

“authorized undertaker” means any person or body of persons to whom an annual license is granted by the Corporation to carry out any of the functions of the Corporation or to sink a well or bore-hole or to operate any other private waterworks or device by which any of the function of the Corporation under this Law is carried out;

“Chairman” means chairman of the Board;

“Commissioner” means the State Commissioner charged with responsibility for matters relating to water supply;

“the Corporation” means the Anambra State Water Corporation established by section 3 of this Law;

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

“dwelling house” means any premises used wholly or mainly for the purposes of private dwelling, with or without any garage, out-house, garden, forecourt or other appurtenances belonging thereto or usually enjoyed therewith;

- "Executive Council" means the Executive Council of Anambra State;  
"functions" includes powers and duties;  
"General Manager" means the General Manager of the Corporation;  
"Government" means the Government of Anambra State;  
"Governor" means the Governor of the State;  
"industrial purpose" means a purposes relating to the establishment or operation of any industry or commercial enterprise;  
"member" in relating to the Board includes the Chairman;  
"meter" means any appliance used for measuring, ascertaining or regulating the amount of water taken or used from any waterworks by means of any service or any orifice, guage or other appliance used in estimating the flow of water in or from any part of any waterworks;  
"non-domestic supply" means any water supply from any waterworks used for the purpose of, or in carrying on, any trade, business or manufacture, or for watering field or gardens cultivated or occupied as a means of percuniary profit, or for the private fountains, or for any ornamental purpose, or for the supply of ponds or tanks, or for laundries or public wash-house or public baths, vessels, ships, boats or machinery; and also water used or consumed by any person resident in, or occupying, any premises where a non-domestic supply is given, or any water taken or used from any waterworks for the use of any Government or Local Government or a department thereof;  
"occupier" in relation to a tenement means the person other than a lodger therein, who is in occupation of the whole or of any part of the tenement;  
"owner" in a relation to a tenement includes the holder of a tenement direct from the State whether under a certificate of occupancy, licence or otherwise;  
"public fountain" means any fountain, standpipe, valve, tap or appliance used or intended to be used for or in connection with the supply of water to the public from any waterworks, and vested in or erected and owned by the Corporation;  
"service" means all pipes, valves, cisterns, cocks, fittings, and other appliances (excepting any meter) by or through which water flows or is intended to flow from any waterworks or which are or may be used for the purpose of supplying any tenement from the waterworks and being the property of the owner or occupier of such tenement;  
"State" means Anambra State of Nigeria;  
"street" includes any square, court, highway, road, public passage or place

over which the public have a right of way, whether a thoroughfare or not;

"tenement" means land with or without buildings thereon which is held or occupied as a distinct or separate holding or tenancy, or any wharf or pier;

"waterworks" means all reservoirs, dams, weirs, tanks, cisterns, tunnels, treatment plant, conduits, aqueducts, mains, pipes, fountains, sluices, valves, pumps, engines, or other source of supply and all other structures or appliances used or constructed for the storage, conveyance, supply, measurement or regulations of water which are vested in the Corporation by virtue of this Law, or are acquired by the Corporation or erected, used or constructed by or on behalf of the Corporation and are the property of the Corporation.

## Part 2.—ESTABLISHMENT, FUNCTIONS AND POWERS OF THE CORPORATION

3. There is hereby established a body to be known as the Anambra State Water Corporation which shall be a body Corporate with perpetual succession and a common seal and with power to sue or be used in its corporate name and to acquire, hold and dispose of moveable and immovable property.

Establishment  
of the Corporation.

4. (1) The function of the Corporation shall be to develop, provide, conserve and distribute in the State water for public, domestic and industrial purposes;

Functions of  
the Corporation.

(2) For the purpose of carrying out the functions set out in subsection (1) of this section, the Corporation shall have power-

- (a) to prepare all plans necessary for the maintenance and development of its undertakings;
- (b) to construct, reconstruct, operate and maintain waterworks, stations, buildings, and other works necessary for the discharge of its functions under this Law;
- (c) to carry any water-pipe along, through, across or under any street, but in so doing the relevant regulations of the competent authorities shall be complied with;
- (d) after giving a reasonable notice in writing to the owner or occupier

thereof, to carry any water-pipe into, through or under any land, without paying any compensation in respect thereof, but making good any damage done to such land;

- (e) to abstract water from any lake, river, stream or other natural water sources within the State, and by arrangement with the authorities concerned, from any other waters in or outside the State but in accordance with the provisions of any law or Act in that respect;
- (f) from time to time, to examine any surface or underground waters within the State for the purpose of determining what, if any, pollution exists and the cause thereof and, by arrangement with the authorities concerned, to do likewise with respect to other waters in accordance with the provisions of any law or Act in that respect;
- (g) to construct public fountains in any street or other public place;
- (h) at any time between the hours of six o'clock in the morning and six o'clock in the evening or, in a case of emergency, at any other time, to enter into or upon any tenement or land into or upon which any service has been laid or any water from any waterworks flows in order to—
  - (i) inspect any service and ascertain any wastage, leakage, obstruction or damage to any service or meter therein and anything in connection therewith; or
  - (ii) ascertain the amount of water taken or used therein; or
  - (iii) disconnect the supply of water thereto or diminish, withhold or divert the supply of water thereto through or by means of any service, either wholly or in part;
- (i) to diminish, withhold, suspend, stop, turn off or divert the supply of water through or by means of any service or public fountain either wholly or in part whenever the Corporation thinks it necessary or proper so to do, and without prejudice to any liability to pay any water rate, meter rent or other sums due or to become due under this Law.
- (j) to enter into such contracts as may be necessary, advantageous or expedient for the performance of its functions under this Law, including contracts for the construction or extension of waterworks or for the bulk supply of materials;
- (k) to acquire, purchase, lease, hold, construct manufacture or maintain any property whatsoever whether movable or immovable, as the case may be, required for or in connection with the performance of its functions and to sell, dispose of or otherwise deal with such property or any part thereof;

- (l) to enter into any agreement with any person for the supply, construction, manufacture, maintenance or repair by that person, of any property whether movable or immovable, which is necessary or appropriate for the purposes of the Corporation;
- (m) to do anything for the purpose of advancing the skill of persons employed by the Corporation, including the provision of facilities for training, education and research; or for securing the efficient running of the service and waterworks of the Corporation; or for improving the manner in which the same are operated;
- (n) to accept or acquire and hold any security;
- (o) to surrender, re-transfer or reconvey any security held by the Corporation whether upon exchange for another security or upon discharge;
- (p) in relation to any security held by the Corporation, to exercise any power, right or privilege in respect thereof in the like manner as a private individual would be capable of exercising in like circumstances;
- (q) to invest money standing to its credit and not, for the time being, required for its purposes under this Law, in lands, buildings, housing estates, shares, debentures or other securities whatsoever approved by the Board and to sell such buildings, stock, shares, debentures or other securities;
- (r) to enter into any commitments, agreements or other arrangements in respect of the provision, distribution, supply or sale of water;
- (s) to insure its property against all forms of risks;
- (t) to conduct researches relative to water supply, sewage and connected subjects;
- (u) to determine adequate fees or charges and effective method for collection thereof for water supply and to collect such fees or charges, so however that any such fees or charges shall be approved by the Executive Council;
- (v) to set up standards relative to water supply in collaboration with the Federal Ministry for the time being charged with responsibility for water; and
- (w) to manufacture or otherwise acquire, distribute and/or sell within the State, meters for use by any person, authority, company, or body (incorporate or unincorporate) whether in respect of the waterworks of the Corporation or any other waterworks in the State.

Establishment  
of the Board.

5. (1) There is hereby established for the Corporation a Board to be known as the Board of the Anambra State Water Corporation which shall consist of the Chairman and not more than four other members all of whom shall be appointed by the Governor, on such terms and conditions as he deems fit.

(2) The Board shall be the governing body of the Corporation and shall in that capacity—

(a) exercise all the functions of the Corporation; and

(b) do or carry out all acts or things which the Corporation is, by this Law, or may, by any other law, be required to do or carry out.

Delegation of  
functions.

6. (1) The Board may delegate to any person or persons such of its functions under this Law, as the Board thinks may be more conveniently dealt with by such person or persons so as to enhance the efficient conduct of the affairs of the Corporation.

(2) Notwithstanding the provisions of subsection (1) of this section, the Board may delegate its functions of collecting water rates and charge or other revenue to a Local Government in whose area of authority such rates, charges or revenue are payable.

Members of  
Board.

7. (1) Subject to the pleasure of the Governor a member shall hold office for such period not exceeding three years as may be specified in the instrument or letter by which he is appointed:  
Provided that every such member shall be eligible for reappointment.

(2) Notwithstanding anything contained in the instrument or letter by which he is appointed, a member of the Board other than an *ex officio* member may resign his appointment by writing under his hand addressed to the Governor and upon receipt by the Governor of the letter of resignation the appointment of the member shall determine.

Remuneration  
of members of  
Board.

8. The Corporation may pay to the members of the Board other than *ex officio* members such remuneration or allowances as may be prescribed by the Government.

Meetings of  
the Board.

9. (1) The Board shall hold meetings as and when the need arises; provided that there shall be at least four meetings of the Board in any one year.

(2) All meetings of the Board shall be summoned at the direction of the Chairman, or at the request in writing of three members of the Board.

(3) Every meeting of the Board shall be presided over by the Chairman, but in his absence or incapacity, the members present shall elect from among their number one person to preside at the meeting and the person so elected shall have all the powers and privileges of the Chairman for that meeting.

(4) The quorum at a meeting of the Board shall be the chairman and at least one other member.

(5) The Board may make standing orders regulating its procedure.

(6) The Board may co-opt any person to be a member for such meeting or meetings as may be required and such person while co-opted shall have all the rights and privileges of a member save that he shall not be entitled to vote upon any question.

10. The validity of any act or proceeding of the Board shall not be affected by any vacancy among members thereof, or by reason that some person who was not entitled to do so took part therein. Effect of Vacancy in membership.

11. The affixing of the seal of the Corporation shall be authenticated by the signatures of the General Manager or some other member of the Board authorized, either generally or specifically, by the Board to act in his stead for the purpose, and of the Secretary to the Board or some other person authorized, either generally or specifically, by the Board to act in his stead for the purpose. Common seal.

12. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Board by any person generally or specifically authorized by it for that purpose. Contracts not requiring a seal.

13. Any document purporting to be duly executed under the seal of the Corporation shall in any court be evidence and shall be deemed to be so executed unless the contrary is shown. Proof of documents..

Appointment  
and functions  
of general  
manager.

14. (1) The Board may with the approval of the Governor, appoint a fit and suitable person to be the General Manager of the Corporation.

(2) The General Manager shall—

- (a) be responsible for carrying out the policy decisions of the Board and for the co-ordination and direction of all functions of the departments of the Corporation;
- (b) be responsible for the proper management of all the business of the Corporation, the up-keep and preservation of all properties of the Corporation, as well as the overall supervision of staff matters.

(3) The General Manager shall carry out such functions as may be delegated to him by the Board from time to time.

(4) The General Manager shall set up a Management Committee which shall consist of the Corporation's heads of divisions or departments, which shall advise him in the discharge of his duties.

(5) The General Manager shall attend meetings of the Board.

Secretary .

15. (1) The Board shall appoint a suitable person to be Secretary of the Corporation who shall act as Secretary to the Board.

(2) It shall be the duty of the Secretary to—

- (a) conduct the correspondence of the Board and keep the record of such correspondence;
- (b) take and keep record of the proceedings of the Board;
- (c) take charge of and keep the seal of the Corporation;
- (d) perform such other duties as the Board or the General Manager may assign to him.

Advisory  
water  
committee.

16. (1) The Commissioner may set up, in every urban place and in such other places as he may, on the advice of the Board consider necessary, a committee which shall be known as advisory water committee.

(2) Members of an advisory water committee may include persons who represent engineering, business, educational, commercial and industrial interests as well as the representatives of local communities and landlords including tenants.

(3) Subject to subsection (2), an advisory water committee shall consist of a Chairman who shall be a person in the public service of the State serving in the area and not less than three nor more than seven other members, all of whom shall be appointed on part-time basis by the Commissioner.

(4) An advisory water committee shall be the link between the Board and the locality served by the committee, and it shall be the duty of the committee to—

- (a) carry out a survey of water supply including the existing consumption of and demand for water in its area of authority as well as carry out a survey of the water resources in or available for the area;
- (b) prepare an estimate of the future water-supply requirements of the area;
- (c) formulate proposals for meeting the existing or future water-supply requirements of that area;
- (d) advise the Board and any body having representation in the Committee on the preparation and co-ordination of schemes relating to water-supply;
- (e) furnish the Commissioner, the Board and the body mentioned in paragraph (d) with such information relating to water-supply in its area or water resources in or available for its area as the committee may reasonably be required to furnish;
- (f) ensure the maintenance of regular water-supply in its area of authority;
- (g) supervise the collection of water rates or charges in its area of authority.

(5) The Chairman of an advisory water Committee shall preside at all meetings of the committee at which he is present; and in event of his absence at any meeting, the members present shall elect one of their number to preside at such meeting.

(6) The chairman of the Committee shall call a meeting of the Committee at such times and at such places as he shall determine, provided that not more than one meeting may be held in any month.

(7) The quorum of an advisory water committee is three.

(8) An advisory water committee may make standing orders regulating its proceedings.

(9) An advisory water committee may co-opt any person to be a member for such meeting or meetings as may be required and such person while so co-opted shall have the rights and privileges of except that he shall not be entitled to vote upon any question.

Directions of  
the Commi-  
ssioner.

17. (1) The Commissioner may give the Board directions of a general character or relating generally to particular matters (but not relating to any individual) with regard to the exercise by the Board of its functions under this Law, and it shall be the duty of the Board to comply with such directions.

(2) The Board shall furnish the Commissioner with such information and returns relating to the activities or proposed activities of the Board or of other bodies by whom activities are carried on with the Board or of other bodies by whom activities are carried on with the assistance of or in association with the Board (being information which is in the possession of the Board or can be obtained by it with reasonable facility or being returns giving such information) as the Commissioner may from time to time require, and shall afford to the Commissioner, facilities for the verification of information furnished by it in such manner and at such times as he may require.

### PART 3.—ADMINISTRATIVE ORGANIZATION

Power to  
engage staff.

18. (1) Subject to the provisions of this Law, the Board may—

- (a) appoint such persons to be officers and servants of the Corporation as it may consider necessary and shall determine their salaries, emoluments and conditions of service;
- (b) grant or guarantee loans to such officers and servants for such purposes as it may approve.

(2) The service under the Corporation shall be public service for pension purposes within the meaning of Pensions Ordinance 1951 as adapted by Pension Law (Cap. 92 Laws of Eastern Nigeria 1963).

### PART 4.—SUPPLY OF WATER AND CHARGES

Charge for  
water supply.

19. Subject to the provisions of this Law, charges for the supply of water shall as far as possible be levied in respect of water actually supplied by the Corporation.

20. (1) The Corporation may—

- (a) purchase water in bulk and may resell such water either in bulk or by direct distribution to consumers;
- (b) grant to an authorized undertaker licence to carry out any of the functions of the Corporation:

Purchase and  
resale of  
water.

Provided that water supplied by the Corporation shall not be resold by any person or persons without licence from the Corporation, unless such water is repurchased by the Corporation.

21. (1) The Corporation may, subject to regulations made under section 48 of this Law supply water through any service to any tenement upon an application in that behalf by or on behalf of the owner thereof.

Service to  
tenements.

(2) The Corporation may refuse to supply water to any tenement otherwise than by a meter installed and kept in repair by the Corporation.

(3) The owner of a tenement to which water is supplied by meter shall pay monthly to the Corporation the amount due as the charge for water consumed and as rent for the meter installed.

(4) The Corporation shall, as soon as may be convenient after the end of each month, notify the owner of a tenement supplied with water of the amount due from him as the charge for water consumed and as rent for the meter installed, and the total amount payable shall be paid by such owner within fourteen days of the service upon him of such notice.

(5) The Corporation may, in the case of a person who fails to pay an amount due and payable by him under subsection (4) of this section within the time set out therein—

- (a) disconnect the service to the tenement; and
- (b) by civil action in a court of law recover the amount together with the expenses of disconnecting the service.

22. The Corporation may, on the application of a consumer or other person on his behalf, inspect and test, in accordance with the provisions of this Law, any pipes, fittings appliances or apparatus laid, fitted, installed or otherwise constructed in the consumer's premises by a person other than an

Inspection of  
works.

employee or agent of the Corporation, whether during the work of installation at the consumer's premises or after the completion of such work:

Provided that the Corporation shall not by virtue of such inspection and test—

- (a) be answerable to such owner for the efficiency or safety of the pipes, fittings, appliance or apparatus so tested, or for the proper execution of the works of installation; or
- (b) be liable for any damage or loss arising out of the use or misuse of such pipes, fittings, appliances or apparatus by the consumer or any person other than an employee of the Corporation.

Entitlement to supply.

23. Except as otherwise provided by the Law, where the Corporation provides a supply of water in any part of any area for private purposes, any person within that part of the area shall, upon application to the Corporation, be entitled to a supply of water on the same term on which other persons in that part of the area are entitled under similar circumstances to a corresponding supply.

Expenses of necessary alterations.

24. (1) Where in the exercise by any person or any function conferred by any law an alteration in any part of any waterworks or distribution system vested in or otherwise belonging to the Corporation becomes necessary, the Corporation shall, upon reasonable notice given to it by that person or authority, make such alteration; and may recover the expenses of the alteration from such person or authority.

(2) In the case of dispute as to the amount of the expenses of any alteration carried out under subsection (1) of this section, the dispute may be referred by the person or authority to an arbitrator appointed by the appropriate authority.

Continuity of supply.

25. The Corporation shall as far as possible maintain a continuity of supply, but shall in so doing have the right to—

- (a) suspend the supply of water in any area for such period as may be necessary for carrying out any inspection, test, repair, alteration or for making any new connection; or
- (b) suspend or discontinue any supply where payment of any charges for any supply by the Corporation is in arrears.

26. (1) Subject to the provisions of this Law, the Corporation may make charges for water supplied by it at such rate and scale as it may, from time to time, determine.

Rates and scales of charges for water.

(2) The rates and scales of charges fixed by the Corporation for water sold in bulk or direct to consumers, and for services rendered by the Corporation, shall be such as to ensure that the revenue derived every year from such sales and services, together with its revenue for that year from other sources, will be sufficient as nearly as may be to meet-

- (a) the working expenses of the Corporation;
  - (b) any payment that the Corporation may make in respect of interest on, or repayment of, any sum borrowed by the Corporation; and
  - (c) any sums that the Corporation may deem proper to set aside in that year for general reserve, extensions, renewals, depreciation, loans and other like purposes.
- (3) Charges for water or services may, if the Corporation thinks fit, be fixed at different rates and scales for different localities.

(4) Subject to section 36 of this Law all consumers of water supplied by the Corporation shall be liable to pay water rates or charges.

27. The Corporation may carry out any supply of water which it has a function to make under this Law, by means of a meter or by any other system.

Use of meter.

#### PART 5.—FINANCIAL PROVISIONS

28. The funds and resources of the Corporation shall consist of—

Funds of the Corporation.

- (a) all sums, investments or other property whatsoever vested in the Corporation by or under this Law;
- (b) such sums or other property whatsoever as may from time to time be made available to the Corporation by way of loan or grant by-
  - (i) the Government;
  - (ii) a Local Government;
  - (iii) the Government of the Federation of Nigeria;
  - (iv) the Government of any other State in Nigeria;
  - (v) any organization or body;
  - (vi) a private foundation;

- (vii) any Bank in Nigeria;
- (viii) any person or persons whatsoever; or
- (ix) any Corporation or institution established by Federal or a State Government;
- (c) any investments or other property whatsoever acquired by or vested in the Corporation and money earned or arising from such investments or property;
- (d) all other sums (including water charges) or other property whatsoever which may, under this Law, or by virtue of the provisions of any other law or arrangement, become payable to or vested in the Corporation in respect of its functions or of any matter incidental thereto.

Power to  
Borrow.

29. The Corporation may with approval of the Commissioner in writing borrow money required for meeting any of its obligations or discharging, any of its functions; and may, with the like approval, charge, or mortgage, or otherwise deal with, any or all of its assets for the purpose of securing any money borrowed by the Corporation.

Guarantee by  
Government  
of loan to the  
Corporation.

30. The Government may guarantee in such manner and on such conditions as it may think fit the payment of the principal and interest of any money borrowed by the Corporation under this Law.

Accounts and  
audits.

31. (1) The Corporation shall keep proper accounts of its transactions.

(2) The Accounts of the Corporation shall be audited by the State Director of Audit.

Annual  
reports.

32. (1) As soon as may be after the end of each financial year the Corporation shall forward to the Governor a full report of its operations during the preceeding year together with a certified copy of the audited accounts of the Corporation.

(2) The accounts of the Corporation together with the auditor's report thereon shall be laid before the Public Accounts Committee.

## PART 6.—TRANSFER OF WATERWORKS

33. (1) All waterworks which are used or have been constructed by or on behalf of the appropriate authority and the property of the appropriate authority immediately before the date of commencement of this Law (hereinafter referred to as transferred waterworks) together with all works and other property, assets, powers, rights, obligations and privileges appertaining thereto or enjoyed or subsisting in connection therewith, shall upon the commencement of this Law, vest in the Corporation by virtue of this section and without further assurance.

Transfer of  
water works.

(2) A deed, bond, agreement, instrument or working arrangement, to which the Government was party for the construction or otherwise in respect of any transferred waterworks, shall, subject to the provisions of this section and unless the circumstances otherwise require, have effect as from the commencement of this Law as if—

- (a) the Corporation had been party thereto;
- (b) for any reference therein to the Government there were substituted, as respects anything falling to be done on or after the date of commencement of this Law, a reference to the Corporation.

(3) The appropriate authority shall, at the request of the Corporation, prepare and deliver to the Corporation particulars of any waterworks including works or other properties, assets, rights, obligations, powers or privilege vested in the Corporation by the provisions of this Law.

(4) Nothing in this section shall be construed as purporting to derogate from the provisions of any Law or Decree relating to the transfer or vesting of any class of property, right or liability, and such measures as may be necessary in accordance with those provisions shall be taken to ensure the vesting of such property, right and liability in the Corporation either upon the commencement of this Law or so soon thereafter as may be, and upon such vesting the provisions of this section relating to the consequences of the vesting of property, rights and liabilities shall have effect accordingly.

(5) In this section "property" includes buildings and appurtenances, stocks of fuel, spare parts, accessories, stores, materials, investments, funds, loans, and accounts receivable, claims and liens.

Corporation  
to own all  
mains, etc.

34. All pipes and fittings which form part of the distribution system, except those used to carry water direct to consumers with private connections shall be deemed to be the property of the Corporation.

#### PART 7.—GENERAL

Restriction on  
dealings with  
immovable  
property.

35. The Corporation shall not, without the approval in writing of the Commissioner take steps for the alienation, mortgage, charge or demise of any immovable property which has been vested in the Corporation under any provisions of this Law.

Abstraction of  
water by  
authorities.

36 (1) Nothing in this Law, shall preclude the fire authority from abstracting water, for the purpose of the prevention or control of fire, from any public fountain, service or waterworks of the Corporation.

(2) No charge shall be made for water supplied by the Corporation under subsection (1) of this section.

(3) The Corporation may, at the request of or after consultation with the fire authority, provide at any convenient or suitable places within the area of operation of the Corporation any main, pipe, valve, service or other waterworks which may be required by the fire authority in the discharge of its functions to prevent or control fire.

(4) No charge shall be made by the Corporation for any work done or service rendered under the provision of subsection (3) of this section but all materials required for the work or service shall be paid for by the fire authority.

(5) In this section "fire authority" means the department of the Government responsible for the fire services of the State, and also the body of firemen established and maintained by such department of Government.

#### PART 8.—OFFENCES

Damage to  
water works.

37. (1) A person who—

- (a) wilfully or negligently damages any waterworks or services connected therewith; or
- (b) unlawfully diverts water from the same or from any stream or water by which any waterworks are supplied; or

(c) pollutes any such water or allows any foul liquid, gas, or other noxious or injurious matters to enter into any waterworks or any services connected therewith; or

(d) obstructs the Corporation in carrying out its water extension project or prevents it or its agents from carrying out its functions or services under this Law or incites other persons so to do;

is guilty of an offence and liable, on conviction, to a fine of five hundred naira or, in default of payment, imprisonment for six months, and to a further sum of one hundred naira for each day that the offence is continued after such conviction:

Provided that where the charge is in respect of damage to waterworks or services connected therewith, such damage shall be replaced or repaired by the Corporation at the expense of such person and the cost of replacing or repairing thereof may be recovered from the person by civil action.

(2) Any person who draws off or takes water from any waterworks or services connected therewith or from any stream or water by which any waterworks are supplied is guilty of an offence and liable on conviction to a fine of twenty-five naira or, in default of payment, imprisonment for one month.

(3) A person who wilfully or negligently misuses or wastes, or causes or allows to be misused or wasted, any water passing into, through, upon or near any tenement or land from any waterworks is guilty of an offence and liable on conviction to a fine of twenty-five naira or, in default of payment, imprisonment for one month.

38. A person who—

(a) alters or causes or permits to be altered any service with intent either to—

Fraudulent measurement of water.

- (i) avoid accurate measurement of water by means of any meter; or
- (ii) obtain a greater supply of water than he is entitled to; or
- (iii) avoid payment for such water; or

(b) alters or causes or permits to be altered any service contrary to any regulations made under this Law; or

(c) wilfully or negligently damages any meter;

is guilty of an offence and liable, on conviction, to a fine of five hundred naira or, in default of payment, imprisonment for six months; and any service so altered or meter so damaged shall be replaced or repaired by the Corporation at the expense of such person and the cost of replacing or repairing any such service may be recovered from the person by civil action.

Bathing,  
washing.

39. A person who—

- (a) bathes in any part of the waterworks; or
- (b) washes, throws, or causes to enter therein, any horse, dog, goat, pig or other animal or any bird, or any clothing material or anything whatsoever; or
- (c) unlawfully opens or closes any lock, cock, valve, sluice or manhole belonging to or forming part of, the waterworks; or
- (d) causes nuisance by the accumulation on any premises occupied by the Corporation of any earth or excavated material or any foul, noisome or injurious matter and fails to remove such nuisance after a notice from the Corporation requiring him to do so;

is guilty of an offence and liable, on conviction, to a fine of one hundred naira or, in default of payment, imprisonment for one month.

Incitement  
against  
payment of  
rates or  
charges.

40. A person who, without lawful justification or excuse, the proof of which shall lie on him, incites any other person to refuse to pay any charges payable by the other person by virtue of this Law is guilty of an offence and liable, on conviction, to a fine to two hundred naira or, imprisonment for two months or to both such fine and imprisonment.

Non-payment  
of water rates  
or charges.

41. A person who, without lawful justification or excuse the proof of which shall lie on him, fails or refuses to pay any rate or charge payable by him by virtue of this Law is guilty of an offence and liable on conviction to a fine of two hundred naira or imprisonment for two months or to both such fine and imprisonment.

## PART 9.—LEGAL PROCEEDINGS

42. Neither the Corporation nor the Board nor a servant or employee of the Corporation shall be liable in any civil action or proceeding for any damage suffered by riparian owners as a result of any abstraction of water where such abstraction is made under the provisions of this Law.

Indemnity of  
the corpo-  
ration.

43. (1) No suit against the Corporation or any servant of the Corporation for any act done in pursuance of this Law or in execution or intended execution of any duty or function under this Law, or in respect of any alleged neglect or default in the execution of such law, duty or authority, shall lie or be instituted in any court unless it is commenced within twelve months next after the act, neglect or default complained of or, in the case of a continuance of damage or injury, within twelve months next after the ceasing thereof.

Limitation of  
suits against  
the  
corporation.

(2) No suit shall be commenced against the Corporation until one month at least written notice of intention to commence the same shall have been served upon the Corporation by the intending plaintiff or his agents; 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.

44. The notice referred to in section 43 and any summons, notice or other document required or authorized to be served upon the Corporation under the provisions of this Law or any other law may, unless in any case there is express provisions to the contrary, be served by delivering the same to the Secretary, or other person appointed by the Corporation for that purpose, or by sending it by registered post addressed to the Secretary or to that other person at the principal office of the Corporation.

Service of  
documents.

45. In any suit against the Corporation no execution or attachment or process in the nature thereof shall be issued against the Corporation, but any sum of money which may by the judgment of the court be awarded against the Corporation shall, subject to any direction given by the court where notice of appeal has been given by the Corporation in respect of the said

Restriction on  
execution.

judgment, be paid by the Corporation from the funds of the Corporations.

Represent-  
tation of the  
corporation.

46. (1) In any suit by or against the Corporation, the Corporation may be represented at any stage of the proceedings by—

- (a) any servant of the Corporation who shall satisfy the court that he is duly authorized in writing by the General Manager in that behalf; or
- (b) a legal practitioner or a law officer

(2) In this part "suit" includes action or any civil proceeding commenced by writ of summons or in such other manner as may be prescribed by rules of court but does not include a criminal proceeding.

#### PART 10.—MISCELLANEOUS

Relation with  
other  
authorities.

47. The Corporation shall have preference over other authorities in the use of water resources for public, domestic or industrial purposes and if any doubt exists as to the expression "public, domestic or industrial purposes" such doubt shall be resolved by the Governor whose decision shall be final.

Regulations.

48. The Corporation may with the approval of the Commissioner make regulations—

- (a) relating to such matters as in its opinion are necessary for the proper execution of the provisions of this Law; or
- (b) for the conditions of service of the staff of the Corporation.