



ANAMBRA STATE OF NIGERIA
2015, NO.

A Law to establish the Anambra State Asset Holding Company, the Anambra State Small Town Water and Sanitation Agency, The Rural Water and Sanitation Agency, the Regulatory Commission and the Roles of Government and the Private sector, and for other matters connected therewith

The House of Assembly of Anambra State ENACTS as follows:

PART I – FUNDAMENTAL PRINCIPLES AND OBJECTIVES

*Citation and
Commencement*

1. This Law may be cited as the Anambra State Water Supply and Sanitation Law, 2015, and shall come into force on the 2nd day of June, 2015.

Interpretation.

2. In this Law, unless the context otherwise requires:
“**abstraction**” in relation to water contained in any source of supply, means the doing of anything whereby any of that water is removed from that source of supply, whether temporarily or permanently, including anything whereby the water is so removed for the purpose of being transferred to another source of supply and “abstract” shall be construed accordingly;
“**appropriate local government**” means any Local Government Council having jurisdiction over a specific area for the purpose of this Law;
“**authorized officer**” means any member of Staff of any institution established pursuant to this Law duly authorized in writing by such institution, and shall include an officer of the WCA or WASHCOM ;
“**basic water supply**” means the prescribed minimum standard of water supply services necessary for the reliable supply of a sufficient quantity and quality of water to households, including informal households, to support life and hygiene, as specified from time to time by the Commission;
“**board**” means the Board of any of the institutions created under this Law;
“**chairman**” means the Chairman of any of the Boards established pursuant to the relevant sections of this Law;
“**commission**” means the Anambra State Water Services Regulatory Commission;
“**constitution**” means the Constitution of the Federal Republic of Nigeria;

“consumer” means any person who is supplied with water and includes any person who applied to be supplied with water from any waterworks or any person who otherwise uses water and is liable for the payment of water rates, rents or charges but does not deliver or resell the service to others including an end user in an informal settlement;

“contravention” includes a failure to comply;

“distribution system” means any operator’s networks or mains, pipes, pumping stations and service reservoirs through which water is conveyed to customers;

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

“drain” means any pipe or channel, etc, conveying only surface water or subsoil water or both and which is below ground level;

“essential service” includes Hospitals, fire services, orphanages, public schools and other consumers as may be prescribed by the Commission;

“emergency situation” means any situation declared as such by the Governor or as may be declared by the head of the bodies or institutions created under this Law in the exercise of the functions and duties of such bodies or institution;

“federal ministry” means the relevant Ministry established by the Federal Government;

“financial year” means the period prescribed as such in the financial Regulations and Laws of the State;

“fire authority” means any Authority or body of firemen duly constituted, organized or established under any enactment or Law by the Federal, State or local Government;

“functions” includes objectives and duties;

“federal government” means the Government of the Federal Republic of Nigeria;

“gazette” means the official gazette of the Anambra State Government;

“governor” means the Governor of Anambra State of Nigeria;

“ground water” means water from underground sources;

“house of assembly” means the Anambra State House of Assembly;

“integrated water resources management” means the principles of integrated water resources management namely a process which promotes the co-ordinated development and management of water, land and related resources;

“information” includes anything contained in any record, estimate or returns;

“leakage” means the loss of water from the water service Provider distribution system or from parts of service pipes for which customers are responsible;

“LGA” means Local Government Area;

“manhole” means any chamber constructed on a closed drain so as to provide access thereto for inspection and cleaning;

“new water services assets” means the water services assets not yet in existence;

“meter” includes any appliance used for measuring ascertaining or regulating the volume of water taken, used, or discharged from any waterwork by means of any service;

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

“member” means a member of any of the Boards created under this Law and shall include the Chairman;

“state ministry or ministry” means the ministry established by the Anambra State Government of Nigeria;

“national water laws and policies” means all applicable Federal Water Laws and Regulations, the National Water Policy and guidelines prescribed by Federal Ministries;

“national water policy” means The Policy of the Federal Government on water supply, Sanitation and Hygiene and water resources as may be formulated, approved and adopted from time to time;

“occupier” in relation to a premises means the person in occupation of the whole or any part of such premises, but does not include a lodger or squatter;

“owner” includes the person for the time being receiving the rent of the tenement in respect of which the water is used whether on his own account or as agent or trustee of any other person or who would receive the rent if such tenement were to be let to a tenant and includes the holder of a tenement from the Governor whether under lease, license or otherwise;

“permit” shall mean the certificate to be issued by the Commission stating the information that may be required as the Commission shall determine;

“person” means an individual, corporate entity, limited liability company, partnership duly registered under the Companies and Allied Matters Act, or a natural person as defined under the Interpretation Act;

“pollution” means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water;

“public fountain” means any fountain, standpipe, valve, tap of any appliance used or intended to be used for or in connection with the supply of water to the public from any water works and vested in or erected by the Corporation, the STOWA, RUWASSA or WSP and which is the property thereof;

“premises” means land with buildings or a distinct or separate holding or tenancy or any wharf or pier, or any tract of land used for any purpose;

“prescribed” means prescribed by Regulation;

“private sector participant” means a corporate entity, limited liability company, partnership or individual that provides any service or undertakes any activity in the water and sanitation services sector either by agreement or Licence from Government who has not been prohibited from undertaking such activity by Regulations prescribed by the Commission;

private sector participation agreement means an agreement between a public Sector Agency or body created in this Law and a private Sector participant to undertake any activity for the delivery of water or sanitation services on behalf of such Public Agency or body in accordance with the provisions of this Law or any other relevant Law;

“records” include computer records and other records kept otherwise than in a document;

“relevant authority” means any Governmental Ministry or any other body, which is competent to address matters within its powers;

“relevant state ministry” means the relevant Ministry of the State including the Water Resources Ministry, Ministry of Health, or the Ministry of Environment, or other ministry as applicable;

“state” means the Anambra State of Nigeria;

“state government” means the Government of Anambra State of Nigeria;

“state information system” means the system for the collection of information pertaining to Water Services to be created and maintained in accordance with this Law;

“state water agencies” mean the Anambra State Water Corporation, Anambra State Small Towns Water and Sanitation Agency, the Rural Water Supply and Sanitation Agency, Wastewater and Sewerage management Authority;

“sanitation” means excreta and sewage disposal, Urban drainages, industrial liquid discharge and other liquid pollutants;

“sanitation services” means the collection, removal, disposal or purification of human excreta, domestic waste water, sewage as well as effluent, resulting from the use of water for commercial purposes;

“state water laws and policies” means this Law, all other relevant Laws, all Regulations including Orders and Guidelines issued by the Commission pursuant to this Law, and all WSS Policies in the State;

“state-wide water services development plan” means the State-wide Water Sector Development Plan including the aggregate investment plan created by the Ministry and approved by the State Executive Council in accordance with of this Law;

“substance” includes microorganisms and any natural or artificial substance or other matter, whether it is in solid or liquid form of gas or vapor;

“tariffs” means the charges for Water Services and/or water-related services set in accordance with this Law;

“treated water” means water treated for domestic purposes;

“water consumer associations” means associations or groups created under this Law in small towns to own, operate and manage water schemes in such areas;

“water services” means the abstraction, conveyance, treatment and distribution of potable water; water intended to be converted to potable water or water for commercial use, where such water is provided to Consumers or other Water Services Providers, wastewater collection, treatment and disposal, and sanitation services;

“water service intermediary” means a Private Sector Participant who is obliged to provide Water Services to consumers under terms of a contract where the obligation to provide such Water Services is incidental to the main object of that contract, including, without limitation under a contract relating to a housing estate or under an employment contract with a farm, mine or other industry;

“water services provider” means the State Water Agencies acting in that capacity and any other Person who provides water Services to Consumers or other Water Services Providers with or without the responsibility to collect any Tariffs that may be due and includes a Water Services Intermediary;

“water service regulatory functions” means the prescribing of Rules, Orders and Regulations for the provision of Water Services, granting of Water Service Provider Licences and other functions of the State Water Regulatory Commission in accordance with this Law;

“water quality standards” means the health, environment, and sanitation standards relating to the quality of drinking water consistent with the National Drinking Water Quality Standards developed by the Federal Ministry of Health and the Standards Organisation of Nigeria as may be amended from time to time;

“water works” means a reservoir, dam, well, pump house, borehole, pumping installation, purification work, sewage treatment plant, sewers, access road, dedicated electric power supply, pipeline, meter, fitting or apparatus built, installed or used by a Water Services Provider to provide water services; and

“water services provider licenses” means the licence issued pursuant to this Law granting a Person rights to provide Water Services within a jurisdiction i.e., the geographic areas specified therein and shall include a permit in accordance with Regulations or Guidelines issued by the Commission.

Objectives.

3. The main objectives of this Law are to provide for:
 - (a) the right of access to basic water supply and the right to basic sanitation necessary to secure sufficient water and an environment not harmful to human health or well-being;
 - (b) the setting of standards and norms for service provision and standards for tariffs in respect of water services;
 - (c) the preparation and adoption of water services development plans by the Ministry responsible for water resources in accordance with this Law;
 - (d) a regulatory framework for water services institutions and other water services providers;
 - (e) the establishment of State water supply service delivery Agencies, their powers and duties,
 - (f) the formulation, monitoring and review of the Anambra State WASH Policy for the water supply and sanitation Sector,
 - (g) the coordination of intervention in water and Sanitation delivery by Federal, State and Local Governments as well as other non- governmental Agencies and bodies;

- (h) the gathering and dissemination of information in a state information system
- (i) the accountability of water services providers;
- (j) the promotion of effective water resource management and conservation particularly for water within the constitutional authority of the State;
- (k) 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 master plan and this law.

*Directive principles
for water supply and
sanitation services
delivery in the State.*

4. (1) The principles and implementation responsibilities set out in this section shall be regarded by every Ministry, Department and Agencies of government as well as the Water Supply Service Providers, and other Non-governmental Agencies and Organizations as being fundamental to every activity undertaken within the State Water Supply and Sanitation Services Sector. These principles are as follows;
- (a) water resources within the State are a common good belonging to all residents of the State;
 - (b) within the context of an Integrated Water Resources Management (IWRM) approach to managing the water resources, the government recognizes water as a social good, an economic good, as well as an environmental good;
 - (c) everyone has a right of access to basic water and sanitation which right takes precedence over supply for any other uses;
 - (d) ensuring the affordability of water supply and sanitation services for the low income and poor sections of the populace by the development of mechanisms to ensure access to basic water and sanitation services through cross subsidies as well as targeted and justifiable government subsidies;
 - (e) the Ministry responsible for water resources and every water service Institution and water service provider must provide for measures to realize these rights in their Water Sector Development Plans as well as in their operations;
 - (f) the government recognizes the role of the Private sector in water resources and sanitation development, and shall create necessary enablement for the participation of the private sector in the delivery of water and sanitation services;
 - (g) publicly owned water and sanitation infrastructure and assets shall be held in trust for the people by the State Government and shall be vested in public water utilities established pursuant to this law. Such assets may be granted to non-governmental private water service providers for the purpose of service provision in public

- private partnership arrangements, other than absolute divestitures as may be approved by the State government;
- (h) the public water utilities shall be managed as commercial enterprises- free from political interference, autonomous in its managerial, financial, technical and personnel functions to ensure effective operation and maintenance and assure cost recovery;
 - (i) water and sanitation management and development shall be based on participatory approach, involving users, planners and policy makers at all levels. Decisions should be made at the lowest appropriate level in accordance with the provisions of this law;
 - (j) women and men shall be equitably represented in all water and sanitation decision making organs at the state, local, and community levels;
 - (k) all water providers in the State shall produce potable water that meets quality standards issued by the ASWRC (Anambra State Water Services Regulatory Commission) based on the Nigerian Standards for Drinking Water Quality as issued and amended by the Standards Organization of Nigeria and the Federal Ministry of Health from time to time;
 - (l) the Government shall develop investment plans for the development of water and sanitation infrastructure for the Sector and shall make provisions for necessary funds for such investments in accordance with the state water sector development plans, the state development plans and the state economic plans;
 - (m) the State Government shall, through the Ministry responsible for water resources, implement the short, medium and long term goals for the Sector as articulated in the State Water and Sanitation Policy and Sector Strategy including periodic policy development and review, institutional reform, capacity building, and creation of necessary enabling environment for Sector development;
 - (n) emphasis shall be on conflict prevention and management in the Sector to assure water and food security as well as reliability and sustainability of service through appropriate regulatory mechanisms;
 - (o) the State shall ensure that the organizational responsibility for policy formulation and sector coordination, water service provision, and sector regulation shall be clearly separated and vested in individual institutions;
 - (p) the regulatory agency shall be independent, autonomous, and free from political interference;
 - (q) water supply service provision in the State shall be along the lines of urban water supply, small towns

- water supply and rural water supply for improved access and coverage to the citizens of the State;
- (r) water infrastructure and assets in the urban areas shall be vested in the State Urban Water Assets Holding Corporation (*SUWAHC*), which shall engage the private sector for the operation of any of such assets for water supply service delivery and for the performance of any of its statutory functions subject to the approval of the Governor in accordance with this law;
 - (s) water infrastructure and assets in the small towns shall be vested in the Small Towns Water and Sanitation Agency (*STOWASA*) which shall transfer ownership of same to the WCAs (Water Consumer Associations) formed in the areas served by the Water Service Scheme;
 - (t) rural communities shall have ownership of water supply and sanitation assets at the rural level while the State agency responsible for rural areas shall provide technical assistance and advisory services for design, construction, operation and maintenance in accordance with this law;
 - (u) cost recovery and affordability shall be the focus of water service provision for all water service institutions and providers in the State;
- (2) The rights mentioned in this section are subject to the limitations contained in this law.

PART II - URBAN WATER SUPPLY SERVICES FRAMEWORK

*Establishment of
the Anambra State
Urban Water Supply Asset
Holdings Corporation.*

5. (1) There is established a body to be known as the Anambra State Urban Water Asset Holdings Corporation (hereinafter referred to as "the Corporation").
- (2) The Corporation shall-
- (a) be a body corporate with perpetual succession and a common seal;
 - (b) have power to sue and be sued in its corporate name;
 - (c) be capable to acquire, hold and dispose of movable and immovable property for the purpose of its functions and objects; and
 - (d) have its head office in Awka or such other location in the State as may be approved by the Governor
- (3) All existing and new State owned water infrastructures and assets in the urban areas in the State are hereby vested in the Corporation in furtherance of section 4(1) (r) of this law.

*The Board of
the Corporation.*

6. There shall be for the Corporation a Governing Board (referred to in this law as “the Board”) which shall be responsible for the attainment of the objects of the Corporation, the implementation of the State Water Policy, as well as general supervision of the affairs of the Corporation and such other functions conferred upon it by any other provisions of this law.

*Composition of
the Board.*

7. (1) The Board shall consist of the following members-
- (a) a Chairman;
 - (b) a Managing Director who shall be the Chief Executive Officer; and
 - (c) three other members, at least one of whom shall be a woman.
- (2) A person shall not be appointed as a member of the Board unless such a person possesses a minimum of ten years cognate experience at senior management level in either a public or private sector organization.
- (3) The Chairman and other members of the Board shall be appointed by the Governor.

*Remuneration of
the Board.*

8. Members of the Board shall be paid such remuneration and allowances as the Governor may from time to time determine.

*Tenure of office
of Members .*

9. Subject to any other terms and conditions as may be stipulated in their letters of appointment, the Chairman and members of the Board shall hold office for a term of three years and may be reappointed for another term of three years and no more.

Vacation of office.

10. (1) Notwithstanding the provisions of Section 9 of this Law, a member shall vacate his office and his office shall become vacant if:
- (a) he gives one month notice in writing to the Governor of his intention to resign;
 - (b) he is convicted of any crime involving dishonesty or fraud by a court of competent jurisdiction;
 - (c) he attains the age of 70 years;
 - (d) he attends fewer than 75% of the Board 's meetings in a year;
 - (e) he is barred from practicing his profession by any professional body to which he belongs;
 - (f) he becomes bankrupt;
 - (g) he becomes of unsound mind or incapable of carrying out his duties; or
 - (h) he is guilty of serious misconduct with relation to his duties as a member of the Board.

*Functions of the
Governing Board.*

11. The functions of the Governing Board are as follows:
- (a) making strategic decisions on the activities and mandate of the Corporation;

- (b) reviewing and approving the Corporation's business plans, budget and performance;
- (c) approving pre-qualified Private Sector Participants in accordance with this Law and any other applicable Law.
- (d) monitoring the implementation of the State WASH Policy as it affects water supply and sanitation in its areas of operation.;
- (e) ensuring compliance with regulations and standards set by the Commission;
- (f) approving and monitoring the implementation of the Corporation's water services development plan;
- (g) proposing urban water tariffs for the approval of the Commission;
- (h) taking all steps to ensure that in the discharge of their duties, the Board does not engage in activities which prejudice, unduly influence, coerce or subvert the normal legal, commercial and financial activities of the Corporation; and
- (i) undertaking any other business which may be considered necessary by the Board in pursuance of the Corporation's functions as provided in this Law.

*Proceedings of
the Board.*

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

Disclosure.

13. (1) If a member:
- (a) acquires or holds a direct or indirect pecuniary interest in any matter that is under consideration by the Board;

- (b) owns any property or has a right in property or a direct or indirect pecuniary interest in a company or association of persons which results in the member's private interests coming or appearing to come into conflict with his functions as a member; or
- (c) knows or has reason to believe that a relative of the member has acquired or hold a direct or indirect pecuniary interest in any matter that is under consideration by the Board, or owns any property or has a right in property or a direct or indirect pecuniary interest in a company or association of persons which results in the member's private interests coming or appearing to come into conflict with his functions as a member, or if for any reason the private interests of a member come into conflict with his functions as a member, the member shall forthwith disclose the fact to the Board.

- (2) A member referred to in subsection (1) shall take no part in the consideration or discussion of, or vote on, any question before the Board which relates to any contract, right, immovable property or interest referred to in that subsection.
- (3) Any member who contravenes subsections (1) and (2) of this section commits an offence and is liable to fine of N100,000 or two years imprisonment or both
- (4) If a member referred to in this section takes part in the consideration of a matter in which his private interests are in conflict with his function as a member, the other members may subsequently ratify any such decision or action.

Filling of vacancy.

- 14. If a member of the Board dies, resigns, retires, becomes disqualified or is removed from office, the Governor may appoint a person to fill the vacancy so occasioned and the person so appointed shall be appointed in the same manner as, and for the remainder of the term of office of, the member whose death, resignation, retirement, disqualification or removal occasioned the vacancy.

Powers of the Corporation.

- 15. (1) The Corporation shall, subject to the provisions of this Law, have power for the purpose of carrying out its functions, to:
 - (a) manage the water services assets, investments and liabilities of the Anambra State Water Corporation existing prior to the coming into force of this law;
 - (b) prepare development plans for the maintenance and development of water services assets in the urban areas in consultation with the Ministry in charge of Water Resources, other relevant water sector institutions, stakeholders, and the private sector for input into the State Water Sector Development Plan;

- (c) acquire, purchase, lease, hold, construct, manufacture, maintain, or insure any property forming part of the water services assets, whether movable or immovable, required for or in connection with the performance of its functions and sell, lease, concede, dispose or otherwise deal with such property or any part thereof;
- (d) undertake any land acquisition procedure necessary for the performance of its functions in accordance with all applicable laws;
- (e) identify and implement projects for the provision of water services which may be undertaken with private sector participation pursuant to consultation with the relevant authorities, in order to fulfill the water service obligations of the Corporation and in accordance with the regulations of the Commission;
- (f) enter into a Private Sector Participation (PSP) agreement with any person, company or body, including a wholly owned government operating company for the provision of water supply services;
- (g) procure water abstraction rights from the relevant authorities and may assign such rights under any PSP agreements;
- (h) accept or acquire and hold any securities of any kind in any form whatsoever;
- (i) in relation to any securities held by the corporation, exercise any power, rights or privilege in respect thereof;
- (j) make, draw, accept or endorse negotiable instruments;
- (k) invest money standing to its credit and not for the time being required for its immediate need, in stocks, shares, debentures or other securities whatsoever approved by the board, and sell such stocks, shares, debentures or other securities;
- (l) insure its properties against all forms of risks;
- (m) write off bad debts with the approval of the Board;
- (n) raise financing or borrow money by issuing debentures or other securities in any other manner in connection with the exercise of its functions;
- (o) carry out any of its functions under this law, either alone or by the formation or incorporation of wholly owned state limited liability companies as subsidiaries;
- (p) assign any of its properties, movable or immovable to a wholly owned corporate subsidiaries for the purpose of carrying out any functions under this law;
- (q) engage on a competitive basis, from time to time, such consultants and advisers and other service providers as are necessary or expedient for the performance of its function; and

- (r) do all such other things as the Board considers incidental to or conducive to the attainment of any of the corporation's functions under this law.
- (2) The Corporation may delegate in writing, any power vested in it by or under this law.
- (3) The Board shall furnish to the Ministry responsible for water resources and the Commission information and returns relating to:
 - (a) all the activities of the Board;
 - (b) any PSP arrangements or agreements or relating to other companies, persons and bodies by whom activities are carried out by the Board;
 - (c) information as the Commissioner may from time to time require.

Functions.

- 16. (a) The Corporation shall enter into agreements with private operator(s) for the purpose of utilizing the assets of the Corporation for the delivery of water supply services to the residents in the urban areas of the State;
- (b) Identify and implement water projects for the provision of water services which shall be undertaken with private sector participation, in order to fulfill the water services obligation of the State, in the urban areas;
- (d) monitor and verify compliance by private sector participants with any project agreement;
- (e) procure water abstract rights for the purpose of abstracting water from any lake, stream, river or any other natural sources forming part of state water, and to do likewise in respect of other waters by arrangement with the appropriate authority under and in accordance with provisions of any existing law in that behalf and assign such rights to PSP in furtherance of any Project Agreement;
- (f) ensure that the activities of the Corporation and any PSP contractors meet with standards set by the State Regulatory Commission;
- (g) ensure that the Corporation remains socially responsible in the performance of its functions under the law; and
- (h) prepare development and investment plans for the urban water supply sector in consultation with the Ministry in charge of water resources, the PSP operators in the urban areas as well as the consumers and other stakeholders for input into the state water sector development plans of the Ministry.

STAFF OF THE CORPORATION:**The Managing
Director.**

- 17. (1) There shall be appointed by the Governor an officer of the Corporation to be known as the Managing Director who shall be subject to the general direction of the Board and shall:

- (a) be the Chief Executive and Chief Accounting Officer of the Corporation (referred to in this law as "the MD");
 - (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; and
 - (c) perform such other duties as the Board of the Corporation may from time to time direct.
- (2) The MD/CEO shall:-
- (a) be appointed by the Governor on the recommendation of the Board;
 - (b) be a person with a professional qualification in either Engineering, Geological Sciences, and the Physical Sciences, or other relevant discipline who are registered with the professional bodies where such bodies exist and shall have held a senior management position for a minimum of ten years in a public or private organization; and
 - (c) be appointed pursuant to a performance based contract for a term of 4 (four) years which may be renewable upon considerations of the improved financial, managerial, operational, and other relevant indices of the Corporation.
- (3) A report shall be submitted by the Managing Director to the Board on a quarterly basis as an assessment of the performance of the Managing Director which shall also include a proposed action plan which report shall be further submitted by the Board to the Governor.

*Administration of
the Corporation.*

18. The MD shall be assisted in the performance of his duties by General Managers in charge of:
- (a) administration;
 - (b) operation and maintenance;
 - (c) commercial;
 - (d) projects and planning;
 - (e) finance and supply; and
 - (f) such other departments as the Board may deem necessary.

*The Secretary/
Legal Adviser.*

19. (1) There shall be a Secretary and Legal Adviser (referred to in this law as "the Secretary") to the Board who shall be responsible to the MD and shall assist the Board and the MD in the discharge of their functions under this law.
- (2) The Secretary shall be a Legal Practitioner with a minimum of 10 years post-call experience and shall be the Head of the Legal Department.

*The functions of
the Secretary.*

20. The Secretary shall perform the following functions:
- (a) organize and take minutes of the meetings of the Board;
 - (b) keep the seal and records of the Corporation and conduct correspondence of the Board ;
 - (c) arrange for payment of fees and allowances of meetings and all other matters affecting members of the Board;
 - (d) communicate policy decisions at Board meetings to affected Departments;
 - (e) render necessary advice on compliance with Laws, rules and regulations affecting the Corporation;
 - (f) keep custody of copies of Asset Register, Financial and Annual Reports of the Corporation; and
 - (g) perform all other duties as the Board or the MD/CEO may from time to time direct.

*Other staff of the
Corporation.*

21. (1) The Corporation may appoint such number of staff and other employees as it may from time to time 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 Corporation may determine generally the Terms and Conditions of Service of the staff and other employees which shall include:
- (a) conditions for the appointment, promotion, termination and dismissal of staff and other employees; and
 - (b) procedures for Appeals by employees against dismissal or termination or other disciplinary measures:
PROVIDED that until such conditions of service are made, any instrument relating to the conditions of service in the Public Service of the State shall be applicable, with such modifications as may be necessary, to staff and employees of the Corporation.
- (3) The Board may determine the salaries and emoluments of the staff and other employees of the Corporation which shall not be lower than that applicable to staff and other employees of the same cadre in the state civil service.
- (4) It is hereby declared that Service in the Corporation shall be an approved Service under the provision of the relevant State Pensions Law and accordingly, staff and other employees of the Corporation shall be entitled to Pensions, gratuities and other retirement Benefits as prescribed under such Law.
- (5) Without prejudice to the provisions of subsection (4) of this Section, nothing in this Law shall prevent the appointment of any person to any office on terms which preclude the grant of pension, gratuity or other retirement benefits with respect to that office.

FINANCIAL PROVISIONS:

- Funds and resources of the corporation.* 22. (1) The funds and resources of the Corporation shall consist of:
- (a) all sums, investments or other property vested in the Corporation by virtue of the provisions of this Law;
 - (b) such sums or other property as may from time to time be advanced by way of loans or grants to the Corporation by any Federal, State, or Local Government, any international organization, and private foundation or any person whatsoever;
 - (c) any investments or other property whatsoever acquired by the Corporation;
 - (d) all other sums such as water rates, water services charges, or otherwise or other property whatsoever which may become payable to or vested in the Corporation in respect of its powers and duties or of any other incidental matter under this law or any other law and;
 - (e) any money allocated to the Corporation under the State Government budgetary allocation or such other money as may from time to time accrue to the Corporation.
- (2) The Corporation shall ensure that its funds and resources are adequate to meet the operating expenses, depreciation charges, debt servicing requirements and such percentage of its annual capital expenditure requirements as may be determined by the Governor and any shortfall may be provided as a loan by the State government to the Corporation upon terms as the Governor may determine to ensure that the Corporation continues to provide water supply services to the consumers.
- Bank account.* 23. The Corporation shall operate bank accounts for its funds with reputable banks and the signatories to the accounts shall be the Managing Director and the Head of Accounts, or in their absence any other person authorized by the Board.
- Application of the Corporation's Funds.* 24. (1) The following charges shall be defrayed out of the funds of the Corporation for any financial year:
- (a) the remuneration and allowances of the members of the governing body and those of any committees of the Corporation;
 - (b) the salaries, remuneration, fees, allowances, pensions and gratuities of the staff, agents, technical and other advisers or consultants of the Corporation;
 - (c) all expenses of the operation and management of the Corporation and its water-works and other properties including proper provision for depreciation, wear and tear or renewal of assets;
 - (d) such minor works of a capital nature as the Corporation may deem necessary from time to time;

- (e) such sums including compensation that may be payable by the Corporation to any person or authority by virtue of the provisions of this Law or any other enactment;
- (f) taxes, rates and other levies payable by the Corporation under any law;
- (g) interest on loans raised by and on behalf of the Corporation;
- (i) sums required to be transferred to any sinking fund or otherwise set aside for the purpose of making provision for the capital investments, redemption of investments in the Corporation or other securities or the repayment of other loans; and
- (j) such other sums as the Board may approve for payment out of the funds of the Corporation in respect of any financial year.

Special Reserve Fund. 25.

- (1) The Corporation, with the approval of the Governor, shall establish and maintain a Special Reserve Fund in a separate account into which shall be paid the following:
 - (a) 2% of the revenue of the Corporation for any financial year; and
 - (b) such money as the Governor may from time to time direct from any sources;
- (2) The Special Reserve Fund shall be used for emergency and urgent needs of the Corporation relating to the rendering of urgent and essential services as the Corporation may from time to time authorize subject to the approval of the Governor:

Provided that where the fund is used to meet State or National water related emergencies, the Government shall make arrangements to replace such amount upon application by the Corporation.

***Loans and grants 26.
by the State Government.***

- (1) The State Government may make to the Corporation the following:
 - (b) grants of any sums of money or property deemed necessary; and
 - (c) loans upon such terms as to repayment, of interest or otherwise as the Government may determine.
- (2) The Government may waive in favour of the Corporation any right or liability to the Government arising from any transaction made pursuant to subsection (1) of this section,

***Annual Budgets 27.
and Accounts.***

- (1) The Corporation shall, not later than 30th September of each year, submit to the Governor, an estimate of its expenditure and income for the next succeeding year.
- (2) The Corporation shall keep proper accounts, to conform with standard accounting practice, in respect to each year and proper records in relation to those accounts and shall cause its

- (2) Any sum required by the Accountant-General for the purpose of making good the obligations of the Government under the guarantee shall be charged on the consolidated revenue fund of the State government.

Proof of moneys due. 34. In any action for the recovery of any rate or other moneys (other than fines and penalties) payable or recoverable under this Law, a certificate under the hand of the Corporation that any sum of money is due, and that the defendant is the person liable to pay the same shall, be evidence of such debt and of non-payment thereof

PART III - SMALL TOWNS WATER SUPPLY AND SANITATION AGENCY (STOWA)

Establishment of the Small Towns Water Supply and Sanitation Agency.

35. (1) There is hereby established the Small Towns Water Supply and Sanitation Agency (referred to in this Law as "the Agency").
- (2) The Agency shall:
- (a) be a body corporate 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, acquiring and disposing of property, movable and immovable.

Objectives of the Agency.

36. The objectives of the Agency shall be to:
- (a) assist in the establishment of WCAs in small towns and design programmes for the empowerment and building of capacity for the WCAs to undertake the management of the water and sanitation facilities;
 - (b) undertake the construction, rehabilitation and supervision of the construction of water supply facilities in the small towns in collaboration with the WCAs and operate and manage same in the short term;
 - (c) transfer such facilities to the WCAs formed within the areas served by such facilities as soon as practicable upon the commencement of this law;
 - (d) provide technical expertise to the WCAs in the small towns, and disseminate knowledge in the sub-sector; and
 - (e) collaborate with the WCAs and relevant government institutions, organizations and consumers to secure efficient use of water resources for the conservation and protection of the water resources of the State.

The Agency and its Constitution.

37. (1) The Governing Board of the Agency (hereinafter called "the Board") shall consist of:
- (a) a Chairman with proven experience in water Engineering who has served at management level in a public or private organization for a minimum of 10 (ten) years;

- (b) a representative of each of the following who by proven ability and experience in the field related to the functions of the Agency are capable of making valuable contributions to the work of the Agency:
 - (i) Manufacturer's Association of Nigeria (MAN); and
 - (ii) A representative of Civil Society Organization (CSO) or Non-Governmental Organizations (NGOs) whose core activities are in the water sector to represent the interest of the domestic consumers;
- (c) a Director from:
 - (i) Ministry responsible for Water Resources;
 - (ii) Ministry of Environment;
 - (iii) Ministry of Justice;
 - (iv) Ministry of Finance; and
 - (v) Ministry of Local Government;
- (d) at least 2 (two) of the members of the Board shall be women and may represent any of the categories identified in this section.

- (2) The Chairman and other members of the Board other than ex-officio members shall be appointed by the Governor.
- (3) In the appointment of members, the Governor shall take into consideration gender representation.
- (4) The Board shall meet to conduct the business of the Board once a quarter and at such other times as may be expedient for the urgent dispatch of the affairs of the Board.
- (5) The provisions contained in the Schedule to this Law shall have effect with respect to the proceedings of the Board and the other matters mentioned therein.

**Remuneration of
members of the Board.**

- 38.** There shall be paid to the members of the Board such allowances as the Governor may determine subject to the prevailing government policy on such matters.

**Tenure of office
of Members of the Board**

- 39.**
- (1) Subject to any other terms and (conditions as may be stipulated in their letters of appointment, the Chairman and other members of the Board shall hold office for a term of three years and may be reappointed for another term and no more.
 - (2) All members of the Board except the Chief Executive Officer shall be appointed to serve as part-time members.

**Functions of the
Board.**

- 40.** The functions of the Governing Board of the Agency shall include the following:
- (a) making strategic decisions on the activities and mandate of the Agency;

- (b) reviewing and approving the Agency's business plans, budget and performance;
- (c) monitoring the implementation of the State WASH Policy as it affects the small towns;
- (d) ensuring that the operations of the Agency are in compliance with regulations issued by the COMMISSION with respect to tariff, standards and norms;
- (e) approving and monitoring the implementation of the Agency's water services development plan,
- (f) undertaking any other business which may be considered necessary by the Board in pursuance of the Agency's functions as provided in this law.

Quorum.

- 41.** (a) The quorum for a meeting of the Governing Board shall be five members including the Chairman.
- (b) The Chairman shall preside at meetings of the Board and in his absence the members present at the meeting shall elect one of their number to preside.

Vacation of office.

- 42.** Notwithstanding the provisions of Section 39 of this Law, a member shall vacate his office if:
- (a) he gives one month notice in writing to the Governor of his intention to resign; or
 - (b) he is convicted by a court of competent jurisdiction of a criminal offence involving dishonesty; or
 - (c) he attains the age of 65 years; or
 - (d) he attends fewer than 75% of the Board's meetings in a year; or
 - (e) in the case of members who have professional qualifications, the member is barred from practicing his profession by any professional body to which he belongs; or
 - (f) he becomes bankrupt; or
 - (g) he becomes of unsound mind or incapable of carrying out his duties; or
 - (h) he is guilty of serious misconduct with relation to his duties as a member of the Board.

FUNCTIONS AND POWERS OF THE AGENCY:

Functions of the Agency.

- 43.** (1) The functions of the Agency shall be:
- (a) to advise the WASH Departments of LGAs, the State Government and the WCAs on technical matters in the small towns water supply and sanitation sub-sector;
 - (b) to assist WCAs in organizing and managing water supply systems;
 - (c) to provide assistance on technical issues like engineering studies, construction, supervision, planning, budgeting, operation & maintenance issue and contracting, to WCAs;

- (d) to advice and transfer knowledge and skills on operation and maintenance of systems to the WCAs;
- (e) to serve as a centre of knowledge for the water supply sector in small towns;
- (f) to provide technical and other advisory services to the WCAs in the engagement of private sector operators for the small town water schemes;
- (g) to collate and prepare water supply asset inventory for small towns for the Ministry for input in the State Information System;
- (h) to prepare water supply development plans for all small towns with input from the WCAs and the LGA WASH Departments and forward same to the Ministry of Water Resources for input into the State –wide development plans;
- (i) to design, monitor and evaluate implementation of projects for the effective and efficient delivery of water and sanitation services to the consumers in small towns;
- (j) to enforce standards and regulations developed by the Commission as may be specifically delegated to the Agency;
- (k) to provide and organize training for the WASH Departments in all LGAs on matters relating to water supply, sanitation and the environment;
- (l) to undertake sanitation and Hygiene promotion campaign for the purpose of integration with water supply and sanitation provision in the communities and schools.

*Powers of the
Agency.*

44. (1) The Agency shall have power to:-
- (a) enter into Agreement with the WCAs for the transfer of ownership operation and maintenance of water supply facilities in the small towns to such WCAs subject to the approval of the Governor.
 - (b) acquire land necessary for the performance of its functions, in accordance with all valid legislation;
 - (c) procure water abstraction rights from the relevant authorities and assign such rights to WCAs and private operators;
 - (d) conduct or commission by outsourcing, the examination of relevant water resources in the state to determine the quality of such water for abstraction for drinking water purposes;
 - (c) undertake and or supervise the design and construction of new water and sanitation services assets in collaboration with the relevant WCA.
- (2) The Agency shall exercise such other powers as may be necessary to give effect to the provisions of this law.

STAFF OF THE AGENCY:

- | | | |
|--|-----|--|
| <i>The General Manager.</i> | 45. | <p>(1) The Governor shall appoint for the Agency a General Manager (GM) who shall be:</p> <ul style="list-style-type: none"> (a) the Chief Executive and Chief Accounting Officer of the Agency. (b) responsible for the implementation of the decisions and policies of the Governing Board and the general administration of the Agency; (c) perform such other duties as the Governing Board may from time to time direct. <p>(2) The General Manager shall:</p> <ul style="list-style-type: none"> (a) be a person with a professional qualification in either Engineering, Geological Sciences or other relevant disciplines and who must have held a senior management position for a minimum of ten years in a public or private organization; and (b) hold office for a term of three years and may be appointed for another term of three years and no more. |
| <i>The Secretary/
Legal Adviser.</i> | 46. | <p>(1) There shall be appointed for the Agency, a Secretary /Legal Adviser who shall be a legal practitioner with a minimum of ten (10) years post-call experience.</p> <p>(2) The functions of the Secretary shall include to:</p> <ul style="list-style-type: none"> (a) organize and take minutes of the meetings of the Governing Board and Senior Management meetings; (b) keep the records of the Agency and conduct correspondence of the Agency; (c) arrange for payment of fees and allowances of members of the Governing Board; (d) communicate policy decisions to affected Departments; (e) provide legal advice and services to the Agency; (f) keep custody of copies of asset register and financial and annual reports of the Agency; (g) perform all duties as the Agency or the Managing Director may from time to time direct. |
| <i>Other Staff of the Agency.</i> | 47. | <p>(1) The Agency may appoint such number of staff and other employees as it may require either directly or by way of deployment from the state public service to assist in the discharge of its functions under this law</p> <p>(2) The Agency may determine generally the terms and conditions of service which shall include;</p> <ul style="list-style-type: none"> (a) conditions for the appointment, promotion, termination and dismissal of staff and employees; or |

- (b) procedure for appeals by employees against dismissal, termination or other disciplinary measures:

PROVIDED that until such conditions of service are made, any instrument relating to the condition of service in the public service of the State shall be applicable, with such modifications as may be necessary to staff and employees of the Agency.

- (3) The Agency shall determine the remuneration of its staff and employees after consultation with the Department of Establishment and Service Matters or any other agency of government responsible for such matters.
- (4). Service in Agency shall be approved service under the Pensions Law and accordingly, staff and employees of the Agency shall be entitled to pensions, gratuities and other retirement benefits as prescribed under the Pensions Law
- (5) Without prejudice to the provisions of sub-section (4) of this section, nothing in this law shall prevent the appointment of any person to any office on terms which preclude the grant of pensions, gratuity or other retirement benefits with respect to that office.

FINANCIAL PROVISIONS:

Funds and Resources 48. of the Agency.

- (1) The funds and resources of the Agency shall consist of:
- (a) all sums, investments or other property vested in the Agency by virtue of the provisions of this law;
 - (b) such sums or other property as may from time to time be advanced by way of loans or grants to the Agency by any Federal, State, or Local Government, any International Organization, and private foundation or any person whatsoever;
 - (c) any investments or other property whatsoever acquired by the Agency;
 - (d) all other sums such as water rates, water services charges, or otherwise or other property whatsoever which may become payable to or vested in the Agency under this law or any other law; and
 - (e) any money allocated to the Agency under the State Government budgetary allocation or such other money as may from time to time accrue to the Board;
- (2) The Agency shall ensure that its funds and resources are adequate to meet the operating expenses, depreciation charges, debt servicing requirements and such percentage of its annual capital expenditure requirements as may be determined by the Governor and any shortfall may be provided as a loan by the State government to the Agency upon terms as the Governor may determine to ensure that the Board continue to provide water supply services to the consumers.

- (3) Any amount paid to the Agency by the WCA for the operation of the Water Scheme.

Bank Account.

49. The Agency shall operate bank accounts for its funds with reputable Banks and the signatories to the accounts shall be the Managing Director and the Head of Accounts, or in their absence any other person authorized by the Board.

Application of the Funds of the Agency.

50. The Agency shall apply its funds to defray the following charges:
- (a) the allowances of the members of the Governing Board of the Agency;
 - (b) the salaries, remuneration, fees, allowances, pensions and gratuities of the staff, agents, technical and other advisers or consultants of the Agency;
 - (c) such works of a capital nature as the Agency may deem necessary;
 - (d) taxes, rates and other levies payable by the Agency under any law;
 - (e) interest on loans raised by and on behalf of the Agency;
 - (f) contribution towards construction of new water and sanitation services assets as may be approved by the Governor;
 - (g) such other expenditure as the Agency may approve for payment out of the funds of the Agency in respect of any financial year.

Annual Budgets and Accounts.

51. (1) The Agency shall, not later than 30th September of each year submit to the Governor, an estimate of its expenditure and income for the next succeeding year.
- (2) The Agency shall keep proper accounts to conform with standard accounting practices and State financial regulations, with respect to each year and proper records in relation to those accounts and shall cause its accounts to be audited within six months after the end of each year by auditors appointed from the list and in accordance with guidelines supplied by the Auditor-General for the State.

Annual Reports.

52. The Agency shall prepare and submit to the Governor and House of Assembly not later than six months after the end of each year, a report on its activities, and shall include in such report a copy of the audited accounts of the Agency for that year and the Auditors' report on the accounts.

Power to borrow money.

53. (1) The Agency may, with the approval of the Governor and House of Assembly and subject to the provisions of relevant laws, borrow money by overdraft or in any other manner for and in connection with the exercise of its functions under this law.
- (2) An approval given for the purposes of this section may be either general or limited to a particular borrowing or otherwise and may be subject to conditions.

- Water Consumer Associations (WCAs).* **54.** (1) Local Governments shall, with the support of the Agency, facilitate the establishment of WCAs by communities in small towns to own, operate and manage water schemes serving their immediate community on behalf of water consumers 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.
- (4) Subject to any procedure by the Commission, the Agency upon an application by a WCA for the transfer of water scheme within their community, shall transfer such scheme if it is satisfied that the WCA possesses sufficient capacity to successfully operate the Scheme
- (5) Any transfer made pursuant to sub section (4) of this section, shall be marked by a formal agreement specifying the terms and conditions of such transfer.
- (6) The WCA shall obtain an operating license from the Commission pursuant to such agreement.

PART IV - RURAL WATER SUPPLY AND SANITATION AGENCY

- Establishment, functions, etc of the Rural Water Supply and Sanitation Agency ("RUWASSA").* **55.** There is hereby established for the State, a body known as the Rural Water Supply and Sanitation Agency (hereinafter referred to as "the RUWASSA") which shall:
- (a) be a body corporate with perpetual succession;
- (b) have a common seal;
- (c) sue and be sued in its corporate name; and
- (d) own and dispose of movable or immovable property.
- Board of the RUWASSA.* **56.** (1) There is established for the proper management of the RUWASSA, a Board to be known as the Anambra State Rural Water Supply and Sanitation Agency Board (hereinafter referred to as "the Board").
- (2) The Board shall comprise of:-
- (a) a Chairman who shall be the Commissioner responsible for water resources;
- (b) Permanent Secretary, Ministry responsible for Water Resources;
- (c) Permanent Secretary, Ministry responsible for Women Affairs;

- (d) Permanent Secretary, Ministry responsible for Local Government Affairs;
- (e) Permanent Secretary, Ministry of Health;
- (f) Permanent Secretary, Ministry of Environment; and
- (g) The General Manager of the RUWASSA.

Allowances.

57. The Chairman and other members shall be paid such allowances as may be applicable in the State Public Service.

Functions of the Board of RUWASSA.

58. The functions of the Board shall be to:
- (a) provide guidelines for the performance of its functions and the exercise of the powers of the RUWASSA under this law;
 - (b) give guidelines on the management and development of the RUWASSA, and
 - (c) do such other things and acts that the Board may require for carrying into effect the provisions of this law;

Functions of RUWASSA.

59. The RUWASSA shall:
- (a) in consultation with the WASH Departments of the relevant LGA and the WASHCOMS in the communities, agree and design appropriate technology for water supply to each community and coordinate the construction, rehabilitation and supervision of same;
 - (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 RUWASSA and the LGA WASH department;
 - (c) design, and supervise the construction and sinking of boreholes and other water works by individuals or corporate bodies in the rural areas of the State and charge appropriate fees as the Commission may from time to time approve;
 - (d) support the State Rural Water Supply Programme;
 - (e) design and supervise the construction of all new sanitation facilities in the rural areas, rehabilitate, monitor and improve all existing sanitation facilities and support the State rural sanitation programme;
 - (f) liaise with the Federal and state Government Ministries and Agencies in the design and implementation of programmes and projects in the area of rural water supply, and water-related sanitation;
 - (g) commission and support studies and research projects that will facilitate the execution of the functions of the RUWASSA;
 - (h) undertake WASH education and create awareness of WASH principles in the communities, particularly in schools and amongst women and children;
 - (i) organize technical training of LGA WASH department staff, key officers on the WASHCOMs and local artisans for the operation and maintenance of the water supply schemes;

- (j) promote improvement of traditional sources of community water supply (protected spring orifices, protected hand dug wells, rain water harvest etc);
- (k) promote construction and maintenance of public toilet facilities, household toilet facilities;
- (l) ensure compliance with the Nigerian Drinking Water Standards (NDWS);
- (m) monitor and protect the quality of raw water sources in collaboration with the Ministry responsible for water resources;
- (n) monitor and undertake preventive and remedial action, in collaboration with the Ministry of Health, any outbreak of any disease or any other real or potential health threats associated with the delivery or provision of water supply and sanitation services in the rural areas;
- (o) promote private sector participation in the water supply and sanitation industry in the rural areas to attract resources for sustainable development of the rural water sector;
- (p) develop mechanisms and procedures for stakeholder participation in monitoring and evaluation of rural development plans programmes and other activities;
- (q) coordinate the activities of all WASH departments of LGAs in all the rural areas in the implementation of State WASH Programmes for rural areas;
- (r) 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; and
- (s) perform such other activities as may be necessary in furtherance of its functions under this law.

***Powers of
RUWASSA.***

- 60.** (1) Subject to the provisions of this law, the RUWASSA shall, for the purpose of carrying out its functions under this law, have power to carry on all activities which are necessary, advantageous or convenient.
- (2) Without prejudice to the generality of the foregoing, RUWASSA shall have powers to:
- (a) prepare such master plans as may be necessary for the development and maintenance of rural water and sanitation infrastructure;
 - (b) create awareness of the WASH Policy and sector reform principles, and undertake necessary activities to carry same into effect;
 - (c) organize communities to form community improvement or development unions or associations (to be known as WASHCOMS) under elected leadership to act as the apex organization for the implementation of rural development programmes initiated by the RUWASSA, the LGA, or the communities themselves;

- (d) to do anything for the purpose of advancing the skills of training, education and research or the efficient running of the service of the RUWASSA;
- (e) construct and maintain buildings and other works necessary for the discharge of its functions under the law;
- (f) acquire, purchase, lease, hold, construct, manufacture, maintain or insure any property whether movable or immovable, required for or in connection with the performance of its functions and to sell, lease, dispose of, or otherwise deal with such property or any part thereof subject to the approval of the Governor in instances of sale; and
- (h) enter into PPP arrangements with the private sector for the purpose of carrying out any of the functions of the RUWASSA under this law.

*Administrative
Organization of the
RUWASSA.*

61. The RUWASSA may establish and maintain such departments and offices as may be necessary for the performance of its functions under this law.

*Establishment of
WASH Departments.*

62. (1) There shall be established in each local government council in the State a Rural Water Supply and Sanitation Department (hereinafter called the "WASH Department").
- (2) The Officers of the department shall include but may not be limited to the Head of Department, and the officers responsible for:
- (i) water supply;
 - (ii) sanitation;
 - (iii) community mobilization/hygiene education; and
 - (iv) planning, monitoring and evaluation.
- (3) The functions of the Department shall be to-
- (a) liaise between RUWASSA and all the communities in the area;
 - (b) develop annual water services developmental plans and budget for the local government in consultation with relevant WASHCOMS and submit same to RUWASSA as part of the State Rural Water Supply Sector Development Plan;
 - (c) encourage and support communities to mobilize, organize and establish water supply and sanitation Committees with a minimum of 35% women representation;
 - (d) compile inventory, monitor operations, and provide technical assistance on maintenance of water supply and sanitation facilities in the communities;

- (e) identify and train hand pump mechanics, caretakers, latrine artisans and hygiene facilitators;
- (f) maintain records of plans and requests concerning water supply and sanitation, hygiene education and other sanitary activities in all communities;
- (g) mobilize and support Community linkages with relevant developmental Agencies and Organizations;
- (h) encourage and support teachers in primary and Post Primary Schools to teach and promote hygiene education to pupils and members of the community;
- (i) contribute to the eradication of water supply and sanitation related diseases in the communities;
- (j) liaise with other agencies for progress reports and policy guidelines and standards;
- (k) collaborate with non-governmental organizations, community based organizations, and communities to promote the rehabilitation or construction of water and sanitation facilities in schools;
- (l) train the WASHCOM members to plan and implement water supply and sanitation services in their communities;
- (m) promote awareness of environmentally friendly activities in communities; and
- (n) promote good hygiene practices in the utilization and maintenance of water supply and sanitation facilities.

***Establishment of
WASHCOMS.***

- 63.**
- (1) There shall be established for each community in the Local Government Area, a Water Supply, Sanitation and Hygiene Committee (in this law referred to as “WASHCOM”)
 - (2) The WASHCOM shall be registered by the LGA and a certificate issued shall serve as evidence of such registration.
 - (3) The WASHCOM shall comprise:
 - (a) Chairman;
 - (b) Secretary;
 - (c) Treasurer;
 - (d) Financial Secretary; and
 - (e) two Ex-officio members.Provided that two of the members in (a) - (e) shall be women.
 - (4) The WASHCOMS shall:
 - (a) be formed in the rural areas as the village level water and sanitation committees for the management of water supply facilities on behalf of the community;
 - (b) enhance community ownership of WASH facilities and be responsible for determining the cost of operation and maintenance of water points in the rural areas;

- (c) be responsible for setting and collection of water point tariffs for the operation and maintenance of the water points;
- (d) be responsible for basic hygiene education, sensitization activities, and community advocacy;
- (e) collaborate with the WASH departments and the RUWASSA on water supply, sanitation and hygiene Programmes of the Federal, State or Local Government on behalf of the community;
- (f) undertake all necessary and relevant hygiene and sanitation promotion and education in the community in collaboration with the RUWASSA and the LG WASH Departments,
- (g) encourage development of skills of members to promote community participation with the active involvement of women;
- (h) participate in planning, design, construction, and operation of Community facilities;
- (i) promote household food and water security in the Community by encouraging prudent use of water and preventing wastage;
- (j) support the immunization and the provision of nutritional supplements for children in the community;
- (k) contribute to the eradication of Water Supply and sanitation related diseases in the community;
- (l) mobilize the community to take active part in the construction of water supply and Sanitation facilities;
- (m) collaborate with the WASH departments in the preparation of the WASH development plans for the community;
- (n) promote community led total sanitation in the community;
- (o) ensure that the community contributes to part financing of small scale water supply facilities or extension schemes as appropriate;
- (p) participate in project design and implementation; and
- (q) be responsible for policing of water infrastructure to report leakages and protect it against vandalism.

**GENERAL MANAGER (GM), SECRETARY AND OTHER
STAFF OF THE RUWASSA:**

*The General
Manager.*

64. (1) The Governor shall appoint for the RUWASSA a General Manager who shall:
- (a) be the Chief Executive and Accounting Officer;
 - (b) hold office on such terms and conditions as shall be specified in his letter of appointment;

- (c) be responsible for the implementation of the decisions and policies of the Board and the general administration;
- (d) perform such other duties as the Board or the Chairman may from time to time direct; and
- (e) be responsible for the execution of the State WASH policies.

(2) The General Manager shall:

- (a) be a qualified professional in a discipline relevant to water supply and sanitation service delivery or water resources management with not less than ten years cognate experience in the sector; and
- (b) hold office for a period of four years which term may be renewed for a further term of four years and no more:

*Other Staff of
the RUWASSA.*

65. (1) The RUWASSA may with the approval of the Board appoint such number of staff and other employees as it may require either directly or by way of secondment from the state public service or Local Government Council to assist in the discharge of its functions under this Law.
- (2) The Board shall determine generally the terms and conditions of service which shall include:-
- (a) conditions for the appointment, promotion, termination and dismissal of staff and employees; or
 - (b) procedure for appeals by employees against dismissal, termination or other disciplinary measures.

PROVIDED that until such conditions of service are made, any instrument relating to the condition of service in the public service of the state shall be applicable, with such modifications as may be necessary to staff and employees of the RUWASSA.

- (3) The RUWASSA shall determine the remuneration of its staff and employees after consultation with the Bureau of Establishment, Pension and Management Service or any other RUWASSA of government responsible for such matters.
- (4) Service in RUWASSA shall be approved service under the Pensions Law and accordingly, staff and employees of the RUWASSA shall be entitled to pensions, gratuities and other retirement benefits as prescribed under the Pensions Law
- (5) Without prejudice to the provisions of sub-section (4) of this section, nothing in this law shall prevent the appointment of any person to any office on terms which preclude the grant of pensions, gratuity or other retirement benefits with respect to that office.

FINANCIAL PROVISIONS AND ASSETS OF THE RUWASSA:

- Funds of the RUWASSA.* 66. (1) The funds and resources of RUWASSA shall consist of:
- (a) all fees, charges and other revenue accruing to the RUWASSA by virtue of its operations;
 - (b) all sums, investments, or other property whatsoever vested in the RUWASSA under this law;
 - (c) such sums or other property whatsoever as may from time to time be advanced by way of loans or grants to the RUWASSA by the Federal, State, or Local Government, any international organization, private foundation or any person whatsoever;
 - (d) all budgetary allocation approved for the RUWASSA by the State House of Assembly;
 - (e) all other sums or other properties whatsoever which may in any manner become vested in or under this law or any other law.
- Capital Projects* (2) (a) The funds of the RUWASSA for capital projects for the provision of water supply and Sanitation facilities shall include contributions in the following ratios:-
- (i) The State Government - 75%;
 - (ii) The Local Government -20%; and
 - (iii) Communities - 5%.
- (b) The Community, through RUWASSA may apply for contributions and support from the Federal Governments and Donor Agencies for necessary funds for capital project.
- Bank Accounts.* 67. The Agency shall operate Bank accounts for its funds with reputable Banks and the signatories to the accounts shall be the General Manager and the Head of Accounts, or in their absence any other person authorized by the Board.
- Annual Estimate, Accounts and Audit.* 68. (1) The Board shall cause to be prepared and submitted to the Governor not later than 31st October in each year or such other time as the Governor may direct an estimate of expenditure and income of the RUWASSA during the next succeeding financial year.
- (2) The RUWASSA shall cause to be kept proper accounts and receipts, payments credits and liabilities in satisfactory financial standards and shall submit the same from time to time with vouchers to be audited by the Auditor-General of the State.
- (3) At the end of every financial year, the Auditor-General shall submit the report of his audit of the accounts of the RUWASSA to the House of Assembly.

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| <i>Borrowing Powers.</i> | 69. | Subject to the approval of the Resolution of the House of Assembly and the provisions of any relevant Law, the RUWASSA may borrow any sum of money as it may require in the exercise of its functions under this law. |
| <i>Handover of Completed Facilities.</i> | 70. | <p>(1) All projects initiated by the Community and constructed under the supervision of the RUWASSA with contributions from the community shall, when completed, be handed over to be operated and maintained by the WASHCOM of the beneficiary Community pursuant to a Transfer Agreement.</p> <p>(2) Every benefiting Community shall provide security on project sites during construction and after due handover by the RUWASSA.</p> <p>(3) Every completed project shall be certified by the RUWASSA and the WASH department as meeting standards for the construction of such works issued by the COMMISSION and industry practice.</p> <p>(4) Assets in communities where WASHCOMS have been formed shall be transferred to such WASHCOMS to be owned, operated and managed by WASHCOMS subject to terms and conditions of a Transfer Agreement between the WASHCOM and the RUWASSA.</p> <p>(5) The RUWASSA and the WASH Department of the LGAs shall continue to provide technical advisory services to the WASHCOM in the operation of the facilities while the Community will bear the cost of operating and maintaining such schemes.</p> <p>(6) The cost of construction of new schemes in the rural areas shall be in accordance with sub-section (2) of section 66(2) unless the State decides otherwise.</p> |
| <i>Payment for RUWASSA's Services.</i> | 71. | The RUWASSA may prescribe fees and charges for any of its services as may be approved by the Commission and such fees shall be published in the official gazette of the State. |
| <i>Gifts, Grants, etc.</i> | 72. | The RUWASSA shall not accept any gift, grant, bequest or devise, if the conditions attached by the person or organization making it are inconsistent with the functions of the RUWASSA. |
| <i>Authentication of Documents.</i> | 73. | <p>(1) The Common Seal of the RUWASSA shall not be used or affixed to a document unless in pursuance of a resolution duly passed at a meeting of the Board.</p> <p>(2) The Seal of the RUWASSA shall be authenticated by the signature of the Chairman and the GM.</p> |

- (3) Any contract or instrument, which would be required to be under Seal if executed by a person, may be entered into or executed on behalf of the RUWASSA by any person generally or specifically authorized in that behalf by the Board.
- (4) Any document purported to be a document duly executed under the Seal of the RUWASSA shall be received in evidence and shall unless the contrary is proved, be deemed to be so executed.

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| <i>Service of Notices.</i> | 74. | All notices, summons, orders or any other document to be served on the RUWASSA shall be addressed to the General Manager and delivered to its head office. |
| <i>Directives by Governor.</i> | 75. | The Governor may give to the RUWASSA directives of general or specific nature in respect of its functions under this Law and the RUWASSA shall comply with such directives. |
| <i>Proof of Money Owed.</i> | 76. | In any action for the recovery of any rate, charge or other moneys under this Law a bill from the RUWASSA or any person appointed by the RUWASSA in that behalf that any sum is due and that the defendant is liable to pay the same shall be prima facie evidence of such debt and the non-payment thereof. |
| <i>Power of Entry of Health Officer.</i> | 77. | A Health Officer may enter any water works between the hours of six O' clock in the morning and six O' clock in the evening or in an emergency at any time for the purposes of inspecting such waterworks or any part thereof to take water for laboratory analysis to determine its suitability for public consumption. |

PART V - ROLE OF GOVERNMENT

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| <i>The role of government.</i> | 78. | The Anambra State government shall be responsible for facilitating and coordinating the roles of the Ministries, Departments and Agencies as well as other stakeholders in the State Water Supply and Sanitation Services Sector by the activities of the MDAs identified in this PART. |
| <i>Ministry responsible for water resources.</i> | 79. | <p>The Ministry responsible for water resources shall be responsible for:-</p> <ol style="list-style-type: none"> (a) policy formulation and review, implementation and monitoring of all water resources management and related issues; (b) coordination of matters relating to the provision and development of potable water and water related sanitation services in the State; (c) research into and develop the management and use of water resources; and (d) liaison with the following bodies on water supply and sanitation:- <ol style="list-style-type: none"> (i) Federal Government of Nigeria and its agencies; (ii) other State Government MDAs; (iii) Local Government Authorities; |

- (iv) Communities;
- (v) International Donor Organizations; and
- (vi) Non-Governmental Organizations (NGOs);
- (e) increasing the access of the communities in the State to potable water supply through capital investments in the sector;
- (f) increasing access of the communities in the State to safe sanitation through investment, planning, and education;
- (g) research into and development of low cost, affordable, practical and appropriate technologies for water and sanitation services delivery;
- (h) development of appropriate (or locally adaptable) technologies which can be operated and maintained;
- (i) developing training manuals for artisans;
- (j) sectoral coordination for the development of the water supply and sanitation sector towards ensuring integrated water resources management in the state;
- (k) monitoring the encroachment of new physical structures on water supply pipelines and sewerage mains;
- (l) setting up ad hoc committees such as the water and sanitation steering committees as may be necessary in furtherance of the WASH Policy;
- (m) planning for the WASH Sector development by developing a sector -wide plan, with contributions from the urban, small towns, and rural subsector agencies, consumers, communities and other stakeholders;
- (n) data gathering and the establishment of a state information data base for the water supply, sanitation, and the water resources sector;
- (o) the monitoring and evaluation of policy implementation and policy review;
- (p) the institutionalization of a training programme for sector technicians and professionals to ensure that the best qualified people are available in the sector and the entrenchment of best industry practices in all activities across board;
- (q) establishment of policy for the control of effluent and waste discharges, management of raw water quality, including enforcement of state and National standards, providing for incentives and deterrents for compliance;
- (r) establishment of measures such as the precautionary "polluter pays principle" as well as the setting and enforcement of receiving water body quality standards;
- (s) the formulation of policy on watershed management, in collaboration with any relevant agency for the control of erosion, sedimentation and diffuse pollution;
- (t) prescribing standards for the quality of water taken from or discharged into any water body or natural water resource system in accordance with national standards; and
- (u) monitoring the abstraction of water for industrial use and the discharge of industrial effluents into water bodies in accordance with national standards and in collaboration with the State Environmental Protection Agency.

**Establishment of
Information State System**

80.

- (1) The Ministry shall establish a State Information System which shall report regularly to the National Information System on water supply and sanitation services and water resources generally.
- (2) All information provided shall be in a format accessible to all stake-holders.
- (3) For the purpose of subsection (1) of this section, the Ministry may require any Service Provider and Consumers to furnish information to be included in the State Information System.
- (4) The Ministry shall submit to the Commission the data for input into the State Information System for verification and approval stating the source of the data and confirming the accuracy thereof and such data will be made available to the public at a reasonable fee subject to the objectives of transparency and effective public access to relevant information.

**Duty of the Ministry
to prepare draft water
services development plans.**

81.

- (1) Every water supply services operator and institution, whether public, private, or community based, must, within one year after the commencement of this law, as part of the process of preparing an integrated water supply and sanitation development plan for the State in terms of this law, and in consultation with the consumers served, the WASH Department, the community, and other stakeholders, prepare:
 - (i) a draft water supply and sanitation services development plan for its area of jurisdiction; and
 - (ii) a summary of that plan and submit same to the ministry.
- (2) The Ministry responsible for water resources may extend the one-year period in respect of a water services operator.
- (3) The Plan shall be approved at a meeting of all stakeholders with the State Steering Committee and the Commission

**Contents of draft
water services
development plan.**

82.

- Every draft water services development plan must contain details of:-
- (a) the physical attributes of the area to which it applies;
 - (b) the size and distribution of the population within that area;
 - (c) a time frame for the plan, including the implementation programme for the following five years;
 - (d) existing water services;
 - (e) existing sanitation facilities and plans;
 - (f) existing industrial water use within the area of jurisdiction of the relevant water services operator;
 - (g) existing industrial effluent disposed of within the area;
 - (h) an estimate of the number and location of persons within the area who are not being provided with a basic water supply and basic sanitation;

- (i) the future provision of water services and water for industrial use and the future disposal of industrial effluent required, including:
 - (i) the water supply services providers;
 - (ii) the contracts and proposed contracts with those water services providers;
 - (iii) the proposed infrastructure necessary;
 - (iv) the water sources to be used and the quantity of water to be obtained from and discharged into each source;
 - (v) the estimated capital and operating costs of those water services and the financial arrangements for funding those water services, including the existing tariff structures and recommendations for future tariff structures;
 - (vi) any water services institution that will assist the water services operator;
 - (vii) the operation, maintenance, repair and replacement of existing and future infrastructure of the number and location of persons to whom water services cannot be provided within the next five years setting out-
 - (i) the reasons;
 - (ii) the time frame within which it may reasonably be expected that a basic water supply and basic sanitation will be provided to persons; and
 - (iii) existing and proposed water conservation, recycling and environmental protection measures.

Publication of the draft integrated water supply and sanitation services development plan.

83. (1) The Ministry must:
- (a) take reasonable steps to bring the integrated State draft Water Supply and Sanitation Services Development Plan to the notice of all stakeholders, consumers, potential consumers, industrial users, and water services institutions in the State; and
 - (b) invite public comments thereon to be submitted within a reasonable time.
- (2) A copy of the draft integrated water supply and sanitation services development plan, a copy of its summary, all written comments, and a report on all comments other than written comments, must be:-
- (a) available for inspection at the offices of the Ministry; and
 - (b) obtainable against payment of a nominal fee.

Adoption of the Integrated Water Supply and Sanitation Sector Development Plan.

84. (1) The Ministry shall consider all comments received by it before adopting the water supply and sanitation services development plan.
- (2) The Ministry shall, on request, report on the extent to which a specific comment has been taken into account or, if a comment was not taken into account, provide reasons therefore.

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| <i>Review of the State Integrated Water and Sanitation Development Plan.</i> | 85. | The Ministry shall prepare, for the approval of the State Executive Council, every five years or any other period as it may determine, a new development plan in accordance with the procedure set out in this law. |
| <i>Deviation from development plan.</i> | 86. | No substantial deviation from an approved integrated State Water Supply and Sanitation Sector Development plan is valid unless it is embodied in a new plan adopted in accordance with the procedure set out in sections 81 to 84 of this law. |
| <i>Reporting on implementation of the development plans.</i> | 87. | <p>(1) Every water services provider, institution or community based organization shall report on the implementation of its development plan during each financial year as well as at the time of submitting the new development plans for the succeeding year.</p> <p>(2) The report shall be:</p> <p>(a) made within four months after the end of each financial year; and</p> <p>(b) submitted to the Ministry and the Commission</p> <p>(3) The water services provider and institutions shall publicize a summary of the report.</p> <p>(4) A copy of the report and of its summary shall be:</p> <p>(a) available for inspection at the offices of the water service provider and institution; and</p> <p>(b) obtainable against payment of a nominal fee.</p> |
| <i>Duties of Anambra State Ministry of Environment.</i> | 88. | <p>The Ministry shall:</p> <p>(a) ensure sustainable development of the environment of the State;</p> <p>(b) conserve and use the environment and the natural resources for the benefit of the people of the State;</p> <p>(c) cooperate and collaborate with the federal, local government and non-governmental organizations, private sector and individuals on environment matters;</p> <p>(d) conserve, protect and enhance the environment, the ecosystem and ecological process essential for the preservation of biological diversity;</p> <p>(e) check and control erosion and flooding problems in the State; and</p> <p>(f) collaborate with the Ministry responsible for water resources in the development and enforcement of effluent standards for discharges and receiving water bodies composition.</p> |
| <i>Duties of Anambra State Waste Management Agency (ASWAMA).</i> | 89. | <p>Anambra State Waste Management Agency (ASWAMA) shall:-</p> <p>(a) in collaboration with the Ministry, monitor and take Measures to control erosion, flooding, ecological degradation, pollution and sanitation matters; and</p> |

- (b) conduct environmental impact assessment of new and existing water projects, and make recommendations to the Ministry for effective measures.

Duties of Anambra State Ministry of Health. 90.

Ministry of Health shall undertake water quality surveillance and monitoring in line with the National Standards for Drinking Water Quality (NSDWQ), and report infractions to the COMMISSION for enforcement.

Local Governments. 91.

Each Local Government shall:

- (a) in collaboration with the communities, construct public toilets and institute a programme of Community-Led-Total-Sanitation (CLTS); and
- (b) through their WASH Department, be responsible for:-
 - (i) the development of rural water and sanitation sector development plans in collaboration with the WASHCOMs and the RUWASSA;
 - (ii) WASH projects design, supervision and monitoring local government areas and their performance;
 - (iii) mobilizing and assisting communities to establish water and sanitation committees (WASHCOMS);
 - (iv) the identification of community members with the assistance of the WASHCOMs for training on repairs and maintenance of hand pumps , boreholes and other equipment;
 - (v) monitoring progress of LGA rural water and sanitation programme;
 - (vi) ensuring provision of water supply and sanitation to the communities in accordance with this law; and
 - (vii) ensuring Scheme of Service for the local government employees.
- (c) annual financial allocation should be provided in the local governments annual budgets for items in paragraphs (a) and (b) of section 90 of this Law.

PART VI - ESTABLISHMENT OF THE ANAMBRA STATE WATER SUPPLY SERVICES REGULATORY COMMISSION

Establishment of the Commission

92. (1) There is hereby established the Anambra State Water Supply Services Regulatory Commission (in this law referred to as "the Commission").
- (2) The Commission shall be a body corporate with perpetual succession and a common seal, and shall have power to sue and be sued in its corporate name and to hold and dispose of property whether movable or immovable.
- (3) The head office of the Commission shall be in Awka, Anambra State.

- Objectives.** **93.** (1) The principal objectives of the Commission shall be to:
- (a) promote all State and Federal Water Laws and Policies;
 - (b) create, promote, and preserve efficient industry and market structures, and to ensure optimal utilisation of resources for the provision of Water Services;
 - (c) maximize access to Water Services, by promoting and facilitating consumer connections to distribution systems in urban areas and small towns, and provision of water in rural areas.
 - (d) ensure adequate supply of water to consumers and that consumers (including low-income or vulnerable consumers) benefit from any gains from increased competition and efficiency;
 - (e) ensure that the rates and fees charged by water services providers are sufficient to finance their activities and allow for reasonable earnings for efficient operation;
 - (f) control wastewater management and discharge;
 - (g) ensure the safety, security, reliability, and quality of service in the production and delivery of water to consumers;
 - (h) ensure that regulation is fair and balanced for water services providers, consumers, investors, and other stakeholders;
 - (i) receive complaints and resolve disputes between consumers and water services providers;
 - (j) ensure that regulatory decision-making has regard to all relevant health, safety, environmental and social legislations applying to the water sector; and
 - (k) promote consistency in regulation between States on a national basis.
- (2) Without derogating from subsection (1) the Commission shall perform its functions and exercise its powers in such a manner as it considers best in achieving any of its objectives under this law.
- Scope of the Law.** **94.** This Law shall apply to the State water agencies created under this law, water services providers, and consumers.
- Establishment of Board of the Commission.** **95.** (1) There is established the Anambra State Water Regulatory the Commission (referred to in this law as “the Commission”).
- (2) The Commission shall be a body corporate with perpetual succession and a Common Seal.
 - (3) The Commission may sue and be sued in its corporate name.
 - (4) The Commission is capable of taking, purchasing, leasing, holding, selling, exchanging and disposing of movable and immovable properties.
 - (5) The Commission may do all acts and things which a body corporate may by law do and which are necessary for the purposes of this law.

- (6) The Common Seal of the Commission must be kept in such custody as the Commission directs and must not be used except as authorized by the Commission.

**Composition of
the Board of the Commission.**

96.

- (1) The Commission shall consist of five (5) voting members as follows:
- (a) a Chairman appointed by the Governor for Public Utilities and Water Resources and who shall have the following qualifications:
 - (i) a university degree in water related profession; and
 - (ii) at least 10(ten) years cognate experience in water related services;
 - (b) one member nominated by the Institute of Chartered Accountants of Nigeria.(ICAN) and who shall be either:
 - (i) currently a registered and financial member of ICAN;
 - (ii) has practiced as a Chartered Accountant for at least ten (10) years; and
 - (iii) has served as a professional accountant in the public or private sector at management level.
 - (c) one member nominated by the Anambra State Chamber of Commerce and Industry being a person who has served as a senior executive in a listed public company for more than ten (10) years;
 - (d) one member nominated by the Nigerian Society of Engineers, being a person with at least ten years cognate experience in civil or water related engineering; and
 - (e) a legal practitioner nominated by the Attorney-General and Commission for Justice and shall be a person with at least 10 years post call experience in company matters and the utility industry.
- (2) The Governor shall appoint the nominees subject to the approval of the State House of Assembly.
- (3) There shall be an executive secretary who shall be a full time and non-voting member of the Commission.

Tenure of Office.

97.

- (1) Subject to the provisions of this law, a member shall hold office for a period of three years.
- (2) A member shall hold office on such reasonable terms and conditions as the Governor may fix in relation to members generally and in accordance with the terms hereof.
- (3) A member shall be eligible for re-appointment for another three years term and thereafter shall not be eligible to serve on the Commission.

- (4) The terms, remuneration and conditions of service of members shall not be varied or altered to their detriment during their tenure of office.

Disqualifications.

98. A person shall not be appointed as a member of the Commission if he:
- (a) is not a citizen of Nigeria and permanently resident in Nigeria; or
 - (b) has a pecuniary interest in any Water Services Provider regulated under this Law or any entity which is in competition with or provides similar services to those supplied by a Water Services Provider regulated under this law within the State

unless the Governor is satisfied that the interest or activity is indirect and passive and will not interfere with the person's impartial discharge of his duties as a member, or unless the pecuniary interest is terminated prior to the appointment taking effect; or

- (c) has:
 - (i) been adjudged or otherwise declared insolvent or bankrupt and has not been rehabilitated or discharged; or
 - (ii) made an assignment to, or arrangement or composition with, his creditors which has not been rescinded or set aside; or
- (d) has been certified by a competent authority to be of unsound mind; or
- (e) been banned from practicing his profession; or
- (f) is a member of any legislative House; PROVIDED that a member of a legislature who is so appointed shall resign his membership of the House before taking up the appointment.

Vacation of Office.

99. (1) A member shall vacate his office if he:-
- (a) gives notice in writing to the Governor of his intention to resign; or
 - (b) on the expiry of such period of notice as he and the Governor may agree; or
 - (c) has been convicted of any offence involving dishonesty, fraud, or financial impropriety; or
 - (d) attends fewer than 75% of the Commission's meetings in any one year period.
- (2) The Governor may in accordance with sections 115 and 116 of this law suspend or remove any member.

Business of the Commission.

100. (1) Subject to this law, the Commission may regulate its own proceedings.
- (2) The Commission shall meet for the dispatch of its business as often as is necessary and expedient, and subject to this section, may adjourn, close and otherwise regulate its meetings and procedure as it deems fit.

- (3) The Chairman or, in his absence, any member chosen by the members present from among themselves shall preside at the meeting of the Commission.
- (4) All decisions of the Commission shall be on the basis of simple majority of the members present and voting.
- (5) No act or proceeding of the Commission shall be invalidated merely on the grounds of existence of any vacancy or defect in the constitution of the Commission, except where actions are not supported by a quorum.
- (6) The quorum for the meeting of the Commission shall be 3 (three) and each member present shall have one vote on each question before the Board and, in the event of an equality of votes, the Chairman shall have a casting vote in addition to a deliberative vote.
- (7) For a meeting of the Commission to review any previous decision or order taken by the Commission, the quorum shall be no less than the Commission members present when the decision was taken or the order was made.

Disclosure.

- 101.** (1) If a member:
- (a) acquires or holds a direct or indirect pecuniary interest in any matter that is under consideration by the Commission;
 - (b) owns any property or has a right in property or a direct or indirect pecuniary interest in a company or association of persons which results in the member's private interests coming or appearing to come into conflict with his functions as a member; or
 - (c) Knows or has reason to believe that a relative of the member has acquired or holds a direct or indirect pecuniary interest in any matter that is under consideration by the Commission, or owns any property or has a right in property or a direct or indirect pecuniary interest in a company or association of persons which results in the member's private interests coming or appearing to come into conflict with his functions as a member, or if for any reason the private interests of a member come into conflict with his functions as a member, the member shall forthwith disclose the fact to the Commission.
- (2) A member referred to in subsection (1) shall take no part in the consideration or discussion of, or vote on, any question before the Commission which relates to any contract, right, immovable property or interest referred to in that subsection.

- (3) A member shall, prior to accepting his appointment to the Commission, make a declaration of assets in accordance with paragraph 11 of the Fifth Schedule to the Constitution of the Federal Republic of Nigeria.
- (4) Any member who contravenes subsection (1), (2) or (3) of this Section commits an offence and is liable on conviction to a fine or imprisonment or both.
- (5) If a member referred to in this section takes part in the consideration of a matter in which his private interests are in conflict with his function as a member, the other members may subsequently ratify any such decision or action.

*Validity of
Decisions.*

102. No decision or act of the Commission done under the direction of the Commission shall be invalid on the ground that:
- (a) there existed a vacancy or vacancies among the members; or
 - (b) there existed some defect in the constitution of the Commission at the time the decision was taken or act was done or authorized.

Executive Secretary.

103. (1) The Governor shall appoint for the Commission an Executive Secretary who shall:-
- (a) be the Chief Executive and Accounting Officer of the Commission;
 - (b) hold office on such terms and conditions as may be specified in his appointment letter.
- (2) He shall be responsible for the day to day administration of the affairs of the Commission and perform such other functions as the Board may from time to time direct.
- (3) The remuneration of the Executive Secretary shall be as contained in his letter of appointment provided that such remuneration shall not be less than that paid to a Permanent Secretary in the Public Service of the State.

*Appointment and
Remuneration of Staff.*

104. (1) There shall be appointed by the Commission such number of staff as may be required to carry out the functions of the Commission under this law.
- (2) The staff of the Commission shall be paid such remuneration and allowances as applicable in the Public Service of the State.
- (3) Nothing in the provisions of subsection (2) of this section shall preclude the Commission from paying such additional allowances as it may deem fit based on the following principles:
- (a) the specialised nature of work to be performed by the staff;
 - (b) the salaries paid in the private sector to individuals with equivalent responsibilities, expertise and skills; and

- (c) the nature of the expenses incurred by the Commission employees, including national and international travel expenses.

Departments.

- 105.** (1) The Commission shall establish such Departments as it deems necessary which Departments shall include Legal Services Department.
- (2) The Legal Services Department shall be headed by a Legal Practitioner not below the rank of Assistant Director who has been in the public service for a minimum of five years and shall be nominated by the Attorney General.

Budgets.

- 106.** (1) The Commission shall, not later than 30th September in each year, prepare and submit to the Budget Office an estimate of the expenditure which the Commission proposes to incur in respect of that financial year in order to carry out the functions of the Commission during the next succeeding year.
- (2) The Commission may during any financial year prepare and submit to the Governor a supplementary budget relating to expenditures which were inadequately provided for in the annual budget due to unforeseen circumstances.
- (3) A supplementary budget shall be deemed to form part of the annual budget of the Commission for the financial year to which it relates subject to the approval of the House of Assembly.

Funds of the Commission.

- 107.** (1) There is established for the Commission a Fund into which all monies accruable to the Commission shall be paid and from which shall be defrayed all expenditure incurred by the Commission.
- (2) The funds of the Commission shall consist of:
- (a) fees, charges and other income accruing to the Commission from water services 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) a 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, pursuant to a request by the Governor for additional funds required to meet its reasonable expenditure.

Accounts and audit.

- 108.** (1) The Chairman shall ensure that proper accounts and other records relating to such accounts 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 annually by external auditors appointed in accordance with the guidelines for the appointment of auditors issued by the Auditor-General of the State.
- (3) The auditor shall be entitled at all reasonable times to require to be produced to him all accounts and other records relating to such accounts which are kept by the Commission or such information and explanation as in the auditor's opinion are necessary for the purpose of their audit.
- (4) Any officer or employee or agent of the Commission who fails without just cause to comply with a requirement of an auditor in terms of subsection (1) of this section commits an offence and is liable on conviction to a fine of ₦100,000 (one hundred thousand Naira) or 2 years imprisonment or both.

Annual Reports.

109. (1) The Commission shall submit an annual report of its activities to the Governor and the State House of Assembly in accordance with the provisions of this law.
- (2) The annual report shall, amongst other information, contain a detailed presentation of the Commission's performance during the reporting year stated against any targets set in the Commission's approved plans together with an analysis of the opportunities and constraints impacting upon the Commission's performance and the actions proposed for addressing them.
- (3) The Commission shall, within six months after the end of the financial year, furnish the State House of Assembly with:-
- (a) a copy of the audited accounts of the Commission; and
 - (b) a copy of the report of the external auditor.
- (4) The Commission shall publish its annual report in two national daily newspapers circulating within the State and on the Commission's official website.
- (5) The Commission shall cause the audited accounts and annual report to be published in the State Government Official Gazette after complying with subsection (3) of this section.

Other reports.

110. (1) In addition to any report which the Commission is required by this law to submit to the Governor, the Commission shall submit to the Governor and State House of Assembly such other reports as they may require and such other reports as the Commission considers necessary.
- (2) The Governor shall publicly release any reports submitted pursuant to subsection (1) of this section within two months following the receipt of such a report.

- Limited liability of members and staff of Commission.* 111. (1) No liability shall attach to the Chairman, members or other staff of the Commission for any loss or damage sustained by any person as a result of the bona fide exercise or performance of any function which, by or in terms of this law, is conferred or imposed upon such person.
- Benchmarking of Commission.* 112. Where required under any water supply sector programme commitments or by the Governor, the Commission shall submit such reports to the Governor or any person, organisation or authority as may be required in order to facilitate the comparison of activities and performance of the Commission against any other Water Regulatory Commissions operating elsewhere.
- Delegation of powers.* 113. (1) Subject to subsection (2) of this Section, the Commission may in writing delegate any power vested in it under this law, and may impose separate or concurrent duties with respect to enforcement of any regulations or orders made by it in a particular area on any water service provider or a local government authority.
- (2) Notwithstanding anything contained in subsection (1) of this section, the Commission shall not delegate the power-
- (a) to make regulations; or
- (b) to issue or cancel water service provider licences.
- Advisory support and outsourcing.* 114. (1) The Commission may appoint Advisory Committees to advise it on the exercise of the water services regulatory functions contained in this law.
- (2) The Commission may enter into arrangements with private sector experts to advise on or to undertake the performance of any water sector regulatory functions.
- (3) Any private sector expert appointed under this section shall be appointed by an open and competitive bidding, subject to all applicable bidding and award guidelines, including adequate technical requirements.

SPECIAL REGULATORY FUNCTIONS OF THE COMMISSION:

- Water Services regulatory functions.* 115. The Commission, in addition to any other functions imposed on it by this law shall perform the following regulatory functions for the provision of water services in the State:
- (a) advise the State Government on water supply matters;
- (c) licence Water Services Providers;
- (c) develop sector guidelines on the technical and financial management of Water Services Providers.
- (d) make regulations prescribing all matters which by this law are required or permitted to be prescribed or which, in the opinion of the Commission, are necessary or convenient to be

prescribed for carrying out or giving effect to this law, including:

- (i) the administration of the affairs of the Commission, the holding of meetings, hearings and proceedings, arbitration and mediation proceedings, the conduct of inquiries and investigations, becoming a party, the handling of information, and generally the conduct of its business;
- (ii) the procedure for issuing licence;
- (iii) the determination of the standards for the provision of prescribed water services including water quality standards;
- (iv) the method and manner by which the tariffs that may be charged by water service providers for their services will be determined including a metering scheme for certain large use consumers, to the extent practicable and cost-effective;
- (v) the duties, powers, rights, and obligations of a water service provider;
- (vi) the resources procurement policies of, and entry into Private Sector Participation Agreement by the Water Services Providers, including, as may be applicable, the review and approval of same;
- (vii) the requirements of Water Services Development Plans;
- (viii) procedures for monitoring compliance with this Law and any other applicable Laws and policies on water;
- (ix) guidelines to eliminate illegal connections, unregulated or illegal use of prescribed water services; and
- (x) practices, procedures and reporting requirements for monitoring and enforcing this law including establishment of fines and penalties.

Discharge of functions.

116. (1) In the discharge of its regulatory functions under this law, including the making of regulations and of any decision or determination, the Commission shall:
- (a) consult in good faith with persons who are or are likely to be affected by the decision including water services providers, consumers and any consumer associations;
 - (b) give to such persons an opportunity to make submissions to and to be heard by the Commission;
 - (c) have regard to the evidence or facts adduced at any hearing and to matters contained in any submissions;
 - (d) give reasons in writing for every decision;
 - (e) ensure that notice is given of each regulation, decision or determination in the government Gazette, and in a national daily newspaper circulating in the State and on the internet;
 - (f) ensure that decisions are accessible to the public at reasonable times and places; and

- (g) ensure that decisions are consistent with all applicable Federal and State water laws and policies, and water sector programme commitments of the State.

- (2) The Commission may make interim order pending the final disposition of a matter before it.

***Other Powers
of the Regulator.***

- 117. (1) The Commission may exercise such other powers including the power to make determinations and to act arbitrator in disputes under a Private Sector Participation Agreement.
- (2) In making a determination under this section the Commission shall have regard to any factors specified in the Private Sector Participation Agreement in relation to economic regulatory matters.

***Licence to
Operate as Water
Services Provider.***

- 118. (1) No person shall operate as a service provider unless such person:
 - (a) holds a licence issued by the Commission; or
 - (b) is exempted from the requirement to obtain a licence in respect of the provision of the relevant water services.
- (2) Notwithstanding the provisions of subsection (1) of this section, any person, public or private, who at the commencement of this law, was acting as a water services provider without a licence, may continue to do so until the expiry of reasonable period, which time or period shall not exceed six months, given by the Commission.
- (3) The Commission shall have the power to determine whether a person who engages, or is about to engage in business for which a licence is required under this law or any other law, may be exempted from necessity to obtain a licence.
- (4) Where the Commission grants an exemption in accordance with subsection (3) of this section, it shall publish the Order of exemption in the Gazette, which shall specify whether such exemption is of specific or general application.
- (5) Notwithstanding an exemption granted under subsection (3) of this Section, the Water Service Provider shall be subject to all Regulations issued by the Commission.
- (6) The Commission may issue an interim licence to any person as specified under the law for a period not exceeding eighteen months, or such shorter period as it may consider appropriate.
- (7) Any person who contravenes any of the provisions of this law on obtaining the required licence commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or a fine of ₦100,000 (hundred thousand Naira) or both,

and thereafter ₦10,000(ten thousand Naira) per day until the default is abated.

- (8) The Commission may order any person who contravenes any of the provisions of subsection (2) of this section, to cease operations, and to make such other orders, including an order to another water service provider to disconnect facilities as may be necessary to prevent the continuation or reoccurrence of the contravention.

*Limitations on
Transfer.*

119. A Water Services Provider shall not, except as provided under this law, transfer its licence without the written approval of the Commission:

PROVIDED that, where the circumstances require, the Commission may approve the transfer subject to terms and conditions including the extent of the approval.

Application.

120. (1) An application for a licence shall be made to the Commission in the form and manner prescribed, and shall be accompanied by the prescribed fee and such information or documents as may be required by the Commission.
- (2) Within thirty days of applying for a licence under this section, the Commission shall cause a notice of such application to be published in a newspaper in circulation in the area in which applicant intends to operate as a water service provider.
- (3) The notice shall state the period within which objections or representation in connection with the application may be made to the Commission by any member of the public, and the Commission shall not issue any licence until the period has lapsed or any objections or representations received by the Commission have been considered.
- (4) In addition to satisfying the conditions under subsection (1), the Commission shall issue a Licence to an applicant when it is also satisfied that:
- (a) the applicant is likely to comply with such provisions of this law, including, without limitation, all codes of conduct, standards, regulations and terms and conditions of licence, applicable to the service or system it intends to provide or operate; and
 - (b) the grant of the licence is in the public interest, after consideration of all relevant factors, including but not limited to the following:
 - (i) existing lawful services; and
 - (ii) efficient and beneficial use of water services in the relevant geographic area.

- (5) If on consideration of an application that satisfies the requirements of subsection (1), the Commission is not satisfied as to the additional matters referred to in subsection (4) of this section; it shall refuse to issue a licence to the applicant, subject to affording the applicant an adequate opportunity to make representations in the matter.
- (6) The period between the Commission's receipt of an application under subsection (1) and all documents and information submitted in support of it, and the date on which it notifies the applicant of the adequacy of the documents and information, shall not exceed thirty days.
- (7) The period between the Commission's receipt of an application that satisfies the requirements of subsection (1), and the date on which the Commission notifies the applicant of its decision or proposed decision in accordance with subsection (4) or subsection (5) of this Section, as the case may be, shall not exceed six months, unless the applicant consents to an extension of the period.
- (8) Notwithstanding subsections (1) - (7) of this section, the Commission may establish simplified application and licensing procedures for different water services providers.

*Terms and
Conditions of Licence.*

121. (1) A licence shall be issued subject to such terms and conditions as are required by this law or as the Commission by regulation.
- (2) Unless expressly indicated in the licence, the grant of a licence shall not hinder or restrict the grant of other similar licences to other persons for a like purpose,

PROVIDED that the Commission may allow a licence to be exclusive for all or part of the period of the licence, for a specific purpose, within a geographic area, or for some combination of the foregoing.
- (3) A licence shall contain terms and conditions for its revocation, modification, or amendment.
- (4) A licence shall be valid for 5 years in the first instance and subject to satisfactory performance and conditions set by the Commission be renewable every 2 years.

*Determination of
Fees and Charges.*

122. The Commission shall specify fees chargeable in relation to respective licences issued under this law.

Renewal of Licence.

123. At the expiry of every license, subject to payment of the appropriate fee, a services provider shall apply to the Commission in the form and manner, and within the period prescribed for a renewal of the licence.

*Amendment of
Licence.*

124. (1) Subject to the provisions of this Section, the Commission may amend a license:-
- (a) in accordance with the procedures specified in the licence; or
 - (b) by agreement between the Commission and the water service provider.
- (2) The water service provider shall cause a notice of the proposed alteration or amendments to its licence to be published in accordance with such directions as may be issued by the Commission, which shall include the period prescribed by the Commission, within which objections or representations in connection with the amendments may be made to the Commission.
- (3) The Commission shall not amend any licence until all objections or representations received have been considered.

STANDARDS AND TARIFFS:*Standards.*

125. (1) The Commission shall, in consultation with relevant Federal and State ministries, water service providers, consumers and other stakeholders, develop the following performance standards and codes:-
- (a) standards for overall performance in connection with the provision of prescribed Water Services and in connection with the promotion of the efficient use of water by consumers;
 - (b) water quality standards;
 - (c) such technical codes and manuals as may be required for the safe, reliable, and efficient operation of the system; and
 - (d) such other standards, codes, manuals as the Commission may require.
- (2) Standards, codes and manuals approved by the Commission pursuant to subsection (1) of this section shall be binding on the relevant water service providers and shall be published by the relevant water service providers in such manner as the Commission may direct.
- (3) The Commission may, depending on the nature of the service provided, set different standards for different water services providers under this law.
- (4) In carrying out its functions under this law, including setting and monitoring standards under this section, the Commission shall consult and cooperate with relevant Federal and State, Agencies. .

Tariffs.

126. (1) The Commission shall adopt and issue to the services provider, tariff methodologies for tariffs that may be charged by the service provider for its services.
- (2) No service provider shall fix any tariff to be charged for water services unless the tariff is in accordance with the applicable tariff methodology adopted and approved by the Commission for regulating water tariffs.
- (3) In determining tariff methodologies the Commission shall have regard to the:-
- (a) particular circumstances of the Water Services for which the determination is being made;
 - (b) costs of producing and supplying the water services;
 - (c) interests of the service provider including assurance of the financial integrity of the service provider;
 - (d) cost of complying with relevant health, safety, environmental and social legislation;
 - (e) the need to provide incentives for continued improvement in technical and economic efficiency and quality of water services; and
 - (f) the interests of consumers, including the need to avoid undue discrimination between consumers and consumer categories.
- (4) The Commission may establish simplified tariff methodologies for different water service providers.
- (5) Notwithstanding paragraph (f) of subsection (3) of this section, in establishing tariff methodologies the Commission shall differentiate among consumers on the basis of differences in total water consumption, the time or periods on which water is consumed, and such other criteria as may affect the cost of providing a service and may allow a lifeline tariff for some consumers.
- (6) prior to approving a tariff methodology, the Commission shall give notice in the Gazette and in one or more news papers with wide circulation in the State, of the proposed establishment of a tariff methodology, indicating the period within which objections or representations in connection with the same may be made to the Commission.
- (7) The Commission shall fix the date on which the tariff methodology shall come into operation and it shall cause the notice to be published in the Gazette and any newspapers circulating in the State.
- (8) The Commission shall, with the help of experts in the field of water regulation, establish procedures for undertaking fixed and extraordinary reviews of the tariff methodology.

- (9) Any person charged with the responsibility of setting tariffs shall be bound by the tariff methodology that has come into operation in accordance with this section.
- (10) A Services Provider shall transmit to the Commission, within the time and in the prescribed form, a schedule showing the tariff charged by it for the services it provides.
- (11) Any service provider who transfers any fines or penalties levied against it to consumers commits an offence under this Law.

WATER SERVICES PROVIDER AND CONSUMERS:

Terms and conditions for the provision of Water Services.

127. (1) The Commission shall in accordance with this law and any regulation made pursuant to this law set terms and conditions for the provision of water services by service providers.
- (2) These conditions shall:
- (a) be in writing, accessible to the public and available free of charge to any consumer;
 - (b) be consistent with applicable Federal and State laws and policies on water;
 - (c) be consistent with every applicable Water Services Development Plan adopted pursuant to this law; and
 - (d) provide for:-
 - (i) the technical conditions of existing or proposed extensions of supply;
 - (ii) the determination and structure of tariffs;
 - (iii) the conditions for payment;
 - (iv) the circumstance under which Water Services may be limited or discontinued;
 - (v) procedures for limiting or discontinuing water services; and
 - (vi) measures to promote water conservation and demand management.
- (3) The procedures for the limitation or discontinuation of water services shall:-
- (a) be fair and equitable; and
 - (b) provide for the required notice of intention to limit or discontinue the services and for an opportunity to make representations, unless, other consumers would be prejudiced or there is an emergency situation or the consumer has interfered with a limited or discontinued service.

- (4) Any person who uses water services provided by a service provider shall be subject to conditions set or presented by that service provider in accordance with the regulations of the Commission.
- (5) Where one service provider provides water services to another water service provider, it shall not limit or discontinue those services for reasons of non-payment, unless it has given at least 30 days' notice in writing of its intention to discontinue the services to the other water service provider and has forwarded a copy of the notice to the Commission.

***Duty to provide
access to Regulated
Water Services.***

128. (1) Any water service provider shall ensure efficient, affordable, economical and sustainable access to water services to all consumers or potential consumers in its area of jurisdiction, in accordance with the terms of its licence.
- (2) The duty prescribed in subsection (1) of this Section shall be subject to the -
- (a) terms of the licence and any applicable private sector participation agreement;
 - (b) availability of resources;
 - (c) need to regulate access to Water Services in an equitable way;
 - (d) duty of consumers to pay reasonable charges, based on the standards for water services tariffs;
 - (e) duty to conserve water resources;
 - (f) duty to manage waste water and sewerage in a manner prescribed by the Commission and all applicable laws and best practices;
 - (g) duty to provide water in accordance with the National Drinking Water Quality Standards.
 - (h) nature, topography, zoning and location of the land in question; and
 - (i) the right of the relevant water service provider to limit or discontinue with provision of water services if there is failure to comply with reasonable conditions set for the provision of such services.
- (3) A service provider shall not unreasonably and without verifiable cause refuse or fail to give access to prescribe water services to a Consumer or potential consumer in its area of jurisdiction.
- (4) In emergency situation, a service provider shall take reasonable steps to provide basic water supply to any person within its area of jurisdiction and may do so at cost to the State Government in accordance with standards prescribed by the Commission.

- (5) No provisions of this section shall be interpreted to expand the obligations of a service provider under a Private Sector Participation Agreement awarded and approved in accordance with the provisions of this Law or prior to this law.

***Rights of Water
Services Provider.***

129. The Water Services Provider may:

- (a) construct, operate, alter or repair any water services facility in accordance with the terms of its licence and , any applicable private sector participation agreement with the permission of the relevant State and federal government authorities;
- (b) levy tariffs for water services provided by it in accordance with this law and the tariff methodology prescribed by the Commission; and
- (c) apply for, enter into agreements for, and perform all obligations related to grants or loans under a water sector programme commitment.

***Obligations of
Water Services Provider.***

130. (1) A Water Services Provider shall:

- (a) comply with the provisions of its licence, regulations, general codes, and any other requirements issued by the Commission, unless restrained by a court of competent jurisdiction, notwithstanding that the water services provider has or may intend to take legal action challenging any such order or notice;
 - (b) provide the water services in accordance with all applicable State and Federal Water Laws and any other laws applicable to it.
 - (c) unless expressly exempted , prepare and submit to the Commission each year such accounting information as the Commission may require;
 - (d) present to the Commission, complete and regular information, in the form and substance prescribed, as may be required by the Commission;
 - (i) to prove compliance with the approved tariff, tariff methodology and with any other obligation of the services provider under this law or its licence; and
 - (ii) for the purposes of monitoring the implementation of the Water Service Development Plan by the Commission.
- (2) Every service provider shall establish procedures for dealing with complaints by its consumers or potential consumers, which procedure and any amendment must be approved by the Commission.

Consumers.

- 131. (1)** In addition to any other right contained in the contract between the consumer and the water services provider, a consumer shall be informed by the water services provider of the rights and obligations of the water services provider under the licence.

- (2) The Commission shall make regulations containing the Consumer's Bill of Rights and obligations and make same available to consumers and the service providers.
- (3) A consumer shall in addition to any other obligation contained in any contract between the consumer and the water services provider:
 - (a) pay for the services provided or made available in accordance with the applicable tariff;
 - (b) pay the surcharge on tariff imposed under this law;
 - (c) comply with the technical regulations issued by the water services provider relating to consumer installations including their maintenance;
 - (d) allow the water service provider to install a meter on the property where appropriate, and shall not tamper with the meter installed; and
 - (e) permit the service provider or its agents and employees to read the meter in accordance with the terms established in the licence.
- (4) Where the consumer fails, after the due notice, to comply with the provisions of subsection (3) of this section, the service licensee may suspend the service to that consumer except where the consumer is an essential service provider.

COMPLAINTS, INVESTIGATION AND ORDERS:

***Right of Complaint.
to the Commission.***

- 132.** (1). Any consumer or service provider may submit a complaint to the Commission in respect of any matter arising under this law.
- (2). A dispute between a consumer and a service provider relating to the provision of water services or the tariff chargeable for the service provided by a service provider shall in the first instance be referred to the Commission for investigation and settlement.

Investigations.

- 133.** (1) The Commission may on its own initiative, or upon the receipt of a complaint from any consumer or services provider inquire into the conduct or performance of any services provider in carrying out its obligations under this law or regulations, codes of conduct, or the terms and conditions of the licence.
- (2) The Commission shall investigate complaints received by it unless it is of the opinion that:
- (a) the complaint is trivial, frivolous, vexatious or not made in good faith; or
 - (b) the complaint is on the same subject already under investigation.

Abatement Orders.

134. (1)

Where the Commission is satisfied that a service provider is contravening, has contravened or is likely to contravene any of the conditions of the water service provider licence, the Commission may serve upon the service provider an abatement Order:

- (a) requiring the services provider to do, or avoid the doing of any act, as may be specified in the order for the purpose of rectifying or avoiding any contravention or threatened contravention of any condition of the licence; and
 - (b) stipulating the period within which any directive referred to in paragraph (a) of subsection (1) of this Section shall be commenced and completed.
- (2) An Order for abatement shall be published by the Commission in the Gazette and in the public media or in such manner as the Commission considers appropriate to draw the attention of other persons affected or likely to be affected by the acts of the water service provider.
- (3) Before serving an order specified in subsection (1) of this section, the Commission shall serve a notice on the services provider:
- (a) specifying the grounds upon which the order is to be issued and what the Commission considers is required for the purposes of rectifying or avoiding any contravention or threatened contravention of any condition of the licence;
 - (b) stipulating the maximum period that the Commission considers reasonable for the implementation of any requirement it proposes to order; and
 - (c) allowing the Service Provider to make representations to the Commission within a specified period.
- (4) An order served under subsection (1) of this section, may specify a penalty for each day the services provider remains in default of compliance with the order.
- (5) The Commission may impose penalty on any service provider, public or private or individual who pollutes or causes to be polluted, or changes, alters or cause to change or alter the status of any surface or groundwater source without the specific approval of the Commission.

Suspension or revocation of licence.

135. (1)

After an inquiry, including an opportunity for the service provider to show cause as to why its licence should not be revoked, the Commission may revoke or suspend any licence if, in its opinion:-

- (a) the licence was issued through fraud or the misrepresentation or non disclosure of a material fact by the water services provider;

- (b) the services provider has failed, without reasonable cause, to comply with an enforcement order issued by the Commission;
- (c) the services provider has failed, after appropriate notice in accordance with the terms of the licence, to comply with any terms or condition of its licence, the breach of which is expressly declared by such licence to render it liable to revocation; or
- (d) the financial position of the service provider is such that he is unable to fully and efficiently discharge the duties and obligations imposed by the licence.

- (2) Before revoking a licence, the Commission shall notify the service provider in writing of its intention to revoke the licence and the reasons for doing so, and shall allow the water services provider an opportunity to demonstrate, within 60 days following the delivery of such a notification that circumstances have changed such that revocation may no longer be warranted.
- (3) Notwithstanding subsections (1) and (2) of this section, the Commission may allow a licence to remain in force, subject to such further terms and conditions as it may deem necessary to impose, and such terms and conditions shall form part of the licence.

*Power in relation
to Statutory Managers.*

136.

- (1) Without prejudice to the powers of the Commission to revoke a license, where a licence has been suspended or revoked, the Governor may, acting on the recommendation of the Commission and in the public interest, direct that the utility or service be operated under the management and control of a competent person (in this section referred to as the ("statutory manager").
- (2) The statutory manager shall exercise all relevant powers and perform all relevant duties on behalf of the service provider, and shall use the infrastructure of the original service provider to perform all necessary functions.
- (3) When a service provider resumes its functions, the powers exercised and duties performed by the statutory manager shall cease.
- (4) The Statutory Manager may recover from the original water service provider all outstanding expenses which it incurred and losses which it suffered, in the cause of any act performed under this section.
- (5) The suspension or revocation of a licence and the appointment of a Statutory Manager under this section shall not prejudice or adversely affect the interest any holder of any security in the

business of the water service provider or any mortgage or the right of enforcing the security.

*Review of Decisions
by Commission.*

137. (1) Any person who is aggrieved by:-
- (a) decision of the Commission not to issue a licence;
 - (b) any terms or condition of a licence issued to him, or a refusal by the Commission to specify a term or condition in the licence;
 - (c) a refusal by the Commission to renew a licence;
 - (d) any amendment of a licence or a refusal by the Commission to amend a licence;
 - (e) the revocation of a licence;
 - (f) the grant or refusal by the Commission to grant any approval or authority in terms of this law;
 - (g) the outcome of any arbitration or mediation by the Commission of a dispute between service providers or between a service provider and consumer;
 - (h) a decision of the Commission with respect to tariff; or
 - (i) any other decision of the Commission, may within fourteen days of the delivery of the decision, apply to the Commission for reconsideration of the matter or review of the decision of the Commission.
- (2) An application for review of decision of the Commission may also be sought under this section if the applicant relies on new facts or changed circumstances that could not, with due diligence, have become known to the applicant while the matter was being considered by the Commission.
- (3) Any disputes or differences arising between licensees or users in respect of activities carried out under this Law may at first instant be referred to the Commission for arbitration.
- (4) For the purpose of subsection (4) of this section, the Commission may act as Arbitrator or nominate an Arbitrator to adjudicate and settle the dispute.

Right of action.

138. (1) Notwithstanding anything contained in section 136 of this law, a person who has made an application for a licence may challenge any failure by the Commission to take a decision on the application within a reasonable time.
- (2) The provision of Section 136 shall not operate to prejudice the right of any person who is aggrieved by any decision of the Commission to challenge the decision before the High Court:
PROVIDED that the action shall be commenced within 21 days of the decision.

GENERAL PROVISIONS:

Compliance with other Laws. 139. No approval given under this law and nothing in this law relieves any water services provider or any other person from complying with any other law relating to the management or regulation of the environment or water resources or with any other applicable State or Federal water laws or policies including, where required, any obligation on a water services provider to obtain a licence or permit to abstract water to be used in providing the Prescribed Water Services..

Entry and inspection of property. 140. (1) Any person authorised in writing by the Commission may:

- (a) subject to the provisions of subsection (3) of this section, at any reasonable time and without prior notice, enter any property and inspect any water services facilities in order to ascertain whether it is established and carried out in compliance with this law or any regulation made pursuant to this law;
- (b) after reasonable notice to the owner or occupier of any property, enter the property with the necessary vehicles, equipment and material for its work -
 - (i) to repair, maintain, remove or demolish any water service facility belonging to or operated by the water services provider concerned;
 - (ii) to establish the suitability of any water source or site for the construction of a water services work;
 - (iii) search, excavate, bore or carry on any activity necessary for the recovery of measurement of water; and
- (c) after reasonable notice to the owner or occupier of any property, enter the property in order to have access to another property lawfully.

(2) Any person entering any property shall identify himself and present his authorisation.

(3) Where it is necessary to do so for the enforcement of this law, a private residence or business premises may only be entered upon reasonable notice and at a reasonable time.

Transfer Agreements to community based Associations. 141. The Commission may develop model Agreements for the transfer of assets from State owned Agencies, STOWA and RUWASSA to the Community based associations and organisations in accordance with this law and the State WASH policy.

PART VII - SANITATION AND ENVIRONMENTAL PROVISION

Roles of all Local Governments. 142. All Local Government Areas shall:

- (a) in collaboration with all WCAs, WSPs, WASHCOMs within the Local Government Areas, the State Ministry responsible for water resources, Ministry responsible for rural development,

Ministry of Health, Ministry of Education and other stakeholders, ensure and promote:

- (i) hygiene and sanitation education and awareness in respect of water usage, conservation and protection, among the people of the area;
- (ii) health education including prevention of water borne diseases and its effects ;
- (iii) programmes for child education on hygiene and sanitation in respect of water and sanitation, both at home and in their schools;
- (iv) In conjunction with the State government, provide funding for the promotion of water sanitation and hygiene with support from donor Agencies if available;
- (v) in consultation with WCAs and WASHCOMs in the area set and enforce all regulations that will protect all categories of water systems in the State including water works, boreholes, hand-pumps and any other water system from effluents;
- (vi) conduct active and regular house to house sanitary inspection;
- (vii) Mobilize and encourage private sector participation in the provision of sanitary facilities in strategic areas for transient population within the LGA;
- (viii) ensure disposal of dead and animal carcasses found near or in any water source or system;
- (vii) take all measures including environmental impact assessment before construction of any water system in the area that will reduce environmental impact to the surrounding areas;
- (x) control the rearing of animals in relation to water sources or water schemes and impound any stray animal; and
- (xi) sensitize and mobilize its community members to contribute and participate in any water sanitation programme and sanction anybody who fails to do so.

Role of Ministry in charge of Water Resources.

143. The State Ministry responsible for water resources shall collaborate with the State Ministry of Education on matters of water supply and sanitation hygiene education with a view of revising primary and secondary school curricula.

Pollution prevention.

- 144.**
- (1) It shall be a duty of every person or institution established under any law of the State to promote and observe the State policy on point and non-point sources of pollution of the water resources of the State.
 - (2) Any such person or institution shall promptly notify both the relevant Federal and State environmental standards enforcement agency in charge of pollution control, the ASWRC, the State Ministry of Water Resources, energy and

rural development, Ministry of Environment and any other agency responsible for standards enforcement in the area of any actual or threatened infringement whereupon such environment agency shall take appropriate steps pursuant to this law and /or the law establishing it.

- (3) All WCAs, WSPs, relevant government Ministries and Agencies, and the ASWRC shall take all appropriate measures to control non – point source pollution including promoting:
 - (a) sustainable forestry practices, agro-forestry, reforestation and good pasture husbandry;
 - (b) appropriate agricultural land use methods, soil conservation, control and minimization of the use of agricultural chemical inputs;
 - (c) general land use, planning, and enforcement of planning laws;
 - (d) creating awareness on hygiene and sanitation; and
 - (e) enforcement of treatment standards for industrial effluents discharged into water sources.
- (4.) In cases of emergencies or threat of imminent serious pollution, the Ministry for Water Resources, Energy and Rural Development in collaboration with other relevant State Ministries and the ASWRC, will take appropriate steps to rectify the problem as soon as practicable and thereafter inform the relevant enforcement agency.
- (5.) In spite of a notification of a point or non-point source of pollution to the enforcement Agency by any person, the Ministry responsible for water Resources in collaboration with other relevant State Ministries and the ASWRC shall continue to monitor and ensure actual abatement of such pollution occurring within the State.
- (6.) In the event that such pollution continues for a period of two days after notification to the enforcement agency, the Ministry responsible for water resources in collaboration with other relevant state Ministries may take appropriate steps to abate such pollution including prosecution of such polluters and suspension of a license for wastewater discharge or related water supply
- (7) Where the Ministry takes such steps as are contemplated in this section, such costs as are incurred shall be recovered from the party(ies) directly or indirectly responsible for the pollution.

PART VII - OFFENCES AND PENALTIES

*Illegal construction
of waterworks.*

145. (1) No person shall construct any waterworks in the State without obtaining a license or other authorization from the Commission.

- (2) No person shall construct any illegal structure within the waterworks premises.
- (3) Any person who contravenes the provisions of this section commits an offence and shall be liable on conviction to a fine of ₦200,000 (two hundred thousand Naira) or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.
- (4) The provisions of subsections (1) and (2) of this section shall not apply to a person who constructs a well having a depth not exceeding 10 metres within his premises for his domestic use.

*Offences relating
to water diversion,
pollution, etc.*

146. Any person who:
- (a) willfully damages any water works, public fountain or service; or
 - (b) unlawfully draws, diverts or takes water from any source or from any stream by which any waterworks is supplied, or
 - (c) makes an unauthorized opening or closes any valve, sluice or manhole of any waterworks; or
 - (d) pollutes any water or water source; or
 - (e) allows or causes any foul liquid or gas or other noxious or toxic or injurious substance or matter to be discharged into any water source or any facility of any State owned or private water facilities commits an offence and shall be liable on conviction to a fine not less than the sum of ₦150,000.00 (one hundred and fifty thousand Naira) or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment and to a further penalty of ₦10,000.00 (ten thousand Naira) for each day that the act or omission that constitutes the offence continues.

*Offences relating
to wastage.*

147. 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 ₦200,000 (two hundred thousand Naira) or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

*Offences relating to
fraudulent measurements.*

148. 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) obtains a greater supply of water than he is entitled, or to avoid payment for such supply; or
 - (c) willfully or negligently damages, alters, cause or permit to be damaged or altered any meter, commits an offence and shall be liable on conviction to a fine of ₦200,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

- (2) A person who contravenes any of the provisions of subsection (1) of this section commits an offence and is liable on conviction to a fine of ₦20,000.00 (twenty thousand Naira) or to imprisonment for 3 months or both the fine and imprisonment.

PART IX - MISCELLANEOUS AND TRANSITIONAL PROVISIONS

*Repeal of Laws
and savings.*

154. (1) The Anambra State Water Board Law Cap. 138, Laws of Anambra State of Nigeria, 1999 is hereby repealed and accordingly, the Anambra State Water Board existing immediately before the commencement of this Law is hereby dissolved.
- (2) The statutory functions, rights, obligations and liabilities of the Water Board as they relate to the supply of water in the State existing before the commencement of this law, under any contract or instrument, whether in law or in equity, shall by virtue of this law and without further assurance, is hereby vested in the relevant bodies and agencies established under this law.
- (3) Any such contract or instrument mentioned in subsection (2) of this section, shall be of the same force and effect against or in favour of the ASWAHC or any of the Agencies established by this law as the case may be and shall be enforceable as fully and effectively as if instead of the Water Board existing before the commencement of this law, the ASWAHC or the Agencies established by this law had been named therein or had been a party thereto.
- (4) The ASWAHC and the Agencies established by this law shall be subject to all obligations and liabilities to which the Water Board existing before the commencement of this law was subject, and all persons shall have the same rights, powers and remedies against the ASWAHC and the Agencies established by this law as they had against the previous Water Board.
- (5) Any proceedings or cause of action pending or existing immediately before the commencement of this law, by or against the Water Board before the commencement of this law in respect of any right, interest, obligation or liability may be continued or as the case may be, commenced by or against the ASWAHC or the relevant Agency and any determination of a Court, Tribunal or other Authority or person may be enforced by or against the ASWAHC or the Agencies established by this law to the same extent that such proceedings or cause of action or determination might have been continued, commenced or enforced against the Water Board.
- (6) Any person:
- (a) who immediately before the coming into force of this law was the holder of any office in the Water Board or

was a Staff in the Water Board before the commencement of this law shall, on the commencement of this law and without further assurance, continue in office and be deemed to have been appointed to his office by the ASWAHC established under this law; and

- (b) whose services are not required by the ASWAHC upon the conduct of a staff need assessment for the effective performance of its functions in accordance with this law shall be redeployed to the State Civil Service.