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BORNO STATE GOVERNMENT OF NIGERIA

GAZETTE

BORNO STATE RURAL WATER SUPPLY
AGENCY LAW 2001



BORNO STATE OF NIGERIA
Gazette

Published by Authority

Pages 1-5

No. 7	Maiduguri, 15th February, 2018	Vol. 43
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Borno State Notice No. 7

The following is published as Supplement to this Gazette:
BOS. Law. No. 7 of 2001- The Borno State Rural Water Supply Agency Law, 2001.

Printed and Published by the Director of Printing, Maiduguri. GPM/7/2018/500

Annual subscription : Nigeria N24,000.00 Overseas N48,000.00, post free present issue: N2000.00 per copy Application for the purchase of Gazette and other Government Publications should be submitted to the Director of Printing, Borno State Post Office Box 179, Maiduguri. Remittances should be in money or Postal Order, crossed and made payable to the Director of Printing Maiduguri. Postage Stamp are not Acceptable.

12th February, 2018

ALHJAI MALA KACHALLAH
Governor
Borno State of Nigeria



2018

Borno State of Nigeria

A BILL FOR

for the Establishment of Borno State Rural Water Supply Agency
Enactment: ()

MINIMARY

IT ENACTED by the Borno State House of Assembly of Nigeria as follows: -
This Law may be cited as the Borno State Rural Water Supply Agency Law, 2001

this Law unless the Context otherwise requires:

"Appropriate Authority" means the person for the time being having responsibility of the area;
"Agency" means the Borno State Rural Water Supply Agency;
"General Manager" means the General Manager of the Agency;
"Governor" means the Governor of the State;
"Rural Area" means a Local community;
"Rural Water Supply" means the supply of water to local communities through boreholes, wells, earth dams, etc.
"State" means Borno State of Nigeria;
"Management" means the General Manager and the Directors of the Agency;

There is hereby established a body to be called the Borno State Rural Water Supply Agency which shall be a body corporate with perpetual succession and common seal and which shall have power and the functions conferred upon it by this Law and it shall have the power to sue or be sued in its corporate name.

Source of Authority	4(1). There shall be a Governing Board for the Rural Water Supply Agency. (2). The Board shall comprise of a Chairman and five other Members.
Functions	5. The functions of the Agency shall be:- (i) To control and manage rural water works; (ii) To establish, manage, extend and develop rural water works for the purpose of providing water for consumption; (iii) To provide rural boreholes, well sinking, rural sanitation and maintenance; (iv) To mobilize rural people for community training and Development; (v) To create public, relation in rural community on the need to embark on self-help projects and their maintenance; (vi) To promote and encourage communal interest and participation in rural water works; and (vii) Such other functions as the Governor may confer on the Board which can be performed conveniently with the afore stated functions.
Power	6. (1) For the purpose of carrying out its functions under the Law and any other enactment, the Agency shall have power:- (a) To acquire and earmark land in rural area in consultation with the appropriate authority for purpose of the sinking wells, constructing earth dams, providing cattle troughs and boreholes; (b) To acquire and distribute materials to rural communities for the purpose of sinking wells or laying pipes; (c) To enter any land in the rural areas, after serving a written notice, for purpose of the examine any surface or under ground water so to determine its productivity, quality and quantity. (d) To examine and test the existence and extent of pollution in water and provide remedies therefore; (e) To construct supporting structure to wells or artesian wells, (f) To inspect any water works and to check wastage, obstruction or damage to any service; (g) To liaise with donor agencies on all poverty alleviation programme (or whatever name that may be called); (h) To extract water from under ground sources by means of sinking boreholes, wells, artesian wells and the construction of their supporting structures;

- (i) To enter any land or premises after giving notice, where practicable, to the owners or occupiers, for the purpose of ascertaining the amount of water used or to be used; and
 - (j) Controlling the supply of water to any rural area in the State.
- 2). The Agency shall in addition have powers to enter into any agreement for the sinking of any earth dam, well or the drilling of any borehole or examining the quality or quantity of water supplied or to be supplied in any rural area in the state.
- There shall be a General Manager to be appointed by the Governor to take charge of the Agency as the Chief Executive.

The Agency shall have the following Directorates: -

- (a) Directorate of Personnel Management which shall be responsible for the recruitment, promotion, discipline, staff training and development.
 - (b) Directorate of finance and supply which shall be responsible for Financial management, stores, purchasing and supplies;
 - (c) Directorate of Planning, Research and Statistics which shall be responsible for planning, research, statistic, monitoring and evaluation.
 - (d) Directorate of works and water supply which shall be responsible for rural boreholes, well sinking, pipe laying, over head tanks, rural sanitation, maintenance, cattle troughs, earth dams and galleries.
 - (e) Directorate of Community mobilization which shall be responsible for public relations, mobilization, community training and development.
- 2) The directorate mentioned under paragraph (a) to (e) of this section shall be headed by a Director with requisite qualifications in the relevant fields or as may be specified by the Governor.

The Agency shall work in consultation with donor agencies on all poverty alleviation programmes geared towards rural water supply.

- (1) The management shall hold meetings as may be necessary for the due performance of its functions provided that it should hold at least four meetings in every year.
- (2) The Chairman shall upon the request in writing signed by at least six members of the board summon a special meeting of the Board within fourteen days of such request.
- (3) At any meeting of the Board, the Chairman shall preside, and in his absence, the members present shall elect a person among their number to preside at that meeting.

- (4) Every question coming before the Board at any meeting shall be decided by a simple majority of the votes of members present and voting, but in the case of equality of votes, the Chairman or the person presiding shall have a second or casting vote.
- (5) The validity of the proceedings of the Board shall not be affected by a vacancy among its members or any defect in the appointment of a member.
- (6) Subject to the provision of this Law, the Board may make standing orders for the purpose of regulating its own procedure.

Quorum

- 11. The quorum of any meeting of the Board shall not be less than half the number of the members.

Co-optation

- 12. The Board may at any time co-opt any person to attend its meetings, such a co-opted person shall not be entitled to vote at any such meeting on any matter for the decision of the Board.

Funds

- a. The funds and resources of the Agency shall consist of:-

- (a) Sums of money as may from time to time be granted or appropriated to the Agency by the State or Federal Government, Government Institutions or any other body or organization;
- (b) All funds assets, resources undertakings and such rights and interests as the Agency may from time to time acquire and all monies, dividends and other benefits derived, earned or arising therefrom;
- (c) All charges, rent, rate and other payment for the services it renders;
- (d) All such sums of money or property which may in any manner become payable to or vested in the Agency in respect of any incidental to its functions and powers under this Law.

Annual Estimates

- 14.(1) The Agency shall prepare detailed estimate of its income and expenditure for the following year and submit same for approval to the Governor.
- (2) The Expenditure of the Agency shall be in accordance with the financial regulation approved by the Governor.

Accounts

- 15. The Agency shall keep proper books of accounts and records which shall be audited by the State Auditor - General at the end of each financial year.

Annual Reports	16.	The Agency shall as soon as possible at the end of each financial year cause to be submitted to the Governor, an annual report of the Agency's dealings generally with the activities and operations of the Agency during that year, which shall without prejudice to the generality of the foregoing include:- (a) A copy of audited accounts of the Agency; (b) Such other information as the Governor may request.
Penalty for Offences	17.	Any person who contravenes any provision of this Law in respect of which no penalty is prescribed commits an offence and shall be liable on conviction to fine not exceeding Five Thousand Naira (N5,000:00) or imprisonment for a term not exceeding three months or both.
Immunity	18. (1)	All Staff of the Agency shall not be liable for any act or omission which is done in good faith in the course of their duties. (2) The seal of the Agency shall be authenticated by the general Manager.
Directions	19.	The Governor may give directions of specific or general nature to the agency and the Agency shall give effect to such directions.

EXPLANATORY NOTE

This printed impression has been carefully compared by me with the Law which has passed the Borno State House of Assembly and Found by me to be a true and correctly printed copy of the Law.

BABA GEIDAM MAI
*Clerk of the Borno State
House of Assembly*