



BIG TOWN WATER SUPPLY AND SANITATION AGENCY LAW, 2000

LAW NO 1 OF 2000

BIG TOWN WATER SUPPLY AND SANITATION AGENCY LAW 2000

BE IT ENACTED BY THE JIGAWA STATE HOUSE OF ASSEMBLY as follows:

Composition

Commencement 1. This LAW may be cited as the Big Town Water Supply and Sanitation Law and shall come into force on the day of 2000.

Interpretation

2. In this Law, unless the context otherwise requires, "Agency" means the Agency established under section 3 of this Law;

"The Board" means the Board of the Agency;

"Member" means a member of the Board of the Agency and includes its chairman;

"Governor" means the Governor of Jigawa State of Nigeria;

"Street" includes any square, court, highway, road, thoroughfare or public passage or place over which the public have a right of way;

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

"Water Works" include motorised boreholes, hand pump equipped boreholes, open wells, open hand dug wells or cattle dam, reservoirs and ponds which are used with any dam, tunnel, filter, conduit, main pipe, valve, engine or any other structure or conveyance, supply, measurement or regulation of rural water supply.

Establishment

3. (1) There is hereby established a body to be known as Jigawa State Big Water Supply and Sanitation Agency which shall be a body corporate with perpetual succession and a common seal and which shall have the power to sue and be sued in its corporate name.

- (2) The Agency shall have the power to enter into contracts and acquire, purchase, hold, sell and dispose of property of any kind.

Composition

4. (1) The Board of the Agency shall consist of the following: -
- a. a chairman
 - b. five other members three of whom shall be professionals in the field of Finance, Water Engineering, Sanitary Engineering or Public Health Engineering;
 - c. the Managing Director of the Agency who shall be an ex-officio member.

Tenure of Office

5. (1) The Chairman and other members of the Board shall be appointed by the Governor on such terms of remuneration and other conditions of service as the Governor may determine;
- (2) Subject to the provisions of sub-section (1) of this section, a member who is an ex-officio member shall hold office for a term of three years from the date of his appointment, and shall be eligible for re-appointment for another term of three years.
- (3) Each of such members shall be paid, out of the money at the disposal of the Agency, such remuneration and allowances as the Governor may determine.
- (4) Without prejudice to section 31 of the Interpretation Law (which provides inter-alia for the removal of an appointee by the person who appointed him), the seat of a member shall become vacant on the occurrence of any of the following events: -
- a. death of the member;
 - b. conviction for a criminal offence involving fraud, dishonesty or moral turpitude;
 - c. resignation by a member;
 - d. on the dissolution of the Board;
 - e. he is discovered to have such financial or

other interests in the operation of the Agency or otherwise as, in the opinion of the Governor, may likely affect prejudicially the discharge by him of this official function; or

- f. he is been absent from three consecutive meetings of the Agency without good reason or excuse.

Co-option of Persons

- 6. Where any occasion the Agency desires to obtain the advice of any person on any particular matter, the Agency may co-opt such persons to be a member for such meetings as may be required, and such person, whilst co-opted, shall have all rights and privileges of a member, save that he shall not be entitled to vote on any question.

General function of the Agency

- 7. The principal function of the Agency shall be:
 - a. the undertaking of planning, design, construction and maintenance of all Small Town Water Supply facilities including Rural Motorised boreholes based scheme, hand pump equipped boreholes, open wells, open hand dug wells and cattle or earth dams for residents above 5000 inhabitants;
 - b. the planning, designing or training for operation and maintenance of all aspects of rural sanitary infrastructure including pit latrines, water closet, waste water disposal and solid waste disposal;
 - c. undertaking public enlightenment, training and mobilisation for community participation in all its programmes;
 - d. determination of all activities in its administration and finance, as well as making inter-Governmental and non-Governmental linkages;
 - e. the undertaking of the Agency's programme planning, monitoring of on-going and completed projects, as well as the collection, and storage for easy retrieval of all data, records and statistics on its operations.

Power of the Agency 8.

(1) For the purpose of carrying out its functions under this Law, the Agency shall have power to carryout all activities which it considers necessary, advantageous or incidental hereto.

(2) Without prejudice to the generality of the provisions of sub-section (1) of this section, the powers of the Agency shall include powers: -

- a. to adopt with or without amendments such master plans for the maintenance and development of its undertakings as its officers may prepare from time to time;
- b. to manufacture or purchase from anywhere such water supply facilities and sanitary infrastructure and spare parts as the Agency may consider necessary;
- c. to carry any water pipe through, across or under any street or any place laid out or intended as a street, and after giving reasonable notice in writing to the owner or occupier thereof, into, through or under land, whatsoever without paying any compensation but making good any damage done;
- d. from time to time to determine any surface or underground waters for the purpose of determining whether any pollution exists and the cause thereof;
- e. at any time between the hours of six o'clock in the evening or in the case of emergency at any time, to enter into or upon any tenement for the purpose of carrying out its functions under this Law;
- f. to enter into such contract as may be necessary, advantageous or expedient for the performance of its functions under this Law;
- g. to acquire, purchase, lease, mortgage, hold, construct, manufacture or maintain any property whatsoever, whether movable or immovable, required for or in connection with the performance of its function and to sell, dispose of or otherwise deal with such property or any part thereof;

- h. to enter into any agreement with any person for the supply, construction, manufacture, maintenance or repair of any property whether movable or immovable;
- i. to do anything for the purpose of advancing the skill of persons employed by the Agency or the efficiency of equipment of the Agency or the manner in which the equipment is to be operated, including the provisions of facilities for training, education and research;
- j. to accept or acquire and hold any security of any kind in any form whatsoever;
- k. to surrender, transfer or re-assign any security held by the Agency whether upon exchange for another security or upon discharge;
- l. in relation to any security held by the Agency, to exercise any power, right or privilege in respect thereof which private individual would be capable of exercising in like circumstances;
- m. to make, draw, accept or endorse negotiable instruments;
- n. to organise the conduct of comprehensive research for the purposes of the Agency from time to time on matters relating to its functions under this Law, and to submit the result of such research to the Chairman for the utilisation of the same;
- o. to insure its property against all forms of risks;
- p. with the approval of the Governor, to write off bad debts;
- q. to collect operation and maintenance charges from the recipient community;

(3) The preceding provisions of this section relate only to the capacity of the Agency as a statutory body and nothing in the said provisions shall be constructed as authorising the disregard by the Agency of any written law.

Power to confer 9. The Governor may by order confer on the Agency

additional
function on the
Agency

such other additional functions as he may think fit
being either:

- a. functions of a kind similar to the functions specified in sections (9) and (10) of this law;
- b. functions which in the opinion of the Governor can be conveniently exercised by the Agency in association with functions so specified.

Control of Water
Supply and
Sanitation facilities

10. It shall be the duty of the Agency subject to the provisions of this Law

- a. to control and manage all small town water supply facilities and sanitary infrastructures vested in it under the provisions of this Law;
- b. to establish, manage, control, extend and develop such existing ones as the Agency may consider necessary for the purpose of providing water, sanitary infrastructure and health education to the general public in the rural areas of the state.

Appointment of
Managing
Director

11. (1) There shall be an officer of the Agency to be known as the Managing Director, who shall be professionally qualified as either Water Engineer, Sanitary Engineer or Public Health Engineer with sound relevant experience;

(2) The Managing Director should be appointed by the Governor;

(3) The power to commence disciplinary action over the Managing Director shall be vested in the Board;

(4) The exercise of the powers conferred by subsection (4) of this section shall be subject to the provisions of any regulations or rules that may be made under sections 17 and 18 of this Law.

Other staff etc. of
the Agency

12. (1) Subject to the provisions of this section, the Agency shall have power to appoint and exercise disciplinary control over such other officers, servants and agents as it may think

necessary for the discharge of its functions under this law, and to determine their terms and conditions of service as to remuneration or otherwise;

- (2) The staff of the Agency may be drawn from such agencies as JARDA, WARDA and other Ministries, Parastatals and Establishments in the state subject to the rules and procedure governing the secondment of public officers;
- (3) Service in the Agency shall be a pensionable service accordingly, the Directorate of Establishment shall be responsible for the payment of retiring benefits to all eligible staff of the Agency at the same rate as may be payable to civil servants in the state.

Powers to make regulation relating to employees of the Agency

13. (1) The Agency may, with the approval of the Board and subject to the provisions of this law,, make regulations with regard to the appointment, promotion, transfer, dismissal or the exercise of disciplinary control over its employees.
- (2) Without prejudice to the generality of the foregoing provisions, the Agency may make regulations on any of the following matters:
 - a. the qualification required for appointment to any post;
 - b. the procedure of appointment (including probation and confirmation);
 - c. the form of any agreements to be entered into between the Agency and its employees;
 - d. the procedure and requirements for promotion of each cadre of staff;
 - e. the maintenance of discipline (including dismissal and termination of appointment);
 - f. the transfer of employees between the Agency and the Government of the state or any other state, local authority, statutory corporation or body; and
 - g. such other matters relating to departmental procedure, duties and responsibilities of employees as the Agency

may deem fit.

Funds and
resources of the
Agency

14. (1) The funds and resources of the Agency shall consist of:
- a. all sums, investments or other property whatsoever vested in the Agency by the Government;
 - b. such sums or other property whatsoever as may from time to time be advanced by way of loan or grant to the Agency by the Government;
 - c. such sums or other property whatsoever as may from time to time be advanced by way of loan or grant to the Agency by any Government, Authority, Statutory Corporation or any governmental organisation in Nigeria including International Organisations, Private Foundation or any person whatsoever;
 - d. any fees or charges which the Agency may levy for its services.
- (2) The following charges shall be defrayed out of the revenue of the Agency in any financial year:
- a. the salaries, fees and allowances of the members;
 - b. the salaries, remuneration, fees, allowances of the officers, servants, other employees, agents and technical or other advisers or consultants to be employed by the Agency;
 - c. all expenses of managing the affairs of the Agency and its properties, including proper provision for the depreciation or renewal of assets;
 - d. such work of capital nature as the Agency may from time to time deem necessary;
 - e. such sums including compensation which may be payable by the Agency to any person or authority under the provisions of this law or any other law;
 - f. interest on any loan raised by the Agency;
 - g. sums required for granting loan to its officers and servants for such purposes and

on such terms and conditions as the Agency may approve; and

- h. such other sums as the Chairman may approve for payment out of the revenue account of the Agency in respect of any financial year.

Loans and Grants by the Government and advance account for working capital

- 15. (1) It shall be lawful for the Government to make to the Agency;
 - a. grants of any sum or property as the Government may deem fit; and
 - b. loans upon such terms as to repayment, payment of interest or otherwise as the Government may determine.
- (2) The Agency shall in respect of any money (other than grants) advanced by the Government as working capital for the Agency, create an advance account in favour of the Government of an amount equal to the sum of money so advanced.
- (3) The advance account referred to in sub-section (2) shall be subject to such conditions as to interest and repayment as the Governor may from time to time determine.

Power to borrow

- 16. (1) Subject to the provisions of this section, the Agency may, by issuing debentures, stocks or other securities or in any other manner, borrow sums required for meeting any of the Agency's obligations or for discharging any of the functions under this law.
- (2) The power of the Agency to borrow shall be exercisable only with the approval of the Governor as to the amount of the loan and the sources of borrowing; the approval given for the purpose of this sub-section may be of a general nature or limited to a particular borrowing.

Operational regulations

- 17. (1) The Agency may, with the approval of the Governor, make regulations for the better

carrying out of the provisions of this law and, without prejudice to the generality of the foregoing, make regulations for all or any of the following matters: -

- a. the price of or charge for water supply or revenue collection from the recipient community for operation and maintenance of facilities;
- b. contributions by the community for the capital cost of the provision of facilities;
- c. the levying of a special rate or charge for the service of the Agency;
- d. the officer to whom or the office at which the rate charge or rent shall be paid and whether such rate, charge or rent shall be payable monthly, quarterly, half-yearly or otherwise including payment in arrears, half-advance and the date on which the first payment of such rate or charge shall become due;
- e. the charge of fees (if any) to be paid for refuse disposal; and
- f. the way or manner of discharging its functions under this law.

Recovery of
charge or fees

18. If any person fails to pay any charge or fees for which he is liable within one month after the same has become due and payable, the Agency may recover the same costs in any court of competent jurisdiction.

Recovery of
charges of fees

19. (1) If any person, government or governmental department or authority does any act or thing which such person, government action necessitates the making of an alternation in any area, equipment or facility for rural water supply or sanitary infrastructure forming part of the property of the Agency, then giving due notice to the Agency, make such alternations and expenses incurred shall be borne by the person, government, department or authority.
- (2) In the event of any dispute arising as to the amount of such expenses the same may be referred by either to the person, department or authority as aforesaid by the Agency or to

an arbitrator to be appointed by the Chairman.

Account, Audit
and Estimate

20. (1) The Agency shall –

- a. cause to kept proper accounts in respect of its functions under this law and other records in relation thereto; and
 - b. prepare, in respect of each financial year, a statement of accounts in such form as may be provided by the Chairman.
- (2) The said annual statement of accounts shall be a fair and accurate statement of the financial position and the result of the operations of the Agency for the financial year to which it relates,
- (3) The said annual statement of account shall be audited by an auditor or auditors to be appointed annually by the Agency, and the remuneration of the Auditor shall be paid by the Agency on approval by the Board.
- (4) As soon as the said annual statement of account has been audited as aforesaid, the Agency shall forward to the Governor a copy of the said statement of accounts together with a copy of the report made by the auditors.
- (5) Before the commencement of each financial year, the Agency shall prepare an estimate of its revenue and expenditure for that financial year and submit the same to the Board for approval so however that the Board shall have power to disallow or reduce the provision under any item in the estimate as may be considered necessary.

Annual Report

- 21.** The Board shall, at the end of each financial year, submit to the Governor a report dealing with the activities of the Board during that financial year.

Establishment of

- 22.** (1) There shall be established in each Local

Local
Government Rural
Water Supply and
Sanitation Unit

Government Area of the state a Rural Water Supply and Sanitation Unit which shall consist of the following officers: -

- i) Head of Works Department. - Chairman.
- ii) Head of Community & Social Department. - Member.
- iii) Sectional Head (Sanitary Inspection). - Member.
- iv) Sectional Head (Building). - Member.
- v) Staff Officer. - Secretary.
- vi) Account Officer. - Member.
- vii) and such other supporting staff as the unit may require.

(2) The functions of the Local Government Rural Water Supply and Sanitation Unit shall be:

- i) to co-ordinate and support all activities of the sub-sector within the Local Government Area;
- ii) to supervise, monitor and co-ordinate all activities on a day to day basis;
- iii) to ensure universal access to safe water supply and sanitation to all communities within its domain;
- iv) to provide information to communities on technology options and design for water supply and sanitation;
- v) to assist communities in the operation and maintenance of facilities and to provide support for solving technical problems;
- vi) to monitor and report programme of implementation on a monthly basis with regards to coverage and performance of the Water Supply and Sanitation Programmes;
- vii) to implement a programme of information, education, communication and community mobilisation for the purpose of ensuring sustainability and impact of the sanitation and hygienic education programme;
- viii) to develop and support a system of community procurement and maintenance of facilities through involvement of caretakers/ mechanics and other council organisations.

Offence and
penalty

- 23.** (1) Any person who: -
- a. wilfully or negligently damage any water supply facility or any sanitary infrastructure; or
 - b. pollutes any such water or allows any fuel, liquid, gas or other noxious or injurious matter to enter into any water work; shall be guilty of an offence and be liable on conviction to a fine not exceeding three thousand Naira (N3,000.00) or imprisonment for a term not exceeding twelve months; where the offence is of a continues nature, to a further fine of one hundred Naira (N100.00) for every day during which the offence continues after notice in writing requiring the same to be stopped.
- (2) Any person who alters, causes or permits to be altered any service facility without the consent of the Agency or contrary to any regulation made under this law, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred Naira (N500.00) or to imprisonment for a term not exceeding six months.

Execution of
instruments

- 24.** (1) Any contract or instrument which if entered into or executed by a person not being a body corporate is not required to be under seal may be entered into executed on behalf of the Agency by any person generally or specifically authorised in that behalf.
- (2) Any document purporting to be a document duly executed or issued under the seal of the Agency or on behalf of the Agency shall, unless the contrary is proved, be deemed to be a document so executed or issued as the case may be.

Standing orders

- 25.** The Agency may, with the approval of the Government, from time to time make standing orders regulating the proceedings of the Agency

or any committee thereof for the proper conduct of its business and in particular for: -

- a. the custody and the use of the common seal;
- b. the method of entering into agreement;
- c. the signing of cheques and other instruments;
- d. such other matters as the Government may direct.

Service of Notice
etc.

- 26.** Service upon the Agency of any Notice, order or other documents may be effected by delivering the same or by sending it by registered post addressed to the Secretary of the Agency.

Procedure and
Meetings

- 27.** (1) Subject to the provisions of this law, the Board shall meet at such time as may be expedient for the transaction of business and such meetings shall be held at such places and time as the Board may determine.

(2) The Chairman or any member of the Board may at any time call for a special meetings of the Board to discuss matters of special or urgent nature.

(3) All meetings of the Board shall be presided over by the Chairman or, in his absence, by any member present.

(4) The Chairmen, or any other member presiding at a meeting of the Board, shall have original and casting vote.

Quorum

(5) At any meeting of the Board, three members shall form a quorum.

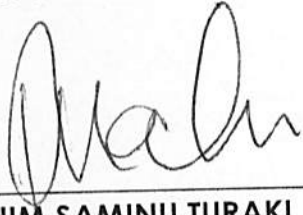
(6) The validity of any proceedings of the Board shall not be affected by any vacancy among its members or any defect in the appointment of a member.

Liability of
members

- 28.** No member of the Agency shall be personally liable for any act or default of the Agency done or omitted to be done in good faith in the course of the operation of the Agency.

Special Direction 29. Notwithstanding anything contained in this law, the Governor may give the Agency general or special direction as to the exercise by the Agency of its powers under this Law especially the disbursement of its funds for any reason and the Agency shall comply with such direction.

MADE AT DUTSE THIS DAY OF 2000.

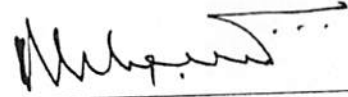


IBRAHIM SAMINU TURAKI
GOVERNOR,
JIGAWA STATE OF NIGERIA

FIRST SCHEDULE

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

S 4 Legislation (Administrative Procedures) Cap 83, 1998.

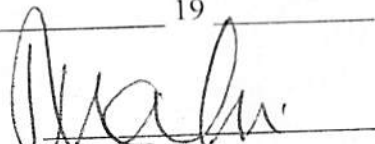


Clerk of the House of Assembly

SECOND SCHEDULE

S 6(1) Legislation (Administrative Procedures) Cap 83, 1998.

The Bill on _____
is assented to by me this _____ day of _____ 19 _____


GOVERNOR

THIRD SCHEDULE

S 6(3) Legislation (Administrative Procedures) Cap 83, 1998.

I hereby withhold my assent this _____ day of _____ 19 _____
for the Bill on _____

GOVERNOR

FORTH SCHEDULE

S 6(3) Legislation (Administrative Procedures) Cap 83, 1998.

The Bill on _____
passed again by two-third majority of the Jigawa State House of Assembly this _____
day of _____ 19 _____.

SPEAKER