

CHAPTER W1
WATER SOURCES (CONTROL) LAW
ARRANGEMENT OF SECTIONS

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CHAPTER W1
WATER SOURCES (CONTROL) LAW

A Law for the preservation and control of sources of water and for matters connected therewith.

[Amended by Law No. 14 of 2012.]

[Date of commencement: 12th February, 1998]

1. Citation

This Law may be cited as the Water Sources (Control) Law.

2. Interpretation

In this Law, unless the context otherwise requires—

“**Commissioner**” means the commissioner responsible for Agriculture and Natural Resources;

“**prescribed source of water**” means any river, lake, stream, pond or waterway declared to be a prescribed source of water under this Law.

3. Declaration of source of water

(1) Subject to the provisions of section 5 of this Law and subsection (2) of this section, a local government council may, by order made with the approval of the Commissioner declare any river, lake, stream, pond or waterway, within the area of its jurisdiction to be a prescribed source of water.

(2) It shall not be lawful for any local government council to declare any river, lake, stream, pond or waterway within the area of its jurisdiction to be a prescribed source of water if such river, lake, stream, pond or waterway is—

- (a) declared by any law to be a source affecting more than one State;
- (b) compulsorily acquired by the Government of the Federation, Jigawa State Government or any agency established by the Government of the Federation or Jigawa State Government; or
- (c) subject to any laws relating to solid minerals or petroleum.

4. Compensation

(1) The Local Government Council shall pay appropriate monetary compensation to any person whose right have been extinguished by an order made under section 3 (1) of this Law.

(2) Any person claiming compensation under the provisions of subsection (1) above may, if dissatisfied with the compensation awarded, apply to the High Court for the determination of the matter.

5. Inquiry before declaration

(1) No river, lake, stream, pond or waterway shall be declared to be a prescribed source of water under section 3 (1) of this Law unless—

- (a) the intention to declare such river, lake, stream, pond or waterway has been announced by the Local Government Council in a manner approved by the Commissioner; and
- (b) the existence, nature and extent of any rights claimed by or alleged to exist in favour of any person or communities affecting the river, lake, stream, pond or waterway which is declared to be a prescribed source of water has been inquired into and determined by or under the direction of the Local Government Council.

(2) The announcement referred to in subsection (1), shall require all claimants to put forward their claims within six months.

(3) Subject to any right to compensation, all claims not put forward within six months of the announcement referred to in subsection (1) shall be invalid.

(4) At any time either before or after an order has been made under section 3 (1) of this Law, the Commissioner may cause a further inquiry to be held by or under the direction of the Local Government Council or by any other person for the better determination of the rights affecting the river, lake, stream, pond or waterway which it is proposed to be declared or which has been declared to a prescribed source of water.

6. Publication of order

Every order under section 3 (1) of this Law declaring a river, lake, stream, pond or waterway to be a prescribed source water shall be published in the State *Gazette*, and shall set forth the limits, situation and approximate area of the river, lake, stream, pond or waterway and all rights affecting the same as determined under the provisions of section 5 of this Law.

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7. Approval of Commissioner

No order under section 3 (1) of this Law, declaring any river, lake, stream, pond or waterway to be a prescribed source of water shall be published in the *Jigawa State Gazette* or be of any effect until it has received the approval in writing of the Commissioner, which approval may be granted or withheld or granted on such condition as the Commissioner may in his direction consider necessary.

8. Extinguishing of right in source of water

Subject to the provision of this Law, every right in or over any river, lake, stream, pond or waterway shall be extinguished, upon the coming into operation of the order, made under section 3 (1) of this Law.

9. Control and management of source of water

The protection, control and management of any river, lake, stream, pond or waterway declared to be a prescribed source of water shall be undertaken by the Local Government Council declaring it, or within whose jurisdiction it is situated, or subject to the supervision.

10. Penalty**(1) Any person who—**

- (a) after his right in or over any river, lake, stream, pond or waterway has been extinguished under section 8 of this Law, refuses to deliver up possession; or
- (b) without the permission of the appropriate local government council, takes possession of any river, lake, stream, pond or waterway which has been declared to be a prescribed source of water,

shall be guilty of an offence and shall be liable to a fine not exceeding ten thousand naira or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment.

[Paragraph (b) amended by Law No. 14 of 2012.]

(2) Any person who aids and abets any other person to commit an offence under subsection (1) above, shall be deemed to be guilty of the offence as principal offender and shall be liable to be proceeded against and punished accordingly under subsection (1) above.

(3) Any person who contravenes any other regulations made under this Law, shall be guilty of an offence and shall be liable to a fine not exceeding five thousand naira or to imprisonment for a term not exceeding six months or both such fine and imprisonment.

(4) In this section “appropriate local government council” means a local government council which has under section 3 of this Law, declared any river, lake, stream, pond or waterway to be a prescribed source of water.

11. Regulations

A local government council with the approval of the Commissioner may make rules for all or any of the following matters in respect of a prescribed source of water—

- (a) prescribing parts which may be used and the times when they may be used;

- (b) providing for the issue of fishing or irrigation permits to persons using the prescribed source of water and prescribing the fees for such fishing or irrigation permits;
 - (c) regulating the management generally of the prescribed source of water and prescribing the activities that may be carried on therein;
 - (d) imposing penalties not exceeding five thousand naira and imprisonment not exceeding one year or both for a breach of any rule made under this section; and
 - (e) generally for giving effect to the objects and purposes.
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