

CHAPTER 141

WATER BOARD

A LAW TO ESTABLISH A WATER BOARD FOR THE STATE FOR THE
PURPOSE OF CONTROLLING AND MANAGING WATERWORKS PROVIDING
WATER AND FOR PURPOSES CONNECTED THEREWITH

NCS 2 of
1971.
KDS 6 of
1976.
KDS 5 of
1978.
KDS 10 of
1979.
KDS 7 of
1981.
KTSLN 1 of
1988.
KTS 1 of
1988.

[1 April 1971] Date of
commence-
ment.

PART I—PRELIMINARY

1.—(1) This Law may be cited as the Katsina State Water Board
Law.

Title, com-
mencement
and applica-
tion.
KDS 6 of
1976.

(2) Subject to the provisions of subsection (3), this Law shall
apply to such areas as the Governor may, from time to time, by
order designate and in any order the Governor may exempt any
waterworks or any type of waterworks from the provisions of such
order.

(3) This Law shall not apply to water from such sources as may
be declared under the Constitution to be sources affecting more
than one State, as defined in such Constitution.

2. In this Law, unless the context otherwise requires:—

Interpreta-
tion.
KDS 5 of
1978.

“appointed day” means the date on which this Law shall come
into operation;

“assessed value” in relation to a tenement means the value at
which the tenement is for the time being assessed in accor-
dance with the provisions of the Local Government Law;

Cap. 79.

“the Board” means the Katsina State Water Board established
under section 3;

"catchment area" means any area of land or water from which water contributes to the supply of any waterworks;

"the Chairman" means the Chairman appointed under subsection (2) of section 4;

"dwelling house" means any premises used wholly or mainly for the purposes of private dwelling, with or without any garage, outhouse, garden, compound, yard, court, forecourt or other appurtenances belonging thereto or usually enjoyed therewith;

"excess consumption" means:-

(a) in the case of a tenement in respect of which the general water rate is not payable, any quantity of water ascertained by meter as having been used in such tenement;

(b) in the case of a tenement in respect of which the general water rate is paid, any quantity of water ascertained by meter as having been used in such tenement in excess of such monthly allowance as may be prescribed;

"financial year" means the twelve months ending in the 31st day of December in any year;

"gathering ground" means any surface of land or water which collects rainfall for the purposes of any waterworks;

"Governor" means the Governor of the State;

"health officer" includes a medical officer of health, a health inspector or other person acting under the authority, whether general or special, of the medical officer of health, and whether such health inspector or other person is serving in the medical or health departments of the Government or is in the service of a local government;

"member" means a member of the Board and includes the Chairman;

"meter" means any appliance used for measuring, ascertaining or regulating the amount of water taken or used from any waterworks by means of any service;

"metered supply" means a supply by means of a service where the water supplied is measured by meter;

"occupier" means the person in occupation of a tenement in respect of which the word is used or any part of such tenement, but does not include a lodger;

"owner" means the person for the time being receiving the rent of the tenement in respect of which the word is used, whether on his own account or as agent or trustee for any other person, or who would receive the rent if such tenement were let to a tenant, and includes the holder of a tenement direct from the State whether under lease, licence or otherwise;

"Permanent Secretary" means the Permanent Secretary in charge of Parastatal Authorities: KTS 1 of 1988.

"private supply" means a supply by means of a service to any tenement for the purpose of supplying water to be used solely within the area of such tenement;

"public fountain" means any fountain, standpipe, valve, tap or appliance used or intended to be used for or in connection with the supply of water to the public from any waterworks, and vested in or erected or hereafter to be erected by the Board and which is the property thereof;

"public supply" means a supply by means of any public fountain, standpipe, valve, tap or other appliance for supplying water to the public other than a private supply;

"service" means all pipes, valves, cisterns, cocks, fittings, and other appliances, other than a meter, by or through which water flows or is intended to flow from a waterworks;

"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;

"waterworks" means all reservoirs, ponds, bore-holes, and wells which are used with any dam, weir, tank, cistern, tunnel, filter bed, conduit, aqueduct, main, pipe, fountain, sluice, valve, pump, engine or any other structure or appliance used or constructed for the storage, conveyance, supply, measurement or regulation of water.

PART II—ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE BOARD

Establishment of the Board.

3. There shall be established for the State a body called the Katsina State Water Board which shall be a body corporate with perpetual succession and a common seal and which shall have power to sue and be sued in its corporate name.

Constitution of the Board.

4.—(1) The Board shall consist of a Chairman and not less than thirteen other members.

KTS 1 of 1988.

(2) The Chairman and the other members shall be appointed by the Permanent Secretary:

Provided that in appointing the members the Permanent Secretary shall appoint at least two persons who, in his opinion, will represent adequately the interests of water consumers.

(3) There shall be paid out of the funds of the Board to each member, not being an officer in the public service of the State, such remuneration, if any, whether by way of salary, fees or allowances as the Permanent Secretary may determine.

(4) A member shall not be personally liable for any act or any omission to do any act or any default of the Board so long as such act, omission or default is in the course of the operations of the Board and in good faith.

Supplementary provisions: Schedule. Duties of the Board in respect of the taking-over, establishment, and management of waterworks and the supply of water. KDS 5 of 1978.

5. The provisions contained in the Schedule shall have effect with respect to the constitution and proceedings of the Board.

6. It shall be the duty of the Board subject to the provisions of this Law:—

- (a) to control and manage all waterworks vested, or to be vested, in the Board under the provisions of this Law;
- (b) to establish, control, manage, extend and develop such new waterworks and to extend and develop such existing ones as the Board may consider necessary for the purpose of providing water in order to meet the requirements of the general public, agriculture, trade and industry in the State;
- (c) to ensure that water is supplied to the consumers thereof at reasonable charges and in potable quality and adequate quantity;

- (d) to organise the conduct of comprehensive research for the purposes of the Board from time to time on matters relating to its functions under this Law and to submit the result of such research to the Governor for the utilisation of the same by him in the formulation of policy relating to the supply and usage of water in the State; and
- (e) with the approval of the Governor, to make arrangements and enter into agreements with any person, department, or office of the Government or any other body or institution, or to delegate authority to any of its members, officers, employees, servants or agents, for the exercise, performance, or provision by that person, department, office, body, institution, member, officer, employee, servant or agent as agent for the Board, of any of the functions, services or facilities which may be exercised, performed or provided by the Board under this Law.

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

General powers of the Board. KDS 5 of 1978.

(2) Without prejudice to the generality of the provisions of subsection (1), the powers of the Board 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 and submit from time to time;
- (b) to construct, reconstruct, maintain and operate waterworks and all other stations, buildings and works, necessary for the discharge of its functions under this Law;
- (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 any lands whatsoever without paying any compensation, but making good any damage done;
- (d) to abstract water from any lake, river, stream, or other natural source;
- (e) from time to time, to examine any surface or underground waters for the purpose of determining what, if any, pollution exists and the causes thereof;

- (f) to enter upon any land at any time for the purpose of laying, examining, repairing or removing any water-pipe the property of the Board;
- (g) to construct public fountains in any street or other public place;
- (h) at any time between the hours of six o'clock in the morning and six o'clock in the afternoon, or in cases of urgency at any other time, to enter into or upon any tenement into or upon which any service has been laid or into or upon which water from any waterworks is supplied or flows, so as:—
 - (i) to inspect any service or meter and to ascertain whether there is any waste, leakage, obstruction or damage to any service or meter therein and anything in connection therewith;
 - (ii) to ascertain the amount of water taken or used; or
 - (iii) to disconnect the supply of water to any tenement, or to diminish, withhold, or divert the supply of water to any tenement through or by means of any service, either wholly or in part;
- (i) to diminish, withhold or suspend, stop, turn off or divert the supply of water through or by means of any service or public fountain either wholly or in part whenever the Board shall think necessary or proper and without prejudice to any liability to pay any water rate, meter rent or other sums due or to become due under this Law;
- (j) to enter into such contracts as may be necessary, advantageous or expedient for the performance of its functions under this Law, including contracts for the construction or extension of waterworks or the bulk supply of materials;
- (k) 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 functions and to sell, dispose of, or otherwise deal with such property or any part thereof;
- (l) to enter into any agreement with any person for the supply, construction, manufacture, maintenance or repair, by that person, of any property whether movable or immovable, which is necessary or appropriate for the purposes of the

- Board, subject to the same provisions as in paragraph (f) of this subsection, which provisions shall apply in respect of this paragraph with any necessary adaptations and modifications;
- (m) to do anything for the purpose of advancing the skill of persons employed by the Board or the efficiency of the equipment of the Board or the manner in which the equipment is operated, including the provision of facilities for training, education and research;
 - (n) to accept or acquire and hold any security of any kind in any form whatsoever;
 - (o) to surrender, re-transfer or re-assign any security held by the Board whether upon exchange for another security or upon discharge;
 - (p) in relation to any security held by the Board, to exercise any power, right or privilege in respect thereof which a private individual would be capable of exercising in like circumstances;
 - (q) to make, draw, accept or endorse, negotiable instruments;
 - (r) to invest money standing to its credit, and not for the time being required for its purpose under this Law, in stocks, shares, debentures or other securities whatsoever approved by the Governor, and with the approval of the Governor, to sell such stocks, shares, debentures or other securities;
 - (s) to enter into any commitments, agreements or other arrangements in respect of the provision, distribution, supply or sale of water;
 - (t) to insure its property against all forms of risks;
 - (u) with the approval of the Commissioner, to write off bad debts.

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

8.—(1) Subject to the provisions of this section, the Board may appoint one or more committees to advise or take any other action as to the initiation, administration or progress of any project which the Board may undertake or in which it may participate, or

Appointment of committees. KDS 5 of 1978.

for any other purpose, whether general or special, relating to the functions of the Board, which in the opinion of the Board would be better regulated or managed by means of a committee, and may delegate to a committee so appointed, with or without restrictions or conditions, any function exercisable by the Board under this Law:

Provided that the power to make rules or regulations or to borrow money shall not be delegated to any committee by the Board.

(2) The number of members of any committee appointed under this section, the chairman of the committee, the term of office and remuneration of the members shall be such as the Board may, with the approval of the Governor, specify.

(3) Any committee appointed under this section may include, with the approval of the Governor, persons who are not members of the Board but who possess such special qualification or experience as in the opinion of the Board would prove beneficial to the work or purpose of the committee:

Provided that the majority at least of the members of every committee shall be members or officers of the Board.

Power of
Governor
to give
directions.

9.—(1) The Governor may, after consultation with the Board, give to the Board such general directions as to the discharge by the Board of its functions under this Law as appear to the Governor to be necessary to ensure conformity by the Board with the policy of the Government for the time being in respect of the supply and distribution of water in the State, and the Board shall give effect to any such directions.

(2) The Governor may, after consultation with the Board, give to the Board specific directions for the purposes of remedying any defect which may be disclosed in the arrangements of the Board for the discharge of its functions under this Law and the Board shall give effect to any such directions.

(3) The power conferred by subsection (2) on the Governor shall include power to give directions prohibiting or limiting any expenditure proposed to be incurred by the Board which appears to the Governor to be excessive or unnecessary.

(4) The Board shall afford to the Governor facilities for obtaining information relating to the assets and liabilities and functions of the Board, and shall furnish him with returns, accounts, minutes of meetings, and other information relating thereto, and shall afford to him facilities for the verification of information furnished, in such manner and at such times as he may require.

PART III—FINANCIAL PROVISIONS: ASSETS AND LIABILITIES OF THE BOARD

10.—(1) All waterworks which are used or have been constructed by or on behalf of the Government and are the property thereof immediately before the appointed day shall, as from the appointed day, vest in the Board by virtue of this Law and without further assurance, and such vesting shall extend to the whole of the waterworks (hereinafter referred to as the transferred waterworks) including all lands, works, and other property, assets, powers, rights and privileges appertaining thereto or held or enjoyed in connection therewith.

Transfer to
the Board of
waterworks,
etc.

(2) All liabilities and obligations of the Government in respect of any transferred waterworks falling due or to be discharged on or after the appointed day shall, as from that date, become the liabilities and obligations of the Board.

(3) Every deed, bond, agreement, instrument and working arrangements to which the Government was a party for the construction or otherwise in respect of any transferred waterworks, shall, subject to the provisions of this section, and unless the circumstances otherwise require, have effect as from the appointed day as if:—

- (a) the Board had been a party thereto;
- (b) for any reference to the Government therein there were substituted as respects anything falling to be done on or after the appointed day a reference to the Board.

(4) Where, by the operation of any of the foregoing provisions of this section, any waterworks, lands, works or other property, assets, powers, rights and privileges, are vested in the Board, the Board and all other persons shall, as from the appointed day, have the same rights, powers and remedies (and in particular the same rights and powers as to the taking and resisting of legal proceedings) for ascertaining, perfecting, protecting or enforcing as the

circumstances may require, such waterworks, lands, works or other properties, assets, powers, rights or privileges of the Board, and any legal proceedings by or against the Government pending on the appointed day in respect of the same shall be continued by or against the Board.

(5) In this section:-

“property”, without prejudice to the generality of its meaning, includes buildings and appurtenances, stocks of fuel, parts, accessories, stores, materials, investments, funds, loans and accounts receivable, claims and liens.

Funds and resources of the Board and application of its revenue.

11.—(1) The funds and resources of the Board shall consist of:-

- (a) all sums, investments or other property whatsoever vested in the Board by the provisions of section 10;
- (b) such sums or other property whatsoever as may from time to time be advanced by way of loan or granted to the Board by the Government;
- (c) such sums or other property whatsoever as may from time to time be advanced by way of loan or granted to the Board by any local government or statutory corporation in the State, any other Government in Nigeria or any agency or institution of any such Government, any international organisation, any private foundation or any person whatsoever;
- (d) any investments or other property whatsoever acquired by or vested in the Board;
- (e) money earned or arising from any investments or other property whatsoever acquired by or vested in the Board;
- (f) all other sums (whether as water rates or water charges or otherwise) or other property whatsoever which may in any manner become payable to or vested in the Board in respect of its powers and duties or of any matter incidental thereto under this Law or by virtue of the provisions of any other law.

(2) The following charges shall be defrayed out of the revenue of the Board for any financial year:-

- (a) the salaries, fees and allowances of the members;

- (b) the salaries, remuneration, fees, allowances, pensions, gratuities and other retirement benefits of the officers, servants, other employees and agents, technical or other advisers of or consultants to the Board;
 - (c) all expenses of working and management of the Board and its waterworks and other properties including proper provision for depreciation or renewal of assets;
 - (d) such minor works of a capital nature as the Board may deem necessary from time to time;
 - (e) such sums including compensation which may be payable by the Board to any person or authority under the provisions of this Law or any other law;
 - (f) taxes, rates and other levies payable by the Board under any law;
 - (g) interest on any loan raised by the Board;
 - (h) sums required to be transferred to any sinking fund or otherwise set aside for the purpose of making provisions for the redemption of debentures, stocks or other securities or the repayment of other loans;
 - (i) such other sums as the Governor may approve for payment out of the revenue account of the Board in respect of any financial year.
- (3) The balance of the revenue of the Board for any financial year shall be applied:-
- (a) to the creation of a general reserve or such other reserves as the Governor may from time to time approve both in regard to their maximum amounts and in other respects;
 - (b) to the repayment of such interest or part thereof on the advance account referred to in section 12 as the state of the Board's affairs appears, in the opinion of the Board and with the approval of the Governor, to warrant.

12.—(1) It shall be lawful for the Government to make to the Board:-

- (a) grants of any sums or property as the Government shall deem fit;
- (b) loans upon such terms as to repayment, payment of interest or otherwise as the Government may determine.

Loans and grants by the Government, and advance account for working capital.

(2) The Governor may, if he deems it expedient so to do, waive in favour of the Board any right of or liability to the Government in respect of any property vested in the Board by or under the provisions of section 10.

(3) So soon as may be after the appointed day, the Board shall in respect of any moneys (other than grants) advanced by the Government to provide working capital for the Board, create an advance account in favour of the Government of an amount equal to the total sum of moneys so advanced.

(4) The advance account referred to in subsection (3) shall be subject to such conditions as to interest and repayment as the Governor may from time to time determine.

Power to
borrow
money.

13.—(1) Subject to the provisions of this section, the Board may, by issuing debentures, stocks or other securities, or in any other manner, borrow sums required by it for meeting any of its obligations or discharging any of its functions under this Law.

(2) (a) The power of the Board to borrow shall be exercisable only with the approval of the Governor as to the amount of the loan, the sources of the borrowing and the terms on which the borrowing may be effected; and the approval given for the purposes of this subsection may be either general or limited to a particular borrowing;

(b) Approval of the Governor for the purposes of this subsection may be subject to such conditions, other than conditions that may be imposed under paragraph (a), as he may specify.

(3) A person lending money to the Board shall not be bound to enquire whether the borrowing of the money is within the power of the Board.

Debentures
to the Gov-
ernment.

14.—(1) If the Government makes any loan to the Board at any time in accordance with the provisions of this Law, the Board shall, if so required by the Governor, issue to the Government a debenture or debentures of a nominal value equivalent to the sum loaned.

(2) Debentures issued in accordance with the provisions of subsection (1) shall bear interest at such rate, if any, and from such date as the Governor may specify.

PART IV—ADMINISTRATIVE ORGANISATION OF THE BOARD

15.—(1) The Chief Executive of the Board shall be its General Manager who shall be:—

General
Manager etc.
KDS 7 of
1986.

- (a) a person trained in management/administration with a minimum of five years experience in management/administration; or
- (b) a professionally qualified engineer with a minimum of five years experience in engineering.

(2) The General Manager shall have ultimate responsibility for the carrying out of policies and decisions of the Board in accordance with the provisions of this Law.

(3) In the discharge of his functions the General Manager shall be assisted by six officers of the Board to be known as:—

KTS 1 of
1988.

- (a) Assistant General Manager in charge of Administration who shall also be Secretary to the Board;
- (b) Assistant General Manager in charge of Finance and Accounts;
- (c) Assistant General Manager in charge of Projects and Research;
- (d) Assistant General Manager in charge of Operations;
- (e) Assistant General Manager in charge of Rural Water Supply; and
- (f) Assistant General Manager, in charge of Commercial Services.

(4) The Assistant General Managers shall be subject to the ultimate direction and control of the General Manager.

(5) The Assistant General Managers shall have such duties under their respective departments as the Board may from time to time assign to them.

(6) The Governor shall appoint the General Manager who shall hold and vacate office in accordance with the terms of the Instrument by which he is appointed.

(7) The Assistant General Managers shall be appointed by the Board on the approval of the Governor under such terms and conditions as the Board may set down for each of the departments.

(8) Without prejudice to the provisions of subsection (6) and (7), the General Manager and the Assistant General Managers shall be subject to the provisions of any regulations or rules that may be made under sections 18 or 19 respectively.

Other staff,
etc., of the
Board.
KDS o of
1976.

16.—(1) Subject to the provisions of this section, the Board 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 exercise of the powers vested in the Board by subsection (1) shall be subject to the provisions of any regulations or rules that may be made under section 18 or 19 respectively.

(3)(a) There shall be an Establishments Committee which shall comprise all departmental heads and shall be charged with the responsibility of making recommendations to the Board in respect of the appointments, promotions and disciplinary control of all officers of the Board earning a salary of one thousand one hundred and sixty four naira per annum or more, not being such officers as are referred to in subsection (4) of section 15;

(b) The General Manager shall be the Chairman of the Establishments Committee and shall have power to make known to the Board his views in any case where he disagrees with the views of the other members of the Establishments Committee.

(4) The General Manager shall have power to appoint, promote, and exercise disciplinary control in respect of established and unestablished employees of the Board earning a salary of less than one thousand one hundred and sixty four naira per annum, and he shall be assisted in exercising these powers by a committee comprising such officers of the Board as the Board may direct:

Provided that the General Manager may delegate his powers of appointment, promotion and disciplinary control in respect of established and unestablished employees earning a salary of less than one thousand one hundred and sixty four naira per annum to such divisional or sectional heads or field or other officers of the Board as he may consider fit.

17. The Board may employ on secondment such officers of the public service of the State or in the service of any other State, or local government as may, with the agreement of such officers, be seconded to the service of the Board in accordance with the procedure applicable to the secondment of such officers.

Secondment
and transfer
of em-
ployees.

18. The Board may, with the approval of the Governor, and subject to the provisions of this Law, make regulations with respect to the appointment, promotion, transfer and dismissal of, and exercise of disciplinary control over, its employees, and without prejudice to the generality of the foregoing provisions, make regulations for any of the following matters:—

Power to
make regula-
tions relating
to employees
of the
Board.

- (a) the qualifications to be required for appointments;
- (b) the method of appointment (including probation and confirmation);
- (c) the form of any agreement to be entered into between the Board and its employees;
- (d) the terms and conditions of service (including, without prejudice to the generality of that expression, the salaries and allowances, the grant of advances, the provision of quarters, leave, and medical and dental treatment);
- (e) the procedure and requirements for promotion;
- (f) the maintenance of discipline (including dismissal and the termination of appointments);
- (g) the transfer of employees between the Board and the Government of the State, any other State, local government, or any statutory corporation;
- (h) such other matters relating to departmental procedure and duties and responsibilities of employees as the Board considers can be best provided for by regulations.

19. The Board may, with the approval of the Governor, make rules, with respect to its employees, for:—

Power to
make rules
relating to
retirement
benefits for
employees of
the Board.

- (a) the pensions, gratuities and retirement allowances to be granted to pensionable employees of the Board and their dependants;
- (b) the gratuities and retirement allowances to be granted to non-pensionable employees of the Board and their dependants;
- (c) all matters ancillary to the matters mentioned in paragraphs (a) and (b).

Rates and scales of charges for water. KDS 6 of 1976.

Power to levy general water rate in respect of tenements or persons.

PART V—POWERS AND PROCEDURE IN RESPECT OF WATER SUPPLY AND WATER RATES

20.—(1) The rates and scales of charges for water shall be such as the Board may, from time to time, with the approval of the Governor, determine.

(2) Charges for water or services may, if the Board thinks it fit, be fixed at different rates and scales for different types of consumers.

21.—(1) The Board may, in any area, with the approval of the Governor, by order direct:—

(a) that there shall be levied and paid a general water rate of an amount and assessed in the manner hereinafter described:—

(i) the rate shall be levied in respect of tenements in such area, and in such case it shall be assessed on the assessed value of the tenements and shall be such percentage of that value as the order may prescribe:

Provided that where a tenement is supplied with an internal pipe supply the general water rate may be increased in respect of that tenement:

(ii) every person or any class of persons of sixteen years of age and over resident in such area shall pay annually such sum as general water rate as the order may prescribe;

(iii) there shall be levied annually in respect of every tenement such sum as general water rate as the order may prescribe; or

(iv) persons resident within a defined area may be divided into classes, such classes being assessed for general water rate on one or other of the methods of assessment hereinbefore described as the order may prescribe and shall pay general water rate accordingly:

Provided always that no person shall be assessed for general water rate in more than one of the various manners hereinbefore mentioned:

(b) that there shall be exempt from such general water rate any tenement or class of tenements, or any person or class of persons;

(c) that where assessment of the general water rate is made as provided in sub-paragraph (i) or (iii) of paragraph (a) such higher rate as the order may prescribe shall be levied and paid in respect of a non-domestic supply;

(d) whether payments of general water rate are to be made quarterly, half yearly or yearly and that the first payment of such general water rate shall become due on such date as the order may prescribe:

Provided that in exceptional cases the Board may provide that the rate shall be paid monthly in advance;

(e) that such general water rate shall be paid with retrospective effect;

(f) the officer to whom or the office at which the general water rate shall be paid and the times during which such payment may be made.

(2) Any order made under this section may be given retrospective effect:

Provided that:—

(a) subject to the provisions of paragraph (i) of subsection (2) of section 7 and section 26, water has in fact been supplied in respect of the period for which any order, whereby any general water rate is levied, is to be given retrospective effect;

(b) nothing in such order contained or by virtue of any of the provisions of this Law shall constitute or be construed as purporting to constitute as an offence committed by any person any act or omission by him which was not such an offence at the time it took place, and any act or omission may be constituted an offence by virtue of the provisions of such order or this Law only in so far as the same has taken place or been continued on or after the date of the publication of the order in the State Gazette.

(3) The application of any order made under this section may be general or may be limited as to area or time or otherwise.

22.—(1) The Board 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

Power to make regulations.

provisions, make regulations with respect to all or any of the following matters:-

- (a) the price of, or charge for, water supplied:-
 - (i) by means of a public supply;
 - (ii) by meter;
 - (iii) by means of a private supply to a tenement;
 - (iv) to any office, barracks, institution, undertaking or building whether of a public or private nature;
 - (v) to a site of any building under construction,
- (b) levy or impose a special rate or charge;
- (c) the amount of rent to be paid for meters;
- (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 yearly in arrears or in advance, and the date on which the first payment of such rate, charge or rent shall become due, or in the case of water supplied by a public supply the manner in which the charge for such water shall be payable;
- (e) exemptions from any water rate or charge of any tenement or class of tenements, or any person or class of persons;
- (f) the method and manner in which water may be taken from public fountains or a public supply;
- (g) the price to be paid for all services constructed or laid by the Board, and the time and place for the payment of the same;
- (h) the construction, laying, fitting, alteration or readjustment of services, and the nature, quality, size and pattern thereof, and of meters used therewith;
- (i) the forms of all notices required to be given or sent under this Law and the issuing and service thereof;
- (j) the control, whether or not by prohibition, of boating on or fishing in any waterworks;
- (k) the prevention of the wrongful opening or closing of any lock, cock, valve, sluice or manhole appertaining to any waterworks or otherwise belonging thereto;
- (l) the prevention of waste of water;
- (m) the prevention of the commission of any offence or nuisance

in or about any of the stations, works, plants, buildings or premises of the Board;

- (n) the prevention of trespasses upon or injury to stations, works, plants, buildings or premises appertaining to any waterworks or otherwise belonging thereto;
- (o) generally for regulating the operation of the waterworks and the governance thereof and maintenance of good order thereon;
- (p) generally for the preservation and the conservation of the sources of water in catchment areas;
- (q) the prescription of penalties for offences against any regulations made under this section.

(2) Regulations made under this section may be given retrospective effect:

Provided that:-

- (a) subject to the provisions of paragraph (i) of subsection (2) of section 7 and section 26, water has in fact been supplied in respect of the period for which any regulations, whereby any price, charge or amount for water supplied or rent for meters is to be payable, are to be given retrospective effect;
- (b) nothing in such regulations contained or by virtue of any of the provisions of this Law shall constitute or be construed as purporting to constitute as an offence committed by any person any act or omission by him which was not such an offence at the time it took place, and any act or omission may be constituted an offence by virtue of the provisions of such regulations or this Law only in so far as the same has taken place or has been continued on or after the date of the publication of the regulations in the State Gazette.

(3) If any person contravenes or fails to comply with the provisions of any regulations made under the provisions of this section the Board may, without prejudice to its right to take proceedings for a fine or other penalty in respect of such contravention or non-compliance, cut off the supply and in addition or in the alternative may, after such notice in writing as it may think fit, enter and cause any water fittings belonging to or used by that person which are not in accordance with the requirements of the regulations to be altered, repaired, replaced or removed, and may

recover the expenses reasonably incurred by it in so doing from the person in default in the manner provided for the recovery of water rates.

(4) The application of any regulations made under this section may be general or may be limited as to area or time or otherwise.

Rating by more than one method.

23. Notwithstanding any of the provisions of this Law, no person shall be liable to pay rates levied by more than one method in respect of the same supply of water or to pay any charge as well as a rate in respect of the same supply of water.

Liability for payment of water rate or charge.

24. The owner and occupier of every tenement not exempt from a rate or charge shall be liable to the Board for payment of the rate or charge, but unless otherwise prescribed in the order or regulations imposing such rate or charge the same shall be deemed an owner's rate, and as between the occupier and the owner of any such tenement, shall, in the absence of any agreement to the contrary, be borne by the owner; and the amount thereof, if paid by the occupier, may be recovered by him from the owner in an action for money paid to his use, or may be deducted from any rent due or to become due in respect of the tenement.

Recovery of rate or charge.

25. If any person fails to pay any rate or charge for which he is liable within one month after the same became payable, the Board may recover the same with costs in any court of competent jurisdiction.

Continuity of supply of water.

26.—(1) The Board shall as far as possible maintain a continuity of supply of water:

Provided that:—

- (a) the Board shall have the right to suspend the supply of water for such periods as may be necessary for carrying out inspection, tests, or repairs and for the making of new connections;
- (b) the Board shall have the right to suspend or discontinue any supply where the payment of any rates, dues or charges are in arrears.

(2) The Board shall in no case be under any obligation to pay damages or compensation for loss, damage or inconvenience

caused to any consumer through any suspension, failure, discontinuance or a whole or partial interruption of the supply of water howsoever caused.

27.—(1) The Board may purchase water in bulk and may resell such water either in bulk or by distribution direct to individual consumers. Purchase and re-sale of water.

(2) No person shall resell water supplied by the Board save under licence granted by the Board upon such terms and conditions as the Board may prescribe:

Provided that no such licence shall be required for the sale of any manufactured goods or other commodity in which water supplied by the Board is included.

28.—(1) The Board may, subject to the provisions of any regulations made under section 22, supply water through any service to any tenement on application being made by the owner or occupier thereof who shall pay to the Board any charges the Board may require for the laying of a service to such tenement. Service to tenements and payment for excess consumption and for meter rent.

(2) The Board may refuse to supply water to any particular tenement otherwise than through a meter which shall be supplied, installed and maintained by the Board.

(3) The occupier of a tenement to which water is supplied by meter shall pay monthly to the Board the amount due for the excess consumption and for meter rent.

(4) The Board shall as soon as conveniently may be after the end of each month notify the occupier of a tenement supplied with water of the amount due from him for excess consumption and for meter rent, and the amount payable for excess consumption and the meter rent shall be paid by such occupier within fourteen days of the service upon him of such notice, and if the same is not then paid the Board may disconnect the service to the tenement.

(5) If any person fails to pay the amount due from him for excess consumption or meter rent, the Board may recover the same with costs, together with the expense of disconnecting the service to the tenement, in any court of competent jurisdiction.

Board not responsible for safety of consumers' pipes etc.

29. The Board shall not by virtue of making any inspection or test of a consumer's pipes, fittings, appliances and apparatus in accordance with this Law or any regulations made thereunder, whether during the progress of the work of installation at the consumer's premises or after its completion, be deemed to be responsible for the efficiency or safety of the consumer's pipes, fittings, appliances and apparatus so inspected or tested, or for the proper execution of the work of installation, or for any damage or loss arising out of the use or misuse of apparatus by the consumer or any other person other than an employee of the Board.

Entitlement to supply and preclusion of preferential treatment.

30. Except in so far as is otherwise provided by this Law, where a supply of water is provided by the Board in any part of an area for private purposes, every person within that part of the area shall, upon application to the Board, be entitled to a supply on the same terms on which other persons in such part of the area are entitled under similar circumstances to a corresponding supply, provided that in the case of a fresh connection adequate water can be made available without detriment to existing supplies to persons or institutions in the area.

Expenses of certain necessary alterations.

31.—(1) If any person or any department of the Government or any other authority does any matter or thing which such person, department or authority is by or under any law authorised to do and which necessitates an alteration in any part of any waterworks or of any distribution system vested in or the property of the Board, the Board shall on reasonable notice being given to it by such person, department or authority make such alteration, and the expenses incurred thereby shall be borne by such person, 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 the person, department or authority as aforesaid or the Board to an arbitrator to be appointed by the Governor.

PART VI—ACCOUNTS AND REPORTS OF THE BOARD

Accounts, audit and estimates.

32.—(1) The Board shall:—

(a) cause to be 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 approved by the Governor.

(2) The annual statement of accounts shall be a fair and accurate statement of the financial position, and of the results of the operations, of the Board for the financial year to which it relates.

(3) The accounts of the Board shall be audited and reported upon annually by the Director of Audit. KDS 10 of 1979.

(4) As soon as the annual statement of accounts has been audited as aforesaid the Director of Audit shall send a copy together with a copy of his report thereon to the State Legislature.

(5) Before the commencement of each financial year the Board shall prepare an estimate of its revenue and expenditure for that financial year and submit the same to the Governor for his approval, and the Governor shall have power to disallow or reduce the provision under any item in the estimate as he may consider necessary.

33.—(1) The Board shall, within six months after the end of each financial year, make to the Governor a report, in such form and containing such particulars as he may from time to time direct, dealing with the activities of the Board during that financial year. Annual Report.

(2) Every annual report made by the Board under subsection (1) shall contain particulars of all directions given under this Law by the Governor to the Board during each financial year.

PART VII—OFFENCES

34.—(1) No person shall construct any waterworks without the approval of the Board. Construction of water-works. KDS 6 of 1976.

(2) This section shall not apply to the construction of a well having a diameter not exceeding four feet and a depth not exceeding two hundred feet.

(3) Notwithstanding the provisions of subsection (2) no person shall pump water or permit artesian water to flow from a well having a diameter not exceeding four feet and a depth not

exceeding two hundred feet or any borehole within one mile of a waterworks, unless permitted in writing so to do by the Board:

Provided that the Board may by notice in the State Gazette specify any area being further than one mile from any waterworks where water shall not be pumped or artesian water permitted to flow from any such well or borehole without the permission in writing of the Board.

(4) Nothing in this section shall affect the rights of any person under any other written law.

(5) Any person who contravenes any of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred naira or to imprisonment to a term not exceeding six months.

Injury, pollution, etc.

35. Any person who:-

- (a) wilfully or negligently damages any waterworks, public fountain, service or meter;
- (b) unlawfully draws off, diverts or takes water from the same, or from any stream or water by which any waterworks are supplied; or
- (c) pollutes any such water, or allows any foul liquid, gas or other noxious or injurious matter to enter into any waterworks or any service connected therewith,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred naira or to imprisonment for a term not exceeding six months and, for every day during which the offence continues after notice in writing requiring the same to be stopped, to a further penalty of ten naira for each such day.

Waste and altering service.

36.—(1) Any person who wilfully or negligently misuses, wastes, or causes or allows to be misused or wasted any water passing into, through, upon, or near any tenement from any waterworks shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty naira or to imprisonment for a term not exceeding one month.

(2) Any person who alters, or causes, or permits to be altered, any service without the consent of the Board or contrary to any regulations made under this Law, shall be guilty of an offence and

shall be liable on conviction to a fine not exceeding twenty naira or to imprisonment for a term not exceeding one month.

37. Any person who alters, or causes, or permits to be altered, any service with intent to avoid the accurate measurement or register of water by means of any meter, or to obtain a greater supply of water than he is entitled to, or to avoid payment therefor, or who wilfully or negligently damages, alters or causes or permits to be damaged or altered any meter, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred naira or to imprisonment for a term not exceeding four months; and any service so altered or any meter so damaged or altered shall be replaced or repaired by the Board at the expense of the person convicted, and the cost of replacing or repairing any such service or meter may be recovered upon the order of a court in the same manner as any penalty may be recovered upon conviction.

Fraudulent measurement.

38. Any person who puts, or allows to be put, or to remain, or to accumulate on any tenement owned or occupied by him or his servants, or who fails to remove or to cause to be removed, or to take such steps as may be necessary to prevent, upon notice in writing from the Board, any foul, noisome or injurious matter, or any earth, deposit or excavated material in such manner or place that it may be washed, fall, or be carried into any waterworks or the gathering grounds thereof, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred naira or to imprisonment for a term not exceeding four months, and in respect of any period during which such matter, earth, deposit or excavated material is allowed to remain after notice in writing from the Board requiring the same to be removed, to a further penalty of ten naira for each day whilst the offence continues.

Foul accumulation of earth, etc.

39. Any person who:-

- (a) bathes in any part of any waterworks;
- (b) washes, throws or causes to enter therein, any horse, dog, goat, pig, or other animal, or any bird, or any clothes, material or thing; or
- (c) wrongfully opens or closes any lock, cock, valve, sluice or manhole belonging to any waterworks.

Bathing, washing, etc.

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred naira or to imprisonment for a term not exceeding four months.

Penalty for refusing or failing to pay rates or charges. KDS 6 of 1976.

40. Any person who, without lawful justification or excuse, the proof of which shall lie on the person charged, refuses or fails to pay any rate or charge payable by him by virtue of this Law by the date on which it is payable, shall be guilty of an offence and shall have his supply disconnected and reconnected only on the payment of a reconnection fee of five naira, after the payment of the rate or charge due.

Penalty for inciting any person to misrepresent rateable capacity, etc. KDS 6 of 1976.

41. Any person who, without lawful justification or excuse, the proof of which shall lie on the person charged incites or assists any person to misrepresent in any way his rateable capacity or any information material to the assessment of or rating upon any tenement of which he is owner or occupier, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred naira or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

PART VIII—MISCELLANEOUS AND GENERAL

Proof of moneys due.

42.—(1) In any action for the recovery of any rate, charge or other moneys, other than fines and penalties, due, payable or recoverable under this Law, a certificate from the Board, or of any person appointed by the Board in that behalf, that any sum of money is due and that the defendant is the person liable to pay the same, shall, in the absence of any evidence to the contrary, be conclusive evidence of such debt and of the non-payment thereof, and that the defendant is the person liable to pay the same.

(2) Every such action may be instituted by the Board or by any person authorised by the Board to institute such action on its behalf.

Power of entry to waterworks. KDS 6 of 1976. KTSLN 1 of 1988.

43. The General Manager of the Board or any person authorised in writing by him may at any time enter any waterworks for the purpose of inspecting such waterworks or any part thereof.

44. A health officer or any person authorised in writing by him may enter any waterworks between six o'clock in the morning and six o'clock in the afternoon or in an emergency at any other time for the purposes of inspecting such waterworks or any part thereof, and of taking samples of the water supplied from such waterworks.

Power of entry by health officer.

45.—(1) Where, upon considering any audit report on accounts or in any other case, the Governor is satisfied that in respect of the functions of the Board under this Law:—

Power of the Governor to surcharge persons.

- (a) any sum due to the Board has not been duly brought to account by any person by whom such sum ought to have been brought into account; or
- (b) any loss of or deficiency in the moneys, or loss or destruction of any other property, of the Board has occurred by reason of the negligence, breach of official duty or other misconduct of any person,

the Governor may surcharge the amount of such sum, loss or deficiency, or of the value of the property lost or destroyed, upon the person aforesaid whether he be a member of the Board or an officer or other employee or agent of the Board.

(2) Before exercising any of his powers under subsection (1) the Governor may by writing under his hand authorise any person to conduct an inquiry for the purposes of this section and to take evidence and examine witnesses upon oath or affirmation (which oath or affirmation that person is hereby empowered to administer) and that person may, by summons under his hand, require all such persons as he may deem fit to appear before him at a time and place to be stated in such summons and to produce all such books, records, accounts, and other documents and materials as he may consider necessary for the purposes of the inquiry.

(3) If the Governor decides to surcharge any amount upon any person under subsection (1) he shall cause a notice to be served upon him, or on his legal representatives in the event of his death, requiring him or such representatives to pay the amount surcharged within such period from the date of the service of the notice as may be specified therein.

(4) Notwithstanding any of the provisions of subsection (3) no liability to surcharge shall be incurred by any officer, other

employee or agent of the Board, who can prove to the satisfaction of the Governor that he acted in pursuance of and in accordance with the terms of a resolution of the Board or of any committee duly appointed under this Law, or on the written instructions of any officer, other employee or agent of the Board to whose orders, in relation to the matter in question, he was subject:

Provided that nothing in this subsection shall exempt any person from liability to surcharge in accordance with the provisions of this section where that person knew or ought reasonably to have known that the terms of any resolution or any written instructions as aforesaid were not in accordance with the provisions of this Law or any regulations or rules made or directions given hereunder.

Recovery of
surcharges.

46. Any amount notified as a surcharge in accordance with the provisions of subsection (3) of section 45 shall be a debt due to the Board, and may be sued for and recovered in any court of competent jurisdiction of the suit of the Governor.

Appeals
against sur-
charges.

47.—(1) Any person who is aggrieved by any decision of the Governor to surcharge any amount upon him may, if the decision relates to an amount exceeding four hundred naira, within thirty days of such decision, appeal to the High Court.

(2) The High Court on such appeal shall have power to confirm, vary or quash the decision of the Governor and to give such directions as the court may deem fit in the matter.

Preliminary
investigation
in respect of
land re-
quired for
waterworks.

48.—(1) Whenever it appears to the Board that any land in the State is likely to be needed for the purposes of any waterworks, the Board may, by its servants and agents, together with all necessary workmen, enter upon any such land and:—

- (a) survey and take levels of the land;
- (b) dig or bore under the subsoil; and
- (c) do all other acts necessary to ascertain whether the land is adapted for such purposes:

Provided that no such agent, servant or workman shall enter any building or upon any enclosed court or garden attached to a dwelling house (except with the consent of the occupier thereof)

unless at least seven day's notice of the intended entry has been given to such occupier.

(2) As soon as conveniently may be after any entry made under subsection (1) the Board shall pay compensation for all damage arising out of the exercise of any power conferred by that subsection.

(3) In the case of dispute as to the amount of any compensation payable under this section the amount may be determined by the High Court or a District Court having jurisdiction in respect of the place where the land is situated.

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

Provisions
relating to
the use of
water by fire
authorities
and fire
brigades.

(2) Water shall not be abstracted by any fire authority or fire brigade for the purpose of testing any fire-fighting appliance except with the consent of the Board, which consent shall not be unreasonably withheld.

(3) No charge shall be made for water supplied by the Board under subsection (1) or (2).

(4) Any main, pipe, valve, hydrant, service or other waterworks required within the area of operation of the Board by any fire authority or fire brigade in the discharge of its functions to prevent and control fire shall be provided by the Board upon full payment therefor by such fire authority or fire brigade, but such main, pipe, valve, hydrant, service or other waterworks shall vest in the Board in perpetuity but shall be maintained and renewed by the Board as the fire authority or fire brigade may require and at the expense of such fire authority or fire brigade.

(5) In this section the expressions "fire authority" and "fire brigade" mean any authority or body of firemen respectively constituted, organised or established under any written law.

50.—(1) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf

Execution or
issue of in-
struments.

of the Board by any person generally or specially authorised by the Board for that purpose.

(2) Any document purporting to be a document duly executed or issued under the seal of the Board or on behalf of the Board shall, unless the contrary is proved, be deemed to be a document so executed or issued, as the case may be.

Service of
notices, etc.

51. Service upon the Board of any notice, order or other document may be effected by delivering the same or by sending it by registered post addressed to the Secretary of the Board.

Restriction
on execution
against
Board's
waterworks.

52. No execution or attachment or process in the nature thereof shall be issued against any waterworks vested in or the property of the Board, but any sums of money which may be the judgment of any court awarded against the Board shall, subject to any directions given by the court where notice of appeal has been given by the Board in respect of the said judgment, be paid by the Board from its funds.

Waterworks
excluded
from rates.

53. Waterworks vested in or the property of the Board shall not be regarded as hereditaments or tenements to be valued for rating purposes under any law.

Repeal of
NN 1963
Cap 137.

54. The Waterworks Law is hereby repealed to the extent to which it applies to the State:

Provided that any regulations made under that Law and in force immediately before the date of commencement of this Law shall continue in force as from the date as if made by the Board under this Law, until such regulations are revoked or replaced under the provisions of this Law, and accordingly references in any such regulations to any water authority or prescribed authority or to any other authority or person, shall, with the necessary adaptations and modifications, be construed as references to the Board.

Section 5.

SCHEDULE

CONSTITUTION AND PROCEEDINGS OF THE BOARD

Tenure of
office of
members.

1. Every member of the Board (other than an *ex-officio* member) shall, subject to the provisions of this Schedule, hold office for a period of three years from the date of his appointment.

2. A member of the Board who has ceased to be such member shall be eligible for re-appointment.

Eligibility
for re-
appoint-
ment.
Vacation of
office.

3.—(1) If the Governor is satisfied that a member of the Board:—

- (a) has been absent from three consecutive meetings of the Board without the permission of the Governor in the case of the Chairman, or of the Chairman in the case of any other member;
- (b) has become bankrupt or made an arrangement with his creditors;
- (c) has been convicted of an offence involving or necessarily implying fraud or dishonesty and has undergone a sentence of imprisonment therefor;
- (d) is incapacitated by physical or mental illness from performing his functions as a member;
- (e) has such financial or other interest in the operations of the Board or otherwise as in the opinion of the Military Governor is likely to affect prejudicially the discharge by him of his functions as a member; or
- (f) is otherwise unable or unfit to discharge the functions of a member,

the Governor may revoke the appointment of such member.

(2) Notwithstanding anything contained in the instrument by which a member is appointed, a member may resign his office as a member by notice in writing to the Governor, and upon receipt of such resignation by the Governor the appointment of such member shall be terminated.

(3) Notwithstanding the provisions of paragraph (1) the Governor may at any time remove any member from his office.

4. No act or proceedings of the Board shall be questioned on account of any vacancy among its members or on account of the appointment of any member having been defective.

Vacancies.

5. Where any member of the Board is temporarily incapacitated by illness from performing the functions of his office or is temporarily absent from Nigeria, the Governor may appoint any person to hold temporarily the office held by such incapacitated or absent member during the period of such incapacity or absence and all the functions of such member under this Law shall devolve upon the person so temporarily appointed.

Temporary
membership.

6. Where upon any special occasion the Board desires to obtain the advice of any person on any particular matter, the Board may co-opt such person to be a member for such meeting or meetings as may be required.

Co-opting of
persons.

and such person whilst so co-opted shall have all the rights and privileges of a member save that he shall not be entitled to vote on any question.

Meetings and procedure. KTSLN 1 of 1988. 7.—(1) The Board shall hold such and so many meetings as may be necessary for the due fulfilment of its functions so, however, that it shall hold at least four meetings in every year.

(2) At a meeting of the Board:—

(a) the Chairman of the Board shall, if present, be chairman of the meeting;

(b) if and so long as the Chairman of the Board is not present or if the office of chairman is vacant, the members of the Board who are present shall choose one of their number to be chairman of the meeting.

(3) Every question at a meeting of the Board shall be determined by a majority of the votes of the members present and voting on the question, and in the case of any equal division of votes, the chairman of the meeting shall have a second or casting vote.

KDS 6 of 1976. (4) One third of the members of the Board may by notice in writing signed by them request the Chairman to call a special meeting of the Board for the purposes set out in such notice and the Chairman shall thereupon call a special meeting.

Quorum. 8. One-half of the members (including the Chairman or other member presiding) shall form a quorum at any meeting of the Board.

Common seal. 9.—(1) The Board shall as soon as may be after its establishment provide itself with a common seal.

(2) The common seal of the Board shall be authenticated by the signature of the Chairman of the Board or some other member thereof authorised by the Board to act in that behalf and the signature of the Secretary of the Board.

(3) Judicial notice shall be taken of the common seal of the Board and every document purporting to be an instrument made by the Board and to be sealed with the common seal (purporting to be authenticated in accordance with this paragraph) of the Board shall be received in evidence and be deemed to be such instrument without further proof unless the contrary is shown.

Standing Orders. 10. Subject to the provisions of this Law, the Board may make standing orders for the purpose of regulating its own proceedings.

CHAPTER 142

WATER SOURCES (CONTROL)

A LAW TO PROVIDE FOR THE CONTROL OF SOURCES OF WATER

NS 1963,
Cap. 136,
KDSLN 5 of
1982
KTSLN 1 of
1988.

[30 October 1961]

Date of
commence-
ment.

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

Short title.

2. In this Law:—

“Commissioner” means the State Commissioner to whom is assigned for the time being responsibility for land;

Interpreta-
tion.

“State” shall have the same meaning as in the Constitution.

3. The Governor may by order, and after such inquiry, if any, as he may think fit, declare any river, lake, stream or waterway, other than a river, lake, stream or waterway which has been declared by the National Assembly to be a source affecting more than one State, to be a prescribed source of water for the purposes of this Law.

Declaration
of source of
water.

4. No person shall dam up or otherwise interfere with any source of water prescribed in accordance with section 3 without first serving on the Commissioner a notice stating the works he proposes to undertake in the prescribed form.

Interference
with
declared
sources
of water
prohibited.

5. Within the time stated in the notice referred to in section 4 the Commissioner may, if he is of the opinion that such dam, works or interference will materially affect the flow of water in any river:—

Commis-
sioner may
prohibit in-
terference.

(a) require the person serving the notice to desist from such undertaking; or

(b) consent to such undertaking either conditionally or otherwise.