

CHAPTER 149

WATER BOARD

AN EDICT TO PROVIDE WATER FOR THE PEOPLE, INDUSTRY AND
AGRICULTURESS 3 of
1984.[1 January 1984] Date of
commence-
ment.

PART I—PRELIMINARY

1. This Edict may be cited as the Water Board Edict. Short title.

2. In this Edict unless the context otherwise requires:— Interpretation.

"assessed value" in relation to a tenement means the capital, annual or unimproved value at which the tenement is for the time being assessed;

"the Board" means the Water Board established under section 3;

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

"the Chairman" means the Chairman appointed under section 4;

"Commissioner" means the Commissioner for works;

"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 allowances as may be prescribed;

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

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

"the Government" means the Government of the State;

"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 township authority or local authority;

"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 work 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 work is used, whether on his own account or as agent or trustee for the 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;

"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 stand pipe, 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 fittings and other appliances, other than a meter, by or through which water flows or is intended to flow from a waterworks;

"the State" means the Sokoto 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 of any wharf or pier;

"waterworks" means all reservoirs, ponds, boreholes, and wells which are used with any dam, weir, tank, cistern, tunnel, filter bed, conduit, drum, 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 FUNCTION OF THE BOARD

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

4.—(1) The Board shall be composed of the following members to be appointed by the Governor:— Constitution of the Board.

- (a) a Chairman;
- (b) the General Manager of the Board;
- (c) the Permanent Secretary, Ministry of Works;
- (d) the Permanent Secretary, Ministry of Trade and Industry;
- (e) Permanent Secretary Economic Planning; and
- (f) not more than three other persons of proven integrity, who in the opinion of the Governor will represent adequately the interests of the water consumers.

(2) The Chairman, and other members, other than *ex-officio* members shall hold office for a period of three years from the date of their appointment and shall be eligible for re-appointment.

(3) Any member other than *ex-officio* member, may by notice to the Governor resign his appointment.

(4) Any vacancy occurring in the membership of the Board shall be filled by the appointment of a successor who shall represent the same interest as his predecessor.

Remuneration.

(5) There shall be paid to a member, such remuneration and allowances as the Governor may from time to time determine.

Vacation of office.

(6) The seat of a member shall become vacant on the occurrence of any of the following events:-

- (a) his death;
- (b) his inability, resulting from any cause, to discharge the function of his office;
- (c) his conviction for a criminal offence involving fraud, dishonesty or moral turpitude;
- (d) his resignation;
- (e) the dissolution of the Board;
- (f) his removal by the Governor for misbehaviour or other cause.

Supplementary provisions Schedule.

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

Duties of the Board.

6. It shall be the duty of the Board subject to the provisions of this Edict:-

- (a) to control and manage all urban and semi-urban water supply vested in the Board under the provisions of this Edict;
- (b) to establish, control, manage, extend and develop such new or existing supplies 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 suitable quality and 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 Edict and to submit the result of such research to the Commissioner 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 the Board may, in respect of any function, service or facility which it is authorised to provide or execute under the provisions of this Edict:-

- (i) make arrangements or enter into agreement with any government department, statutory institution, authority, or any other body;
- (ii) delegate authority to any member, officer, servant or employee of the bodies listed in sub-paragraph (i) above, as agent for the Board.

7.—(1) Subject to the provisions of this Edict the Board shall, for the purpose of carrying out its functions under this Edict, have power to carry on all activities which are necessary, advantageous or convenient. General power of the Board.

(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 amendment 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, necessary for the discharge of its functions under this Edict;
- (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 thereof, into, through or under any lands whatsoever without paying any compensation, but making good any damage done;
- (d) to extract 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 purposes 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 case 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 wastage, 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 Edict;
- (j) to enter into contracts as may be necessary, advantageous or expedient for the performance of its functions under this Edict, including contract 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 accordance 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 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 it operates including the provision of facilities for training, education and research;
- (n) to surrender, re-transfer or re-assign any security held by the Board whether upon exchange for another security or discharge;
- (o) 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;
- (p) to make, draw, accept or endorse negotiable instruments;
- (q) to invest money standing to its credit, and not for the time being required for its purpose under this Edict in stocks, shares, debentures or other securities whatsoever approved by the Commissioner, and deal with such stocks, shares debentures or other securities;
- (r) to enter into any commitments, agreements or other arrangements in respect of the provision distribution, supply or sale of water;
- (s) to insure its property against all forms of risks;
- (t) with the approval of the Commissioner to offset bad debts.

8. The preceding provisions of section No. 7 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 Edict.

Limitations
of the
Board.

9.—(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 for any other purpose, whether general or special relating to the

Committees.

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 conditionally or otherwise any function exercisable by the Board under this Edict to a Committee;

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 Commissioner, specify.

(3) Any committee appointed under this section may include, with the approval of the Commissioner, 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 of the members of every committee shall be members or officers of the Board.

Power of the
Governor to
direct the
Board.

10.—(1) The Governor, may give the Board such general directions as to the discharge by the Board of its functions under this Edict as it appears 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 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 Edict 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 be excessive or unnecessary.

(4) The Board shall afford to the Commissioner 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

11.—(1) All waterworks which are used or have been constructed by or on behalf of the Government and are the property of the Government immediately before the commencement of this Edict shall vest in the Board by virtue of this Edict and without further assurance, and such vesting shall extend to the whole of the waterworks (hereinafter referred to as "Transferred Waterworks") including all lands, works, and other property, assets, powers, rights and privileges pertaining thereto or held or enjoyed in connection therewith.

(2) All liabilities and obligations of the Government in respect of any "Transferred Waterworks" falling due or to be discharged on or after the commencement of this Edict shall 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 commencement date as if:—

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

(4) When "Transferred Waterworks" are vested in the Board, the Board shall acquire in respect thereof, the same rights, powers, privileges and liabilities (including the right to sue or be sued) as were available to the Government to ensure the continuation of the good management and administration of the said waterworks and appendages.

(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.

12.—(1) The funds and resources of the Board shall consist of—

- (a) all sums, investments or other property whatsoever vested in the Board by provision of section 11;
- (b) such sums or other property whatsoever as may from time to time be advanced by way of loan or guarantee 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 township authority, local authority 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 of the 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 of any matter incidental thereto under this Edict or by virtue of the provisions of any other Edict.

Charges against Board revenue.

13.—(1) The following charges shall be out of the revenue of the Board for any financial year:—

- (a) the salaries, fees and 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;
- (b) all expenses of working and management of the Board and its waterworks and other properties including proper provision or depreciation on renewal of assets;

- (c) such sums including compensation which may be payable by the Board to any person or authority under the provisions of this Edict or any other Edict;
- (d) such minor works of a capital nature as the Board may deem necessary from time to time;
- (e) taxes, rates and other levies payable by the Board under any Edict;
- (f) interest on any loan raised by the Board;
- (g) 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;
- (h) such other sums as the Commissioner may approve for payment out of the revenue account of the Board in respect of any financial year.

(2) The balance of the revenue of the Board for any financial year shall be applied:—

- (a) to the creation of 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 14 as the state of the Board's affairs appears, in the opinion of the Board and with the approval of the Governor, to warrant.

14.—(1) It shall be lawful for the Government to give 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.

(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 11.

(3) So soon as may be after the commencement date the Board shall in respect of any moneys (other than grants) advanced by the

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

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
moneys.

15.—(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 Edict.

(2) 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 approval given for the purposes of this subsection may be either general or limited to a particular borrowing.

(3) A person lending money to the Board may enquire whether the borrowing of the money is within the powers of the Board.

Debentures
of the Gov-
ernment.

16.—(1) If the Government makes any loan to the Board at any time in accordance with the provisions of this Edict, the Board shall, if so required by the Governor, issue to the Government debentures of value equivalent to the same loan.

(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 ORGANIZATION

Governor to
appoint
General
Manager etc.

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

- (a) an experienced Administrative Officer; or
- (b) a professionally qualified engineer with sound experience in water supply engineering and management who shall have ultimate responsibility for the carrying out of the policies and decisions of the Board, in accordance with the provisions of this Edict.

(2) In the discharge of his functions the General Manager shall be assisted by an officer of the Board to be known as Assistant General Manager who shall be a professionally qualified engineer with sound experience of water supply engineering and management and shall be responsible to the General Manager for the co-ordination of the functions and the general supervision of all the major departments of the Board, subject to the ultimate administrative direction and control of the General Manager.

(3) There shall be a Secretary to the Board who shall subject to the provisions of this Edict, have such functions of an administrative nature as the General Manager or what the Board may from time to time assign to him.

Secretary.

(4) The Governor shall appoint and exercise disciplinary control over the General Manager, Assistant General Manager and the Secretary, and determine their terms and conditions of service as to remuneration or otherwise. Those appointed shall be subject to the provisions of any regulations or rules that may be made under section 20 or 21, respectively.

18.—(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 Edict and to determine their terms and conditions of services as to remuneration or otherwise.

Appoint-
ment of staff
etc. of the
Board.

(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 20 and 21 respectively.

19. The Board may with due agreement, employ on secondment officers of the public service of the State or in the service of any other State, township authority or local government. Such employment shall be in accordance with the procedure applicable to the secondment of such officers.

Secondment
and transfer
of employ-
ees.

20. The Board may, with the approval of the Governor and subject to the provisions of this Edict make regulations with respect to the appointment, promotion, transfer and dismissal of, and exercise of disciplinary control over its employees and without

Power to
make regula-
tions for em-
ployees.

prejudice to generality of the foregoing provisions, make regulations for any of the following matters:—

- (a) the qualifications to be required for appointment;
- (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 allowances, the grant of advances, the provisions of quarters, leave, 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, township authority or local authority, 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.

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

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

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

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

Rates and scales of charges for water.

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

(2) Subject to the provisions of subsection (1), all charges for water sold in bulk or direct to consumers and for services rendered by the Board shall be fixed at such rates and at such scales that the revenue for such year from every source will be sufficient to pay:—

- (a) the working expenses and other outgoings of the Board properly charged to income in that year;
- (b) the payments falling to be made in such year by the Board in respect of the interest on or repayments of the principal of any money borrowed by the Board;
- (c) such sums as the Board may think proper to set aside in that year for a general reserve, extensions, renewals, depreciation, loans and other like purposes.

(3) Charges for water or services may, if the Board thinks it fit, be fixed at different rates and scales for different localities.

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

Power to levy rates.

(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 of eighteen 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 sums 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 by one or other of the methods of assessment hereinbefore described 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 payments may be made.

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

Provided that:-

- (a) subject to the provisions of paragraph (1) on subsection (2) section 7 and section 28, 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 Edict shall constitute or be construed as purporting to constitute an offence committed by any person due to any act or omission by him which was not an offence at the time it took place, and any act or omission may be constituted an offence by virtue of the provision of such order or this Edict only in so far as the same has taken place or has 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.

24.—(1) The Board may, with the approval of the Governor ^{Power to make regulations} make regulations for the better carrying out of the provisions of this Edict, and without prejudice to the generality of the foregoing 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; or
 - (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 rate 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 re-adjustment 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 Edict 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 the commission of any offence or nuisance in or about any of the stations, works, plants, buildings or premises of the Board;
 - (m) the prevention of trespasses upon or injury to 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, the governance thereof and maintenance of good order thereon;
 - (p) generally for the preservation and the conservation of 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 section 28, water has in fact been supplied in respect of the period or which any regulations, whereby any price, charges 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 Edict shall constitute or be construed as purporting to constitute an offence committed by any person due to any act or omission by him which was not 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 Edict 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, enter and cause any water fittings belonging to or used by the 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.

25. Notwithstanding any of the provisions of this Edict, 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 rate in respect of the same supply of water.

Rating by more than one method.

26. 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 to be owner's rate, and as between the occupier and the owner of any 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 for his use, or may be deducted from any rent due or to become due in respect of the tenement.

Liability for payment of water rate or charge.

27. 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.

Recovery of rate by court action.

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

Duty to maintain 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 however caused.

Purchase and resale of water.

29.—(1) The Board may purchase water in bulk and may resell such water either in bulk or by distribution direct to individual consumers.

(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.

Supply to tenements and payment for excess consumption and for meter rent.

30.—(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.

(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 convenient 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 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 expenses of connecting the service to the tenement, in any court of competent jurisdiction.

31. 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 Edict or any regulations made thereunder, whether during the progress of the work or 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 or 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 employee of the Board.

Board not responsible for safety of consumer's pipes, etc.

32. Except in so far as is otherwise provided by this Edict 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 corresponding area, provided that in the case of a fresh connection adequate water can be available without detriment to existing supplies to persons or institutions in the area.

Entitlement to supply and preclusion of preferential treatment.

33. If any person, any department of the Government, or any other authority, does any matter or thing which such is authorised to do, and which necessitates an alteration in any part of any waterworks or of any distribution system vested in any 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.

Expenses of requested alterations.

PART VI—ACCOUNTS AND REPORTS

34.—(1) The Board shall:—

- (a) cause to be kept proper accounts in respect of its functions under this Edict and other records in relation thereto; and
(b) prepare, in respect of each financial year, a statement of

Accounts, audit and estimates.

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 however caused.

Purchase
and resale of
water.

29.—(1) The Board may purchase water in bulk and may resell such water either in bulk or by distribution direct to individual consumers.

(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.

Supply to
tenements
and payment
for excess
consumption
and for
meter rent.

30.—(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.

(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 convenient 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 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 expenses of connecting the service to the tenement, in any court of competent jurisdiction.

31. 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 Edict or any regulations made thereunder, whether during the progress of the work or 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 or 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 employee of the Board.

Board not
responsible
for safety of
consumer's
pipes, etc.

32. Except in so far as is otherwise provided by this Edict 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 corresponding area, provided that in the case of a fresh connection adequate water can be available without detriment to existing supplies to persons or institutions in the area.

Entitlement
to supply
and preclu-
sion of pre-
ferential
treatment.

33. If any person, any department of the Government, or any other authority, does any matter or thing which such is authorised to do, and which necessitates an alteration in any part of any waterworks or of any distribution system vested in any 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.

Expenses of
requested
alterations.

PART VI—ACCOUNTS AND REPORTS

34.—(1) The Board shall:—

- (a) cause to be kept proper accounts in respect of its functions under this Edict and other records in relation thereto; and
(b) prepare, in respect of each financial year, a statement of

Accounts,
audit and
estimates.

account in such form as may be approved by the Commissioner.

(2) The said annual statement of account 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 said annual statement of account shall be audited by the State Director of Audit or by auditor or auditors appointed by him, and the remuneration to be paid by the Board to the auditor or auditors so appointed shall be fixed by him.

(4) As soon as the said annual statement of account has been audited as aforesaid the Board shall within a period of 6 months after the end of the last financial year, forward to the Commissioner a copy of the said statement of account together with a copy of the report made by the auditors.

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

Annual
report.

35.—(1) The Board shall, within six months after the end of the financial year, make to the Commissioner 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.

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

PART VII—OFFENCES

Commissioners
approval
required for
private
water works,
excluding
wells.

36.—(1) No person shall construct any waterworks without the approval of the Commissioner.

(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 Commissioner.

Provided that the Commissioner 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 Commissioner.

(4) Nothing in this section shall affect the rights of any person under any other written Edict or 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 five hundred naira or to imprisonment for a term not exceeding six months.

37. 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 or any service connected herewith depends;

Damage,
pollution,
and
diversion of
water.

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

38.—(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 fifty naira or to imprisonment for a term not exceeding one month.

Penalty for
waste and
altering
service.

(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 Edict, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty naira or to imprisonment for a term not exceeding one month.

39. 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 therefore, 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.

40. 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 materials in such manner or any 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 four months imprisonment, 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.

41. Any person who:-

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

42. 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 virtue of this Edict by the date on which it is payable, 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.

Penalty for refusing or failing to pay rates charges.

43. 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 ratable 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.

Penalty for inciting any person to refuse to pay rates or charges etc.

PART VIII—MISCELLANEOUS

44.—(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 Edict, a certificate from the Board, or of any person appointed by the Board in that behalf that any sums 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.

Proof of moneys due.

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

45. The Chief Water Engineer of the State Ministry of Works 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.

Power of entry to waterworks by Ministry of Works.

46. 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.

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

- (a) any sum due to the Board has not been duly brought to account by any person by whom such ought to have been brought into account; or
- (b) any loss of or deficiency in the moneys, 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 Commissioner 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 Commissioner may by writing under his hand authorise any person to conduct any enquiry for the purpose of this section and to take evidence and examine witnesses upon oath or affirmation and any witness shall be required to produce all such books, records, accounts, and other documents and materials as he may consider necessary for the purpose of the enquiry.

(3) If the Commissioner 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 Commissioner 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 Edict, 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 Edict or any regulations or rules made or directions given hereunder.

48. Any amount notified as a surcharge in accordance with provisions of subsection (3) of section 47 shall be a debt due to the Board, and may be sued for and recovered in any court of competent jurisdiction at the suit of the Commissioner. Recovery of debts.

49.—(1) Any person who is aggrieved by any decision of the Commissioner 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 Chief Magistrate Court. Appeals against surcharge.

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

50.—(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:— Preliminary investigation in respect of land required for waterworks.

- (a) survey and take levels of the land;
- (b) dig or bore under the sub-soil; and
- (c) do all other acts necessary to ascertain whether the land is adaptable 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 days notice of the intended entry has been given to the 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 settlement of any dispute as to the amount of any compensation payable under this section, the amount may be determined by the Chief Magistrate Court having jurisdiction in respect of the place where the land is situated.

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

(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 therefore by the fire authority. 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 expression "fire authority and fire brigade" means any authority or body of firemen respectively constituted, organised or established under any written Edict.

52.—(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 of the Board by any person generally 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.

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

54. 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 judgement of any court awarded against the Board shall, subject to any directions given by the court, where notice of any appeal has been given by the Board in respect of the said judgement, be paid by the Board from its funds. Restriction on execution against Board's waterworks.

55. 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 Edict. Waterworks excluded from rates.

56.—(1) Nothing in this Edict shall affect any order, rule, regulation, appointment, resolution, agreement made, direction given, proceeding taken, instrument issued or thing done under the provisions of the defunct Sokoto State Ministry of Water and Electricity Supply, until revoked or replaced under the provisions of the Edict, and accordingly references to any Water Authority or prescribed Authority, or to any other person, shall be construed with such necessary modification, amendment, and adaptations as references to the Board. Transitional provisions and savings.

57. The provisions of this Edict shall not apply to water from such sources as may be declared by the Federal Government to be sources affecting more than one State of the Federation of Nigeria. Restrictions made by Federal Government.

SCHEDULE

CONSTITUTION AND PROCEEDING OF THE BOARD

Vacancy of member.

1. 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.

Temporary members of the Board.

2. 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 incapacitation or absence and all the functions of such member under this Edict, shall devolve upon the person so temporarily appointed.

Co-opted member.

3. 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, 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.

Meeting and procedure.

4.—(1) The Board shall hold such 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;
- (c) 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.

(3) Any three 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.

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

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

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

8. A member of the Board who is in any way directly or indirectly interested in any action or project of the Board shall disclose the nature of his interest at a meeting of the Board, and the disclosure shall be recorded in the minutes of the Board, and the member shall not take part in the deliberation or decision with respect to that transaction or project. Private interest of member in any project.