

CHAPTER 115

RURAL WATER SUPPLY AND SANITATION AGENCY

A LAW TO PROVIDE FOR THE ESTABLISHMENT,
FUNCTIONS AND POWERS OF YOBE STATE RURAL
WATER SUPPLY AND SANITATION AGENCY AND OTHER
MATTERS RELATED THERETO

YBS 6 of 2003.

PART I

PRELIMINARIES

BE IT ENACTED by the Yobe State House of Assembly as follows:-

Enactment.

1. This law may be cited as the Yobe State Rural Water Supply and Sanitation Agency Law and shall come into force on the 28th day of March 2003.

Citation and
commencement.

2. In this Law unless the context otherwise requires:-

Interpretation.

“**Agency**” means the Rural Water Supply and Sanitation Agency;

“**Board**” means the Board of the Corporation established under section 3 of this Law;

“**Executive Governor**” means the Executive Governor of the State;

“**Member**” means a member of the board and include the Chairman;

“**State**” means the Yobe State of Nigeria.

3. There is hereby established for the State an Agency to be known as the Yobe State Rural Water Supply and Sanitation Agency.

(2) The Agency shall be a body corporate with perpetual succession and a common seal and with the power to sue and be sued in its corporate name and to acquire, hold and dispose of any property movable or immovable.

Establishment.

Composition of the
Board.

4. There is hereby established a Board for the Agency which shall consist of the following members to be appointed by the Executive Governor.

- (a) A part time Chairman who shall be a person of proven integrity.
- (b) A representative of each Local Government Area.
- (c) Six ex-officio members which shall include:-
 - (i) The representative of Ministry of Integrated Rural Development.
 - (ii) The representative of Ministry of Health.
 - (iii) The representative of (Special Duties), Governor's Office.
 - (iv) The representative of Ministry of Finance.
 - (v) The representative of Ministry of Women Affairs.
 - (vi) The General Manager of the Agency.

Tenure of office 5. Subject to section 7 of this Law a member other than an 'Ex-officio' member shall hold office for a term of 4 years and may be eligible for reappointment for a further term of 4 years only.

6. A member other than an ex-officio shall be paid such remuneration and allowances subject to such terms and conditions as the Executive Governor may approve from time to time.

Vacation of office 7. The office of a member shall become vacant if:-

- (a) He has completed his tenure of office.
- (b) He resigns his appointment by writing under his hand addressed to the Executive Governor;
- (c) He is adjudged bankrupt.
- (d) He has been convicted of a criminal offence involving dishonesty or fraud;
- (e) He has been found incapacitated due to infirmity of body or mind;
- (f) His appointment has been revoked by the Executive Governor,

PART III**FUNCTIONS OF THE AGENCY**

Functions of the
Agency.

8. The Agency shall perform the following:-

- (a) Ascertain and prepare a comprehensive inventory of rural water supply and sanitation facilities throughout the State;
- (b) Prepare a rural water supply and sanitation master plan as well as coordinate its implementation;
- (c) Coordinate and regulate all inter-sectoral borehole drilling activities as well as set standards for all sectors in the State;
- (d) Responsible for the eradication of water borne and sanitation related diseases through the promotion of behavioural changes among communities with respect to water waste management, environmental and personal hygiene;
- (e) Provide an inter-sectoral lineage on rural water supply and sanitation;
- (f) Provide facility for programme implementation in the subsector;
- (g) Promote, devise and improve low cost appropriate technology options for the communities in rural water supply and sanitation;
- (h) Mobilise and train communities in technical and financial management of water and sanitation;
- (i) Regulate, coordinate and set standards for construction of SANFLAT, VIP LATRINES and other sanitation facilities;
- (j) Provide forum for achieving universal access of safe water and sanitation;
- (k) In consultation with other organization develop a cost sharing formula for the implementation of its project;
- (l) Devise guidelines for the participation of Local Governments and Communities in rural water supply and sanitation programme;
- (m) Provide technical support in ensuring accessibility to remote communities by the construction of access roads to ensure timely and safe mobilization of drilling equipment to any site;
- (n) Ensure the establishment of Local Government Area Rural Water Supply and Sanitation Units and Community.

PART IV

FINANCIAL PROVISIONS

9. The funds and sources of the Agency shall consist of:-

- (a) such sums as may from time to time be provided to the Agency by the Federal, State, Local Government and other donor agencies;
- (b) such sums as may be collected or received by the Agency in the performance of its functions;
- (c) such sums as may accrue to the Agency from its investments and properties; and
- (d) such other sums as may accrue to the Agency from any other lawful sources.

Funds of the
Agency.

Accounts.

10. The Agency shall keep proper books of account in respect of each financial year and shall as soon as may be practicable after the end of each financial year notwithstanding the provisions of any other Law cause the account thereof to be audited by the Auditor-General of the State who shall make a report thereon.

Annual report

11. The Agency shall as soon as may be practicable after the end of each financial year submit to the Executive Governor an annual report of its activities and shall include in such report a copy of the audited account of the Agency together with the Auditor's report thereon.

PART V

CHIEF EXECUTIVE, SECRETARY AND OTHER STAFF

Annual report

12.-(1) There shall be a General Manager for the Agency who shall be appointed by the Governor.

(2) The person appointed shall be a civil/water engineer or related field with a minimum of five years experience in the field of water supply and sanitation.

(3) General Manager shall :-

- (i) be the Chief Executive of the Agency;
- (ii) be responsible for carrying out the policy of the Agency and for the general management of its day to day business; and
- (iii) carry out such other functions as the Board may from time to time direct. Corporation and shall be paid such remuneration as may be determined by the Governor.

(4) The General Manager shall hold office for four years from the date of his appointment and may be eligible for reappointment for a further term of four years only.

13.-(1) There shall be a Secretary/Legal Adviser for the Agency who shall be a qualified Legal Practitioner of not less than five years post call experience to be appointed by the Governor.

Secretary /Legal
Adviser

(2) The Secretary/Legal Adviser shall keep proper records of the Board's proceedings and perform such other functions as the Agency may from time to time direct.

14. The Agency shall engage the services of staff as may be necessary for the performance of its functions.

Staff of the
Agency.

15. Service under the Agency shall unless the terms of appointment stipulates otherwise be deemed to be pensionable.

Pension and
gratuities

PART VI

PROCEEDINGS OF THE BOARD

16.-(1) Where occasion the Board is desirous of obtaining the advice of any person upon any matter, the Board may co-opt such person to be a member of such meetings or meeting as the Board may decide.

Co-option of
member.

(2) Any person so co-opted shall have all the rights and privileges of a member except that he shall not be entitled to vote on any question or be counted as a member for the purposes of the quorum.

Vailidity of
Proceedings of
the Board.

17. The validity of the proceedings of the Board, shall not be affected by any vacancy in its membership or any defect in the appointment of any member or by reason that a person not so authorised has taken part in such proceedings.

Quorum.

18. At any meeting of the Board, the Chairman shall preside and where he is absent or unable to preside, the members present shall appoint one of them to preside.

Committees.

19. At any meeting of the Board, two third of members shall form a quorum.

Authentication of
Documents.

20.-(1) The Board may, subject to such conditions as it may approve establishes committees as it may deem necessary for the purpose of performing any of its functions under this Law.

(2) The decision or resolution of any committee established pursuant to subsection (1) of this section shall not have any effect unless it has been approved by the Board.

21.-(1) Any contract or instrument which if entered into or executed by a person not being a corporate body, may not be required to be under seal, may be entered into or executed on behalf of the Agency by any person generally or specifically authorised by the Board.

(2) The fixing of the common seal of the Agency shall be authenticated by the signatures of the Chairman or some other members as may be generally or specifically authorised by the Board.

(3) No member of the Agency shall be personally liable for any act or omission done in good faith in the course of executing the provisions of this Law.

Representations in
Court.

22.-(1) In any suit, the Agency may in any stage of the proceedings be represented by the Attorney-General of the State or his representatives.

(2) For the purpose of this section "suit" includes action or any civil proceedings commenced by a Writ of Summons or in such other manner as may be prescribed by the Rules of Court but does not include criminal proceedings.

Executive
Governor's
directions.

23. The Executive Governor may give directives of a general or specific character with respect to the performance of its functions and the Agency shall give effect to such directives.

Standing orders.

24. The board may make standing orders, to prescribe its own procedure and the conduct of its meeting and may amend, vary such standing orders.

Regulation and
Alteration of
functions.

25. The Executive Governor may make regulations in respect of all or any of the functions of this Law and may alter, vary or withdraw any functions of the Agency