

CHAPTER 76

ENUGU STATE WATER CORPORATION LAW

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CHAPTER 76

ENUGU STATE WATER CORPORATION LAW

A Law to establish a water supply corporation for the State, make provisions for the functions and administration of the corporation and for related matters.

ENLS 1997
NO. 1
ENLS 1999
NO. 1

[27th August, 1991]

1. The Law may be cited as the Enugu State Water Corporation Law.

Short title.

2. In this Law —

Interpretation.

“appropriate authority” means the Ministry or Department of the State Government for the time being charged with responsibility for matters relating to water supply;

“authorized undertaker” means any person or body of persons to whom an annual licence is granted by the Corporation to carry out any of the functions of the Corporation or to sink a well or borehole or to operate any other private waterworks or device by which any of the functions of the Corporation under this Law is carried out;

“Board” means Board of the Corporation;

“Chairman” means Chairman of the Board;

“Corporation” means Enugu State Water Corporation established by section 3;

“domestic supply” means water from any waterworks used in any tenement for drinking, washing, cooking, bathing or for any other domestic purpose;

“dwelling house” means any premises used wholly or mainly for the purpose of private dwelling, with or without any garage, outouse, garden, forecourt or other appurtenances belonging thereto or usually enjoyed therewith;

“Executive Council” means State Executive Council.

“fire authority” means Department of Government responsible for the fire service of the State, and also the body of fire men established and maintained by such Departments;

“financial year” means the period of twelve months starting from 1st January and terminating on 31st December;

“Government” means Government of the State;

“Governor” means Governor of the State’

“industrial purpose” means a purpose relating to the establishment or operation of any industry or commercial enterprise;

“Managing Director” means Managing Director of the Corporation;

“member” in relation to the Board 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 or any office, gauge or other appliance used in estimating the flow of water in or from any part of any waterworks;

“non-domestic supply” means any water-supply from any waterworks used for the purpose of, or in carrying on, any trade, business or manufacture, or for profits, or for private fountains, or for any ornamental purpose, or for the supply of ponds or tanks, or for laundries or public wash-houses or public baths, vessels, ships, boats or machinery; and also water used or consumed by any person resident in, or occupying any premises where a non-domestic supply is given, or any water taken or used from any waterworks for the use of government or Local Government or used from any waterworks for the use of Government or Local Government or a department thereof;

“occupier” in relation to a tenement means the person other than a lodger therein, who is in occupation of the whole or any part of the tenement;

“owner” in relation to a tenement includes the holder of a tenement direct from the State whether under a certificate of occupancy, licence or otherwise;

“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 and owned by the Corporation;

“service” means all pipes, valves, cisterns, cocks, fittings and other appliances (excepting any meter) by or through which water flows or is intended to flow from any waterworks and being the property of the owner or occupier of such tenement;

“State” means Enugu State of Nigeria;

“street” includes any square, court, highway, road, public, passage or place over which the public has a right of way, whether a thoroughfare or not;

“basement” means land with or without building thereon which is held or is a distinct or separate holding or tenancy, or any wharf or pier;

“waterworks” includes all reservoirs, dams, wells, tanks, cisterns, tunnels, treatment plant, conduits, aqueducts, mains, pipes, fountains, sluices, valves, pumps, engines, or other source of supply and all other structures, or appliances used or constructed for the storage, conveyance, supply, measurement or regulation of water which are vested in the Corporation by virtue of this Law, or are required by the Corporation or erected, used or constructed by or on behalf of the Corporation and are the property of the Corporation.

PART II.—ESTABLISHMENT, FUNCTIONS AND POWERS OF CORPORATION

3. There is hereby established a body to be known as the Enugu State Water Corporation which shall be a body corporate with perpetual succession and a common seal and with power to sue or be sued in its corporate name and to acquire, hold and dispose of movable and immovable property.

Establishment
of the
Corporation.

4.(1) The functions of the Corporation shall be to develop, provide, conserve and distribute in the State, water for public, domestic and industrial purposes and to charge adequate fees.

Functions of
Corporation.

4.(2) For the purpose of carrying out the functions set out in subsection (1), the Corporation shall have power —

- (a) to prepare all plans necessary for the maintenance and development of its undertakings;
- (b) to construct, reconstruct, operate and maintain waterworks, stations, buildings and other works necessary for the discharge of its functions under this Law;
- (c) to carry any water-pipe along, through, across or under any street, but in so doing the relevant regulations of the competent authorities shall be complied with;
- (d) after giving a reasonable notice in writing to the owner or occupier thereof, to carry any water-pipe into through or under any land without paying any compensation in respect thereof, but making good any damage done to such land;

- (e) to abstract water from any lake, river, erosion or other natural water sources within the State, and by arrangement with the authorities concerned, from any other water in or outside the State but in accordance with the provisions of any Law in that respect;
- (f) from time to time, to examine any surface or underground waters within the State for the purpose of determining what, if any, pollution exists and the cause thereof and, by arrangement with the authorities concerned, to do likewise with respect to other waters in accordance with the provisions of any Law in that respect;
- (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 evening or, in a case of emergency, at any other time, to enter into or upon any tenement or land upon which any service has been laid or any water from any waterworks flows in order —
 - (i) to inspect any service and ascertain any wastage, leakage, obstruction or damage to any service or meter therein and anything in connection therewith; or
 - ✓ (ii) to ascertain the amount of water taken or used therein; or
 - (iii) to disconnect the supply of water thereto or diminish, withhold or divert the supply of water thereto through or by means of any service, either wholly or in part;
- (i) to diminish, withhold, suspend, stop, turn off, divert the supply of water through or by means of any service or public fountain either wholly or in part whenever the Corporation thinks it necessary or proper so to do, 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 or advantageous or expedient for the performance of its functions under this Law, including contracts for the construction or extension of waterworks or for the bulk supply of materials;
- (k) to acquire, purchase, lease, hold, contract, manufacture or maintain any property whatsoever whether movable or immovable, as the case may be, 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 Corporation;
- (m) to do anything for the purpose of advancing the skills of persons employed by the Corporation, including the provision of facilities for training, education and research; or for securing the efficient running of the service and waterworks of the Corporation; or for improving the manner in which the same are operated;
- (n) to accept, acquire and hold any security;
- (o) to surrender, re-transfer or reconvey any security held by the Corporation whether upon exchange for another security or upon discharge;
- (p) in relation to any security held by the Corporation, to exercise any power, right or privilege in respect thereof in like manner as a private individual would be capable of exercising in like circumstances.
- (q) to invest money standing to its credit and not, for the time being, required for its purpose under this Law, in lands, buildings, housing estates, shares, debentures or other securities whatsoever approved by the Board and to sell such buildings, stocks, shares, debentures or other securities.
- (r) to enter into any commitments, agreements or other arrangements in respect of the provisions, distribution, supply or sale of water;
- (s) to insure its property against all forms of risks;
- (t) to conduct researches relative to water supply and related subjects;
- (u) to determine adequate fees or charges and effective method for collection thereof for water supply and collect such fees or charges, so however that any such fees or charges shall be approved by the Governor;

- (v) to set up standards relative to water supply in collaboration with the Federal Ministry for the time being charged with responsibility for water;
- (w) to manufacture, acquire, sell and install within the State, meters for use by any person, authority, company, or body (corporate or unincorporated) whether in respect of the waterworks of the Corporation or any other waterworks in the State;
- (x) to establish and control all water treatment systems in the State;
- (y) to provide, design, distribute and conserve, in the State, water for public, domestic, industrial and commercial purposes;
- (z) to procure and maintain shops and showrooms for the display and sale of water equipment of all kinds;
- (aa) to establish, operate and control water treatment systems in respect of the works and services mentioned in this section;
- (bb) to maintain all equipment and plant of the Corporation;
- (cc) to liaise and co-operate with all other Government agencies with similar objectives;
- (dd) to perform such other functions as may from time to time be assigned to it by the Government; and
- (ee) to do anything which in its opinion is requisite, advantageous or convenient for carrying out its functions under this Law.

Establishment
(and
compositions)
of the Board.

5. (1) There is hereby established for the Corporation a Board to be known as the Enugu State Water Corporation Board which shall consist of the following members —

- (a) the Chairman who shall have experience in water supply industry and who shall be appointed by the Governor;
- (b) the Permanent Secretary of the Ministry charged with responsibility for public water supplies or his representative who shall be an officer not below the rank of Director;
- (c) the Managing Director of the Corporation;
- (d) the Executive Director of the Department of Finance and Supplies;
- (e) the Executive Director of the Commercial Department,
- (f) the Executive Director of the Engineering /Technical Department,
- (g) not more than six other persons including the chairman appointed by the Governor on part-time basis.

(2) The Executive Director of Administration shall be the Secretary to the Board.

(3) The officers in paragraphs (b) (c) (d) (e) and (f) shall be *ex officio* members.

(4) The Board shall be the governing body of the Corporation and shall in that capacity —

- (a) exercise all the functions of the Corporation; and
- (b) do or carry out all acts or things which the Corporation is by this Law or may by any other Law, be required to do or carry out.

6. (1) The Board may delegate to any person or persons any of its functions under this Law as the Board thinks may be more conveniently dealt with by such person or persons so as to enhance the efficient conduct of the affairs of the Corporation.

Delegation of functions.

(2) Notwithstanding subsection (1) the Board may delegate its functions of collecting water rates and charges or other revenue to a Local Government in whose area of authority such rates, charges and other revenue are payable.

7.(1) Subject to the pleasure of the Governor, a member shall hold office for such period not exceeding three years as may be specified in the instrument by which he is appointed:

Tenure of Officer.

Provided that every such member shall be eligible for re-appointment.

(2) Notwithstanding anything contained in the instrument by which he is appointed a member of the Board other than an *ex officio* member may resign his appointment in writing under his hand addressed to the Governor and upon receipt by the Governor of the letter of resignation the appointment of the member shall determine.

8. The remuneration and allowances including terms and conditions of service of members of the Board shall be specified in the instruments by which they are appointed:

Remuneration and allowances.

9.(1) The Board shall hold meetings as and when the need arises provided that there shall be at least four meetings of the Board in any one year.

Meetings of Board.

(2) All meetings of the Board shall be summoned at the direction of the Chairman.

Provided that where —

- (a) the Chairman neglects or fails to summon a meeting within three months from the date of the last meeting;
- (b) the Chairman is away for a period of three months or more; or
- (c) the Chairman is ill or incapacitated or for any reason unable to discharge the functions of a Chairman.

any two or more members may by notice in writing signed by them and served on the members summon a meeting and give reasons for their doing so.

(3) Every meeting of the Board shall be presided over by the Chairman, but in his absence or incapacity, the members present shall elect from among their number one person to preside at the meeting and the person so elected shall have all the powers and privileges of the Chairman for that meeting.

(4) The quorum at a meeting of the Board shall be the Chairman and two other members or at least any three members.

(5) The Board may make standing orders to regulate its procedure.

(6) The Board may co-opt any person to be a member for such meeting or meetings as may be required and such person while so co-opted shall have all the rights and privileges of a member save that he shall not be entitled to vote upon any question.

Validity of proceedings.

10. The validity of any act or proceeding of the Board shall not be affected by any vacancy among the members thereof, or by reason that some person who was not entitled to do so, took part therein.

Common seal.

11. The affixing of the seal of the Corporation shall be authenticated by the signatures of the Managing Director or some other member of the Board authorized, either generally or specifically, by the Board to act in his stead for the purpose, and of the Secretary to the Board or some other person authorized, either generally or specifically, by the Board to act in his stead for the purpose.

Contracts not required Seal.

12. 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 or specifically authorized by it for that purpose.

13. A member of the Board who has any interest in any company or concern with which the Board proposes to make any contract shall disclose to the Board the fact of such interest and the nature thereof, and such member shall not participate in any deliberation or decision of the Board relating to such contract or arrangement. Disclosure of interest.
14. Any document purporting to be duly executed under the seal of the corporation shall on production in any court proceedings be *prima facie* evidence that it was so executed. authentication of document.
- 15.(1) The Board may with the approval of the Governor appoint a fit and proper person to be the Managing Director of the Corporation under such terms and conditions as may be specified in his instrument of appointment. Appointment and functions of Managing Director.
- (2) The Managing Director shall —
- (a) be responsible for carrying out the policy decisions of the Board and for the co-ordination and direction of the functions of the departments of the Corporation;
 - (b) be responsible for the proper management of the business of the Corporation and the supervision of staff matters.
- (3) The Managing Director shall carry out such functions as may from time to time be delegated to him by the Board.
- (4) In the discharge of his functions, the Managing Director shall be assisted by a Management Committee set up by him for which he shall be the Chairman which management committee shall consist of the following members —
- (a) the Executive Director incharge of administration and personnel;
 - (b) the Executive Director incharge of finance and supplies;
 - (c) the Executive Director incharge of Engineering and Technical Department;
 - (d) the Executive Director incharge of the Commercial Department
 - (e) and such other Executive Directors as may be appointed by the Board from time to time.
- (5) The Executive Director shall be subject to the ultimate control of the Managing Director.

- (6) The Management Committee shall —
- (a) be responsible for the appointment of persons to posts for which the remunerations are equivalent to salary grade level 01-09 within the Corporation's salary structure;
 - (b) advise the Managing Director in the discharge of his duties; deliberate and advise the Board through the Managing Director on matters referred to it by the Board.

Establishment of
Department.

16.(1) There shall be established for the Corporation at least four Departments but not exceeding eight Departments to be headed by Executive Directors as may from time to time be considered necessary by the Board for the performance of the functions of the Corporation under this Law.

(2) The Executive Directors shall be appointed by the Board under such terms and conditions as are contained in the Corporation Scheme of Service.

Executive Director
(Administration)

17.(1) The Board shall appoint a fit and proper person to be the Executive Director (Administration) of the Corporation.

- (2) It shall be the duty of the Executive Director (Administration) —
- (a) to conduct the correspondence of the Corporation and keep the record of such correspondence;
 - (b) to take and keep record of the proceedings of the Board;
 - (c) to take charge of and keep the seal of the Corporation;
 - (d) to perform such other duties as the Board or the Managing Director may assign to him.

Appointment of
Legal adviser.

18.(1) The Board shall appoint a fit and proper person to be the Legal Adviser to the Corporation.

- (2) It shall be the duty of the Legal Adviser —
- (a) to oversee the Corporation's compliance with the provisions of Laws and regulations;
 - (b) to advise the Board and the Management Committee and review all matters of legal significance to the Corporation;
 - (c) to handle all conveyances involving the Corporation;
 - (d) to select outside counsel, liaise and supervise same in the performance of his functions;
 - (e) to perform such other duties as may be assigned to him by the Board and the Managing Director.

(3) The Board shall determine the salary, emolument, allowance and conditions of service of the Legal Adviser in accordance with section 20.

19.(1) The Governor may give to the Board directions of a general character or relating generally to particular matters (but not relating to any individual) with regard to the exercise by the Board of its functions under this Law, and it shall be the duty of the Board to comply with such directions.

Directions of the Governor.

(2) The Board shall furnish the Governor with such information and returns relating to the activities or proposed activities of the Board or of other bodies by whom activities are carried on with the assistance of or in association with the Board (being information which is in the possession of the Board or can be obtained by it with reasonable facility or being returns giving such information) as the Governor may from time to time require, and shall afford to the Governor, facilities for the verification of information furnished by it in such manner and at such time as he may require.

PART III.—ADMINISTRATION

20.(1) Subject to this Law, the Board may —

Power to engage Staff.

- (a) appoint such persons to be officers and servants of the Corporation as it may consider necessary and shall determine their salaries, emoluments and conditions of service, in accordance with the Corporation's scheme of service:

Provided that such conditions shall be no less favorable than those obtainable in the State Civil Service;

- (b) grant or guarantee loans to such officers and servants for such purposes as it may approve.

(2) Service under the Corporation shall be public service for pension purposes within the meaning of the Pensions Law.

PART IV.—SUPPLY OF WATER AND CHARGES

Charge in respect
of water supply.

21. Subject to this Law, charges for the supply of water shall as far as possible be levied in respect of water actually supplied by the Corporation.

Purchase of water
in bulk and
licences for
private water
works.

22.(1) The Corporation may —

- (a) purchase water in bulk and resell such water either in bulk or by direct distribution to consumers.
- (b) grant to any authorized undertaker licence to carry out any of the functions of the Corporation:

Provided that water supplied by the Corporation shall not be resold by any person without licence from the Corporation, unless such water is repurchased by the Corporation.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and shall on conviction be liable to a fine of two thousand naira or imprisonment for twelve months.

Services to
tenements on
application.

23.(1) The Corporation may, subject to regulations made under section 48 supply water to any tenement upon an application in that behalf or on behalf of the owner thereof.

(2) The owner of a tenement to which water is supplied by meter shall pay monthly to the Corporation the amount due as the charge for water consumed and as rent for the meter installed.

(3) The Corporation shall, as soon as may be convenient after the end of each month, notify the owner of a tenement supplied with water of the amount due from him as the charge for water consumed and as rent for the meter installed and the total amount payable shall be paid by such owner within fourteen days of the service upon him of such notice.

(4) The Corporation may, in the case of the person who fails to pay an amount due and payable by him under subsection (3) within the time set out therein —

- (a) disconnect the services to the tenement; and
- (b) by civil action in a court of law recover the amount together with the expenses of disconnecting the service.

24. The Corporation may, on the application of a consumer or other person on his behalf inspect and test in accordance with this Law, any pipes, fittings, appliances or apparatus laid, fitted, installed or otherwise constructed on the consumer's premises.

Inspector of works instructed by persons other than the Corporation.

(2) The rates and scales of charges fixed by the Corporation for water sold in bulk or direct to consumers, and for services rendered by the Corporation, shall be such as to ensure that the revenue derived every year from such sales and services, together with its revenue for that year from other sources, will be sufficient as nearly as may be to meet —

- (a) the working expenses of the Corporation;
- (b) any repayment that the Corporation may make in respect of interest on, repayment of, any sum borrowed by the Corporation; and
- (c) any sums that the Corporation may deem proper to set aside in that year for general reserve, extensions, renewals, depreciations, loans and other like purposes.

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

25. Except as otherwise provided by this Law, where the Corporation provides a supply of water in any part of any area for private purposes, any person within that part of the area shall, upon application to the Corporation, be entitled to a supply of water on the same term on which other persons in that part of the area are entitled under similar circumstances to a corresponding supply.

26. (1) Where in the exercise by any person or authority of any function conferred by any Law an alteration in any part of any waterworks or distribution system vested in or otherwise belonging to the Corporation becomes necessary, the Corporation shall, upon reasonable notice given to it by that person or authority, make such alteration; and may recover the expenses of the alteration from such person or authority.

(2) In the case of dispute as to the amount of the expenses of any alteration carried out under subsection (1) of this section, the dispute may be referred by the person or authority to an arbitrator appointed by the appropriate authority.

27. The Corporation shall as far as possible maintain a continuity of water-supply, but shall in so doing have the right—

- (a) to suspend the supply of water in any area for such period as may be necessary for carrying out any inspection, test, repair, alteration or for making any new connection; or
- (b) to suspend to discontinue any supply where payment of any charges for such supply by the Corporation is in arrears.

Rates and scales of charges for water

28. (1) Subject to the provisions of this Law, the Corporation may make charges for water-supplied by it at such rate and scale as it may; from time to time, determine.

(2) The rates and scales of charges fixed by the Corporation for water sold in bulk or direct to consumers, and for services rendered by the Corporation, shall be such as to ensure that the revenue derived every year from such sales and services, together with its revenue for that year from other sources, will be sufficient as nearly as may be to meet—

- (a) the working expenses of the Corporation;
- (b) any payment that the Corporation may make in respect of interest on, repayment of, any sum borrowed by the Corporation; and
- (c) any sums that the Corporation may deem proper to set aside in that year for general reserve, extensions, renewals, depreciation, loans and other like purposes.

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

(4) Subject to section 36 all consumers of water supplied by the Corporation shall be liable to pay water rates or charges.

29. The Corporation may carry out any supply of water which it has a function to carry out under this Law, by means of a meter or by any other system.

Corporation may supply water by meter.

PART V.—FINANCIAL PROVISIONS

30. The funds and resources of the Corporation shall consist of —

- (a) all sums, investments or other property whatsoever vested in the Corporation by or under this Law;
- (b) such sums or other property whatsoever as may from time to time be made available to the Corporation by way of loan or grant by —
 - (i) the Government;
 - (ii) a Local Government;
 - (iii) the Government of the Federation of Nigeria;
 - (iv) the Government of any other State in Nigeria;
 - (v) any organization or body;
 - (vi) a private foundation;
 - (vii) any Bank in Nigeria or outside Nigeria;
 - (viii) any person or persons whatsoever; or
 - (viii) any corporation or institution established by the Federal Government or State Government in the State;

Funds of the Corporation.

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- (ix) any international organization or body;
- (c) any investment or other property whatsoever acquired by or vested in the Corporation and money earned or arising from such investments or property;
- (d) all other sums (including water charges) or other property whatsoever which may, under this Law or by virtue of any other Law or arrangement, become payable to or vested in the Corporation in respect of its functions or of any matter incidental thereto.

31. The Corporation may with the approval of the Governor in writing, borrow money required for meeting any of its obligations or discharging any of its functions; and may, with like approval, charge, or mortgage, or otherwise deal with, any or all of its assets for the purposes of securing any money borrowed by the Corporation.

Powers to borrow.

32. The Government may guarantee in such manner and on such conditions as it may think fit the payment of the principal and interest on any money borrowed by the Corporation under this Law.

Guarantee by Government of loan to the Corporation.

33.(1) The Corporation shall keep proper accounts of its transactions.

Accounts and audits.

(2) The accounts of the Corporation shall be audited by the State Auditor-General at least once every financial year.

34.(1) As soon as may be after the end of each financial year, the Corporation shall forward to the Governor a full report of its operation during the preceding year together with a certified copy of the audited accounts of the Corporation.

Annual Reports and bad debts.

(2) The accounts of the Corporation together with the auditor's report thereon shall be laid before the Public Accounts Committee of the State every year.

PART VI.—TRANSFER OF WATERWORKS

35. (1) All waterworks which are used or have been constructed by or on behalf of the appropriate authority and the property of the appropriate authority immediately before the date of commencement of this Law (hereinafter referred to as transferred waterworks) together with all works and other property, assets, powers, rights, obligations and privileges appertaining thereto or enjoyed or subsisting in connection therewith, shall upon the commencement of this Law, vest in the Corporation by virtue of this section and without further assurance.

Transfer.

(2) A deed, bond, agreement, instrument or working arrangement, to which the Government was 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 required, have effect as from the commencement of this Law as if—

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

(3) The appropriate authority shall, at the request of the Corporation, prepare and deliver to the Corporation particulars of any waterworks including works or other properties, assets, rights, obligations, powers or privileges vested in the Corporation by the provisions of the Law.

(4) Nothing in this section shall be construed as purporting to derogate from the provisions of any Act or Decree relating to the transfer or vesting of any class of property, right or liability, and such measures as may be necessary in accordance with those provisions shall be taken to ensure the vesting of such property, right and liability in the Corporation either upon the commencement of the Law or so soon thereafter as may be, and upon such vesting the provisions of this section relating to the consequences or the vesting of property, rights and liabilities shall have effect accordingly.

(5) In this section “property” includes buildings and appurtenances stock of find, spare parts, accessories, stores, materials, investment funds, loans and accounts receivable claims and liens.

Corporation to own all asains, etc

36. All pipes and fittings which from part of the distribution system, except those used to carry water direct to consumers with private connections shall be deemed to be the property of the Corporation.

PART VII—GENERAL

Restriction on dealings with immovable property.

37. The Corporation shall not, without the approval in writing of the Governor take steps for the alienation, mortgage, charge or demise of any immovable property which has been vested in the Corporation under any provisions of this Law.

38. (1) Nothing in this Law shall preclude the fire authority from abstracting water, for the purpose of the prevention or control of fire, from any public fountain, service or water works of the Corporation.

Provisions relating abstraction of water by fire authorities.

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

(3) The Corporation may, at the request of or after consultation with the fire authority, provide at any convenient or suitable places within the area of operation of the Corporation any main, pipe, valve, hydrant, services or other water works which may be required by the fire authority in the discharge of its functions to prevent or control fire.

(4) No charge shall be made by the Corporation for any work done or services rendered under the provisions of subsection (3) of this section but all materials required for the work or services shall be paid for by the fire authority.

PART VIII.—OFFENCES

39. (1) Any person who —

- (a) willfully or negligently damages any waterworks or services connected therewith; or
- (b) unlawfully diverts water or allows any foul liquid, gas, or other noxious or injurious matters to enter into any water works or any services connected therewith; or
- (c) obstructs the Corporation in carrying out its water extension project or prevents it or its agents from carrying out its functions or services under this Law or incites other persons so to do;
- (d) without licence, sinks a borehole or well or operates any other private water works;

Damage to Water works and pollution of water, etc.

is guilty of an offence and liable, on conviction, to a fine of one thousand naira or, in default of payment, imprisonment for two years, and to a further fine of one hundred naira for each day that the offence is continued after such conviction:

Provided that where the charge is in respect of damage to water works or services connected therewith, such damage shall be replaced or repaired by the Corporation at the expense of such person and the cost of replacing or repairing thereof may be recovered from the person by civil action.

(2) Any person who draws off or takes water from any waterworks or services connected therewith or from any stream or water by which any water works are supplied, is guilty of an offence and liable on conviction to a fine of three thousand naira or, in default of payment, to imprisonment for one month.

(3) A person who willfully or negligently misuses or wastes, any water passing into, through, upon or near any tenement or land from any waterworks, is guilty of an offence and liable on conviction to a fine of one thousand naira or, in default of payment, to imprisonment for one month.

Provisions
relating to
Abreaction of
water.

40. Any person who —

(a) alters or causes or permits to be altered any services with intent either —

(i) to avoid accurate measurement of water by means of any meter; or

(ii) to obtain a greater supply of water than he is entitled to; or

(iii) to avoid payment for such water; or

(b) alters or causes or permits to be altered any service contrary to any regulations made under this Law; or

(c) wilfully or negligently damages any meter,

is guilty of an offence and liable, on conviction, to a fine of one thousand naira or, in default of payment, imprisonment for two years; and any service so altered or meter so damaged shall be replaced or repaired by the Corporation at the expense of such person and the cost of replacing or repairing any such service may be recovered from the person by civil action.

41. Any person who —

(a) bathes in any part of the waterworks, or

(b) washes, throws, or causes to enter therein, any horse, dog, goat pig or other animal or any bird, or any clothing material or anything whatsoever; or

(c) unlawfully opens or closes any lock, cock, valve, or sluice belonging to or forming part of, the waterworks; or

Bathing
washing.

- (d) causes a nuisance by the accumulation on any premises occupied by the Corporation of any earth or excavated material or any foul, noisome or injurious matter and fails to remove such nuisance after a notice from the Corporation requiring him to do so;

is guilty of an offence and liable, on conviction, to a fine of one thousand naira or, in default of payment, to imprisonment for one month.

42. Any person who, without lawful justification or excuse, the proof of which shall lie on him, incites any other person to refuse to pay any charge payable by that other person by virtue of this Law is guilty of an offence and liable, on conviction, to a fine of one thousand naira or imprisonment for two months or to both such fine and imprisonment.

Imprisonment against payment of rates or charges.

PART IX.—LEGAL PROCEEDINGS

43. Neither the Corporation nor the Board nor a servant or employee of the Corporation shall be liable in any civil action or proceeding for any damage suffered by riparian owners as a result of any abstraction of water where such abstraction is made under this Law.

Indemnity of the Corporation.

44. (1) No suit against the Corporation or any servant of the Corporation for any act done in pursuance of this Law or in execution or in execution or intended execution of any duty or function under this Law, or in respect of any alleged neglect or default in the execution of such Law, duty or authority, shall lie or be instituted in any court unless it is commenced within twelve months next after the act, neglect or default complained of or, in the case of a continuance of damage or injury, within twelve months next after the ceasing thereof.

Limitation of suits against Corporation.

(2) No suit shall be commenced against the Corporation until one month at least after a written notice of intention to commence the same shall have been served upon the Corporation by the intending plaintiff or his agent; and such notice shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.

45. The notice referred to in section 44(2) and any summons, or other document required or authorized to be served upon the Corporation under the provisions of this Law or any other Law may, unless in any case there is express provision to the contrary, be served by delivering the same to

Service of documents.

the Executive Director (Administration) or other person appointed by the Corporation for that purpose, or by sending it by registered post addressed to the Executive Director (Administration) or to that other person at the principal office of the Corporation.

Rustication on execution.

46. In any suit against the Corporation no execution or attachment process in the nature thereof shall be issued against the Corporation, but any sum of money which may by the judgment of the court be awarded against the Corporation shall, subject to any direction given by the court where notice of appeal has been given to the Court in respect of the said judgment, be paid by the Corporation from the funds of the Corporation.

Representation of the Corporation.

47. (1) In any suit by or against the Corporation, the Corporation may be represented at any stage of the proceedings by —

- (a) any servant of the Corporation who shall satisfy the court that he is duly authorized in writing by the Managing Director in that behalf; or
- (b) a legal practitioner or a Law officer.

(2) In this part "suit" includes action or any civil proceeding 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.

PART X.—MISCELLANEOUS

Relation with other authorities.

48. The Corporation shall have preference over other authorities in the use of water resources for public, domestic or industrial purposes and if any doubt exists as to the expression "public, domestic or industrial purposes" such doubt shall be resolved by the Governor whose decision shall be final.

Regulations.

49. The Corporation may with the approval of the Governor make regulations —

- (a) relating to such matters as in its opinion are necessary for the proper execution of the provisions of this Law;
- (b) for the conditions of service of the staff of the Corporation.

50. (1) The Managing Director may as he considers necessary, set up in every Local Government Area and in every such other community, a committee which shall be known as Water Committee.

Water
Committee.

(2) The members of the Water Committee may include persons who represent engineering, business, educational, commercial and industrial interests and representatives of local communities, landlords and tenants.

(3) Subject to subsection (2) the Water Committee shall consist of a Chairman who shall be a person in the public service of the State serving in the area and not less than three or more than seven other members (and in the case of the community the chairman must be an indigene of that community) and all of whom shall be appointed by the Managing Director on part-time basis.

(4) The Water Committee shall be the link between the Corporation and the locality served by the Committee and it shall be the duty of the Committee —

- (a) to carry out a survey of water supply including the existing consumption of and demand for, water in its area of authority as well as carry out a survey of the water resources in or available for the area.
- (b) to formulate proposals for meeting the existing or future water supply requirements of the area;
- (c) to advise the Managing Director and anybody having representation in the Committee on the preparation and co-ordination of schemes relating to water supply;
- (d) to furnish the Governor or the Board, with any vital information relating to water supply in its area or water resources in or available for its area as may reasonably be required from the Committee;

- (e) where required, to enter into any arrangement including financial relationship with the community in order to ensure the maintenance of regular water supply in its area of authority.
- (f) to perform such other functions as the Managing Director may assign to it.

(5) The Chairman of the Water Committee shall preside at all meetings of the Committee and in the event of his absence at any meeting, the members present shall elect one of their number to preside at such meeting.

(6) The Chairman of the Water Committee shall summon meetings of the Committee at such times and at such places as he may deem fit, provided that not more than one meeting may be held in any month.

(7) The quorum of the Water Committee shall be three members.

(8) The Water Committee may make standing orders to regulate its proceedings.

(9) The Water Committee may co-opt any person to be a member for such meeting or meetings as may be necessary and the 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 quarter

51. Any person who fails or refuses to pay any rate or charge payable by him by virtue of this Law is guilty of an offence and liable on conviction to a fine of two thousand naira or imprisonment for two years or to both such fine and imprisonment but without prejudice to the right of Corporation to proceed on the person in the court of Law or water rate court that may be established by the Governor for that purpose, to recover the rate due and payable by him.

Non-
payment of
water rate or
charges.