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A BILL

FOR A LAW

TO PROVIDE FOR THE REGULATION OF THE ABIA STATE WATER AND SANITATION SECTOR THROUGH THE ESTABLISHMENT OF THE ABIA STATE WATER AND SANITATION SERVICES REGULATORY AGENCY; THE ABIA STATE URBAN WATER AND SEWAGE CORPORATION; THE ABIA STATE SMALL TOWNS WATER SUPPLY AND SANITATION AGENCY; THE ABIA STATE RURAL WATER AND SANITATION AGENCY AND OTHER MATTERS CONNECTED THEREWITH

Be it enacted by Abia State House of Assembly as follow:

PART 1: PRELIMINARIES

Citation and commencement

1. This Law may be cited as the Abia State Water and Sewage Sector Development Law 2020 and shall come into force on day of2020

Interpretation 2

In this Law, unless the context otherwise requires: -

“**Abstraction**” in relation to water contained in any source of supply, means the doing of anything whereby any of that water is removed from source of supply, whether temporally or permanently, including anything whereby the water is so removed for the purpose of being transferred to another source of supply and “abstraction” shall be construed accordingly.

“**Appropriate Local Government**” means any Local Government Council having jurisdiction over a specified area for the purpose of this Law.

“**Area office**” means office of the Corporation in any of the Local Government Headquarters in the State.

“**ABSTOWASSA**” means ABIA State Small Towns Water Supply and Sanitation Agency

“**Authorized officer**” means any member of staff of the Corporation duly authorized in writing to act on its behalf.

“**Basic Water Supply**” means the prescribed minimum standard of water supply services necessary for the reliable supply of a sufficient quantity and equality of water to households, including informal households, to support life and hygiene, as specified from time to time by the Ministry responsible for water and sanitation services.

“**Board**” means the Governing Board of the Corporation or ABSTOWASSA or The Regulatory Agency.

“**Chairperson**” means the Chairperson of the Governing Board.

“**Contravention**” means failure to comply.

“**Corporation**” means the Abia State Urban Water Supply and Sewage Corporation.

“**Distribution system**” means any operator's network or mains, pipes, pumping stations and service reservoirs through which water is conveyed to Customers.

“**Domestic supply**” means water from any waterworks used in any household for drinking washing, cooking, or for baths or any other purpose of domestic life.

“**Essential service**” includes hospitals, fire services, orphanages, public schools and other Consumers as may be prescribed by the Ministry.

“**Emergency Situation**” means any situation declared as such by the Governor or the Ministry.

“**Financial year**” means the period prescribed as such in the financial regulations and Laws of the State.

“**Fire Authority**” means any Authority of body of fireman duly constituted, organized or established under any enactment or Law by the Federal, State or local Government.

“Functions” includes objectives, powers and duties.

“Gazette” means the official gazette of the Abia State Government.

“Governor” means the Governor of Abia State.

“Information” includes anything contained in any record, estimate.

“Leakage” means the loss of water from the water service provider distribution system or from parts of service pipes for which Customers are responsible.

“License/permit” means the certification to be issued by the Ministry or the Regulatory Agency as appropriate, stating the information that may be required as the Ministry or the Corporation shall determine.

“Manhole” means any chamber constructed on a closed drain so as to provide access thereto for inspection and cleaning.

“Meter” includes any appliance used for the measuring and ascertaining or regulating the volume of water taken, used or discharged from any waterworks by means of any service, as well as any orifice or gauge or appliances used in estimating the flow of water in or from any parts of any waterworks.

“Metered supply” means the supply of water by means of a service where the water supply is measured by meter.

“Member” means a Member of the Governing Board of the Corporation and shall include the Chairperson.

“Ministry” means the Ministry responsible for Water Resources.

“Occupier” in the relation to premises means the person in occupation of the whole or of any part of such premises.

“Owner” includes the person for the time being receiving the rent of the tenement in respect of which the water is used whether on his own account or as agent or trustee of any other person or who would receive the rent if such tenement were to be let to a tenant and includes the holder of a tenement from the Governor whether under lease, license or otherwise.

“Person” means an individual, corporate entity, limited liability company partnership duly registered under the Companies and Allied Matters Act, or a natural person as defined under the Interpretation Act.

“Pollution” means the man-made or man-induced alternation of the chemical, physical, biological, and radiology integrity of water”

“Premises” means land with buildings or a distinct or separate holding or tenancy or any wharf or pier, or any tract of land used for any purpose.

“Prescribed” means prescribed by this Law or any Regulation made hereto.

“Private Sector Participant (PSP)” means a corporate entity, limited liability company, partnership or individual that provides any services or undertakes any activity in Abia State urban water and sewage Service sector either by agreement or License, who had not been prohibited from undertaking such

activity by Regulations prescribed by the Ministry.

“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 of the Board.

“Records” include computer records and other records kept otherwise than in a document.

“Relevant State Ministry” means the relevant Ministry of the State including the Ministry responsible for Water Resources, Health, Environment, or another ministry as applicable.

“RUWASSA” means Abia State Rural Water Supply and Sanitation Agency.

“Semi-Urban areas” means the areas listed in Schedule 2 of this Law.

“Services Provider” means the Corporation and any other person who provides water and sewerage services to Consumers or other Water Services Providers with or without the responsibility to collect any Tariffs that may be due.

“Small town” means the areas listed in Schedule 2 of this Law

“State” means Abia state of Nigeria.

“State Government” means the Government of Abia State of Nigeria.

“State Ministry” means the Ministry established by the Abia State Government of Abia.

“State Water Laws and Policies” means this Law, all other relevant Laws, all Regulations including Orders and Guidelines issued by the Ministry responsible for Water Resources pursuant to this Law, and all water and sanitation policies in the State.

“Street” includes any square, court, highway, road, thoroughfare or public passage or place over which the public have a right of way.

“Tariffs” means the charge for Water supply Services and/ or water-related sanitation or wastewater Services set in accordance with this Law.

“Tenement” means land with building which is held or occupied as a distinct or separate holding or tenancy or any wharf or pier.

“Treated Water” means water treated for domestic purpose.

“WASH” means Water, Sanitation and Hygiene.

“Water Services” means the abstraction, conveyance, treatment and distribution of potable water; water intended to be converted to potable water or water for commercial use , where such water is provided to Consumers or other Water Services Providers, wastewater collection, treatment and disposal, and sanitation Services.

“Water Quality Standard” means the health, environment, and sanitation standard relating to the quality of drinking water consistent with the National Drinking Water Quality Standards developed by the Federal Ministry of Health and

the Standards organization of Abia State as may be amended from time to time.

“Water-Works” means a reservoir, dam, well, tank, pump house, borehole, pumping installation, purification work, sewerage treatment plant, conduit, aqueducts, main pipes, fountains used or constructed for the storage of water, sewers, access road, dedicated electric power supply, pipeline, meter, fitting or apparatus built, installed or used by the Corporation or a Water Services Provider to provide Water Services.

“Water Services Provider Licenses” means the license issued pursuant to the Law granting a person right to provide Water Services within a jurisdiction i.e., the geographic areas specified therein and shall include a license/ permit in accordance with Regulations or Guidance issued by the Ministry and the Regulation Agency.

**Objectives
of the Law**

3. The general objectives of this Law are to:
- (a) Promote the right of access to adequate and equitable sanitation, hygiene and basic water supply throughout the State;
 - (b) Improve access of all residents of the State to reliable, safe, potable water, effective sanitation and hygiene services and end open defecation;
 - (c) Support the recognition of water resources as an economic good while supporting both affordability and efficient delivery of such resources;
 - (d) Reduce the incidence of water related diseases and improve the quality of life;
 - (e) Set norms and standards for service provision in respect of water and sanitation services;
 - (f) Support the development of innovation solutions to water, sanitation and hygiene in the State;
 - (g) Provide a regulatory framework for water and sanitation services, institutions and agencies;
 - (h) Provide a legal framework and support for the state policy on water, sanitation and hygiene;
 - (i) Provide a coordination framework for interventions in water and sanitation delivery by relevant State agencies, and Local Governments, the private sector, development partners, non-governmental organizations and other entities;
 - (j) Support the development of low-cost sanitation technologies for the provision of household sanitation management;
 - (k) Support the payment of adequate tariffs for the purpose of equitable, effective and efficient service delivery;
 - (l) Simulate increased investment and funding in the sector;
 - (m) Provide an enabling environment for, and support private sector participation and investment in the water sector within the limits set out by this Law;
 - (n) Provide a framework for the regulation of private sector participation in water supply and sanitation, including through appropriate private public partnerships arrangements, procurement contracts, service and management contracts, lease agreements and other options as appropriate;
 - (o) Promote effectiveness and efficiency in service delivery;
 - (p) Promote accountability of water sanitation service providers;
 - (q) Promote reliability, financial sustainability and fiscal responsibility in the water, sanitation and hygiene sector;

- (r) Promote community involvement in the management of the sector;
- (s) Ensure effective private sector and civil society participation in planning, implementation and evaluation of water supply and sanitation service delivery;
- (t) Promote effective coordination of water resources planning with land use planning in line with the provisions of existing legal framework; and
- (u) Ensure government support for effective water, hygiene and sanitation arrangements.

Part II

ESTABLISHMENT, COMPOSITION, OBJECTIVES, FUNCTIONS AND POWERS OF THE ABIA STATE WATER AND SANITATION SERVICES REGULATORY AGENCY

- Establishment of the Regulatory Agency**
4. (1) There is hereby established the Abia State Water and Sanitation Services Regulatory Agency (hereinafter referred to as the Regulatory Agency).
- (2) The Regulatory Agency shall be independent and operationally autonomous in the discharge of its duties and performance of its functions under this Law.
- (3) The Regulatory Agency shall be established in the Office of the Governor of the State.
- Objectives of the Regulatory Agency**
5. The objectives of the Regulatory Agency shall be to:
- (1) Protect and promote the public interest as well as rights of citizens to adequate and quality water and sanitation services;
- (2) Support the constitutional principle of the rule of law in service delivery while facilitating access to justice by all parties involved in the water and sanitation services value chain;
- (3) Protect and promote the interests of service providers and consumers while encouraging competition in the provision of services;
- (4) Serves as secretariat for performance contract review and monitoring for water and sanitation service providers;
- (5) Ensure environmental health and safety compliance in service provision by water and sanitation services providers.
- Establishment of the Abia State Water and Sanitation Services Regulatory Agency Governing Board**
6. (1) There is hereby established for the Agency, a part-time Governing Board to be known as the Abia State Water and Sanitation Services Regulatory Agency Governing Board (hereinafter referred to as "The Board")
- Composition of the Board**
7. (1) The Board which shall be appointed by the Governor shall consist of:
- (a) A Chairperson who shall be a holder of a Master's Degree as minimum qualification, with over Fifteen (15) years experience in Environment and Water, Economic, Law or other related disciplines, and shall have held a senior management position in a public or private establishment for a minimum of ten (10) years;

- (b) One nominee each from the following categories:
 - i. a Legal practitioner who must be a member of the Nigerian Bar Association with a minimum of fifteen (15) years cognate post-call experience;
 - ii. a representative of Civil Society Organization working in the WASH sector with a minimum of ten years cognate experience in advocacy in the water, sanitation and hygiene sector of the State;
 - iii. Chamber of Commerce, Industry Mines and Agriculture; and
 - iv. State Chapter of the Nigerian Society of Engineers with a minimum of 15 years cognate experience who shall be registered with COREN;
 - v. a representative of the Ministry responsible for water resources;
 - vi. a representative of the Ministry of Environment;
 - vii. a chartered accountant or an Economist with a minimum of Fifteen (15) years cognate experience appointed by the Governor.

(c) Each of these nominees shall possess at least a master’s degree with a minimum of ten (10) years of cognate experience at senior management level in the public or private sector.

Tenure of the Board	8	(1) The Chairperson and members of the Board shall hold office for a term of Five (5) years only and maybe eligible for reappointment for another term of Five (5) years subject to the Governor's approval.
Remuneration of Board Members	9.	(1) Remuneration and allowances of the Board members shall be paid as determined by the Governor from time to time.
Vacation of office for Board Members	10	<p>(1) Notwithstanding provisions of the section 8 of this Law, a member of the Board shall vacate office and the office shall become vacant in the following circumstances if;</p> <ul style="list-style-type: none"> (a) the person is convicted of any crime involving security of the state, dishonesty or fraud or any other offence by a court of competent jurisdiction; and has not been granted pardon; (b) the person attends fewer than 75% of the Board's meetings in a year; (c) the person is barred from practicing his profession by any professional body to which he belongs; (d) the person becomes bankrupt; (e) the person is incapable of carrying out his duties as a member of the Board as a result of physical or mental ill health; (f) the person is guilty of serious misconduct in relation to his duties as

a member of the Board;

(g) the person has been found by a competent authority to be incompetent to hold public office or that while being a public officer he acquired assets unlawfully or defrauded the State or misused or abused his office or acted in a manner prejudicial to the interest of the State, and such findings have not been set aside by a court of Law; or he is convicted of a felony or of any offence involving dishonesty.

(2) A member of the Board may resign his appointment by notice, in writing under his hand, addressed to the Governor and the resignation shall take effect only on the acceptance by the Governor.

(3) Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however, that the successor shall represent the same interest.

(4) The Executive Secretary of the Board shall report and notify the Governor or his designate of all proceedings of the Agency including vacancies occurring in the membership of the Regulatory Agency Board.

**Board Meeting
Quorum**

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(1) The quorum for a meeting of the Board shall be five (5) members.

(2) The Executive Secretary shall preside at meetings of the Board and in his absence; the members present shall elect any of the members present to preside.

(3) The Board shall conduct its business in accordance with the provisions in Schedule 5 of this Law.

**The functions of
the Board**

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(1) The functions of the Board shall be to:

(a) make strategic decisions on the activities of the Agency and to support the actualization of the mandate of the Agency;

(b) review and approve the Agency's , budget and performance;

(c) adjudicate on disputes surrounding set water tariffs and rates

(2) The Regulatory Agency shall provide an annual report of its activities to the Ministry responsible for Water Resources.

**Functions of the
Regulatory
Agency**

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(1) The functions of the Regulatory Agency shall be to:

(a) promote the rights of citizens on to improved access to water supply and sanitation services;

(b) set standards for consumer service in line with the provisions of this Law, and global standards;

(c) regulate private sector participation in water service delivery;

(d) issue license including operational permits on both surface and

underground supplies, including but not limited to drilling permits on boreholes and wells;

- (e) issuing permits to operators involved in the abstraction of water to consumers on commercial basis;
- (f) ensuring compliance with the state policy, law and regulations on water quality and service delivery to water consumers;
- (g) ensure that tariff set by the Corporation and other water providers reflects cost, customers' ability to pay, and the needs of the poor, and are determined through appropriate tariff study;
- (h) ensure compliance with the State water policy and law;
- (i) ensure compliance with quality of service regulation, including water quality to guide service delivery to consumers;
- (j) registration of water sector of formal and informal service providers;
- (k) regulate the quality of service, tariffs and charges payable to ensure the financial stability of the water sector;
- (l) regulate allowable returns to the operators in the water sector;
- (m) establish monitoring teams to oversee the activities of the informal service providers;
- (n) address consumer complaints and facilitate dispute resolution between consumers and providers;
- (o) settle disputes between private sector providers and the Water Corporation;
- (p) serve as a secretariat for the performance of contract review and Monitoring Committee; and
- (q) carry out any other activities as are expedient or necessary for the effective and efficient performance of its functions under this Law.

**Powers of the
Regulatory
Agency**

- 14**
- (1) Without prejudice to the other provisions of this Law, the Regulatory Agency shall have powers to make Regulations for the implementation of its functions under this Law.
 - (2) The Regulatory Agency shall have powers to make Regulations including on matters relating to the methodology for setting the
 - (a) the tariff for, water supplied –
 - i. by means of public supply;
 - ii. by meter;
 - iii. by means of a private supply to a tenement;
 - iv. to any office, barracks, institutions, undertaking or building whether of a public or private nature;

- v. to a site of any building under construction;
- (b) levy or imposition of a special rate or charge;
- (C) the amount of rent to be paid for meters.

Disputes

- 15**
- (1) Where the Regulatory Agency settles disputes between Water Corporation, other providers or the consumers, such decision shall take effect immediately unless the issues become subject of a court action.
 - (2) Subject to the provisions of any other Laws of Abia State, nothing in this Law shall preclude any aggrieved body from seeking resolution of any dispute in the courts.

**The Executive Secretary:
Qualification /
Tenure of office**

- 16**
- (1) An Executive Secretary shall be appointed by the Governor for the Regulatory Agency, from a list of three (3) persons selected by the Board of Directors of the Agency, pursuant to advertisement and after competitive bidding and screening of the candidates for that position and shall;
 - a) Be a person with a Professional qualification in either Engineering, Law, Accountancy, Business Administration, Physical and Environmental Sciences or other relevant discipline and registered with their Professional bodies where such bodies exist;
 - b) have held a senior Management position for a minimum of ten (10) years in a public or private organization;
 - (2) The Executive Secretary shall hold office for a term of four years, which may be renewed for another four years and no more; and, on such terms and conditions as may be specified in the letter of appointment.

**Departments of
the Regulatory
Agency/Staff
and
Remuneration**

- 17**
- (1) The Commission shall establish such Departments as may be necessary which Departments shall include:
 - a) Administration and Finance Department which shall be headed by a Professional Accountant not below the rank of an Assistant Director who has been in the Public Service for a minimum of ten years and shall be nominated by the Honorable Commissioner Responsible for Finance;
 - b) Legal Services Department which shall be headed by a Legal Practitioners not below the rank of an Assistant Director who has been in the Public Service for a minimum of ten years and shall be nominated by the Honorable Attorney General/Commissioner for Justice, Abia State;
 - c) Performance Monitoring and Reporting Department shall be headed by a Statistician not below the rank of an Assistant Director who has been in the Public Service for a minimum of ten years and shall be nominated by the Honorable Commissioner for the Ministry Responsible for Planning, Research and Statistics;

- d) Water Services Inspectorate Department which shall be headed by a Water Expert not below the rank of an Assistant Director who has been in the Public Service for a minimum of ten years and shall be nominated by Honorable Commissioner for the Ministry Responsible for Water Services;
 - e) Waste Water Services Inspectorate Department which shall be headed by a Sanitation and hygiene Practitioner not below the rank of an Assistant Director who has been in the Public Service for a minimum of ten years and shall be nominated by Honorable Commissioner in the Ministry Responsible for either Environment, Health or Sanitation and Hygiene;
 - f) Economic Services and Licensing Department which shall be headed by an Economist not below the rank of an Assistant Director who has been in the Public Service for a minimum of ten years and shall be nominated by the Honorable Commissioner in the Ministry Responsible for Economic and Planning;
 - g) Public Relations, Information and ICT Department which shall be headed by an Communication Expert who is Information Technology Savvy and not below the rank of an Assistant Director who has been in the Public Service for a minimum of ten years and shall be nominated by the Honorable Commissioner in the Ministry Responsible for Information and Technology
- (2) . (a) The Regulatory Agency shall appoint such number of staff as may be required to carry out its functions under the Law;
- (b) The Staff of the Regulatory Agency shall be paid such remuneration and allowances as the Board may determine based on the specialized nature of work to be performed by the Staff; salaries paid in the private sector to individuals with equivalent responsibilities, expertise and skills; and, the nature of the expenses incurred by said staff and employees, including National and international travel expenses

Regulatory Tools

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Performance Contract Monitoring and Review Committee

- (1) The Regulatory Agency shall develop and adopt such tool as required in the discharge of its regulatory function.
- (2) Performance Contract Monitoring and Review Committee - There shall be a Performance Contract Monitoring and Review Committee (referred to in this Law as "the PCRC") constituted in accordance with this Law under the Regulatory Agency;
 - (a) The PCRC shall comprise the following members with 35% women representation:-
 - i. A retired Civil Servant not below the rank of a Director as Chairperson with requisite experience in contracts management and administration for public utilities;

- ii. The Permanent Secretary, Ministry of Finance;
- iii. The Permanent Secretary Ministry for Economy and Planning;
- iv. The Permanent Secretary Ministry responsible for Water and sanitation services;
- v. A representative of Chambers of commerce and industry;
- vi. A representative of consumers protection council;
- vii. A representative of civil society network on Water and Sanitation; and,
- viii. A representative of the Board of the Corporation.

- (b) The Committee shall meet at least once in six months and at any other time as may be required by either party to the performance contract;
- (c) The PCRC may engage the services of qualified person(s) to assist them in the discharge of their duties; and,
- (d) It shall be the responsibility of the PCRC to monitor compliance of the parties with the contract and to make recommendations as deemed necessary.

Licensing

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- (1) The Regulatory Agency shall be responsible for issuance of Water and Sanitation Services Provider.
- (2) No person shall operate as a water and sanitation services provider unless such person is duly registered and licensed by the Regulatory Agency, such license will be issued for a period not exceeding eighteen months, or such shorter period as it may considered appropriate.
- (3) The Regulatory Agency shall specify a fee chargeable in relation to respective licenses issued under this Law, which fee shall represent reasonable estimate of the costs which will be incurred by the Regulatory Agency in relation to the Regulation of the Water Services to which the license relates.
- (4) Notwithstanding the provisions of subsection (2) of this section, any person, who at the commencement of this Law, was acting as a Water Services Provider without a license will operate so for a period of six months allowed by the Agency, the continuation after this six months will require a license issued by the Regulatory Agency.
- (5) Violation of the provision on licensing will attract conviction to two (2) years imprisonment or a fine of 50,000 Naira or Both and thereafter 10,000 per day until the default is abated.
- (6) Any Service Provider who transfers any fines or penalties levied against it under this Law to the consumers commits an offence and

is liable on conviction to a term of imprisonment not exceeding 2 years or a fine of N100,000.00 (One Hundred Thousand Naira) only or both.

- (7) The Regulatory Agency shall have the power to revoke license issued to a person, order service providers to disconnect to withdraw services as may be necessary as penalty for violation of the relevant obligations as specified by the Law
- (8) A license shall be issued subject to such terms and conditions as are required by this Law or as they may be prescribed by the Regulatory Agency.
- (9) Unless expressly indicated in the license, the grant of a license shall not hinder or restrict the grant of other similar licenses to other persons for like purpose and, in the absence of such an express indication, the water services provider shall not claim any exclusivity provided that the Regulatory Agency may allow a license to be exclusive for all or part of the period of the license, for a specific purpose, within a geographic area, or for some combination of the foregoing.
- (10) A license may contain terms and conditions for the license to cease to have effect or to be modified or amended by the Regulatory Agency in such circumstances as may be specified in the license.
- (11) A license shall be valid for five (5) years in the first instance and subject to satisfactory performance and conditions set by the Regulatory Agency be renewable for a further period of five (5) years.
- (12) A person shall not except as provided under this Law, transfer its license by whatever means or nature of transaction, without the written consent of the Regulation Agency.
- (13) The Regulatory Agency may approve the transfer of license subject to terms and conditions including the extent of the consent.
- (14) An application for a license shall be made to the Regulatory Agency in the form and manner prescribed by the Regulatory Agency, and shall be accompanied by the prescribed fee and such information or documents as may be required by the Regulatory Agency
- (15) Within 14 days of applying for a license under this section, the applicant shall cause a notice of such application to be published in newspapers in circulation in the area in which the applicant intends to provide its services. The notice shall state the period within which objections or representation in connection with the application may be made to the Regulatory Agency by any member of the public, and the Regulatory Agency shall not issue any license until the period has lapsed or any objections or representations received by the Regulatory Agency have been

considered.

- (16) The period between the Regulatory Agency's receipt of an application for licensing and all documents and information submitted in support of it, and the date on which it notifies the applicant of the adequacy of the documents and information, shall not exceed fourteen (14) days.
- (17) At the expiration of his license, subject to payment of the appropriate fee, a service provider shall apply to the Regulatory Agency to obtain a new license subject to the provision of the Law.
- (18) Subject to the provision of this section, the contents of a license may be amended in accordance with the procedures specified in the license; or by agreement between the Regulatory Agency and the Person.
- (19) Regulatory Agency shall not amend any license until all objections or representations received by the Agency have been considered.

Standards

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- (1) The Regulatory Agency shall in consultation with applicable Federal and State Ministries, Departments and Agencies, water service providers, consumers and other stakeholders, develop the following performance standards and codes:
 - (a) Standards for service providers to be measured across key performance indicators to include the following:
 - i. Water supply and sanitation coverage
 - ii. Non-revenue
 - iii. Metering ratio
 - iv. Hours of supply
 - v. Water quality
 - vi. Staff per 1,000 connections
 - vii. Collection efficiency
 - viii. Cost coverage by collections
 - (b) Standards for overall performance in connection with the provision of Water Services and in connection with the promotion of the efficient use of water by consumers;
 - (c) Standards for sanitation services provision and services utilization by customers;
 - (d) Water quality standards;
 - (e) Such technical codes and manuals as may be required for the safe, reliable, and efficient operation of the system; and;
 - (f) Such other standards, codes, manuals as the Regulatory Agency

may require.

- (2) Standards, codes and manuals approved by the Regulatory Agency pursuant to Subsection (1) of this section shall be binding on the relevant Water Service providers and shall be published by the relevant Water and Sanitation Services Providers in such manner as the Regulatory Agency may direct.
- (3) The Regulatory Agency may, depending on the nature of the service provided, set different standards for different Water Services Providers under this Law.
- (4) In carrying out its functions under this Law, including setting and monitoring standards under this section, the Regulatory Agency shall consult and cooperate with relevant Federal and State MDAs responsible for Environmental and Water Resource Management Regulation.

Tariffs

- 21**
- (1) The Regulatory Agency is responsible for approving all tariffs for both water and waste water service provision;
 - (2) The Regulatory Agency shall adopt and issue to the service providers methodologies for tariffs that may be charged for its services.
 - (3) No service provider shall fix any tariff to be charged for water services unless the tariff is in accordance with the applicable tariff methodology adopted for regulating water tariffs and has been approved by the Regulatory Agency.
 - (4) In determining Tariff methodologies the Regulatory Agency shall have regards to the following:
 - (a) Costs of producing and supplying the water services for water rates;
 - (b) Cost of dislodgement and transportation and treatment of wastewater services;
 - (c) Cost of complying with relevant health, safety, environmental and social legislation;
 - (d) The need to provide incentives for continued improvement in technical and economic efficiency and quality of water services; and
 - (e) The interests of consumers, including the need to avoid undue discrimination between consumers and consumer categories including low income customers.
 - (5) Prior to approving a tariff methodology, the Regulatory Agency shall give notice in the Official Gazette and in one or more National Newspapers with wide circulation in the State, of the proposed establishment of a tariff methodology, indicating the period within which objections or representations in connection with the same may be made to the Regulatory Agency.

- (6) The Regulatory Agency shall fix the date on which the tariff methodology shall come into operation and it shall cause the notice to be published in the Official Gazette and any Newspapers circulating in the State.
- (7) The Regulatory Agency shall with the help of experts in the field of Water Regulation establish procedures for undertaking fixed and extraordinary reviews of the tariff methodology.
- (8) Any person, upon whom any function has been conferred or imposed in connection with setting tariffs, shall be bound by a tariff methodology that has come into operation under this section.

Private Sector Participation Agreement

- 22** (1) The procurement of a Private Sector Participation Agreement shall be carried out in accordance with all applicable Laws and policies, including the following provisions:
- (a) except as otherwise authorized by the Regulatory Agency, Private Sector Participation Agreements shall be procured by open and competitive bidding, subject to bidding and award guidelines, including adequate technical requirements;
 - (b) The scope of the project or activities of the Private Sector Participation Agreements, including the design, construction, maintenance or operation of new water services facilities or the modernization, rehabilitation, expansion, management or operation of existing water services facilities, shall conform with the State Water and Sanitation Sector Development Plans as approved by the State Executive Council;
 - (c) The Regulatory Agency shall approve Private Sector Participation Agreement only if the Agreement complies with this Law, the Water and Sanitation Sector Development Plan and the State-Wide Development Plan and any prescribed procedures for award of the Private Sector Participation Agreement.
 - (d) The Regulatory Agency may develop further provisions for the procedure for award of Private Sector Participation Agreements which may include compulsory provisions to be included in a Private Sector Participation Agreement; and,
 - (e) Upon the conclusion of a Private Sector Participation Agreement or Joint Venture Agreement, the service provider shall within fourteen days of the signing of the Agreement supply a copy thereof to the Regulatory Agency.

Entry and Inspection

- 23** (1) The Regulatory Agency or Any Person authorized in writing by the Regulatory Agency may:
- (a) At any reasonable time and without prior notice, enter any property and inspect any water or sanitation services facilities in order to ascertain whether the activities undertaken therein is carried out in compliance with this Law or any Regulation made

pursuant to this Law;

(b) after reasonable notice to the owner or occupier of any property, enter the property with the necessary vehicles, equipment and material for its work:

i. to, remove or demolish any water service facility belonging to or operated by the water services provider concerned;

ii. to establish the suitability of any water source or site for the construction of a water services work;

iii. search, excavate, bore or carry on any activity necessary for the recovery of measurement of water; and,

iv. after reasonable notice to the owner or occupier of any property, enter the property in order to have access to another property lawfully.

(2) Any Person entering any property shall identify himself and present his authorization.

(3) Where it is necessary to do so for the enforcement of this Law, a private residence or business premises may only be entered upon reasonable notice and at a reasonable time.

(4) The service areas, and existing rights and obligations of any Water Services Provider operating under a PSP Agreement pre-existing this Law remain as set out in the PSP Agreement.

**Terms and
Conditions For
The Provision of
Water Services**

24 (1) The Regulatory Agency shall in accordance with this Law and any Regulation made pursuant to this Law set terms and conditions for the provision of Water Services by service provider.

(2) These conditions shall:

(a) be in writing, accessible to the public and available free of charge to any consumer;

(b) be consistent with applicable Federal and State Laws and policies on water;

(c) provide for the technical conditions of existing or proposed extensions of supply, the determination and structure of tariffs, the conditions for payment, the circumstances under which Water Services may be limited or discontinued, procedures for limiting or discontinuing Water Services and measures to promote water conservation and demand management.

(3) The procedures for the limitation or discontinuation of Water Services shall be fair and equitable and provide for the required notice of intention to limit or discontinue the services and for an opportunity to make representations, unless; other consumers would be prejudiced or there is an emergency situation or the consumer has interfered with a limited or discontinued service.

- (4) Any person who uses water services provided by a service provider shall be subject to any applicable condition set or presented by that service provider subject to Regulations with respect to such conditions issued by the Regulatory Agency.
- (5) Where one Water Services Provider supplies water services to another Water Services Provider, it shall not limit or discontinue those services for reasons of non-payment, unless it has given at least 30 days' notice (or any other period of notice as may be deemed sufficient by the Regulatory Agency) in writing of its intention to discontinue the Services and has forwarded a copy of the notice to the Regulatory Agency for information.

Duty to provide access to the water services

- 25** (1) Any Water Services Provider shall ensure efficient, affordable, economical and sustainable access to Water Services to all consumers or potential consumers in its area of operation, in accordance with the terms of its license.
- (2) The duty prescribed in subsection (1) of this section shall be subject to the:
- (a) terms of the license and any applicable Private Sector Participation Agreement;
 - (b) availability of resources;
 - (c) need to regulate access to Water Services in an equitable way;
 - (d) duty of consumers to pay reasonable charges, based on the standards for tariffs for Water Services;
 - (e) duty to conserve water resources;
 - (f) duty to manage waste water and sewerage in a manner prescribed by the Regulatory Agency and all applicable Laws and best practices;
 - (g) duty to provide quality and safe water;
 - (h) nature, topography, zoning and situation of the land in question; and,
 - (i) the right of the relevant Water Services Provider to limit or discontinue with provision of Water Services if there is failure to comply with reasonable conditions set for the provision of such services.
- (3) A service provider shall not unreasonably and without verifiable cause refuse or fail to give access to prescribe water services to a consumer or potential consumer in its area of operation.
- (4) In an emergency situation, a Service Provider shall take reasonable steps to provide basic water supply to any person within its area of operation and may do so at cost to the State Government in accordance with standards prescribed by the Regulatory Agency.

**Rights and
Obligations of
Water Service
Providers**

(5) No provisions of this section shall be interpreted to expand the obligations of a services provider under a Private Sector Participation Agreement awarded and approved in accordance with the provisions of this Law and relevant applicable Laws.

26 (1) The Water Services Provider may:

- (a) construct, operate, alter or repair any water services facility in accordance with the terms of its license and, where applicable, any applicable Private Sector Participation Agreement and with the permission of the relevant State and Federal Government authorities;
- (b) levy Tariffs for water services provided by it in accordance with this Law and the tariff methodology prescribed by the Regulatory Agency; and,
- (c) apply for, enter into agreements for, and perform all obligations related to grants or loans under a Water Sector Program Commitment as it relates to such service provider.

(2) A Water Services Provider shall -

- (a) comply with the provisions of its license, and Regulations, general codes, and other requirements issued by the Regulatory Agency from time to time unless restrained by a court of competent jurisdiction and notwithstanding that the water services provider has or may intend to take legal action challenging any such Order or notice;
- (b) provide the Water Services in accordance with all applicable State and Federal Water Laws and any other laws applicable to it;
- (c) unless expressly exempted by the Regulatory Agency, prepare and submit to the Regulatory Agency each year such accounting information as the Regulatory Agency may require;
- (d) present to the Regulatory Agency, complete and regular information, in the form and in substance prescribed, as may be required by the Regulatory Agency in relation to its services and so as to prove compliance with the approved tariff, tariff methodology and with any other obligation of the Service Provider under this Law or its license and for the purposes of monitoring the implementation of the Water and Sanitation Sector Development Plan by the Regulatory Agency.

(3) A Service Provider shall establish procedures for dealing with complaints by its consumers or potential consumers in accordance with Regulations developed by the Regulatory Agency.

**Rights and
Obligations of
Customers**

27 (1) Customers who are consumers of water and sanitation services provided by service providers, upon payment and collection of application license, have the right to equitable access to the provision of such services, uninterrupted as long as they fulfil their

obligation as illustrated in subsection 2.

- (2) The customers are obligated to protect installation and not apply devices on connections, such as pressure pumps, with the view to disrupt normal services as provided by the service provider.
- (3) In addition to any other right contained in the contract between the consumer and the Water Service Provider, a consumer shall be informed by the water services provider of the rights and obligations of the Water Services Provider under the license.
- (4) The Regulatory Agency shall make Regulations containing the Consumer's Bill of Rights and Obligations and make same available to all consumers.
- (5) A consumer shall in addition to any other obligation contained in any contract between the consumer and the Water Services Provider:
 - (a) pay for the services provided or made available in accordance with the applicable tariff;
 - (b) pay the surcharge on tariff imposed under this Law;
 - (c) comply with the technical Regulations issued by the Water Services Provider licensee relating to consumer installations including their maintenance;
 - (d) allow the Water Services Provider to install a meter on the property where appropriate, and keep the meter in the same condition as existed when installed fair wear and tear excepted;
 - (e) permit the service provider or its agents and employees to read the meter in accordance with the terms and conditions established in the license.
 - (f) Where the consumer falls, after the due notice, to comply with the provisions of subsection (3) of this section, the service licensee may suspend the service to that consumer except where the consumer is an essential service provider

PART III

ESTABLISHMENT, CONSTITUTION, FUNCTIONS, POWERS AND OTHER RELATED MATTERS OF ABIA STATE URBAN WATER AND SEWAGE CORPORATION

Establishment of the Abia State Urban Water and Sewage Corporation

- 28** (1) There is hereby established a body to be known as the Abia State Urban Water and Sewage Corporation, (hereinafter referred to as "the Corporation");
- (2) The Corporation shall:
- (a) be a body corporate with perpetual succession and a common Seal;
 - (b) have power to sue and be sued in its corporate name; and

(c) be capable of holding, purchasing, acquiring and disposing of property, movable and immovable

(3) All existing and new State-owned water supply and sewerage infrastructure in the Areas mentioned in Schedule 1 hereto ("Service areas") are hereby vested in the Corporation.

**Objectives and
Functions of the
Corporation**

29

- (1) be established under a Governing Board with responsibility to acquire, dispose and manage property on behalf of Government of Abia State, with Supervision from the Ministry responsible for Water Resources, for Water and Sanitation Services Provisions in the State.
- (2) be financially autonomous, independent commercial services provider with ability to receive, operate and reinvest revenue under a cost reflective tariff regime approved by the regulator for the purpose of improving water and sanitation services.
- (3) collaborate with Ministry responsible for Water Resources and other relevant MDAs in accessing bilateral and multilateral funds for urban water and sanitation services improvements.
- (4) plan, establish, control, manage, extend and develop urban water works as considered necessary for the purpose of providing wholesome, potable water for consumption by the public for domestic, trade, commercial, industrial, scientific and other uses.
- (5) ensure that adequate wholesome and safe water is supplied to its consumers in line with relevant National Standards for Water Quality.
- (6) identify, record and manage a data base of water customers in the state to enhance consumer relations and effective revenue collection and management.
- (7) ensure that contracts or agreements entered into with a third party (private sector) aimed at improving water supply in the State are properly documented, adequately supervised, monitored and well executed.
- (8) recruit and retain a competent workforce with capacity to deliver its mandate of providing water and sanitation services to the state.
- (9) ensure regular meetings of water consumers' consultative forum for effective provider of customer relationship; and,
- (10) plan, establish, control, manage, and develop wastewater treatment facilities as considered necessary in collaboration with the relevant MDAs and stakeholders.

**Establishment of
the Governing
Board**

- 30** (1) There shall be established a body to be called Governing Board hereinafter referred to as "the Board" of the Abia State Urban Water and Sewage Corporation and shall in that capacity:
- (a) Exercise all the functions of the Board; and
 - (b) Do or carry out all acts or things which the Board is, by this Law, or may, by any other law, be required to do or carry out.

**Composition of
the Board**

- 31** (1) The Board shall consist of the following members:
- (a) A Chairperson;
 - (b) Managing Director of the Corporation;
 - (c) A representative of Abia State Chapter of Nigerian Society of Engineers registered with the Council for the Regulation of Engineering in Abia IA (COREN);
 - (d) A representative of the Abia State Chapter of Nigerian Bar Association (NBA);
 - (e) A representative of the Abia State Chapter of Institute of Chartered Accountants of Abia Nigeria (ICAN) or Association of National Accountants of Abia Nigeria (ANAN);
 - (f) A representative of Abia Nigerian Institute of Management (Chartered)
 - (g) One representative from each of the following:
 - i. Ministry responsible for Water Resources;
 - ii. Consumers Protection Council, or other Consumer advocacy groups operating in the State;
 - iii. Representative of CSOs working on WASH services in the state;
 - iv. Abia State Chamber of Commerce, Industry, Mines and Agriculture; and
 - (h) Two (2) other persons who by reason of their ability, experience or specialized knowledge of water supply or of business are capable of making useful contributions to the work of the Board.
- (2) The Chairperson and other members of the Board as provided in this law shall be appointed by the Governor in line with the criteria in section 7 (1) of this Law and shall serve as part-time members of the Board.
- (3) A member shall not be made personally liable for any act or omission to do any act, or any default of the Board so long as such act, omission, or default is done in good faith and in the course of the operations of the Board;
- (4) The appointment of the Board shall be made in such a manner as to recognize the diversity of the people of Abia State.
- (5) In the appointment of members, the Governor shall take into consideration 35% of gender and social inclusion (GESI) representation according to Abia, Nigeria National Gender Policy (NGP)- 2006 and the United Nations Charter on affirmative action for women.

**Qualification/
disqualification of
board members**

- 32** (1) Qualifications of the Board Members include:
- a) all Board Members shall be citizens of Abia;
 - b) the Chairperson shall have water industry Professional experience of not less than 10 years and must have achieved a reputable position in his career;
 - c) Board members shall be knowledgeable individuals preferably with a sound professional background in the water industry or with corporate governance or other credentials whose abilities and experience complement the functions of the Board.
- (2) No person shall be qualified to be a member of the Board who -
- a) has been adjudged or otherwise declared:
 - i. a bankrupt under any Law in force in Abia State and has not been discharged;
 - ii. or, required to pay certain amount of money by a Court of competent jurisdiction and is unable to do so within the period prescribed by the court;
 - iii. to be of unsound mind; or
 - b) is detained as a criminal lunatic under any Law for the time being in force in Abia State.
 - c) or, has been convicted -
 - i. for an offence involving the security of the State, fraud, dishonesty or moral decadence; or
 - ii. for any other offence, and has not been granted a pardon; or
 - d) has been found by the report of a Commission of Inquiry to be incompetent to hold public office or in respect of whom a Commission of Inquiry has found that while being a public officer, acquired assets unlawfully or defrauded the State or misused or abused his office or willfully acted in a manner prejudicial; or
 - e) has had his property confiscated as a result of the finding of a Commission of Inquiry; and such findings have not been set aside; or
 - f) is under sentence of death or sentence of imprisonment imposed upon him by any court of competent jurisdiction;

**Tenure of office
of Members**

- 33** (1) Subject to any other terms and conditions as may be stipulated in their letters of appointment, the Chairperson and members of the Board other than the MD shall hold office for a term of four years and may be reappointed for another term of four years.

- Vacation of office** **34** (1) a member shall vacate his or her office and the office shall become vacant if he or she:
- (a) gives one month notice in writing to the Governor of his intention to resign;
 - (b) is convicted of any crime involving security of the state ,dishonesty or fraud or any other offence by a court of competent jurisdiction; and has not been granted pardon;
 - (c) attains the age of 70 years;
 - (d) attends fewer than 75% of the Board 's meetings in a year;
 - (e) is barred from practicing his profession by any professional body to which he belongs;
 - (f) becomes bankrupt;
 - (g) becomes of unsound mind or incapable of carrying out his duties; or
 - (h) is guilty of serious misconduct with relation to his duties as a member of the Board;
 - (i) has been found by a competent Authority to be incompetent to hold public office or that while being a public officer he acquired assets unlawfully or defrauded the State or misused or abused his office or had acted in a manner prejudicial to the interest of the State, and such findings have not been set aside on appeal.
- Quorum** **35** (1) The quorum for a meeting of the Board shall be five members;
The Chairperson shall preside at meetings of the Board and in his or her absence; the members present shall elect any of the members present to preside.
- Remuneration of members** **36** (1) There shall be paid to the members of the Board such remuneration, allowances as the Governor may from time to time determine.
- Functions of the Governing Board** **37** (1) The functions of the Board are as follows:
- (a) making strategic decisions on the activities and mandate of the Corporation;
 - (b) reviewing and approving the Corporation's business plans, budget and performance;
 - (c) approving pre-qualified PSP Contractors, including revenue mobilization Agents, in accordance with this Law and any other applicable Law;
 - (d) monitoring the implementation of the State WASH Policy as it affects water supply and sanitation in its areas of operation;
 - (e) ensuring compliance with regulations and standards set by the Ministry;

- (f) approving and monitoring the implementation of the Corporation's Water Services Development Plan;
- (g) proposing urban water tariffs for the approval of the Ministry;
- (h) taking all steps to ensure that in the discharge of their duties, the Board does not engage in activities which prejudice, unduly influence, coerce or subvert the normal legal, commercial and financial activities of the Corporation; and,
- (i) undertaking any other business which may be considered necessary by the Board in pursuance of the Corporation's functions as provided in this Law;

Meeting of the Board

38

- (1) The Board shall meet for the discharge of business at least 4 times a year, quarterly and from time to time at such times and places the Chairperson may, from time to time determine every year, but not more than six times. Any meeting in excess of the allowed maximum of six times in a year shall only be held where circumstances warrant.
- (2) The Chairperson shall upon the request in writing signed by not less than four (4) members of the Board summon a special meeting of the Board within fourteen (14) days on receipt of such request.
- (3) At every meeting of the Board, the Chairperson shall preside, and, in his absence, the members present shall elect a person from among themselves to preside at that meeting.
- (4) Every question coming before the Board at any meeting shall be decided by a simple majority of the votes of the Members present; and in the case of an equality of votes, the Chairperson or the other person presiding shall have a second or casting vote.
- (5) The Board may at any time co-opt any person or persons to act as an adviser or advisers at any of its meetings, but no persons so co-opted shall be entitled to vote at any such meeting on any matter for decision by the Board.
- (6) The validity of the proceedings of the Board shall not be affected by any:
 - (a) vacancy among its members or by any defect in the appointment of any of them; or
 - (b) inadvertent omission to send any notice or error in addressing it or failure in the delivery thereof.
- (7) Except as otherwise expressly provided under this Section, and subject to this Law, the Board may make standing orders for the purposes of regulating its own procedure.

Conflict of interest among Board Members

39

- (1) A member of the Board who is in any way directly or indirectly interested in any contract or transaction 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;

(a) shall not take part in any deliberation or decision of the Board with respect to that contract or transaction or project;

(b) shall be disregarded for the purpose of constituting a quorum of the Board for any such deliberation or decision.

(2) For the purpose of sub-section (1) of this section, a general notice given at a meeting of the Board by a member of the Board to the effect that he is a member of a specified company or firm and is to be regarded as interest in any contract or transaction or project of the Board concerning the company or firm, shall be regarded as a sufficient disclosure of his interest in relation to that contract or transaction or project as the case may be.

(3) A member of the Board need not attend in person at a meeting of the Board in order to make disclosure which he is required to make under sub-section (1) of this section if he takes reasonable steps to ensure that the disclosure is made by notice which is brought up and read at the meeting.

Functions of the Corporation

40

(1) The functions of the corporation shall be to:

(a) provide safe, adequate and affordable water supply services to the urban residents of the State in accordance with this Law;

(b) ensure that adequate wholesome water is supplied to its consumers in line with National Drinking Water Quality Standard (NDWQS);

(c) develop new water supply infrastructure as the Board may consider necessary for the purpose of providing wholesome, potable water for domestic consumption of the public, and water for commercial, industrial, scientific and other uses;

(d) develop new wastewater/sewerage infrastructure as the Board may consider necessary for the purpose of providing effective and efficient collection, treatment, and disposal Services for domestic, industrial, commercial, scientific and other water-related waste;

(e) provide sewage and wastewater management services, whether by the provision of sewers or otherwise, for the collection, treatment, and disposal of sewage and wastewater generated by consumers within its areas of operation, and other services incidental thereto;

(f) consolidate and centralize all water and sewage systems in the urban areas of the State under its control, direction and supervision;

(g) prospect for water, provide, distribute and conserve, in the State, water for public domestic, industrial and commercial purposes in

the areas under the Corporation's mandate;

- (h) determine rates and scales of charges for water and sewage management services subject to approval by the Regulatory Agency;
- (i) conduct or organize research and training with respect to water supply and sewage services;
- (j) develop, maintain and beneficially exploit water resources, both natural and artificial.
- (k) collaborate with Ministry responsible for Water Resources and other relevant Ministries, Departments and Agencies in accessing funds from multilateral and bilateral sources for urban water and sanitation services improvement;
- (l) plan, establish, control, manage, extend and develop urban water works necessary for the purpose of providing wholesome potable water for public consumption;
- (m) plan, establish, control, manage, extend and develop wastewater treatment facilities as considered necessary in collaboration with the relevant MDAs and stakeholders;
- (n) provide data on water supply, sanitation, and hygiene related matters for formulation of policy;
- (o) develop and manage a database of water customers in the State to enhance consumer relations and effective revenue collection and management;
- (p) prepare plans for the development and maintenance of water supply and wastewater services infrastructure in its areas of operation in consultation with the relevant authorities, stakeholder, and consumer groups;
- (q) carry any pipe through, across or under any street for the purpose of identify and implement projects for the provision of water and/or sewage services which may be undertaken with private sector participation, after consultation with the relevant authorities and subject to the approval of the Governor in case involving divestiture of sale of assets;
- (r) enter any commitments, agreements, joint ventures, performance contracts, public-private partnership agreements or other arrangements in respect of the provision, distribution, supply or sale of water and sewerage management services;
- (s) ensure that contracts or agreements entered with third parties, including the private sector, aimed at improving water supply in the State are properly documented, adequately supervised, monitored and well executed;

- (t) provide consultancy and project management services;
- (u) establish and implement proper accounting procedures for all assets and liabilities of the Corporation;
- (v) specify the terms and conditions of supply of water and sewerage services to the consumers in accordance with regulations issued by the Ministry and in accordance with this Law;
- (w) recommend regulations to the Ministry for the protection and preservation of the assets of the corporation and water resources of the State;
- (x) promote the rational use of water resources and potable water;
- (y) conduct training and retraining of staff for skills development;
- (z) collect rates and charges for water supply and sewerage services in accordance with regulations issued by the Regulatory Agency; and carry out any other activities that are expedient or necessary for the effective and efficient performance of its functions under this Law.

Powers of the Corporation

- 41** (1) The Corporation shall, subject to the provisions of the Law, have power for the purpose of carrying out its functions to:
- (a) own all water services assets and construct new water services assets within its areas of operation as described in Schedule 1 hereto;
 - (b) own all sewerage networks, sewerage management and waste water infrastructure and assets and construct all such assets within its areas of operation as described in Schedule 1 hereto;
 - (c) Determine and collect all rates and charges payable by Customers for water supply and sewerage management Services provided by the Corporation and determine all other fees, subject to the approval of the Ministry;
 - (d) acquire, purchase, lease, hold, construct, manufacture, maintain or insure any property forming part of the water and sewerage management services infrastructure of the Corporation, whether moveable or immovable, required for or in connection with the performance of its functions and may sell, lease, concede, dispose of, or otherwise deal with such property or any part thereof subject to the approval of the Governor in instances of sales;
 - (e) lay any water pipe or sewers through, across, or under the street of any place laid out or intended as a street and thereafter give reasonable notice in writing to the owner or occupier thereof, and make good any damage done;
 - (f) examine from time to time any surface or underground water

forming part of the water resources of the State for the purpose of determining what pollution, if any exists and its causes and to do likewise in respect of other water bodies by arrangement with the appropriate authority, including the Abia State Environmental Protection Agency under and in accordance with the provisions of any existing Law in that behalf;

- (g) subject to the issuances of a reasonable notice to the occupier thereof, at any time between the hours of six o' clock in the morning and six o' clock in the evening, or in case of urgency at any other time, to enter premises or place upon which any service has been laid or into which any water supply services is supplied so as to:
 - (h) inspect and repair any service and to ascertain whether there is any wastage, leakage, obstruction, illegal connection or disposal of sewerage, or damage to any service or meter therein and anything in connection therewith with a view to:
 - i. ascertaining the amount of water taken or used or;
 - ii. disconnecting the supply of water or of any sewer to any premises;
 - (i) 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 Corporation deems necessary subject to Regulations of the Ministry on same to;
 - i. accept or acquire and hold any security of any kind in any form whatsoever;
 - (j) surrender, transfer or re-convey any security held by the Corporation whether upon exchange for other security or upon discharge;
 - (k) make, draw, accept, or endorse, negotiable instruments;
 - (l) invest money standing to its credit and not for the time being required for its immediate need, in accordance with the provisions of this Law and any other relevant State Law;
 - (m) write off bad debts with the approval of the Governor;
 - (n) grant exemptions from any water rate or charge of any premises or class of premises to any person or class of persons;
 - (o) make regulations for the better carrying out of its functions under this Law.
- (2) The Corporation shall have powers for the purpose of carrying out its functions to do all such acts as appear to it to be expedient, advantageous, or convenient and may carry on any activities in that behalf either alone or in association with others.

- Area offices of the Corporation** **42** (1) There shall be established in each Local Government Headquarters of the state, Area offices of the Corporation.
- (2) An area office of the Corporation shall be provided with such officers as the Board shall determine; and,
- (3) An Area office of the Corporation shall perform such functions of the Corporation as the Board may direct.
- Performance Contract** **43** (1) There shall be a Performance Contract between the State Government represented by the State Ministry responsible for Water Resources, the Ministry of Finance and the Corporation; The Performance Contract shall guarantee:-
- (a) Quality, accessibility and sustainability of service;
- (b) Pro-poor considerations in service delivery;
- (c) Incentives for commercial, financial and technical efficiency of the Corporation;
- (d) Obligations of the State towards investment, subsidies and creating an enabling environment for the Corporation; and
- (e) Such other terms as the parties may deem fit.
- (2) There shall be a Performance Contract between the Corporation and the Area offices with such terms as the Corporation shall determine.
- (3) The Performance Contract shall provide for key performance Indicators (KPIs) and an Incentive/ penalty framework for their achievement or non-achievement.
- The Managing Director** **45** (1) The Governor shall on the recommendation of the Board, appoint the Chief Executive Officer of the Corporation to be known as the Managing Director who shall be subject to the general direction of the Board and shall:
- (a) be the Chief Executive and Accounting Officer of the Corporation (referred to in this Law as “the MD”);
- (b) be responsible for the implementation of the decisions and policies of the Board of the Corporation as well as the general administration of the Corporation;
- (c) perform such other duties as the Board of the Corporation may from time to time direct.
- (2) The MD shall:
- (a) be appointed out of two applicants selected through a competitive and transparent recruitment process carried out by the Board either by themselves, through the Central Recruitment Agency or a Consultant pursuant to an advertisement for such vacancy.

(b) be a person with a Professional qualification in either Engineering, Law, Accountancy, Business Administration, Physical and Environmental Sciences or other relevant discipline and having relevant experience in running a public utility or a public or private organization and shall have held a senior management position for a minimum of ten (10) years.

(c) be appointed pursuant to a Performance Based Employment Contract for a term of 5 years on a full-time basis which may be renewable upon considerations of the improved financial, managerial, operational, and other relevant indicators as contained in such Contract.

(3) A report shall be submitted by the MD to the Board on a quarterly basis as an assessment of the performance of the MD which shall also include a proposed action plan to be forwarded by the Board to the Governor

Secretary/ Legal Adviser 46

(1) There shall be a Secretary and Legal Adviser (referred to in this Law as "the Secretary") to the Board who shall be responsible to the MD and shall assist the Board and the Corporation in the discharge of their functions under this Law.

(2) The secretary shall be appointed by the Board under such terms and conditions as may be specified in his letter of appointment.

(3) The Secretary shall be a Legal Practitioner with a minimum of 10 year's post-call experience and shall be the head of the Corporation's Legal department.

Functions of the Secretary 46

(1) The Secretary shall perform the following functions:

(a) organize and take minutes of the Meetings of the Board.;

(b) keep the seal and records of the Corporation and conduct correspondence of the Board ;

(c) arrange for payment of fees and allowances of Meetings and all other matters affecting Members of the Board.

(d) communicate policy decisions at Board Meetings to affected Departments;

(e) render necessary advice on compliance with Laws, rules and regulations affecting the Corporation ;

(f) keep custody of copies of Asset Register, Financial and Annual Reports of the Corporation; and

(g) perform all other duties as the Board or the MD may from time to time direct.

Staff of the Corporation 48

(1) The Corporation shall have the power to recruit such number of staff and other employees as it may from time to time require either directly from the private sector or by way of deployment

from the State Public Service to assist in the discharge of its functions under this Law.

- (2) The Corporation shall determine generally the terms and Conditions of Service of the staff and other employees which shall include:
 - (a) conditions for the appointment, promotion, termination and dismissal of staff and other employees; and
 - (b) procedures for Appeals by employees against dismissal or termination or other disciplinary measures:
 - i. PROVIDED that until such conditions of service are made, any instrument relating to the conditions of service in the Public Service of the State shall be applicable, with such modifications as may be necessary, to Staff and employees of the Corporation.
- (3) The Corporation shall determine the salaries and emoluments of the staff and other employees of the Corporation.
- (4) Staff and other employees of the Corporation shall be entitled to pensions, gratuities and other retirement benefits as prescribed under the Pension Law of the State.
- (5) Without prejudice to the provisions of subsection (4) of this section, nothing in this Law shall prevent the appointment of any person to any office on terms which preclude the grant of pension, gratuity or other retirement benefits with respect to that office.

**Funds and
Resources of the
Corporation**

- 49**
- (1) The funds and resources of the Corporation shall consist of:
 - (a) all sums, investments or other property vested in the Corporation by virtue of the provisions of this Law;
 - (b) such sums or other property as may from time to time be advanced by way of loans or grants to the Corporation by any Federal, State, or Local Government, any International Organization, and private foundation or any person whatsoever;
 - (c) any investments or other property whatsoever acquired by the Corporation;
 - (d) all other sums such as water and sewerage management Services charges and rates, or other property whatsoever which may become payable to or vested in the Corporation under this Law or any other Law and;
 - (e) any money allocated to the Corporation under the State Government budgetary allocation or such other money as may from time to time accrue to the Corporation.

(2) The Corporation shall ensure that its funds and resources are adequate to meet the operating expenses, depreciation charges, debt servicing requirements and such percentage of its annual capital expenditure requirements as may be determined by the Governor and any shortfall may be provided as a loan by the State Government to the Board upon terms as the Governor may determine to ensure that the Corporation continues to provide water supply and sewerage management Services to the Consumers.

**Application of
the Corporation's
Funds**

- 50** (1) The following charges shall be defrayed out of the funds of the Corporation for any financial year:
- (a) the remuneration and allowances of the Members of the Board of the Corporation;
 - (b) the salaries, remuneration, fees, allowances, pensions and gratuities of the staff, employees, agents, technical and other advisers or Consultants of the Corporation;
 - (c) all expenses of the operation and management of the Corporation and its waterworks and other properties including provision for depreciation, wear and tear or renewal of assets;
 - (d) such works of a capital nature as the Corporation may deem necessary from time to time;
 - (e) such sums including compensation that may be payable by the Corporation to any person or Authority by virtue of the provisions of this Law or any other law;
 - (f) interest on loans raised by and on behalf of the Corporation ;
 - (g) sums required to be transferred to any special fund or otherwise set aside for the purpose of making provision for the capital investments, redemption of investments in the Corporation or other securities or the repayment of other loans; and
 - (h) such other sums as the Board may approve for payment out of the funds of the Corporation in respect of any Financial year provided that the income and property of the Corporation shall not be rated for taxation under the relevant Laws of the State.

**Bank
Account**

- 51** (1) The Corporation shall operate Bank Accounts with reputable Banks approved by the Board for its funds and the signatories to the accounts shall be the MD and the Head of Accounts, or in their absence any other persons authorized by the Board.

**General Reserve
Fund**

- 52** (1) Without prejudice to the provisions of the Abia State Fiscal Responsibility Law, the Corporation shall with the approval of the Governor establish and maintain a Special Reserve Fund in a

separate Account into which shall be paid the following:

(a) not more than 3% .of the revenue of the Corporation as may be determined by the Board for any financial year;

(b) such money as the Governor may from time to time direct from any sources;

(2) The General Reserve Fund shall be used for the following:

i. emergency and urgent needs of the Corporation relating to the rendering of urgent and essential Services as the Board may from time to time authorize subject to the approval of the Governor;

ii. making good the loss or deficiency which may occur in any of the transactions of the Corporation.

(3) Provided that where the fund is used to meet State or National water related emergencies, the Government shall make arrangements to replace such amount upon application by the Corporation.

Loans and grants by the State Government

53 (1) The State Government may make to the Corporation the following:

(a) grants of any sums of money or property deemed necessary; and

(b) loans upon such terms as to repayment of interest or otherwise as the Government may determine.

(2) The Government may waive in favour of the Corporation any right or liability to the Government arising from any transaction made pursuant to subsection (1) of this section.

Annual Budgets, Accounts and Audit

54 (1) The provisions contained in Abia State Fiscal Responsibility Law as regards Budgetary Planning of Corporations and other Related Statutory Bodies shall have effect in relation to the Corporation as regards annual budgets, accounts and audits.

Annual Reports

55 (1) The Corporation shall prepare and submit to the Governor not later than six months after the end of each year, a report on the activities of the Corporation during the immediate preceding year, and shall include in such report a copy of the audited accounts of the Corporation for that year and the auditors' report on the accounts.

Internal Auditor

56 (1) The Corporation shall have an Internal Auditor who shall be appointed by the Board under such terms and conditions as may be specified in his letter of appointment.

(2) Subject to the provision of this law, the internal Auditor shall be responsible to the Board for the performance of his function.

(3) As part of his functions under this Law, the Internal Auditor shall at

intervals of three months prepare a report on the internal audit work carried out by him during the period immediately preceding the preparation of the report, and submit the report to the Board for discussion.

- (4) The Internal Auditor's report shall cover the financial transactions of the Corporation.
- (5) Without prejudice to the general effect of sub-section (3) of this section, the Internal Auditor shall make in each report such observations as appear to him necessary as to the conduct of the financial affairs of the Corporation during the period to which the report relates.
- (6) The Board shall transmit such report to the supervising Ministry who shall forward same to the Governor.

Power to Accept Gifts **57**

- (1) The Corporation may accept gifts of land money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift.
- (2) The Corporation shall not accept gifts if the conditions attached by the person or organization offering the gifts are inconsistent with the functions of the Corporation or against the interests of the State.

Power to Borrow Money **58**

- (1) The Corporation may with the consent of the Governor borrow whether by way of mortgage or otherwise on such terms and conditions as the Board may determine, any such sum of money as may be required in the execution of the function conferred on the Corporation by this Law.
- (2) An approval given for the purpose of this section may be either general or limited to a particular borrowing and any specified conditions.

Investments in stocks, etc. **59**

- (1) Subject to the approval of the Board, the Corporation may;
 - (a) Invest money standing to the credit and not for the time being required for the purpose of the Corporation functions in stocks, shares, debentures or any other securities; and,
 - (b) Sell dispose of or otherwise deal with all or any of such securities on recommendation of the Board and subject to Governor's approval.

Power to raise capital on the stock exchange **60**

- (1) The Corporation may with the approval of the Governor raise capital for the implementation of its developmental plans and programs through the capital market or by issuing Bonds or other instruments, subject to satisfying the requirements of the Stock Exchange.

Guarantee on loans or other **61**

- (1) Subject to the provisions of the relevant Law, the Government may guarantee by an undertaking, the payment of the principal

instruments of the Corporation by the State Government

and interest of any sum or sums borrowed or Bonds issued by the Corporation

- (2) Any sum required by the Commissioner for Finance for the purpose of making good the obligations of the Government under the guarantee shall be charged on the Consolidated Revenue Fund of the State Government subject to the provisions of the Abia State Fiscal Responsibility Law.

Bad Debts

62

- (1) The Corporation may, subject to approval by the Governor write off bad debts of the Corporation.

Proof of moneys due

63

- (1) In any action for the recovery of any rate or other moneys (other than fines and penalties) payable or recoverable under this Law, a certificate under the hand of the Corporation that any sum of money is due, and that the defendant is the person liable to pay the same shall, be evidence of such debt and of non-payment thereof.

Corporation's responsibility to Consumers for continuous supply of water

64

- (1) The Corporation shall ensure efficient, affordable, economical and sustainable access to water Services to all Consumers within its area of operation subject to the:
- (a) availability of resources;
 - (b) need for an equitable allocation of resources to all Consumers within the Corporation's area of operation;
 - (c) need to monitor and ensure access to water Services in an equitable manner;
 - (d) duty of Consumers to pay approved tariff, which must be in accordance with the State Tariff Policy and regulations issued by the;
 - (e) duty to conserve water resources;
 - (f) nature, topography, zoning and situation of the area in question;
 - (g) right of the Corporation to limit or discontinue the provision of water Services if there is a failure to comply with reasonable conditions set for the provision of such Services.
 - (h) need to carry out inspections, tests, or repairs and for the making of new connections; and,
 - (i) need to effect alterations and modifications to its pipelines and other facilities or general maintenance of the water works subject to Notice as may be determined by Regulations of the Ministry.
- (2) The Corporation shall not be under any obligation to pay compensation for loss, damages or inconveniences caused to any consumer through any suspension, failure, discontinuance or

a total or partial interruption of the supply of water howsoever caused in furtherance of sub-section (1) of this section except in the case of negligence on the part of any employee or agent of the Corporation.

(3) The Corporation shall take reasonable steps to notify the public ahead of time of any proposed interruption in the provision of water Services subject to any regulations by the Ministry with respect to same.

Rates and scales of charges **65**

(1) The Corporation shall fix rates and scales of charges payable for water supply and other Services within its areas of operation in accordance with a methodology for tariff setting based on a cost reflective and ability to pay study.

(2) The water rates and charges may be fixed at different rates for different locations and different users as shall be approved by the Regulatory Agency.

(3) In fixing the rates and charges for water supply and other Services, the Corporation shall consult with the Consumers to whom such rates shall be applied to determine their willingness to pay for specified service levels and Service delivery methodology as well as tariff impact assessment for planning purposes.

(4) Subject to sub-section 1 of this section, the Corporation shall review the tariff annually to reflect inflation, changes in cost of inputs and other social considerations.

Application for water supply **66**

(1) The Corporation may supply water to a premises upon application of the owner or occupier pursuant to any Rules and Regulations issued by the Ministry.

(2) The Corporation may refuse to supply water to any particular premises except by a meter installed and maintained by the Corporation;

(a) Provided that the Corporation shall not disconnect any user or fail to connect a potential consumer for the failure of the Corporation to provide such meter in accordance with service regulations issued by the Ministry.

Prohibition of sale of water supplied by the Corporation **67**

(1) As from the commencement of this Law, no person shall resell water supplied by the Corporation except pursuant to a Contract or other Agreement with the Corporation for that purpose:

(a) Provided that no Authority shall be required for the sale of any manufactured goods or other commodities in which water supplied by the Corporation is included such water having been from the Corporation in the first place.

(2) A person who contravenes the provision of (1) of this Section shall be guilty of an offence punishable under S.56 of this Law.

Payment for Water Rates and Charges	68	<p>(1) The owner or occupier of any premises to which water is supplied by the Corporation shall pay to the Corporation such rates and charges for water supply or other service as may from time to time be determined by the Corporation and approved by the Ministry.</p> <p>(2) Where any person fails to pay water rates or charges within one month or any other period after the delivery to such person of a notice of default, the Corporation may discontinue Service to such premises and take steps to recover such rates or charges in accordance with regulations issued by the Ministry for that purpose or by an action brought before a court of competent jurisdiction.</p>
Corporation shall not be liable for damaged installation works	69	<p>(1) The Corporation shall not be liable for the malfunctioning or safety of any installation or appurtenances in a Customer's premises, only by reason of the connection of such installation to the Corporation' supply network unless such damage is due to the negligence of the agent, servant or employee of the Corporation.</p>
Maps of waterworks	70	<p>(1) The Corporation shall keep, modify and update annually printed and electronic records of the location of:</p> <p style="padding-left: 40px;">(a) all resource mains, water mains or discharge pipes vested in the Corporation ; and</p> <p style="padding-left: 40px;">(b) any other underground pipes, other than a service pipe, which are vested in the Corporation.</p> <p>(2) Any modification of the records by the Corporation pursuant to subsection (1) of this section, shall be made as soon as practicable and the date of such modification and completion of the work resulting in the modification shall be incorporated into the records.</p> <p>(3) The Corporation shall ensure that the contents of any records kept by it under this section are available, at all reasonable times, for inspection by the public free of charge at any office of the Corporation upon application in writing to the Corporation:</p> <p style="padding-left: 40px;">(a) PROVIDED that where copies of such information are required, the Corporation may charge a reasonable fee for the provision of such copies thereof.</p> <p>(4) Any information which is required under this section for inspection by the public shall be made available in the form of a map.</p>
Establishment of the Customer Care Centre	71	<p>(1) There shall be established by each service provider a customer care complaints unit in accordance with regulations to be issued by the Ministry.</p>
Limitation of suits against the	72	<p>(1) No suit shall be instituted in any court against the Corporation, a Member of the Board of the Corporation in his capacity as</p>

Corporation, Pre-action Notice, etc.	72.	<p>member, the MD, or any staff, or other employees of the Corporation for any act done in pursuance or execution of this Law, or public duties or in respect of any alleged neglect or default in the execution of this Law, duties or Authority, unless –</p> <p>(a) it is commenced within six months immediately following the act, neglect or default complained; or</p> <p>(b) in the case of continuation of damage or injury, within six months next after the ceasing thereof.</p> <p>(2) No suit shall be commenced against the Corporation, the MD or any staff, or other employees of the Corporation before the expiration of a period of one month after written notice of intention to commence the suit shall have been served on the Corporation by the intending plaintiff or his agent; and the notice shall clearly and explicitly State the following:</p> <p>(a) cause of action;</p> <p>(b) particulars of claim;</p> <p>(c) name and place of the abode of the intending plaintiff; and,</p> <p>(d) relief which he claims.</p>
Service of Documents	73.	<p>(1) Notice or other documents required or authorized to be served upon the Corporation under the provisions of this Law may be served by delivering the same to the MD or by sending it by registered post and addressed to the MD at the principal office of the Corporation.</p>
Restriction on execution against the Corporation's property	74.	<p>(1) In any action or suit against the Corporation, no execution or attachment of property in the nature thereof shall be issued against the Corporation's waterworks, treatment plants or other infrastructure of the Corporation.</p>
Personal Immunity of Members, agent, etc.	75.	<p>(1) No Member of the Governing Board, agent, officer or other employee of the Corporation, or Member of any committee appointed by the governing Board under this Law shall be personally liable for an act of default of the Corporation, done or omitted to be done in good faith and without negligence in the course if the operations of the Corporation.</p>
Indemnity of officers of the Corporation	76.	<p>(1) Every Member of the Corporation, agent, officer or employee of the Corporation shall be indemnified out of the assets of the Corporation against any liability incurred by him in defending any proceeding, if any such proceeding is brought against him in his capacity as such Member, agent, officer or employee of the Corporation.</p>
Directives by the Governor	77.	<p>(1) The Governor may give written directives to the Corporation of general or specific nature relating to matters of Policy with regards to the performance by the Corporation of its functions under this Law and it shall be the duty of the Corporation to</p>

comply with the directives or cause them to be complied with:

(a) Provided that the cost of implementing such directives shall be borne by the State Government.

Authentication of Documents 78.

- (1) The use of the common seal of the Corporation shall be authenticated by two signatures as follows:
 - (a) The signature of the MD of the Corporation or some other Members of the Board authorized by the Chairperson to authenticate the application of the seal; and
 - (b) the signature of the Corporation's Secretary or some other officers of the Corporation authorized by the Chairperson to act in the Secretary's place for that purpose.
- (2) The Corporation may by instrument in writing under its common seal, empower any person either generally or in respect of any specified matters, as the Attorney, to execute Deeds on its behalf in any place not situated in the State and every Deed signed by such Attorney on behalf of the Corporation and under her Seal, shall be binding on the Corporation and have the same effect as if it were under the common seal of the Corporation.
- (3) Any instrument or contract which, if executed or entered into by a person other than a body corporate, would not require to be under Seal may be executed or entered into on behalf of the Corporation by any Member of the Board if such person has previously been authorized by a resolution of the Governing Board to execute or enter into the particular instrument or contract.
- (4) The Corporation if it thinks fit, may, by writing under its common seal, appoint any person outside the State as Agent to execute an instrument or enter into a contract and the instrument or contract if executed or entered into on behalf of the Corporation shall have effect as if it had been duly executed or entered into by the Corporation for the purpose of this sub-section.
- (5) Every Document purporting to be an Instrument executed or issued by or on behalf of the corporation and purporting to be:
 - (a) sealed with the common seal of the corporation authenticated in the manner provided by sub-section (1) of the section; or
 - (b) signed by and under the seal of a person appointed as Attorney under subsection (2) of this section; or
 - (c) signed by a Member of the Governing Board or other person authorized in accordance with sub-section (3) of this section to act for that purpose shall be deemed to be so executed or issued until the contrary is shown.

Certain provisions relating to Defaulters, etc.

79.

- 79** (1) Where any person contravenes any of the provisions of this Law, the Corporation may, without prejudice to the rights of the Corporation to commence proceedings against any defaulter –
- (a) serve a Notice in writing on the defaulting occupier or consumer; and
 - (b) authorize or cause an officer or employee of the Corporation to enter and alter, disconnect, stop or remove any water fittings or appurtenance, belonging to or used by such defaulting occupier or consumer.
- (2) Where an occupier or consumer fails to remedy the default or contravention referred to in subsection (1) of this section, the Corporation may cause repairs, replacement and re-connection of the water fittings and the Corporation shall recover the cost or expenses reasonably incurred to effect the repairs or replacement or re-connection as the case may be from such defaulter.

Provisions relating to Acquisition of Land

80.

- 80** (1) Wherever it appears to the Corporation that any land in the urban areas of the State is required for the purpose of any waterworks, the Corporation shall, subject to the Land Use Act, Cap L5, Laws of the Federation of Abia, Nigeria 2004 apply to the Governor for allocation of such land including an application for approval for its officers or agents to enter upon the land and –
- (a) survey and take levels of the land
 - (b) dig or bore hole under the subsoil; and
 - (c) do such other things as are necessary to ascertain whether the land is adapted for such purposes including the conduct of Environmental Impact Assessments provided that no such officer, agent, servant or employee of the Corporation shall enter any building or any enclosed court or garden attached to a dwelling house (except with the consent of the occupier) except at least seven days' notice of intention to enter shall have been given to such occupier.
- (2) Where any entry made under subsection (1) of this section occasions any damage requiring the payment of compensation, the Corporation shall pay reasonable compensation in the circumstances.

Abstraction by Fire Authorities

81.

- 81** (1) Any fire Authority may abstract water free of charge from any public fountain, service or waterworks of the Corporation for the purpose of prevention or control of fire subject to prescribed conditions by the Corporation provided that water shall not be abstracted by any fire Authority for the purpose of testing any firefighting appliance except with the consent of the Corporation and such consent should not be unreasonably withheld.

Any main, pipe, valve, hydrant, service or other waterworks required within the area of operation of the Corporation by any fire Authority in the discharge of its functions to prevent and control fire shall be provided by the Corporation upon payment by the fire Authority of the requisite costs as the Corporation may determine provided that such main, pipe, valve, hydrant, service or other waterworks shall vest in the Corporation and shall be maintained by the Corporation.

Part IV

ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF ABIA STATE SMALL TOWNS WATER SUPPLY AND SANITATION AGENCY

- Establishment of the Small Towns Water Supply and Sanitation Agency*** **82.**
- (1) There is hereby established a body to be known as the ABIA State Small Towns Water Supply and Sanitation Agency (ABSTOWASSA).
- (2) The ABSTOWASSA shall:
- (a) be a body corporate with perpetual succession and a common seal;
 - (b) have power to sue and be sued in its corporate name; and
 - (c) be capable of holding, purchasing, acquiring and disposing of property, movable and immovable.
- (3) All existing and new State-owned and new water supply and water Sanitation infrastructure in the small Towns listed in schedule 2 are hereby vested in ABSTOWASSA.
- The Governing Board for ABSTOWASSA*** **83.**
- (1) There shall be established a body to be called Governing Board hereinafter referred to as "the Board" of ABSTOWASSA and shall in that capacity:
- (a) exercise all the functions of the Board; and
 - (b) do or carry out all acts or things which the Board is, by this Law, or may, by any other law, be required to do or carry out.
- (2) The Governing body of ABSTOWASSA (hereafter called the "Board") shall consist of:
- (a) a Chairperson;
 - (b) five members who shall be professionals in the field of finance, Law, water engineering, sanitary engineering or public health engineering, and shall include:
 - i. the Commissioner responsible for water resources
 - ii. a representative of the Civil Society Organization (CSO) active in the water sector
 - iii. a representative of the Local Government Council
 - iv. a representative of the Water Consumers Association

- v. the General Manager of the Agency (The GM)
- vi. at least 3% of the members shall be a woman.

(3) The Chairperson and other members of the Board shall be appointed by the Governor.

(4) The Board shall meet to conduct the business of the Board once every quarter and at such other times as the Chairperson may determine.

(5) The provisions contained in Schedule IV to this Law shall have effect with respect to the proceedings of the Board and other matters mentioned therein.

Remuneration of members of the Board.	84.	(1) There shall be paid to the members of the Board such allowance as the Governor may determine.
Tenure of Office of Members.	85.	The Chairperson and board members shall hold office for a term of four (4) years and may be reappointed for another four years.
Remuneration of the Board.	86.	(1) Board Members shall be paid such allowances as the governor may approve upon recommendation of the Chairperson of the Board.
Specific Duties of the Board;	87.	<p>(1) The specific duties of the Governing Board shall include but not be limited to the following:</p> <ul style="list-style-type: none"> (a) Making strategic decisions on the activities and mandate of ABSTOWASSA; (b) Reviewing and approving ABSTOWASSA's business plans, budget and performance; (c) Approving pre-qualification and selection of Water Consumer Associations in line with the mandate of ABSTOWASSA. (d) Monitoring implementation of State WASH Policy direction as it relates to small towns water supply and sanitation service delivery. (e) Approving and monitoring the implementation of the ABSTOWASSA's water services development plan, and, (f) Any other business which may be considered necessary by the Board in pursuance of ABSTOWASSA's function as provided in this Law.
Quorum	88	<p>(1) The quorum for a meeting of the Board of ABSTOWASSA shall be two-third of board members, including the Chairperson and the General Manager:</p> <ul style="list-style-type: none"> (a) The Chairperson shall preside at meetings of the board and in his absence; the members present at the meeting shall

elect one of their members to preside.

**Functions of
ABSTOWASSA 89**

- 89** (1) The functions of ABSTOWASSA shall be to;
- (a) establish, control, manage, extend and develop water works as ABSTOWASSA may consider necessary for the purpose of providing wholesome, potable water for consumption of the public in the relevant Small Towns;
 - (b) enter into agreement with registered Water Consumer Associations (WCA) in the relevant areas for carrying out any part of the ABSTOWASSA's functions as may be deemed necessary for the purpose of ensuring the participation of the local Community in water and sanitation services delivery in their area.
 - (c) collaborate with the State Ministry responsible for Water Resources Development to develop, review and implement the Abia State Water and Sanitation Policy for the purpose of attaining good delivery of water, sanitation and hygiene services in small towns in the State;
 - (d) collaborate with relevant Ministry, Department, Agency, and small towns in the State to design, construct and rehabilitate appropriate Water and Sanitation technology options desired by any small town in the State.
 - (e) collaborate with relevant Ministry, Department, Agency's, and small towns in the State to ensure standards for Water and Sanitation facilities are adhered to by service providers.
 - (f) partner with relevant Ministry, Department, Agency's to facilitate the provision of funds for development and implementation of sustainable Water and Sanitation programs in small towns in the State
 - (g) ensure coordination of all small towns' water supply and sanitation schemes vested in the agency with full collaboration with LGAs and WCAs.
 - (h) ensure that small towns WCA are organized as stated in the State WASH Policy participate in or undertake the management, operation and maintenance of water supply schemes in their jurisdiction.
 - (i) oversee and approve contracts or agreements to be executed by WCAs with a Private Service Provider for any aspect of water supply operations for the benefit of the Community.
 - (j) develop appropriate Water and Sanitation technology options for small towns and in conjunction with the LGA WASH units or Departments guide WCAs to make informed decision

on choice of appropriate technology for their small town.

(k) conduct or organize the conduct of research with respect to water supply, water development and matters connected therewith;

**General Powers
of the
ABSTOWASSA 90**

90

- (1) The ABSTOWASSA shall, subject to the provisions of this Law, have Powers for the purpose of carrying out its functions to:
- (a) ensure the effective implementation of the policies and procedures of the semi-urban/small town schemes;
 - (b) issue appropriate regulations and guidelines, as approved by Ministry responsible for Water Resources, to maintain the viability of the schemes;
 - (c) in collaboration with the Ministry responsible for Water Resources, license, regulate and supervise semi-urban/small town schemes;
 - (d) establish departments for the Agency for effective exercise of its functions and powers under this Law;
 - (e) establish and maintain offices and make other administrative arrangements as may, in its opinion, be necessary or expedient for the effective performance of its functions across the semi-urban/small towns of the State;
 - (f) own all water services assets and construct new water services assets within the State;
 - (g) fix rates and charges payable by customers for water supplied by ABSTOWASSA or the WCA within the State subject to the approval of the Regulator.
 - (h) prepare development plans for the maintenance and development of water supply services assets and new water services assets;
 - (i) undertake any land acquisition procedure necessary for the performance of its functions, in accordance with all valid legislation;
 - (j) procure water abstraction rights from the relevant authorities and may assign such rights under and service provision Agreements;
 - (k) do anything for the purpose of advancing the skill of persons employed by ABSTOWASSA or the efficiency of the equipment of ABSTOWASSA or the manner in which the equipment is operated including the provision of facilities for training, education and research for sector practitioners;
 - (l) write off bad debts with the approval of the Governor;
 - (m) accept gifts from any benefactor subject to terms and

conditions that are not inconsistent with the mandate of ABSTOWASSA.

(2) ABSTOWASSA shall have power for the purpose of carrying out its functions to do all such activities as appear to it to be requisite, advantageous, or convenient and may carry on any activities in that behalf either alone or in association with any other person or body in accordance with this Law.

**The General
Manager 91**

- 91 (1) There shall be appointed by the Governor an officer of ABSTOWASSA to be known as the General Manager and shall, subject to the general directives of the Board;
- (a) be the Chief Executive and Chief Accounting Officer of ABSTOWASSA;
 - (b) be responsible for the implementation of the decisions and policies of the Board of ABSTOWASSA as well as the general administration of ABSTOWASSA ;
 - (c) perform such other duties as the Board of ABSTOWASSA or the Chairperson may from time to time direct;
- (2) The General Manager shall:
- (a) be a person of integrity with relevant qualification in Engineering, or Geological Sciences, or the Physical Sciences or other relevant discipline and registered with their Professional bodies, with a minimum of ten (10) years relevant professional experience and:
 - i. if appointed from within the Public Service shall not be below the level of an Assistant Director.
 - ii. if appointed from the Private Sector shall have held a senior Management position for a minimum of ten (10) years in a private organization and shall exhibit relevant experience for managing a large organization.
 - (b) be appointed pursuant to a Performance-Based Contract for a term of 5 years which may be renewable upon considerations of the improved financial, managerial, operational, and other relevant indices of ABSTOWASSA.
- (3) A General Manager appointed from within the Public Sector shall be entitled to career progression along with his peers in accordance with the civil Service Rules for the period of the appointment.
- (4) A report shall be submitted by the General Manager to the Board on a quarterly basis as an assessment of the performance of the General Manager which shall also include a proposed action plan. Such report as may be approved or amended shall be further submitted by the Board to the Governor.

- Rates and scales of charges** 92. (1) ABSTOWASSA , shall from time to time, and in consultation with the WCA or other Service Providers operating in a small Town, fix rates and scales of charges payable for water supply and other services within the small Towns in accordance with a methodology for tariff setting earlier approved by the Commission.
- Provision of water and Sanitation Services** 93. (1) ABSTOWASSA shall provide water supply and Sanitation Services either directly or in collaboration with the WCA formed in a small Town for that purpose.
- (2) Where ABSTOWASSA partners with a WCA to provide water Services, it shall be by way of a Memorandum of Understanding which provides for the Terms and Conditions of such partnership including handover of operation of the scheme where this is agreed.
- (3) The ownership of all schemes constructed and or operated by ABSTOWASSA either alone or in conjunction with a WCA shall remain vested in ABSTOWASSA; only the operation and maintenance of the Scheme may be handed over to the WCA.

PART V

ESTABLISHMENT, COMPOSITION, FUNCTIONS, POWERS OF ABIA STATE RURAL WATER SUPPLY AND SANITATION AGENCY

- Establishment of the Abia State Rural Water Supply and Sanitation Agency** 94. (1) There is hereby established for the State, a body known as the Abia State Rural Water Supply and Sanitation Agency (hereinafter referred to as "RUWASSA") which shall:
- (a) be a body corporate with perpetual succession
 - (b) have a Common Seal;
 - (c) sue and be sued in its corporate name; and
 - (d) own and dispose movable or immovable property;
- (2) The Objectives of RUWASSA shall be to provide technical assistance to communities and the LGAs in the rural areas in the establishment, construction, management and maintenance of water supply and sanitation infrastructure, and hygiene promotion in the communities.

Establishment and composition of the Board of RUWASSA	95.	95	<p>There is established for RUWASSA, a part time Board which shall comprise:</p> <p>(1) A Chairperson who shall be the Commissioner responsible for Water Resources;</p> <p>(a) Commissioner, Ministry responsible for Education;</p> <p>(b) Commissioner, Ministry responsible for Women Affairs;</p> <p>(c) Commissioner, Ministry responsible for Local government affairs;</p> <p>(d) Commissioner, Ministry responsible for Health;</p> <p>(e) Commissioner, Ministry responsible for Environment; and</p> <p>(f) The General Manager of RUWASSA.</p> <p>(2) Any of the Board members may be represented by an officer of the Ministry not below the rank a Director.</p>
Allowances	96.	96	<p>(1) The Chairperson and other members shall be paid such allowances as may be applicable in the State Public Service.</p>
Functions of the Board of RUWASSA	97.	97	<p>(1) The functions of the Board shall be to;</p> <p>(a) provide guidelines for the performance of its functions and the exercise of the powers of RUWASSA under this Law;</p> <p>(b) give guidelines on the management and development of RUWASSA;</p> <p>(c) do such other things and acts that the Board may require for carrying into effect the provisions of this Law?</p>
Proceedings of the Board	98.	98	<p>(1) The Board Proceedings shall be conducted in accordance with the proceedings of the Board and other matters mentioned therein.</p>
Functions of RUWASSA	99.	99	<p>RUWASSA shall:</p> <p>(1) in consultation with the WASH Departments of the relevant LGAs and the WASHCOMS in the communities, agree and design appropriate technology for water supply to each community and coordinate the construction, rehabilitation and supervision of same;</p> <p>(2) issue certificate of compliance with standards set by the COMMISSION for the construction of water schemes and hand over such schemes to the community for management and operation, subject to the technical supervision by RUWASSA and the LGA WASH Departments;</p> <p>(3) support the implementation of State Rural Water Supply Program at the rural areas;</p> <p>(4) design and supervise the construction of all new sanitation</p>

facilities in the rural areas, rehabilitate monitor and improve all existing sanitation facilities and support the State Rural Sanitation Program;

- (5) liaise with the Federal and State Government MDAs and external support Agencies in the design and implementation of program and projects in rural water supply, and Water-related Sanitation and Hygiene activities at the rural areas;
- (6) commission and support studies and research projects that will facilitate the execution of the functions of RUWASSA;
- (7) undertake WASH education and create awareness of WASH principles in the communities, particularly in schools and amongst women and children;
- (8) organize technical training of staff of LGA WASH department key officers on the WASHCOMs and local artisans for the operation and maintenance of the water supply schemes and sanitation facilities;
- (9) promote improvement of traditional sources of community water supply (protected springs, orifices, protected hand dug wells, rainwater harvest etc.);
- (10) promote construction and maintenance of public toilet facilities and household toilet facilities;
- (11) promote Community - Led Total Sanitation (CLTS) and issue certificate of open- defecation free status to compliant communities;
- (12) promote appropriate technology for the construction of toilet facilities in coastal areas; and
- (13) perform such other activities as may be necessary in furtherance of its functions under this law.

**Powers of
RUWASSA**

100

- (1) Subject to the provisions of this Law, RUWASSA shall, for the purpose of carrying out its functions under this Law, have power to carry on all activities which are necessary, advantageous or convenient in the rural areas.
- (2) without prejudice to the generality of the foregoing, RUWASSA shall have Powers to;
 - (a) prepare such Master Plans as may be necessary for the development and maintenance of rural water and sanitation infrastructure;
 - (b) create awareness of the WASH Policy and sector reform principles, and undertake necessary activities to carry same into effect;
 - (c) organize Communities to form community improvement or

development unions or associations (to be known as WASHCOMS) under elected leadership to act as the apex organization for the implementation of rural programs initiated by RUWASSA, the LGA, or the communities themselves;

- (d) to do anything for the purpose of advancing the skills of persons employed by RUWASSA, including facilities for training, education and research for the efficient running of the services of RUWASSA;
- (e) construct and maintain buildings and other works necessary for the discharge of its functions under this Law;
- (f) acquire, purchase, lease, hold, construct, manufacture, maintain or insure any property whether movable or immovable, required for or in connection with the performance of its functions and to sell, lease, dispose of, or otherwise deal with such property or any part thereof subject to the approval of the Governor in instances of sale; and
- (g) enter into PPP arrangements with the private sector for the purpose of carrying out any of the functions of RUWASSA under this Law.

**Administrative
Organization of
RUWASSA 101.**

- 101** (1) RUWASSA shall have powers to establish and maintain such major departments, subsidiary divisions, sections, branches and field offices and make all other administrative arrangements as may in its opinion be necessary or expedient for the performance of its functions under this Law.

**Departments and
Responsibilities
102.**

- 102** (1) RUWASSA may establish Departments for the effective performance of its functions including but not limited to the following –
- (a) Community Mobilization, Health and Hygiene Education Department;
 - (b) Sanitation Department;
 - (c) Water Supply Department;
 - (d) Planning, Monitoring and Evaluation Department; and
 - (e) Administration and Finance Department.

**Establishment of
Local
Government
Council (LGC)
WASH
Departments
103.**

- 103** (1) There shall be established, in each Local Government Council in the State, Rural Water Supply, Sanitation and Hygiene Department (hereinafter called the WASH Department);
- (2) The Officers of the WASH Department shall include but may not be limited to:
- (a) The Head of Department, and the officers responsible for;
 - i. Water Supply;

- ii. Sanitation;
- iii. Community Mobilization, Health and Hygiene Education;
and
- iv. Planning, Monitoring and Evaluation.

(b) The functions of the WASH Department shall be to:-

- i. liaise between RUWASSA and all the communities in the area;
- ii. develop annual water sector developmental plans and budget for the Local Government in consultation with relevant WASHCOMS and submit same to RUWASSA as part of the State rural water sector development plan;
- iii. encourage and support communities to mobilize, organize and establish Water supply Sanitation and Hygiene Committees with a minimum of 35% women representation;
- iv. compile inventory, monitor operations, and provide technical assistance on maintenance of water supply and sanitation facilities in the communities;
- v. identify and train hand pump mechanics, caretakers, latrine artisans and hygiene facilitators;
- vi. maintain records of plans and requests concerning Water Supply and Sanitation, Hygiene Education and other sanitary activities in all communities;
- vii. mobilize and support Community linkages with relevant developmental Agencies and Organizations;
- viii. encourage and support teachers in primary and Post Primary Schools to teach and promote hygiene education to pupils and members of the community;
- ix. contribute to the eradication of Water and Sanitation related diseases in the Communities;
- x. liaise with other Agencies for progress reports, policy guidelines and standards;
- xi. collaborate with Non-Governmental Organizations, Community Based Organizations, and communities to promote the rehabilitation or construction of Water and Sanitation facilities in schools;
- xii. train the WASHCOM members to plan and implement water and sanitation services in their communities;
- xiii. promote awareness of environmentally friendly activities in communities;

- xiv. promote good hygiene practices in the utilization and maintenance of water and sanitation facilities; and,
- xv. provide, coordinate and supervise the construction of low cost latrines such as Ventilated Improved Pit (VIP) latrines, SANPLAT, Pour Flush, Pier Latrines in the Local Government Areas,

**Establishment of
WASHCOMS 104**

104

- (1) There shall be established for each community in the Local Government Area, a Water Supply, Sanitation and Hygiene Committee (in this Law referred to as "WASHCOM").
- (2) WASHCOM shall be registered by the LGC and a certificate issued shall serve as evidence of such registration.
- (3) WASHCOM shall comprise of the following with 35% representation of women:
 - (a) Chairperson;
 - (b) Secretary;
 - (c) Treasurer;
 - (d) Financial Secretary; and
 - (e) Two Ex-officio members
- (4) WASHCOM shall:
 - (a) be formed in the rural areas as the village level water sanitation and hygiene committees for the management of water supply and sanitation facilities on behalf of the Community;
 - (b) enhance community ownership of WASH facilities and be responsible for determining the cost of operation and maintenance of water points in their areas;
 - (c) be responsible for fixing and collection of water point tariffs for the operation and maintenance of the water points;
 - (d) be responsible for basic hygiene education, sensitization activities, and community advocacy;
 - (e) collaborate with the WASH Departments and RUWASSA on water supply sanitation and hygiene Programs of the Federal, State or Local governments on behalf of the Community;
 - (f) encourage development of skills of members to promote community participation with the active involvement of women;
 - (g) participate in planning, design, construction, and operation of Community WASH facilities;
 - (h) promote household food and water security in the Community by encouraging prudent use of water and preventing

wastage;

- (i) support the immunization and the provision of nutritional supplements for children in the community;
- (j) contribute to the eradication of Water Supply and sanitation related diseases in the community;
- (k) mobilize the community to take active part in the construction of water supply and Sanitation facilities;
- (l) collaborate with the WASH Departments in the preparation of the WASH development Plans for the community;
- (m) support and promote Community Led Total Sanitation (CLTS) in the community;
- (n) ensure that the community contributes to part financing of small scale water supply facilities or extension schemes as appropriate;
- (o) participate in project design and implementation;
- (p) be responsible for policing of water infrastructure to report leakages and protect it against vandalization.

**General
Manager (GM),
Secretary and
other Staff of
RUWASSA. 105**

- 105** (1) The Governor shall appoint a General Manager for RUWASSA who shall be:
- (a) the Chief Executive Officer and Chief Accounting Officer; responsible for the implementation of the decisions and policies of the Board and the general administration;
- (2) The General Manager shall –
- (a) perform such other duties as the Board may from time to time direct;
 - (b) be responsible for the execution of the State WASH policies; and
 - (c) be a qualified professional in a discipline relevant to water supply and sanitation service delivery or water resources management with not less than ten years cognate experience in the sector;
 - (d) hold office for a period of five years which term may be renewed for a further term of five years and no more;
 - (e) The GM shall be paid such remuneration not less than that paid to a Permanent Secretary in the Civil Service of the State.

**Other Staff of
RUWASSA 106**

- 106** (1) RUWASSA may appoint such number of staff and other employees as it may require either directly from the private sector or by way of deployment from the State Public Service to assist in the discharge of its functions under this Law.
- (2) RUWASSA may determine generally the terms and conditions of

service which shall include;

(a) conditions for the appointment, promotion, termination and dismissal of staff and employees; and,

(b) procedure for appeals by staff and employees against dismissal, termination or other disciplinary measures:

i. PROVIDED that until such conditions of service are made, any instrument relating to the condition of service in the Public Service of the State shall be applicable, with such modifications as may be necessary to staff and employees of RUWASSA

(3). RUWASSA shall determine the remuneration of its staff and employees after consultation with the Department of Establishment and Service Matters of the State or any other Agency of government responsible for such matters.

(4) Service in RUWASSA shall be approved service under the relevant Pensions Law and accordingly, staff and employees of RUWASSA shall be entitled to pensions, gratuities and other retirement benefits as prescribed under such Law.

(5) Without prejudice to the provisions of sub-section (4) of this section, nothing in this Law shall prevent the appointment of any person to any office on terms which preclude the grant of pensions, gratuity or other retirement benefits with respect to that office.

**Funds of
RUWASSA**

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(1) The funds and resources of RUWASSA shall consist of –

(a) all fees, charges and other revenue accruing to RUWASSA by virtue of its operations;

(b) all sums, investments, or other property whatsoever vested in RUWASSA under this Law;

(c) such sums or other property whatsoever as may from time to time be advanced by way of Loans or grants to RUWASSA, by the Federal Government, State Government, Local Government, any international organization, private foundation or any person whatsoever;

(d) all budgetary allocations approved for RUWASSA by the State House of Assembly; and

(e) all other sums or other properties whatsoever which may in any manner become vested in RUWASSA under this law or any other Law.

(2) Funds for Capital Projects

(a) The funds of RUWASSA for capital projects for the provision of water supply, sanitation facilities and hygiene promotion shall include contributions from the State and the Local

Governments as well as from the community in cash or kind as a token of commitment to the Project in ratios as may be agreed during Project design.

(b) The Community, through RUWASSA may apply for contributions and support from the Federal, State and Local Governments and donor agencies for necessary funds for their capital projects.

Annual Estimates, Accounts and Audit	108	<p>(1) The provisions for annual budgets, accounts and audits shall be made in accordance with appropriate Laws on planning, budgeting and auditing;</p> <p>(2) RUWASSA shall cause to be kept proper accounts and receipts, payments credits and liabilities in satisfactory financial standards and shall submit the same from to time with vouchers to be audited by the Auditor-General of the State;</p> <p>(3) At the end of every financial year, the Auditor-General shall submit the report of his audit of the accounts of RUWASSA to the Governor;</p>
Bank Accounts	109	<p>(1) RUWASSA shall operate Bank accounts for its capital Projects with reputable Banks and the signatories to the accounts shall be the GM and the Head of Accounts, or in their absence any other two persons authorized by the Board.</p> <p>(2) RUWASSA shall also operate Bank accounts with similar mandate to subsection 1 above for its recurrent expenditure which account shall be operated separately from the Capital Projects account.</p>
Borrowing Powers	110	<p>(1) Subject to the approval of the Governor and the provisions of any relevant Law, RUWASSA may borrow any sum of money as it may require in the exercise of its functions under this Law.</p>
Handover of completed facilities	111	<p>(1) All projects initiated by the Community and constructed under the supervision of RUWASSA with contributions from the community shall, when completed, be handed over to be operated and maintained by the WASHCOM of the beneficiary Community pursuant to a Transfer Agreement.</p> <p>(2) Every benefiting Community shall provide security on project sites during construction and after due handover by RUWASSA.</p> <p>(3) Completed project shall be certified by RUWASSA and the WASH department as meeting standards for the construction of such works issued by the COMMISSION and industry practice.</p>
Payment for RUWASSA's Services	112	<p>RUWASSA may prescribe fees and charges for any of its services as may be approved by the COMMISSION and such fees shall be published in the Official Gazette of the State Government.</p>

- Gifts, Grants, etc. 113** (1) RUWASSA shall not accept any gift, grant, bequest or devise, if the conditions attached by the person or organization making it are inconsistent with the functions of RUWASSA and the interest of the State.
- Authentication of Documents 114** (1) The Common Seal of RUWASSA shall not be used or affixed to a document unless in pursuance of a resolution duly passed at a meeting of the Board.
- (2) The Seal of RUWASSA shall be authenticated by the signature of the Chairperson and the GM.
- (3) Any contract or instrument, which would be required to be under Seal if executed by a person, may be entered into or executed on behalf of RUWASSA by any person generally or specifically authorized in that behalf by the Board.
- (4) Any document purported to be a document duly executed under the Seal of RUWASSA shall be received in evidence and shall unless the contrary is proved, be deemed to be so executed.
- Assets of RUWASSA 115** (1) All WASH assets of the State Government in rural areas vested in the Water Board or other State Government owned bodies (transferred assets) immediately before the coming into effect of this Law shall by virtue of this Law and without further assurance be vested in RUWASSA hereby established.
- (2) Such assets shall include all rural water supply infrastructure constructed by the State Government or any of its Agencies prior to the commencement of this Law and shall include Land, works, and other property, assets, powers, rights and privileges appertaining thereto or enjoyed in connection therewith.
- (3) All liabilities and obligations of the government in respect of any of the transferred assets falling due or to be discharged after the commencement of this Law shall become the liabilities and obligations of RUWASSA;
- (4) Provided that RUWASSA shall not be liable or obliged to repay to the Government any loan or part thereof made before the commencement of this Law by the State Government to any Local Government Council for the construction or otherwise in respect of any transferred water works not yet repaid to the Government by the Council before the commencement of this Law.
- (5) Every deed, bond agreement, instrument or contract to which the State Government was a party for the construction or otherwise in respect of any of the transferred assets shall subject to the provisions of this section and unless the circumstance otherwise requires have effect from the commencement of this Law as if;

- (a) RUWASSA had been a party thereto;
 - (b) any reference to the Government therein, shall be a reference to RUWASSA with respect to anything required to be done before the commencement date
- (6) Where, by the operation of any of the forgoing provisions of this section, any of the transferred assets including lands, works , or other property, assets, powers, rights and privileges are vested in RUWASSA, RUWASSA shall, from the commencement date, exercise the same rights powers and remedies, and in particular the same rights and powers as to the taking and resisting of legal proceedings for ascertaining, performing, protecting or enforcing as the circumstance may require such transferred assets or other properties, assets, powers, rights or privileges of RUWASSA. Any legal proceedings by or against the State Government pending upon the commencement date in respect of same shall be continued by or against RUWASSA.
- (7) It shall be the duty of the appropriate authority to prepare and deliver to RUWASSA such particulars as RUWASSA may require in respect of such transferred assets.
- (8) Nothing in this section shall be construed as purporting to derogate from the provision of any Act of the National Assembly relating to the transfer or vesting of any class of property, Rights or liability and such measures as are necessary in accordance with these provisions shall be taken to ensure the vesting of such property, right and liability in RUWASSA either on the commencement date or so soon as may be thereafter, and upon such vesting, the preceding provisions of this section relating to the consequence of the vesting of properties, rights and liabilities shall have effect accordingly.
- (9) Assets in communities where WASHCOMS have been formed shall be transferred to such WASHCOMS to be owned, operated and managed by WASHCOMS subject to terms and conditions of a Transfer Agreement between the relevant WASHCOM and RUWASSA.
- (10) RUWASSA and the WASH Department of the LGC shall continue to provide technical advisory services to the WASHCOM in the operation of the facilities while the Community will bear the cost of operating and maintaining such Schemes.

**Preliminary
Investigation in
Respect of Land
for Rural
Infrastructures**

- 116 (1) Whenever it appears to RUWASSA that any land in the rural areas of the State is likely to be needed for the purpose of any rural infrastructures, RUWASSA may, by its servants and Agents, together with necessary workers enter upon any such land:
- (a) Survey and take levels of the land;

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- (b) Dig or bore under the subsoil;
 - (c) Do all other acts necessary to ascertain whether the land is suitable for such purposes;
 - (d) Clearly set out and make the boundaries of the land in respect of which it is proposed to make an application provided that no such agent, servant or workman shall enter any building or any enclosed court or garden attached to a dwelling house (except with the consent of the occupier thereof) before at least six weeks' notice of the intended entry has been given to such occupier.
- (2) As soon as any entry has been made under (1) of this section, RUWASSA shall pay compensation for all damages arising out of the exercise of any power conferred by subsection (1) above.
- (3) In the event of a dispute as to the amount of any compensation payable under this section, the amount may be determined by the COMMISSION and upon appeal, by the high court having jurisdiction in the area where the land is situated.

Part VI

OFFENCES AND PENALTIES

- Mobile Court 117** 117 (1) There is hereby established a Mobile Court for the Corporation (hereinafter referred to as "the Court")
- Powers of the Court 118** 118 (1) The court shall have powers to;
- (a) recover all surcharges, fines and penalties levied in furtherance of this Law.
 - (b) determine all matters relating to offences and penalties created under this Law.
 - (c) impose fines prescribed under this Law.
 - (d) effect the arrest of offenders of any of the provisions of this Law or Regulations made hereto.
 - (e) issue an order of general or specific nature as it may deem fit in accordance with the provisions of this Law.
- (2) The Court shall be presided over by a Magistrate.
- (3) The proceedings of the court shall be in accordance with the provisions of the Criminal Procedure Code Law of Abia State.
- Illegal construction of water works 119** 119 (1) No person shall construct any waterworks in the State without obtaining a license from the Ministry and an authorization from the State Ministry responsible for water resources.
- (2) No person shall construct any structure within the waterworks premises.

- (3) Any person who contravenes the provisions of this section commits an offence and shall be liable on conviction to a fine of N 200,000 (Two Hundred Thousand Naira) or to imprisonment for a term not exceeding Six (6) months or to both fine and imprisonment.
- (4) The provisions of subsections (1) and (2) of this section shall not apply to a person who constructs a well having a diameter exceeding 0.3 meters and depth not exceeding 61 meters within his premises for his domestic use.
- Trespass to waterworks 120**
- (1) No person shall construct or put any structure close to any waterworks vested in the Corporation within such distance as may be specified in any code or regulation made in relation thereto.
- (2) Any person who contravenes sub-section (1) of this section shall be liable on conviction to a fine of N200,000 (Two Hundred Thousand Naira) or to imprisonment for a term not exceeding Six (6) months or to both such fine and imprisonment.
- Offences relating to water diversion, Pollution, Etc. 121**
- (1) Any person who –
- (a) willfully damages any water works, public fountain or service; or
 - (b) unlawfully draws, diverts or takes water from any source or from any stream by which any waterworks is supplied, or
 - (c) makes an unauthorized opening or closes any valve, sluice or manhole of any waterworks; or
 - (d) pollutes any water or water source; or
 - (e) allows or causes any foul liquid or gas or other noxious or toxic or injurious substance or matter to be discharged into any water source or any facility of any State owned or private water facilities
- commits an offence and shall be liable on conviction to a fine not less than the sum of N250,000 (Two Hundred and Fifty Thousand Naira) only or to imprisonment for a term not exceeding Twelve (12) months or to both such fine and imprisonment and to a further penalty of N10,000 (Ten thousand Naira) only for each day that the act or omission that constitutes the offence continues.
- Offences Relating to Wastage 122**
- (1) Any person who alters, causes or permits to be altered any pipeline, fittings or fountains of any waterworks leading to wastage of treated water without the consent of the Corporation, commits an offence and shall be liable on conviction to a fine of N250,000 (Two Hundred and Fifty Thousand Naira) only or to imprisonment for a term not exceeding twelve (12) months or to both such fine and imprisonment.
- Offences relating to fraudulent 123**
- (1) Any person who alters, causes or permits to be altered, any pipeline, fittings, meters of any waterworks with the intent to –
- (a) avoid the accurate measurement or register of water by

measurement		means of any Meter
123		<p>(b) obtain a greater supply of water than he is entitled, or to avoid payment for such supply; or</p> <p>(c) willfully or negligently damage, alter, cause or permit to be damaged or altered any meter, commits an offence and shall be liable on conviction to a fine of N200,000 (Two Hundred Thousand Naira) only or to imprisonment for a term not exceeding Six (6) months or to both such fine and imprisonment.</p>
Offences relating to nuisance 124	124	<p>(1) Any person who puts, allows to be put or to remain, or to accumulate on any tenement owned or occupied by him or his servant or agent, any foul material or substance in such manner or place that it causes nuisance or may fall or be washed or be carried into or obstructs any water works of the Corporation , commits an offence and shall be liable on conviction to a fine of N200,000 (Two Hundred Thousand Naira) only or to imprisonment for a term not exceeding Six (6) months or to both such fine and imprisonment to a further penalty of N10,000 for each day that the act or omission that constitutes the offence continues.</p> <p>(2) Any person who allows any material or substance or any nuisance to remain after notice for the cleanup or removal or remediation has been served on him by the Corporation, the supervising ministry or any other relevant State Agency shall, in addition to the penalty specified in subsection (1) of this section, be liable to a further penalty of N10,000 (Ten Thousand Naira) only for each day that the act or omission that constitutes the offence continues.</p>
Obstruction of the staff of the corporation 125	125	<p>(1) Any person who obstructs or assaults any Staff, officer or employee of the Corporation or any other person authorized by Corporation in the course of carrying into effect any of the provisions of this Law commits an offence and shall be liable on conviction to a fine of N300, 000 (Three Hundred Thousand Naira) only or imprisonment for a term not exceeding three (3) years or to both such fine or imprisonment.</p>
Offences of impersonation 126	126	<p>(1) Any person, including Staff of Corporation, who, not being lawfully authorized to carry out any function under this Law and who under any guise or cover holds out himself as having been authorized to enforce any part of this Law commits an offence and shall be liable on conviction to a fine N200,000 (Two Hundred Thousand Naira) only or to imprisonment for a term not exceeding twelve (12) months or both such fine and imprisonment.</p>
Conspiracy 127	127	<p>(1) Any person who conspires with, procures, instigates, aids, or facilitates another person to do anything or act prohibited under any of the provisions of this Law, commits an offence and shall be</p>

liable under the relevant provisions of this Law relating to such offence and shall be punished as if he committed the offence himself.

Unauthorized activities in relation to water supply facilities

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- 128** (1) No person shall:
- (a) Bathe in any part of any reservoir; or
 - (b) Wash or throw clothes, materials or things into any reservoir; or
 - (c) Wash or cause any horse, dog, goat, pig or any other animal to enter any reservoir; or
 - (d) Wrongfully open or close any lock, valve sluice or manhole belonging to or installed by the Corporation.
 - (e) engage in fishing activities in any reservoir or dam without license from the supervising ministry on the recommendation of the Corporation.
- (2) A person who contravenes any of the provisions of subsection(1) of this section commits an offence and is liable on conviction to a fine of N20,000 (Twenty Thousand Naira) only or to imprisonment for three (3) months or to both the fine and imprisonment.

Part VII

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

Repeals, Savings etc. 129

- 129** (1) The Abia State Water Board Law Cap 12 of the Laws of Abia State and the Abia State Water Connection Fee and Water Rate Law Cap 44 of the Laws of Abia State are hereby repealed.
- (2) From the commencement of this Law, the statutory functions, rights, obligations and liabilities of the Water Board under any contract or instrument, whether in law or in equity, by virtue of this Law and without further assurance, are hereby vested in the Corporation.
- (3) Any such contract or instrument mentioned in subsection (2) of this section, shall be of the same force and effect against or in favor of the Corporation and shall be enforceable by the Corporation as if it existed before the commencement of this Law and the Corporation shall be subject to all obligations and liabilities to which the Water Board existing before the commencement of this Law was subject, and all persons shall have the same rights, powers and remedies against the Corporation as they had against the previous Water Board.
- (4) Any proceeding or cause of action pending or existing immediately before the commencement of this Law, by or against the Water Board in respect of any right, interest, obligation or liability may be continued or as the case may be, commenced by or against the Corporation and any determination of a court, tribunal or other Authority or person

may be enforced by or against the Corporation to the same extent that such proceedings or cause of action or determined might have been continued, commenced or enforced against the Water Board.

(5) Any person:-

(a) Who immediately before the coming into force of this Law was the holder of any office in the Water Board or was a staff in the Water Board before the commencement of the Law and without further assurance shall continue in office and be deemed to have been appointed to his office by the Corporation established under this Law;

(b) Whose service are not required by the Corporation upon the conduct of a staff needs assessment for the effective performance of its functions in accordance with this Law shall be redeployed to the State Civil Service.

Part VII

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

SCHEDULE 1 - Description of Areas of operation of the Corporation

- (1) Urban water supply: 120 liters per capita per day for urban areas with population greater than 20, 000 inhabitants to be served by full reticulation and consumer premises connection.
- (2) Urban sanitation: Each household in urban areas (population above 20,000) must own and have access to safe sanitary facility that uses suitable and affordable water conveyance systems.

SCHEDULE 2 - Description of areas of operation of the Small Towns Agency

- (1) Small towns water supply: Represents settlements with population of between 5,000 - 20,000 with a fair measure of social infrastructure and some level of economic activity with minimum supply standard of 60 liters per capita per day with reticulation and limited or full house connections as determined by the beneficiaries/Government.
- (2) Semi-urban sanitation: Each household in semi-urban areas (population more than 5, 000 and less than 20,000) must own and have access to safe sanitary facility that is easily adaptable to existing traditional pit latrine and uses superstructures which blends very well with other buildings within the community.

SCHEDULE 3 – Description of areas of the Rural Water Agency

- (1) Rural water supply: Guarantees minimum level of service of 30 liters per capita per day within 250 meters of the community of less than 5,000 people, serving about 50-200 persons per water point.
- (2) Rural sanitation: Each household in rural areas (community of population of less than 5,000) must own and have access to safe sanitary facility with at least minor improvements that would reduce flies, odor, (at least upgraded pit latrine).

SCHEDULE 4 - Proceedings of The Board of the Corporation

(1) Board Meetings -

- (a) The Board shall meet for the dispatch of its business as often as is necessary and expedient, and subject to this section, may adjourn, close and otherwise regulate its meetings and procedure as it deems fit.
- (b) The Chairman or, in his absence, any member chosen by the members present from among themselves shall preside at the meeting of the Board.
- (c) All decision of the Board shall be on the basis of simple majority of the members present and voting
- (d) No act or proceeding of the Board shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Board, except where actions are not supported by a quorum.
- (e) The quorum for the meeting of the Board shall be 5 and each member present shall have one vote on each question before the Board and, in the event of an equality of votes, the Chairperson shall have a casting vote in addition to a deliberative vote.
- (f) For a meeting of the Board to review any previous decision taken by the Board, the quorum shall not be less than the Board members present when the decision was taken.

(2) If a member:-

- (a) Acquires or holds a direct or indirect pecuniary interest in any matter that is under consideration by the Board;
 - (b) Owns any property or has a right in property or a direct or indirect pecuniary interest in a company or association of Persons which results in the member's private interest coming or appearing to come into conflict with his functions as a member; or;
 - (c) Knows or has reason to believe that a relative of the member has acquired or hold a direct or indirect pecuniary interest in any matter that is under consideration by the Board, or owns any property or has a right in property or a direct or indirect pecuniary interest in a company or association of persons which results in the member's private interests coming or appearing to come into conflict with his functions as a member, or if for any reason the private interests of a member come into conflict with his functions as member, the member shall forthwith disclose the fact to the Board.
- (3) A member referred to in subsection (1) shall take no part in the consideration or discussion of, or vote on, any question before the Board which relates to any contract, right, immovable property or interest referred to in that subsection.
- (4) Any member who contravenes subsection (1) & (2) of this section commits an offence and is liable to fine of N100,00 (One Hundred Thousand Naira) only or two (2) years imprisonment or to both.
- (5) If a member referred to in this section takes part in the consideration of a matter in which his private interests are in conflict with his function as a member, the other member may subsequently ratify any such decision or action.

SCHEDULE 5 - Proceedings of The Regulatory Agency Board

(1) Regulatory Board Meetings

- (a) The Regulatory Agency Board shall meet for the dispatch of its business as often as is necessary and expedient, and subject to this section, may adjourn, close and otherwise regulate its meetings and procedure as it deems fit.
- (b) The Executive Secretary, or in his absence, any member chosen by the members present from among themselves shall preside at the meeting of the Regulatory Agency Board.
- (c) All decisions of the Regulatory Agency Board shall be on the basis of simple majority of the members present and voting
- (d) No act or proceeding of the Regulatory Agency Board shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Regulatory Agency Board, except where actions are not supported by a quorum.
- (e) The quorum for the meeting of the Regulatory Agency Board shall be 5 and each member present shall have one vote on each question before the Regulatory Agency Board and, in the event of an equality of votes, the Executive Secretary shall have a casting vote in addition to a deliberative vote.
- (f) For a meeting of the Regulatory Agency Board to review any previous decision taken by it, the quorum shall not be less than the Regulatory Agency Board members present when the decision was taken.

(2) If a member:-

- (a) Acquires or holds a direct or indirect pecuniary interest in any matter that is under consideration by the Regulatory Agency Board;
- (b) Owns any property or has a right in property or a direct or indirect pecuniary interest in a company or association of persons which results in the member's private interest coming or appearing to come into conflict with his functions as a member; or;
- (c) Knows or has reason to believe that a relative of the member has acquired or hold a direct or indirect pecuniary interest in any matter that is under consideration by the Regulatory Agency Board, or owns any property or has a right in property or a direct or indirect pecuniary interest in a company or association of persons which results in the member's private interests coming or appearing to come into conflict with his functions as a member, or if for any reason the private interests of a member comes into conflict with his functions as member, the member shall forthwith disclose the fact to the Regulatory Agency Board.

(3) A member referred to in subsection (1) shall take no part in the consideration or discussion of, or vote on, any question before the Regulatory Agency Board which relates to any contract, right, immovable property or interest referred to in that subsection.

(4) Any member who contravenes subsection (1) & (2) of this section commits an offence and is liable to fine of N100,00 (One Hundred Thousand Naira) only or two (2) years

imprisonment or to both.

- (5) If a member referred to in this section takes part in the consideration of a matter in which his private interests are in conflict with his function as a member, the other member may subsequently ratify any such decision or action.