

A BILL [EXECUTIVE]

FOR

AN ACT TO ESTABLISH A REGULATORY FRAMEWORK FOR THE WATER RESOURCES SECTOR IN NIGERIA, PROVIDE FOR THE EQUITABLE AND SUSTAINABLE DEVELOPMENT, MANAGEMENT, USE AND CONSERVATION OF NIGERIA'S SURFACE WATER AND GROUNDWATER RESOURCES AND FOR RELATED MATTERS

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria:

1 PART I - OBJECTIVE AND ENTITLEMENT TO USE OF WATER

2 1.-(1) The objective of this Act is to ensure that the nation's water
3 resources are protected, used, developed, conserved, managed and
4 controlled in ways which take into account amongst other factors:

Objectives of this Act

5 (a) citizens' right of access to clean water and sanitation;

6 (b) meeting the basic human needs of present and future
7 generations;

8 (c) promoting equitable and affordable access to water and
9 reducing poverty;

10 (d) adopting hydrological boundaries as the basic units for water
11 resources management;

12 (e) protecting the water environment for sustainability of the
13 resources and protection of aquatic ecosystems, and recognizing the polluter
14 pays principle;

15 (f) providing for existing customary uses of water and avoidance of
16 harm to other water users;

17 (g) promoting the efficient, sustainable and beneficial use of water
18 in the public interest;

- 1 (h) facilitating social development, improved public health and
2 economic development;
- 3 (i) providing for growing demand for water use, promoting
4 conservation of use and recognizing the economic value of water;
- 5 (j) supporting initiatives to reduce and prevent pollution and
6 degradation of water resources and the aquatic environment;
- 7 (k) managing floods, desertification, droughts, erosion control and
8 land drainage;
- 9 (l) encouraging comprehensive and equitable coverage of water
10 supply and sanitation including promoting public-private sector partnerships
11 in delivery of water services;
- 12 (m) promoting public-private partnerships in the development and
13 management of water resources infrastructure;
- 14 (n) promoting dams' safety and appropriate reservoir operation and
15 management;
- 16 (o) meeting international obligations; and
- 17 (p) recognizing and implementing the principle of water as an
18 economic good and social good, taking into consideration the socio-economic
19 status of the users, particularly affordability,
- 20 (2) The institutions established under this Act shall be guided by the
21 following principles in achieving the objective set out in subsection (1) of this
22 section:
- 23 (a) participation and consultation with States, local governments,
24 communities, women and other stakeholders;
- 25 (b) management of the water resources sector at the lowest
26 appropriate level;
- 27 (c) administrative efficiency
- 28 (d) transparency;
- 29 (e) accountability; and

1 (f) Implementing national policies on gender equality and the
2 environment.

3 (3) In implementing the principles under subsection (2) of this
4 section, the institutions established under this Act shall promote integrated
5 water resources management (IWRM) and the coordinated management of:

6 (a) economic development, social welfare and environmental
7 sustainability;

8 (b) land and water resources;

9 (c) surface water and groundwater resources;

10 (d) the river basins and adjacent marine and coastal environment;

11 and

12 (e) upstream and downstream interests,

13 2.-(1) All surface water and groundwater wherever it occurs is a Public trusteeship
of water
14 resource common to all people, the use of which is subject to statutory
15 control.

16 (2) There shall be no private ownership of water but the right to use
17 water in accordance with the provisions of this Act.

18 (3) The right to the use, management and control of all surface
19 water and ground water affecting more than one State pursuant to item 64 of
20 the Exclusive Legislative list in Part 1 of the Second Schedule to the
21 Constitution of the Federal Republic of Nigeria, 1999 as amended, and as set
22 out in the First Schedule to this Act, together with the beds and banks, is
23 vested in the Government of the Federation to be exercised in accordance
24 with the provisions of this Act.

25 (4) As the public trustee of the nation's water resources the Federal
26 Government, acting through the Minister and the institutions created in this
27 Act or pursuant to this Act, shall ensure that the water resources of the nation
28 are protected, used, developed, conserved, managed and controlled in a
29 sustainable and equitable manner, for the benefit of all persons and in
30 accordance with its Constitutional mandate.

1 (5) States may make provisions for the management, use and control
2 of water sources occurring solely within the boundaries of the State but shall be
3 guided by the policy and principles of the Federal Government in relation to
4 Integrated Water Resources management, and this Act.

Entitlement to
use of water

5 3. Notwithstanding the provisions set out in section 2 of this Act, a
6 person may, without a licence:

7 (a) take water from a water source to which the public has free access
8 for the use of his household or for watering domestic livestock;

9 (b) use water for the purposes of subsistence fishing or for navigation
10 to the extent that such use is not inconsistent with this Act or any other existing
11 law;

12 (c) where a statutory or customary right of occupancy to any land
13 exists, take or use water without charge from the underground water source, or
14 if abutting the bank of any watercourse, from that water course, for reasonable
15 household use, watering livestock and for personal irrigation not for
16 commercial purposes; or

17 (d) store and use runoff water from a roof.

18 (2). A person may continue with an existing lawful water use,
19 including a customary use, in accordance with Part IX of this Act.

20 (3) A person may use water in terms of a general authorisation as
21 defined in section 110 or pursuant to a licence issued under this Act.

22 (4) Any entitlement granted to a person by or under this Act
23 supersedes any right to use water which that person might otherwise have been
24 able to enjoy or enforce under any other law to:

25 (a) take or use water;

26 (b) obstruct or divert a flow of water;

27 (c) affect the quality of any water;

28 (d) receive any particular flow of water;

29 (e) receive a flow of water of any particular quality; or

30 (f) construct, operate or maintain any waterworks,

1 PART II - NATIONAL COUNCIL ON WATER RESOURCES

2 4.-(1) There is established an advisory standing body to be known Establishment
3 as the National Council on Water Resources (in this Act referred to as "the of the Council
4 Council").

5 (2) The Council shall meet at least once every year and at other
6 times as directed by the Chairperson.

7 (3) The Council shall establish committees and sub-committees as
8 required to investigate and analyse issues tabled for discussion before the
9 Council and to formulate recommendations.

10 (4) The Council shall establish rules to govern its proceedings, the
11 workings of its committees and its decision-making processes based on the
12 provisions of this Act and its regulations.

13 (5) Annual reports of the Council providing details of its
14 discussions and recommendations shall be made public through publication
15 in the official gazette and transmitted to its Members within one month from
16 the date of the last council meeting.

17 (6) All existing directives or procedures relating to the composition
18 and functioning of the existing National Council on Water Resources shall
19 be in accordance with the provisions of this Act.

20 5. For the furtherance of the fundamental objectives of water Functions of the
21 resources management referred to in section 1 (1) of this Act, the Council Council
22 shall perform the following functions, to:

23 (a) provide guidance for and review of the formulation of national
24 water-related legislation; water resources, water supply and sanitation
25 policies and strategies; and master plans;

26 (b) provide a forum for coordination across water sub-sectors and
27 discussion of issues of national importance;

28 (c) provide a forum for mediation of issues on the use or
29 management of water resources arising between sub-sectors or across river-
30 basin boundaries; and

1 (d) review performance of the water resources sector in Nigeria as
 2 well as the Nation's compliance with obligations of international agreements
 3 and commitments on water related matters.

Membership of
 the Council

4 6. The Council shall be made up of the following:

5 (a) The Minister, who shall Chair the Council;

6 (b) State Commissioners for Water Resources or any other person
 7 responsible for water resources in the States.

Secretariat of
 the Council

8 7.-(1) A Secretariat shall be established for the Council to act as an
 9 administrative body for the purpose of convening meetings of the Council and
 10 its committees, administering activities of the Council and coordinating the
 11 working of its committees.

12 (2) The Permanent Secretary of the Ministry shall be the Secretary to
 13 the Council and also the chairperson of the Technical Committee of the
 14 Council.

Representation
 at the Technical
 Committees of
 the Council

15 8. The Council may direct that for the purpose of providing technical
 16 expertise and socio-economic advice with respect to any matter to be decided
 17 by the Council relevant representatives and experts from any of the following
 18 may be invited to participate in the sessions of the Technical Committees of the
 19 Council:

20 (a) members of the water resources committee of the National and
 21 State Houses of Assemblies);

22 (b) professional bodies as well as stakeholders in the water resources
 23 sector at Federal, State, and local government levels,

24 (c) Federal ministries, departments and agencies responsible for:

25 (i) water resources,

26 (ii) environment,

27 (iii) agriculture,

28 (iv) health,

29 (v) inland waterways,

30 (vi) minerals,

- 1 (vii) forestry,
- 2 (viii) electricity generation, and
- 3 (ix) women affairs.
- 4 (d) State water and environment Agencies;
- 5 (e) water consumers, water users associations, associations of local
- 6 governments, community-based organizations;
- 7 (f) bodies responsible for protected or conservation area;
- 8 (g) the Nigeria Meteorological Agency;
- 9 (h) the National Emergency Management Agency;
- 10 (i) civil society organisations; and
- 11 (j) private sector and resource persons.

12 9.-(1) Funds of the Council shall comprise such amounts as shall be
 13 provided by the President or as it may be approved by the National
 14 Assembly.

15 (2) The cost of participation of Members of the Council and
 16 Technical Committees shall be borne by the Organizations, that they
 17 represent.

18 (3) Notwithstanding the provision of subsection (2) of this section,
 19 the Council may, at its discretion, subsidize the participation of any
 20 participants.

21 PART 111 - POWERS AND FUNCTIONS OF THE MINISTER RESPONSIBLE
 22 FOR WATER RESOURCES

23 10.-(1) It shall be the duty of the Minister to promote the
 24 protection, use, development, conservation, and management of water
 25 resources throughout Nigeria and to ensure the effective exercise of powers
 26 and performance of duties by institutions and persons identified under this
 27 Act and in the constitution.

28 (2) The Minister shall have the power to make regulations, policies
 29 and strategies for the proper carrying out of the provisions of this Act and
 30 functioning of the Ministry in accordance with this Act as well as in

Powers relating to transfer of powers to water bodies in Nigeria

Financial Provisions for the Council and its committees and members

General powers of the Minister

Functions of the Minister

1 accordance with other directives he may receive from the President and any
2 guidance from the Council.

3 (3) The Minister shall have and exercise reasonable powers as are
4 necessary and required in furtherance of the duties and functions conferred
5 pursuant to this Act, the directives of the President, or any other Law.

Powers related
to trans-boundary
waters within
Nigeria

6 11.-(1) The Minister shall establish and chair ad-hoc committees for
7 each of the hydrological Basins and for any other situation where development
8 or management of the water resources affects more than one hydrological area
9 as defined in the Second Schedule to this Act.

10 (2) The Minister may delegate the power under subsection (1) of this
11 section to any person or Institution as deemed appropriate.

Powers related
to international
agreements,
negotiations and
meetings

12 12.-(1) The Minister may, in consultation with the Federal Executive
13 Council, by notice in the Gazette, establish a Committee to coordinate
14 implementation of any international agreement entered into by the Federal
15 Republic of Nigeria and a foreign government or any other international body
16 or organisation relating to:

17 (a) investigating, managing, monitoring, and protecting water
18 resources;

19 (b) regional co-operation on water resources;

20 (c) acquiring, constructing, altering, operating or maintaining a
21 waterworks connected to such agreement; or

22 (d) the allocation, use and supply of water according to the principles
23 of equitable and reasonable utilization and avoidance of significant trans-
24 boundary harm.

25 (2) The Minister shall consult with all affected States prior to entering
26 into any international agreement on a river basin.

Functions of
the Minister

27 13.-(1) For the purpose of this Act, the functions of the Minister shall
28 be:

29 (a) to formulate national Policy and water resources Management
30 strategy to guide the integrated planning, management, development, use and

1 conservation of the nation's water resources and provide guidance for
2 formulation of hydrological area resources strategies under section 94 of
3 this Act;

4 (b) The Policy and Strategy referred to in paragraph (a) of this
5 subsection shall be based on basin strategies developed by the Commission,
6 recommendations of the National Council on Water Resources and all other
7 institutions in the water resources sector in consultations with other
8 stakeholders;

9 (c) to provide guidance for policy and standards for water supply
10 and sanitation towards promoting uniform technical and service' standards
11 and infrastructure development across the country;

12 (d) to facilitate the periodic review and update national water
13 legislation to ensure consistency with national policy under paragraphs (a)
14 and (c) of this sub section;

15 (e) to undertake planning for implementation of Sector Policies,
16 Strategies and Master Plans, and in consultation with the Commission, to
17 provide general guidance to relevant Sector institutions on achievement of
18 the objectives;

19 (f) based on the performance of existing irrigation systems and
20 considerations of relevant National and basin Policy and strategy on
21 irrigation, as well as economic efficiency and social development, provide
22 guidance to the Authorities responsible for irrigation management and
23 development on criteria to govern decisions on investments for future
24 development of irrigation Programs;

25 (g) to provide guidance to institutions in the sector in formulating
26 development plans and projects;

27 (h) to monitor the level of service provision for water supply and
28 sanitation across Nigeria with a view to providing and disseminating data
29 for planning, socio-economic development, investments, as well as
30 infrastructure distribution to both Federal and State Governments, National

- 1 water Council and other Stakeholders;
- 2 (i) to provide technical support for the survey, investigation, planning
3 and design of water resources projects with input from relevant Professional
4 institutions;
- 5 (j) to implement development projects of a multi-purpose nature, and
6 for flood management, that are outside the mandate of individual service
7 delivery Agencies but in collaboration with relevant sector Agencies;
- 8 (k) to support, monitor and evaluate programmes and institutions in
9 the sector;
- 10 (l) to provide technical guidance to the National Council on Water
11 Resources and its committees;
- 12 (m) to liaise with donors and supervise donor and government
13 funded projects;
- 14 (n) to promote all aspects of public-private partnerships in the
15 development of water resources infrastructure;
- 16 (o) to prepare an annual report for the National Assembly within 90
17 days of the end of each financial year that monitors and evaluates the
18 quantitative and qualitative status of the nation's water resources and report on
19 the Ministry's commitments related to water resources development and
20 service delivery;
- 21 (p) to represent the Federation in international conferences, meetings
22 and, negotiations on matters related to water;
- 23 (q) in consultation with relevant Sector institutions, identify areas
24 which, in accordance with the laws of the Federation and Nigeria's
25 international obligations, to be designated as protected areas by the
26 Commission and collaborate with the Commission to achieve this;
- 27 (r) to undertake such activities and issue such directives as shall be
28 expedient subject to due notification to appropriate Agencies to remediate
29 emergency situations that may threaten any water course within the country;
30 and

1 (s) to receive the reports of the National Council on Water
2 Resources and implement such decisions as they affect the duties of the
3 Minister as identified in such reports.

4 (2) The Minister shall perform such other functions, as are
5 provided in this Act as well as any other functions as may be directed by the
6 President.

7 (3) The Minister may delegate any of his functions in writing to any
8 person, body, institution, agency or authority for the purpose of performing
9 those functions in accordance with this Act.

10 14.-(1) The Minister may make Regulations as is expedient for the
11 purpose of giving full effect to the provisions as it relates to part III of this
12 Act.

Power to make
Regulations

13 (2) The contravention of any Regulations issued pursuant to any of
14 the provisions on subsection (1) of this section shall constitute an offence
15 and shall be punishable as prescribed in the Regulations.

16 PART IV - THE NIGERIA WATER RESOURCES

17 REGULATORY COMMISSION

18 15.-(1) There is established an independent regulatory body to be
19 known as the Nigeria Water Resources Regulatory Commission (in this Act
20 referred to as "the Commission") charged with the responsibility for the
21 regulation of water resources in Nigeria.

Establishment of
the Water Resources
Regulatory
Commission

22 (2) The Commission:

23 (a) shall be a body corporate, with perpetual succession and a
24 common seal; and

25 (b) may sue or be sued in its corporate name.

26 (3) The head office of the Commission shall be in the Federal
27 Capital Territory, Abuja or at such other place within Nigeria as may be
28 designated by the President.

29 (4) The Commission shall be structured into various departments
30 as deemed appropriate for the effective discharge of its functions.

Objectives of
the Commission

- 1 16. The objectives of the Commission shall be to:
- 2 (a) regulate, protect, conserve and control water resources defined in
- 3 this Law as the "National water resources" for equitable and sustainable social
- 4 and economic development and to maintain environmental integrity;
- 5 (b) regulate the allocation, supply and distribution of water resources
- 6 for all uses, and to promote equitable, sustainable and efficient best practices
- 7 and conduct;
- 8 (c) ensure that licensees or authorized developers and water services
- 9 providers and users as well as their infrastructure meet the technical, social and
- 10 commercial obligations specified under this Act in a manner which promotes
- 11 fairness as well as the wellbeing of all citizens;
- 12 (d) protect licensees and the public from unfair conduct of providers
- 13 of water resources services, with regard to the quality of service and the
- 14 payment of tariffs;
- 15 (e) ensure that licensees achieve the highest possible level of
- 16 accountability and responsiveness to customer and community needs;
- 17 (f) through Licensing, ensure that public water services are supplied
- 18 as efficiently and economically as possible and at standards which reasonably
- 19 meet the social, industrial, and commercial needs of the community; and
- 20 (g) promote the development of other sectors of the Nigerian
- 21 economy through the efficient and sustainable supply of water services within
- 22 the framework of this Act.

Establishment
of the Governing
Board of the
Commission

23 17.-(1) There is established for the Commission a Governing Board

24 (in this Act referred to as "the Board") which shall be responsible for the

25 formulation of policy for the Commission.

26 (2) The Board shall consist of the following members:

27 (a) a part time Chairman, who shall be appointed by the President on

28 the recommendation of the Minister;

29 (b) one representative each, who shall possess at least 10 years

30 cognate experience of the following professional bodies:

- 1 (i) Nigerian Bar Association,
 2 (ii) Nigerian Society of Engineers, and
 3 (iii) Institute of Chartered Accountants of Nigeria.
 4 (c) one representative each, not below the rank of a Director of the

5 following Federal Ministries and Agencies:

- 6 (i) Water resources;
 7 (ii) Environment;
 8 (iii) Agriculture;
 9 (iv) Health; and
 10 (v) Nigeria Hydrological Services Agency; and
 11 (d) the Director General of the Commission.

12 (3) The Supplementary provisions set out in the Fourth Schedule to
 13 this Act shall have effect with respect to the proceedings of the Board and the
 14 other matters contained therein.

15 18.-(1) The Chairman and members of the Board shall each hold Tenure of Office
 16 office for a period of four years in the first instance and may be reappointed
 17 for a further period of four years and no more.

18 (2) The Chairman may resign his appointment by a letter addressed
 19 to the President while any other Member may resign his appointment by a
 20 letter addressed to the Minister.

21 19.-(1) The Board shall have power to: Powers of the Board

- 22 (a) manage and superintend the affairs of the Commission;
 23 (b) subject to the provisions of this Act, approve rules and
 24 regulations for carrying on the functions of the Commission;
 25 (c) fix the terms and conditions of service including remuneration
 26 of employees of the Commission;
 27 (d) do such other things which in the opinion of the Board are
 28 necessary to ensure the efficient performance of the functions of the
 29 Commission;

30 (2) in the absence of a duly constituted Board for the Commission,

1 the Minister shall carry out such functions of the Board as may be required
2 pending the constitution of a new Board.

3 (f) Any action taken or decision reached in compliance with the
4 provisions of sub-section (2) of this section shall be valid for all intents and
5 purposes.

Vacation of office
by Members

6 **20.-(1)** Notwithstanding the provisions of section 18 of this Act, a
7 person shall cease to hold office as a Member of the Board if:

8 (a) he becomes bankrupt;

9 (b) he is guilty of a serious misconduct in relation to his duties;

10 (c) he is convicted of a felony or any offence involving dishonesty or
11 fraud;

12 (d) he becomes of unsound mind, or incapable of carrying out duties;

13 (e) in the case of a qualified professional, he is disqualified or
14 suspended, other than at his own request, from practicing his profession in any
15 part of the world by an order of a competent authority; or

16 (f) he resigns his appointment by a letter addressed to the President in
17 the case of the Chairman or the Minister in the case of other members.

18 (2) If a Member ceases to hold office for any reason whatsoever,
19 before the expiration of the term for which he was appointed, another person
20 representing the same interest as that Member shall be appointed to the Board
21 for his unexpired term.

22 (3) A Member may be removed by the President on the
23 recommendation of the Chairman if he is satisfied that it is not in the interest of
24 the Commission or the interest of the public that the Member continues in
25 office or he resigns' his appointment by a letter addressed to the President
26 through the Minister; and

27 (4) in the case of an ex-officio member, he ceases to hold the office on
28 the basis of which he is member of the Board.

Allowances of
Members

29 **21.** Members of the Board shall be paid such allowances as may be
30 approved by the Federal Government from time to time in accordance with

1 National Salaries and Wages Commission guidelines.

2 22.-(1) The Commission shall:

Functions of the
Commission

3 (a) implement regulatory policies on activities relating to the
4 management of water resources in Nigeria;

5 (b) be responsible for economic and technical regulation of all
6 aspect of National water resources exploitation and provision;

7 (c) ensure the safety and quality of Water Resources development
8 and public water services by regulating standards for execution and
9 performance;

10 (d) liaise with relevant Agencies to conduct studies and surveys for
11 the purpose of establishing water resources balance, catchments
12 management plans and water efficiency strategies (including Basin
13 management strategies);

14 (e) interact and consult with approved local and international
15 organizations engaged in Integrated Water Resources Management and
16 liaise with other relevant Agencies to determine Nigeria's input into the
17 setting of international technical standards for Water Resources
18 development within the provisions of this Act;

19 (f) promote competition in the water resources sector;

20 (g) protect developers and suppliers of public water resources
21 services or facilities under this Act from unfair practices of other Water
22 Resources developers or services providers which are damaging to
23 competition;

24 (h) facilitate the entry into the market by persons wishing to
25 provide water services and facilities;

26 (i) protect licensees from misuse of market power by other
27 developers and service providers;

28 (j) arbitrate disputes between all stakeholders especially the
29 licensees and other participants in the water resources sector;

30 (k) receive and investigate complaints from licensees, developers

1 and consumers and other persons in the water resources sector;

2 (l) liaise with relevant national and international Agencies and advise
3 the Minister on ways of promoting cooperation for effective and equitable
4 management of trans-boundary waters within and outside Nigeria.

5 (m) Protect the interest of the public by ensuring that the provisions of
6 this Act are carried out with due regard to public interest;

7 (n) protect water users and developers, as well as consumers from
8 unfair practices of licensees and other persons in the supply of water resources
9 services and facilities;

10 (o) develop performance indices in relation to the quality of Water
11 Resources services and facilities supplied to consumers having regard to
12 international best practices, performance indicators and Nigerian conditions
13 including dam licencing, safety, monitoring and security;

14 (p) render report to the President annually on the regulation of water
15 resources in Nigeria, including regulations issued by the Commission, tariff
16 charged by the Commission, licences and all other matters as have been
17 addressed by the Commission within the year immediately preceding such
18 report;

19 (q) issue licences for water resources use in accordance with the
20 provisions of this Act;

21 (r) monitor the conduct of holders of the licences and to enforce the
22 conditions included in the licences;

23 (s) regulate operational rules of dams, barrages weirs, diversion
24 works and other hydraulic works that affect the flow of water in a river taking
25 into account principles of any national policy or strategy on reservoir
26 operations and dams safety;

27 (t) regulate other activities that may affect water quantity or quality
28 including dredging and programs for weed prevention, clearing and
29 containment activities;

30 (u) facilitate technical assistance through research and development

1 in all aspects of Integrated Water Resources Management; and

2 (v) perform such other functions which in the opinion of the
3 Commission are required for the purpose of achieving its objectives under
4 this Act.

5 (2) For the purpose of subsection (1) of this section, water
6 resources management includes securing water for the people, food
7 production, job creating activities, protection of vital ecosystem, recreation
8 and hydro power, containment of the variability of water in time and space,
9 management of risks and any other activities that impact the water resources
10 of Nigeria.

11 (3) Without derogating from subsection (1), the Commission shall
12 perform its functions and exercise its powers in such a manner as it considers
13 best in achieving any of its objectives under this Act.

14 (4) The Commission may carry out any of its functions in
15 association with any person or authority as may be considered necessary for
16 the efficient performance of functions under this Act, including delegation
17 of management and administrative functions to the private sector under a
18 contractual arrangement.

19 23. The Commission shall have power to:

Powers of the
Commission

20 (a) make rules and Regulations to regulate water use by the
21 issuance of licences in accordance with Part IX of this Act;

22 (b) issue Licences in each Hydrological region with respect to
23 water use and allocation through Catchment Management Offices in their
24 respective areas;

25 (c) require establishment of effective management systems by
26 water users;

27 (d) give written directives to a licensee, authorized developer or
28 other service provider in connection with the functions of the Commission
29 in accordance with the provisions of this Act and the terms and conditions of
30 the License issued to such Licensee;

1 (e) consult, where appropriate with the President, commercial and
2 industrial organizations, professional bodies, consumers and standards
3 organizations as well as other relevant bodies;

4 (f) delegate any of its powers to a Committee properly constituted in
5 accordance with the provisions of this Act;

6 (g) require any person to appear before the Commission or any
7 committee of the Commission to:

8 (i) discuss any matter which the Commission deems necessary for the
9 purpose of effective discharge of the Commission's duties under this Act,
10 and

11 (ii) give evidence or produce any document which is likely to assist
12 the Commission or any of its committees in the discharge of the duties of the
13 Commission under this Act;

14 (h) enter into contracts or partnership with any company, firm or
15 person which in the opinion of the Commission, is intended to facilitate the
16 duties specified in this Act:

17 (i) establish and maintain such number of Catchments' Management
18 Offices for the discharge of the functions identified in section 22 of this Act;
19 and

20 (ii) do anything which, in the opinion of the Commission, is
21 calculated to facilitate the carrying out of the functions of the Commission
22 under this Act.

23 **24.** The Commission shall not be subject to the direction or control of
24 any person in respect of the exercise of its functions, or the issuance of any
25 report, or conduct of any inquiry, but shall be guided by policy approved by the
26 Federal Executive Council and the provisions of this Act.

27 (1) There shall be for the Commission, and Director General, who
28 shall be appointed by the President on the recommendation of the Minister.

29 (2) The Director General shall be:

30 (a) the Chief Executive and accounting officer of the Commission;

Commission
not subject to
direction

Appointment of
the Director-
General, etc.

1 (b) responsible for the day-to-day administration of the
2 Commission; and

3 (c) a professional who shall have served in public or private
4 organizations at senior management level for a minimum of fifteen years.

5 (3) The Director General shall hold office on such other terms and
6 conditions as are specified in the letter of appointment for a period of five
7 years and no more.

8 25.-(1) The Board shall appoint for the Commission, a Secretary Appointment of
Secretary
9 who shall be a legal practitioner and shall have a minimum of ten years post-
10 call experience.

11 (2) The Secretary shall:

12 (a) be Secretary to the Board;

13 (b) be the legal adviser to the Commission;

14 (c) be responsible for keeping the books and proper records of
15 proceedings and correspondences of the Board and the upkeep of the
16 records of the Commission;

17 (d) administer and discharge all insurance requirements of the
18 Commission;

19 (e) recommend the engagement of external legal services on behalf
20 of the Commission as may be necessary; and Perform such other functions
21 as the Board or the Director General;

22 (f) as the case may be, may from time to time, assign to him.

23 26.-(1) The Commission shall develop such terms and conditions Staff of the
Commission
24 of service concerning remunerations, fringe benefits, pension scheme and
25 other benefits which would enable it attract and retain high quality
26 manpower and submit for approval of the President as appropriate.

27 (2) Notwithstanding the provisions of the Pensions Act, service in
28 the Commission shall be approved service for the purpose of that Act and
29 accordingly, officers and other persons employed in the Commission shall
30 in respect of their service in the Commission be entitled to pensions and

1 other retirement benefits as are enjoyed by persons holding equivalent grades
2 in the Public Service of the Federation, so however that nothing in this Act shall
3 prevent the appointment of a person to any office on terms which preclude the
4 grant of pension in respect of that office.

Funds and
resources of the
Commission

5 27.-(1) The Commission shall establish and maintain a "fund" from
6 which shall be defrayed all expenditure incurred by the Commission.

7 (2) There shall be paid and credited to the fund established in
8 subsection (1) of this section:

9 (a) allocation to the Commission from the Federation Account;

10 (b) 2% of Nigeria Ecological Fund;

11 (c) such money as may, from time to time, be granted or received
12 from-

13 (i) the organised private sector;

14 (ii) international donor Agencies and non-governmental
15 organizations;

16 (d) all monies raised for the purposes of the Commission by way of
17 gifts, loans grant-in-aid, testamentary disposition or otherwise;

18 (e) proceeds of all fees, charges received from licensees and services
19 rendered other than fines and penalties; and

20 (f) all other assets that may, from time to time accrue to the
21 Commission.

Application
of the Fund

22 28. The Commission shall apply the proceeds of the fund established
23 pursuant to section 28 of this Act to:

24 (a) the cost of the administration of the Commission;

25 (b) the payment of salaries, fees, remunerations allowances and
26 pensions payable to Members and the employees of the Commission; "

27 (c) the payment for all contracts, including mobilization, fluctuations,
28 variations, legal fees and cost on contract administration;

29 (d) the payment for all purchases; and

30 (e) undertake such other activity as are connected with all or any of

1 the functions of the Commission under this Act.

2 29.-(1) The Commission may accept gifts of land, money or other Gifts, etc. to the
3 property on such terms and conditions as may be specified by the person or Commission
4 organization.

5 (2) The Commission shall not accept any gift if the conditions
6 attached by the person or organization making the gift are inconsistent with
7 the functions of the Commission under this Act.

8 30. The Commission with prior consent of the President borrow Borrowing powers
9 on such terms and conditions as the Commission may determine, such sums
10 of money as the Commission may require in the exercise of its functions
11 under this Act.

12 31. The Board shall, not later than 30th September each year Budget Provisions
13 submit to the President an estimate of the expenditure and income of the
14 Commission during the next succeeding year.

15 32. The Board shall prepare and submit to the President, not later Annual Report
16 than 30th June each year, a report in such form as the President may direct on
17 the activities of the Commission during the immediate preceding year, and
18 shall include in the report a copy of the audited account of the Commission
19 for the financial year and the auditor's report.

20 33.-(1) In the exercise of its functions under this Act, the Additional
21 Commission may request from any public organization, available suitable facilities and
22 equipment, facility or personnel which may assist the Commission in the personnel
23 efficient and effective regulation of the water resources sector in Nigeria.

24 (2) Any Person(s) who wilfully obstructs or impedes the
25 Commission or any person acting under the authority of the Commission in
26 the exercise of any powers or duties under this Act is guilty of an offence and
27 therefore liable on conviction.

28 (3) The Commission shall pay adequate compensation for loss or
29 damage arising from the use of any equipment, facility or personnel
30 received under this section of this Act.

Acquisition of
Land, properties,
etc.

1 **34.-(1)** For the purpose of providing offices and premises necessary
2 for the performance of its functions under this Act, the Commission, may,
3 subject to the Land Use Act:

4 (a) purchase or take on lease any interest in land, or other property;
5 and

6 (b) construct offices and premises and equip and maintain same.

7 (2) The Commission may, subject to the Land Use Act and the prior
8 approval of the President/sell or lease any office or premises held by it, which
9 offices or premises is no longer required for the performance of its functions
10 under this Act.

Directives on
Policy issues

11 **35.** Subject to the provisions of this Act; the President- may, give to
12 the Commission, directives relating generally to matters of policy with regards
13 to the performance by the Commission of its functions which shall be in
14 accordance with the provisions of this Act.

Power to make
Regulations

15 **36.** The Commission may with the approval of the Federal Executive
16 Council make regulations generally for the purpose of giving effect to the
17 provisions of this Act and may in particular, without prejudice to the generality
18 of the foregoing provisions make regulations in relation to the following
19 matters:

20 (a) technical standards and rules;

21 (b) payment of license fees, annual levy on gross turn-over by
22 specified licensees and other charges;

23 (c) procedures for obtaining licenses or permits and the conduct of
24 holders of licenses and permits;

25 (d) tariff charged by operators;

26 (e) customer equipment;

27 (f) accreditation of water quantity and quality testing Agencies and
28 borehole drillers;

29 (g) piping, canal structures and water conveyance facilities; and

30 (h) such other matters as may be necessary for the achievement of the

1 objectives of the Commission or referred to it by the Minister or the
2 President.

3 37.-(1) Any person who contravenes any provisions of this Act,
4 rules or regulations made under this Act is guilty of an offence and liable on
5 conviction, where no specific penalty is prescribed, to:

Contravention
of Regulations

6 (a) a fine of 50,000 Naira or to imprisonment for a term not
7 exceeding 1 year or, to both, such fine and imprisonment as a first offender;
8 and

9 (b) a fine of 150,000 Naira or to imprisonment for a term not
10 exceeding 3 years or to both, such fine and imprisonment for subsequent
11 convictions and for a continuing contravention under Section 100 of this
12 Act, a fine of 100,000 Naira for each day that the offence continues.

13 (2) The Commission may make regulations generally to provide
14 for the imposition of a fine and in any proper case, for the payment of
15 compensation or for confiscation of the equipment or facilities as it may
16 deem fit.

17 (3) Where an offence against this Act or any rules or regulations
18 made has been committed by a body corporate or a partnership, the body
19 corporate or partnership shall on conviction, be liable to a fine not exceeding
20 500,000 Naira

21 (4) Any director or partner found to have been negligent or to have
22 wilfully connived in the commission of the offence shall upon conviction,
23 be liable to a term of imprisonment not exceeding 1 year.

24 38.-(1) There is established for each Hydrological Area, a
25 Catchment Management Office (in this Act referred to as "CMO").

Establishment
of Catchment
Management
Offices

26 (2) The purpose of a Catchment Management Office shall be to
27 regulate, protect, conserve and control water resources and their use within
28 its Hydrological Area or Basin for equitable and sustainable social and
29 economic development and to maintain environmental integrity in

1 accordance with the Policies and Regulations developed by the Commission.

2 (3) The CMO shall:

3 (a) comprise sufficient supporting staff of various relevant
4 competencies;

5 (b) produce quarterly reports which shall be sent to the office of the
6 Director General;

7 (c) be accountable to the Commission for all funds accruing to it, in the
8 course of discharging its functions under this Act; and

9 (d) perform other duties as may be assigned by the Director General.

Management
of the Catchment
Management
Offices (CMO)

10 39.-(1) Each Catchment Management Office shall be headed by a
11 Catchment Officer who shall be:

12 (a) At least a Deputy Director in the Service of the Federal
13 Government with experience in water resources management;

14 (b) a person with a minimum of sixteen years' experience in the
15 management of water resources from the private Sector; or

16 (c) a person who has held Management position in a public quoted
17 company for a minimum of ten years.

Functions of
the Catchment
Management
Offices

18 40. The CMO shall:

19 (a) formulate and implement a water resources management strategy
20 for its area of operation or Hydrological Area as defined in section 94 of this
21 Act, including thematic strategies relevant to the situation in its area;

22 (b) regulate, protect, conserve, and control water resources and their
23 use within its Basin for equitable and sustainable social and economic
24 development and to maintain environmental integrity, including management
25 and protection of river and lake catchments;

26 (c) prepare an indicative basin strategy and plan for its water
27 management area;

28 (d) advise interested persons on the protection, use, development,
29 conservation, management and control of the water resources in its Basin;

30 (e) with respect to water sources declared to be national water

1 resources, advise the Commission on licence water allocation, wastewater
2 discharge, construction of hydraulic works and other related activities in
3 accordance with Part X of this Act, implement the charging policy for raw
4 water abstractions and monitor water abstraction;

5 (f) regulate and monitor operational rules of dams, barrages, weirs,
6 diversion works and other hydraulic works that affect the flow of water in a
7 river taking into account principles of any national policy or strategy on
8 reservoir operations;

9 (g) promote improved river quality and control of pollution
10 through a cooperative working arrangement with Federal and State
11 environment Agencies;

12 (h) promote community participation in the protection, use,
13 development, conservation, management and control of the water resources
14 in its Basin.

15 (i) co-ordinate the related activities of water users and of the other
16 water management institutions within its Basin;

17 (j) maintain a database on hydro-meteorological, hydrological,
18 hydro-geological and water quality monitoring networks in its Basin;

19 (k) monitor water use and the quality of water sources within its
20 Basin and take action for remediation where water quality is adversely
21 affected under section 98 of this Act;

22 (l) facilitate resolution of water-related conflicts relating to its
23 Basin;

24 (m) participate in and coordinate with the other CMOs in upstream
25 or downstream basins as provided by section 11 (1) of this Act;

26 (n) regulate other activities that may affect water quantity or
27 quality including dredging and programs for weed prevention, clearing and
28 containment activities;

29 (o) prepare an annual report for the Commission describing the
30 status of the Basin's water resources, major issues, activities and propose

1 related future, plans and necessary financial report;

2 (p) promote co-ordination with the implementation of any applicable
3 development plan established pursuant to any other law or policy in the water
4 resources sector; and

5 (q) Present all strategies, regulations and studies with respect to the
6 matters in (a) to (p) of this section to the Catchment Committee.

The Catchment
Committee

7 **41.-(1)** There shall be established for each Hydrological Area, a
8 Catchment Committee comprising the following Members:

9 (a) a Director from the Commission sitting for that purpose as
10 Chairman;

11 (b) a representative from the Nigeria Hydrological Services Agency;

12 (c) in respect of each of the States within the Hydrological Area, a
13 representative of each of the following:

14 (i) the Ministry responsible for water resources,

15 (ii) the Ministry responsible for the environment,

16 (iii) the State Emergency Management Agency,

17 (iv) the Water Users Associations,

18 (v) the State Water Utilities, and

19 (vi) Chambers of Commerce and Industry.

20 (4) The Committee may invite any party considered relevant to its
21 deliberations to appear before the Committee and to make contributions to the
22 matters being considered by the Committee as deemed necessary.

Functions of
the Catchment
Committee

23 **42.** The Catchment Committee shall advise the Catchment
24 Management Office on all matters relating to the following:

25 (a) Issuance of Licences for raw water abstraction;

26 (b) Setting of tariffs;

27 (c) Basin Policies;

28 (d) Basin management strategies;

29 (e) Conflict resolution within the catchment; and

30 (f) water quality control.

1 43. The meetings of the Catchment Committee shall be on Proceedings of
2 quarterly basis or as deemed necessary in accordance with rules drawn up by the Catchment
3 the Commission. Committee

4 44.-(1) A suit shall not lie or be instituted in any court against the Limitations of
5 Commission or its employees unless it is commenced: suits

6 (a) within 3 months after the Act, neglect or default complained of;
7 and

8 (b) in the case of a continuation of damage or injury, within 3
9 months after the ceasing.

10 (2) A suit shall not be commenced against a Member of the Board,
11 Director General or any other officer or employee of the Commission before
12 the expiration of a period of one month after service of a written notice of the
13 intention to commence the suit on the Commission by the intending plaintiff
14 or his agent.

15 (3) The notice' referred to in subsection (2) of this section shall
16 clearly state the:

17 (a) cause of action;

18 (b) particulars of claim;

19 (c) name and place of abode of the intending plaintiff; and

20 (d) relief sought.

21 45. The notice in section 45 (2) of this Act, summons or other Service of
22 document required or authorized to be served on the Commission under the documents
23 provisions of this Act or any other law or enactment may be served by:

24 (a) delivering to the Director General; or

25 (b) sending through registered post, addressed to the Director
26 General at the principal office of the Commission.

27 46.-(1) In any action or suit against the Commission, no execution Restriction on
28 or attachment of process in any nature shall be issued against the execution against
29 Commission unless a notice of not less than 3 months of the intention to property
30 execute or attach has been given to the Commission.

1 (2) Any sum of money awarded against the Commission by the
2 judgment of any court shall, subject to any direction given by the court where
3 notice of appeal against the judgment has been given, be paid from the Fund of
4 the Commission.

5 PART V - ESTABLISHMENT, FUNCTIONS AND POWERS OF RIVER BASIN

6 DEVELOPMENT AUTHORITIES (RBDA)

Establishment
of River Basin
Development
Authorities

7 47.-(1) There are hereby established River Basin Development
8 Authorities to be known by the names specified in column 1 of the Third
9 Schedule to this Act which shall have such powers and exercise such functions
10 as are specified in this Act.

11 (2) The objectives of the Authorities shall be to harness, develop and
12 manage available land and surface and _ underground water resources with a
13 view to improving agriculture and providing raw water for multi-purpose
14 uses.

15 (3) Each Authority shall operate within the area specified in column 2
16 schedule 3 to this Act and have its headquarters in the location specified in
17 column 3 of the said schedule.

18 (4) Each Authority shall be a body corporate with perpetual
19 succession and a common seal and may sue and be sued in its corporate name.

Membership of
each Authority

20 48.-(1) Each Authority shall have a Board appointed by the President
21 upon recommendation of the Minister and consisting of a Chairman and the
22 following other Members:

- 23 (a) a representative of the Federal Ministry for Water Resources;
24 (b) a representative of the Federal Ministry of Agriculture;
25 (c) One representative of each of the States in the basin; and
26 (d) the Managing Director.

27 (2) The Board of each Authority shall have power to:

- 28 (a) formulate the general business plans, policies and guidelines
29 relating to the achievement of the objectives of the Authority in accordance
30 with the regulations of the Commission and the Basin and National Water

1 Resources Policies and Strategies;

2 (b) supervise the management of the affairs of the Authority; and

3 (c) subject to the provisions of this Act and the regulations of the

4 Commission, set fees and charges relating to services rendered by the
5 Authority.

6 (3) The provisions of the Fifth Schedule to this Act shall have effect
7 with respect to the proceedings of each Authority and the other matters
8 therein mentioned

9 49.-(1) A member of the Board of an Authority other than the
10 Managing Director shall hold office for a period of four years and no more.

Tenure of office
of Members of
each Authority

11 (2) The Managing Director shall hold office for a period of five
12 years and no more.

13 50. Members of the Board of the Authorities shall be paid such
14 remuneration and allowances as may be determined by National Salaries,
15 Income and Wages Commission.

Remuneration

16 51.-(1) The functions of each Authority shall be:

Functions of
each Authority

17 (a) to undertake comprehensive development of both surface and
18 underground water resources for multipurpose use with particular emphasis
19 on the provision of irrigation infrastructure, control of floods and erosion,
20 for inter basin transfer and for water-shed management;

21 (b) to construct, operate and maintain dams, dykes, polders, wells,
22 boreholes, irrigation and drainage systems, and other works necessary for
23 the achievement of the Authority's functions and hand over all lands
24 allocated to the Authority for cultivation under the irrigation scheme to the
25 farmers;

26 (c) supply raw water from each Authority's reservoirs for
27 irrigation, water supply, recreation as well as other uses under commercially
28 viable arrangements;

29 (d) to construct, operate and maintain infrastructural services such
30 as roads and bridges linking project sites- provided that such infrastructural

1 services are included and form an integral part of the list of approved projects;
2 (e) to develop and keep up-to-date a comprehensive water resources
3 Master plan identifying all water resources requirements in the Authority's area
4 of operation, through adequate collection and collation of water resources,
5 water use, socio-economic and environmental data of the River Basin in
6 consultation with the Commission;

7 (f) to procure private investment and Public Private Partnership
8 agreements for the development of infrastructure necessary for the
9 achievement of the Authority's mandate and takeover the operation and
10 maintenance of the works at the end of construction;

11 (g) promote auxiliary developments such as agro-allied industries,
12 fisheries and water tourism in the Authority's area of operation;

13 (h) in cooperation or partnership with power supply companies
14 generate and supply hydroelectric power from dams where feasible; and

15 (i) in cooperation with Federal and State Ministry of Agriculture,
16 support agriculture generally and in particular provide extension services in
17 crop; Livestock and fish farming.

18 (2) Projects within the limits of the functions enumerated in
19 subsection (1) of this section shall be executed with the approval of the
20 Minister responsible for water resources.

21 **52.-(1)** An Authority shall have power to prescribe, terms and
22 conditions' of service by way of Service Level Agreements with Water Users
23 and other third parties with which it transacts business, including rules for the
24 management of irrigation, drainage and flood management systems and
25 infrastructure by which water is abstracted or transferred to the water Users in
26 accordance with regulations issued by the Commission.

27 (2) An Authority may with the prior consent of the Minister borrow
28 money required in the exercise of its functions under this Act, on such terms
29 and conditions as the Authority may determine.

1 53.-(1) No River Basin Development Authority may acquire or
2 lease land or take over any existing project without the knowledge and
3 consent of the State Government in its area of operation in which such is
4 located.

Restriction on
acquisition of
land, etc.

5 (2) Subject to the Land Use Act, the control of land development
6 for irrigation by each Authority shall be as provided under sections 28 (2)
7 and (6) of the Land Use Act.

8 54.-(1) Each Authority shall have a Managing Director who shall
9 be the Chief Executive Officer of the Authority and other Directors
10 including the following:

Appointment of
Managing Director
and other staff of
the Authority

11 (a) Director (Projects) to be responsible for Planning, Design and
12 Construction of new projects as well as major repairs of facilities;

13 (b) Director (Operations) to be responsible for management of
14 completed dams, irrigation, water supply together with associated
15 infrastructure as well as maintenance of plant and equipment;

16 (c) Director (Agriculture and Commercial Services) to be
17 responsible for agricultural support including extension services;

18 (d) Director (Finance & Administration) to be responsible for all
19 Accounting and Financial matters as well as Human Resources and General
20 Administration;

21 (e) such other directorate as deemed necessary by the Managing
22 Director.

23 (2) Without prejudice to subsection (1) of this Section, each
24 Authority shall have power:

25 (a) to appoint such other staff and upon such terms as it may
26 determine;

27 (b) to pay its staff such remuneration and allowances as are payable
28 to persons of equivalent grades in the civil service of the Federation;

29 (c) as regards any staff to pay such pension and gratuities as are
30 payable under the Pensions Reform Act; and

Appointment
of Secretary

1 (d) to give loans to its staff for purposes approved by the Authority.

2 55.-(1) The Board of each Authority shall appoint a Secretary who
3 shall be a legal practitioner and shall have a minimum of 10 years post-call
4 experience.

5 (2) The Secretary shall:

6 (a) be Secretary to the Board;

7 (b) be the Legal Adviser of the Authority;

8 (c) be responsible for keeping the books and proper records of
9 proceedings and correspondences of the Board and the upkeep of the records of
10 the Authority;

11 (d) administer and discharge all insurance requirements of the
12 Authority;

13 (e) recommend the engagement of external legal services on behalf of
14 the Authority as may be necessary; and

15 (f) perform such other functions as the Board or the Managing
16 Director as the case may be, may from time to time assign to him.

Water Users
Associations
(WUA)

17 56.-(1) All Water Users Associations, shall:

18 (a) be incorporated under the Companies and Allied Matters Act;

19 (b) be registered by the Ministry on the recommendation of the
20 Commission; and

21 (c) operate in accordance with the National Irrigation and Drainage
22 Policy.

23 (2) The Minister may, devolve to the WUA responsibility for the
24 management, operation and maintenance of the irrigation infrastructure within
25 its area of operation to provide water to its members and to collect and retain
26 fees for the operation, maintenance, expansion and improvement of that
27 infrastructure:

28 Provided that WUA shall be accountable for the fees collected to the
29 Minister.

1 (3) A WUA shall comprise all holders of land within its area of
2 operation.

3 (4) The Minister shall, in consultation with the Commission, issue
4 regulations for all matters concerning the WUAs and incidental matters.

5 57.-(1) Each Authority shall maintain an account from which shall
6 be paid all expenditure incurred by the Authority. Fund of each
Authority

7 (2) There shall be paid or credited to the fund:

8 (a) such sums of money as may be provided by the Federal
9 Government or by the government of any State in the Federation for the
10 purposes of this Act either by way of budgetary allocations, loans or grants;
11 and

12 (b) Such other sums of money as may, from time to time, accrue to
13 the Authority. Provided that revenue generated internally by each
14 Authority's fees or charges from operation of dams, irrigation and water
15 supply either directly by itself or through public/private partnership
16 arrangement shall be paid directly into the Federation Account.

17 58. Each Authority shall submit to the Minister not later than 30th
18 September of each year an estimate of its expenditure and income during the
19 next succeeding year. Annual estimates

20 59.-(1) Each Authority shall prepare and submit to the Federal
21 Executive Council through the Minister, once every year, a report in such
22 form as he may direct on the activities of the Authority during the last
23 preceding financial year and shall include in the report a copy of the audited
24 accounts of the Authority for that year and of the auditor's report thereon. Annual Reports

25 (2) The Minister shall cause copies of each report made to him
26 under this section to be submitted to the President and shall also send a copy
27 to the Governors of the States in the area of operation of the Authority
28 concerned.

29 PART VI - NIGERIA HYDROLOGICAL SERVICES AGENCY

30 60.-(1) There is established the Nigeria Hydrological Services
Establishment of
the Nigeria
Hydrological
Services Agency

1 Agency (in this Act referred to as "the Agency").

2 (2) The Agency:

3 (a) shall be a body corporate with perpetual succession and a common
4 seal;

5 (b) may sue and be sued in its corporate name;

6 (c) may acquire, hold or dispose of property, whether movable or
7 immovable; and

8 (d) shall do all such things as are necessary for or incidental to the
9 carrying out of its functions and duties under this Act.

Establishment
and Membership
of the Governing
Board

10 61. There is established for the Agency, a Governing Board (in this
11 Act referred to as the Board") which shall consists of:

12 (a) a Chairman;

13 (b) one representative each of the following:

14 (i) Ministry responsible for Water Resources,

15 (ii) Ministry responsible for Environment,

16 (iii) Ministry responsible for Agriculture,

17 (iv) Nigeria Meteorological Services Agency,

18 (v) National Water Resources Institute,

19 (vi) National Association of Hydrologists; and

20 (c) the Director-General of the Agency.

Tenure of office

21 62. A Member of the Board other than an ex-officio Member, shall
22 hold office:

23 (a) for a term of 4 years and no more; and

24 (b) on such other terms and conditions as may be specified in the
25 Letter of appointment.

Cessation of
Membership

26 63.-(1) Notwithstanding the provisions of section 66 of this Act, a
27 person shall cease to hold office as a Member of the Board, where he:

28 (a) becomes bankrupt;

29 (b) is convicted of a felony or any offence involving dishonesty or
30 fraud;

1 (c) becomes of unsound mind or is incapable of carrying out his
2 duties;

3 (d) is guilty of a serious misconduct in relation to his duties;

4 (e) possesses a professional qualification and is disqualified or
5 suspended from practicing his profession in any part of the country by an
6 order of a competent authority; or

7 (f) he resigns his appointment by a letter addressed to the President.

8 (2) Where a Member of the Board ceases to hold office for any
9 reason before the expiration of the term to which he was appointed, another
10 person representing the same interest as that Member shall be appointed to
11 the Board for the unexpired term.

12 (3) A Member may be removed by the President directly or on the
13 recommendation of the Minister if he is satisfied that it is not in the interest
14 of the Agency or public that the Member continues in that office.

15 64. Notwithstanding any provisions of this Act:

16 (a) the Minister shall, exercise all the powers of the Board where
17 the:

18 (i) Board has not been constituted,

19 (ii) Board has been dissolved; and

20 (b) any action taken or decision reached in compliance with the
21 provision of this subsection shall be valid.

22 65. A Member of the Board shall be paid such allowances as the
23 President may, from time to time, direct.

24 66. -(1) The Agency shall;

25 (a) advise the Federal and States Governments on all aspects of
26 hydrology;

27 (b) project, prepare and interpret Government policy in the field of
28 hydrology;

29 (c) work with local and international meteorological services

Dissolution and
non-constitution
of the Board

Allowances of
Members etc.

Functions of the
Agency

1 Agencies and Institutions, to issue forecasts for floods and other water related
2 issues;

3 (d) provide hydrological services in agriculture, draught and
4 desertification activities;

5 (e) provide hydrological services in operational hydrology and water
6 resources activities;

7 (f) collect, process and disseminate hydrological data and
8 information within and outside Nigeria;

9 (g) keep in safe custody all hydrological records in the Agency's
10 archive;

11 (h) promote uniform standards of observation of all hydrological
12 phenomena in Nigeria;

13 (i) promote international standards and best practices in hydrological
14 operations;

15 (j) train, conduct and undertake research particularly in the field of
16 surface and groundwater hydrology and other related areas of hydrology;

17 (k) provide consultancy services to the public on hydrology;

18 (l) monitor hydrology components of the environment, including
19 ground water pollution through industrial, commercial and agricultural
20 activities;

21 (m) establish stations for hydrological observation;

22 (n) carry out river training activities to improve conveyance of water
23 in river channels including, monitoring of the sediment load and provide this
24 data to other Sector institutions;

25 (o) carry out geo-physical investigations for siting ground water
26 development projects, for dam foundation and saline water intrusion; and

27 (p) carry out other activities as are necessary and expedient for the full
28 discharge of any of its functions under this Act.

29 (2) Without prejudice to the functions in subsection (1) of the section,
30 the Agency shall, where it is required, prescribe the hydrological requirements

1 for all sector activities, including environmental Waterway transportation,
2 natural disaster and relief management issues.

3 67. The Board shall have power to:

Powers of the
Board

4 (a) formulate the general policies and guidelines relating to the
5 functions of the Agency;

6 (b) supervise the management of the affairs of the Agency; and

7 (c) formulate policy guidelines which, in the opinion of the Board,
8 are necessary to ensure the efficient performance of the functions of the
9 Agency.

10 68.-(1) There shall be for the Agency a Director - General who shall
11 be appointed by the President on the recommendation of the Minister.

Appointment, etc.,
of the Director-
General

12 (2) The Director-General shall be-

13 (a) the Chief Executive and Accounting Officer of the Agency;

14 (b) responsible to the Board for the day-to-day administration of
15 the Agency; and

16 (c) a sector professional with cognate experience who has held a
17 management position in a public or Private organization for not less than 5
18 years.

19 (3) The Director-General shall hold office on such terms and
20 conditions as are specified in his Letter of appointment for a period of five
21 years and no more.

22 69.-(1) The Board shall appoint for the Agency a Secretary who
23 shall be a legal practitioner and shall have been so qualified for a period of
24 not less than 10 years.

Appointment of
Secretary

25 (2) The Secretary shall:

26 (a) be the Secretary to the Board;

27 (b) be the Legal Adviser;

28 (c) be responsible for keeping the books and proper records of
29 proceedings and correspondences of the Board and the upkeep of the records
30 of the Agency;

- 1 (c) administer and discharge all legal obligations of the Agency:
- 2 (d) administer and discharge all insurance requirements of the
- 3 Agency;
- 4 (e) retain external legal services on behalf of the Agency as he deems
- 5 necessary; and
- 6 (f) perform such other functions as the Board or the Director-General,
- 7 as the case may be, may, from time to time; assign to him.

Appointment of other Staff

8 70.-(1) The Board may deploy or appoint for the Agency other
9 employees, upon such terms and conditions as may be determined by the
10 Board.

11 (2) Service in the Agency shall be approved service for the purpose of
12 the Pension Reform Act

Funds of the Agency

13 71. There is established for the Agency a Fund into which shall be
14 paid:

- 15 (a) 2% of the Ecological Fund;
- 16 (b) all subventions and budgetary allocations from the Federal
- 17 government;
- 18 (c) gifts, loans, grants-in-aid from national, bilateral and multilateral
- 19 Agencies;
- 20 (d) fines payable for violation of hydrological regulations; and
- 21 (e) returns on investments made by the Agency.

Expenditure

22 72.-(1) The Agency shall apply the proceeds of the Fund established
23 under section 72 of this Act:

- 24 (a) to the cost of administration of the Agency;
- 25 (b) to the payment of emoluments, allowances and benefits of
- 26 members of the Board, reimbursing members of any committee of the Board
- 27 and for such expenses as may be expressly authorized by the Board;
- 28 (c) to the payment of the salaries, fees or other remunerations or
- 29 allowances, gratuities, pensions and other benefits payable to the officers and
- 30 other employees of the Agency, provided that no payment of any kind under

1 this paragraph shall be made to any person who is, within the relevant
2 period, in receipt of emoluments from the Federal or State Government,
3 except expressly authorised by the Board;

4 (d) for the development and maintenance of any property vested in
5 or owned by the Agency;

6 (e) to publicize and promote the activities of the Agency; and

7 (f) to undertake such other activities in connection with all or any
8 of its functions under this Act.

9 (2) Notwithstanding the provisions of subsection (1) of this
10 section, funds generated internally by the Agency through fines, charges,
11 fees and consultancy services shall be paid directly into the Federation
12 Account.

13 73.-(1) The Agency shall, not later than 30th September in each
14 year, submit to the Minister an estimate of its expenditure and income,
15 including payments to the fund for the next succeeding year.

Annual estimates
and accounts

16 (2) The Agency shall keep proper accounts in respect of each year
17 and proper records in relation to those accounts and shall cause its accounts
18 to be audited within 6 months after the end of each year by auditors
19 appointed from the list and in accordance with the guidelines supplied by the
20 Auditor-General of the Federation.

21 74. The Agency shall prepare and submit to the Federal Executive.
22 Council, through the Minister, not later than 6 months after the end of each
23 year, a report in such form as he may direct on the activities of the Agency
24 during the immediately preceding year, and shall include in the report a copy
25 of the audited accounts of the Agency for that year and the auditor's report on
26 the accounts.

Annual reports

27 75. The Agency may accept any gift of land, money or other
28 property on such terms and conditions, if any, as may be specified by the
29 person or organization making the gift, provided that such terms and
30 conditions are not in conflict with the provisions of this Act.

Power to accept
gifts

Power to borrow

1 76.-(1) The Agency:

2 (a) may from time to time, borrow by way of overdraft or otherwise
3 such sums as it may require for the performance of its functions under this Act;
4 and

5 (b) shall not, without the approval of the Board, borrow money which
6 exceeds, at any time, the amount set by the Government as the limit of the
7 authority of the Agency.

8 (2) Where the sum to be borrowed is in foreign currency, the Agency
9 shall seek and obtain the approval of the Minister through the Board.

Limitations of
suits

10 77.-(1) A suit shall not lie or be instituted in any court against the
11 Agency or its employees unless it is commenced:

12 (a) within 3 months after the Act, neglect or default complained of;
13 and

14 (b) in the case of a continuation of damage or injury, within 3 months
15 after the ceasing thereof.

16 (2) A suit shall not be commenced against a Member of the Board,
17 Director-General or any other officer or employee of the Agency before the
18 expiration of a period of 1 month after service of a written notice of the
19 intention to commence the suit on the Agency by the intending plaintiff or his
20 agent,

21 (3) The notice referred to in subsection (2) of this section shall clearly
22 state the:

23 (a) cause of action;

24 (b) particulars of claim;

25 (c) name and place of abode of the intending plaintiff; and

26 (d) relief sought.

Service of
documents

27 78. The notice in section 78 (2) of this Act, summons or other
28 document required or authorized to be served on the Agency under the
29 provisions of this Act or any other law or enactment may be served by:

30 (a) delivering to the Director-General; or

1 (b) sending through registered post, addressed to the Director -
2 General at the principal office of the Agency.

3 79.-(1) In any action or suit against the Agency, no execution or
4 attachment of process in any nature shall be issued against the Agency
5 unless a notice of not less than 3 months of the intention to execute or attach
6 has been given to the Agency.

Restriction on
execution against
property

7 (2) Any sum of money awarded against the Agency by the
8 judgment of any court shall) subject to any direction given by the court
9 where notice of appeal against the judgment has been given, be paid from the
10 Fund of the Agency.

11 PART VII - NATIONAL WATER RESOURCES INSTITUTE (NWRJ)

12 80.-(1) There is established an institute to be known as the National
13 Water Resources Institute (in this Act referred to as "the Institute") which
14 shall be a body corporate with perpetual succession and a common seal and
15 may sue and be sued in its corporate name.

Establishment
and functions of
the National
Water Resources
Institute

16 (2) The Institute shall be responsible for the promotion and
17 development of training courses in water resources and without prejudice to
18 the generality of the fore-going shall:

19 (a) advise the Minister on national water resources training needs
20 and priorities;

21 (b) perform engineering research functions related to such major
22 resources projects as may be required for flood control, river regulation,
23 reclamation, drainage, irrigation, domestic and industrial water supply,
24 sewage and sewage treatment;

25 (c) perform such ancillary services on planning of water resources
26 management and river basin development and produce necessary codes of
27 practice in water resources engineering, related to and suitable for Nigerian
28 conditions, in consultation with relevant Sector institutions;

29 (d) promote the establishment of a uniform national data collection

1 system relating to surface and subsurface water resources in consultation with
2 NWRI;

3 (e) provide for the training of engineers and technicians on short
4 courses and formulate programmes of work in the field of water resources;

5 (f) establish and maintain a water resources library documentation
6 and conference centre;

7 (g) publish or sponsor publication of water resources journals;

8 (h) promote co-operation in water resources development
9 management with similar bodies in other countries and with international
10 bodies connected with water resources management and operation; and

11 (i) carry out such other activities as are necessary or expedient for the
12 full discharge of its functions under this Act.

Establishment
of the Governing
Board of the
Institute, its
functions, etc.

13 **81.-(1)** There shall be a governing Board of the Institute (in this Act
14 referred to as "the Board") which shall consist of:

15 (a) a part-time Chairman, who shall be a water sector professional;

16 (b) a representative of a:

17 (i) university or other institution of higher learning in Nigeria not
18 below the rank of a senior Lecturer in.. a water-related discipline,

19 (ii) Federal Ministry of Water Resources not below the rank of a
20 Director,

21 (iii) Federal Ministry of Science and Technology,

22 (iv) the Nigeria Society of Engineers, and

23 (v) the Nigeria Hydrological Services Agency; and

24 (c) the Executive Director of the Institute.

25 (2) The Chairman and other persons mentioned in sub-section (1) (b)
26 and (c) of this section shall be appointed by the President.

27 (3) The Board shall, in general, outline the policy and decide in broad
28 terms on the programme of work of the Institute and prepare detailed estimates
29 of expenditure which will be required to carry out such programmes.

30 (4) The Chairman and other Members of the Board shall hold office

1 for a term of three years and shall be eligible for re-appointment for another
2 term of years and no more.

3 (5) Notwithstanding the provisions of subsection (4) of this
4 section, the office of a Member of the Board mentioned in subsection (4) of
5 this section shall become vacant if:

6 (a) he resigns hi's office by notice in writing under his hand,
7 addressed to the Minister, or

8 (b) the President is satisfied that it is not in the interest of the
9 Institute for the person appointed to continue in office and notifies the
10 Member in writing to that effect.

11 (6) Members of the Board may be paid such travelling and other
12 allowances as may, from time to time, be approved by the Minister.

13 (7) The Board may act notwithstanding any vacancy in its
14 Membership or any defect in the appointment of a Member or the absence of
15 a Member.

16 (8) The provisions of Fifth Schedule to this Act shall have effect
17 with respect to matters under this Part.

18 82.-(1) There shall be a Director-General of the Institute who shall
19 be appointed by the President for a period of five years and no more.

Director-General
and other Staff
of the Institute

20 (2) Subject to the general control of the Board, the Director-
21 General shall be the chief executive officer of the Institute and shall be
22 responsible for the execution of the policy of the Institute and the day-to-day
23 running of its affairs.

24 (3) There shall be a Secretary to the Institute who shall:

25 (a) be appointed by the Board;

26 (b) be the Legal Adviser to the Institute;

27 (c) be the Secretary to the Board;

28 (d) perform such other functions as may be assigned to him by the
29 Board or the Director-General.

30 (4) The remuneration and the tenure of office of the employees of

1 the Institute, other than the Director-General, shall be determined by the Board
2 in accordance with scales and conditions laid down by government in that
3 behalf.

Power to accept
gifts, etc.

4 83.-(1) Subject to the provisions of subsection (2) of this section,
5 Institute may accept gifts of land, money or other property upon such terms and
6 conditions, if any as may be specified by the person making the gift.

7 (2) The Institute shall not accept any gift if the conditions attached by
8 the person making the gift are inconsistent with its functions under this Act.

Pensions t

9 84.-(1) Service in the Institute shall be public service for the purpose
10 of the Pension Act and, accordingly, officers and other staff of the Institute shall
11 in respect of their service in the Institute be entitled to such pensions, gratuities
12 and other retirement benefits as are prescribed thereunder, provided that
13 nothing in this Act shall prevent the appointment of a person to any office on
14 terms which preclude the grant of pension and gratuity in respect of that office.

15 (2) For the purposes of providing for the application of the provisions
16 of the Pensions Act, any power exercisable thereunder by a Minister or other
17 authority of the Government of the Federation not being power to make
18 regulations are hereby vested in and shall be exercisable by the Board and not
19 by any other person or authority.

Offices and
premises

20 85.-(1) For the purpose of providing offices and premises necessary
21 for the performance of the functions of the Institute under this Act, the Board
22 may:

23 (a) purchase or take on lease any land; and

24 (b) build, equip and maintain offices and premises.

25 (2) The Board may, with the approval of the Minister, give out on
26 lease any land, office or premises held by the Institute and no longer required
27 for the performance of the functions of the Institute under this Act.

Financial
provisions

28 86.-(1) The Institute shall establish and maintain a fund (in this Act
29 referred to as "the fund of the Institute") from which there shall be defrayed all
30 expenditure incurred by the Institute.

1 (2) There shall be paid and credited to the fund of the Institute
2 established under subsection (1) of this section:

3 (a) such sums as may, from time to time, be appropriated to it by the
4 Federal Government;

5 (b) all monies raised for the purposes of the Institute by way of
6 gifts, grant-in-aid, testamentary dispositions and sales of publications;

7 (c) all subscriptions, fees and chargers for services rendered by the
8 Institute; and

9 (d) all other sums that may accrue to the Institute from time to time.

10 87.-(1) The Board shall keep proper accounts and proper records in
11 relation to the fund and shall prepare in respect of each financial year a
12 statement of accounts in such form as the Minister may direct.

Accounts and
audit

13 (2) The Board shall ensure that the accounts of the Institute shall be
14 audited annually by auditors appointed from the list and in accordance with
15 guidelines issued by the Auditor-General for the Federation.

16 88.-(1) The Board shall prepare and submit to the Minister, not
17 later than 6 months before the end of any financial year an estimate of its
18 revenue and expenditure for the following financial year.

Annual report

19 (2) The Board shall prepare and submit to the Minister not later
20 than the end of each financial year a report in such form as the Minister may
21 direct on the activities of the Institute during the immediately preceding
22 financial year, and shall include in the report a copy of the audited accounts
23 of the Institute for that year and of the auditors' report on the accounts.

24 (3) The Minister shall submit the report and recommendations
25 made by him to the President.

26 89.-(1) No suit shall be commenced against the Institute before the
27 expiration of a period of 1 month after the service of a written notice of
28 intention to commence on the Institute by the intending plaintiff or his agent.

Procedure in
respect of suits
against the
Institute

29 (2) The notice shall clearly state the:

30 (a) cause of action;

- 1 (b) particulars of the claim;
2 (c) name and place of abode of the intending plaintiff; and
3 (d) relief which he claims.

Service of
documents

4 **90.** The notice referred to in section 90 of this Act and any summons,
5 notice or other document required or authorized to be served upon the Institute
6 under the provisions of this Act or any other enactment or law may be served by
7 delivering the same to the Chairman of the Board or the Director-General of the
8 Institute, or by sending it by registered post, addressed to the Director-General
9 at the principal office of the Institute.

Restriction on
execution against
the property of
the Institute

10 **91.** In any action or suit against the Institute, no-execution or
11 attachment or process shall be issued against the Institute, provided that where
12 any sum of money awarded against the Institute by the judgment of a court
13 shall, subject to any directions given by the Institute, be paid from the fund of
14 the Institute.

Power to give
direction

15 **92.** The Minister may give the Board directions of a general
16 character or relating generally to particular matters with regard to the exercise
17 by the Board of its functions under this Act, and it shall be the duty of the Board
18 to comply with such direction.

19 PART VIII - WATER RESOURCES PLANNING AND MANAGEMENT

National Water
Resources Strategy

20 **93.-(1)** The Minister shall, after public consultation and discussion by
21 the National Council on Water Resources, formulate and publish in the
22 Gazette, a national water resources strategy in accordance with which the
23 water resources of Nigeria shall be protected, used, conserved, managed,
24 developed, and controlled in line with the provisions of section 13(1) (a) of this
25 Act.

26 (2) The National Water Resources Strategy set out pursuant to the
27 provisions of sub-section (1) of this section shall prescribe the principles,
28 objectives, procedures and institutional arrangements for the protection,
29 development, conservation, management and control of the nation's water
30 resources and provide the framework within which hydrological areas

1 resources strategies will be formulated under section 95 of this Act .

2 (3) The Minister and all public bodies shall, when exercising any
3 statutory power or performing any statutory function, take into account and
4 give effect to the national water resources management strategy.

5 94.-(1) The Commission, in consultation with Nigeria
6 Hydrological Services Agency and other stakeholders, through its
7 Catchment Management Offices shall formulate a comprehensive cross-
8 sector Hydrological Area water resources strategy for the protection,
9 development, use, conservation, management, control and administration
10 of all surface water and groundwater resources in the Hydrological Areas
11 specified in the Second Schedule to this Act by reference to:

Hydrological
Areas Resources
Strategy and Plans

12 (a) national water resources policy and strategy;

13 (b) prevailing social, economic, financial, technological and
14 environmental conditions; and

15 (c) the activities, plans and proposals of State, local government,
16 community and private sector bodies in respect of water resources.

17 (2) A Hydrological Area water resources strategy shall provide
18 guidance on the priority of water use within a water management area for
19 consideration in the licensing of water use under Part IX of this Act.

20 (3) A Hydrological Area water resources strategy shall be subject
21 to public consultation under section 125 of this Act and be published in the
22 Gazette.

23 (4) A Hydrological Area water resources strategy may be prepared
24 in a phased and progressive manner over time and shall be reviewed every
25 10 years or earlier as the Minister may deem expedient but in any event not
26 later than a 10 year period.

27 (5) A Hydrological Area water resources strategy referred to in sub-
28 section ((1) of this section shall prescribe principles, objectives, procedures
29 and institutional arrangements for management, protection, use,
30 development, conservation, control and administration of the water

1 resources in the Hydrological Area and in particular, for:

2 (a) classifying water resources and determining resource quality
3 objectives;

4 (b) setting out principles for allocating water; and

5 (c) defining mechanisms and facilities for stakeholder participation in
6 development of the Hydrological Area strategy and activities related to
7 management of the water resources of the Hydrological Area.

8 (6) A Hydrological Area water resources strategy shall:

9 (a) be consistent with the provisions of this Act and the national water
10 resources strategy; comprise an inventory and assessment of water resources
11 projects in the Hydrological Area; present an assessment of water resources
12 availability and use in the Hydrological Area, and, as required by the type of
13 water resources issues experienced in the hydrological area; and incorporate
14 thematic strategies, including:

15 (i) water conservation, efficiency of use, and demand-side
16 management;

17 (ii) watershed and erosion management and protection, '

18 (iii) upgrading of existing assets,

19 (iv) flood management,

20 (v) drought management,

21 (vi) groundwater management; and

22 (vii) water quality management.

23 (7) All public and private sector bodies and community organizations
24 within the Hydrological Area shall submit their water-related development and
25 management plans to the CMO for consideration in respect of the Hydrological
26 Area's water resources and consolidation into a Hydrological Area
27 development and management plan.

28 (8) The CMO shall, based on the Hydrological Area water resources
29 strategy, formulate and publish short to medium term management and
30 development plans as a basis for its financial plan.

1 (9) The Minister, Commission, and any public authority shall,
2 when exercising any statutory power or performing any statutory function,
3 take into account and give effect to any Hydrological Area water resources
4 strategy in force under this section.

5 95.-(1) The Minister shall introduce a system of classifying all
6 significant watercourses and aquifers which shall be used by the
7 Commission as the basis for determining license applications and for
8 developing plans for the progressive improvement of water quality in
9 watercourses and aquifers.

Classification of
water resources
and resource
quality objectives

10 (2) The Minister in consultation with relevant stakeholders at
11 Federal and State levels, shall prescribe a system for classifying water
12 resources for the purpose of determining resource quality objectives for
13 each class of water resources and guiding decisions on water allocation,
14 including procedures for:

- 15 (a) determining an interim classification;
16 (b) preparing a classification recommendation;
17 (c) public consultation; and
18 (d) approval and publication in the Gazette.

19 (3) The Commission shall implement the procedures of the
20 prescribed classification system and prepare a recommendation for the
21 approval of the Minister for:

- 22 (a) the classification of each water resource within its basin;
23 (b) resource quality objectives for a water resource; and
24 (c) specifying the requirements for achieving the objectives and
25 the dates from which the objectives will apply.

26 (4) The Minister, the Commission, and any public authority shall,
27 when exercising any statutory power or performing any statutory function,
28 take into account and give effect to the resource quality objectives
29 determined under this section in respect of a water resource.

Determination
of reserve

1 96.-(1) As soon as reasonably practicable after classifying a water
2 resource, the Commission shall after consultation with the Minister, and by
3 notice in the Gazette, determine the reserve for the whole or part of each of that
4 water resource.

5 (2) The reserve set out in sub-section (1) of this section shall comprise
6 the quantity and quality of water required to:

7 (a) satisfy basic human needs by securing a basic water supply, as
8 prescribed in regulations made pursuant to this Act, for people to rely upon,
9 take water from, or be supplied from the relevant water resource; and

10 (b) maintain significant environmental services of the water resource
11 including protection of aquatic ecosystems in order to ensure ecologically
12 sustainable development and use of the water resource.

13 (3) The Minister, the Commission, and any public authority shall,
14 when exercising any statutory power or performing any statutory function,
15 take into account and give effect to the requirements of the reserve.

16 (4) Until a system for classifying water resources has been prescribed
17 or a class of a water resource has been determined, the Commission:

18 (a) may for all or part of a water resource; and

19 (b) shall before licensing or authorizing the use of water under Part IX
20 of this Act, make a preliminary determination of the reserve.

21 (5) A determination in terms of sub-section (1) of this section
22 supersedes a preliminary determination.

Pollution
prevention

23 97.-(1) A person or institution established under this Act shall
24 promote and observe the policy of the Federal Government on point and non-
25 point sources of pollution of the water resources of the Federation.

26 (2) Any such person or institution shall promptly notify both the
27 relevant environmental standards enforcement agency in charge of pollution
28 control in the area and the relevant Catchment Management Office of any
29 actual or threatened infringement whereupon such environment agency shall
30 take appropriate steps pursuant to the law establishing it.

1 States shall take all appropriate legal, economic and social measures to
2 control non-point source pollution including promoting:

3 (a) sustainable forestry practices, agro-forestry, reforestation and
4 good pasture husbandry;

5 (b) appropriate agricultural land use methods, soil conservation,
6 control and minimization of the use of agricultural chemical inputs;

7 (c) general land use planning and enforcement of urban planning
8 laws, and

9 (d) hygiene and sanitation.

10 (3) In cases of emergencies or threat of imminent serious pollution,
11 the Minister or other relevant sector institution shall take appropriate steps
12 to rectify the problem and as soon as practicable thereafter to notify the
13 appropriate enforcement agency.

14 (4) Where the pollution continues for a period of two days after
15 notification to the enforcement agency, the Commission in consultation
16 with the enforcement agency shall take further appropriate steps to abate
17 such pollution, including prosecution of the polluters and suspension of a
18 licence for wastewater discharge or related water supply.

19 (5) Upon a notification of a point or non-point source of pollution
20 to the enforcement agency by any person, the Catchment Management
21 Office shall continue to monitor and ensure actual abatement of such
22 pollution occurring within the Basin.

23 (6) Where the Minister or the Commission takes such steps as are
24 contemplated in this section, such costs as are incurred shall be recovered
25 from the parties directly or indirectly responsible in accordance with section
26 134 of this Act.

27 PART IX - LICENSING

28 98.-(1) Subject to the provisions of sections 3 and 110 of this Act,
29 the use of water shall be subject to licensing provisions under this Part and
30 relevant regulations.

Considerations
for issue of licences
and general
authorization

1 (2) In considering an application for water use or waste water
2 discharge licence or a general authorisation, and in stipulating any conditions
3 to be imposed thereon, the CMO shall take into account such factors as it
4 considers relevant while advising the Commission, including:

5 (a) national water policy and strategy;

6 (b) existing lawful uses of the water; including customary use to the
7 extent that such use does not conflict with the provisions of the Act, or water
8 resources policy of the Government or Hydrological Area Water Resources
9 Strategy;

10 (c) efficient and beneficial use of water in the public interest;

11 (d) any basin management strategy applicable to the relevant water
12 resource including consideration of water conservation measures;

13 (e) the likely effect of the water use to be authorised on the water
14 resource and on other water users, including avoidance of significant harm to
15 customary users;

16 (f) the class and resource quality objectives of the water resource;

17 (g) the investments already made and to be made by the water user in
18 respect of the water use;

19 (h) the strategic importance of the water use to be authorized;

20 (i) the quality of the water in the water resources which may be
21 required for the reserve and for meeting international obligations; and

22 (j) the probable duration, if any, undertaking for which a water use is
23 to be authorized.

Licensing
categories

24 99. Any person who, undertakes the following activities (in this
25 section referred to as "prescribed activities") in relation to water sources listed
26 in the First Schedule to this Act, shall be licensed by the Commission:

27 (a) abstraction of surface water and groundwater;

28 (b) diversion, pumping, storage or use on a commercial scale of any
29 water;

30 (c) the construction of boreholes for commercial purposes;

1 (d) construction and operation of hydraulic structures for rivers,
2 dams, water intake barrages, groynes, bed and bank stabilisation, dykes,
3 polders, wells;

4 (e) public and private irrigation and drainage systems;

5 (f) diversion or impoundment of water for the purposes of mining
6 and discharge of waste water from mining into any water course;

7 (g) discharging industrial or agricultural waste or wastewater into a
8 water body through a pipe, canal, sewer, sea outfall or other conduit
9 according to environmental standards;

10 (h) disposing in any manner of water which contains waste from, or
11 which has been heated in, any industrial or power generation process
12 according to standards defined by the relevant environment standards
13 enforcement agency;

14 (i) undertaking drainage and land reclamation;

15 (j) removing, discharging or disposing of water found underground
16 if it is necessary for the efficient continuation of an activity or for the safety
17 of people;

18 (k) leachate containment activities according to environmental
19 standards;

20 (l) capital dredging;

21 (m) sand dredging, rock blasting and rock removal in rivers;

22 (n) construction of infrastructure, roads and bridges across rivers
23 and streams;

24 (o) any works affecting the banks and beds of water courses;

25 (p) carrying out commercial inland fisheries;

26 (q) transportation of "Specified Substances" over the watercourse;

27 (r) activities which reduce stream flow; and

28 (s) using reservoirs for recreational purposes.

29 **100.-(1)** An existing lawful water use means a water use which:

30 (a) has taken place at any time during a period of two years

Existing lawful
use

1 immediately before the date of commencement of this Act; and

2 (b) was authorized by or under any law which was in force
3 immediately before the date of commencement of this Act.

4 (2) A person or the person's successor-in-title, may continue with an
5 existing lawful use, subject to:

6 (a) any existing conditions or obligations attach to that use;

7 (b) its replacement by a licence within the specified period in
8 accordance with regulations made pursuant to this Act; and

9 (c) any other limitation or prohibition by or under this Act.

10 (3) The Commission may, subject to any regulation made under this
11 Act, require the registration of an existing lawful water use.

Application for
a licence

12 **101.**-(1) No person shall undertake any of the prescribed activities
13 defined in section 100 of this Act except in accordance with a license issued by
14 the Commission or a general authorization pursuant to this Act.

15 (2) Where a person has made an application for an authorization to
16 use water under another law, and that application has not been finalized when
17 this Act takes effect, the application shall be regarded as being an application
18 for a water use under this Act.

19 (3) An application shall be in a form approved by the Commission
20 and shall be accompanied by such documents as shall be prescribed by the
21 Commission.

22 (4) An application shall be accompanied by the required application
23 fee as may be fixed by the Commission from time to time.

24 (5) The Commission:

25 (a) may, where necessary, require the applicant, at the applicant's
26 expense, to obtain and provide it by a given date, with:

27 (i) other information, in addition to the information contained in the
28 application,

29 (ii) an assessment by a competent person of the likely effect of the
30 proposed licence on the resource quantity and quality, or

1 (iii) an independent review of the assessment furnished under
2 subparagraph (ii) of this paragraph, by a person acceptable to the
3 Commission;

4 (b) may conduct its own investigation on the likely effect of the
5 proposed licence on the protection, use, development, conservation,
6 management and control of the water;

7 (c) may invite written comments from any organ of state which or
8 person who has an interest in the matter; and

9 (d) shall afford the applicant an opportunity to make
10 representations on any aspect of the licence application.

11 (6) An applicant is responsible for:

12 (a) demonstrating compliance and consistency with the respective
13 basin water resources strategy, resource quality objectives or reserve
14 determination as appropriate to the type of licence being applied for; and
15 complying with the requirements of other Acts including for environmental
16 assessment and management.

17 (7) The Commission may, at any stage of the application process,
18 require the applicant to:

19 (a) give suitable notice in newspapers and other media in a form
20 and with content prescribed by the Commission:

21 (i) describing the licence applied for;

22 (ii) stating that not less than 60 days written objections may be
23 lodged against the application after the last publication of the notice;

24 (iii) giving an address where written objections must be lodged;
25 and

26 (iv) containing such other particulars as the Commission may
27 require;

28 (b) take such other steps as it may direct to bring the application to
29 the attention of relevant organs of state, interested persons and the general
30 public; and

Essential contents
of licences

1 (c) satisfy the Commission that the interests of any other person
2 having an interest in the land will not be affected

3 **102.**-(1) A licence contemplated in this Part shall specify the:

4 (a) water use or uses or activity for which it is issued;

5 (b) property or area in respect of which it is issued;

6 (c) person to whom it is issued;

7 (d) conditions subject to which it is issued;

8 (e) licence period, which shall not exceed 25 years for hydro Power
9 generation Projects and 10 years for other Projects, provided that licences for
10 discharges shall be treated on a case by case basis; and

11 (f) the periods during which the licence may be reviewed.

12 (2) Subject to the provisions of subsection (3) of this section, and
13 notwithstanding the provisions of subsection (1) of this section, the
14 Commission may extend the licence period of a licence if this is done as part of
15 a general review of licences.

16 (3) An extension of a licence period contemplated under subsection
17 (2) of this section may only be made after the Commission has considered the
18 factors specified in section 106 of this Act, and all other relevant factors,
19 including new applications for water use, and has concluded that there are no
20 substantial grounds not to grant an extension.

21 (4) If the validity period of a licence is extended in pursuant to the
22 provisions of subsection (3) of this section, the licence in respect of the period
23 for which it is extended may be issued, subject to different conditions which
24 may include a lesser permitted water use.

Determination
of application

25 **103.**-(1) The Commission may grant or refuse to grant an application
26 for the issue of a license for any reason the Commission considers appropriate
27 having regard to the objectives specified in section 1 of this Act.

28 (2) In determining whether to grant an application or not the
29 Commission shall:

30 (a) follow the procedure for notification and consultation as

1 stipulated in regulations issued by the Commission from time to time
2 pursuant to section 125 of this Act; and

3 (b) be satisfied that harm will not be caused to existing lawful uses,
4 including customary uses, subject to provisions to vary the terms of existing
5 licenses under this Act.

6 (3) The Commission shall notify the applicant for a license, and
7 any person who has objected to the application in writing of its decision to
8 grant or refuse to grant the application and in the case of a decision to refuse
9 to grant the application, of the reasons for its decision.

10 (4) The Commission shall keep a register of licences issued with
11 respect to water sources within its area of authority which register shall be
12 available for the inspection of the public in accordance with the rules of the
13 Commission in respect thereof.

14 (5) The issue of a licence to use water does not imply a guarantee
15 relating to the:

16 (a) statistical probability of supply;

17 (b) availability of water; or

18 (c) quality of water.

19 104.-(1) Where the Commission is satisfied that, by reason of an
20 actual or anticipated exceptional shortage of water in a hydrological area, or
21 by reason of accident or other unforeseen circumstance, a serious deficiency
22 of water for essential domestic purposes or damage to the environment
23 exists, or is threatened in any area, the Commission may -

24 (a) declare that an emergency exists; and

25 (b) direct a person who has a supply of water in excess of his needs
26 for domestic purposes to reduce the amount he is permitted to abstract under
27 the terms of any licence or general authorization.

28 (2) Any person who fails to comply with the directive of the
29 Commission issued pursuant to the provisions of subsection (2) of this
30 section commits an offence.

Emergency
powers in case of
shortage of water

1 (3) An order under this section may require or authorize-
2 (a) the laying of pipes and the construction of works on any land;
3 (b) the entry on to any land by officers or agents of the Commission
4 and such other measures at the Commission may consider necessary to
5 overcome the shortage of water or effects of any accident.

6 (4) If a person to whom such an order under this section is directed
7 fails to comply with the order, the Commission or any person deputed by it-

8 (a) may take possession of the water supply and operate any works of
9 the person concerned for the drawing, diversion, or use of water; and shall have
10 and may exercise the person's rights in connection with them during the period
11 of the order.

12 (5) It shall be the duty of any person exercising any powers under this
13 section to do so with reasonable care and in such a manner as to cause as little
14 damage as possible in so doing.

15 (6) A person who, without lawful authority, hinders or obstructs any
16 person acting in pursuance of an order under this section, or interferes with any
17 works constructed or under construction in pursuance of such an order,
18 commits an offence.

19 (7) Any person who contravenes any provision of this section commit
20 an offence and liable, on first conviction to a minimum fine of 50,000 Naira or
21 imprisonment for a period not exceeding 2 years, or to both such fine and
22 imprisonment and in the case of a second or subsequent conviction to a
23 minimum fine of 100,000 Naira or imprisonment for a period not exceeding 5
24 years or to both such fine and imprisonment.

Conditions of
licences

25 105.-(1) The Commission may attach conditions to every general
26 authorization or licence-

27 (a) relating to the protection of-
28 (i) the water resource in question,
29 (ii) the stream flow regime, or
30 (iii) other existing and potential users;

- 1 (b) relating to water management by-
- 2 (i) specifying practices and general requirements for any water use,
3 including water conservation,
- 4 (ii) requiring the monitoring, analysis and reporting on water use or
5 water quality,
- 6 (iii) requiring the preparation, approval and adherence of a water
7 management plan,
- 8 (iv) requiring the payment of water charges as provided for in
9 section 107 of this Act;
- 10 (v) requiring the licensee to provide or make water available to a
11 person specified in the licence, and
- 12 (vi) in the case of a general authorization, requiring the registration
13 of the water use with the responsible authority and the pay merit of a
14 registration fee as a pre-condition of that use.
- 15 (c) relating to a return flow and discharge or disposal of waste-
- 16 (i) specifying a water resource to which it must be returned or
17 disposed of,
- 18 (ii) specifying permissible levels for some or all of its chemical and
19 physical properties in accordance with standards and guidelines issued by
20 the Federal Ministry responsible for Environment,
- 21 (iii) specifying treatment to which it must be subjected before it is
22 discharged, and
- 23 (iv) specifying the volume which may be returned; in the case of
24 taking or storing of water-
- 25 (i) setting out the specific quantity or percentage of water which
26 may be taken,
- 27 (ii) setting out the rate of abstraction,
- 28 (iii) setting out the method of construction of a borehole,
- 29 (iv) specifying the place from where water may be taken,
- 30 (v) specifying the times when water may be taken,

- 1 (vi) identifying or limiting the area of land on which any water taken
2 from a resource may be used,
- 3 (vii) limiting the quantity of water that may be stored, and
4 (viii) specifying locations where water may be stored;
- 5 (e) in the case of a licence-
- 6 (i) specifying times when water may or may not be used,
7 (ii) containing provisions for its termination if an authorized use of
8 water is not implemented or not fully implemented, or
- 9 (iii) designating water for future or contingent use which have been
10 agreed to by the licensee; and
- 11 (f) which are necessary or desirable to achieve-
- 12 (a) the purpose for which the licence was issued; and
13 (b) compliance with the provisions of this Act.
- 14 **106.-(1)** The use of prescribed water abstracted from a water resource
15 shall be subject to a water charge that reflects-
- 16 (a) the available water and resource quality objectives;
17 (b) the costs of water resources development and management;
18 (c) the affordability of water among water users;
19 (d) the equitable, efficient and sustainable allocation of water; and
20 (e) protection and conservation of the water resource and water
21 related environment.
- 22 (2) The water charge shall form a source of income for the
23 Commission.
- 24 (3) The pricing structure for water use adopted by the Commission
25 shall be approved by the National Council and may-
- 26 (a) differentiate on an equitable basis between different-
- 27 (i) types of geographic areas,
28 (ii) categories of water use, and
29 (iii) water users.
- 30 (b) include subsidies to promote equitable allocation;

1 (c) provide a transparent mechanism for establishing charges; and
2 (d) define any circumstances under which water charges may be
3 subject to waiver

4 (4) The pricing structure for waste water discharges shall be
5 approved by the National Council and may provide a differential rate taking
6 into account the-

7 (a) context in the area concerned;
8 (b) characteristics of the waste discharged;
9 (c) amount and quality of the waste discharged;
10 (d) nature and extent of an impact on a water resource caused by the
11 waste discharged;

12 (e) extent of permitted deviation from prescribed waste standards
13 or management practices; and

14 (f) required extent and nature of monitoring the water discharge.

15 (5) The pricing structure shall prescribe procedures for recovery of
16 water charges.

17 (6) In preparing the pricing structure the Commission shall follow
18 procedures for public consultation set out in section 125 of this Act.

19 107.-(1) A licensee may, before the expiration of a licence, apply to
20 the Commission for the renewal or amendment of the licence in a form and
21 containing such information as may be required by the Commission.

22 (2) A licence may, at the request of the licensee, be varied by the
23 Commission if the Commission is satisfied that the variation is not contrary
24 to the public interest or the rights of others, so as to-

25 (a) vary the point of abstraction or diversion;
26 (b) vary the use of water authorized by the licence;
27 (c) to remedy any defect whereby the licence is incomplete or
28 indefinite in its terms and conditions; or

29 (d) to reflect one or more successors-in-title as new licensees.

30 (3) A variation relating to the use of water or terms and conditions

Renewal, review,
variation and
cancellation

1 of a licence shall not be made without public consultation.

2 (4) The Commission may vary a licence or its conditions where, it is
3 shown to the satisfaction of the Commission, that owing to changes in
4 hydrological conditions, prolonged drought, increased demand or other cause,
5 the use of water under a licence, or the method or point of abstraction or other
6 manner in which the water is so used, causes-

7 (a) inequity;

8 (b) a deterioration in the quality of water;

9 (c) a shortage of water for domestic purposes; or

10 (d) a shortage of water for any other purpose which in the opinion of
11 the Commission should have priority.

12 (5) A variation contemplated in sub-section (4) of this section may
13 only be made if the conditions of other licences for similar water use from the
14 same water resource in the same vicinity, as determined by the Commission,
15 are also being amended in an equitable manner through a general review
16 process.

17 (6) Notwithstanding the provisions of sub-section (4) of this section, a
18 Commission may review the terms of a licence, other than the time period, only
19 at the periods stipulated in a licence for that purpose.

20 (7) A licensee whose license is varied under subsections (4) or (5) of
21 this section and, as a result of which the economic viability of any undertaking
22 is severely prejudiced, shall be paid compensation in such an amount as shall
23 be agreed between the permit holder and the Commission, or in default of
24 agreement, as may be determined by mediation or appeals procedures under
25 this Act.

26 (8) A licensee may, before the expiration of a licence, apply to the
27 Commission for the renewal or amendment of a licence which shall be dealt
28 with according to the same procedures and considerations as application for a
29 new licence.

30 (9) A licence may be cancelled, suspended or varied by the

1 Commission if the licensee-

2 (a) contravenes any conditions of the licence; or

3 (b) fails to make beneficial use of the water or any part thereof.

4 (10) No licence shall be varied, suspended or cancelled under this
5 section unless notice of the proposed variation, suspension or cancellation
6 has been served on the licensee and the licensee has been afforded a
7 reasonable opportunity to show cause to the Commission why the licence
8 should not be varied or cancelled.

9 108.-(1) The Commission may, following public consultation, by
10 order published in the Gazette, declare an area to be a groundwater
11 conservation area in cases where the Commission is satisfied that, in the
12 public interest in such area, special measures for the conservation of
13 groundwater are necessary for the protection-

Groundwater
conservation areas

14 (a) of public water supplies;

15 (b) of the environment; or

16 (c) for water supplies used for agriculture, industry or other private
17 purposes.

18 (2) The Commission may impose such requirements, and regulate
19 or prohibit such conduct or activities, in or in relation to groundwater
20 conservation areas such as the commission may deem necessary to protect
21 the area

22 109.-(1) The Commission may, subject to regulations made under
23 this Act and conditions imposed, authorize all or any category of persons to
24 use water by notice in the Gazette-

General
authorizations

25 (a) generally;

26 (b) in relation to a specific water resource; or

27 (c) within an area specified in the notice,

28 (2) The notice referred to in subsection (1) of this section-

29 (a) shall state the geographical area in respect of which the general
30 authorization will apply and the date upon which the general authorization

1 will come into force; and

2 (b) may state the date on which the general authorisation will lapse.

3 (3) A water use may be authorized under subsection (1) of this section
4 on condition that the user obtains any permission or authority required by any
5 other specified law.

6 (4) Before issuing a general authorization, the Commission shall-

7 (a) publish a notice in the Gazette setting out the proposed general
8 authorisation and an address to which and date before which comments are to
9 be submitted;

10 (b) consider what further steps, if any, are appropriate to bring the
11 contents to the attention of interested persons and, take those steps which it
12 considers appropriate; and

13 (c) consider all comments received on or before the date specified.

14 (5) Any authorization to use water under this section does not replace
15 or limit any entitlement to use water which a person may otherwise have under
16 this Act.

Contravention
of licence
provisions

17 **110.-(1)** Any person who contravenes the provisions of section 108(1)
18 commits an offence and is liable on conviction to a fine of not less than 100, 000
19 Naira or to imprisonment for a period of 2 years or to both such fine and
20 imprisonment.

21 (2) The Commission shall have the authority to order any person who
22 contravenes section 108(1) of this Act to cease such activities and to make such
23 other orders as may be deemed necessary to prevent continuation or
24 reoccurrence of the contravention.

25 (3) The Commission shall have the authority to penalize a licensee for
26 violation of the terms and conditions of his license or to cancel or suspend such
27 license in accordance with the provisions of this Act.

28 **PART X - MONITORING, REPORTING AND INFORMATION SYSTEMS**

Monitoring
Systems

29 **111.-(1)** The Minister shall, through NIHSA, establish and maintain
30 national monitoring systems on water resources.

1 (2) The systems shall provide for the collection of appropriate data
2 and information necessary to assess, among other matters-

- 3 (a) the quantity of water in the various water sources;
4 (b) the quality of water resources;
5 (c) the use of water resources; and
6 (d) the state of the aquatic environment.

7 **112.** The Minister shall, through NIHSA, establish national
8 information systems regarding water resources, for the following-

National
information
systems on water
resources

- 9 (a) hydrological and hydro-geological monitoring networks;
10 (b) hydro-meteorological monitoring network;
11 (c) databases and information systems that summarize the
12 information systems maintained at catchment level under section 117 of this
13 Act; and

14 (d) information on water resources of international river basins of
15 which Nigeria is a party.

16 **113.**-(1) The Commission shall in collaboration with the Nigeria
17 Hydrological Services Agency, establish and maintain catchments level
18 information systems on water resources.

Establishment of
Catchment
information systems

19 (2) The catchments level information systems shall provide for the
20 collection of appropriate data and information necessary to assess, among
21 other matters-

- 22 (a) the quantity of water in the various water sources;
23 (b) the status of groundwater aquifers;
24 (c) the quality of water resources and state of the aquatic
25 environment;
26 (d) the use of water resources, including a register of water use
27 authorizations for irrigation, municipal and industrial use and other uses;
28 (e) the extent and quality of coverage of water supply and
29 sanitation services; and

30 (f) compliance with water resource quality objectives.

1 (3) The Commission shall submit necessary information and reports
2 to the Minister for the purpose of compilation into the national information
3 system

Information on
floods and
droughts

4 **114.-(1)** The Ministry, NWRI, the Commission, and any other water
5 sector institutions shall, make information at their disposal available to the
6 public in an appropriate manner in respect of-

- 7 (a) a flood which has occurred or is likely to occur;
8 (b) an impending drought or drought which has occurred;
9 (c) a waterworks that might fail or has failed;
10 (d) any risk posed by a dam or other water resources infrastructure;
11 (e) levels likely to be reached by flood waters from time to time;
12 (f) any risk posed by the quality of any water to life, health or
13 property; and
14 (g) any matter connected with water or water resources which the
15 public needs to know.

16 (2) The institutions specified in sub-section (1) of this section, shall
17 where reasonably practicable, establish an early warning system in relation to
18 the events contemplated in that section.
19 establish a housing project unless the layout plan shows, in a form acceptable
20 to the local authority concerned, lines indicating the maximum level likely to
21 be reached by flood water on average once in every 100 years.

Objectives of
national and
hydrological area
information
systems

22 **115.** The objectives of the national information systems are to -

23 (a) store and provide data and information for the protection,
24 sustainable use and management of water resources;

25 (b) provide information for the development and implementation of
26 the national water resources strategy; and

27 (c) provide information to government, water management
28 institutions, water users and the public on the status of water resources for the
29 purpose of-

30 (i) research and development;

- 1 (ii) planning and environmental management;
 2 (iii) determining licence applications;
 3 (iv) public safety and disaster management, and
 4 (v) international cooperation.

5 **116.** The institutions specified in S.115 (1) of this Act may require
 6 that any person shall, within a reasonable given time or on a regular basis,
 7 provide any data, information, documents, samples or materials required
 8 for the-

Provision of
information

9 (a) purposes of respective national or hydrological area monitoring
 10 networks or information systems; and

11 (b) management and protection of water resource.

12 **117.** Information contained in any national or hydrological area
 13 information system established under this Part shall be made available to the
 14 public within a reasonable time frame, subject to any limitations imposed by
 15 law and the payment of a reasonable fee.

Access to
information

16 **118.** The Commission and the Nigeria Hydrological Services
 17 Agency shall jointly develop guidelines prescribing-

Regulations for
monitoring,
assessment and
information

18 (a) procedures, standards and methods for monitoring; and

19 (b) the nature, type, time period and format of data to be submitted
 20 in accordance with this Part of this Act.

21 PART XI - BOREHOLE DRILLING

22 **119.** No person shall commence or carry on any kind of borehole
 23 drilling business in Nigeria except a-

Drilling of
borehole

24 (a) company duly incorporated as a limited liability company or a
 25 registered business name under the Companies and Allied Matters Act; or

26 (b) body or individual duly authorized by or pursuant to any other
 27 enactment to carry on the business of borehole drilling.

28 **120.** Subject to the provisions of this Act, no borehole driller,
 29 whether corporate or Individual shall commence borehole drilling business
 30 in Nigeria unless such driller has been issued a Water Well Driller's Licence

Issuance of
drillers' licence

1 issued by the Commission.

Commercial
borehole

2 **121.**-(1) The owner of a borehole constructed for commercial purpose
3 shall obtain a Permit for such Borehole from the commission, the permit shall
4 prescribe the terms and conditions to be observed by the Owner.

5 (2) The Commission shall by Regulations determine matters to be
6 considered and provided by the owner in the application for a permit including
7 - information on proposed location, use, depth, and other geo-physical details
8 of the borehole – which shall be in compliance with the Code of Practice for
9 water well drilling issued by the Commission on the recommendation of the
10 NWRI and the SON.

11 (3) A commercial borehole Permit shall be renewable every five years
12 or such other period as the Commission may prescribe.

Drilling permit

13 **122.** A drilling permit shall-

14 (a) authorize the construction of one or multiple wells in specified
15 locations) in compliance with the conditions of approval specified for the
16 purpose; and be given at the catchment level by the CMO subject to licensing
17 provisions under PART IX of this Act and any regulations made pursuant to this
18 Act.

Non-compliance

19 **123.** Any driller who fails to comply with the provisions of this Part of
20 this Act commits an offence and is liable to a fine of 500,000 naira or to
21 imprisonment for a term of 1 year.

22 **PART XII - GENERAL**

Public
Consultation

23 **124.**-(1) A requirement under this Act for a person, in this section
24 called the “designated person”, to undertake public consultation in relation to
25 any strategy developed, reserve determined, or other action to be taken, except
26 licensing covered under section 100, that involves notification of the public or
27 a restricted set of water stakeholders, or action proposed to be taken, under this
28 Act shall be construed as a requirement to ensure that this section is complied
29 with in relation to that action.

30 (2) The designated person shall publish notice, in relation to the

1 application or proposed action-

2 (a) in the Gazette;

3 (b) in at least one national newspaper circulating in the locality to
4 which the application or proposed action relates;

5 (c) at local government offices or other location(s) accessible to
6 those affected by the proposed action; and

7 (d) if the designated person is an institution, on its website.

8 (3) The notice shall in each case-

9 (a) set out a summary of the application or proposed action;

10 (b) state the premises at which details of the application or
11 proposed action may be inspected;

12 (c) invite written comments on or objections to the application or
13 proposed action;

14 (d) specify the person or body to which any such comments are to
15 be submitted; and

16 (e) specify a date by which any such comments are required to be
17 received not being a date earlier than 30 days after publication of the notice.

18 (4) The designated person shall make arrangements for the public
19 to obtain copies, at reasonable cost, of documents relating to the application
20 or proposed action.

21 (5) The designated person shall-

22 (a) consider any written comments received on or before the date
23 specified under subsection (3)(e) of this section;

24 (b) consider any comments whether in writing or not, received at
25 any public meeting held in relation to the application or proposed action or
26 pursuant to any other invitation to comment; and

27 (c) acknowledge receipt of all written comments, prepare a
28 summary of the comments received and publish a consolidated response
29 indicating how the comments have been considered.

30 (6) The designated person shall publish, through the same media

1 employed in subsection (2) of this section, notice of the fact that a copy of the
2 decision in writing of the designated person in relation to the application or
3 proposed action, and of the reasons there for, is available for public inspection
4 at the same premises as were notified under subsection (3)(b) of this section.

5 (7) Where regulations made under this Act so require, the designated
6 person shall cause a public meeting, to be held in relation to the application or
7 proposed action.

Entry onto land
in furtherance of
duties

8 **125.**-(1) The Minister, Executive Secretary of the Commission,
9 Managing Director of an Authority may in writing, appoint any suitable person
10 as an authorized person to perform the functions of this section subject to the
11 limitations of their powers and functions under this Act.

12 (2) An authorized person' may, at any reasonable time and on
13 production of their identity card or other instrument or certificate of
14 designation if so required, enter a property with the necessary persons,
15 vehicles, equipment and material in order to carry out routine inspections of the
16 use of water or disposal of waste water under any authorization.

17 (3) An authorized person, may, at any reasonable time and on
18 production of their identity card or other instrument or certificate of
19 designation if so required, and after giving reasonable notice to the owner or
20 occupier of the property, which notice must state the purpose of the proposed
21 entry; enter a property with the necessary persons, vehicles, equipment and
22 material in order to-

23 (a) clean, repair, maintain, remove or demolish any government
24 waterworks operated by any water management institution;

25 (b) undertake any work necessary for cleaning, clearing, stabilizing
26 and repairing the water resource and protecting the resource quality;

27 (c) establish the suitability of any water resource or site for
28 constructing a waterworks;

29 (d) undertake any work necessary to comply with an obligation
30 imposed on any person under this Act;

1 (e) erect any structure and to install and operate any equipment on a
2 temporary basis for monitoring and gathering information on water
3 resources; or

4 (f) bring heavy equipment on to a property or occupy a property for
5 any length of time.

6 (4) An authorized person may, at any reasonable time and without
7 prior notice, enter a property that is not a dwelling under subsection (7) of
8 this section with the necessary persons, vehicles, equipment and material,
9 and perform any action necessary to-

10 (a) investigate whether under this Act, or other law related to the
11 quality of water, any condition attached to any authorized water use by or
12 under this Act or any notice or directive is being contravened;

13 (b) investigate whether any information supplied in connection
14 with the use of water is being contravened;

15 (c) inspect any works including hydraulic works, boreholes, dams
16 dykes or any other apparatus which appears to the water management
17 institution to be one to which this Act or the regulations thereunder apply
18 and which may be capable of being used in contravention of the provisions
19 of this Act or regulations made pursuant thereto;

20 (d) inspect any works or water body poses an imminent or potential
21 threat of pollution of water bodies and take necessary samples for analysis;

22 (e) take a sample, specimen or other permanent evidence of any
23 works or other article to which this Act or the regulations apply or which an
24 authorized person has power to examine;

25 (f) examine any book, document or other record which he
26 reasonably believes may, contain any information relevant to the
27 enforcement of this Act or the Regulations and make copies thereof of
28 extracts therefrom;

29 (g) revoke a licence issued under this Acts;

30 (h) support action taken by the environment enforcement agency in

1 obtaining an order of the court to suspend activities that are in contravention of
2 this Act.

3 (5) The owner or person in-charge of any premises or other structure
4 whatsoever, entered by an authorized person in pursuance of their duties under
5 this section, shall give all reasonable assistance in their power to the authorised
6 person and shall make available all such information as may be reasonably
7 required for the purpose of this Act.

8 (6) The results of any investigation carried out upon any premises
9 shall be notified to the owners of the premises within a reasonable time.

10 (7) Notwithstanding any provision of this section an authorized
11 person shall not, under any circumstances, enter a dwelling without the consent
12 of the occupier or without a warrant authorizing entry.

Power to acquire
land

13 **126.** Any of the institutions established pursuant to this Act may
14 acquire for its use in furtherance of its duties under this Act and Regulations
15 made pursuant to this Act such land within its area of operation as it shall deem
16 necessary subject to the provisions of the Land Use Act.

Appointment
of Auditors

17 **127.**-(1) The Institutions established under this Act shall keep proper
18 accounts in respect of each financial year and shall appoint an Auditor in
19 accordance with the general guidelines for the appointment of auditors issued
20 by the Auditor General for the Fédération.

21 (2) The accounts kept by the Institution referred to in subsection (1)
22 hereof shall be examined by the Auditors.

23 (3) The Auditor shall, within six months after the end of each financial
24 year of each such institution, make a report to the relevant Institution and the
25 President on the statement of account prepared by such Institution and such
26 report shall state, whether or not in the opinion of the Auditor, the statement of
27 account gives an accurate and fair view of the state of the Institution's financial
28 affairs.

29 (4) The Auditor General of the Federation may require that an
30 Institution instruct its Auditors to prepare and submit such other reports as he

1 may deem necessary.

2 (5) Every institution shall publish its audited statement of accounts
3 in a national daily newspaper or in any other manner as shall be approved by
4 the President within one month of such audited accounts being approved by
5 the Auditor General as final.

6 **128.**-(1) The Auditor shall be entitled at reasonable hours to require
7 to be produced to him all accounts' and - other records relating to such
8 accounts kept by the Institution appointing such Auditor or its agents and to
9 require from any Member of the governing or apex body or employee or
10 agent of such Institution, information and explanation as in the opinion of
11 the Auditor are necessary for the purpose of their audit.

Powers of the
Auditors

12 (2) Any of the persons referred to in subsection (1) who fails to
13 comply with any request by the Auditors pursuant to the same subsection
14 commits an offence and is liable on conviction to a fine of not less than
15 25,000 Naira or to imprisonment for a period not exceeding 3 months or to
16 such fine and imprisonment.

17 **129.** No liability shall attach to the Commission an Authority or
18 any Member or employee of these institutions for any loss or damage
19 sustained by any person as a result of the bona fide exercise or performance
20 of any function which by or in terms of this Act is conferred or imposed upon
21 the Commission or Authority.

Exemption from
Liability

22 PART XIII - OFFENCES

23 **130.** Any person who, in any declaration required to be made
24 under this Act, makes any statement which he knows to be false or does not
25 have reasonable grounds to believe it to be true, commits an offence and is
26 liable on conviction to a fine of 50,000 Naira or to imprisonment for a period
27 not exceeding 6 months or to both.

False declaration

28 **131.**-(1) No person shall-

Non-compliance

29 (a) use water otherwise than as permitted under this Act;

30 (b) fail or refuse to provide-

- 1 (i) access to any books, accounts, documents or assets; and
2 (ii) data or information,
3 when required to do so under this Act;
- 4 (c) fail to comply with any condition attached to a license issued or
5 deemed issued under this Act;
- 6 (d) fail to comply with a directive issued by the Commission;
- 7 (e) unlawfully and- intentionally or negligently tamper or interfere
8 with any water works;
- 9 (f) fail to procure a licence or other approval required under this Act
10 upon the expiration of an existing right to use water recognised upon the
11 commencement of this Act;
- 12 (g) intentionally refuse to perform a duty, or obstruct any other person
13 in the exercise of any power or performance of any duty under this Act; .
- 14 (h) unlawfully and intentionally or negligently commit any act or
15 omission which pollutes or is likely to pollute a water resource;
- 16 (i) unlawfully and intentionally or negligently commit any act or
17 omission which detrimentally affects or is likely to affect a water resource;
- 18 (j) fail to comply with a temporary restriction on the use of water in
19 terms of section 100 of this Act; and
- 20 (k) undertake any prohibited activity in a watershed;
- 21 (2) Any person who contravenes any provision of subsection (1) of
22 this section commits an offence and is liable, on-
- 23 (a) first conviction, to a fine of 50,000 Naira or imprisonment for a
24 term not exceeding 5 years, or both;
- 25 (b) second or subsequent conviction, to a fine of 100,000 Naira or
26 imprisonment for a period not, exceeding 10 years or both.
- 27 (3) Any person who violates the provisions of any regulations made
28 pursuant to this Act, commits an offence and shall on conviction, where no
29 penalty is provided in the Regulations, be liable to a fine of 50,000 Naira or to
30 imprisonment for a term not exceeding 2 years or both and an additional fine of

1 10,000 Naira for every day the offence subsists.

2 (4) Where an offence under subsection (1) of this section is
3 committed by a body corporate, it shall on conviction, be liable to a
4 minimum fine of 100,000 Naira and an additional fine of 20,000 Naira for
5 every day the offence subsists.

6 (5) The scale of fines specified in this Act shall be reviewed after
7 every 5 years by the National Law Reform Commission in collaboration
8 with the Institutions created under the Act at the instance of the Ministry.

9 132. Where a person is convicted of an offence under this Act and
10 another person has suffered harm or loss as a result of the act or omission
11 constituting the offence or damage has been caused to a water resource, the
12 Court may, in the same proceedings on the application of the-

Enquiry in respect
of compensation
for harm, loss or
damage suffered

13 (a) person who suffered the harm or loss; or

14 (b) commission in respect of the damage caused to the water source
15 in the presence of the convicted person, enquire without pleadings into the
16 harm, loss or damage and determine the extent thereof and consider the
17 award of damages under section 134 of this Act.

18 133. The Court may after making a determination in accordance
19 with section 133 of this Act-

Award of damages

20 (a) award damages for the loss or harm suffered by the person
21 referred to against the accused;

22 (b) order the accused to pay for the cost of any remedial measures
23 implemented or to be implemented; and

24 (c) order that any remedial measures, be undertaken either by the
25 accused or the Commission.

26 PART XIV - MISCELLANEOUS

27 134.-(1) The provisions of the Utilities Charges Commission Act
28 1992, as amended shall not apply with respect to any of the activities for
29 which provision is made under this Act nor to any of the institutions and
30 authorities created pursuant to this Act.

Adaptation of
certain laws

1 (2) The provisions of the National Inland Waterways Act, Cap N83
2 Laws of the Federation of Nigeria, 2004 shall be read with such modifications
3 as are necessary to bring it into conformity with the provisions of this Act.

4 (3) Where the provisions of National Inland Waterways Act are
5 inconsistent with the " provisions of this Act, the provisions of this Act shall
6 prevail and the provisions of National Inland Waterways Act shall to the extent
7 of the inconsistency be void in relation to matters provided for under this Act.

Repeal of laws

8 135. The following laws are repealed-

9 (a) Water Resources Act Cap W2 LFN 2004;

10 (b) River Basin Development Authority Act, Cap R9 LFN 2004;

11 (c) Nigeria Hydrological Services Agency (Establishment) Act, Cap
12 N110A, LFN, 2004; and

13 (d) National Water Resources Institute Act, Cap N83 LFN 2004.

Transitional provisions

14 137.-(1) All licences, permits, approvals, or certificates, issued in
15 respect of the activities specified in Part IX of this Act and, which had effect
16 immediately prior to the commencement of this Act shall continue to have
17 effect for the remainder of its period of validity as if it had been issued under
18 this Act.

19 (2) Without prejudice to the generality of subsection (3) of this
20 section, any licenced, permit, approval or certificate that is in conflict with a
21 Hydrological Area Water Resources Strategy developed under PART VIII of
22 this Act shall be subject to notification by the Commission and - shall be varied
23 in accordance with procedures under section 108 (4) of this Act.

24 (3) Any tariff, price, levy, or surcharge which, immediately before the
25 commencement of this Act, was chargeable with respect to any activity for,
26 which provision is made under this Act shall, after the commencement of this
27 Act and until further provision is made pursuant to this Act by the relevant
28 authority, continue to be chargeable in respect of the activities and services
29 provided by the relevant authorities.

30 (4) Subject to this Act, any right, obligations, or duty accruing to any

1 person or authority by virtue of any licences, permits, approvals or
2 agreements with respect to any of the activities for which provision is made
3 under this Act, in addition to any rights in any land or water vested in any
4 person pursuant to the Water Resources Act, Cap W2 LFN, 2004 and the
5 River Basin Development Authority Act, Cap R9, LFN, 2004, shall continue
6 to vest in such person or authority as if it had accrued, vested or been
7 acquired pursuant to this Act.

8 (5) Subject to this Act, anything whatsoever made or done under
9 the Water Resources Act, Nigeria Hydrological Services Agency, National
10 Water Resources Institute Act and the River Basin Development Act shall,
11 after the commencement of this Act continue to have effect as if it had been'
12 made or done under this Act.

13 (6) Any existing agreement) for the management of water
14 resources in a hydrological area existing at the time this Act enters into'
15 force, shall, provided it is generally consistent with the principles of this Act,
16 continue to be effective until it is incorporated into a Hydrological Area
17 Water Resources Strategy.

18 **138. In this Act-**

19 "approved professional person" means a person registered as a professional
20 engineer in Nigeria by the Council for Regulation of Engineering in Nigeria
21 (COREN), Council for Mining Engineers and Geo-scientists (COMEG) or
22 of another country having at least similar standards. for registration and who
23 meets the requirements for inspection of dams as laid down by the Minister
24 in regulations;

25 "Authority" means River Basin Development Authority established under
26 this Act;

27 "basic human needs" means the prescribed minimum quantity and quality of
28 water to households to support life and personal hygiene as quantified in the
29 regulations;

30 "basic sanitation" means the prescribed minimum standards of services

Interpretation

- 1 necessary for the safe, hygienic and adequate collection, removal, disposal or
2 purification of human excreta, domestic waste-water and sewage from
3 households, including informal households;
- 4 "Basin" means the land area formed by drainage boundaries of the major river
5 and lake systems as delineated by natural topographical features and
6 international borders, and which may be subdivided into a number of
7 constituent parts, as defined in Second Schedule to this Act, and which includes
8 both surface water and groundwater resources;
- 9 "Basin Strategy" means a water resources strategy for a Basin under this Act;
- 10 "Borehole" means any hole that is driven, drilled, dug or bored either cased or
11 uncased by any method into the ground, for the purpose of obtaining water or
12 knowledge of water bearing or soil formation, or for the disposal of surface
13 water drainage;
- 14 "catchment area" means the area from which any rainfall will drain into the
15 watercourse or watercourses or part of a watercourse, through surface flow to a
16 common point or common points;
- 17 "Catchment Management Office" means a body established by the
18 Commission in each hydrological zone and headed by a Catchment
19 Management Officer;
- 20 "Commission" means Nigeria Water Resources Regulatory Commission;
- 21 "Council" means the National Council on Water Resources established under
22 this Act;
- 23 "designated person" means a person nominated under this Act to undertake
24 public consultations in accordance with this Act and its associated rules;
- 25 "drinking water standards" mean standards for safe drinking water adopted by,
26 the Federal Republic of Nigeria;
- 27 "Federation" means the Federal Republic of Nigeria;
- 28 "groundwater" means water from aquifers or other underground sources;
- 29 "hydrological zone" means area defined in Schedule 2;
- 30 "hydraulic works" means all reservoirs, dams, barrages, weirs, canals,

1 channels, tunnels, pipelines, aqueducts, sluices, structures, embankments
2 constructed for the storage, conveyance, supply, measurement, regulation of
3 water and protection from the effects of floods;

4 "large dam" means a structure, whether constructed or proposed to be
5 constructed, which together with its abutments, appurtenant works and
6 foundation, is capable of diverting or storing water and which has a-

7 (a) vertical height of fifteen metres or more measured from the
8 non-overflow crest of the wall of the structure to the lowest point on the
9 downstream face of the wall;

10 (b) is capable of storing one million or more cubic metres of water
11 at full supply level;

12 (c) has foundations which, in the opinion of the Inspectorate as
13 notified to the owner of the structure, may or does cause special or
14 unexpected difficulties; or

15 (d) in the opinion of the Inspectorate as notified to the owner of
16 such structure, is a small dam of unusual design.

17 "licence" means a licence in force under this Act;

18 "licensee" means the holder of a licence under this Act; .

19 "Minister" means the Federal Minister responsible for water resources;

20 "Ministry" means the Federal Ministry responsible for water resources;

21 "Nigeria Water Resources Regulatory Commission" means the body
22 established under this Act with the Responsibility for the Regulation and
23 Management of Water in Nigeria;

24 "Person" includes an individual, company, government agency, partnership
25 or other association of individuals, whether incorporated or not;

26 "owner of a dam" means the person entitled to divert or store water by means
27 of the large dam or small dam and includes the person in charge of that dam;

28 "personal irrigation" means the use of water for subsistence agriculture and
29 in no case exceeding 0.5 ha;

30 "pollution" means man made or man-induced alteration of the chemical,

1 physical, biological and radiological integrity of water;

2 "prescribed activity" means any activity requiring a licence under section 97 of
3 this Act;

4 "reasonable domestic use" means an amount needed by a household for
5 drinking, cooking, washing, sanitation and domestic livestock that is set out in
6 the regulations;

7 "Reserve" in relation to a water resource means that quantity of water required
8 under this Act-

9 (a) to satisfy basic human needs for all people who are or may be
10 supplied from the water resource; and

11 (b) to maintain significant environmental services of the water
12 resource including protection of aquatic ecosystems.

13 "safe drinking water" means water that does not represent any significant risk
14 to health over a lifetime of consumption including different sensitivities that
15 may occur between life stages;

16 "Secretary" means the Secretary to the Government of the Federation;

17 "small dam" means a structure, whether constructed or proposed to be
18 constructed, which, together with its abutments, appurtenant works and
19 foundations, is capable of diverting or storing water and which-

20 (a) has a vertical height of more than eight metres but less than fifteen
21 metres measured from the non-overflow crest of the wall of such structure to
22 the lowest point on the downstream face of such wall; or

23 (b) is capable of storing more than five hundred thousand but less than
24 one million cubic metres of water at full supply level;

25 "State" means one of the 36 States of the Federal Republic of Nigeria;

26 "state water" means water that comes under the jurisdiction of a state in terms
27 of the Constitution of the Federal Republic of Nigeria;

28 "State water agency or utility" means an agency established by the
29 Government of a State for the delivery of water supply and sanitation services
30 or management of State Water;

- 1 "State regulatory water Commission" means a body established by a State
2 for the regulation of the provision of water services in urban and semi-urban
3 areas;
- 4 "stream flow reduction activity" means any activity that reduces runoff from
5 a catchments to a river system;
- 6 "surface water" means any natural or man-made body of water, flowing or
7 standing, on the surface of the land including rivers, streams, lakes,
8 reservoirs, lagoons, wetlands, swamps, creeks, deltas and estuaries;
- 9 "task" includes a task relating to designing, constructing, altering, repairing,
10 impounding water in, operating, evaluating the safety of, maintaining,
11 monitoring, abandoning or de-Commissioning a dam;
- 12 "waste" means any material that is suspended, dissolved or transported in
13 water (including sediment) and which is spilled or deposited on land or into
14 water resources in such volume, composition, or manner as to cause, or be
15 reasonably likely to cause, the water resource to be polluted;
- 16 "water bodies" means groundwater or surface water;
- 17 "water course" means any natural channel or depression in which water
18 flows regularly or intermittently;
- 19 "water management area" means an area over which a water management
20 institution has jurisdiction under this Act;
- 21 "water management institution" means the National Council on Water
22 Resources, Federal Ministry of Water Resources, Nigeria Water Regulatory
23 Resources Commission, a body established for an international basin, a
24 River Basin Development Authority, a Water User Association, a State
25 Water Agency, or other person who fulfils the functions of a water
26 management institution under this Act;
- 27 "water well" means borehole;
- 28 "water services" means any service of or incidental to the supply of water, or
29 the provision of sewerage, sanitation or irrigation; and
- 30 "water users association" means an association of water users with a

1 common use of water and involved in the local management thereof, either
2 registered under State legislation or recognised as an effective community
3 based organisation.

Short title

4 139. This Bill may be cited as the National Water Resources Bill,
5 2017.

6 SCHEDULES

7 FIRST SCHEDULE

8 *[Sections 2 (3) and 100]*

9 DESIGNATION OF WATER BODIES

10 Designation of Water Bodies declared as affecting more than one State
11 pursuant to item 64 of the Exclusive Legislative list in Part 1 of the Second
12 Schedule to the Constitution of the Federal Republic of Nigeria, 1999.

13 All water, whether surface or underground, from time to time contained within
14 or flowing or percolating through such sources, and the tributaries and
15 catchment areas thereof-

16 (1) Source 1 - The River Niger from the border between the Federal
17 Republic of Nigeria and the Niger Republic to the outlet of the Kainji reservoir,
18 including-

19 (a) the Sokoto Rima River from the border with the Federal Republic
20 of Nigeria;

21 (b) all the tributaries of the River Niger crossing the border to the
22 Benin Republic; and,

23 (c) the Sokoto sedimentary (western) hydro-geological area.

24 (2) Source 2 - The River Niger from the outlet of the Kainji reservoir
25 to the point of confluence of the River Niger and the Benue River, including-

26 (a) The Kaduna River with the tributaries;

27 (b) Gurara River;

28 (c) all the tributaries of the River Niger crossing the border to the
29 Benin Republic; and

30 (d) the upper Niger sedimentary (Niger) hydro-geological area.

1 (3) Source 3 - The Benue River from the border between the
2 Federal, Republic of Nigeria and the Republic of Cameroon to the point of
3 confluence of the Benue River and the River Niger, including:

4 (a) the Gongola River;

5 (b) the Pai-yul River;

6 (c) the Wase River;

7 (d) the Shemankar River;

8 (e) the Oep River;

9 (f) the Mada River;

10 (g) all the tributaries of the Benue crossing the international border
11 to the Republic of Cameroon; and

12 (h) the Benue sedimentary (Benue) hydro-geological area.

13 Source 4 - The River Niger from the confluence thereof and of the
14 Benue River, including the Delta of the River Niger and all water tributaries
15 or influent thereto or diffluent therefrom, including:

16 (a) the Anambra River;

17 (b) the Imo River;

18 (c) the Akwalbom River; and

19 (d) the Aboine River.

20 Source 5 - All water courses directly or indirectly influent to the
21 Lagoon and other littoral Lagoons and water courses from the border with
22 the Republic of Benin to the mouth of the Forcados River, including:

23 (a) the Oshun River;

24 (b) the Ogun River;

25 (c) the Shasha River;

26 (d) the Owena River; and

27 (e) the Ogun/Oshun sedimentary (south-western) hydro geological
28 area.

29 Source 6 - All water rising or situated in the Federal Republic of
30 Nigeria which are directly or indirectly influent into the Lake Chad,

1 including the Chad sedimentary (north-eastern) hydro geological area.
 2 Source 7 - The Cross River from the boundary between the Federal
 3 Republic of Nigeria and the Republic of Cameroon and all water tributaries or
 4 influent thereto or diffluent therefrom including the Cross River sedimentary
 5 (south-eastern) hydrogeological area.

6 SECOND SCHEDULE

7 [Section (95)]

8 LIST OF HYDROLOGICAL AREAS

9 Name of Zone	Member States
10 HA-I	Katsina, Zamfara, Sokoto, Kebbi, Niger, Kane
11 HA-II	Niger, Kaduna, Plateau, Kogi, FCT
12 HA-III	Adamawa, Bauchi, Gombe, Plateau, Taraba, Yobe
13 HA-IV	Benue, Nasarawa, Plateau, Taraba
14 HA-V	Anambra, , Bayelsa, Delta, Imo, Kogi, Rivers
15 HA-VI	Edo, Ekiti, Lagos, Ogun, On do, Osun, Oyo.
16 HA-VII	Abia, Akwa-ibom; Cross- River, Ebonyi; Enugu, Imo
17 HA-VIII	Bauchi, Borno, Gombe, Jigawa, Kano, Yobe.

THIRD SCHEDULE

LIST OF RIVER BASIN DEVELOPMENT AUTHORITIES			
S/N	Column 1 Name of Authority	Column 2 States of Operation	Column 3 Headquarters
1	Anambra-Imo River Basin Development Authority	Comprising Abia, Ebonyi, Enugu, Imo, Anambra States	OWERRI
2	Benin-Owena River Basin Development Authority	Comprising Edo and part of Ekiti States	BENIN-CITY
3	Chad River Basin Development Authority	Comprising Borno, Yobe and part of Adamawa States	MAIDUGURI
4	Cross River Basin Development Authority	Comprising Akwa-Ibom, Cross-River States	CALABAR
5	Hadejia-Jamare River Basin Development Authority	Comprising Kano, Jigawa and part of Bauchi States	KANO
6	Lower Benue River Basin Development Authority	Comprising Benue, Nasarawa, Plateau and part of Kogi States	MAKURDI
7	Lower Niger River Basin Development Authority	Comprising Kwara and part of Kogi States	I.LORIN
8	Niger Delta River Basin Development Authority	Comprising Bayelsa, Rivers and part of Delta States	PHARCOURT
9	Ogun-Oshun River Basin Development Authority	Comprising Lagos, Oyo, Ogun, Osun and part of Ekiti States	ABEOKUTA
10	Sokoto-Rima River Basin Development Authority	Comprising Kebbi, Sokoto, Katsina and Zamfara States	SOKOTO
11	Upper Benue River Basin Development Authority	Comprising Adamawa, Gombe, Taraba and part of Bauchi States	YOLA
12	Upper Niger River Basin Development Authority	Comprising Niger, FCT and Kaduna States	MINNA

1 FOURTH SCHEDULE

2 [Section 17 (3)]

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD OF NIGERIA

4 WATER RESOURCES REGULATORY COMMISSION, ETC.

5 1. Subject to this Act the Board may make standing orders to regulate
6 proceedings or those of any of its committees. .7 2. The quorum of the Board shall be the Chairman or the person
8 presiding at the meeting and 5 other Members of the Board, and the quorum of
9 any Committee of the Board shall be as determined by the Board.10 3. The Board shall meet at least four times a year or whenever it is
11 summoned by the Chairman or if the Chairman is required to do so by written
12 notice to him by not less than 4 other Members, he shall summon a meeting of
13 the Board to be held within 14 days of the written notice.14 4. At any meeting of the Board the Chairman shall preside. But if he
15 is absent, the Members present at the meeting shall appoint one of their
16 Members to preside.17 5. Where the Board desires to obtain the advice of a person on a
18 particular matter, the Board may co-opt him to the Board for such period as it
19 deems fit, but a person who is in attendance by virtue of this sub-paragraph
20 shall not be entitled to vote at any meeting of the Board and shall not count in
21 determining quorum.22 *Committees*23 6.-(1) The Board may appoint one or more committees to carry out, on
24 behalf of the Board, such functions as the Board may determine.25 (2) A committee constituted under this paragraph shall, consist of
26 such number of persons as may be determined by the Board and a person shall
27 hold office on the Committee in accordance with the terms of his appointment.28 (3) A decision of a committee of the Board shall be of no effect until it
29 is confirmed by the Board.

30 7. At any time when the office of the Chairman is vacant or the

1 Chairman is in the opinion of the Board temporarily or permanently unable
2 to perform the functions of his office, a Member of the Board duly appointed
3 by the Minister shall perform those functions and references in this Schedule
4 to the Chairman shall - be construed accordingly.

5 8. The fixing of the seal of the Commission shall be authenticated
6 by the signature of the Chairman or of some other Member authorized
7 generally or specially by the board to act for that purpose for the
8 Commission.

9 FIFTH SCHEDULE

10 [Section 49 (3)]

11 PROCEEDINGS OF THE BOARDS OF AGENCIES ESTABLISHED UNDER

12 PARTS V, VI AND VII

13 *Board Meetings*

14 1. The Board of an Agency established under Part V, VI or VII of
15 this Act shall meet at least four times a year or whenever it is summoned by
16 the Chairman or if the Chairman is required to do so by a written notice to
17 him signed by not less than 4 other Members, he shall summon a meeting of
18 the Board to be held within 14 days of the written notice.

19 2. At any meeting of a Board, the Chairman shall preside but if he
20 is absent, the Members present at the meeting shall appoint one of their
21 Members to preside.

22 3. subject the provisions of this Acts, a Board may make standing
23 orders with respect to the holding of meetings, the nature of notice to be
24 given, the proceedings thereat, the keeping of minutes of such proceedings
25 and the custody and production for inspection of such minutes.

26 4. Where the Board desires to obtain the advice of a person on a
27 particular matter, the Board may co-opt him to the Board for such period as it
28 deems fit, but a person who is in attendance by virtue of this sub-paragraph
29 shall not be entitled to vote at any meeting of the Board and shall not count in
30 determining quorum.

1 perform the functions of his office, a Member of the Board duly appointed
2 by the Minister shall perform those functions and references in this Schedule
3 to the Chairman shall be construed accordingly.

4 11. The fixing of the seal of the Commission shall be authenticated
5 by the signature of the Chairman or of some other Member authorized
6 generally or specially by the board to act for that purpose for the
7 Commission.

EXPLANATORY MEMORANDUM

(This Memorandum does not form part of the above Act but is intended to explain its purport) This Act repeals the Water Resources Act, Cap W2 LFN 2004., River Basin Development Act, Cap R9 LFN 2004, Nigeria Hydrological Services Agency (Establishment) Act, Cap N110A, LFN,2004 National Water Resources Institute Act Cap N83 LFN 2004 and establish the National Council on Water Resources, Nigeria Water Resources Regulatory Commission, River Basin Development Authorities, Nigeria Hydrological Services Agency and National Water Resources Institute to provide for the regulation, equitable and sustainable development, management, use and conservation of Nigeria's surface water and groundwater resources.

