

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL CAPITAL TERRITORY WATER BOARD
AND FOR MATTERS CONNECTED THEREWITH, 2015

Sponsored by Hon. Gideon Gwani

[] Commencement

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

1 PART I - ESTABLISHMENT, ETC OF THE FEDERAL CAPITAL TERRITORY
2 WATER BOARD

3 1. - (1) There is hereby established for the Federal Capital Territory,
4 Abuja, (in this Bill referred to as "the Territory"), the Federal Capital
5 Territory Water Board (referred to in this Bill as "the Board").

Establishment etc.
of the Federal
Capital Territory
Water Board

6 (2) The Board shall-

7 (a) be a body corporate with perpetual succession and a common
8 seal;

9 (b) have powers to sue and be sued, in its corporate name

10 (c) have power to enter into contracts or partnerships with any
11 person (whether corporate or unincorporated) which in its opinion will
12 facilitate the discharge of the functions conferred on it by this Bill;

13 (d) be capable of holding, purchasing, acquiring, managing and
14 disposing of property, movable and immovable;

15 (e) have power to train managerial and technical staff for the
16 purpose of the discharge of the functions conferred on it in this Bill.

17 2. -(1) The Board shall consist of-

The Board and its
Constitution

18 (a) a Chairman who shall serve on part time basis;

19 (b) a General Manager;

20 (c) a member nominated by the Nigerian Society of Engineers;

21 (d) a Director in charge of the planning department of the Federal

1 Capital Development Authority (FCDA);

2 (e) a representative from the Federal Ministry of Water Resources;

3 (f) a representative from the Consumer Protection Council;

4 (g) a representative from a reputable Non-Governmental
5 Organization.

6 (2) the members from (f) - (g) shall represent public interest and must
7 have proven ability and experience in the field related to the functions of the
8 Board and must be capable of making valuable contributions to the
9 objectives/work of the Board.

10 (3) The Chairman and other members of the Board shall be appointed
11 by the Minister, FCT.

12 (4) The provisions contained in the Schedule to this Bill shall have
13 effect with respect to the proceedings of the Board, and the other matters
14 mentioned therein.

Remuneration of
members of the
Board

15 3. There shall be paid to the members of the Board such remuneration
16 as the Minister, FCT, may from time to time determine.

Tenure of office
of members

17 4. -(1) The Chairman and other members of the Board shall hold
18 office-

19 (a) for a term of four years in the first instance and may be reappointed
20 for a further term of four years and no more; and

21 (b) on such terms and conditions as may be stipulated in their letters of
22 appointment.

23 (2) All members of the Board except the General Manager shall serve
24 as part-time members.

Quorum

25 5. The quorum for a meeting of the Board shall be five members,
26 including the Chairman.

Vacation of
office

27 6.-(1) Notwithstanding the provisions of section 4 of this Bill, a
28 member shall vacate office.

29 (a) three months after the date upon which he gives notice in writing
30 to the Minister, FCT of his intention to resign, or on the expiry of such other

- 1 period of notice as he and the Minister, FCT may agree; or
- 2 (b) on the date he begins to serve a sentence of imprisonment
- 3 imposed without the option of a fine -
- 4 (i) in Nigeria, in respect of an offence; or
- 5 (ii) outside Nigeria, in respect of an offence involving financial
- 6 impropriety or any conduct which, if committed in Nigeria, would
- 7 constitute an offence;
- 8 (c) if he attends fewer than 75% of the Board's meetings in any one
- 9 year period; or
- 10 (d) in the case of members who have professional qualifications, if
- 11 the member is barred or suspended from his professional body;
- 12 (e) If he becomes bankrupt;
- 13 (f) if he becomes of unsound mind or incapable of carrying out his
- 14 duties;
- 15 (g) if he is guilty of serious misconduct with relation to his duties as
- 16 a member of the Board.

17 (2) A member of the Board may only be removed by the Minister,

18 FCT under any of the provisions of section 6 (1) (a) to (g) of this Bill.

19 PART II - FUNCTIONS, POWERS AND OBJECTIVES OF THE BOARD

20 7. The objectives of the Board shall be to-

- 21 (a) provide safe, adequate and affordable water supply services to
- 22 the residents of the Federal capital Territory;
- 23 (b) collaborate with the Authority responsible for Water Resources
- 24 Management to secure efficient use of water resources for the conservation
- 25 and protection of the water resources of the Territory and the Nation.

Objectives of the
Board

26 8. The functions of the Board shall be to-

- 27 (i) ensure the supply of adequate and potable water throughout the
- 28 Territory at reasonable charges;
- 29 (ii) manage and maintain all capital works, water services facilities
- 30 and new water services assets in the Territory either directly, or pursuant to

Functions of the
Board

1 PPP Agreements with private participants, or by raising necessary funds from
2 other sources subject to the provisions of this Bill;

3 (iii) prepare for the approval of the Minister, FCT, plans for the
4 maintenance and development of water supply services, water service assets
5 and new water services assets in the Territory (referred to as the "Development
6 Plans"), pursuant to consultation with the relevant authorities and consumer
7 groups;

8 (iv) identify and implement projects for the delivery of water supply
9 services which may be undertaken with private sector participation, pursuant
10 to consultation with the relevant authorities, in order to fulfill the water service
11 obligations of the Board;

12 (v) manage and maintain existing waterworks within the Territory
13 more particularly to the various area councils and maintaining limited
14 supervising capacity and intervention over these area councils' operations;

15 (vi) manage and control waterworks for public, domestic, industrial,
16 and general purposes in the Territory;

17 (vii) verify and monitor PPP Agreements compliance by the private
18 participant;

19 (viii) establish and implement proper accounting procedures for all of
20 the assets and liabilities of the Board;

21 (ix) undertake from time to time the conduct of research for the
22 purposes of carrying out the functions of the Board;

23 (x) submit the result of such research to the Minister for the utilization
24 of same for the formulation of the Policies relating to water supply, and water
25 pollution control in the Territory;

26 (xi) authorize or delegate any officer or employee of the Board to act
27 as agent of the Board for any functions, services or facilities which may be
28 exercised, performed or provided by the Board under this Bill;

29 (xii) specify the terms and conditions of supply of water to the
30 consumers;

1 (xiii) develop regulations for the protection and preservation of the
2 water services assets and water supply facilities of the Board;

3 (xiv) promote the rational use of water resources and potable water
4 supplied by the Board and develop regulations to prevent wastage;

5 (xv) take steps to protect the water resources and others assets and
6 facilities of the Board from trespass, pollution and other nuisance by any
7 member of the public.

8 (xvi) collect rate and charges for water supplied, distributed, or
9 sold in bulk by the Board, and;

10 (xvii) carry out any other activities that are expedient or necessary
11 for the effective and efficient performance of its functions under this Bill.

12 9. -(1) The Board shall, subject to the provisions of this Bill, have
13 power for the purpose of carrying out its functions to-

General powers
of the Board

14 (a) own all water services assets within the Territory;

15 (b) fix rates and charges payable by customers for water supplied
16 by the Board within the Territory subject to the approval of the Minister,
17 FCT;

18 (c) determine fees to be paid for all services of the Board, which
19 fees, including water rates will conform to the cost of production,
20 maintenance and shall correlate with consumption;

21 (d) determine the manner in which rates shall be paid by the
22 consumers and exercising discretionary powers on whether to stratify the
23 payments of rates according to income and or house types;

24 (e) prepare development plans for the maintenance and
25 development of water supply services assets;

26 (f) acquire, purchase, lease, hold, maintain or insure any property
27 forming part of the water services assets or new water services assets,
28 whether movable or immovable, required for or in connection with the
29 performance of its functions and sell, lease, concede, dispose of, or
30 otherwise deal with such property or any part thereof subject to the approval

1 of the Minister in instances of sale of asset-

2 (i) undertake any land acquisition procedure necessary for the
3 performance of its functions, in accordance with all valid legislation;

4 (ii) enter into agreement with any person for the management, supply
5 manufacture, maintenance or repair of any water services asset or new water
6 services asset whether movable or immovable;

7 (iii) procure water abstraction rights from the relevant authorities and
8 may assign such rights to private participants under PPP Agreements.

9 (g) maintain and operate water works and all other buildings and
10 works necessary for the discharge of the functions of the Board under this Bill;

11 (h) protect, maintain and improve all existing natural water courses
12 in consultation with relevant authorities;

13 (i) carry any water pipe through, across, or under any street or any
14 place laid out or intended as a street and after giving reasonable notice in
15 writing to the owner or occupier thereof, and making good any damage done;

16 (j) abstract water from any lake, river, stream or other natural source
17 forming part of the water resources of the Territory, and to do likewise in
18 respect of other water by arrangement with the appropriate authority under and
19 in accordance with the provisions of any existing law in that behalf;

20 (k) access from time to time any surface or underground water
21 forming part of the water Resources of the Territory for the purpose of
22 determining what if any pollution exists and its causes and to do likewise in
23 respect of other water by arrangement with the appropriate authority under and
24 in accordance with the provisions of any existing Act in that behalf;

25 (l) control the drilling and operation of boreholes and the abstraction
26 from underground water forming part of the water resources of the Territory in
27 consultation with the Ministry responsible for water resources and making
28 appropriate regulations relating thereto;

29 (m) enter upon any land at any time for the purpose of investigating,
30 repairing or removing any water pipe which is the property of the Board;

1 (n) maintain stand pipes or public fountains in any street or other
2 public place;

3 (o) at any time between the hours of six o'clock in the morning and
4 six o'clock in the evening, or in case of emergency at any other time, to enter
5 into any premises or any place upon which any pipe has been laid or into
6 which any water supply services is supplied so as to-

7 (i) inspect any service and to ascertain whether there is any
8 wastage, leakage, obstruction, illegal connection or damage to any service
9 or meter therein and anything in connection therewith;

10 (ii) ascertain the amount of water taken or used or;

11 (iii) disconnect the supply of water to any premises;

12 (p) diminish, withhold, or suspend, stop, turn off or divert the
13 supply of water through or by means of any service or public fountain either
14 wholly or in part whenever the Board deems necessary;

15 (q) enter into agreement with any person for the supply,
16 construction, manufacture, maintenance or repair of any property whether
17 movable or immovable, which is necessary or appropriate for the purpose of
18 the Board;

19 (r) do anything for the purpose of advancing the skill of persons
20 employed by the Board or the efficiency of the equipment of the Board or
21 the manner in which the equipment is operated including the provision of
22 facilities for training, education and research;

23 (s) accept or acquire and hold any security of any kind in any form
24 whatsoever;

25 (t) delegate the responsibility to provide water services and the
26 operation, management and maintenance of water services assets and new
27 water services assets, to private participants pursuant to project agreements
28 subject to the Policy of the Federal Government with respect thereto;

29 (u) surrender, transfer or re-convey any security held by the Board
30 whether upon exchange for other security or upon discharge;

1 (v) in relation to any security held by the Board exercise any power,
2 right or privilege in respect thereof that a private individual would be capable
3 of exercising in like circumstances;

4 (w) make, draw, accept, or endorse, negotiable instruments;

5 (x) invest money standing to its credit and not for the time being
6 required for its immediate need, in stocks, shares, debentures or other
7 securities whatsoever approved by the Minister and to sell such stocks, shares,
8 debentures or other securities;

9 (y) insure its properties against all forms of risk-

10 (i) write off bad debts with the approval of the Minister;

11 (ii) raise financing or borrow money by issuing debenture or any other
12 securities or in any other manner in connection with the exercise of its
13 functions subject to the approval of the Minister;

14 (iii) retain and expend corporate income, as defined under relevant
15 accounting standards, for the purposes of fulfilling its function under this Bill.

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

Powers to make
regulations

20 **10.** The Board may, with the approval of the Minister make
21 regulations with respect to all or any of the following matters-

22 (a) fixing the rate and scale of charges payable for the water supplied
23 by meter or otherwise within the Territory;

24 (b) granting exemptions from any water rate or charge of any
25 premises or class of premises to any person or class of persons;

26 (c) the amount payable in respect of water supplied to any
27 Government in the Federation or Local Authority Council, institution or
28 institutions, be it public or private, or to any special part of any such institutions
29 as aforesaid;

30 (d) the amount of rent payable on the Board's meters;

1 (e) the method and manner in which water may be taken from
2 public fountains;

3 (f) fees payable for services rendered by the Board together with
4 the time and place of payment of such fees;

5 (g) the construction, laying, fitting, alteration or readjustment of
6 services and the nature, quality, size and pattern used;

7 (h) the forms of all notices required to be given or sent under this
8 Act and the issuing and service of same;

9 (i) the control, whether by prohibition or otherwise of boating on or
10 fishing in any waterworks;

11 (j) the prevention of the wrongful opening or closing of any lock,
12 cock, valve, sluice or manhole pertaining to any waterworks or otherwise
13 belonging thereto;

14 (k) the prevention of the commission of an offence or nuisance in
15 or, about any station, works, plant, building or premises of the Board;

16 (l) the prevention of illegal tapping of water;

17 (m) the prevention of trespass upon or injury to stations, works,
18 plants, buildings or premises appertaining to any water works or otherwise
19 belonging thereto;

20 (n) generally regulating the operations of the waterworks and the
21 governance thereof and maintenance of good order thereon;

22 (o) generally for the preservation and the conservation of the
23 sources of water in the areas appertaining to the Board's operations;

24 (p) the prevention of wastage and leakage of water;

25 (q) licensing procedure for water services operators and other
26 participants in the water sector including informal operators.

27 **PART III - STAFF OF THE BOARD**

28 **11.** There shall be appointed by the Minister an officer of the Board
29 to be known as the General Manager who shall, subject to the general
30 direction of the Board-

The General
Manager and
Chief Executive
Officer (GM)

1 (a) be the Chief Executive and Chief Accounting Officer of the Board
2 (referred to in this Bill as "the General Manager" or "GM");

3 (b) be responsible for the implementation of the decisions and
4 policies of the Board as well as the general administration of the Board;

5 (c) perform such other duties as the Board may from time to time
6 direct.

Other management
staff

7 **12.** In the discharge of his functions, the General Manager may be
8 assisted by the following officers of the Board-

9 (a) Assistant General Manager in charge of Administration;

10 (b) Assistant General Manager in charge of Finance and Accounts;

11 (c) Assistant General Manager in charge of Technical operations;

12 (d) Assistant General Manager in charge of Commercial operations;

13 (e) Assistant General Manager in charge of Planning;

14 (f) the Secretary of the Board who shall be the legal Adviser to the
15 Board;

16 (g) any other Officers as the Board may deem necessary in
17 furtherance of the functions of the Board.

Other staff of
the Board

18 **13.-(1)** The Board shall have power to appoint directly, or from any
19 Public Service of the Federation, any number of staff and other employees as it
20 may from time to time deem necessary to assist the Board in the discharge of its
21 functions under this Bill.

22 (2) The terms and Conditions of Service of members of staff shall be
23 as may be determined by the Board and in accordance with prevailing terms
24 and conditions of service for public enterprises.

25 (3) It is hereby declared-

26 (a) that Service in the Board shall be approved Service under the
27 provision of the Pensions Act and accordingly, staff and employees of the
28 Board shall be entitled to pensions, gratuities and other retirement benefits as
29 prescribed under the Pensions Act.

30 (b) without prejudice to the provisions of subsection (a) of this

1 section, nothing in this Bill shall prevent the appointment of any person to
2 any office on terms which preclude the grant of pension, gratuity or other
3 retirement benefits with respect to that office.

4 **14.** The Board shall determine the remuneration to be paid to its
5 officers and servants and may require any officer to give such security as is
6 deemed proper for the due execution of his office.

Remuneration of
officers

7 **PART IV - FINANCIAL PROVISIONS**

8 **15.** -(1) The funds and resources of the Board shall consist of-

Funds and
resources of the
Board

9 (a) all sums, investments or other property vested in the Board by
10 virtue of the provisions of this Bill;

11 (b) such sums or other advances by way of loans or grants to the
12 Board by the Government;

13 (c) such sums or other property as may from time to time be
14 advanced by way of loans or grants to the Board by any Government or
15 Statutory Body in the Territory, the Federal Government or any agency or
16 institution of any such Government, any international Organization, and
17 private foundation or any person whatsoever;

18 (d) any investments or other property whatsoever acquired by the
19 Board;

20 (e) money earned or arising from any investments or other property
21 acquired by or vested in the Board; and

22 (f) all other sums (whether as water rates, water services charges)
23 or other property whatsoever which may in any manner become payable to
24 or vested in the Board in respect of its powers and duties or of any other
25 incidental matter under this Bill or by virtue of the provisions of any other
26 Bill;

27 (g) any money allocated to the Board under the Federal
28 Government budgetary allocation; or

29 (h) such other money as may from time to time accrue to the Board.

30 (2) The Board shall ensure that its funds and resources are

1 adequate to meet the operating expenses, depreciation charges, debt servicing
2 requirements and such percentage of its annual capital expenditure
3 requirements as may be determined by the Minister.

Bank Account

4 16. The Board shall operate bank accounts for its funds with a
5 reputable Bank or Banks and the signatories to the accounts shall be either the
6 General Manager or in his absence his designated representatives as the case
7 may be, and the Head of Accounts, or in his absence his designated
8 representative or any person duly authorized by the Board in that behalf.

Application of
the Board's
revenue

9 17. The following charges shall be defrayed out of the revenue of the
10 Board for any financial year-

11 (a) the remuneration and allowances of the members of the governing
12 body and those of any committees of the Board;

13 (b) the salaries, remuneration, fees, allowances, pensions and
14 gratuities of the staff, agents, technical and other advisers or consultants of the
15 Board;

16 (c) all expenses of working and management of the Board and its
17 waterworks and other properties including proper provision for depreciation,
18 wear and tear or renewal of assets;

19 (d) such minor works of a capital nature as the Board may deem
20 necessary from time to time;

21 (e) such sums including compensation that may be payable by the
22 Board to any person or authority by virtue of the provisions of this Bill or any
23 other enactment;

24 (f) taxes, rates and other levies payable by the Board under any Bill;

25 (g) interest or loans raised by and on behalf of the Board;

26 (h) sums required to be transferred to any sinking fund or otherwise
27 set aside for the purpose of making provision for the redemption of or other
28 securities or the repayment of other loans; and

29 (i) such other sums as the Board may approve for payment out of the
30 revenue account of the Board in respect of any Financial year.

1 Minister may direct on the activities of the Board during the immediately
2 preceding year, and shall include in such report a copy of the audited accounts
3 of the Board for that year and the auditors' report on the accounts.

Power to accept
gifts

4 **22.-(1)** The Board may accept gifts of land, money or other property
5 on such terms and conditions, if any, as may be specified by the person or
6 organization making the gift.

7 (2) The Board shall not accept gifts if the conditions attached by the
8 person or organization offering the gifts are inconsistent with the functions of
9 the Board.

Power to borrow
money

10 **23.-(a)** The Board may from time to time, with the approval of the
11 National Assembly, borrow money by overdraft or in any other manner for and
12 in connection with the exercise of its functions under this Bill as the Board may
13 deem necessary;

14 (b) An approval given for the purposes of this section may be either
15 general or limited to a particular borrowing or otherwise and may be subject to
16 conditions.

17 (2) The Board shall have the powers to take loans for purposes of
18 developmental activities as may be approved by the National Assembly.

Investments

19 **24.** The Board may, subject to the Provisions of this Bill, and the
20 conditions of any trust created in respect of any property, invest all or any of its
21 funds in any security prescribed by the Investments and Securities Act or in
22 such other securities as may from time to time be approved by the Minister.

Power to raise
capital on the
stock exchange

23 **25.** The Board may with the approval of the National Assembly raise
24 capital for the implementation of its developmental plans and programmes
25 through the capital market or by issuing Bonds or other instruments, and by
26 satisfying all the necessary requirements of the Stock Exchange in that regard
27 subject to the approval of the National Assembly.

Guarantee on loans
or other instruments
of the Board by
the Federal
Government

28 **26.-(1)** The Government may guarantee by an undertaking of the
29 Minister of Finance in such manner and on such condition as that Minister may
30 think fit, the payment of the principal and interest of any sum or sums borrowed

1 or Bonds issued by the Board with the approval of the Minister.

2 (2) Such sums as may be required by the Federal Accountant-
3 General for the purpose of making good the obligations of the Government
4 under the guarantee shall be charged on the Consolidated Revenue Fund of
5 the Federal government.

6 27. In any action for the recovery of any rate or other moneys
7 (other than fines and penalties) payable or recoverable under and by virtue
8 of the provisions of this Bill, a certificate under the hand of the Board in that
9 behalf, that any sum of money is due, and that the defendant is the person
10 liable to pay the same shall, be evidence of such debt and of non-payment
11 thereof, and of the fact that the defendant is the person liable to pay the same.

Proof of moneys
due

12 PART V - TECHNICAL PROVISIONS

13 *Water Supply, Distribution and Consumption*

14 28.- (1) The Board shall as far as possible maintain a continuity of
15 supply of treated water to residents in the Territory, provided that-

Board's
responsibility to
consumers for
continuous
supply of water

16 (a) the Board shall have the right to suspend the supply of water for
17 such periods as may be necessary for carrying out inspections, tests, or
18 repairs and for the making of new connections;

19 (b) the Board shall have the right to suspend or turn off supply for
20 the purpose of effecting alterations and modifications to its pipelines and
21 other facilities or general maintenance of the waterworks;

22 (c) the Board shall have the right to suspend or discontinue any
23 supply where the payment of any rate, dues or charges are in arrears.

24 (2) The Board shall in no case be under any obligation to pay
25 damages or compensation for loss, damages or inconveniences caused to
26 any consumer through any suspension, failure, discontinuance or a total or
27 partial interruption of the supply of water howsoever caused.

28 29.- (1) The Board, shall from time to time fix rates and scales of
29 charges payable for water supply and other services within the Territory in
30 accordance with a methodology for tariff setting earlier approved by the

Rates and scales
of charges

1 Minister which allows for the fixing of economic rates for water supply and
2 other services in order to meet its financial objectives and in accordance with
3 the provisions of this Bill.

4 (2) The water rates and charges may be fixed at different rates for
5 different locations as the Board may think fit in the circumstances.

Application for
water supply

6 30.-(1) Subject to this Bill and any rules or regulations made
7 thereunder, the Board may supply water to any tenement upon application
8 made by the owner or occupier thereof and such application shall be
9 accompanied with payment of fees or rates as the Board may from time to time
10 determine.

11 (2) The Board may refuse to supply water to any particular premises
12 otherwise than by a meter or device installed and maintained by the Board.

Purchase, resale
and distribution
of water by the
Board

13 31. Subject to the provisions of this Bill, the Board may purchase
14 water in bulk and may resell such water either in bulk or by distribution to
15 individual consumers.

Prohibition of
sale of water
supplied by the
Board

16 32. As from the commencement of this Bill, it shall be unlawful for
17 any person to resell water supplied by the Board except pursuant to a License or
18 other Agreement with the Board for that purpose:

19 Provided that no authority shall be required for the sale of any manufactured
20 goods or other commodities in which water supplied by the Board is included.

Payment for
water rates and
charges

21 33.-(1) The owner or occupier of any tenement to which water is
22 supplied by the Board shall pay to the Board such rates and charges for water
23 supply or other services as may from time to time be determined by the Board.

24 (2) Where any person fails to pay water rates or charges within one
25 month after it has become due the Board may recover such rates or charges
26 with cost by an application brought before the FCT High court.

Power to levy
general water rate
in respect of local
authorities

27 34. The Board shall have power to collect from Local Authorities
28 such fees as may be agreed in respect of services in common provided for the
29 inhabitants of the respective Local Areas.

1 35. The Board shall not by virtue of making any inspection or test
2 of a consumer's pipes, fittings, appliances and apparatus in accordance with
3 this Bill, or any regulations made there-under, whether during the progress
4 of the work of installation at the consumer's premises or after its completion,
5 be deemed to be responsible for the efficiency or safety of the consumer's
6 pipes, fittings, appliances and apparatus so inspected or tested or arising out
7 of the use or misuse of apparatus by the consumer or any other person other
8 than an employee of the Board.

Board not
responsible for
installation works
or for damage

9 36. Except in so far as is otherwise provided by this Bill, where a
10 supply of water is provided by the Board in any part of an area for private
11 purposes, every person within that part of the area shall, upon application to
12 the Board, be entitled to a supply on terms and conditions as the Board may
13 deem fit:

Entitlement to
supply of water
without preferential
treatment

14 Provided that in the case of a first time connection adequate water can be
15 made available without detriment to existing supplies to persons or
16 institutions in the area.

17 37. -(1) If any person or any Ministry of the Federal Government, a
18 Department of the Ministry, or other authority does anything which such
19 person, department or authority is by or under any Act authorized to do and
20 which necessitates an alteration in any part of any waterworks, or of any
21 distribution system vested in or the property of the Board, the Board shall on
22 reasonable notice being given to it by such person, Ministry, Department or
23 Authority make such alteration and the expenses incurred thereby shall be
24 borne by such person, Ministry, Department or Authority.

Responsibility for
expenses caused
by certain
necessary
alterations

25 (2) In the event of any dispute as to the amount of such expenses
26 the same may be referred by the person, Ministry, Department or Authority
27 concerned, or the Board to the Abuja Multi-Door Courthouse.

28 38. -(1) Subject to the provisions of this section, it shall be the duty
29 of the Board to keep records of the location of-

Maps of
waterworks

30 (a) every resource main, water main or discharge pipe which is for

1 the time being vested in the Board; and

2 (b) any other underground works, other than a service pipe, which are
3 for the time being vested in the Board.

4 (2) It shall be the duty of the Board to ensure that the contents of any
5 records for the time being kept by it under this section are available, at all
6 reasonable times, for inspection by the public free of charge at an office of the
7 Board upon prior application in writing to the Board.

8 (3) Any information which is required under this section to be made
9 available by the Board for inspection by the public shall be so made available in
10 the form of a map.

11 (4) For the purpose of determining whether any failure to make a
12 modification of any records kept under this section constitutes a breach of the
13 duty imposed by subsection (1) that duty shall be taken to require any
14 modification of the records to be made as soon as reasonably practicable after
15 the completion of the works which make the modification necessary; and,
16 where records kept under this section are modified, the date of the modification
17 and of the completion of the works making the modification necessary shall be
18 incorporated in the records.

19 (5) The Board may charge such amounts as it may determine for the
20 provision of such information to the public.

21 PART VI - CUSTOMER CARE CENTER

Establishment of
customer care
centre

22 **39.**-(1) There shall be established for the Board, a Customer Care
23 Centre (referred to in this Bill as "the Centre") which shall be established
24 within the Board's Headquarters.

25 (2) The Board may also establish customer care centers in its area
26 offices as it deems necessary with a view to bringing its services closer to the
27 consumers.

Functions of
the centre

28 **40.** The functions of the Centre shall be-

29 (1) To receive and pursue complaints from consumers regarding-

30 (a) quality of water;

- 1 (b) water leakages;
- 2 (c) damage to properties of the Water Board;
- 3 (d) water connection charges;
- 4 (e) standards of service; and
- 5 (f) other related matters.
- 6 (2) To settle minor disputes and protect the interests of all
- 7 consumers.
- 8 (3) To monitor all matters appearing to the Centre to affect the
- 9 interests of consumers or potential consumers.
- 10 (4) To consult with any operator about matters which affect the
- 11 interest of consumers or potential consumers to that operator.
- 12 (5) To make representations where appropriate on behalf of a
- 13 consumer or complainant to any Private Sector Operator.
- 14 (6) To receive and pursue complaints from Environmental
- 15 Agencies and Government Bodies on pollution matters.
- 16 (7) To forward complaints to the relevant authorities where
- 17 applicable.

18 PART VII - OFFENCES AND PENALTIES

- 19 **41. Any person who-**
- 20 (a) willfully or negligently damages any water works, public
- 21 fountain or service;
- 22 (b) unlawfully draws, diverts or takes water from any source or
- 23 from any stream by which any water is supplied,
- 24 (c) makes an unauthorized opening or closes any valve, sluice or
- 25 manhole of any waterworks;
- 26 (d) pollutes any water or water source; or
- 27 (e) allows or causes any foul liquid or gas or other noxious or toxic
- 28 or injurious substance or matter to be discharged into any water source or
- 29 any facility of the Board,
- 30 commits an offence and shall be liable on conviction to a fine of N20,000 or

Offences relating
to water diversion,
pollution, etc.

1 to imprisonment for a term not exceeding 1 year or to both such fine and
2 imprisonment in case of an individual or N250,000.00 in case of corporate
3 offenders and to a further penalty of N50,000 for each day that the act or
4 omission that constitutes the offence continues.

Offences relating
to wastage

5 **42. Any person who-**

6 (a) willfully or negligently misuses, causes or allows to be misused or
7 wasted any water, passing through or into, upon or near tenement any water
8 works; or

9 (b) alters, causes or permits to be altered any pipeline, fittings or
10 fountains or any waterworks without the consent of the Board, commits an
11 offence and shall be liable on conviction to a fine of N10,000 or to
12 imprisonment for a term not less than 6 months or to both such fine and
13 imprisonment.

Offences relating
to fraudulent
measurements

14 **43. Any person who alters, causes or permits to be altered, any**
15 **pipeline, fittings or fountains or any waterworks with the intent to-**

16 (a) avoid the accurate measurement or register of water by means of
17 any meter;

18 (b) obtain a greater supply of water than he is entitled, or to avoid
19 payment For such supply; or

20 (c) willfully or negligently damage, alter, cause or permit to be
21 damaged or altered any meter,

22 commits an offence and shall be liable on conviction to a fine of N10,000 or to
23 imprisonment for a term not exceeding 1 month or to both such fine and
24 imprisonment.

Offences relating
to nuisance

25 **44.-(1)Any person who puts, allows to be put or to remain, or to**
26 **accumulate on any tenement owned or occupied by him or his servant or agent,**
27 **any foul material or substance in such manner or place that it causes nuisance or**
28 **may fall, be washed or be carried into or obstructs any water works of the**
29 **Board, commits an offence and shall be liable on conviction to a fine of**
30 **N20,000 or to imprisonment for a term not exceeding 3 months or to both such**

1 fine and imprisonment.

2 (2) Any person who allows any material or substance or any
3 nuisance to remain after notice for the cleanup or removal or remediation
4 has been served on him by the Board shall, in addition to the penalty
5 specified in subsection (1) of this section, be liable to a further penalty of
6 N5000 for each day that the act or omission that constitutes the offence
7 continues.

8 **45. Any person who-**

9 (a) bathes or washes clothes, materials or other things in any part of
10 any waterworks or its appurtenances;

11 (b) puts, allows or causes to enter into any waterworks any horse,
12 dog, goat, pig or any other domestic animal or any bird or other things; or

13 (c) makes an unauthorized opening or closes any, valve/control,
14 sluice or manhole belonging to any waterworks, commits an offence and
15 shall be liable on conviction to a fine of N10,000 or imprisonment for a term
16 not exceeding 6 months or to both such fine and imprisonment.

17 **46. Any person who-**

18 (a) incites another person to refuse to pay any water rates or
19 charges due and payable by him, or

20 (b) incites or assist any person to misrepresent in any way his
21 ratable capacity or any information material to the assessment of or rating
22 upon tenement of which he is owner or occupier commits an offence and
23 shall liable on conviction to a fine of N5,000 or imprisonment for a period of
24 one month or both.

25 **47. Any person who obstructs or assaults any staff, officer or**
26 **employee of the Board or any other person authorized by the Board in the**
27 **course of carrying into effect any of the provisions of this Bill commits an**
28 **offence and shall be liable on conviction to a fine N5,000 or imprisonment**
29 **for a term not exceeding 1 month or to both such fine or imprisonment.**

Offences relating
to bathing,
washing, etc.

Incitement

Obstruction of the
staff of the Board

1 to surcharge within the provisions of this section where it is proved that he
2 knew or ought reasonably to have known that the terms of the resolution or
3 written instructions as aforesaid were not in accordance with provisions of
4 this Bill or rules or directions given hereunder.

5 (5) Any amount notified as a surcharge in accordance with
6 subsection (3) of this section shall be due to the Board and may be sued for
7 and recovered in any court of competent jurisdiction at the instance of
8 the Board.

9 56.-(1) Any person who is aggrieved by any decision of the Board
10 for a surcharge of any amount exceeding N1,000 may within thirty days of
11 such decision appeal to the Minister for a review of the decision.

Appeals against
surcharge

12 (2) The Minister, shall have power to confirm, vary or quash the
13 decision of the Board and give such direction(s) as he may deem fit in each
14 circumstance.

15 57.-(1) Wherever it appears to the Board that any land in the
16 Territory is required for the purpose of any waterworks, the Board shall,
17 subject to the Land Use Act, apply to the Minister for approval for its officers
18 or agents to enter upon the land and-

Provisions
relating to land

19 (a) survey and take levels of the land;

20 (b) dig or bore hole under the subsoil; and

21 (c) do such other things as are necessary to ascertain whether the
22 land is adapted for such purposes-

23 Provided that no such officer, agent, servant or workman of the Board shall
24 enter into any building or upon any enclosed court or garden attached to a
25 dwelling house without giving at least seven days notice of intention to enter
26 to the Occupier and the occupier shall not unreasonably withhold consent as
27 requested.

28 (2) Where any entry made under subsection (1) of this section
29 occasions any damages requiring the payment of compensation, the Board

1 shall pay compensation (s) as it thinks fit in the circumstances, from time to
2 time.

Abstraction by
fire authorities

3 **58.**-(1) Subject to subsection (2) of this section, any fire authority may
4 abstract water from any public fountain, service or waterworks of the Board for
5 the purpose of prevention or control of fire.

6 (2) Water shall not be abstracted by any fire authority for the purpose
7 of testing any fire fighting appliance except with the consent of the Board and
8 such consent should not be unreasonably withheld.

9 (3) No charge shall be made for water supplied by the Board under
10 subsection (1) or (2) of this section.

11 (4) Any main, pipe, valve, hydrant, service or other waterworks
12 required within the area of operation of the Board by any fire authority in the
13 discharge of its functions to prevent and control fire shall be provided by the
14 Board upon payment thereof by the fire authority such fees or rates as the Board
15 may from time to time, determine provided that such main, pipe, valve,
16 hydrant, service or other waterworks shall vest in the Board and shall be
17 maintained by the Board as the fire authority may, from time to time, require.

18 (5) In this section, "fire authority" means any authority or body of
19 firemen duly constituted, organized or established under any enactment or Act
20 by the Federal, Local Authority.

Savings, and
transfers of
liabilities, and
etc.

21 **59.**-(1) The statutory functions, rights, obligations and liabilities of
22 the Federal Capital Development Authority (in this Bill referred to as "the
23 Authority") as they relate to the supply of water in the Territory existing before
24 the commencement of this Bill under any contract or instrument, shall subject
25 to any contrary directive(s) by the Minister, be vested in the Board established
26 under this Bill.

27 (2) Any such contract or instrument as is mentioned in subsection (1)
28 of this section, shall be of the same force and effect against or in favour of the
29 Board established by this Bill and shall be enforceable as fully and effectively
30 as if instead of the Authority existing before the commencement of this Bill, the

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

2 (d) the relief claimed.

3 **51.** The notice referred to in subsection (3) of section 55 of this
4 Bill, and any summons, notice or other document required or authorized to
5 be served upon the Board under the provisions of this Bill or any other Law
6 may be served by delivering the same to the General Manager or by sending
7 it by registered post and addressed to the General Manager at the
8 Headquarters of the Board.

Service of
documents

9 **52.** In any action or suit against the Board, no execution or
10 attachment of process in the nature thereof shall be issued against the Board
11 but any sums of money which may by judgment of the court be awarded
12 against the Board shall, subject to any directions given by the court, be paid
13 from the general reserve fund of the Board.

Restriction on
execution against
the Board

14 **53.** Every member of the Board, agent, auditor, officer or
15 employee of the Board shall be indemnified out of the assets of the Board
16 against any liability incurred by him in defending any proceeding, whether
17 civil or criminal if any such proceeding is brought against him in his
18 capacity as such member, agent, auditor, officer or employee as aforesaid.

Indemnity of the
officers of the
Board

19 **PART IX - MISCELLANEOUS PROVISIONS**

20 **54.-(1)** Where any person contravenes any of the provisions of this
21 Bill, the Board may, without prejudice to the rights of the Board to
22 commence proceedings against any defaulter-

Certain provisions
relating to
defaulters, etc.

23 (a) serve a notice in writing on the defaulting occupier or
24 consumer; and

25 (b) authorize or cause an officer or employee of the Board to enter
26 and alter, disconnect, stop or remove any water fittings belonging to or used
27 by such defaulting occupier or consumer.

28 (2) Upon the occupier or the consumer remedying the default or
29 contravention referred to in subsection (1) of this section, the Board may
30 cause repairs, replacement and re-connection of the water fittings and the

1 Board shall recover from the defaulter, the cost or expenses reasonably
2 incurred to effect the repairs or replacement or re-connection as the case may
3 be.

Recovery of loss
of money

4 **55.-(1)** Where, upon consideration of any audit report, the Board is
5 satisfied that in respect of its functions under this Bill-

6 (a) a sum due to the Board has not been duly brought to account by any
7 person; and

8 (b) there is loss of money or destruction of any of the property of the
9 Board which has occurred by reason of-

10 (i) negligence; and

11 (ii) breach of official duty or other misconduct of any person, the
12 Board may surcharge such money or the value of the property lost or destroyed
13 upon the person aforesaid whether he is member of staff of the Board or an
14 agent of the Board.

15 (2) Before exercising any of the powers specified under subsection
16 (1) of this section, the Board may, in writing, authorize any person to conduct
17 an inquiry for the purposes of the section (and to take evidence and examine
18 witnesses) by summons, require all such persons as it may deem fit to appear
19 before it at a time and place stated in such notice or summons and to produce all
20 such books, records, accounts and other documents and materials as it may
21 consider necessary for the purpose of the inquiry.

22 (3) If the Board decides to surcharge any person under subsection (1)
23 of this section, it shall cause a notice to be served upon such person.

24 (4) Notwithstanding anything to the contrary contained in subsection
25 (1) of the section, no liability to surcharge shall be incurred by any officer,
26 employee or agent of the Board if he can prove to the satisfaction of the Board
27 that he acted in pursuance, and in accordance with the terms of a resolution of
28 the Board or of any committee duly appointed by the Board under this Bill or on
29 the written instructions of any officer, employee or agent of the Board:

30 Provided that nothing in this subsection shall exempt any person from liability

1 Board established by this Bill has been named therein or had been a party
2 thereto.

3 (3) The Board established by this Bill shall be subject to all
4 obligations and liabilities to which the Authority existing before the
5 commencement of this Bill was subject before the commencement of this
6 Bill and all persons shall have the same rights, powers and remedies against
7 the Board established by this Bill as they had against the Authority.

8 (4) Any proceeding or cause of action pending or existing
9 immediately before the commencement of this Bill, by or against the
10 Authority existing before the commencement of this Bill in respect of
11 any right, interest, obligation or liability of the Authority may be continued
12 or as the case may be commenced by or against the Board and any
13 determination of a court, tribunal or other authority may be enforced by or
14 against the Board established by this Bill to the same extent that such
15 proceeding or cause of action or determination might have been continued,
16 commenced or enforced against the board.

17 (5) Any person who immediately before the coming into force of
18 this Bill is the holder of any office in the Authority existing before the
19 commencement of this Bill shall, on the commencement of this Bill and
20 without further assurance, continue in office and be deemed to have been
21 appointed to his office by the Board established under this Bill unless the
22 authority by which the person was appointed terminates the appointment.

23 **60.** In this Bill, unless the context otherwise requires-
24 "Abstraction" in relation to water contained in any source of supply, means
25 the doing of anything whereby any of that water is removed from that source
26 of supply, whether temporarily or permanently, including anything whereby
27 the water is so removed for the purpose of being transferred to another
28 source of supply and "abstract" shall be constructed accordingly;
29 "Appropriate Local Authority" means any Local Authority having
30 jurisdiction over a specific area for the purpose of this Bill;

Interpretation

1 "Authorized officer" means any environmental health officer or any member of
2 staff duly authorized in writing by the Board;

3 "Authority" means the Federal Capital Development Authority; established
4 pursuant to the Federal Capital Territory Act;

5 "Board" means the Federal Capital Territory Water Board established under
6 section 1 of this Bill;

7 "Bulk supply" means water supplied for the purpose of wholesale by the Board
8 or by any other operator;

9 "consumer" means any person who is supplied with water and includes any
10 person who applied to be supplied with water from any waterworks or any
11 person, who otherwise uses water and is liable for the payment of water rates,
12 rents or charges;

13 "domestic supply" means water supplied from any waterworks used in any
14 tenement for drinking, washing, cooking, or for baths or any other purpose of
15 domestic life;

16 "drain" means any pipe or channel, etc, conveying only surface water or subsoil
17 water or both and which is below ground level;

18 "financial year" means every period of twelve months terminating on the 31st
19 day of December;

20 "functions" includes objectives and duties;

21 "General Manager" means the General Manager of the Board appointed
22 under section 2 of this Bill;

23 "illegal connection" means any connection to a water pipe without the explicit
24 authorization of the Board;

25 "Leakage" means the loss of water from the Board or any operators distribution
26 system or from parts of service pipes for which consumers are responsible;

27 "member" means a member of Board and includes the Chairman;

28 "meter" includes any device used for measuring ascertaining or regulating the
29 quantity of water taken or used from any waterworks by means of any service;

30 "metered supply" means the supply of water by means of a service where the

- 1 water supply is measured by meter;
- 2 "Minister" means the Minister of the Federal Capital Territory;
- 3 "occupier" in relation to a tenement means the person in occupation of the
4 whole or of any part of such tenement, but does not include a lodger;
- 5 "owner" includes the person for the time being receiving the rent of the
6 tenement in respect of which the water is used whether on his own account
7 or as agent or trustee of any other person or who would receive the rent if
8 such tenement were to be let to a tenant and includes the holder of a tenement
9 from the Minister whether under lease, license or otherwise;
- 10 "permit" shall mean the certificate to be issued by the Board stating the
11 information that may be required as the Board shall determine, but does not
12 include the payment of annual charges;
- 13 "person" means an individual and shall include a limited liability company
14 or an organization duly registered under the Companies and Allied Matters
15 Act 1990;
- 16 "pollution" means the man-made or man-induced alteration of the chemical,
17 physical, biological and radiological integrity of water;
- 18 "premises" means land with buildings or a distinct or separate holding or
19 tenancy or any wharf or pier, or any tract of land used for any purpose;
- 20 "President" means the President and Commander in Chief of the Armed
21 Forces of the Federal Republic of Nigeria;
- 22 "Private Sector Participant" means any private entity, whether a natural
23 person, body corporate or a consortium or joint venture entering into a
24 project agreement;
- 25 "property" includes buildings and appurtenances, accessories, stores,
26 materials, investments, funds, loans and accounts receivable claims;
- 27 "PPP agreement" means an agreement between the Board and a Private
28 Sector Participant selected by Board through competitive bidding
29 procedures to carry out private sector participation that sets the terms and
30 conditions of such participation, including, without limiting the generality

1 of the foregoing, concessions, leases, management contracts, BOT and BOOT
2 Agreements, technical assistance contracts, consulting services contracts,
3 franchises, bulk water supply and purchase agreements and regulatory
4 agreements;

5 "public fountain" means any fountain, standpipe, valve, tap of any device used
6 or intended to be used for or in connection with the supply of water to the public
7 from any waterworks, and vested in or erected by the Board and which is the
8 property thereof;

9 "records" include computer records and other records kept otherwise than in a
10 document;

11 "relevant authority" means any governmental ministry or agency, or any other
12 body, which is competent to address matters within its power;

13 "service" means all pipes, valves, cisterns, cocks, fittings, and other devices
14 (excepting any meter as herein defined) by or through which water flows or is
15 intended to flow from any waterworks or which are or may be used for the
16 purpose of supplying any tenement from any waterworks, and being the
17 property of the owner or occupier or such tenement;

18 "street" includes any square, court, highway, road, thorough fare or public
19 passage or place over which the public have a right of way;

20 "tenement" means any land with or without buildings which is held or occupied
21 as a distinct or separate holding under tenancy or terms of occupation of any
22 description;

23 "Territory" means the Federal Capital Territory, Abuja;

24 "treated water" means water treated for domestic purposes;

25 "waterworks" includes all reservoirs, ponds, boreholes or well, dams, tanks,
26 cisterns, channels, tunnel, filter beds, conduits, aqueducts, mains pipes,
27 fountains, sluices used or constructed for the storage or conveyance, supply,
28 measurement or regulation of water which belongs to or are vested in the
29 Board.

1 at a meeting of the Board.

2 7. A disclosure under this paragraph shall be recorded in the Minutes
3 of Meetings of the Board and the member concerned shall-

4 (a) not, after the disclosure, take part in any deliberation or decision
5 of the Board; and

6 (b) be excluded for the purpose of constituting a quorum of any
7 meeting of the Board for any deliberation or decision, with regard to the subject
8 matter in respect of which his interest is so disclosed.

9 *Committees*

10 8.-(1) Subject to its standing orders, the Board may appoint such
11 number of standing and ad hoc committees as it thinks fit to consider and report
12 on any matter with which the Board is concerned.

13 (2) A committee appointed under this paragraph shall consist of such
14 number of persons (not necessarily members of the Board as may be
15 determined by the Board), and a person, other than a member of the Board,
16 shall hold office on the committee in accordance with the terms of his
17 appointment and the committee shall be presided over by a member of the
18 Board.

19 (3) The quorum of any committee set up by the Board shall be as may
20 be determined by the Board.

21 (4) A decision of a committee of Board shall be of no effect until it is
22 ratified and confirmed by the Board.

23 *Miscellaneous*

24 9. The fixing of the seal of the Board shall be authenticated by the
25 signature of the Chairman or any other person generally or specifically
26 authorized by the Board to act for that purpose, and that of the Secretary.

27 10. Any contract or instrument which, if made by a person not being a
28 body corporate, would not be required to be under seal and may be executed on
29 behalf of the Board by the Secretary or by any other person generally or
30 specially authorized by the Board to act for that purpose.

1 **11.** Any document purporting to be a contract, instrument or other
2 document duly signed or sealed on the behalf of the Board shall be received
3 in evidence and shall, unless the contrary is proved, be presumed without
4 further proof to have been so signed or sealed.

5 **12.** The validity of any proceedings of the Board or of any of its
6 committees shall not be affected by-

7 (a) any vacancy in the membership of the Board, or committee; or

8 (b) any defect in the appointment of member of the Board or
9 committee: or by reason that any person not entitled to do so took part in the
10 proceedings of the Board or committee.

11 **13.** A member of a committee who has a personal interest in any
12 contract or arrangement entered into or proposed to be considered by the
13 committee shall forthwith disclose his interest to the committee and shall not
14 vote on any question relating to the contract or arrangement.

15 **14.** No member of the Board shall be personally liable for any
16 omission done or made in good faith while engaged in the business of the
17 Board.

EXPLANATORY MEMORANDUM

This Bill seeks to provide, among other things, for the establishment of the Federal Capital Territory Water Board charged with the responsibility for managing water resources and provision of potable water supply in the Territory.