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CHAPTER 141
WATER RESOURCES

AN EDICT TO CONTROL DRILLING OF WATER BORES, CONSTRUCTION
OF TANKS AND RESERVOIRS AND CONNECTIONS OF PUBLIC WATER
SUPPLIES

BOS 3
of 1991.

[24 January 1991] Date of
commence-
ment.

1.—(1) This Edict may be cited as the State Water Resources
Edict. Citation and
commence-
ment.

2. In this Edict:—

“Board” means the Borno State Water Board”;

“Commissioner” means the Commissioner responsible for the
Ministry of Water Resources;

“Ministry” means the Ministry of Water Resources.

“State” means the Borno State of Nigeria.

Interpreta-
tion.

3.—(1) Any person who without the permission of the Commis-
sioner draws off, diverts, or takes water from water works, public
fountains, service or meter commits an offence and is liable upon
conviction to a fine of not less than two thousand naira or six
months imprisonment or to both. Prohibition
of unauthor-
ised connec-
tion of water
supply.

(2) Without prejudice to the provisions of subsection (1) of this
section, the water supply to the premises where the offence is
committed shall be disconnected until such a time the offender
applies for reconnection.

(3) Application for reconnection shall be addressed to the
Commissioner and shall be accompanied by a reconnection fee.

4.—(1) Any person who constructs an underground water tank
or reservoir without the written permission of the Commissioner
commits an offence and is liable upon conviction to a fine of not
less than two thousand naira or six months imprisonment or to
both and the water supply to the premises be disconnected. Prohibition
of construc-
tion of
underground
reservoirs.

(2) Application for permission to construct a water tank or reservoir shall be on a prescribed form and shall be addressed to the Commissioner.

(3) An application for reconnection of water supply shall be on a prescribed form and shall be addressed to the Commissioner accompanied by an original receipt of payment of reconnection fee.

Registration
of existing
reservoirs.

5.—(1) All existing underground tanks or reservoirs shall be registered within two months of the commencement of this Edict.

(2) The Commissioner may reject an application for the registration of an underground water tank or reservoir and such underground water tank or reservoir shall be closed forthwith.

(3) Any person who operates an underground water tank or reservoir illegally commits an offence and shall be liable to the punishment specified under subsection (4) of this section.

(4) Any person who fails to comply with the provisions of subsection (1) of this section commits an offence and shall be liable upon conviction to a term of imprisonment not less than one year or to a fine not less than five hundred naira or to both.

Prohibition
of drilling
private bore-
holes.

6.—(1) It is an offence to drill a private borehole without the written permission of the Commissioner.

(2) Application for permission to drill a private borehole shall be on a prescribed form and addressed to the Commissioner and shall be accompanied by an original receipt of payment of a registration fee.

(3) On the drilling of the borehole a monthly rate shall be payable until such a time the borehole is abandoned and a notice in writing to that effect given to the Commissioner.

(4) The Commissioner may by notice published in the State Gazette fix the rate or fee referred to in section (3), and may in a like manner vary it.

Penalty.

7.—(1) Any person who:—

(a) contravenes the provisions of section 6 (1) shall be liable

upon conviction to a fine of not less than five thousand naira or to one year imprisonment or both;

(b) contravenes the provision of section 6 (3) commits an offence and shall be liable upon conviction to a fine of not less than one thousand naira or three months imprisonment or both.

(2) The Commissioner may close any borehole pending the final decision of the court and such a borehole shall remain closed until the final determination of the court.

8. The Commissioner may make regulation for better carrying into effect the provisions of this Edict, and without prejudice to the foregoing provision make regulation with respect to all or any of the following:—

Power to
make Regu-
lations.

(a) the price of or charge for, water supplied:

(i) by means of a public supply;

(ii) by meter;

(iii) by means of a private supply to a tenement;

(iv) to any office, barrack, institution, undertaking or building whether of a public or private nature; or

(v) to a site of any building under construction;

(b) levy or impose a special rate or charges;

(c) the amount of rate to be paid for meters;

(d) the officer to whom or the office at which the rate, charge or rent shall be paid monthly, quarterly, half-yearly in arrears or in advance and the date on which the first payment of such rate charge rent shall become due; or

(e) the forms to be used for application for permission to contract underground tank or reservoir, drilling of private borehole or reconnection of water supply.

9. The Borno State Water Board Edict is hereby repealed.

Repeal of
BOS 7 of
1977.

10.—(1) As from the commencement of this Edict the State Water Board is dissolved and:—

Transitional
provisions.

(a) all assets and liabilities of the Board shall be transferred to

and vested in the Ministry without further assurance and the Ministry shall have all powers necessary to take possession of to recover and deal with such assets and discharge such liabilities;

- (b) every agreement whether in writing or not, and every bond or other instrument to which the Board was a party or which affected the Board, and whether or not are of such a nature that the rights, liabilities and obligations thereunder could be assigned shall have effect as if the Ministry were a party thereto or affected thereby instead of the Board and as if every reference therein to the Board there were reference to the Ministry;
- (c) any proceeding pending immediately before such date of commencement to which the Board was a party shall be continued as if the Ministry was a party thereto in lieu of the Board;
- (d) all subsidiary legislation made under the repealed Edict and in force immediately before the commencement of this Edict, shall so far as it is not inconsistent with the provision of this Edict, continue in force as if made under this Edict.

(2) The accounting system inherited from the defunct Water Board shall continue to be maintained and all revenue generated shall be kept and utilised by the Ministry.

Power to fix rates.

11. The Commissioner may with the prior approval of the Governor fix the rates to be charged as water rates or fee and may in a like manner vary it.

Rates for Government quarters.

12.—(1) As from the commencement of this Edict any officer in Government quarters or a Government rented quarters, shall at the end of each month have his water rates or fee directly deducted

from his salary.

(3) The provisions of this section shall apply to all State Ministries, Local Government in the State and State parastatals where flat rates are charged.

13. Offences under this Edict may be tried in a magistrate's or Upper Area Court.