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Gombe State Water Corporation Law, 1999

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GOMBE STATE WATER CORPORATION LAW, 1999
THE HOUSE OF ASSEMBLY GOMBE STATE OF NIGERIA
Hereby makes the following Law:

PART 1 - PRELIMINARY

1. This Law may be cited as the Gombe State Water Corporation Law Citation and shall come into operation on the 14th May, 1999 Commencement
2. In this Law, unless the context otherwise requires:-
 - “assessed Interpretation, valued” in relation to a tenement means the capite for the time being assessed in accordance with the provisions of the Assessment Law Cap. 8;
 - “Board” means the Board of Directors of Gombe State Water Corporation; “Catchment area” means any area of land or water from which water contributes to the supply of any water section 4(3)
 - “Chairman” means the commissioner responsible for water resources. “excess consumption” means:
 - (a) in the case of tenement in respect of which the general water rate is not payable. Any quantity of water ascertained by meter as having been used in such tenement;

b) in the case of a tenement in respect of which the general water rate is paid. Any quantity of water ascertained by meter as having been used in such tenement in excess of such monthly allowance as may be prescribed;

"Gathering ground" means any surface of land or water which collects rainfall for the purpose of any water work;

"General water rate" is the amount to be paid to the Corporation by the owner in respect to any tenement or other property as determined by the Board;

"Governor" means the Governor of Gombe State.

"Member" means any member of the Board and including the chairman;

"Meter" means any appliance used for measuring, ascertaining or regulating the amounts of water taken or used from any water works, by means of any service. "Occupier" means the person in occupation of a tenement in respect of which the word is used or any part of such tenement, but does not include a lodger;

"Military Administrator of Gombe State;

"Owner" means the person for the time being receiving the rent of the tenement in respect of which the word is used, whether on his own account or as agent or trustee for any other person, or who would receive the rent if such tenement were let to a tenant, and includes the holder of a tenement direct from the state whether under lease, license or otherwise;

"Private supply" means a supply by means of a service to any tenement for the purpose of supplying water to be used solely within the area of such tenement;

"Public Fountain" means any fountain, stand pipe, valve, tap or appliance used or intended to be used for or in connection with the supply of water to the public from any water works, and vested in or erected or hereafter to be erected by the corporation and which is the property thereof;

"Service" means all pipes, valves, cisterns, clocks, fitting and other appliances, other than a meter, by or through which water flows or is intended to flow in water works;

"State" means Gombe State of Nigeria;

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

"tenement" means any land with or without buildings which is held or occupied as a distinct or separate holding or tenancy or any wharf or pier;

"Water works" means all reservoirs, ponds, boreholes and wells which are used with any dam, tank, cistern, tunnel, filter bed, conduit, aqueduct, main, pipe, fountain, sluice, valve, pump, engine or any other structure or supply; measurement or regulation of water.

**PART II - ESTABLISHMENT, CONSTITUTION
AND FUNCTIONS OF THE WATER CORPORATION**

(1) There is hereby established the Gombe State Water Corporation in this Law referred to as "The Corporation".

(2) The Corporation shall be a body corporate with perpetual succession and a common seal and shall have power to sue and be sued in its corporate name.

(1) The corporation shall have a governing body to be known as the Board of Directors in this Law referred to as "The Board".

(2) The Board shall consist of:

(a) A Chairman;

(b) The General Manager;

(c) The Representative of the Ministry of Health
(not below The rank of Director or equivalent rank);

(d) The Representative of the National Electric Power Authority
(NEPA)

(e) The Commissioner in charge of the ministry or his representative
(not below the rank of Director or equivalent rank);

(f) The Director - General for Local Government Affairs or his representative; and

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(g) The Representative of the organised private sector as represented by the Gombe State Chairman of Commerce, Industry, Mines and Agriculture.

(3) The Chairman and members referred to in paragraphs a, b, e, & h shall be appointed by the Military Administrator. All members shall serve on part-time basis with the exception of the General Manager.

(5) Members of the Board shall possess the following basic qualification.

(1) Must be citizen of Nigeria

(2) The Chairman shall, amongst other things, possess some professional experience in the Water Industry and must Achieved a reputable position in his carrier;

Must be knowledgeable individuals preferably with a sound professional background in the Water Industry or with relevant credentials and experience which complement the functions of the corporation.

6.(1)Members, other than the general manager, shall Subject to sub-section (2) and (3) of this section, Hold office for a term of four years and may be Eligible for re-appointment for a further of Four years and no more.

(2) A member may at any time resign his appointment in writing addressed to the Military Administrator.

(3) A member shall cease to hold office if he ceases to hold the office by virtue of which he was appointed.

(4) The Military Administrator may revoke the appointment of a member if the Administrator is satisfied that the member:

(a) Is incapacitated by physical or mental illness from performing his function as a member;

(b) Has failed to attend three consecutive meetings of the Board without furnishing any reasonable excuse or explanation;

(c) Is otherwise unable or fits to the discharge the functions of that office.

7. There shall be paid to each member of the Board and of its Committees and any co-opted person such allowances in respect of travelling and other reasonable expenses at such Rates as may, from time to time, be fixed by the Military Administrator.

8. (1) Subject to sub-section (2) of this section, The Board shall be responsible for laying down policies for the proper execution of all the functions of the cooperation under this Law;

(2) The Board shall, in addition to laying down policies, exercise certain powers as may be assigned to it under this Law or any law.

9. the Quorum for a meeting of the Board shall be six members including the Chairman or the member presiding at the meeting.

10. The Chairman shall within reasonable time notify the governor of any vacancy Membership of the Board.

11. (1) Subject to sub-section (2) of this section the Board may, if it considers it expedient, appoint such number of committees to advise the Board on any matter or carry out any assignment for any purpose whether generally or specifically relating to functions of the corporation which in the opinion of the Board better done by means of committee.

(2) The Board may on such terms and conditions as it may think delegate to a committee appointed under sub-section (1) of section any of its functions under this Law; except that such delegation shall not include;

(a) making extra-ordinary expenditure;

(b) borrowing money; and

(c) making standing orders,

(d) rules and regulations.

(3) The composition, tenure of office and remuneration of members of any such committee appointed under sub-section above shall be determined by the Board.

(4) A committee appointed under sub-section (1) of this section shall include persons who are not members or officers or employees of the corporation but who possess such special qualifications and experience as in the opinion of the Board may be beneficial to the work of the committee.

Renumeration
Members

General

Quorum

Vacancies
Members

12. The Military Administrator may after Consultation with the Board, give the corporation in writing such general directions not being in consistent with the provision of this Law or with any contractual or other legal obligation of the corporation relating to the performance by the corporation; of its functions under this Law and the corporation shall give effect to such directions.

13. (1) the functions of the corporation shall be;

- (a) To control and manage all water works vested in the corporation under this Law;
- (b) To ensure that adequate wholesome water is to its consumers regularly and as such charges as the Board may determined from time to time.
- (c) to establish, control, manage, extend and develop water works as the corporatin may consider necessary for the purpose of providing wholesome, potable water for the consumption of the public and for domestic, trade, commercial, industrial, scientific and other uses;
- (d) To conduct or organise the conduct of research in respect of water supply, water development and matters connected there with and submit the result of such research to the Commissioner for the purpose of formulation of policy.
- (e) To develop, maintain and beneficially exploit Water resources both naturally and artificial; and
- (f) To collect rates charged in paragraph (b) of this sub-section and any other service rendered shall be such that revenue for any year would be sufficient or as nearly as may be, to pay all working expenses, repayment due on loans borrowed by the corporation for any extension works, etc.

(2) The corporation may also do such acts as may appear to it expedient for the purposes of carrying out the functions specified in sub-section (1) of this section.

Directors
Governor

Functions
corporation

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14. (1) Subject to the provisions of this Law and the Water resource Decree No. of 1993 and for the proper attainment of the function of the corporation, the corporation shall have power

(a) Construct, re-construct, maintain and operate water works public fountains and all other stations, buildings and works necessary for the discharge of its functions under this Law

(b) Extra Water from any lake, river, stream or other natural source

(c) Extra Water from underground sources by means of sinking boreholes, wells or artesian wells and the construction of supporting structures;

(d) Examine any surface or underground water for the purpose of determining its productive quality and quantity including the existence and extent of pollution and remedies thereof;

(e) Enter Land or premises at any time of the day for the purpose of laying, examining, repairing or removing any water pipe, hose, provided that before entry is made on any such land or premises, notice shall first be given to the owner or occupier thereof. Re-instatement of land or property must be to the satisfaction of the owner;

(f) Enter any Land or premises after giving notice, where necessary, to the owner or occupier for the purpose of:

(i) Inspecting any service or meter to ascertain whether there is any wastage, obstruction or damage to any service meter or anything connected therewith;

(ii) Laying Pipes or installing meter or other instruments or appliances.

(iii) Ascertaining the amount of water used or taken;

(iv) connecting, disconnecting or otherwise controlling the supply of water to a tenement;

(v) Distributing water build or service of notice or any other document.

(g) Diminish, withhold or suspend, stop, turn off or direct the supply of water through or by means of a water service stop clock, valves, sluices, conduits, aquaducts either wholly or partly when ever the corporation considers it necessary so to do;

(h) Enter into any commitments, agreements or other arrangements in respect of the provision, distribution or sale of water:

Enter into any contract or legal transaction, and

Acquire and hold any movable or immovable property and to dispose of such property.

In addition to the powers conferred by sub-section (1) open iff it appears to the corporation that any land in the state is likely to be needed for the purpose of any water works, the corporation may by it employees with all necessary work men enter on any such land and may, subject to the corporation giving, where practicable, 7 days notice to the owner or occupier of the land on which it is intended to enter;

(a) Survey and take levels of the land;

discipline,
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(c) Do all other acts necessary to ascertain whether he land is adapted for such purposes.

PART III - FINANCIAL PROVISIONS, ASSETS AND LIABILITIES

15. The funds and resources of the Corporation shall consist of:

(a) All funds, assets, resources, undertakings and such rights and interests as the corporation may from time to time acquire.

(b) Such sums as may, from time to time, be lent, granted or appropriated to the Corporation by the State Government, Federal Government of Nigeria or any other government institution.

(c) All properties and investments acquired by, or vested in the Corporation and all monies, dividends and other benefits derived earned or arising therefrom.

(d) All sums from time to time received by or falling due to the Corporation in respect of repayment of any loan or advance mad by the Corporation.

(c) All charges, rates, rents and other payment accruing to the Corporation for the service it renders; and

(f) All other sums of money or properties which may in any mann become payable or vested in the Corporation in respect of any matter incidental to its functions and powers under this Law.

16. The Corporation shall prepare a detailed estimates of income and expenditure for the following financial year and submit for approval to the State Government.

17. (1) All water works situated at each Local Government Headquarters which before the commencement of this Law were either vested in the former Bauchi State Water Board or the Gombe State Agency for Rural Development or Local Government Council, shall vest in the Corporation and the vesting shall extend to the whole water works (herein after in this Law referred to as other properties or assets, power rights and privileges appertaining thereto or held or enjoy in connection therewith.

(2) All liabilities and obligations of the former Bauchi State water Board, Gombe State Agency for Rural Development or any Local Government Council in respect of any transferred water works falling due or to be discharged on or after the commencement of this Law shall as from that date, become the liabilities and obligations of the corporation.

(3) Every deed, bond agreement, instrument and working arrangement to which the former Bauchi State Water Board, Gombe State Agency for Rural Development or Local Government Council was a party for the construction or otherwise in respect of any transferred water works, shall, subject to the provisions of this section and unless the circumstances otherwise require, have effect as from the commencement of this Law as if the Corporation has been a party thereto.

Estimates
and Expe

Transfer and
liabilities
of
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General
from Office

18. The following charges shall be defrayed out of the revenues of the Corporation for any financial year:

- (a) Salaries fees and allowances of members;
- (b) Salaries, remuneration, fees, pension, gratuities and other retirement benefits of the officers, employees and agents of the Corporation including technical and other advisers of, or consultant of the Corporation.
- (c) All works and management expenses of the Corporation and charges relating to its works, assets and other properties including proper provisions for depreciation and renewal of assets;
- (d) Such expenses or minor works of capital nature as the Corporation considers necessary;
- (e) Such sums of money including compensation, which may be payable by the Corporation to any person or authority under Law or any other Law;
- (f) Taxes, rates and other levies payable by the Corporation under any applicable law;
- (g) Interest on any loan raised by the Corporation;
- (h) Sums of money required to be transferred to any sinking fund otherwise set aside for the purpose of making provisions for redemption of debentures, stocks or other securities or for the repayment of other loans; and

- (i) Such other sums of money as the Governor may approve for payment out of revenue account of the Corporation in respect of any financial year.

19. The Board may, in the name of the Corporation and with the consent of the Governor, borrow whether by way of mortgage or otherwise on such terms and conditions as may be acceptable, any such sums of money as may be required for meeting any of its obligation.

Power to Borrow
Money

20. (1) The board shall within three months after the end of each financial year make and submitted report of the activities of the Corporation during that financial year in such form and containing such particulars, as he may from time to time direct.

Annual Report

(2) An annual report made under sub-section (1) shall contain particulars of all directions given under this Law by the Governor to the Corporation or Board during the financial year.

Annual Report

21. (1) The Corporation shall prepare in respect of each financial year, a statement of account in such form as may be approved by the Commissioner. The Statement of accounts shall be a fair and accurate statement of the financial position and of the results of the operations of the Corporation for the financial year to which it relates.

Accounts and Audit

(2) The account of the Corporation shall be audited by the External Auditor to be appointed yearly by the Board from a list of Auditors nominated by the State Auditor General and the remuneration to be paid to the External Auditor shall be recommended by the State Auditor General and approved by the Governor.

(3) The Board shall forward the annual statement of account together with the External Auditor's report to the Military Administrator.

(4) The State Auditor General may comment on the Corporation's annual accounts and the report of the External Auditor. Such comment shall also be submitted to the Governor.

22. (1) If the Government gives any loan to the Corporation at any time in accordance with the provisions of this Law, the Corporation shall, if so required by the Governor, issue to the Government debenture or debentures of nominal value equivalent to the loan.

(2) Debentures issued under this section shall bear interest at rates not in excess of Commercial bank rates and from such dates as the Governor may specify.

23. Subject to the approval of the Board the Corporation may:

(a) Invest money standing to the credit and not for the time being required for the purpose of the Corporation's functions in shares debentures or any other securities; and

(b) Sell, dispose of or otherwise deal with all or any of such securities.

PART IV - MANAGEMENT AND STAFF OF THE CORPORATION

- (1) The Corporation shall have a General Manager who shall be appointed by Governor in accordance with a performance contract and shall be responsible for the execution of the policies and decisions of the Board and the day to day management of the affairs of the Corporation.
- (2) The General Manager shall be a qualified Water Engineering or possess a degree in a relevant field and shall have at least ten years cognate experience in water supply engineering and management.
- (3) The General Manager shall be appointed for an initial period of five years and may be re-appointed subject to the provisions of this Law.
- (4) The performance contract of the General Manager shall be based on the improved Financial Management, organisation and Management, Operations and Maintenance conditions, of the Water board, which will lead to the financial independence of the Corporation, without State Government.
- (5) (1) The General Manager, on the recommendation of the Board, be removed from office by the Governor before the expiration of his current term of office.
- (2) The Board may recommend to the Military Administrator the removal of the General Manager on any of the following grounds:

of Income
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Appointm
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of assets and
tenure of of
General Ma

Removal
Manager

- (a) If the Board satisfied that the General Manager has failed to perform the functions of his office in accordance with the performance contract;
 - (b) If an investigation by a commission or committee of inquiry has found him guilty of any wrong doings and the finding of the Commission or Committee has not been set aside on appeal or judicial review.
 - (c) If he has been convicted of an offence involving or necessarily implying fraud or dishonesty; or
 - (d) If his continued stay in office is not in the public interest.
26. (1) The Board shall appoint a Secretary/Legal Adviser who shall be a Legal Practitioner of not less than seven years post graduation.
- (2) The Secretary shall act as Secretary/Legal Adviser to the Board at its meetings and shall be subject to the directions of the Board to arrange the business for and cause to be recorded in the minutes of all meetings of the Board, be responsible for the correspondence of the Board, and have custody of the seal of the Board.
 - (3) The Secretary / Legal Adviser shall also render legal services to the Corporation and perform such functions as the Board may direct. He shall be the writing delegate to him and shall be assisted in his functions by such of the employees of the Corporation as the General Manager may direct.

27. (1) Subject to the provisions of this Law, the Board shall appoint, promote and exercise disciplinary control over such other officers servants and agents as it may consider necessary for the discharge of the Corporation's functions under this Law and to determine their terms and conditions of service as to remuneration or otherwise

Appointment
promotion,
etc of empl
Corporation

(2) For the purpose of this section there shall be an Establishment Committee at the Management level which shall comprise of the General Manager as chairman and all heads of Departments as members. This committee shall make recommendations to the Board in respect of the appointment, promotion and discipline of the Corporation's staff who are on salary Grade level 07 and above.

(3) The General Manager may make his views known to the Board in writing in any case where he discharges with the view of the majority of the members of the Establishment Committee.

(4) The General Manager shall, subject to the approval of the Board, appoint, promote and discipline all established and un-established employees on Grade level 06 and below. In the exercise of these powers the General Manager shall be assisted by the Establishment Committee established under sub-section (2) of this section.

28. The Board may employ on secondment or transfer of service such officers of the public service of the state, any other state, Federal or Local Government, in accordance with the procedure applicable in the state public service.

Second
Transfer

29. The Board may, subject to the provisions of this Law and the approval of the governor make regulations in respect of appointment, promotion, transfer and disciplinary control of the Corporation's employees and without prejudice to the generality of the foregoing provisions, make regulation for any of the following matters:

(a) The qualifications required for any appointment;

(b) the method of appointment
(including probation and confirmation);

(c) the form of any agreement to be entered into between the employee and the Corporation;

(d) the terms and conditions of service (including salaries, allowances and other fringe benefits, loans and advances, the provision of accommodation, leave and passages, medical treatment, etc.);

(e) the procedure and requirement for promotion;

(f) the maintenance of discipline (including demotion, dismissal, retirement and termination of appointment);

(g) the transfer of employee between the Corporation and State, Federal Government or Local Government or any statutory body; and

(h) such other matters relating to departmental procedure, duties and responsibilities of the employees of the Corporation, Power to make rules relating to retirement.

30. (1) the board may, with the approval of the Governor, make rules with respect to the Corporation's employees for:
- (a) the pensions, gratuities and retirement benefits to be granted to pensionable employees or their dependants,
 - (b) the gratuities and benefits to be granted to non-pensionable employees or their dependants;
 - (c) all matters, ancillary to the matters mentioned in paragraphs (a) and (b).

31. (1) the Corporation shall make adequate provision for staff training in its budgetary allocations.

- (2) staff training shall be accordance with any regulatory or guide lines laid down by the Board or the rules and regulations currently in force in the civil service.

32. (1) The General Manager shall, subject to the general control of the Board on matters of policy and subject in particular to such regulations as the Board may make in that behalf, be charged with overall responsibilities for carrying out the policies and decisions of the Board as well as the routine administration and the control of all employees of the Corporation.

- (2) The General Manager shall be assisted in the performance of his duties by five Assistant General Managers, who shall be appointed by the Board to be in charge of:

- (a) Administration
- (b) Field Operation

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Staff to

Manage
Business
Admini

(c) Commercial

(d) Projects and Planning; and

(e) Finance and Supply.

- (3) The General Manager shall consult with the supervising mini regularly, and brief the State Executive Council once every 11 months.

PART V - POWER AND PROCEDURE IN RESPECT OF WATER SUPPLY AND WATER RATE

- (1) The rates and scales of charges for water shall be such as Board may, from time to time, with the approval of the Gove determine.

Subject to the provisions of sub-section (1), all charges for v by the Corporation shall be fixed at such rates and at such se that the revenue for such year from every source will be sufficient as nearly as may be, to pay:

- (a) the working expenses and other outgoing of the Board prop chargeable to income in that year;
- (b) any monies that may become due that year from the Corpor in respect of interest on or repayment of principal of any n borrowed by the Corporation;
- (c) such sums as the Board may think proper to set aside in tha for a general reserve, extensions renewals, depreciation, l and other like purposes.

- (4) Charges for water or services may, if the Board think it fit, be fixed at different rates and scales for different localities.
34. (1) the Board may, in any area with the approval of the Governor, by order direct:

(a) that there shall be levied and paid a general water rate of an amount and assessed in the manner hereinafter described:

(i) the rate shall be levied in respect of tenements in such area, and in such case it shall be assessed on the assessed value of the tenements and shall be such percentage of that value as the order may prescribe; provided that where a tenement is supplied with an internal pipe supply the general water rate may be increased in respect of that tenement.

(ii) Every person or any class of persons of eighteen years of age and over resident in such area shall pay annually such sum as general water rate as the order may prescribe; or

(iii) There shall be levied annually in respect of every tenement such sum as general water rate as the order may prescribe; or

(iv) persons resident within a defined area may be divided into classes, such classes being assessed for general water rate on one or other of the methods of assessed of assessment herein before described as the order may prescribe and shall pay general water rate accordingly; provided always that no person shall be assessed for general water rate in more than one of the various manners herein before mentioned;

(b) that there shall be exempt from such general water rate or class of tenements, or any persons or class of persons.

(c) that where assessment of the general water rate is made as provided in sub-paragraph (i) or (ii) of paragraph (a) such higher rate as the order may prescribe shall be levied and paid in respect of a non-domestic supply.

(d) Whether payments of general water rate are to be made quarterly, half yearly or yearly and that the first payment of such general water rate shall become due on such date as the order may prescribe; provided that in exceptional cases the Board may provide that the rate shall be paid monthly in advance;

(e) that such general water rate shall be paid with retrospective effect:

(f) the officer to whom or the office at which the general water rate shall be paid and the times during which such payment is to be made.

(2) Any order made under this section may be given retrospective effect, provided that:

(a) subject to the provisions of section 39, water has in fact been supplied in respect of the period of which any order, whereby general water rate is levied, is to be given retrospective effect

(b) nothing in such order contained or by virtue of any of the provisions of this edict shall constitute or be construed as purporting to constitute as an offence committed by any person any act or omission by him which was not such an offence at the time it took place, and any act or omission may be constituted an

only in so far as the same has taken place or has been continued on or after the date of the publication of the order in the State Gazette.

- (3) The application of any order made under this section may be general or may be limited as to area or time or otherwise

35 Notwithstanding any order of the provision of this Law no person shall be liable to pay rates assessed. By more than one method in respect of the same supply of water or to pay any charge as well as a rate in respect of the same supply of water.

36 The owner and occupier of every tenement not exempted from a rate or charge shall be liable to the payment of the rate of charge, but unless otherwise prescribed in the order or regulations imposing such rate or charge the same shall be deemed an owner's rate, and as tenement shall in the absence of any agreement to the contrary, be borne by the owner, and the amount thereof, if paid by the occupier, may be recovered by him from the owner in an action for money paid to his use, or may be deducted from any rent due or to become due in respect of the tenement.

37. If any person fails to pay any rate or charge for which he is liable within one month after the same became payable, the Corporation may recover same with costs in a court of competent jurisdiction.

38. (1) In any action for the recovery of any rate, charge or other monies other than fine and penalties, due payable or recoverable under this Law, a certificate from the

Rate or Scale
assessed by
than one method

Liability for
payment of
water rate of

Recovery of
Charge

Proof of money

Corporation or of any person appointed by the Corporation, in that behalf, that any sum of money is due and that the defendant is the person liable to pay the same, shall, in the absence of any evidence to the contrary, be conclusive evidence of such debt and of the non-payment thereof, and that the defendant is the person liable to pay the same.

(2) Every such action may be instituted by the Corporation or by any person authorised by the Corporation to institute such action on its behalf.

39 (1) The Corporation shall as far as possible maintain a continuity of supply of water, provided that:

(a) the corporation shall have the right to suspend the supply of water for such period as may be necessary for carrying out inspection, tests, or repairs and for the making of new connections.

(b) The Corporation shall have the right to suspend or discontinue any supply where the payment of any rates, dues charges are in arrears.

(2) The Corporation shall in no case be under any obligation to pay damages or compensation for loss, damage or inconvenience caused to any consumer through any suspension, failure, discontinuance of a whole or partial interruption of the supply of water howsoever caused.

40 (1) The Corporation may purchase water in bulk and may resale such water either in bulk or by distribution direct to individual consumers.

(2) No person shall resale water supplied by the Corporation save under the licence granted by the Corporation on such terms and conditions as the Corporation may prescribe, provided that no such licence shall be required for the sale of any manufactured goods or other commodity in which water supplied by the Corporation is included.

41. (1) The Corporation may, subject to the provisions any regulations made under section 68 supply water through any service to any tenement on application being made by the owner or occupier thereof who shall pay to the Corporation any charges the Corporation may require for the laying of a service to such tenement.

(2) The Corporation may refuse to supply water to any particular tenement otherwise than through a meter which shall be supplied, installed and maintained by the Corporation.

(3) The occupier of a tenement to which water is supplied by meter shall pay monthly to the Corporation the amount due for the excess consumption and for meter rent.

(4) The Corporation shall, as soon as convenient, after the end of each month notify the occupier of a tenement supplied with water of the amount due from him for excess consumption and for meter rent, and the amount payable for excess consumption and the meter rent shall be paid by such occupier within fourteen days of the service upon him of such notice and if the same is not then paid the Corporation may disconnect the service to the tenement.

Purchase and
Resale of Water

Service of
tenements and
Payment for
consumption
meter rent.

(4) If any person fails to pay the amount due from him for excess consumption or meter rent, the Corporation may recover the same costs, together with the expenses of disconnecting the service to the tenement, in any court of competent jurisdiction.

42. The Corporation shall not by virtue of making any inspection or test of a consumer's pipes, fittings, appliances and in accordance with this Law any regulation laid thereunder, whether during the progress of the work of installation at the consumer's premises or after its completion, be deemed to be responsible for the efficiency or safety of the consumer's pipes, fittings, appliances and apparatus so inspected or tested, for the proper execution of the work of installation or for any damage or loss arising out of the use or mis-use of apparatus by the consumer or any person other than an employee of the Corporation.

43. Except in so far as is otherwise provided by this Law, where a supply of water is provided by the Corporation in any part of an area for private purpose every person within that part of the area shall upon application to the Corporation, be entitled to supply on the same terms on which other person in such part of the area are entitled under similar circumstances to a corresponding supply provided that in the case of a fresh connection adequate water can be made available without detriment to existing supplies to person or institution in the area.

44. (1) If any person or department of the Corporation or any other authority does any act or thing which such person, department or authority is by or under any law authorised to do which necessitates an alteration in any part of any water works or of any distribution

person, department or authority make such alteration, and the expenses incurred thereby shall be borne by such person, department or authority.

- (2) In the event of any dispute arising as to the among of such expenses the same may be refer by either the person, department or authority as aforesaid or the corporation to an arbitrator to be appointed by the commissioner

PART VI - OFFENCES

Injury, pollute
etc

45. Any person who:

- (a) Willfully or negligently damage any works, public fountain, service or matters;
- (b) Unlawfully draw off, divert or takes water from the same or from any stream or water which any water works, are supplied; or
- (c) Pollutes any such water, or allows any foul impute gas or other noxious or injurious matter to enter into any water works or any service connected there with shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred naira or to imprisonment for a term not exceeding six months and, for everyday duringg which the offence continues after notice in writing requiring the same to be stopped.