



**IMO STATE OF NIGERIA**

**LAW NO. 42 OF 2019**

**IMO STATE WATER LAW, 2019**

**PART I**

**ARRANGEMENT OF SECTIONS**

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## IMO STATE OF NIGERIA

### LAW NO. 42 OF 2019

A LAW TO ESTABLISH AND PUT IN PLACE FUNCTIONAL AND EFFECTIVE ORGANIZATIONAL STRUCTURES INCLUDING A REGULATORY BODY FOR THE PURPOSE OF PROMOTING AND FACILITATING ACCESS TO WATER SERVICES BY CONSUMERS IN URBAN AREAS, SMALL TOWNS AND RURAL AREAS OF IMO STATE AND FOR OTHER RELATED MATTERS.

*Long Title*

### PRELIMINARY

BE IT ENACTED by the House of Assembly of Imo State of Nigeria as follows -

*Enactment*

1. This Law may be cited as the Imo State Water Law, 2019.

### **PART I - PROVISIONS RELATING TO THE ESTABLISHMENT OF IMO STATE WATER SUPPLY AND SEWERAGE CORPORATION AND RELATED MATTERS**

*Citation*

2. In Part 1 of this Law -

*Interpretation*

“Assessed value” in relation to a tenement means the capital annual or unimproved value at which tenement is for the time being assessed in accordance with the provisions of the Imo State Tenement Rate;

“Board” means the Governing Board of the Corporation established under Section 4 of this Law;

“Catchment area” means an area of land or water which contributes to the supply of waterworks;

“Chairman” means the Chairman of the Board established under Section 4 of this Law;

“Commission” means the Imo State Water Supply and Sewerage Services Regulatory Commission established under Section 113 of this Law;

“Commissioner” means the Commissioner for the Ministry responsible for Water Resources in Imo State;

“Corporation” means Imo State Water Supply and Sewerage Corporation established under Section 3 of this Law;

“Court of Competent Jurisdiction” shall include a Magistrate Court;

“Customer” means any person or persons supplied with or applying to be supplied with water from the waterworks or any person otherwise, liable for payment of the water rates, rents or charges for water supplied from waterworks;

“Dwelling house” means premises used wholly or mainly for the purpose of private dwelling with or without any garage, out-house, garden, compound, yard, fore-court or other appurtenances belonging to or usually enjoyed with it;

“Excess consumption” means –

- (a) in the case of a tenement in respect of which general water rate is payable, the quantity of water ascertained by meter as having been consumed in the tenement in excess of such monthly allowance; and
- (b) in the case of a tenement in respect of which general water rate is not payable, the quantity of water ascertained by meter as having been consumed in the tenement in excess of the prescribed volume;

“Financial year” shall be the same as that of Imo State Government;

“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 Corporation;

“Governor” means the Governor of Imo State of Nigeria;

“Ministry” means the Ministry for the time being responsible for Water Resources in Imo State;

“PCRC” means Performance Contract Monitoring and Review Committee;

“Owner” includes:

- (a) the person for the time being receiving the rent of the tenement whether on his own account or an agent or trustee for any other person, or who would receive the rent if such tenement were let to a tenant; and
- (b) the holder of a tenement from Imo State whether under a certificate of occupancy, lease, license or otherwise;

“Occupier” means the person in occupation of tenement or any part thereof, but does not include a lodger;

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

“Public supply” means a supply by means of any public fountain, stand-pipe, valve, tap or other appliance for the purpose of supplying water to the public other than a meter, by or through which water flows or is intended to flow from water works;

“Public fountain” means a fountain, stand-pipe, valve, tap or other device, natural or constructed, from which water discharges;

“Regulator” has the same meaning as Commission;

“Sewage” human excreta from septic tanks, soak ways, pit latrines, etc.

“Sewer” means a waste pipe that carries away sewage or surface water;

“State” means Imo State of Nigeria;

“Street” includes a road, highway, bridge, thoroughfare, access road, avenue, alley, square, court or other passing or place over or to which the public has a right of way or access;

“Tenement” means any land (including an island, cave, lake or other water surface) with or without buildings which is held or occupied as a distinct or separate holding or tenancy, or any wharf, pier or jetty similarly held or occupied;

“Undertaking” means the system of all materials, equipment constructions, instrument and other devices used together in the production, supply and distribution of water;

“WASH” means Water Sanitation and Hygiene;

“Water works” mean all reservoirs, ponds, boreholes, wells and other subterranean water sources which are used with any dam, weir, tank, stem, tunnel, conduct, aqueduct, fountain, main-pipe, sluice valve, pump, engine, filter-bed, treatment plant or other structure or appliances constructed or used for the production, storage, supply, distribution, measurement or regulation of water by the Imo State Water and Sewage Corporation.

3.(1) There is hereby established for the State, a body to be known as the Imo State Water Supply and Sewerage Corporation and in this Law referred to as the “Corporation”.

*Establishment  
of 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.
- (3) The Corporation shall have power to own, hold and dispose of moveable or immoveable property.
- 4.(1) There shall be established, a body to be called the Governing Board of the Imo State Water Supply and Sewerage Corporation (hereinafter referred to as “the Board”)
- Establishment of the Governing Board, functions and composition*
- (2) The Board shall –
- (a) exercise all the functions of the Corporation; and
  - (b) do or carry out all acts or things which the Board may by this Law or by any other law be required to do or carry out.
- (3) The Board shall consist of the following members:-
- (a) the Chairman;
  - (b) the Managing Director of the Corporation;
  - (c) a representative of the Nigerian Society of Engineers registered with the Council for the Regulation of Engineering in Nigeria (COREN);
  - (d) a representative of the Nigerian Bar Association (NBA);
  - (e) a representative of any of the professional Accounting bodies;
  - (f) a representative of Nigerian Institute of Management (Chartered);
  - (g) One representative each of the following –
    - (i) the Ministry responsible for Water Resources;
    - (ii) Consumer Protection Council, WASH Customer Forum, Civil Society Organizations or other Consumer Advocacy groups operating in the State;
    - (iii) Owerri Chamber of Commerce, Industry,

Mines and Agriculture; and

- (f) Three (3) other persons who by reason of their ability, experience or specialized knowledge of water supply can make useful contributions to the Board and who shall be appointed from each of the three (3) geo-political zones of Imo State.
- (4) The Chairman and other members of the Board shall be appointed by the Governor in line with the criteria in section 5(1) of this Law and shall serve as part-time members of the Board.
- (5) The Managing Director of the Corporation and representative of the Ministry responsible for Water resources shall be ex-officio members.
- (6) A member shall not be made personally liable for any act or omission to do any act, or any default of the Board so long as such act, omission, or default is done in good faith and in the course of the operations of the Board.
5. (1) A member of the Board shall possess the following criteria;
- Qualification of members of the Board
- (i) be a Nigerian citizen;
  - (ii) have water industry professional experience of not less than 10 years and must have achieved a reputable position in his career for members appointed under Section 4(f);
  - (iii) shall be knowledgeable with a sound professional background in the water industry or with corporate governance or other credentials whose abilities and experience shall complement the functions of the Board.
- 6.(1) No person shall be qualified to be a member of the Board who –
- Qualification of members of the Board
- (a) has been adjudged or otherwise declared -

- (i) a bankrupt under any law in force in Nigeria and has not been discharged; or;
  - (ii) to be of unsound mind; or
  - (b) is detained as a criminal or lunatic under any law for the time being in force in Nigeria; or
  - (c) has been convicted -
    - (i) for an offence involving the security of the State, fraud, dishonesty or moral turpitude; or
    - (ii) for any other offence, and has not been granted a pardon; or
  - (d) if he is required to pay a certain amount of money by a Court of competent jurisdiction, is unable to do so within the period prescribed by the court; or
  - (e) has been found by the report of a Commission of Inquiry to be incompetent to hold public office or in respect of whom a Commission of Inquiry has found that while being a public officer, acquired assets unlawfully or defrauded the State or misused or abused his office or willfully acted in a manner prejudicial to the State; or
  - (f) has had his property confiscated as a result of the finding of a Commission of Inquiry; and such findings have not been set aside; or
  - (g) is under sentence of death or sentence of imprisonment imposed upon him by any court of competent jurisdiction.
- (2) Without prejudice to the provisions of subsection (1) of this Section, any member of the Board shall cease to be a member if;
- (a) he is absent for three consecutive meetings of the Board without sufficient reason; or
  - (b) in the case of a person possessed of professional qualification, he is disqualified from practicing his profession in Nigeria by order of any competent authority made in respect of him personally.



- (3) Where the Board is satisfied that the continued presence on the Board of any member is not in the interest of the State, it may recommend to the Governor that the member concerned be removed from his office, and if the Governor, after making such enquiries as he considers necessary, approves the recommendation, he may in writing declare the office of the member vacant.

- 7.(1) All the members of the Board shall subject to sub-section (2) of this Section hold office for a term of four years, and may be eligible for re-appointment for another term of four years only.

Tenure of Office  
Board Members

- (2) A member appointed by the Governor other than an ex-officio member may at any time resign his office in writing, addressed to the Governor.

- (3) The Governor may revoke the appointment of a member if the Governor is satisfied that such member:-

- (a) is incapacitated by physical or mental illness from performing his functions as a member; or  
(b) is otherwise unable or unfit to discharge his functions as a member.

Removal from  
the Board

- (4) The Chairman of the Board shall report and notify the Governor or his designate of all proceedings of the Corporation including vacancies occurring in the membership of the Board.

- (5) Where any member of the Board is incapacitated by illness or any other cause from performing the functions of his office, the Governor may appoint another person to act in his office until the member is able to resume the performance of his functions.

8. There shall be paid to each member of the Board and its Committees and any co-opted person such allowances in respect of travelling and other reasonable expenses at

Emoluments of Board  
members

such rates as may from time to time, be fixed by the Governor.

- 9.(1) The Board shall meet once a quarter for the dispatch of it business but where circumstances require, the Chairman may call emergency meetings not exceeding twice in a year.
- (2) The Chairman shall upon the request in writing signed by not less than four members of the Board, summon a special meeting of the Board, within fourteen days on receipt of such request.
- (3) At every meeting of the Board, the Chairman shall preside, and in his absence, the members present shall elect a person from among themselves to preside.
- (4) Every question coming before the Board at any meeting shall be decided by a simple majority of the votes of the Members present; and in the case of an equality of votes, the Chairman or the other person presiding shall have a second or casting vote.
- (5) The quorum for any meeting of the Board shall be five including the Chairman or any other person presiding.
- (6) A member of the Board who is in any way directly or indirectly interested in any contract or transaction or project of the Board shall disclose the nature of his interest at a meeting of the Board and the disclosure shall be recorded in the minutes of the Board and such member shall –
  - (a) not take part in any deliberation or decision of the Board with respect to that contract or transaction or project; and
  - (b) be disregarded for the purpose of constituting a quorum of the Board for any such deliberation or decision.

*Proceedings of  
the Board*

- (7) For the purpose of sub-section (6) of this section, a general notice given at a meeting of the Board by a member of the Board to the effect that he is a member of a specified company or firm having an interest in any contract or transaction or project of the Board shall be regarded as sufficient disclosure of his interest in relation to that contract or transaction or project as the case may be.
- (8) A member of the Board needs not attend in person at a meeting of the Board in order to make disclosure which he is required to make under sub-section (6) of this section if he takes reasonable steps to ensure that the disclosure is made by notice which is brought up and read at the meeting.
- (9) Any member who violates sub-sections (6) and (7) of this section shall be removed from the Board.
- (10) The validity of the proceedings of the Board shall not be affected by vacancy among its members or by any defect in the appointment of any of them.
- (11) Except as otherwise expressly provided under this Section, and subject to this Law, the Board may make standing orders for the purpose of regulating its own proceedings.

- 10.(1) The Board may appoint one or more committees of the Board to advise it or to do anything with respect to – Committees of the Board
- (a) the initiation, execution, administration or progress of any project, scheme or activity which the Board may undertake or in which it may participate; or
  - (b) other purposes whether general or specific, relating to the Board, which in its opinion is better managed by a Committee.
- (2) The Board may on such terms and conditions as it may deem fit, delegate any of its functions to a Committee appointed under sub-section (1) of this Section, but such delegation shall not include the following -
- (a) making extraordinary expenditure;
  - (b) borrowing money; and
  - (c) making standing orders, rules or regulations.
- (3) The composition, tenure of office and remuneration of members of the Committee appointed pursuant to sub-section (1) of this Section shall be determined by the Board.
- (4) A Committee appointed under sub-section (1) of this Section shall include persons who possess such special qualifications or experience which in the opinion of the Board shall be beneficial to the work of the Committee.
11. The functions of the Board shall be to - Functions of the Board
- (a) make strategic decisions on the activities and mandate of the Corporation;
  - (b) review and approve the Corporation's business plans, budget and performance;
  - (c) approve pre-qualified Private Sector Contractors, including revenue mobilization Agents in accordance with this Law and any other applicable Law;
  - (d) monitor the implementation of the State WASH Policy in its areas of operation;

- (e) ensure compliance with regulations and standards set by the Regulator;
- (f) approve and monitor the implementation of the Corporation's Water Services Development and investment Plans;
- (g) propose urban water tariffs for the approval of the Regulator;
- (h) ensure that the Board does not engage in activities which influence, coerce or subvert the normal legal, commercial and financial activities of the Corporation in the discharge of its duties; and
- (i) provide general guidelines for the execution of all functions of the Corporation under this Law.

12. The Corporation shall endeavor to achieve a sustainable water system development in the State, and shall –
- (i) secure for the present and future generations, efficient supply of potable water including domestic, commercial, industrial and scientific use;
  - (ii) develop new sewage infrastructure as the Corporation may consider necessary for the purpose of providing effective and efficient containment, collection, transportation, treatment, and disposal services for domestic, commercial, industrial and institutional human fecal sludge;
  - (iii) produce sufficient portable water to urban residents for improved health and well-being; and
  - (iv) as part of the transition, ensure organizational restructuring and staff capacity development in line with corporatization principles. Existing staff that may not fit into the corporatization agenda shall be transferred to other State Ministries, Departments and Agencies.

*Objectives of the Corporation*

13. (1) Without prejudice to the provisions of this Law, the functions of the Corporation shall be to -
- (a) control and manage all water works vested in the Corporation under this Law;

*Functions of the Corporation*

- (b) establish, control, manage, extend and develop water-works as the Corporation may consider necessary for the purpose of providing wholesome, potable water for the consumption of the public and for domestic, trade, commercial, industrial and scientific use;
  - (c) ensure adequate supply of wholesome water at a reduced tariff/charge for poor households and its customers regularly and such charges may from time to time be proposed to the regulator for approval;
  - (d) conduct or organize the conduct of research in respect of water supply, water development and matters connected therewith and submit the results of such research to the Commissioner or any person acting in such capacity for the formulation of policy;
  - (e) develop, maintain and beneficially exploit water resources both natural and artificial; and
  - (f) determine rates charged under paragraph (c) of this sub-section with any other service rendered provided that such revenue for any year reserved in the corporations' account shall be sufficient to pay all working expenses and repayment due on loans borrowed by the Corporation for any extension works.
- (2) A tariff study shall be accomplished and periodically reviewed, which shall cover the socio-economic conditions of the community of water consumers which includes an affordability and willingness-to pay study.
  - (3) A phased water tariff increase shall be developed which shall be approved by the Commission.
  - (4) The Corporation may do all such acts as may be expedient for the purpose of implementing the

objectives and functions pursuant to the provisions of this law.

14.(1) The Corporation shall have power to-

*Powers of the Corporation*

- (a) construct, reconstruct, maintain and operate water works, public fountains and all other stations, building and works necessary for the discharge of its functions under this Law; having regard to the State policy and work plan jointly prepared with the Ministry and approved by the Commissioner.
- (b) extract water from any lake, river, stream or other natural sources;
- (c) extract water from underground sources by means of sinking boreholes, wells or artisan wells and the construction of their supporting structures;
- (d) examine any surface or underground water within its jurisdiction for the purpose of determining water productive quality and quantity including the existence and extent of pollution, the cause of such 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 or hose, provided that before entry is made on any such land or premises, notice shall first be given to the owner or occupier thereof; reinstatement of land or property may be made to the satisfaction of the owner;
- (f) enter any land or premises after giving notice to the owner or occupier, where practicable, for the purpose of -
  - (i) inspecting any service or meter to ascertain whether there is any wastage, obstruction or damage to any service or 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; and
  - (iv) connecting, disconnecting or otherwise controlling the supply of water to a tenement;
- (g) diminish, withhold or suspend, stop, turn off or divert the supply of water by means of a water service stop-cock, valves, conduits, aqueducts, etc, whether wholly or partly as the Corporation may consider necessary;
- (h) enter into any commitments, agreements or other arrangements in respect of the provisions, distribution or sale of water;
- (i) enter into contract or other legal transactions; and
- (j) acquire and hold any movable or immovable property in accordance with the relevant provisions of the Land Use Act or any other Law enforceable in Nigeria;
- (k) adopt with or without amendments, such master plans for the maintenance and development of its undertakings as its officers may prepare and submit from time to time to the Ministry for approval and implementation;
- (l) carry any water pipe through, across or under any street or any place laid out or intended as a street or under any land after giving reasonable notice in writing to the owner or occupier thereof;
- (m) construct public fountains in any street or other public place; and
- (n) do anything for the purpose of advancing the skills of persons employed by the Corporation or the efficiency of the equipment of the



Corporation being operated, including the provision of facilities for training, education and research.

- (2) In addition to the powers conferred by subsection (1) of this Section, if it appears to the Corporation that any land in the State is to be needed for the purposes of any water-works, the Corporation may enter on any such land after giving seven days' notice to the owner or occupier of the land to –
  - (a) survey and take levels of the land;
  - (b) dig or bore under the soil; and
  - (c) do all other acts necessary to ascertain whether the land is adapted for such purposes, after which shall make good any damage done without paying any compensation.
- (3) The Corporation shall have power to develop operational procedures, procure and enter into Public Private Partnerships for purposes of achieving the objectives and functions pursuant to this law.

15.(1) The Corporation shall have a Managing Director who shall be the Chief Executive and Accounting Officer of the Corporation (referred to in this Law as “the Managing Director”)

*Managing Director*

- (2) The Managing Director shall be appointed by the Governor on the recommendation of the Board subject to the following conditions –
  - (a) he shall be appointed out of three applicants selected through a competitive and transparent recruitment process carried out by an independent consultant appointed by the Governor pursuant to an advertisement for such vacancy by the engaged consultant.
  - (b) he shall be appointed subject to a performance contract for a term of 4 years on a full-time basis.

This may be renewable once, upon consideration of the improved financial, managerial, operational, and other relevant indicators as contained in such Contract;

- (c) the Managing Director shall be a person with professional qualification in either engineering, the physical sciences related to water such as chemistry, biochemistry, geology, hydrogeology, microbiology or water resource management and shall be registered with any of their professional bodies where such bodies exist and must have held a senior management position for a minimum of ten years in a public or private organization.

- 16. (1) The Secretary/ Legal Adviser of the Corporation shall also serve as Secretary to the Board.

Secretary/ Legal  
Adviser of the  
Corporation

- (2) The Secretary shall be a legal practitioner with a minimum of five (5) years post-call experience.

- (3) The Secretary shall –

- (a) arrange the business for the Board;
- (b) cause the minutes of all meetings of the Board to be recorded and kept;
- (c) be responsible for all correspondence of the Board; and
- (d) have custody of the common seal of the Corporation.

- (4) The Secretary shall also perform such functions as the Board may in writing direct or as the Managing Director may in writing delegate and may be assisted in such functions by the employees of the Corporation.

- 17.(1) The Managing Director shall subject to the powers of the Board under this Law, be charged with the overall responsibility of implementing the decisions and

Management of  
the Corporation's  
Business and  
Administration

guidelines issued by the Board as well as the routine administration and control of employees of the Corporation.

- (2) The Managing Director shall, report to the Chairman of the Board and be assisted in the performance of his duties by the Directors of the Corporation.
- (3) The Board may on recommendation of the Managing Director, approve the establishment of such directorates as the Corporation may deem fit.
- (4) The Managing Director shall also be assisted in the performance of his duties by Area Managers appointed by the Corporation.
- (5) The Managing Director shall consult with the Ministry regularly on policy matters.

18.(1) There shall be a Performance Contract Monitoring and Review Committee (referred to in this Law as "the PCRC") constituted in accordance with this Law under the office of the Governor.

*Establishment  
of PCRC*

- (2) The PCRC shall consist of the following members –
  - (a) a retired Judicial Officer not below the rank of a High Court Judge as Chairman;
  - (b) a retired Permanent Secretary in the State;
  - (c) the Permanent Secretary in the Ministry responsible for Water Resources who shall serve as the secretary of the committee;
  - (d) a representative of the private sector;
  - (e) a representative of civil society; and
  - (f) a representative of the Board of the Corporation.
- (3) The PCRC shall meet quarterly and at any other time as may be requested by either party to the Performance contract.

- (4) The PCRC may engage the Services of person(s) to assist them in the discharge of their duties.
- (5) It shall be the responsibility of the PCRC to monitor compliance of the parties to the contract and to make recommendations to the Governor as deemed necessary.
- 19.(1) The Corporation may from time to time, engage such employees as may be necessary for the proper and efficient conduct of the business of the Corporation. Engagement of consultants
- (2) The Corporation may engage the services of consultants or advisors where necessary.
- (3) The Corporation shall be responsible for the appointment, promotion and discipline of employees of the Corporation under this section.
- (4) The Corporation shall determine the salaries and emoluments of staff and other employees of the Corporation.
- 20.(1) The Corporation may appoint such number of staff and other employees as it may from time to time require by way of deployment from the State Public Service to assist in the discharge of its functions under this Law. Other staff of the Corporation.
- PROVIDED that the board shall confirm the employment of the Management staff of the Corporation.
- (2) The Corporation may determine generally, the terms and conditions of service of the staff and other employees which shall include –
- (a) conditions for the appointment, promotion, termination and dismissal of staff and other

employees; and

- (b) procedures for Appeals by employees against dismissal or termination or other disciplinary measures;

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

- (3) The Board may determine the salaries and emoluments of the staff and other employees of the Corporation which shall not be lower than that applicable to staff and other employees of the same cadre in the State Civil Service.
- (4) It is hereby declared that Service in the Corporation shall be approved Service under the provision of the relevant State Contributory Pension Law. Staff and other employees of the Corporation shall be entitled to pensions, gratuities and other retirement Benefits as prescribed under such Law.
- (5) Without prejudice to the provisions of subsection (4) of this section, nothing in this Law shall prevent the appointment of any person to any office on terms which precludes the grant of pension, gratuity or other retirement benefits with respect to that office.

- 21. From the commencement of this Law, all waterworks and the properties which are used or have been constructed by or on behalf of the Government shall vest in the Corporation by virtue of this Law and such vesting shall extend to the whole of the waterworks (hereinafter referred to as the "transferred waterworks" including all lands, works and other property, assets, powers and privileges pertaining thereto or held or enjoyed in

Assets of the  
Corporation

connection therewith.

22.(1) All liabilities and obligations of the Government in respect of any transferred water works falling due to be discharged on or after the appointed date shall as from that date become the liabilities and obligations of the Corporation.

Liabilities of the Corporation

(2) Every deed, bond, agreement instrument and working arrangement to which the Government was a party to 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 appointed day as if the deed, bond, agreement, instrument and working arrangement was with the Corporation.

(3) Subject to the foregoing provisions of this section, any Waterworks, lands, works or other property, assets, powers, rights and privileges vested in the Corporation and all other persons under its direction shall as from the appointed day, have the same rights, power and remedies (and in particular the same rights and powers as to the taking and resisting of legal proceedings) vested in the government or any person or authority prior to the commencement of this law for ascertaining, perfecting, protecting or enforcing such Waterworks, lands, work or other properties, assets, powers, rights or privileges of the Corporation and any legal proceeding by or against the Government ending on the appointed day in respect of the same shall be continued by or against the Corporation.

23. The funds and resources of the Corporation shall consist of -

Funds and Resources of the Corporation

(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 appointed to the Corporation by the State Government, Federal Government of Nigeria or any other Government institution;
  - (c) properties and investments acquired by, or vested in the Corporation and 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 the repayment of any loan or advance made by the Corporation;
  - (e) all charges, rates, rents and other payment accruing to the Corporation for the services it renders; and
  - (f) all other sums of money or properties which may in any manner become payable to or vested in the Corporation in respect of any matter incidental to its functions and powers under this Law.
- 24.(1) The Corporation shall prepare detailed estimates of its income and expenditure for the following financial year and submit for approval to the Board. Estimates of Income and Expenditure.
- (2) The expenditure of the Corporation shall be in accordance with the estimates approved by the Board.
- 25.(1) The Corporation shall operate bank accounts with reputable banks approved by the Board for its funds and the signatories to the accounts shall be the Managing Director and the Head of Accounts, or in their absence any other persons authorized by the Board. Bank Account and Borrowing power of the Board.
- (2) The Corporation may with the consent of the Governor, borrow whether by way of mortgage or otherwise on such terms and conditions as the Board may determine, any such sums of money as may be required in the execution of the functions conferred on the Corporation by this Law.

- (3) Any person lending money to the Corporation shall not be bound to enquire as to whether the borrowing of the money is within the power of the Corporation or not.
- 26.(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, debentures of nominal value equivalent to the sum lent. Debentures to the Government.
- (2) Debentures issued under this Section shall bear interest at such rates not in excess of Commercial Bank rates and from such dates as the Governor may specify.
27. Subject to the approval of the Governor, the Corporation may - Securities
- (a) invest money standing to the credit and not for the time being required for the purpose of the Corporation's functions in stocks, shares, debentures or any other securities; and
- (b) sell, dispose of or otherwise deal with all or any of such securities.
- 28.(1) The Corporation shall establish and implement a Treasury Single Account System in respect of all funds collected by it. General Reserve Fund
- (2) The General Reserve Fund shall be applied by the Corporation in making good any loss or deficiency which may occur in any of its transactions.
- (3) The Governor may give directions to the Corporation as to the balance to be maintained in General Reserve Fund and, where such directions are given, the Corporation shall not be required to pay any of its net



profits into the Fund whereby the balance thereof would exceed the amount directed by the Governor.

29. The following charges shall be defrayed out of the funds of the Corporation for any financial year - Defrayed Funds
- (a) salaries, fees and allowances of Members of the Board;
  - (b) salaries, remuneration, fees, allowances, pensions, gratuities and other retirement benefits of the officers, employees and agents of the Corporation including technical or other advisers or consultants to the Corporation;
  - (c) all working and management expenses of the Corporation and all 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 may consider necessary;
  - (e) such sums of money including compensation which may be payable by the Corporation to any person or authority under this 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) sum of money to be transferred to any sinking funds or otherwise set aside for the purpose of making provisions for the redemption of debentures, stocks or other securities or for the repayment of other loans; and
  - (i) such other sums of money as the government may approve for payment out of revenue account of the Corporation in respect of any financial year.
30. The Board may subject to the approval by the State Executive Council, write off bad and doubtful debts of the Corporation. Bad and Doubtful  
Debts to be  
written off

- 31.(1) The Corporation shall keep proper books of account and proper records in relation thereto and shall maintain a double-entry system (accrual) of accounting and record keeping as expected of a corporate legal entity. Accounts and Audit
- (2) The books and account of the Corporation shall, within three months after the end of each financial year, be audited in accordance with the Constitution of the Federal Republic of Nigeria, or any other similar enactments.
- (3) The Corporation shall pay fees in respect of the audit to its External Auditor appointed by the Board in accordance with the guideline issued by the State Auditor-General.
- (4) It shall be the duty of the Board as soon as possible upon receiving the External Auditor's Report under this Section to forward a copy each of the report to the Auditor General and the Governor.
- 32.(1) Where after receiving a copy of the Auditor's Report, the Managing Director is satisfied that -
- (a) any sum due to the Corporation has not been duly brought to account by any person by whom such sum ought to have been brought into account; or
  - (b) a deficiency in moneys or destruction of property of the Corporation occurred by reason of the negligence, breach of official duty or other misconduct of any person, the Corporation may surcharge the amount of such loss or the destruction of the property on that person.
- (2) Before exercising his power under sub-section (1) of this Section, the Managing Director may by writing appoint a person to conduct an inquiry for the purpose

of determining the cause, extent or value of the deficiency, loss or destruction referred to in sub-section (1).

- (3) If the Managing Director decides to surcharge any amount upon any person under sub-section (1) of this Section, it shall cause a notice to be served on that person or his legal representative, or in the event of his death, request that persons' estate or his legal representative to pay the amount surcharged within such period as may be specified in the notice.
- (4) Notwithstanding sub-section (1) and (3) of this Section, no liability to surcharge shall be incurred by any person who can prove to the satisfaction of the Managing Director that he acted -
- (a) in pursuance of, or in accordance with, the terms of a resolution of:
    - (i) the Board; or
    - (ii) any Committee duly appointed under this Law; and
  - (b) on lawful instructions of a superior officer or of the Board.

33. Any amount notified as a surcharge under sub-section (3) of Section 32 shall be used for and recovered in any court of competent jurisdiction by the Corporation with full cost of action from the person upon whom the amount is surcharged as a debt due to the Corporation. Recovery of surcharge

34.(1) The Corporation shall within one year after the coming into force of this Law, establish a contributory scheme for its officers or employees. Contributory Pension Scheme etc. for Officers and Employees of the Corporation

- (2) For the purpose of sub-section (1) of this section, the Corporation shall-
- (a) grant, pensions, gratuities or other retirement benefits to any of the officers or employees of

the Corporation and may require such officers or employees to contribute to any pension or other contributory scheme;

- (b) grant loans to any of the officers or employees of the Corporation for such purposes as the Board may approve; and
- (c) provide welfare facilities to its officers or employees.

(3) The Board shall develop guidelines to give effect to this Section.

35.(1) The rates and scales of charges for water shall be such as the Corporation may from time to time determine with the approval of the State Executive Council.

Rates and Scales of  
Charges for Water  
Supply

(2) Subject to the provisions of sub-section (1) of this section, all charges for water sold in bulk or direct to customers and for services rendered by the Board shall be fixed at such rates and at such scales that the revenue for such year from every source may be sufficient to pay:

- (a) the working expenses and other outlays of the Corporation properly chargeable to income in that year;
- (b) the payments falling to be made in such year by the Corporation in respect of the interest of or repayment of the principal of any money borrowed by the Corporation;
- (c) such sums as the Board may think proper to set aside in the year for a general reserve, extensions, renewals, depreciation, loan and other incidental purposes.

(3) Charges for water or services may, if the Corporation deems fit be fixed at different rates and scales for different services and localities.

- 36.(1) The Corporation may by order direct any area - Power to levy General  
Water Rate to Tenants  
or Persons
- (a) to be levied to pay water rate of any amount as assessed:
    - (i) in respect of the rents in an area on assessed value of the tenements and such percentage of the value as the order may prescribe;
    - (ii) annually in respect of every tenement such sum as water rate as the order may prescribe; and
    - (iii) residents within a defined area to be divided into classes, such classes being assessed for general water rate as the order may prescribe;
  - (b) not to be assessed for water rate in more than one of the various ways afore –mentioned;
  - (c) to be exempted from such water rate and such exemption shall be to any tenement or class of tenements or any person or class of persons;
  - (d) where assessment of the water rate is to be made as provided in sub-paragraph (i) of paragraph (a), such higher rate as the order may prescribe shall be levied and paid in respect of a non-domestic supply;
  - (e) to make payments of water rate monthly, quarterly, half-yearly or yearly and that the first payment of such water rate shall become due on such rate and date as the order may prescribe;
  - (f) to pay to an officer of the Corporation or to the office as at when due.
- (2) The application of any order made under this Section may be general or may be limited as to an area or time.

37. The owner or occupier of every tenement not exempted from a rate shall be liable to the Corporation for payment of the water rate or charge as prescribed by the order or regulations imposing such rate or charge. In the absence of any agreement to the contrary between the occupier and the owner of any tenement, such rate is deemed as owner's rate and shall be borne by the owner. Payment for Water Rate.
- 38.(1) The Corporation shall as far as possible maintain a continuity of supply of water provided that:- Continuity and Interruption of Water Supply.
- (a) the Corporation shall have the right to suspend the supply of water for such periods as may be necessary for carrying out inspection, tests, or repairs and for the making of new connections; and
  - (b) the Corporation shall have the right to suspend or discontinue any supply where payment of any rates, dues, or charges are in arrears.
- (2) The Corporation shall in no case be under any obligation to pay damage or compensation for loss, damage or inconvenience caused to a customer through any suspension, failure, discontinuance or for whole or partial interruption of supply of water however caused.
- 39.(1) The Corporation may purchase in bulk and may resell such water whether in bulk or by distribution directly to individual customers. Purchase and Sale of Water
- (2) No person shall re-sell water supplied by the Corporation save under permit granted by the Regulator upon such terms and conditions as the Corporation may prescribe; provided that no such permit shall be required for the sale of food or any manufactured goods or other commodity in which water supplied by the Corporation is included.

(3) No person shall sell water obtained from the waterworks or any other water source to members of the public without a permit to that effect issued by the Regulator; provided that a person who has been issued a permit under any other law to sell water to members of the public shall not be required to obtain permit under this section.

40.(1) The Corporation may supply water through any service to tenement or by application being made by the owner or occupier, and shall pay to the Corporation, any charges the Corporation may require for such service to the tenement.

Service to any  
tenement

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

41.(1) 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.

Payment for Excess  
Consumption and  
Meter Rent.

(2) The Corporation shall as soon as possible after the end of each month notify the occupier of a tenement supplied with water of the amount due for excess consumptions and for meter rent. 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 paid, the Corporation may disconnect the service to the tenement.

(3) If any person fails to pay the amount due for excess consumption or meter rent, the Corporation may recover the same with cost, together with the expense 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 customer's connection pipes, fittings and appliances during process of work, connection of the customer's premises or after completion, in accordance with this Law or any regulations be deemed to be responsible for the efficiency or safety of the customer's connection pipes, fittings and appliances so inspected or tested or from the use or misuse of fittings and appliances by the customer or any other person other than an employee of the Corporation. Liability of a Customer Service Connection
43. Except as provided by this Law, where a supply of water is made by the Corporation in any part of an area for private purposes, every person within that part of the area shall, upon application to the Corporation be entitled to a supply on the same terms on which other persons 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 persons or institutions in the area. Customer Service Entitlement.
- 44.(1) If any person or any department of the Government or any authority does any matter which such person, department or authority is by any law authorized to do and which necessitates an alteration in any part of any water works or of any distribution system vested in or the property of the Corporation, the Corporation shall where no reasonable notice is given by such person, department or authority, make such alteration and the expenses incurred thereby shall be borne by such person, department or authority. Expenses for Alteration of Water works.
- (2) In the event of any dispute arising as to the amount of such expenses, the same may be referred by the person, department or authority or the Corporation to an Arbitrator to be appointed by the Regulator.



- 45.(1) Subject to the provisions of this section, it shall be the duty of the Corporation to keep records of the location of – Maps of Waterworks
- (a) every resource main, water main or discharge pipe which is for the time being vested in the Corporation; and
  - (b) Any other underground works, other than a service pipe, which are for the time being vested in the Corporation.
- (2) It shall be the duty of the Corporation to ensure that the contents of any records for the time being kept by it under this section are available at all reasonable times for inspection by the public, free of charge at an office of the Corporation upon prior application in writing to the Corporation.
- (3) Any information which is required under this section to be made available by the Corporation for inspection by the public shall be made available in form of a map.
- (4) For the purpose of determining whether any failure to make a modification of any records kept under this section constitutes a breach of the duty imposed by subsection (1) of this Section, such duty shall be taken to require any modification of the records which shall be made as soon as reasonably practicable after the completion of the works which makes the modification necessary; and where records kept under this section are modified, the date of the modification and of the completion of the works making the modification necessary shall be incorporated in the records.
- (5) The duties of the Corporation under this section shall be enforceable under this Law.

- 46.(1) Subject to the provisions of this section, it shall be the duty of the Corporation to keep records of the location and other relevant particulars of:
- (a) every public sewer or disposal main which is vested in the Corporation;
  - (b) every sewer in relation to which a declaration of vesting has been made by the Corporation, but has not taken effect;
  - (d) every drain or sewer which is the subject of any agreement to make such a declaration which has been entered into by the Corporation.
  - (e) Such treatment facilities for sewage as may be designed and constructed
- (2) For the purposes of this section, the relevant particulars of a drain, sewer or disposal main shall include particulars of its location and:
- (a) whether it is a drain, sewer or disposal main and of the destination of effluent for the conveyance of which it is or is to be used; and of whether it is vested in the Corporation or, if it is not,
  - (b) whether it is a sewer in relation to which a declaration has been made, or a drain or sewer which is the subject of an agreement.
- (3) The records kept by the Corporation under this section shall be kept separately in relation to the area of each Local Government Council within whose area there is any drain, sewer or disposal main of which the Corporation is required to provide copies of the contents of those records.

- (4) It shall be the duty of the Corporation to ensure that the contents of all the records kept by it under this section are available at all reasonable times for inspection by the public, free of charge at an office of the Corporation upon prior application in writing to the Corporation.
- (5) Any information which is required under this section to be made available by the Corporation for inspection by the public shall be made available in form of a map.
- (6) For the purpose of determining whether any failure to make a modification of any records kept under this section constitutes a breach of the duty imposed by subsection (1) of this Section, such duty shall be taken to require any modification of the records which shall be made as soon as reasonably practicable after the completion of the works which makes the modification necessary; and where records kept under this section are modified, the date of the modification and of the completion of the works making the modification necessary shall be incorporated in the records.
- (7) The duties of the Corporation under this Law shall be enforceable by appropriate authorities.

47. The Revenue court of the State shall have power to –

Revenue court

- (a) recover all surcharges, fines and penalties levied in accordance with this Law.
- (b) determine all matters relating to offences and penalties created under this Law;
- (c) impose fines prescribed under this Law;
- (d) effect the arrest of offenders of any of the

provisions of this Law or regulations made hereto.

- (e) issue an order of general or specific nature as it may deem fit in accordance with the provisions of this Law.

48. No member of the Board, agents, officers or other employees of the Corporation or member of any Committee appointed by the Board under this Law shall be personally liable for an act or default of the Corporation done or omitted to be done in good faith and without negligence to the operations of the Corporation.

*Personal  
Immunity of  
Members,  
Agents, etc.*

49. Any person -

- (a) who is aggrieved by the decision of the Corporation to surcharge any amount upon him; or
- (b) who is dissatisfied as to the amount of compensation payable to him under this Law; may appeal to the High Court within 30 days from the date of the decision or the award of the compensation.

*Appeal against  
surcharge and  
compensation*

50. The Governor may after consultation with the Board give to the Corporation, written directions of a general nature not being inconsistent with the provisions of this Law or with contractual or other legal obligations of the Corporation relating to performance by the Corporation of their functions under this Law and the Corporation shall give effect to such (directives).

*Directive by  
the  
Governor*

51(1) Subject to the provisions of this Law, no suit shall be commenced against the Corporation before the expiration of 30 days after written notice of an intention to commence the suit shall have been served upon the Corporation by the intending plaintiff or his agent; and the notice shall clearly and explicitly state –

*Legal  
Proceedings*

- (a) the cause of action;
- (b) the particulars of claim;

- (c) the name and address of legal practitioner of the intending plaintiff ; and
- (d) the relief being sought, the name and place of abode of the intending plaintiff.

(2) The Head of Corporation and their officers, employees or agents shall not personally be subject to any action, claim or demand by, or liable to any person in respect of anything done or omitted to be done in exercise of any functions or power conferred by this Law upon them.

(3) The Head of Corporation and their officers, employees or agents shall be indemnified out of the assets of their respective Corporation, against any liability incurred by them in defending any proceeding, whether civil or criminal, if the proceeding is brought against them in the said capacities.

(4) A notice, summons or other documents required or authorized to be served upon the Corporation under the provisions of this Law or any other law or enactment may be served by delivering it to the Secretary or by sending it by registered post and addressed to the Secretary at their principal office.

52. Any water-works vested in or the property of the Corporation shall not be valued for rating purposes under any existing enactment. Water-works property

53.(1) Water works shall not be constructed by any person without obtaining a license or approval of the Regulator. Water-works construction permission

(2) No person shall construct any illegal structure within the water works premises.

- (3) Any person who acts contrary to the provisions of sub-sections (1) and (2) of this section shall be liable on summary conviction to a fine of N200,000 or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

54.(1) This Section shall not apply to the construction of a well having a diameter exceeding 0.22 meters and a depth not exceeding 61 meters.

*Construction of  
water works.*

- (2) Subject to sub-section (1), no person, shall pump water or permit artesian water to flow from –
- (a) a well having a diameter not exceeding 0.22 meter and a depth exceeding 61 meters; or
  - (b) a borehole within 2 kilometers radius of water-works, without the permission of the Regulator.

- (3) The Corporation may by notice published in the State Gazette, specify any area being further than 2 kilometers from any water-works where water shall not be pumped, or artesian water permitted to flow from any well or borehole without the permission in writing of the Corporation.

- (4) Any person who contravenes any of the provisions of this Section commits an offence under this Law and shall be liable on summary conviction to a fine not exceeding ~~N~~200,000.00 or to a term of imprisonment not exceeding 9 months.

55.(1) No person shall –

- (a) willfully or negligently damage a water-works, public fountain, service or meters; or
- (b) unlawfully draw off, or divert water from any water works, public fountain, stream or water by which any water works are supplied; or

*Damage water  
works.*

- (c) pollute water in any water works, public, fountain stream, well, borehole or allow any foul liquid, gas or other noxious or injurious matter to enter into any such water or service connected therewith.
  - (d) dredge sand, mine any activity of any form, develop and construct activities upstream Otamiri River or Headworks within its watershed.
- (2) Any person who contravenes any of the provisions of this Section commits an offence under this Law and shall be liable on summary conviction to a fine not exceeding ₦200,000.00 or to a term of imprisonment not exceeding 9 months; and in the case of a continuing offence, after a notice in writing to that person requiring him to stop committing the offence, to an additional fine not exceeding ₦10,000 in respect of each day on which the offence continues and to a term of imprisonment not exceeding one month.

56.(1) No person shall –

- (a) willfully or negligently misuse or waste or cause or permit to be misused or wasted any water passing into, through, upon or near any tenement; or
- (b) alter or cause or permit to be altered, any service without the written permission of the Corporation or Agency.

Misuse of water  
or altered

- (2) Any person who contravenes sub-section (1) of this section, commits an offence under this Law and is liable on summary conviction to a fine not exceeding ₦500,000 or to a term of imprisonment not exceeding three months.

- 57.(1) No person shall – Alter or damage  
service or meter
- (a) alter or cause or permit to be altered, any service or metre with intent to -
    - (i) avoid the accounts measured or registered; etc.
    - (ii) obtain greater supply of water than he is entitled to; or
    - (iii) avoid payment of water supplied to him;
  - (b) willfully or negligently alter or damage or cause or permit to be altered or damaged any meter or service.
- (2) Any person who contravenes sub-section (1) of this section, commits an offence under this Law and is liable on summary conviction to a term of imprisonment not exceeding 4 months without an option of fine.
- (3) Any meter or service so altered or damaged shall be replaced or repaired by the Corporation at the expense of the person convicted and the cost of replacement or repair of such meter or service may be recovered upon the order of a court in the same manner as any penalty may be recovered upon conviction.
- 58.(1) Any person who puts or permits to be put or to remain, Nuisance and injurious  
matters. to accumulate on any tenement owned or occupied by him or his servant, or who fails to remove or cause to be removed; or to take such steps as may be necessary to prevent, upon notice in writing from the Corporation, any foul nuisance or injurious matters, or any earth, deposit or excavated material in such manner or place that it may be washed, fall or be carried into any water-works or the gathering ground thereof commits an offence under this Law.



- (2) Any person who commits an offence under sub-section (1) of this section, is liable on summary conviction to a fine not exceeding ₦100,000 or to a term of imprisonment not exceeding 4 months; and in the case of a continuing offence, to an additional fine not exceeding ₦5,000 in respect of each day on which the offence continues.

59. Any person who -

Bathing, washing, etc  
in water works

- (a) bathes or washes in any part of any water-works; or
- (b) throws or causes to enter any water-works, any dog, horse, goat, pig, or any other animal, or any bird or any cloth, material, contaminants or things;
- (c) Wrongfully opens or closes any lock, cock valve, sluice or manhole belonging to water-works, commits an offence and on conviction shall be liable to a fine not exceeding the sum of ₦100, 000.

60.(1) Subject to sub-section (2) of this section, where an offence is committed under this Law or under regulations made hereunder by a body of persons, then -

Offences by bodies or  
persons

- (a) in the case of a body corporate, other than a partnership, every Director, Secretary or similar officer of the body is liable; and
- (b) in the case of a partnership, every partner of the partnership commits the offence.

- (2) No person commits an offence by virtue of sub-section (1) of this section if he proves to the satisfaction of the Court that he did not consent to the commission of the offence; and that he did all in his power to prevent the commission of the offence having regard to all the circumstances.

- 61.(1) The Corporation may make such regulations as it deems necessary for the purpose of giving effect to the provisions of this Law. Regulations
- (2) Without prejudice to the generality of sub-section (1) of this section, regulations made hereunder may prescribe fees or rates to be charged under this Law.
- (3) Regulations made under this Law may prescribe in relation to any contravention of the regulations:
- (a) penalties not exceeding a fine of ~~N~~200,000 or 6 months "imprisonment";
  - (b) additional penalties not exceeding ~~N~~5,000 per day in respect of a continuing offence.
- (4) Any regulation made by the Corporation under this Law shall be conferred by a Resolution of the House of Assembly.
62. No execution or attachment or process in the nature thereof shall be issued against any property of the Corporation created under this Law until the expiration of three months from the date of judgment of the Court. *Restriction on execution against Corporation*
63. Imo State Water Corporation Edict No. 35, 1995 and Water Connection Fee and Water Rate (Amendment) Law 2001 are hereby repealed. *Repeals*

## PART II

### PROVISIONS RELATING TO THE ESTABLISHMENT OF IMO STATE SMALL TOWNS WATER SUPPLY AND SANITATION AGENCY

64. In part II of this Law, unless the context otherwise requires –

*Interpretation*

“Agency” means the Imo State Small Towns Water Supply and Sanitation Agency established under section 65 of this Law;

“Assessed value” in relation to a tenement means the capital annual or unimproved value at which tenement is for the time being assessed in accordance with the provisions of the Imo State Tenement Rate;

“Board” means the Governing Board of the Agency established under Section 67(1) of this Law;

“Catchment area” means an area of land or water which contributes to the supply of waterworks;

“Chairman” means the Chairman of the Board established under Section 67(1)(a) of this Law;

“Commission” means the Imo State Water and Sewerages Services Regulatory Commission established under Section 113 of this Law;

“Commissioner” means the Commissioner for the Ministry responsible for Water Resources in Imo State;

“Corporation” means the Imo State Water Supply and Sewerage Corporation, established under Section 3 of this Law;

“Court of Competent Jurisdiction” shall include a Magistrate Court;

“Customer” means any person or persons supplied with or applying to be supplied with water from the waterworks or any person otherwise, liable for payment of the water rates, rents or charges for water supplied from waterworks;

“Dwelling house” means premises used wholly or mainly for the purpose of private dwelling with or without any garage, out-house, garden, compound, yard, fore-court or other appurtenances belonging to or usually enjoyed with it;

“Excess consumption” means –

- a) in the case of a tenement in respect of which general water rate is payable, the quantity of water ascertained by meter as having been consumed in the tenement in excess of such monthly allowance.
- b) in the case of a tenement in respect of which general water rate is not payable, the quantity of water ascertained by meter as having been consumed in the tenement in excess of the prescribed volume;

“Financial year” means a period of twelve months commencing on 1<sup>st</sup> January;

“General water rate” is the amount to be paid to the Agency by the owner with respect to any tenement or other property as determined by the Agency;

“Governor” means the Executive Governor of Imo State;

“Ministry” means the Ministry for the time being responsible for Water Resources in Imo State;

“PCRC” means Performance Contract Monitoring and Review Committee;

“Owner” includes:

- (a) the person for the time being receiving the rent of the tenement whether on his own account or an agent or trustee for any other person, or who would receive the rent if such tenement were let to a tenant; and
- (b) the holder of a tenement from Imo State whether under a certificate of occupancy, lease, license or otherwise;

“Occupier” means the person in occupation of tenement or any part thereof, but does not include a lodger;

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

“Public supply” means a supply by means of any public fountain, stand-pipe, valve, tap or other appliance for the purpose of supplying water to the public other than a meter, by or through which water flows or is intended to flow from water works;

“Public fountain” means a fountain, stand-pipe, valve, tap or other device, natural or constructed, from which water discharges sewage;

“Regulator” has the same meaning as Commission;

“Sewage” means human excreta from septic tanks, soak ways, pit latrines etc.;

“State” means the Imo State of Nigeria;

“Street” includes a road, highway, bridge, thoroughfare, access road, avenue, alley, square, court or other passing or place over or to which the public have a right of way or access;

“Tenement” means any land (including an island, cave, lake or other water surface) with or without buildings which is held or occupied as a distinct or separate holding or tenancy, or any wharf, pier or jetty similarly held or occupied;

“Undertaking” means the system of all materials, equipment constructions, instrument and other devices used together in the production, supply and distribution of water;

“WASH” means water, sanitation and hygiene;

“Water works” mean all reservoirs, ponds, boreholes, wells and other subterranean water sources which are used with any dam, weir, tank, stem, tunnel, conduct, aqueduct, fountain, main-pipe, sluice valve, pump, engine, filter-bed, treatment plant or other structure or appliances constructed or used for the production, storage, supply, distribution, measurement or regulation of water by the Imo State Water and Sewerage Corporation.

65. (1) There is hereby established for the State, a body to be known as the Imo State Small Towns Water Supply and Sanitation Agency (referred to in this Law as “Agency”).
- (2) The Agency shall –
- (a) be a body corporate with perpetual succession and a common seal;
  - (b) have power to sue and be sued in its corporate name; and
  - (c) be capable of holding, purchasing, acquiring and disposing of property, movable and immovable
- (3) All existing and new State owned water and sewage management infrastructures in the small towns in Imo State other than towns within the area of operation of the Corporation are hereby vested in the Agency.

*Establishment of  
the Small Towns  
Water Supply and  
Sanitation Agency*

66. The objectives of the Agency shall be to –

*Objectives of  
the Agency*

- (a) provide safe, adequate and affordable water supply services to the residents of all areas described by the relevant Policy document as small towns in Imo State in accordance with this Law;
- (b) provide water related sanitation facilities and other services and promote Community-led total sanitation in small towns in accordance with this Law;
- (c) collaborate with the Ministry responsible for water resources to secure efficient use, conservation and protection of water resources including the preparation of development plans for input into the State Water, Sanitation and Hygiene (WASH) Sector Development Plans;
- (d) implement cost recovery and commercial orientation in service provision and maintain customer focus for service sustainability and efficiency; and
- (e) implement capital investment plans for the purpose of expanding access to water and sanitation services for the citizens in the areas served within the shortest possible time.

67.(1) The Governing Board of the Agency (hereafter called the “Board”) shall consist of :-

*Composition  
of the  
Governing  
Board*

- (a) a Chairman;
- (b) the Director General of the Agency;
- (c) three members who shall be professionals in any of the following fields –  
finance, engineering, public health, Law, physical sciences and to be drawn from each of the three geo-political zones of Imo State;
- (d) a representative of –
  - (i) the Owerri Chamber of Commerce, Industry, Mines and Agriculture;
  - (ii) the Association of Local Government of Nigeria, Imo State chapter;
  - (iii) the Customers.
- (e) a representative of the Ministry responsible for Finance; and

- (f) a representative of the Ministry responsible for Water Resources;
- (2) The Chairman and members other than the ex-officio members shall be appointed by the Governor.
- (3) The Board shall meet to conduct the business of the Agency once every quarter and at such other times as the Chairman may determine.
- (4) The Board may make such rules as it may deem necessary for purposes of regulating its proceedings.
68. The Board shall be paid such allowances as the Governor may determine subject to relevant extant law or policy in the State. *Remuneration of members of the Board*
- 69.(1) The Chairman and other members shall hold office for a term of four years and shall be eligible for re-appointment for one more term only. *Tenure of office of Members of the Board*
- (2) The appointment shall be upon such terms and conditions as maybe stipulated in their letters of appointment.
- (3) All members of the Board except the Director General shall be appointed to serve as part-time members.
70. The duties of the Board shall be to – *Duties of the Board*
- (a) make strategic decisions on the activities and mandate of the Agency;
- (b) review and approve the Agency's business plans, budget and performance;
- (c) approve plans and procedures for the engagement of Private Sector Operators;
- (d) ensure that the activities of the Agency meets with standards set by the Regulator;
- (e) approve and monitor the implementation of Agency's water services and sanitation development plan; and
- (f) any other business which may be considered necessary



by the Board in pursuance of the Agency's function as provided in this Law.

71.(1) The quorum for meeting of the Board of Agency shall be four members including the Chairman.

*Quorum for meetings*

(2) The Chairman shall preside at meetings of the Board and in his absence, the members present at the meeting shall elect one of their members present to preside.

72.(1) A member shall vacate his office and his office shall become vacant –

*Vacation of office*

- (a) one month after the date upon which he gives notice in writing to the Governor of his intention to resign; or
- (b) on the date he is convicted of a crime –

- (i) in Nigeria, in respect of a crime involving dishonesty or fraud; or
- (ii) outside Nigeria, in respect of an offence involving financial impropriety or any conduct which, if committed in Nigeria, would constitute an offence;
- (c) if he attends fewer than 75% of the Agency's meetings in any one year period without sufficient reasons; or
- (d) in the case of members who have professional qualifications, if:–
  - (i) the member is barred or suspended from his professional body; or
  - (ii) he becomes bankrupt; or
  - (iii) he becomes of unsound mind or incapable of carrying out his duties; or
  - (iv) he is guilty of serious misconduct with relation to his duties as a member of the Board.

(2) The Governor may revoke the membership of a member if it is in the public interest to do so.

73. The functions of the Agency shall be to –
- (a) control, operate and maintain all water facilities vested in the Agency;
  - (b) undertake planning, design, construction and maintenance of all Small Towns Water Supply and sanitation facilities including motorized and solar powered borehole based schemes;
  - (c) establish, control, manage, extend and develop water facilities as the Agency 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) undertake public enlightenment, training and mobilization for Community participation in all its programmes;
  - (e) ensure that adequate and wholesome water is supplied to Customers regularly and at such charges as the Commission may, from time to time approve;
  - (f) conduct or organize the conduct of research in respect of water supply, sanitation and matters connected therewith and submit the results of such research to the Commissioner for the formulation of policy;
  - (g) coordinate activities in its administration and finance, as well as inter-governmental and non-governmental linkages subject to the overriding coordination of the Ministry;
  - (h) undertake the Agency's programme planning, monitor on-going and completed projects as well as the collection and storage for easy retrieval of all data, records and statistics on its operations;
  - (i) assist the Communities within the small towns to form Water Consumer Associations and provide technical and other advisory services for same;
  - (j) transfer where appropriate, ownership of any water schemes to benefitting Communities through appropriate Water Consumers Association by means of a Transfer Agreement, stating the conditions of such transfer;
  - (k) determine its water rates and present it to the Commission for approval after consultation with the Water Consumers Association;
  - (l) collaborate closely with all Local government WASH Departments on all activities;

*Functions of  
the agency*

- (m) plan, design, construct, and operate all State owned small town sanitation infrastructures;
- (n) promote sanitation and hygiene practices and also to monitor and prevent activities that may pollute the water resources of the State.

74.(1) The Agency shall subject to the provisions of this Law, have power for the purpose of carrying out its functions to –

*Powers of the  
Agent*

- (a) own all state-owned water supply and sanitation infrastructure and assets in small towns and construct new ones as deemed necessary;
- (b) fix rates and charges payable by customers for water supply and other services provided by the Agency, subject to the approval of the Regulator;
- (c) prepare water and sanitation development plans for the Small Towns water sector;
- (d) acquire, purchase, lease, hold, construct, manufacture, maintain or insure any property forming part of the assets required for or in connection with the performance of its functions and sell, lease, concede, dispose of, or otherwise deal with such property or any part thereof subject to the approval of the Governor with regard to sale;
- (e) undertake any land acquisition procedure necessary for the performance of its functions, in accordance with all valid legislation;
- (f) enter into agreement with any person for the performance of any of its statutory functions under this Law;
- (g) protect, maintain and improve all existing natural water courses in consultation with relevant authorities;
- (h) carry any water pipe through, across, or under any street or any place laid out or intended as a street after giving reasonable notice in writing to the owner or occupier and thereafter make good any damage done thereto;

- (i) abstract water from any lake, river, stream or other natural sources forming part of the water resources of the State, and to do likewise in respect of other water by arrangement with the appropriate authority under and in accordance with the provisions of any existing law in that behalf and may assign such rights to private operators pursuant to a Private Sector Participation Agreement;
- (j) examine from time to time any surface or underground water, forming part of the water resources of the State for the purpose of determining if any pollution exists and its causes and to do same in respect of other water by arrangement with the appropriate authority under and in accordance with the provisions of any existing Law in that behalf;
- (k) construct stand posts or public fountains in any street or other public places;
- (l) enter into agreement with any person for the supply, construction, manufacture, maintenance or repair of any property which is necessary or appropriate for the purpose of the Agency;
- (m) do anything for the purpose of advancing the skills of persons employed by the Agency or the efficiency of the equipment of the Agency or the manner in which the equipment is operated including the provision of facilities for training, education and research;

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

- 75.(1) There shall be appointed by the Governor, an officer of the Agency to be known as the Director General who shall, subject to the general direction of the Board –
- (a) be the Chief Executive and Chief Accounting Officer of the Agency (referred to in this Law as the “Director General”);
  - (b) be responsible for the implementation of the decisions of the Board of the Agency as well as

*The Director General*

- (c) the general administration of the Agency; and perform such other duties as the Board of the Agency may from time to time direct;

(2) The Director General shall –

- (a) be a person with a professional qualification in water, civil or sanitation engineering, public health, or other profession with sound and cognate experience of the WASH sector relevant to the functions of the Agency; and
- (b) be appointed by the Governor through a competitive and transparent recruitment process pursuant to a general advertisement for such vacancy and a Performance based contract for a term of 5 years and renewable once.

76.(1) There shall be a Secretary and Legal Adviser (referred to in this Law as “the Secretary”) to the Agency who shall be responsible to the Director General and shall assist him in the discharge of his functions under this Law.

*The Secretary/Legal  
Adviser*

(2) The Secretary shall be a Legal Practitioner with a minimum of five (5) years post-call experience.

77. The Secretary shall perform the following functions –

- (a) organize and take minutes of meetings of the Board and Senior Management meetings;
- (b) be the custodian of the records of Agency and conduct correspondence of same;
- (c) arrange for payment of fees and allowances of meetings and all other matters affecting members of the Board;
- (d) perform all duties as the Board or the DG may from time to time direct;
- (e) communicate policy decisions at Committee meetings to affected Departments;
- (f) render necessary advice on compliance with Laws, rules and regulations affecting the Agency;
- (g) establish and maintain the Register and minute books as may be deemed necessary for purposes of the Agency;

*Functions of the  
Secretary*

- (h) keep custody of copies of asset register, financial and annual reports of the Agency;
- (i) prepare, vet and review all contracts; and
- (j) represent Agency in court in matters to which it is a party.

78.(1) The Agency shall have power to recruit directly from the private sector, or request posting or secondment from any public service of the State, Local government or otherwise, any number of staff and other employees as it may from time to time deem necessary to assist the Agency in the discharge of its functions under this Law.

*Other Staff of  
the Agency*

- (2) The terms and conditions of Service shall be as may be determined by the Agency.
- (3) It is hereby declared that –
  - (a) service in the Agency shall be approved service under the provision of the Pensions Law. Staff and employees of the Agency shall be entitled to pensions, gratuities and other retirement benefits as prescribed under the Pensions Law;
  - (b) without prejudice to the provisions of paragraph (a) of this sub-section, nothing in this Law shall prevent the appointment of any person to any office on terms which preclude the grant of pension, gratuity or other retirement benefits with respect to that office.

79.(1) The Agency may subject to the provisions of this Law and without prejudice to the generality of the foregoing, determine the conditions of service of his/her staff as follows –

*Conditions of  
service of staff*

- (a) the conditions for the recruitment, promotion, termination and dismissal of staff and employees of the Agency;
- (b) procedure for Appeals by such employees against dismissal or termination or other disciplinary measures, and until such conditions of service are made, any instrument relating to the conditions of service in the Public Service of the State shall be applicable with such modifications as may be necessary to the Staff and employees of the Agency.

- (2) The terms and conditions of service of the staff of the Agency shall be in line with those applicable in the Civil Service of the State.
80. The Agency shall determine the remuneration to be paid to its staff and may require any officer to give such security as is deemed proper for the due execution of his office. *Remuneration of officers*
81. The Agency shall operate and maintain a Bank Account into which money shall be paid and credited such as – *Financial Provisions*
- (a) take off grant from the State Government;
  - (b) such sums as are appropriated by the House of Assembly for the running of the Commission;
  - (c) grants from International Donor Agencies and other Non-Governmental Agencies;
  - (d) all other assets which may from time to time accrue to the Agency;
82. In the absence of a Board of the Agency and until such time such Board is constituted pursuant to this Law, the Governor or any person to whom he has delegated the responsibility of the Agency shall execute any document, exercise or perform any of Agency's Powers or functions. *Responsibility of the Agency which the Governor may perform*
- 83.(1) The Agency shall as much as practicable maintain a continuity of water supply to residents within its areas of operation; *Agency's responsibility to Customers for continuous supply of water.*  
Provided that the Agency shall –
- (a) have the right to suspend the supply of water for such periods as may be necessary for carrying out inspections, tests, repairs and for the making of new connections;
  - (b) have the right to suspend or turn off supply for the purpose of effecting alterations and modifications to its pipelines and other facilities or general maintenance of the waterworks subject to notice as may be determined by regulations of the Commission;

- (a) have the right to suspend or discontinue any supply where the payment of any rate, dues or charges is in arrears:
- (b) The Agency shall not be under any obligation to pay damages or compensation for loss, damages or inconveniences caused to any consumer through any suspension, failure, discontinuance or a total or partial interruption of the supply of water howsoever caused.

84.(1) The Agency shall from time to time fix rates and scales of charges payable for water supply and other services in small towns in accordance with a methodology for tariff setting earlier approved by the Commission which allows for the fixing of economic rates for water supply and other services in order to meet its financial objectives in accordance with the provisions of this Law.

*Rates and scales of charges.*

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

85.(1) The Agency may supply water to a tenement upon application by the owner/occupier thereof on service contract between the parties pursuant to rules and regulations issued by the Commission.

*Application for water supply.*

(2) The Agency may refuse to supply water to any particular premises except by a meter installed and kept in repair by the Agency.

PROVIDED that the Agency may not disconnect any user or fail to connect a potential customer for the Agency's failure to provide the said meter.

86. As from the commencement of this Law, it shall be unlawful for any person to resell water supplied by the Agency except pursuant to an Agreement with the Agency for that purpose.

*Prohibition of sale of water supplied by Agency.*



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

87.(1) The owner or occupier of any tenement to which water is supplied by the Agency shall pay such rates and charges for water supply or other services as may from time to time be determined by the Agency and approved by the Commission.

*Payment for  
water rates  
and charges*

(2) Upon failure by a customer to pay any outstanding water rates and charges pursuant to a notice by the Agency in accordance with regulations issued by the Regulator, the Agency may recover such rates or charges by application brought before the High court of Imo State or any other special court created for that purpose.

88.(1) Where stand-posts or other supply services are provided for communal use, upon application by the relevant local government council, the Agency shall have power to charge for such service in accordance with rates approved by the Commission and the Local Government Councils shall pay such rates from its resources.

*Supply to  
Local  
Government  
Councils and  
its  
institutions.*

(2) The Agency shall have powers to collect from the local government councils fees in respect of services provided to institutions within the local government, including those for primary schools, markets and water fountains in each of the respective Local Governments.

89. Except as otherwise provided by this Law, where a supply of water is provided by the Agency in any part of an area for private purposes, every person within that part of the area shall upon application to the Agency be entitled to a supply on terms and conditions as the Agency may determine:

*Entitlement  
to supply of  
water*

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

- 90.(1) Subject to the provisions of this section, it shall be the duty of the Agency to keep records of the location of;- *Maps of waterworks /Sanitation Infrastructure.*
- (a) every resource main, water main or discharge pipe which is for the time being vested in the Agency; and
  - (b) any other underground works, other than a service pipe, which are for the time being vested in the Agency.
- (2) It shall be the duty of the Agency to ensure that the contents of any records for the time being kept by it under this section are available at all reasonable times, for inspection by the public, free of charge at an office of the Agency upon prior application in writing to the Agency.
- (3) Any information which is required under this section to be made available by the Agency for inspection by the public shall be so made available in the form of a map.
- (4) For the purpose of determining whether any failure to make a modification of any records kept under this section constitutes a breach of the duty imposed by subsection (1) of this Section, such duty shall be taken to require any modification of the records which shall be made as soon as reasonably practicable after the completion of the works which makes the modification necessary; and where records kept under this section are modified, the date of the modification and of the completion of the works making the modification necessary shall be incorporated in the records.
- (5) The Agency shall put in place a mechanism to receive and address customer complaints in an efficient and effective manner.

- 91.(a) Water Consumers Associations shall be set up by communities in small towns with the support of the Agency to manage water schemes serving their immediate Community on behalf of Water Customers in each small town;
- (b) The objective of the Water Consumers Association shall be for sustainability in the long term to undertake the operation, maintenance and management of the water schemes within its own area either by itself, through Agency or by engaging a private water operator.
- 92.(1) The Chairman of the Agency or in his absence any person so appointed to act, may at any time direct the Secretary of the Board to summon a meeting of the Board.
- (2) Any three member of the Board may by notice in writing signed by them, request the Chairman to summon a special meeting or emergency meeting of the Board for the purpose set out in such notice and the Chairman shall thereupon order a special meeting to be summoned;
- (3) In the event of the Chairman refusing or neglecting to summon a meeting notwithstanding the conditions in sub-section (2) of this Section, on the signatures of a simple majority of the members of the Board approving the summoning of a meeting, the Secretary shall summon a meeting of the Board;
- (4) The Board shall meet ordinarily at the meeting quarters and at least once a quarter –
- (i) the Chairman shall preside over the meeting of the Board; and
- (ii) in the event of the absence of the Chairman, members present shall appoint one of them to preside over the meeting.
- (5) (i) quorum of the meeting of the Board is formed when five out of the Board members are in attendance;
- (ii) in the event of the absence of the Secretary from the meeting of the Board, the Chairman may appoint any person to act as Secretary for the particular meeting;

*Water  
Consumers  
Association  
(WCAs).*

*Meetings of  
the Board*

(iii) the Secretary shall keep an accurate record of minutes of the meeting after it has been approved at the next meeting.

93.(1) No suit shall commence against the Agency or any employee of the Agency except after the expiration of three (3) months after the act complained of and after at least one (1) month's written notice of intention to commence the suit is served upon the plaintiff or his agent;

*Legal  
proceedings*

(2) The notice referred to in section 93 (1) of this Section shall clearly state the cause of action, the particulars of claim, the name and place of abode of the intending plaintiff and the reliefs sought.

94. The notice referred to in section 93 of this Law and any summons, notice or other documents required or authorized to be served upon the Agency in connection with any suit by or against the Agency shall be served by delivering the same to or sending same by registered post addressed to, the Secretary to the Board at the principal office of the Agency.

*Service of  
Notice*

95. Provided that the court may with regard to any particular suit or documents, order service on the Agency to be effected otherwise and in that event, service shall be effected in accordance with the terms of that order.

96. The Revenue court of the State shall have power to –  
recover all surcharges, fines and penalties levied in accordance with this Law.

*Revenue  
court*

- (a) determine all matters relating to offences and penalties created under this Law;
- (b) impose fines prescribed under this Law;
- (c) effect the arrest of offenders of any of the provisions of this Law or regulations made hereto.
- (d) issue an order of general or specific nature as it may deem fit in accordance with the provisions of this Law.

97. No member of the Board, agents, officers or other employees of the Agency or member of any Committee appointed by the Board under this Law shall be personally

*Personal  
Immunity of  
Members,  
Agents, etc.*

liable for an act or default of the Agency done or omitted to be done in good faith and without negligence of the operations of the Agency.

98. Any person -

- (a) who is aggrieved by the decision of the Agency to surcharge any amount upon him; or
- (b) who is dissatisfied as to the amount of compensation payable to him under this Law, may appeal to the High Court within 30 days from the date of the decision or award of the compensation.

*Appeal against surcharge and compensation.*

99. The Governor may, after consultation with the Board, give to the Agency written directions of a general nature not inconsistent with the provisions of this Law, or with contractual or other legal obligations of the Agency relating to performance by the Agency of their functions under this Law and the Agency shall give effect to such directions.

*Directions by the Governor.*

100. Any water-works vested in or the property of the Agency shall not be valued for rating purposes under any existing enactment.

*Water-works property of the Corporation not to be rated.*

101. Water works shall not be constructed by any person without the approval of the Agency.

*Water-works construction permission*

102(1) This Section shall not apply to the construction of a well having a diameter exceeding 0.22 meters and a depth not exceeding 61 meters.

*Construction of water works.*

- (2) Subject to sub-section (1) of this section, no person, shall pump water or permit artesian water to flow from –
  - (a) a well having a diameter not exceeding 0.22 meter and a depth exceeding 61 meters; or
  - (b) a borehole within 2 kilometers radius of water-works, without the permission of the Commission.

- (3) The Agency may by notice published in the State Gazette specify any area being further than 2 kilometers from any water-works where water shall not be pumped, or artesian water permitted to flow from any well or borehole without the permission in writing of the Corporation.
- (4) Any person who contravenes any of the provisions of this Section commits an offence under this Law and is liable on summary conviction to a fine not exceeding ₦200,000.00 or to a term of imprisonment not exceeding 9 months.

103.(1) No person shall—

- (a) willfully or negligently damage a water-works, public fountain, service or meters; or
- (b) unlawfully draw off, or divert water from any water works, public fountain, stream or water by which any water works are supplied; or
- (c) pollute water in any water works, public fountain, stream, well, borehole or allow any foul liquid, gas or other noxious or injurious matter to enter into any such water or service connected therewith.

- (2) Any person who contravenes any of the provisions of this Section commits an offence under this Law and is liable on summary conviction to a fine not exceeding ₦200,000.00 or to a term of imprisonment not exceeding 9 months; and in the case of a continuing offence, after a notice in writing to that person requiring him to stop committing the offence, to an additional fine not exceeding ₦10,000 in respect of each day on which the offence continues and to a term of imprisonment not exceeding one month.

104.(1) No person shall –

- (a) willfully or negligently misuse or waste or cause or permit to be misused or wasted any water passing

*Misuse of water  
or altered  
service, etc*

into, through, upon or near any tenement; or  
(b) alter or cause or permit to be altered any service without the written permission of the Agency.

(2) Any person who contravenes sub-section (1) of this Section, commits an offence under this Law and is liable on summary conviction to a fine not exceeding ₦100,000 or to a term of imprisonment not exceeding three months.

105.(1) No person shall –

- (a) alter or cause or permit to be altered any service with intent to –
  - (i) avoid the accounts measured or registered; etc.
  - (ii) obtain greater supply of water than he is entitled to; or
  - (iii) avoid payment of water supplied to him;
- (b) willfully or negligently alter or damage or cause or permit to be altered or damaged any meter or service.

*Alter or damage  
service or meter*

(2) Any person who contravenes sub-section (1) of this Section, commits an offence under this Law and is liable on summary conviction to a term of imprisonment not exceeding 4 months without an option of fine.

(3) Any meter or service so altered or damaged shall be replaced or repaired by the Corporation or Agency at the expense of the person convicted and the cost of replacement or repair of such meter or service may be recovered upon the order of a court in the same manner as any penalty may be recovered upon conviction.

106.(1) Any person who puts or permits to be put or to remain, to accumulate on any tenement owned or occupied by him or his servant, or who fails to remove or to cause to be removed; or to take such steps as may be necessary to prevent, upon notice in writing from the

*Nuisance and  
injurious  
matters*

Agency, any foul nuisance or injurious matters, or any earth, deposit or excavated material in such manner or place that it may be washed, fall or be carried into any water-works or the gathering ground thereof commits an offence under this Law.

- (2) Any person who commits an offence under sub-section (1) of this Section, is liable on summary conviction to a fine not exceeding ₦100,000 or to a term of imprisonment not exceeding 4 months; and in the case of a continuing offence, to an additional fine not exceeding ₦5,000 in respect of each day on which the offence continues.

107. Any person who –

- (a) bathes or washes in any part of any water-works; or
- (b) throws or causes to enter any water-works, any dog, horse, goat, pig, or any other animal, or any bird or any cloth, material or things; or
- (c) wrongfully opens or closes any lock, cock valve, sluice or manhole belonging to water-works, commits an offence and on conviction shall be liable to a fine not exceeding the sum of ₦50,000.

*Bathing,  
washing,  
etc in  
water-works*

108.(1) Subject to sub-section (2) of this section, where an offence is committed under this Law or under regulations made hereunder by a body of persons, then -

- (a) in the case of a body corporate, other than a partnership, every Director, Secretary or similar officer of the body is liable; and
- (b) in the case of a partnership, every partner of the partnership commits the offence.

*Offence by  
bodies or  
persons*

- (2) No person commits' an offence by virtue of sub-section (1) of this section if he proves to the satisfaction of the Court that he did not consent to the commission of the offence; and that he did all in his power to prevent the commission of the offence having regard to all the circumstances.



- 109.(1) The Regulator may make such regulations as it deems necessary for the purpose of giving effect to the provisions of this Law. *Regulations*
- (2) Without prejudice to the generality of sub-section (1), of this Section regulations made hereunder may prescribe fees or rates to be charged under this Law.
- (3) Regulations made under this Law may prescribe in relation to any contravention of the regulations –
- (a) penalties not exceeding a fine of ~~N~~200,000 or 6 months “imprisonment”;
  - (b) additional penalties not exceeding ~~N~~5,000 per day in respect of a continuing offence.
- (4) Any regulation made by the Regulator under this Law shall prevail over any guideline issued by the Board.
110. No execution or attachment or process in the nature thereof shall be issued against any property of the Agency created under this Law until the expiration of three months from the date of judgment of the Court. *Restriction on execution against Agencies created under this Law*
- 111.(1) Imo State Water Development Agency Edict No 7, 1995 is hereby repealed. *Repeals Savings*
- (2) Notwithstanding the repeal under this section; any agreement executed thereunder and in force immediately before the commencement of this Law shall continue in force as if made under this Law, except that agreements continued in force by this section, unless modified by any new agreements entered into with the Board, confer only the benefits previously enjoyed under the agreements before the commencement of this Law.

- (3) Without prejudice to the general effect of the Interpretation Act or any other Law applicable in the State, the repeal under this section shall not affect any obligation or penalty incurred by any person before the repeal.
- (4) Notwithstanding the repeal under this section, any statutory instruments made hereunder and in force immediately before the commencement of this Law shall continue in force as if they were regulations made under this Law and may accordingly be amended or revoked under that Section.
- (5) Any employee engaged for the exercise of the functions and powers in respect of water supply, sanitation and development of water resources with effect from the commencement of this Law shall be deemed to be an employee of the relevant Agency, on the same terms and conditions of service as the Agency shall determine.

### PART III

#### PROVISIONS RELATING TO THE ESTABLISHMENT OF IMO STATE WATER SUPPLY AND SEWERAGE SERVICES REGULATORY COMMISSION AND RELATED MATTERS

112. In part III of this Law -

*Interpretation*

“Assessed value” in relation to a tenement means the capital annual or unimproved value at which tenement is for the time being assessed in accordance with the provisions of the Imo State Tenement Rate;

“Board” means the Board of the Commission established under section 116(1) of this Law;

“Catchment area” means an area of land or water which contributes to the supply of waterworks;

“Chairman” means the Chairman of the Board established under Section; 116(2) of this Law;

“Commission” means Imo State Water Supply and Sewerage Services Regulatory Commission established under Section 113 of this Law;

“Commissioner” means the Commissioner for Ministry responsible for Water Resources in Imo State;

“Corporation” means the Imo State Water Supply and Sewerage Corporation; established under section 3 of this Law.

“Court of Competent Jurisdiction” shall include a Magistrate Court;

“Customer” means any person or persons supplied with or applying to be supplied with water from the waterworks or any person otherwise, liable for payment of the water rates, rents or charges for water supplied from waterworks;

“Dwelling house” means premises used wholly or mainly for the purpose of private dwelling with or without any garage, out-house, garden, compound, yard, fore-court or other

appurtenances belonging to or usually enjoyed with it;

“Excess consumption” means –

- c) in the case of a tenement in respect of which general water rate is payable, the quantity of water ascertained by meter as having been consumed in the tenement that is excess of such monthly allowance; and
- d) in the case of a tenement in respect of which general water rate is not payable the quantity of water ascertained by meter as having been consumed in the tenement that is in excess of the prescribed volume;

“Financial year” means a period of twelve months commencing from 1<sup>st</sup> January;

“Water rate” is the amount to be paid to the Corporation by the owner with respect to any tenement or other property as determined by the Corporation;

“Governor” means the Governor of Imo State;

“Ministry” means the Ministry for the time being responsible for Water Resources in Imo State;

“PCRC” means Performance Contract Monitoring and Review Committee

“Owner” includes:

- (a) the person for the time being receiving the rent of the tenement whether on his own account or an agent or trustee for any other person, or who would receive the rent if such tenement were let to a tenant; and
- (b) the holder of a tenement from Imo State whether under a certificate of occupancy, lease, license or otherwise;

“Occupier” means the person in occupation of tenement or any part thereof, but does not include a lodger;

“Private supply” means supply by means of service to any tenement, for the purpose of supplying water to be solely within the area of such tenement;

“Public supply” means supply by means of any public fountain, stand-pipe, valve, tap or other appliance for the purpose of supplying water to the public other than a meter, by or through which water flows or is intended to flow from water works;

“Public fountain” means a fountain, stand-pipe, valve, tap or other device, natural or constructed, from which water discharges;

“Regulator” has the same meaning as Commission;

“Sewage” means human excreta from septic tanks, soak ways, pit latrines etc;

“State” means Imo State of Nigeria;

“Street” includes a road, highway, bridge, thoroughfare, access road, avenue, alley, square, court or other passing or place over or to which the public has a right of way or access;

“Tenement” means any land (including an island, cave, lake or other water surface) with or without buildings which is held or occupied as a distinct or separate holding or tenancy, or any wharf, pier or jetty similarly held or occupied;

“Undertaking” means the system of all materials, equipment constructions, instrument and other devices used together in the production, supply and distribution of water;

“WASH” means Water Supply, Sanitation and Hygiene

“Water works” mean all reservoirs, ponds, boreholes, wells and other subterranean water sources which are used with any dam, weir, tank, stem, tunnel, conduct, aqueduct, fountain, main-pipe, sluice valve, pump, engine, filter-bed, treatment plant or other structure or appliances constructed or used for the production, storage, supply, distribution, measurement or regulation of water by the Imo State Water and Sewage Corporation.

113.(1) There is hereby established, the Imo State Water and Sewerage Regulatory Commission (in this Law referred to as “the Commission”).

*Establishment  
of the  
Regulatory  
Commission*

- (2) The Commission 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 and to hold and dispose of property whether movable or immovable.

114(1) The functions of the Commission shall be to –

- (a) promote all State and Federal Water Laws and Policies in the State;
- (b) create, promote, and preserve efficient industry and market structures and to ensure optimal utilisation of resources for the provision of Water Services;
- (c) maximize access to Water Services by promoting and facilitating consumer connections to distribution systems in urban areas, small towns and rural areas;
- (d) ensure adequate supply of water to customers including low-income or vulnerable customers to benefit from any gains from increased competition and efficiency;
- (e) ensure that the rates and fees charged by Operators are sufficient to finance their activities and allow for reasonable earnings for efficient operation;
- (f) control waste water management and discharge;
- (g) ensure the safety, security, reliability and quality of service in the production and delivery of water to customers;
- (h) make Regulations to protect the integrity of the investments of operators in the sector by ensuring that they are able to recoup their investments without undue prejudice to the interest of the customers;
- (i) make Regulations to ensure the availability of water resources to the residents of the State by controlling the sinking of boreholes;
- (j) ensure that the Regulations are fair and balanced for operators, customers, investors and other stakeholders;
- (k) receive complaints and resolve disputes between customers and operators;
- (l) ensure that in making Regulations, consideration is given to all relevant health, safety, environmental and social legislations applicable to the water sector; and

*Functions  
of the  
Commission*

- (m) promote consistency in Regulations made at the National level and those made in the State.
- (2) Without prejudice to sub-section (2) of this section, the Commission shall perform its functions and exercise its powers in such a manner as it considers best in order to achieve the best results for the benefit of the citizens of Imo State.

115. The authority of the Commission shall apply to the State Water Agencies created under this Law, all operators, customers, and Government Ministries, Departments and Agencies, relevant donor/aid Agencies, etc.

*Scope of  
Authority of  
the  
Commission*

116.(1) There is hereby established for the Commission, a part-time Board appointed by the Governor.

*Composition  
of the Board  
of the  
Commission*

- (2) The Board shall consist of –
  - (a) a Chairman;
  - (b) the Executive Secretary;
  - (c) one nominee each from the following –
    - (i) the Nigerian Bar Association who shall be a Legal Practitioner with a minimum of seven (7) years post - call experience;
    - (ii) a Non Governmental Organization who shall be a professional with minimum of seven (7) years cognate experience in advocacy in the water and sanitation sector of the State;
    - (iii) the Nigerian Society of Engineers with minimum of ten years cognate experience and shall be registered with COREN;
    - (iv) a chartered accountant or an Economist with minimum of seven (7) years cognate experience;
    - (v) the Environmental Health Officers Registration Council of Nigeria;
    - (vi) the Owerri Chamber of Commerce, Industry, Mines and Agriculture.

- (d) three persons with relevant competencies to be appointed from the three geo – political zones of Imo State; and
  - (e) a representative of the Ministry responsible for Water Resources.
- (3) The Chairman so appointed must be a degree holder in a related discipline with minimum of ten years cognate experience from a senior management position in a public or private establishment.
- 117(1) Subject to the provisions of this Law, a member of the Board shall hold office for a period of four years. *Tenure of Office*
- (2) A member shall hold office on such terms and conditions as the Governor may determine
  - (3) A member may be eligible for re-appointment for another four year term only.
118. A Person shall not be appointed as a member of the Board if he has – *Qualification for membership of the Board*
- (a) a pecuniary interest in any Water Service Provider regulated under this Law or any entity which is in competition with or provides similar services to those supplied by Water Service Providers regulated under this Law within the State, unless the Governor is satisfied that the interest or activity will not interfere with the person's impartial discharge of his duties as a member or such pecuniary interest is terminated prior to the appointment taking effect; or
  - (b) been adjudged or otherwise declared insolvent or bankrupt and has not been rehabilitated or discharged; or
  - (c) made an assignment to, or arrangement or compromise with his creditors which has not been rescinded or set aside; or



- (d) been certified by a competent authority to be of unsound mind; or
- (e) been banned from practicing his profession.

119(1) A member of the Board shall vacate his office if he –

- (a) gives notice in writing to the Governor of his intention to resign; or
- (b) has been convicted by a court of competent jurisdiction of any offence involving dishonesty, fraud, or financial impropriety; or
- (c) attends fewer than 75% of the member's meetings in any one year period; or
- (d) is incapable of discharging the functions of his office by reason of mental disorder and/or physical ill-health.

(2) The Governor shall in accordance with the provisions of subsection (1) of this section, suspend or remove any member of the Board.

120.(1)The Board shall meet for the dispatch of its business as often as it deems necessary and expedient and shall have power to determine the procedure to be adopted for its meetings.

- (2) The Chairman shall preside at every meeting of the Board and in his absence, members present shall appoint one among them to preside.
- (3) All decisions of the Board shall be on the basis of simple majority of the members present and voting.
- (4) No act or proceeding of the Board shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Board except where actions are not supported by a quorum.
- (5) The quorum for the meeting of the Board shall be five (5) and each member present shall have one vote on each question before the Board, and in the event of an equality of votes, the Chairman shall have a casting vote in addition to a deliberative vote.

*Proceedings  
of the  
Board*

- (6) For a meeting of the Board to review any previous decision or order taken by the Board, the quorum shall not be less than five (5) members of the Board present when the decision was taken or the Order was made.

121(1) If a member –

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

*Disclosure of  
Interest*

The member shall forthwith disclose the fact to the Board.

- (2) A member referred to in subsection (1) of this section shall take not part in the consideration or discussion of, or vote on any question before the Board which relates to any contract, right, immovable property or interest referred to in that subsection.
- (3) Any member who contravenes subsections (1), & (2) of this section commits an offence and is liable to a fine of ₦100,000 or two years imprisonment or to both fine and imprisonment and shall cease to be a member of the Board.

122.(1) There shall be for the Commission, an Executive Secretary who shall be appointed by the Governor on the recommendation of the Board after a transparent and competitive recruitment process conducted pursuant to a general advertisement of the position in two (2) National newspapers.

*Executive  
Secretary*

(2) The Executive Secretary shall be –

- (a) the Chief Executive and accounting officer of the Commission;
- (b) responsible for the execution of WASH sector policy and day to day administration of the affairs of the Commission; and
- (c) a person with a Professional Qualification in Law, Economics, Engineering, Accountancy, Business Administration, the Physical Sciences or other relevant discipline who must be registered with his professional body and shall have held a senior management position in a public or private organization for at least ten (10) years.

(3) The Executive Secretary shall hold office:

- (a) for a term of five years in the first instance and may be re-appointed for a further term of 5 years only ; and
- (b) on such terms and conditions as may be specified in his letter of appointment.

(4) Without prejudice to the provisions of this Law, the Executive Secretary may be removed from office at the instance of the Governor on the basis of gross misconduct, financial impropriety, fraud, and manifested incompetence.

123.(1) The Governor shall appoint the Principal Officers for the Commission on the recommendation of the Board after a transparent and competitive recruitment process.

*Principal  
Officers  
of the  
Commission*

(2) The Principal officers are the officers to head the departments mentioned in Section 128 of this Law.

- (3) The Principal Officers shall –
- (a) have the requisite qualification and experience required for the effective performance of the functions of their respective directorates in the Commission as specified under this Law;
  - (b) be appointed on such terms and conditions as may be specified in their letters of appointment;
  - (c) have tenure of four years which may be renewed for one more term of four (4) years only upon satisfactory performance;
- (4) Without prejudice to the provisions of this Law, any Principal Officer may be removed from office at the instance of the Governor on the basis of gross misconduct, financial impropriety, fraud, and manifested incompetence.

124.(1) There shall be a Secretary to the Commission who shall be responsible to the Executive Secretary and shall assist him in the discharge of his functions under this Law.

*Secretary  
of the  
Commission*

- (2) The Secretary shall be a Legal Practitioner with a minimum of five (5) years post-call experience.

125.The Secretary shall –

*Functions  
of the  
Secretary*

- (a) organize and take minutes of the meetings of the Board and Senior Management meetings;
- (b) be the custodian of records and conduct correspondence of the Commission;
- (c) render necessary advice on compliance with Laws, rules and regulations affecting the Commission;
- (d) establish and maintain asset register and minute books;
- (e) prepare, vet and review all contracts;
- (f) represent the Commission in court in matters to which it is a party; and
- (g) perform all duties as the Board or the Executive Secretary may from time to time direct.

- 126.(1) The Executive Secretary may subject to the approval of the Board recruit staff in a transparent and competitive manner from time to time as it may deem necessary for the purposes of the Commission. *Other Staff of the Commission*
- (2) Subject to the Pensions Law and Regulations on salaries, incomes and wages applicable in the State, the terms and conditions of service of employees of the Commission shall be as determined by the Board.
- 127.(1) The Board shall subject to the provisions of this Law, make staff regulations relating generally to the conditions of service of the employees of the Commission and without prejudice to the foregoing, such regulations may provide for: *Staff Regulations*
- (a) the recruitment, promotion, dismissal and disciplinary control of employees of the Commission; and
- (b) appeals by such employees against dismissal or other disciplinary measures.
- (2) Until such regulations are made, any instrument relating to the conditions of service of officers in the civil service of the State shall be applicable.
- 128.(1) The Commission shall have the following departments - *Departments of Commission*
- (a) Legal and Enforcement
- (b) Technical Services
- (c) Corporate Services
- (d) Communication and Public Affairs
- (2) Noting shall preclude the Board from creating more Departments for the Commission as the need arises.
- 129 The Commission shall operate and maintain Bank account into which money shall be paid and credited such as: - *Funds of the Commission*
- (a) the sums appropriated by the House of Assembly for the running of the Commission; and
- (b) all other assets which may, from time to time, accrue to the Commission.

- (3) The Commission may from time to time apply its fund to -
  - (a) the cost of administration of the Commission;
  - (b) the payments of salaries, fees and other remuneration of employees of the Commission or experts or professionals appointed by the Commission;
  - (c) the maintenance of any property acquired by or vested in the Commission;
  - (d) any matter connected with all or any of the functions of the Commission under this Law; and
  - (e) any expenditure connected with all or any of the functions of the Commission under this Law.

130.(1) The financial year of the Commission shall be the same as that of the State Government.

*Financial year,  
budgeting and  
annual report*

- (2) Not later than six months before the end of the financial year, the Commission shall submit to the Board an estimate of its expenditure and projected income during the next succeeding year.
- (3) The Commission shall keep proper accounts and records of its receipts, payments, assets and liabilities and shall in respect of each financial year prepare a statement of account.
- (4) The Commission shall within six months after the end of the financial year to which the accounts relate, cause the accounts to be audited in accordance with guidelines issued by the Auditor-General of the State.
- (5) The Commission shall at the end of each financial year, prepare and submit to the Board, a report in such form as shall accurately capture all the activities of the Commission during the preceding year and shall include in the report, a copy of the audited accounts of the Commission for that year.
- (6) The Board shall submit to the Governor, the report provided under subsection (5) of this section.

131.(1)The primary objectives of the Commission shall be to -

*Objectives of  
the Commission*

- (a) promote viable and sustainable water and wastewater service provision while ensuring the protection of the long-term interests of customers with respect to price, quality and reliability of service.
  - (b) ensure that water and sewage functions are properly carried out in the State;
  - (c) ensure that operators in the sector secure reasonable returns on their capital to finance the proper carrying out of those functions and sustain service provision.
- (2) The Commission shall develop and apply a tariff Policy for the State WASH sector to ensure that :-
- (a) tariffs are established at levels adequate to cover the full cost of efficient operation, maintenance and administration, and in the long run be adequate to cover capital costs;
  - (b) a social tariff will be incorporated into the tariff structure to ensure the affordability of a basic supply of water for households and low income customers;
  - (c) all service providers adopt operational practices that ensure efficient production and minimised costs;
  - (d) prices reflect cost recovery and ensure sustainability of service and improved access.

132. The Commission shall –

*Powers of the  
Commission*

- (a) License all water supply and sewerage service providers in the State for the purpose of ensuring compliance with regulations issued by the Regulator;
- (b) formulate issues and enforce guidelines for:-
  - (i) the setting of service standards for the provision of water supply and sewerage services;
  - (ii) the formulation and review of a State Tariff Policy and the methodology for the setting of tariffs by service providers in the sector;

- (c) set and enforce standards for;
    - (i) water supply and sewerage services including water quality standards in accordance with the NDWQS in collaboration with the State Ministry of Health;
    - (ii) the design, construction, operation and maintenance of water supply and sewerage facilities and boreholes in collaboration with the Ministry responsible for water resources and the Ministry responsible for works;
    - (ii) the efficiency and effectiveness of the operations of the service providers
  - (d) issue regulations on customer complaint and dispute resolution mechanism adopted by service providers;
  - (e) arbitrate on disputes between service providers and customers;
  - (f) disseminate information to customers on the functions and powers of the Commission and the customers' rights and obligations
  - (g) perform such other functions that are incidental to the regulation of water supply and sewerage services which are necessary or conducive to the better performance of its functions under this Law.
133. The Commission may direct the Corporation or any service provider to;
- (a) take such actions as may be expedient to enable compliance with any regulations issued by the Commission or any agreements to which they are parties;
  - (b) deliver services in such a manner as shall ensure compliance with this Law;
  - (c) submit such information and records as are necessary to enable the Commission to monitor its performance;
  - (d) make determinations and also act as an arbitrator in disputes under a Public Private Partnership Agreement where such is provided and in accordance with the Arbitration and Conciliation Act.

*Other Powers  
of the  
Commission*



134.(1) The Commission may appoint Advisors or Technical experts to advise it on the exercise of its functions in accordance with this Law.

*Advisory  
support and  
outsourcing*

(2) The Commission may enter into arrangements with private sector experts to undertake the performance of any water sector regulatory functions in accordance with this Law;

(3) Any private Sector Expert appointed under this section shall be appointed through an open and competitive bidding in accordance with the Public Private Partnership and Procurement Law applicable in the State.

135. The Authority of the Commission shall apply to the State Water and Sanitation Agency or operators created under this Law; all Water and Sanitation Service Providers, Customers, Government Ministries, Departments and Agencies and relevant donor/aid Agencies, etc.

*Scope of the  
Authority of the  
Commission*

136(1) In the discharge of its functions under this Law, including the making of regulations and of any decision or determination, the Commission shall –

*Discharge of  
Functions*

- (a) consult in good faith with persons who are or are likely to be affected by the decision, including water service providers, customers and any customer associations;
- (b) give to such persons, an opportunity to make submissions and to be heard by the Commission;
- (c) have regard to the evidence or facts adduced at any hearing and to matters contained in any submissions;
- (d) give reasons in writing for every decision;
- (e) ensure that notice is given of each regulation, decision or determination in the Government Gazette and in a National Daily News Paper circulating in the State and on her website;
- (f) ensure that decisions are accessible to the public at reasonable times and places; and

- (g) ensure that decisions are consistent with all applicable Federal and State Water Laws and policies, and Water Sector Development Programmes of the State.

137. The Revenue court of the State shall have power to;

*Revenue Court*

- (f) recover all surcharges, fines and penalties levied in accordance with this Law;
- (g) determine all matters relating to offences and penalties created under this Law;
- (h) impose fines prescribed under this Law;
- (i) effect the arrest of offenders of any of the provisions of this Law or regulations made hereto;
- (j) issue an order of general or specific nature as it may deem fit in accordance with the provisions of this Law.

138. No member of the Board, agents, officers or other employees of the Commission or member of any Committee appointed by the Board under this Law shall be personally liable for an act or default of the Commission done or omitted to be done in good faith and without negligence of the operations of the Commission.

*Personal  
Immunity of  
Members,  
Agents, etc.*

139. Any person –

- (a) who is aggrieved by the decision of the Commission to surcharge any amount upon him; or
  - (b) who is dissatisfied as to the amount of compensation payable to him under this Law;
- may appeal to the High Court within 30 days from the date of the decision or the award of the compensation.

*Appeal against  
surcharge and  
compensation.  
Agents, etc.*

140. The Governor may, after consultation with the Board, give to the Commission written directions of a general nature not being inconsistent with the provisions of this Law or with contractual or other legal obligations of the Commission relating to performance by the Commission of their functions under this Law and the Commission shall give effect to such directions.

*Directions by  
the Governor.  
Agents, etc.*

141.(1) Subject to the provisions of this Law, no suit shall be commenced against the Commission before the expiration of thirty days after written notice of an intention to commence the suit shall have been served upon the Commission by the intending plaintiff or his agent; and the notice shall clearly and explicitly state:

*Legal  
Proceedings*

- (e) the cause of action;
- (f) the particulars of claim;
- (g) the name and address of legal practitioner of the intending plaintiff ; and
- (h) the relief being sought, the name and place of abode of the intending plaintiff

(2) The Commission and their officers, employees or agents shall not personally be subject to any action, claim or demand by, or liable to any person in respect of anything done or omitted to be done in exercise of any functions or power conferred by this Law upon them.

(3) The Commission and their officers, employees or agents shall be indemnified out of the assets of the Commission against any liability incurred by them in defending any proceeding, whether civil or criminal, if the proceeding is brought against the Commission.

(4) A notice, summons or other documents required or authorized to be served upon the Commission under the provisions of this Law or any other law or enactment may be served by delivering it to the Commission or by sending it by registered post and addressed to the Commission at its principal office.

142. Any water-works vested in or the property of the Commission shall not be valued for rating purposes under any existing enactment.

*Water-works  
property.*

143. Water works shall not be constructed by any person without the approval of the Commission.

*Water-works  
Construction  
Permission*

144.(1) This Section shall not apply to the construction of a well having a diameter exceeding 0.22 meters and a depth not exceeding 61 meters.

*Construction of  
water works.*

(2) Subject to sub-section (1) of this section, no person shall pump water or permit artesian water to flow from –  
(a) a well having a diameter not exceeding 0.22 meter and a depth exceeding 61 meters; or  
(b) a borehole within 2 kilometers radius of water-works, without the permission of the Regulator.

(3) The Commission may by notice published in the State Gazette specify any area being further than 2 kilometers from any water-works where water shall not be pumped, or artesian water permitted to flow from any well or borehole without the permission in writing of the Corporation.

(4) Any person who contravenes any of the provisions of this Section commits an offence under this Law and is liable on summary conviction to a fine not exceeding ₦200,000.00 or to a term of imprisonment not exceeding 9 months.

145.(1) No person shall –

(a) willfully or negligently damage a water-works, public fountain, service or meters; or  
(b) unlawfully draw off, or divert water from any water works, public fountain, stream or water by which any water works are supplied; or  
(c) pollute water in any water works, public fountain, stream, well, borehole or allow any foul liquid, gas or other noxious or injurious matter to enter into any such water or service connected therewith.

(2) Any person who contravenes any of the provisions of this Section commits an offence under this Law and is liable on summary conviction to a fine not exceeding ₦200,000.00 or to a term of imprisonment not exceeding 9 months; and in

the case of a continuing offence, after a notice in writing to that person requiring him to stop committing the offence, to an additional fine not exceeding ₦10,000 in respect of each day on which the offence continues and to a term of imprisonment not exceeding one month.

146.(1) No person shall –

- (a) willfully or negligently misuse or waste or cause or permit to be misused or wasted any water passing into, through, upon or near any tenement; or
- (b) alter or cause or permit to be altered, any service without the written permission of the Corporation or Agency.

*Misuse of water  
or altered  
service, etc*

(2) Any person who contravenes sub-section (1) commits an offence under this Law and is liable on summary conviction to a fine not exceeding ₦100,000 or to a term of imprisonment not exceeding three months.

147.(1) No person shall –

- (a) alter or cause or permit to be altered any service with intent to -
  - (i) avoid the accounts measured or registered, etc;
  - (ii) obtain greater supply of water than he is entitled to; or
  - (ii) avoid payment of water supplied to him; or
- (b) willfully or negligently alter or damage or cause or permit to be altered or damaged any meter or service.

*Alter or damage  
service or meter*

(2) Any person who contravenes sub-section (1) of this section, commits an offence under this Law and is liable on summary conviction to a term of imprisonment not exceeding 4 months without an option of fine.

(3) Any meter or service so altered or damaged shall be replaced or repaired by the Commission at the expense of

the person convicted and the cost of replacement or repair of such meter or service may be recovered upon the order of a court in the same manner as any penalty may be recovered upon conviction.

148.(1) Any person who puts or permits to be put or to remain, to accumulate on any tenement owned or occupied by him or his servant, or who fails to remove or to cause to be removed; or to take such steps as may be necessary to prevent, upon notice in writing from the Commission, any foul nuisance or injurious matters, or any earth, deposit or excavated material in such manner or place that it may wash, fall or be carried into any water-works or the gathering ground thereof commits an offence under this Law.

(2) Any person who commits an offence under sub-section (1) of this section, is liable on summary conviction to a fine not exceeding ₦100,000 or to a term of imprisonment not exceeding 4 months; and in the case of a continuing offence, to an additional fine not exceeding ₦5,000 in respect of each day on which the offence continues.

149. Any person who -

- (a) bathes or washes in any part of any water-works; or
- (b) throws or causes to enter any water-works, any dog, horse, goat, pig, or any other animal, or any bird or any cloth, material or things; or
- (c) wrongfully opens or closes any lock, cock valve, sluice or manhole belonging to water-works, commits an offence and on conviction shall be liable to a fine not exceeding the sum of ₦50,000.

*Bathing,  
washing, etc in  
water-works*

150.(1) Subject to sub-section (2) of this section, where an offence is committed under this Law or under regulations made hereunder by a body of persons, then -

- (a) in the case of a body corporate, other than a partnership, every Director, Secretary or similar officer of the body is

*Offence by  
bodies or  
persons*

liable; and

(b) in the case of a partnership every partner of the partnership commits the offence.

(2) No person commits an offence by virtue of sub-section (1) if he proves to the satisfaction of the Court that he did not consent to the commission of the offence; and that he did all in his power to prevent the commission of the offence having regard to all the circumstances.

151. (1) The Commission may make such regulations as it may deem necessary for the purpose of giving effect to the provisions of this Law.

*Regulations*

(2) Without prejudice to the generality of sub-section (1) of this section, regulations made hereunder may prescribe fees or rates to be charged under this Law.

(3) Regulations made under this Law may prescribe in relation to any contravention of the regulations:

(a) penalties not exceeding a fine of ₦200,000 or 6 months "imprisonment";

(b) additional penalties not exceeding ₦5,000 per day in respect of a continuing offence.

(4) Any regulation made by the Commission under this Law shall prevail over any guideline issued by the Board.

152. Service of any notice, order or other document upon this Commission may be effected by delivering such notice, order or other document or by sending it by registered post addressed to the Secretary of such Commission.

*Service,  
Notice, etc.*

153. No execution or attachment or process in the nature thereof shall be issued against any property of the Agencies created under this Law until the expiration of three months from the date of judgment of the Court.

*Service,  
Notice, etc.*

## PART IV

### PROVISIONS RELATING TO THE ESTABLISHMENT OF THE IMO STATE RURAL WATER SUPPLY AND SANITATION AGENCY AND RELATED MATTERS

154. In Part IV of this Law –

*Interpretation*

**Agency**” means the Imo State Rural Water Supply and Sanitation Agency; established under Section 157 of this Law;

**Assessed value**” means the capital annual or unimproved value at which tenement is for the time being assessed in relation to a tenement in accordance with the provisions of the Imo State Tenement Rate;

**Board**” means the Governing Board of the Agency; established under Section 158 of this Law;

**Catchment area**” means an area of land or water which contributes to the supply of waterworks;

**Chairman**” means the Chairman of the Board established under Section 158 of this Law;

**Commission**” means the Imo State Water Supply and Sewerage Services Regulatory Commission established under Section 113 of this Law;

**Commissioner**” means the Commissioner for the Ministry responsible for Water Resources in Imo State;

**Corporation**” means the Imo State Water Supply and Sewerage Corporation; established under Section 3 of this Law;



**“Court of Competent Jurisdiction”** shall include a Magistrate Court”;

**“Customer”** means any person or persons supplied or applying to be supplied with water from the waterworks or any person otherwise, liable for payment of the water rates, rents or charges for water supplied from waterworks;

**“Dwelling house”** means premises used wholly or mainly for the purpose of private dwelling with or without any garage, out-house, garden, compound, yard, fore-court or other appurtenances belonging to or usually enjoyed with it;

**“Excess consumption”** means –

- a) in the case of a tenement in respect of which general water rate is payable, the quantity of water ascertained by meter as having been consumed in the tenement in excess of such monthly allowance; and
- b) in the case of a tenement in respect of which general water rate is not payable, the quantity of water ascertained by meter as having been consumed in the tenement in excess of the prescribed volume;

**“Financial year”** shall be the same as that of Imo State Government;

**“Water rate”** is the amount to be paid by the owner in respect to any tenement or other property;

**“Governor”** means the Executive Governor of Imo State;

**“Ministry”** means the Ministry for the time being responsible for Water Resources in Imo State;

**“PCRC”** means Performance Contract Monitoring and Review Committee;

**“Owner”** includes –

- (a) the person for the time being receiving the rent of the tenement whether on his own account or an agent or trustee for any other person, or who would receive the rent if such tenement were let to a tenant; and
- (b) the holder of a tenement from Imo State whether under a certificate of occupancy, lease, license or otherwise;

**“Occupier”** means the person in occupation of tenement or any part thereof, but does not include a lodger;

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

**“Public supply”** means a supply by means of any public fountain, stand-pipe, valve, tap or other appliance for the purpose of supplying water to the public other than a meter, by or through which water flows or is intended to flow from water works;

**“Public fountain”** means a fountain, stand-pipe, valve, tap or other device, natural or constructed, from which water discharges;

**“Regulator”** has the same meaning as Commission;

**“Sewage”** means human excreta from septic tanks, soak away, pit latrines, etc.

**“Sanitation”** means the process of keeping places clean and healthy;

**“State”** means Imo State of Nigeria;

**“Street”** includes a road, highway, bridge, thoroughfare, access road, avenue, alley, square, court or other passing or place over or to which the public has a right of way or access;

“**Tenement**” means any land (including an island, cave, lake or other water surface) with or without buildings which is held or occupied as a distinct or separate holding or tenancy, or any wharf, pier or jetty similarly held or occupied;

“**Undertaking**” means the system of all materials, equipment constructions, instrument and other devices used together in the production, supply and distribution of water;

“**WASH**” means water, sanitation and hygiene

“**Water works**” means all reservoirs, ponds, boreholes, wells and other subterranean water sources which are used with any dam, weir, tank, stem, tunnel, conduct, aqueduct, fountain, main-pipe, sluice valve, pump, engine, filter-bed, treatment plant or other structure or appliances constructed or used for the production, storage, supply, distribution, measurement or regulation of water by the Imo State Water and Sewage Corporation.

- 155.(1) There is hereby established for the State, a body to be known as the Rural Water Supply and Sanitation Agency hereinafter referred to as "**RUWASSA**".
- (2) RUWASSA shall be a body corporate with perpetual succession and a common seal and with power to sue and be sued in its corporate name.
- (3) RUWASSA shall have power to own, hold and dispose of Property whether movable or immovable within and outside Nigeria.

*Establishment  
of the Imo  
State Rural  
Water Supply  
and Sanitation  
Agency.*

- 156.(1) There shall be established for RUWASSA, a part-time Governing Board to be appointed by the Governor.
- (2) The Board shall consist of:
- (a) a Chairman;
  - (b) the General Manager – Member;
  - (c) the Hon. Commissioner for Water Resources – Member;
  - (d) the Hon. Commissioner for Health – Member;

*Establishment  
of the  
Governing  
Board*

- (e) the Hon. Commissioner for Education – Member;
- (f) the Hon. Commissioner for Agriculture and Environment – Member;
- (g) the Hon. Commissioner for Women Affairs – Member;
- (h) the Honourable Commissioner, Ministry of Budget and Planning – Member;
- (i) the Commissioner responsible for Local Government Affairs.

157.(1)RUWASSA is multi-disciplinary with the following Departments and functions –

*Functions of  
Departments  
of RUWASSA*

- (a) community Mobilization and Hygiene Education Department to function as follows -
  - (i) co-ordinate Advocacy at State and Local Government Area levels.
  - (ii) support Local Government Areas to mobilize and train communities to participate in WASH activities; and
  - (iii) support Local Government Areas to carry out community hygiene education for behavioral change.
- (b) Sanitation Department to function as follows –
  - (i) promote and support sanitation development including latrine construction, waste management system, drainage system, Primary Environmental Care (PEC) and training of technicians and artisans.
- (c) Water Supply Department to function as follows –
  - (i) carry out Hydro-geological survey;
  - (ii) drilling and construction of borehole;
  - (iii) alternative water supply; and
  - (iv) training of technicians and artisans.
- (d) Planning, Monitoring and Evaluation Department to function as follows –
  - (i) data collection and management;
  - (ii) development of project plans; and
  - (iii) project monitoring and evaluation.
- (e) Workshop and Maintenance Department to function as follows –
  - (i) ensure proper upkeep of machineries, equipments and vehicles; and

(ii) provide technical support to the store of vehicles, equipment and spare-parts.

(f) Administration and Finance Department to function as follows –

(i) ensure proper administrative and financial control of RUWASSA.

(2) Nothing shall preclude the Agency from establishing more Departments as the need arises in future.

158. RUWASSA shall -

*Functions of  
RUWASSA*

- (a) establish working contact with all Local Governments in the State on issues of water and sanitation;
- (b) assist Local Governments in the provision of adequate safe water and sanitation, facilities and the rehabilitation and improvement of existing source;
- (c) support the Local Government Areas to take inventory of existing water supply and sanitation coverage, use and maintenance status;
- (d) establish an award scheme to recognize Local Government achievements in hygiene education, water supply and sanitation coverage;
- (e) set minimum standards for all water supply and sanitation works in the State;
- (f) co-ordinate rural water supply and sanitation activities at the Local Government Areas and community levels;
- (g) monitor rural water supply and sanitation activities at the Local Government Area and community levels;
- (h) ensure Guinea Worm and other sanitation/Water borne diseases are eradicated through hygiene education and provision of water and sanitation facilities;
- (i) ensure participation of women in the State in RUWASSA projects;
- (j) liaise with the Federal Ministry of Water Resources for national guidelines and reporting up-date data on water supply and sanitation coverage to the Ministry's Monitoring Units at

- Quarterly intervals;
- (k) compile and maintain a State-wide Inventory of water and sanitation sources including condition, type of pump or source;
- (l) train on a continuous basis on Local Government dug wells and manual-rigs, steams, sanitation, artisans, Community based hygiene education, facilitators and hand pump mechanics;
- (m) support Local Governments who desires to have their own dug well and drilling rigs teams to procure and maintain such equipment;
- (n) assist Local Governments to plan and implement their water supply, sanitation and hygiene education programme devising schemes to allow community participation in terms of capacity building and maintenance;
- (o) construct low technology latrines such as SANPLAT Ventilated Improved Pit Latrines and demonstrated toilet units in strategic places in the Local Government Areas;
- (p) develop alternative water supply sources and improvement on the existing water supply sources for communities; and
- (q) co-ordinate activities of all rural water supply and sanitation activities in the State.

159.(1) There shall be established in each Local Government in the State, Water Supply and Sanitation Department (hereinafter called the "WASH Department").

*Establishment  
of Local  
Government  
WASH  
Department*

- (2) The officers of the WASH department shall include –
  - (a) the Head of Department who shall be assisted by the following officers –
    - (i) water supply officer;
    - (ii) sanitation officer;
    - (iii) community mobilization/hygiene education officer; and
    - (iv) planning/monitoring and evaluation officer.
- (3) The WASH Department shall be responsible for –
  - (a) the establishment of contact and report between RUWASSA and all communities in the area;

- (b) the development of annual plan of action and budget for the Local Government;
- (c) encourage and support communities to mobilize, organize and establish water supply and sanitation committees and ensure the maximum involvement of women;
- (d) compile an inventory and maintenance of water and sanitation facilities in all communities and monitoring their operations;
- (e) identify and train hand pump mechanics, caretakers, latrine, artisans and hygiene facilitators;
- (f) maintain records for plans and requests concerning water supply and sanitation hygiene education and other sanitary activities in all communities in the Local Government;
- (g) mobilize and support community linkages with other relevant developmental agencies and organizations;
- (h) encourage and support teachers in primary and post primary schools to teach and promote hygiene education to pupils and members of the community;
- (i) contribute to the eradication of water and sanitation related diseases in the Local Government Areas;
- (j) liaise with RUWASSA for progress reports and policy guidelines and standards;
- (k) work with Non-Governmental Organizations and Community Based Organizations in collaboration with Local Government Areas to promote or construct water and sanitation facilities in schools;
- (l) train water supply and sanitation committee members to plan and implement WASH in communities;
- (m) promote environmentally friendly activities and awareness in communities; and
- (n) promote good hygiene practices in the utilization and maintenance of water sanitation facilities.

160.(1) There shall be for each community in the Local Government Area, Water Supply and Sanitation Committee (hereinafter called the "WASHCOM").

*Establishment  
of the  
Community  
WASHCOM*

- (a) The WASHCOM shall consist of –
- (i) a chairperson;
  - (ii) a secretary;
  - (iii) a treasurer;
  - (iv) a financial Secretary;
  - (v) a youth leader;
  - (vi) a woman leader; and
  - (vii) two Ex-Officio members.
- (b) The WASHCOM shall –
- (i) collaborate with the department on water supply and sanitation programmes on behalf of the community;
  - (ii) undertake all necessary and relevant hygiene/sanitation promotion in the community;
  - (iii) encourage development of skills to promote community participation with active involvement of women;
  - (iv) participate in planning, design, construction and operation of WASH facilities;
  - (v) promote household food and water security in the community;
  - (vi) support the immunization and nutritional supplementation of children in the community;
  - (vii) contribute to the eradication of water supply and sanitation related diseases in the community; and
  - (viii) mobilize the community to take active part in the construction of water supply and sanitation facilities.

161. The funds of RUWASSA shall include contributions from –

- (a) the Federal Government of Nigeria;
- (b) the State Government;
- (c) the Local Governments;
- (d) communities; and
- (e) donor agencies

*Funds of  
RUWASSA*

162.(1) The contributions to the fund of RUWASSA shall be from –

- (a) federal Government 50%;
- (b) State Government 25%;
- (c) local government 20%; and
- (d) community 5%; and

*Contribution  
to RUWASSA*



(e) donor agencies

(2) All contributors in subsection (1) of this section shall make adequate budgetary provisions in respect to their contribution.

(3) Donor Agencies may contribute to the development of rural water supply in the State financially or materially from time to time.

163. RUWASSA shall maintain accounts with approved bank(s) into which all its funds shall be paid.

*RUWASSA  
Bank  
Accounts*

164.(1) RUWASSA shall in November of each year prepare full statement of account of financial transactions for the year ending.

*Statement  
of Account*

(2) A withdrawal shall not be made from RUWASSA's accounts unless such is authorized and signed by the General Manager and the Head of Accounts of RUWASSA, provided an approval of the Board has been sought and procured.

(3) The Board may approve an alternative signatory in case of continued absence or infirmity of the General Manager or the Head of Accounts.

165. RUWASSA may, with the prior consent of the Governor, borrow such monies as may be required to carry out its functions under this Law.

*Power to  
Borrow*

166.(1) All Projects initiated by RUWASSA shall when completed, be handed over to and maintained by WASHCOM.

*Projects*

(2) Benefiting communities are to provide security of project sites during construction and after due hand over by RUWASSA.

167.(1) There shall be a General Manager of RUWASSA who shall be appointed by the Governor.

*The General  
Manager*

(2) The General Manager shall be a qualified Water Engineer, hydro-geologist, sanitation professional,

economic project planning expert or other professional with sound and relevant experience in the WASH sector and shall be so qualified for a period not less than ten years.

- (3) He shall have previous experience in water and sanitation services.
- (4) The tenure of office, remuneration and allowances of the General Manager shall be as may be spelt out in the instrument appointing him.

168.(1) There shall be a Secretary and Legal Adviser (referred to in this Law as “the Secretary”) to RUWASSA who shall be responsible to the General Manager and shall assist him in the discharge of his functions under this Law.

*The Secretary/  
Legal Adviser*

- (2) The Secretary shall be a Legal Practitioner with a minimum of five (5) years post-call experience.

169. The Secretary shall perform the following functions –

- (a) organize and take minutes of meetings of the Board and Senior Management meetings;
- (b) be the custodian of the records of RUWASSA and conduct correspondence of RUWASSA;
- (c) render necessary advice on compliance with Laws, rules and regulations affecting the Agency;
- (d) establish and maintain asset register and minute books;
- (e) prepare, vet and review all contracts;
- (f) represent RUWASSA in court in matters to which it is a party; and
- (g) perform all duties as the Board or the General Manager may from time to time direct.

*Functions  
of the  
Secretary*

170. RUWASSA shall recruit or request secondment of qualified staff from the Public Service with the approval of the Board.

*Staffing*

171.(1) The Board shall hold such meetings at such times and places as the Chairman may determine.

*Meeting of  
the Board*

- (2) The Chairman shall preside at every meeting of the Board and in his absence; the members present shall elect one amongst them to preside.
- (3) The quorum of the Board shall be five Members.
- (4) Proceedings of the Board shall not be invalid only by reason of improper constitution of the Board or a defect in the appointment of a member of the Board.
172. The Board may make standing orders for the proper running of its business and the regulation of its proceedings or those of any of its committees. *Standing Orders*
173. The Board may appoint or constitute a standing or adhoc committee, as the case may be, to perform any of its functions on its behalf, but no decision of such committee shall have effect unless the Board has confirmed it. *Committee of the Board*
- 174.(1)The common seal of RUWASSA shall be authenticated by the signature of the General Manager and the Secretary. *Common Seal*
- (2) Any contract or instrument, which would be required to be under seal if entered or executed by a person, may be entered into or executed on behalf of RUWASSA by any person generally or specifically authorised in that behalf by the Board.
- (3) Any document purported to be a document duly executed under the seal of RUWASSA shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed
175. In any action or proceedings by or against RUWASSA, RUWASSA shall be represented by a legal Officer of the State or private legal practitioner approved by the Attorney General of the State. *Legal Representation*
176. (1) No suit shall commence against RUWASSA or any employee of RUWASSA until after the expiration of three (3) months after the act complained of and after at least one month's *Notice of Suit by Plaintiff*

written notice of intention to commence the suit is served upon the plaintiff or his agent.

(2)The notice referred to in sub-section (1) of this Section shall clearly state the cause of action, the particulars of claim, the name and place of abode of the intending plaintiff and the reliefs sought.

177. The notice referred to in section 176 of this Law and any summons, notice or other documents required or authorized to be served upon RUWASSA in connection with any suit by or against RUWASSA shall be served by delivering the same to or sending same by registered post addressed to, the Secretary to the Board, at the principal office of RUWASSA:

*Mode of  
Service of  
Documents*

Provided that the court may with regard to any particular suit or documents, order service on RUWASSA to be effected otherwise and in that event, service shall be affected in accordance with terms of that order.

178. In any Suit by or against RUWASSA, any member, officer or a legal practitioner may without prejudice to any other form of representation, represent RUWASSA at any stage of the proceedings.

*Legal  
Representation*

179. The Revenue court of the State shall have power to –
- (a) recover all surcharges, fines and penalties levied in accordance with this Law;
  - (b) determine all matters relating to offences and penalties created under this Law;
  - (c) impose fines prescribed under this Law;
  - (d) effect the arrest of offenders of any of the provisions of this Law or regulations made hereto; and
  - (e) issue an order of general or specific nature as it may deem fit in accordance with the provisions of this Law.

*Revenue Court*

180. No member of the Board, agents, officers or other employees of RUWASSA or member of any Committee appointed by the Board under this Law shall be personally liable for an act or default of RUWASSA done or omitted to be done in good faith and without negligence of the operations of RUWASSA.
- Personal Immunity of Members, Agents, etc*
181. Any person -  
(a) who is aggrieved by the decision of RUWASSA to surcharge any amount upon him; or  
(b) who is dissatisfied as to the amount of compensation payable to him under this Law, may appeal to the High Court within 30 days from the date of the decision or the award of the compensation.
- Appeal to High Court*
182. The Governor may, after consultation with the Board, give to RUWASSA written directions of a general nature not being inconsistent with the provisions of this Law or with contractual or other legal obligations of RUWASSA relating to performance by RUWASSA of their functions under this Law and RUWASSA shall give effect to such directions.
- Directions by the Governor*
183. Any water-works vested in or the property of RUWASSA or RUWASSA shall not be valued for rating purposes under any existing enactment.
- Water-Works property of Agency not to be rated.*
184. Water works shall not be constructed by any person without the approval of the Regulator.
- Water-works construction permission*
- 185.(1) This Section shall not apply to the construction of a well having a diameter exceeding 0.22 meters and a depth not exceeding 61 meters.
- Construction of Water works*
- (2) Subject to sub-section (1) of this section, no person shall pump water or permit artesian water to flow from –  
(a) a well having a diameter not exceeding 0.22 meter and a depth exceeding 61 meters; or

- (b) a borehole within 2 kilometers radius of water-works, without the permission of the Commission.
- (3) The RUWASSA may by notice published in the State Gazette, specify any area being further than 2 kilometers from any water-works where water shall not be pumped, or artesian water permitted to flow from any well or borehole without the permission in writing of the Corporation.
- (4) Any person who contravenes any of the provisions of this Section, commits an offence under this Law and is liable on summary conviction to a fine not exceeding ~~₦~~200,000.00 or to a term of imprisonment not exceeding 9 months.
- 186.(1) No person shall –
- (a) willfully or negligently damage a water-works, public fountain, service or meters; or
  - (b) unlawfully draw off, or divert water from any water works, public fountain, stream or water by which any water works are supplied; or
  - (c) pollute water in any water works, public, fountain stream, well, borehole or allow any foul liquid, gas or other noxious or injurious matter to enter into any such water or service connected therewith.
- (2) Any person who contravenes any of the provisions of this Section, commits an offence under this Law and is liable on summary conviction to a fine not exceeding ~~₦~~200,000.00 or to a term of imprisonment not exceeding 9 months; and in the case of a continuing offence, after a notice in writing to that person requiring him to stop committing the offence, to an additional fine not exceeding ~~₦~~10,000 in respect of each day on which the offence continues and to a term of imprisonment not exceeding one month.

*Damage of  
Water works*

187.(1) No person shall –

- (a) willfully or negligently misuse or waste or cause or permit to be misused or wasted any water passing into, through, upon or near any tenement; or
- (b) alter or cause or permit to be altered any service without the written permission of the Corporation or Agency.

*Misuse of  
water or  
altered  
service, etc*

- (2) Any person who contravenes sub-section (1) of this section, commits an offence under this Law and is liable on summary conviction to a fine not exceeding ₦100,000 or to a term of imprisonment not exceeding three months.

188. Alter or damage service or meter

(1) No person shall –

- (a) alter or cause or permit to be altered any service with intent to -
  - (i) avoid the accounts measured or registered, etc.
  - (ii) obtain greater supply of water than he is entitled to; or
  - (iii) avoid payment of water supplied to him; or
- (b) willfully or negligently alter or damage or cause or permit to be altered or damaged any meter or service.

*Alter or  
Damage  
Service/Meter*

- (2) Any person who contravenes sub-section (1) commits an offence under this Law and is liable on summary conviction to a term of imprisonment not exceeding 4 months without an option of fine.

- (3) Any meter or service so altered or damaged shall be replaced or repaired by RUWASSA at the expense of the person convicted and the cost of replacement or repair of such meter or service may be recovered upon the order of a court in the same manner as any penalty may be recovered upon conviction.

189.(1) Any person who puts or permits to be put or to remain, to accumulate on any tenement owned or

*Nuisance and  
Injurious  
Matters*

occupied by him or his servant, or who fails to remove or to cause to be removed; or to take such steps as may be necessary to prevent, upon notice in writing from RUWASSA, any foul nuisance or injurious matters, or any earth, deposit or excavated material in such manner or place that it may be washed, fall or be carried into any water-works or the gathering ground thereof commits an offence under this Law.

- (2) Any person who commits an offence under sub-section (1) is liable on summary conviction to a fine not exceeding ₦100,000 or to a term of imprisonment not exceeding 4 months; and in the case of a continuing offence, to an additional fine not exceeding ₦5,000 in respect of each day on which the offence continues.

190. Any person who –
- (a) bathes or washes in any part of any water-works; or
  - (b) throws or causes to enter any water-works, any dog, horse, goat, pig, or any other animal, or any bird or any cloth, material or things; or
  - (c) wrongfully opens or closes any lock, cock valve, sluice or manhole belonging to water-works, commits an offence and on conviction shall be liable to a fine not exceeding the sum of ₦50,000.

*Bathing,  
washing, etc  
in water-  
works*

- 191.(1) Subject to sub-section (2) of this section, where an offence is committed under this Law or under regulations made hereunder by a body of persons, then -
- (a) in the case of a body corporate, other than a partnership, every Director, Secretary or similar officer of the body is liable; and
  - (b) in the case of a partnership, every partner of the partnership commits the offence.

*Offence by  
bodies or  
Persons*

- (2) A person commits an offence by virtue of sub-section (1) of this section, if he proves to the satisfaction of the Court that he did not consent to the commission of the offence; and that he did all in



his power to prevent the commission of the offence having regard to all the circumstances.

192.(1) The Commission may make such regulations as it deems necessary for the purpose of giving effect to the provisions of this Law.

*Regulations*

(2) Without prejudice to the generality of sub-section (1) of this section, regulations made hereunder may prescribe fees or rates to be charged under this Law.

(3) Regulations made under this Law may prescribe in relation to any contravention of the regulations -  
(a) penalties not exceeding a fine of ~~N~~200,000 or six months "imprisonment";  
(b) additional penalties not exceeding ~~N~~5,000 per day in respect of continuing offence.

(4) Any regulation made by the Commission under this Law shall prevail over any guideline issued by the Board.

193. No execution or attachment or process in the nature thereof shall be issued against any property of the Agencies created under this Law until the expiration of three months from the date of judgment of the Court.

*Restriction  
on execution  
against  
Agencies  
created  
under this  
Law*

194.(1) Imo State Rural Water Supply and Environment Sanitation Agency Law No. 4, 2003 is repealed.

*Repeal and  
Savings, etc*

(2) Notwithstanding the repeal under this section, any agreement executed thereunder and in force immediately before the commencement of this Law shall continue in force as if made under this Law, except that agreement continued in force by this sub-section, unless modified by any new agreements entered into with the Board, confer only the benefits previously enjoyed under the agreements before the commencement of this Law.

(3) Without prejudice to the general effect of the interpretation of this Law or any other Law

applicable in the State, the repeal under section 194 shall not affect any obligation or penalty incurred by any person before the repeal.

- (4) Notwithstanding the provisions of section 194 of this Law, any statutory instrument made hereunder and in force immediately before the commencement of this Law shall continue in force as if they were regulations made under this Law and may accordingly be amended or revoked under that Section.

This printed impression has been carefully compared by me with the Bill which has been passed by the House of Assembly and found by me to be a true and correct printed copy of the said Bill.

**BARR. CHINELO ADAORA EMEGHARA**  
Clerk of the House of Assembly  
Imo State of Nigeria

Assented to by me this..... day of ....., 2019



**RT. HON. EMEKA IHEDIOHA CON, KSC**  
Governor  
Imo State of Nigeria

Assent withheld by me this .....day of ....., 2019

**RT. HON. EMEKA IHEDIOHA CON, KSC**  
Governor  
Imo State of Nigeria

Passed again by the Imo House of Assembly by two-thirds majority this .....  
Day of ....., 2019.



**RT. HON. DR. CHIJI CHIMEZIE COLLINS**  
Speaker  
Imo State House of Assembly