

A BILL

FOR

AN ACT TO ESTABLISH A REGULATORY FRAMEWORK FOR THE WATER RESOURCES SECTOR IN NIGERIA, PROVIDE FOR THE EQUITABLE AND SUSTAINABLE DEVELOPMENT, MANAGEMENT, USE AND CONSERVATION OF NIGERIA'S SURFACE WATER AND GROUNDWATER RESOURCES; AND FOR RELATED MATTERS, 2020

Sponsored by Hon. Sada Soli

[] Commencement

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

1 PART I - OBJECTIVE AND ENTITLEMENT TO USE OF WATER

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

Objective of
this Bill

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

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

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

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

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

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

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

19 (h) facilitating social development, improved public health and

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

1 (3) In implementing the principles under subsection (2) of this
2 section, the institutions established under this Bill shall promote Integrated
3 Water Resources Management (IWRM) and the coordinated management
4 of:

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

7 (b) land and water resources;

8 (c) surface water and groundwater resources;

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

10 and

11 (e) upstream and downstream interests.

12 2.-(1) The right to the use, management and control of all surface
13 water and ground water affecting more than one State pursuant to item 64 of
14 the Exclusive Legislative list in Part 1 of the Second Schedule to the
15 Constitution of the Federal Republic of Nigeria, 1999 as amended, and as set
16 out in the First Schedule to this Bill ("is vested in the Government of the
17 Federation to be exercised in accordance with the provisions of this Bill.

Public trusteeship
of water

18 (2) States may make provisions for the management, use and
19 control of water sources occurring solely within the boundaries of the State
20 but shall be guided by the policy and principles of the Federal Government
21 in relation to Integrated Water Resources management, and this Bill.

22 3.-(1) Notwithstanding the provisions set out in section 2 of this
23 Bill, but subject to Regulations issued by the relevant State Agency
24 identified pursuant to Section 79 hereunder, and in overriding Public
25 Interest, a person may, without a licence:

Entitlement to
use of water

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

28 (b) use water for the purposes of subsistence fishing or for
29 navigation to the extent that such use is not inconsistent with this Bill or any
30 other existing law;

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

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

7 (2) A person may continue with an existing lawful water use,
8 including a customary use, in accordance with Part V of this Bill.

9 (3) A person may use water in terms of a general authorisation as
10 defined in section 72 or pursuant to a licence issued under this Bill.

11 (4) Any entitlement granted to a person by or under this Bill
12 supersedes any right to use water which that person might otherwise have been
13 able to enjoy or enforce under any other law to:

14 (a) take or use water;

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

16 (c) affect the quality of any water;

17 (d) receive any particular flow of water;

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

19 (f) construct, operate or maintain any waterworks.

20 PART II - NATIONAL COUNCIL ON WATER RESOURCES

Establishment
of the Council

21 4.-(1) There is established an advisory standing body to be known as
22 the National Council on Water Resources (in this Bill referred to as "the
23 Council").

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

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

29 (4) The Council shall establish rules to govern its proceedings, the
30 workings of its committees and its decision-making processes based on the

1 provisions of this Bill and its regulations.

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

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

9 **5.** For the furtherance of the fundamental objectives of water
10 resources management referred to in section 1 (1) of this Bill, the Council
11 shall perform the following functions, to:

Functions of the
Council

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

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

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

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

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

Membership of
the Council

24 (a) the Minister, who shall Chair the Council;

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

27 **7.-(1)** A Secretariat shall be established for the Council to act as an
28 administrative body for the purpose of convening meetings of the Council
29 and its committees, administering activities of the Council and coordinating
30 the working of its committees.

Secretariat of
the Council

Representation
at the Technical
Committees of
the Council

1 (2) The Permanent Secretary of the Ministry shall be the Secretary to
2 the Council and also the chairperson of the Technical Committee of the
3 Council.

4 **8.** The Council may direct that for the purpose of providing technical
5 expertise and socio-economic advice with respect to any matter to be decided
6 by the Council relevant representatives and experts from any of the following
7 may be invited to participate in the sessions of the Technical Committees of the
8 Council:

9 (a) members of the water resources committee of the National and
10 State Houses of Assemblies);

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

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

14 (i) water resources;

15 (ii) environment;

16 (iii) agriculture;

17 (iv) health;

18 (v) inland waterways;

19 (vi) minerals;

20 (vii) forestry;

21 (viii) hydro - electric power generation;

22 (ix) women affairs;

23 (x) Surveyor -General of the Federation;

24 (xi) National Planning and Development; and

25 (d) State water and environment Agencies;

26 (e) water consumers, water users associations, associations of local
27 governments, community-based organizations;

28 (f) bodies responsible for protected or conservation area;

29 (g) the Nigeria Meteorological Agency;

30 (h) the National Emergency Management Agency;

1 (i) civil society organisations; and

2 (j) private sector and resource persons..

3 **9.**-(1) Funds of the Council shall comprise such amounts as shall be Financial
4 appropriated by the National Assembly. provisions

5 (2) The cost of participation of Members of the Council and
6 Technical Committees shall be borne by the Organizations that they
7 represent.

8 (3) Notwithstanding the provision of subsection (2) of this section,
9 the Council may, at its discretion, subsidize the participation of any
10 participants.

11 PART III - POWERS AND FUNCTIONS OF THE MINISTER RESPONSIBLE
12 FOR WATER RESOURCES

13 **10.**-(1) It shall be the duty of the Minister to promote the General powers
14 protection, use, development, conservation, and management of water of the Minister
15 resources throughout Nigeria and to ensure the effective exercise of powers
16 and performance of duties by institutions and persons identified under this
17 Bill and in the constitution.

18 (2) The Minister shall have the power to make regulations, policies
19 and strategies for the proper carrying out of the provisions of this Bill and
20 functioning of the Ministry in accordance with this Bill as well as in
21 accordance with other directives he may receive from the President and any
22 guidance from the Council.

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

26 **11.**-(1) The Minister shall establish and chair ad- hoc committees Powers related to
27 for situations where the issues on development or management of the water trans-boundary
28 resources affects more than one hydrological area as defined in the Second waters withing
29 Schedule to this Bill. Nigeria

30 (2) The Minister may delegate the power under subsection (1) of

	1	this section to any person or Institution as deemed appropriate.
Powers related to international agreements, negotiations and meetings	2	12. -(1) The Minister may, in consultation with the Federal Executive
	3	Council, by notice in the Gazette, establish a Committee to coordinate
	4	implementation of any international agreement entered into by the Federal
	5	Republic of Nigeria and a foreign government or any other international body
	6	or organisation relating to:
	7	(a) investigating, managing, monitoring, and protecting water
	8	resources;
	9	(b) regional co-operation on water resources;
	10	(c) acquiring, constructing, altering, operating or maintaining a
	11	waterworks connected to such agreement; or
	12	(d) the allocation, use and supply of water according to the principles
	13	of equitable and reasonable utilization and avoidance of significant trans-
	14	boundary harm.
	15	(2) The Minister shall consult with all affected States prior to entering
16	into any international agreement on a river basin.	
Functions of the Minister	17	13. -(1) For the purpose of this Bill, the functions of the Minister shall
	18	be:
	19	(a) to formulate national Policy and water resources Management
	20	strategy to guide the integrated planning, management, development, use and
	21	conservation of the nation's water resources and provide guidance for
	22	formulation of hydrological area resources strategies under section 94 of this
	23	Bill;
	24	(b) The Policy and Strategy referred to in paragraph (a) of this
	25	subsection shall be based on basin strategies developed by the Commission,
	26	recommendations of the National Council on Water Resources and all other
	27	institutions in the water resources sector in consultations with other
	28	stakeholders;
	29	(c) to provide guidance for policy and standards for water supply and
	30	sanitation towards promoting uniform technical and service' standards and

- 1 infrastructure development across the country;
- 2 (d) to facilitate the periodic review and update national water
3 legislation to ensure consistency with national policy under paragraphs (a)
4 and (c) of this sub section;
- 5 (e) to undertake planning for implementation of Sector Policies,
6 Strategies and Master Plans, and in consultation with the Commission, to
7 provide general guidance to relevant Sector institutions on achievement of
8 the objectives;
- 9 (f) based on the performance of existing irrigation systems and
10 considerations of relevant National and basin Policy and strategy on
11 irrigation, as well as economic efficiency and social development, provide
12 guidance to the Authorities responsible for irrigation management and
13 development on criteria to govern decisions on investments for future
14 development of irrigation Programs;
- 15 (g) to provide guidance to institutions in the sector in formulating
16 development plans and projects;
- 17 (h) to monitor the level of service provision for water supply and
18 sanitation across Nigeria with a view to providing and disseminating data
19 for planning, socio-economic development, investments, as well as
20 infrastructure distribution to both Federal and state Governments, National
21 water Council and other Stakeholders;
- 22 (i) to provide technical support for the survey, investigation,
23 planning and design of water resources projects with input from relevant
24 Professional institutions;
- 25 (j) to implement development projects of a multi-purpose nature,
26 and for flood management, that are outside the mandate of individual
27 service delivery Agencies but in collaboration with relevant sector
28 Agencies;
- 29 (k) to support, monitor and evaluate programmes and institutions
30 in the sector;

1 (l) to provide technical guidance to the National Council on Water
2 Resources and its committees;

3 (m) to liaise with donors and supervise donor and government funded
4 projects;

5 (n) to promote all aspects of public-private partnerships in the
6 development of water resources infrastructure;

7 (o) to prepare and submit an annual report to the National Assembly
8 within 90 days of the end of each financial year that monitors and evaluates the
9 quantitative and qualitative status of the nation's water resources and report on
10 the Ministry's commitments related to water resources development and
11 service delivery;

12 (p) to represent the Federation in international conferences, meetings
13 and, negotiations on matters related to water;

14 (q) in consultation with relevant Sector institutions, identify areas
15 which, in accordance with the laws of the Federation and Nigeria's
16 international obligations, to be designated as protected areas by the
17 Commission and collaborate with the Commission to achieve this;

18 (r) to undertake such activities and issue such directives as shall be
19 expedient subject to due notification to appropriate Agencies to remediate
20 emergency situations that may threaten any water course within the country;
21 and

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

25 (2) The Minister shall perform such other functions, as are provided in
26 this Bill as well as any other functions as may be directed by the
27 President.

28 (3) The Minister may delegate any of his functions in writing to any
29

1 person, body, institution, agency or authority for the purpose of performing
2 those functions in accordance with this Bill.

Power to make
regulations

3 **14.**-(1) The Minister may make Regulations as is expedient for the
4 purpose of giving full effect to the provisions as it relates to PART III of this
5 Bill.

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

9 PART IV - ESTABLISHMENT, FUNCTIONS AND POWERS OF THE NIGERIA

10 WATER RESOURCES REGULATORY COMMISSION

Establishment
of the Water
Resources
Regulatory
Commission

11 **15.**-(1) There is established an independent regulatory body to be
12 known as the Nigeria Water Resources Regulatory Commission (in this Bill
13 referred to as "the Commission") charged with the responsibility for the
14 regulation of water resources in Nigeria.

15 (2) The Commission:

16 (a) shall be a body corporate, with perpetual succession and a
17 common seal; and

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

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

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

Objectives of
the Commission

24 **16.** The objectives of the Commission shall be to:

25 (a) regulate, protect, conserve and control water resources
26 identified in this Bill as water sources crossing state boundaries in
27 accordance with section 2 as well as the first schedule of this act for
28 equitable and sustainable social and economic development and to maintain
29 environmental integrity;

30 (b) regulate the allocation, supply and distribution of water

1 resources for all uses, and to promote equitable, sustainable and efficient best
2 practices and conduct;

3 (c) ensure that licensees, authorized developers, as well as other users
4 of water resources whether for consumptive or non-consumptive purposes and
5 their infrastructure meet the technical, social and commercial requirements
6 and obligations specified under this Bill in a manner which promotes fairness
7 as well as the well-being of all citizens;

8 (d) protect licensees and the public with regard to quality of service in
9 the sector and the determination of and payment tariffs;

10 (e) ensure that licensees achieve the highest possible level of
11 accountability and responsiveness to environmental and community needs;

12 (f) through Licensing of abstractions, ensure that public water
13 services are supplied as efficiently and economically as possible and at
14 standards which reasonably meet the social, industrial, and commercial needs
15 of the community;

16 (g) promote the development of other sectors of the Nigerian
17 economy through the efficient and sustainable allocation of water within the
18 framework of this Bill;

19 (h) to ensure that the prices charged by licensees are fair and are
20 sufficient to allow the licensees to finance their activities and to allow for
21 reasonable earnings for efficient operation and return on investment;

22 (i) to ensure that regulation is fair and balanced for licensees,
23 consumers; investors, and other stakeholders; and

24 (j) to present quarterly reports to the President and National Assembly
25 on its activities.

Appointment
of Commissioners

26 **17.-(1)** Subject to subsections (2) and (3) of this section, the
27 Commission shall consist of Seven Members ("Commissioners") appointed by
28 the President subject to confirmation by the Senate who shall be responsible for
29 the management, strategic planning, and formulation, implementation and
30 enforcement of regulatory Policies for the Commission.

1 (2) In selecting potential nominees, the President shall ensure that
2 individuals are chosen, from both the Public and Private Sectors, for their
3 experience and professional qualifications in the following fields or areas of
4 competence:

5 (i) Water Resources Engineering and Management;

6 (ii) Law;

7 (iii) Accountancy;

8 (iv) Finance or economics;

9 (v) Hydro-Geology;

10 (vi) Administration or Social Science;

11 (vii) Regulation.

12 (3) There shall be a Vice Chairman appointed by the President who
13 shall be the Chief Executive and Chief Accounting Officer ("CEO") of the
14 Commission.

15 (4) All Commissioners, including the Chairman must possess a
16 minimum of fifteen years cognate Professional experience in the field that
17 they represent while the Vice Chairman must possess, in addition, a
18 minimum of ten years' cumulative experience at Management Level in
19 Public or Private Organisations.

20 (5) The seven Commissioners shall be appointed to reflect one
21 Commissioner per geo-political zone and the Chairman may be from any
22 zone.

23 **18.** Subject to this Part, a Members shall hold office as
24 follows:

25 (a) the Chairman shall be appointed to serve for a single term of
26 five years on a part-time basis;

27 (b) the Vice Chairman will serve full time for a term of four years
28 which term may be renewed for one more term of three years and no more;

29 (c) all other Commissioners shall serve for a single term of five
30 years and no more.

Tenure and
conditions of
service of
Commissioners

	1	(2) A Commissioner shall not continue in office after the expiry of his
	2	term.
Conditions for appointment as a Commissioner	3	(3) A Commissioner shall hold office on such other terms and
	4	conditions as the President may fix in relation to Members generally.
	5	19. A person shall not be appointed as a Commissioner who:
	6	(a) is neither a citizen of Nigeria nor permanently resident in Nigeria;
	7	(b) has a financial interest in any business connected, either directly
	8	or indirectly, with water services provision in Nigeria, or is a relative of a
	9	person who has such an interest unless the President is satisfied that the interest
	10	or activity is in effect passive and will not interfere with the person's impartial
	11	discharge of his duties as a Commission Member or unless the financial
	12	interest is terminated prior to the appointment taking effect, or
	13	(c) has, in terms of a law in force in any country:
	14	(i) been adjudged or otherwise declared insolvent or and has not been
	15	rehabilitated or discharged; or
	16	(ii) made an assignment to, or arrangement or composition with, his
	17	creditors which has not been rescinded or set aside; or
	18	(d) has, in terms of a law in force in any country:
	19	(i) been adjudged by a court of competent jurisdiction, to be of
	20	unsound mind;
	21	(ii) been banned from practicing his profession; or
	22	(iii) been convicted of an offence and sentenced to a term of
	23	imprisonment imposed with or without the option of a fine, whether or not any
	24	portion has been suspended, and has not received a free pardon;
	25	(iv) or is found by a court of competent jurisdiction to be a member of
Fiduciary responsibility of Commissioners	26	any secret society or terrorist Organisation or sponsor of any such
	27	Organisation.
Vacation of office by Commissioners	28	20. Commissioners shall subscribe to, and be bound by a Code of
	29	Ethics to be approved by the President.
	30	21. -(1) Notwithstanding the provisions of section 18 of this Bill, a

1 person shall cease to hold office as a Commissioner if:

2 (a) he becomes bankrupt;

3 (b) he is found guilty of a serious misconduct in relation to his
4 duties through an appropriate inquiry including failure to disclose interest in
5 a matter under consideration by the Commission in accordance with Section
6 25;

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

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

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

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

17 (2) If a Commissioner ceases to hold office for any reason
18 whatsoever, before the expiration of the term for which he was appointed,
19 the President shall, within one month of such vacancy, appoint another
20 Commissioner in his place in accordance with section 17 to represent the
21 same interest as that Commissioner and to serve the unexpired term of such
22 Member.

23 (3) A Commissioner may be dismissed by the President on the
24 recommendation of the Chairman if he is satisfied that it is not in the interest
25 of the Commission or the interest of the public that the Member continues in
26 office such dismissal being subject to a simple majority vote of the Senate.

Suspension of
Commissioners

27 **22.-(1)** A Commissioner may only be suspended by the President:

28 (a) if criminal proceedings have been instituted against that
29 Commissioner for an offence in respect of which a sentence of

1 imprisonment may be imposed; or

2 (b) if the President suspects on reasonable grounds that the
3 circumstances set out in section 21 have arisen and intends to investigate them
4 further.

5 (2) While a Commissioner is under suspension pursuant to subsection
6 (1) of this section:

7 (a) he shall not carry out any duties as a Commissioner; and

8 (b) he shall continue to be paid half of his salary and benefits
9 throughout the period of his suspension until he is either re-instated or
10 removed.

Remuneration,
Allowances and
expenses of
Commissioners

11 **23.**-(1) Commissioners shall be paid from the funds of the
12 Commission such remuneration and Allowances as the Commission may from
13 time to time determine, subject to the recommendations of the National
14 Salaries, Incomes and Wages Commission and the approval of the
15 President;

16 (2) While making recommendations, the National Salaries, Incomes
17 and Wages Commission shall have due regard to the following principles:

18 (a) the specialised nature of work to be performed by the Commission
19 and in particular restriction placed on Commissioners in terms of this Part;

20 (b) the need to ensure the financial self-sufficiency of the
21 commissioners and the Commission;

22 (c) the salaries paid in the private sector to individuals with equivalent
23 qualifications, experience, responsibilities, expertise and skills; and

24 (d) the nature of the expenses incurred by the Commissioners towards
25 the business of the Commission including national and international travel
26 expenses among others.

Meetings and
Procedures of
Commission

27 **24.**-(1) The Commission shall meet for the dispatch of business as
28 often as is necessary or expedient and, subject to this section, may adjourn,
29 close and otherwise regulate its meetings and procedure as it thinks fit.

30 (2) The Chairman, or a Member nominated by the Chairman other

1 than the Vice Chairman shall preside at all meetings of the Commission.

2 (3) All decisions of the Commission shall be on the basis of
3 majority of the members present and voting.

4 (4) The Vice Chairman, as the CEO, shall not be entitled to a vote
5 on matters presented by him to the Commission;

6 (5) The quorum for the meeting of the Commission shall be four
7 and subject to section 25, at all meetings of the Commission, each
8 Commissioner present shall have one vote on each question before the
9 Commission and, in the event of an equality of votes, the Chairman shall
10 have a casting vote.

11 (5) For a meeting of the Commission to review any previous
12 decision or order taken by the Commission, the quorum shall be no less than
13 the Commissioners present when the decision was taken or order was made.

14 (6) Without derogation from subsection (1) of this section, the
15 Commission may conduct its business by means of written resolution signed
16 by all the Commissioners, provided that, if any Commissioner requires that
17 a matter be placed before all the Commissioners for discussion, this
18 subsection shall not apply to such matter.

Commissioner
to disclose interest

19 **25.-(1)** If a Commissioner:

20 (a) acquires or holds a direct or indirect pecuniary interest in any
21 matter that is under consideration by the Commission;

22 (b) owns any property or has a right in property or a direct or
23 indirect pecuniary interest in a company or association of persons which
24 results in the Member's private interests coming or appearing to come into
25 conflict with his functions as a Commission Member;

26 (c) knows or has reason to believe that a relative of the
27 Commissioner:

28 (i) has acquired or holds a direct or indirect pecuniary interest in
29 any matter that is under consideration by the Commission, or

30 (ii) owns any property or has a right in property or a direct or

1 indirect pecuniary interest in a company or association of persons which results
2 in the Commissioner's private interests coming or appearing to come into
3 conflict with his functions as Commissioner; or

4 (d) if for any reason the private interests of a Commissioner come into
5 conflict with his functions as a Commissioner, the Commissioner shall
6 forthwith disclose the fact to the Commission.

7 (2) A Commissioner referred to in subsection (1) of this section shall
8 take no part in the consideration or discussion of, or vote on, any question
9 before the Commission which relates to any contract, right, immovable
10 property or interest referred to in that subsection.

11 (3) A Commissioner shall, prior to accepting his appointment to the
12 Commission, make a declaration of assets in accordance with paragraph 11 of
13 the Fifth schedule to the constitution of the Federal Republic of Nigeria, 1999
14 and shall terminate all other engagements for gain, including appointment to
15 any office in the Public Service:

16 Provided that Commissioners appointed on part -time basis shall not
17 be required to terminate any other engagements for gain.

18 (4) A Commissioner who contravenes subsection (1), (2) or (3) of this
19 section commits an offence and liable on conviction to a fine not exceeding
20 fifty thousand Naira or imprisonment for a period not exceeding three months
21 or to both such fine and imprisonment.

General powers
of the Commission

22 **26.**-(1) The Commission shall have power to:

23 (a) make Policy decisions for the management of the affairs of the
24 Commission;

25 (b) subject to the provisions of this Bill, approve rules and regulations
26 for carrying on the functions of the Commission;

27 (c) fix the terms and conditions of service including remuneration of
28 employees of the Commission;

29 (d) do such other things which in the opinion of the Commission are
30 necessary to ensure the efficient performance of the functions of the

1 Commission;

2 (2) In the absence of a duly constituted Commission, the Minister
3 shall carry out such functions of the Commission as may be required
4 pending the constitution of a new Commission which shall be done within
5 six months of the dissolution of the last one.

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

Specific powers
of the Commission

9 **27.-(1)** The Commission shall have power to make Rules and
10 Regulations for the sector in respect of the matters covered in this section
11 and in section 28.

12 (2) The Commission shall have power to:

13 (a) issue Licences in each Hydrological area with respect to water
14 use and allocation through Catchment Management Offices;

15 (b) require establishment of effective water resources management
16 systems by water users;

17 (c) give written directives to a licensee, authorized developer or
18 other service provider in connection with the functions of the Commission
19 in accordance with the provisions of this Bill and the terms and conditions of
20 the License issued to such Licensee;

21 (d) consult, where appropriate with the President, commercial and
22 industrial organizations, professional bodies, consumers and standards
23 organizations as well as other relevant bodies;

24 (e) delegate any of its powers to a Committee properly constituted
25 in accordance with the provisions of this Bill;

26 (f) require any person to appear before the Commission or any
27 committee of the Commission to:

28 (i) discuss any matter which the Commission deems necessary for
29 the purpose of effective discharge of the Commission's duties under this
30 Bill, and

1 (ii) give evidence or produce any document which is likely to assist
2 the Commission or any of its committees in the discharge of the duties of the
3 Commission under this Bill;

4 (2) The Commission may enter into contracts or partnership with any
5 company, firm or person which in the opinion of the Commission, is intended
6 to facilitate the duties specified in this Bill

7 (3) The Commission may establish and maintain such number of
8 Catchments Management Offices for the discharge of the functions identified
9 in section 29 of this Bill in the Hydrological Areas; and

10 (4) The Commission shall have power to do anything which, in the
11 opinion of the Commission, is necessary to facilitate the carrying out of the
12 functions and achievement of the objectives of the Commission under this Bill.

Regulations of
the Commission

13 **28.** In accordance with the Powers of the Commission to make
14 Regulations pursuant to section 27 of this Bill, the Commission shall make
15 Rules and Regulations in relation to the following matters:

16 (a) technical standards and Codes;

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

19 (c) procedures for obtaining licenses or permits and the conduct of
20 holders of licenses and permits;

21 (d) tariff to be paid for water abstraction and tariff charged by
22 operators;

23 (e) specifications and codes for equipment;

24 (f) accreditation of water quantity and quality testing Agencies;

25 (g) drilling of boreholes and borehole drillers;

26 (h) piping, canal structures and water conveyance facilities; and

27 (i) such other matters as may be considered necessary for the
28 achievement of the objectives of the Commission or referred to it by the
29 Minister or the President.

Functions of
the Commission

30 **29.**-(1) For the furtherance of the objects referred to in section 16 of

1 this Bill, the Commission shall perform the following functions:

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

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

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

9 (d) issue licences for water resources use in accordance with the
10 provisions of this Bill;

11 (e) monitor the conduct of holders of the licences and to enforce the
12 conditions included in the licences;

13 (f) liaise with relevant Agencies to conduct studies and surveys for
14 the purpose of establishing water resources balance, catchments
15 management plans and water efficiency strategies (including Basin
16 management strategies); .

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

22 (h) promote competition in the water resources sector;

23 (i) protect developers and suppliers of public water resources
24 services or facilities under this Bill from unfair practices of other Water
25 Resources developers or services providers which are damaging to
26 competition;

27 (j) facilitate the entry into the market by persons wishing to provide
28 water services and facilities;

29 (k) protect licensees from misuse of market power by other
30 developers and service providers;

1 (l) arbitrate disputes between all stakeholders especially the licensees
2 and other participants in the water resources sector;

3 (m) receive and investigate complaints from licensees, developers
4 and consumers and other persons in the water resources sector;

5 (n) liaise with relevant national and international Agencies and advise
6 the Minister on ways of promoting cooperation for effective and equitable
7 management of trans-boundary waters within and outside Nigeria.

8 (o) protect the interest of the public by ensuring that the provisions of
9 this Bill are carried out with due regard to public interest;

10 (p) protect water users and developers, as well as consumers from
11 unfair practices of licensees and other persons in the supply of water resources
12 services and facilities;

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

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

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

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

29 (u) facilitate technical assistance through research and development

1 in all aspects of Integrated Water Resources Management; and

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

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

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

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

19 (5) In the discharge of its functions, the Commission shall consult,
20 from time to time, and to the extent the Commission considers appropriate,
21 such persons or groups of persons who may or are likely to be affected by the
22 decisions or orders of the Commission including, but not limited to
23 licensees, consumers, potential investors, and other interested parties.

Directives on
policy issue

24 **30.-(1)** The Commission shall not be subject to the control of any
25 person in respect of the exercise of its functions, the issuance of any
26 Directives, Determination, Orders or Report, or conduct of any inquiry or
27 hearing.

28 (2) The President and the Minister may issue general Policy
29 direction to the Commission on matters relating to water resources
30 management generally which the Commission shall take into consideration

	1	in exercising its functions provided that such directions shall not be in conflict
Supplementary rules for the conduct of Commission activities	2	with the provisions of this Bill, the objectives of the Commission and the
	3	Constitution of the Federal Republic of Nigeria.
	4	31. -(1) In addition to the provisions of section 24, the Commission
	5	shall be guided by the provisions in the fourth Schedule in the conduct of its
	6	Proceedings.
	7	(2) The Commission may develop additional rules of business to
No invalidity of decisions acts of the Commission	8	guide its Public Hearings, inquiries and investigations such Rules not being in
	9	conflict with this Bill.
	10	32. -(1) No decision or act of the Commission or act done under the
	11	Direction of the Commission shall be invalid on the ground that:
	12	
	13	(a) there existed a vacancy or vacancies among the Commissioners;
	14	(b) there existed some defect in the constitution of the Commission at
	15	the time the decision was taken or act was done or authorised.
	16	(2) If a Commissioner referred to in section 31 takes part in the
Regulatory proceedings of the Commission	17	consideration of a matter in which his private interests are in conflict with his
	18	functions as Commissioner, the other Commissioners may subsequently ratify
	19	any such decision or action.
	20	33. -(1) The Commission shall be entitled to conduct its proceedings,
	21	consultations and hearings at its headquarters, at relevant catchment
	22	management Offices or at any other place in Nigeria.
	23	(2) The Commission shall make regulations for the discharge of its
Decisions, directives and orders of the Commission	24	functions and for the conduct of its proceedings, consultations and hearings,
	25	including procedures for the participation of licensees, other water users,
	26	potential investors, and other stakeholders.
	27	34. -(1) The Chairman shall ensure that all Commission decisions and
	28	orders:
	29	(a) contain the basis for the decision or order;
	30	(b) are properly recorded in writing; and

1 (c) are accessible to the public at reasonable times and places.

2 (2) The Commission shall issue written reasons in respect of any
3 decisions or orders affecting the existing rights of any person, if the affected
4 person requests such written reasons.

5 (3) The Commission may issue written reasons in respect of any
6 other decision or order as the Commission deems necessary.

7 (4) Every recommendation, Declaration, Decision or Order of the
8 Commission, if purporting to be signed by a person describing himself as the
9 Chairman of the Commission, or by a person describing himself as the Vice-
10 Chairman acting in the capacity of the Chairman, shall, unless the contrary is
11 shown, be deemed to be made by the Commission and to have been so
12 signed and may be proved by the production of a copy thereof purporting to
13 have been so signed.

Commission to
give notice to
interested persons

14 (5) The Commission may make interim orders pending the final
15 disposition of a matter before it.

16 **35.**-(1) The Commission may hold a hearing of any matter, which
17 under this Bill or any other enactment is required or permitted to conduct or
18 on which it is required or permitted to take any action and the Commission
19 shall hold public hearing on matters which the Commission determine to be
20 of significant interest to the general public.

21 (2) Where the Commission is required to, or otherwise decides to,
22 hold a hearing, all persons having an interest in such matter shall, as far as
23 reasonably practicable, be notified of the questions at issue and given
24 opportunities for making representations if they so wish.

Commission to
consult experts
on technical
questions

25 **36.** When any matter arises which entails the consideration of any
26 professional or technical question, the Commission may consult such
27 persons as may be qualified to advise thereon.

Enforcement of
Commission's
decisions, directives,
and orders

28 **37.**-(1) The decision of the Commission shall be binding on the
29 party (ies) to whom such decision is directed.

1 (2) A decision made by the Commission under this Part may be
2 enforced by the Federal High Court as if the decision is a judgment of such
3 Court provided that the Commission has issued a certificate to the Complainant
4 for leave to proceed to the Court for enforcement of the decision.

5 (3) Any Licensee that, without reasonable cause, fails to or refuses to
6 comply with an Order or directive given under this Section shall be liable to a
7 penalty of up to N1,000,000 (one Million naira) and a further penalty of not less
8 than N50,000 for every day during which the non-compliance continues.

9 (4) An Order of the Commission may also prescribe the penalty for
10 non-compliance with such Order provided that such penalty shall not be in
11 excess of what is provided in Regulations on the subject of such Order or this
12 section whichever is higher.

Re-hearing and
appeals

13 **38.**-(1) Subject to this section, any person who is aggrieved by:

14 (a) a decision of the Commission not to issue a licence;

15 (b) any term or condition of a licence issued to him, or a refusal by the
16 Commission to specify a term or condition in a licence;

17 (c) a refusal by the Commission to renew a licence;

18 (d) any amendment of a licence or a refusal by the Commission to
19 amend a licence;

20 (e) the cancellation of a licence;

21 (f) the grant or refusal by the Commission to grant any approval or
22 authorisation in terms of this Bill;

23 (g) the outcome of any arbitration or mediation by the Commission of
24 a dispute between licensees;

25 (h) a decision of the Commission with respect to prices or tariffs;

26 (i) any other decision of the Commission;

27 may apply to the Commission for review of the decision, order or refusal.

28 (2) The Commission may, reconsider, vary or rescind its decisions
29 before issuing a final decision, in accordance with such procedures as the
30 Commission may establish; provided that such review or consideration shall

1 be completed within sixty days of the date it is requested.

Appeals on
questions of law

2 (3) The decisions of the Commission on questions of fact shall be
3 final.

4 **39.**-(1) If any question of law arises from an Order or Decision of
5 the Commission, the Commission may, on its own initiative, or any person
6 directly affected by such Order, may reserve such question for the decision
7 of the Federal High Court.

8 (2) Where a question has been reserved under subsection (1) of this
9 section, the Commission shall state the question in the form of a special case
10 and file it with the Registrar of the High Court.

11 (3) Any party wishing to challenge a decision of the Commission in
12 court must give the Commission a minimum of 14 days' Notice of intention
13 to sue.

Appointment of
Secretary to the
Commission

14 **40.**-(1) There shall be appointed by the Commission a Secretary
15 who shall not be a Commissioner but shall possess relevant professional
16 qualifications, with not less than 10 years post-qualification experience.

17 (2) The Secretary shall keep the corporate records of the
18 Commission and perform such other duties and functions as the Chairman
19 or the Chief Executive may from time to time direct.

20 (3) The Secretary may perform Legal advisory Services for the
21 Commission where the Commission deems this expedient.

22 (4) A Secretary who is appointed to serve as Secretary and Legal
23 Advisor as specified in (3) shall Possess a minimum of fifteen years Post-
24 Call cognate Legal Experience.

Staff of the
Commission

25 **41.**-(1) The Commission shall employ such persons as it considers
26 expedient for the better exercise of the functions of the Commission.

27 (2) The terms and conditions of service, including remuneration,
28 allowances and pension benefits, of the staff of the Commission shall be as
29 determined by the Commission.

30 (3) Subject to subsection (5) of this section, the Commission may

1 assign to its staff such functions of the Commission deems fit.

2 (4) Any assignment of functions under subsection (3) of this section
3 may be made either generally or specially and subject to such reservations,
4 restrictions and exceptions as the Commission may determine, and may be
5 revoked by the Commission at any time.

Exemption from
liability

6 (5) Anything authorised or required by or under this Bill to be done by
7 the Commission, other than the making of final orders, may be done by any
8 member of the Commission staff who has been authorized either generally or
9 specifically by the Commission to do so.

Funds and
resources of the
Commission

10 **42.** No liability shall attach to the Commission or to any employee of
11 the Commission or to a Commissioner for any loss or damage sustained by any
12 person as a result of the bona fide exercise or performance of any function
13 which, by or in terms of this Bill, is conferred or imposed upon the Commission
14 or the Commissioners.

15 **43.** -(1) The Commission shall establish and maintain a Fund from
16 which shall be defrayed all expenditure incurred by the Commission.

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

19 (a) fees, charges and other income accruing to the Commission from
20 licensees and other things done by it in terms of this Bill, excluding any fines or
21 penalties recovered pursuant to this Bill;

22 (b) 2% of the Nigeria Ecological Fund;

23 (c) funds allocated to the Commission by the National Assembly,
24 pursuant to a request by the Commission for additional funds required to meet
25 its reasonable expenditures;

26 (d) such grants or Loans as may, from time to time, be granted or
27 received from:

28 (i) the organised private sector other than water users or potential
29 Licensees;

30 (ii) international donor Agencies and non-governmental

1 organizations:

2 Provided that the terms of such grants or Loans do not conflict with
3 the role of the Commission in regulating the sector in terms of this Bill; and

Application of
the Fund

4 (e) all other assets that may, from time to time accrue to the
5 Commission.

6 **44.** The Commission shall apply the proceeds of the fund
7 established pursuant to section 43 of this Bill to:

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

9 (b) the payment of salaries, fees, remunerations allowances and
10 pensions payable to Members and the employees of the Commission;

11 (c) the payment for all contracts, including mobilization,
12 fluctuations, variations, legal fees and cost of contract administration;

13 (d) the payment for all purchases;

14 (e) conduct and support research towards improving integrated
15 water resources management and regulation; and

Gifts, etc, to the
Commission

16 (f) undertake such other activity as are connected with all or any of
17 the functions of the Commission under this Bill.

18 **45.-(1)** The Commission may accept gifts of land, money or other
19 property on such terms and conditions as may be specified by the person or
20 organization.

21 (2) The Commission shall not accept any gift if the conditions
22 attached by the person or organization making the gift are inconsistent with
23 the functions of the Commission under this Bill.

Borrowing powers

24 **46.** The Commission with prior consent of the President subject to
25 the approval of the National Assembly may borrow on such terms and
26 conditions as the Commission may determine, such sums of money as the
27 Commission may require in the exercise of its functions under this Bill.

Budget provisions
and financial year

28 **47.-(1)** The Commission shall, not later than 30th September each
29 year submit to the National Assembly through the President an estimate of
30 the expenditure and income of the Commission during the next succeeding

	1	year.
Annual report	2	(2) The financial year of the Commission shall be the period of
	3	Twelve months ending on the 31st December in each year.
	4	(3) The provisions of any enactment relating to the taxation of
	5	companies or trust funds shall not apply to the Commission.
Additional facilities and personnel	6	48. The Commission shall prepare and submit to the President not
	7	later than 30th June each year, a report in such form as the President may direct
	8	on the activities of the Commission during the immediate preceding year, and
	9	shall include in the report a copy of the audited account of the Commission for
	10	the financial year and the auditor's report.
	11	49. -(1) In the exercise of its functions under this Bill, the Commission
	12	may request from any public organization, relevant equipment, facility or
	13	personnel which may assist the Commission in the efficient and effective
	14	regulation of the water resources sector in Nigeria.
	15	(2) Any Person(s) who willfully obstructs or impedes the
	16	Commission or any person acting under the authority of the Commission in the
	17	exercise of any powers or duties under this Bill is guilty of an offence and
	18	therefore liable on conviction.
Acquisition of land, properties, etc.	19	(3) The Commission shall pay adequate compensation for loss or
	20	damage arising from the use of any equipment or facility received under this
	21	section of this Bill.
	22	50. -(1) For the purpose of providing offices and premises necessary
	23	for the performance of its functions under this Bill, the Commission, may,
	24	subject to the Land Use Act:
	25	(a) purchase or take on lease any interest in land, or other property;
	26	and
	27	(b) construct offices and premises and equip and maintain same.
Contravention of regulations	28	(2) The Commission may, subject to the Land Use Act and the prior
	29	approval of the President, sell or lease any office or premises held by it, which
	30	offices or premises is no longer required for the performance of its functions

1 under this Bill.

2 **51.**-(1) Subject to section 37, any person who contravenes any
3 provisions of this Bill, rules or regulations made under this Bill is guilty of
4 an offence and liable on conviction, where no specific penalty is prescribed,
5 to:

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

9 (b) a fine of N1000,000 Naira or to imprisonment for a term not
10 exceeding 3 years or to both, such fine and imprisonment for subsequent
11 convictions and for a continuing contravention under section 64 (1) of this
12 Bill, a fine of 100, 000 Naira for each day that the offence continues.

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

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

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

24 **52.**-(1) There is established for each Hydrological Area, a
25 Catchment Management Office (in this Bill referred to as "CMO") which
26 shall be part of the operational structure of the Commission and shall be
27 responsible to the Commission in all its activities.

28 (2) The purpose of a Catchment Management Office shall be to
29 implement in each Hydrological Basin over which it has responsibility, the
30 regulations and Policies of the Commission in accordance with this Bill.

Establishment
of catchment
management
offices

1 (3) The CMO shall have the duty to protect, conserve and control
2 water resources and their use within its Hydrological Area or Basin for
3 equitable and sustainable social and economic development and to maintain
4 environmental integrity in accordance with the Policies and Regulations
5 developed by the Commission.

6 (4) The CMO shall:

7 (a) comprise sufficient supporting staff of various relevant
8 competencies;

9 (b) produce quarterly reports which shall be sent to the office of the
10 CEO;

11 (c) be accountable to the Commission for all funds accruing to it in the
12 course of discharging its functions under this Bill; and

13 (d) perform other duties as may be assigned by the Commission.

14 (5) All decisions of the CMO shall be subject to the approval of the
15 Commission.

Management of
the Catchment
Management
Offices (CMO)

16 **53.** Each Catchment Management Office shall be headed by a
17 Catchment Officer who shall be:

18 (a) at least a Deputy Director in the Service of the Commission with
19 experience in water resources management; or

20 (b) a person with a minimum of 12 years' cognate experience in the
21 management of water resources from the private Sector; or

22 (c) a person who has held Management position in a public quoted
23 company for a minimum of 10 years.

Functions of
the Catchment
Management
Offices

24 **54.** The CMO shall:

25 (a) implement the Policies, regulations and Strategies of the
26 Commission at the Catchment and Basin Level subject to necessary approvals
27 from the Commission and the CEO;

28 (b) formulate and implement a water resources management strategy
29 approved by the Commission for its area of operation or Hydrological Area
30 including thematic strategies relevant to the situation in its area in accordance

- 1 with the National water resources Strategy;
- 2 (c) in accordance with the Regulations of the Commission, protect,
3 conserve, and control water resources and their use within its Basin for
4 equitable and sustainable social and economic development and to maintain
5 environmental integrity, including management and protection of river and
6 lake catchments;
- 7 (d) prepare an indicative basin strategy and plan for its water
8 management area;
- 9 (e) advise interested persons on the protection, use, development,
10 conservation, management and control of the water resources in its Basin;
- 11 (f) with respect to water sources declared to be national water
12 resources in terms of section 2 and Schedule 1 of this Bill, advise the
13 Commission on licencing, water allocation, wastewater discharge,
14 construction of hydraulic works and other related activities in accordance
15 with Part V of this Bill;
- 16 (g) implement the Commission's Tariff Policy for raw water
17 abstractions and monitor water abstraction;
- 18 (h) implement and monitor regulations for the operation of dams,
19 barrages, weirs, diversion works and other hydraulic works that affect the
20 flow of water in a river issued by the Commission taking into account
21 principles of any national policy or strategy on reservoir operations and
22 other matters peculiar to the relevant Hydrological area;
- 23 (i) promote improved river quality through a cooperative working
24 arrangement with Federal and State Environmental Protection Agencies;
- 25 (j) promote community participation in the protection, use,
26 development, conservation, management and control of the water resources
27 in its Basin;
- 28 (k) co-ordinate the related activities of water users and of the other
29 water management institutions within its Basin;
- 30 (l) maintain a database on hydro-meteorological, hydrological,

- 1 hydro-geological and water quality monitoring networks in its Basin;
- 2 (m) monitor water use and the quality of water sources within its
- 3 Basin and take action for remediation where water quality is or may be
- 4 adversely affected under section 132 of this Bill;
- 5 (n) facilitate resolution of water-related conflicts relating to its
- 6 Basin;
- 7 (o) participate in ad-hoc Committees and coordinate with other
- 8 CMOs in upstream or downstream Basins as provided by section 11 (1) of this
- 9 Bill;
- 10 (p) implement regulations of the Commission relating to other
- 11 activities that may affect water quantity or quality including dredging and
- 12 programs for weed prevention, clearing and containment activities and by
- 13 Order of the Commission, direct relevant parties to undertake necessary
- 14 action with respect thereto;
- 15 (q) prepare an annual report for the Commission describing the status
- 16 of the Basin's water resources, major issues impacting the Basin, actions
- 17 necessary to be taken and propose related future plans and necessary financial
- 18 report;
- 19 (r) promote co-ordination with the implementation of any applicable
- 20 development plan established pursuant to any other law or policy in the water
- 21 resources sector; and
- 22 (s) inform and discuss with the Catchment Stakeholder Advisory
- 23 Committee, proposed basin strategies, regulations and studies with respect to
- 24 the matters in this section.
- 25 **55.-(1)** There shall be established for each Hydrological Area, a
- 26 Catchment Stakeholder Advisory Committee comprising the following
- 27 Members:
- 28 (a) a Member of the Commission sitting for that purpose as Chairman;
- 29 (b) a representative from the Nigeria Hydrological Services Agency;
- 30 (c) a representative of the relevant RBDA for the basin;

The Catchment
stakeholder
advisory committee

1 (d) in respect of each of the States within the Hydrological Area, a
2 representative of each of the following:

- 3 (i) the Ministry responsible for water resources;
4 (ii) the Ministry responsible for the environment;
5 (iii) the State Emergency Management Agency;
6 (iv) the Federation of Water Users Associations;
7 (v) the State Water Utilities;
8 (vi) State Water Regulatory Body where available;
9 (vii) State Environment protection Agency; and
10 (viii) relevant Chamber of Commerce and Industry;
11 (ix) National Geological Survey Agency.

12 (2) The Committee Management Office may invite any party
13 considered relevant to the deliberations of the Catchment Stakeholder
14 Advisory Committee to participate only for the purpose of making
15 contributions to the matters being considered by the Committee as deemed
16 necessary.

Role of the
Catchment
Stakeholder
Advisory
Committee

17 **56.**-(1) The role of the Catchment Stakeholder Advisory
18 Committee shall be advisory only while final decision on any matter
19 presented to the Committee shall be that of the Commission.

20 (2) The Catchment Committee shall advise the Catchment
21 Management Office on all matters relating to the following:

- 22 (a) issuance of licences for raw water abstraction;
23 (b) setting of tariffs;
24 (c) basin policies;
25 (d) basin management strategies;
26 (e) conflict resolution within the catchment;
27 (f) water quality control; and
28 (g) other matters pertinent to the basin.

Proceedings of
the catchment
stakeholder
advisory committee

29 **57.** The meetings of the Catchment Committee shall be on

Limitations of
suits

1 quarterly basis or as deemed necessary in accordance with rules drawn up by
2 the Commission.

3 **58.**-(1) A suit shall not lie or be instituted in any court against the
4 Commission or its employees unless it is commenced:

5 (a) within 3 months after the act, neglect or default complained of; and

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

8 (2) A suit shall not be commenced against a Commissioner or any
9 other officer or employee of the Commission before the expiration of a period
10 of one month after service of a written notice of the intention to commence the
11 suit on the Commission by the intending plaintiff or his agent.

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

Service of
documents

14 (a) cause of action;

15 (b) particulars of claim;

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

17 (d) relief sought.

18 **59.** The notice in section 58 (2) of this Bill, summons or other
19 document required or authorized to be served on the Commission under the
20 provisions of this Bill or any other law or enactment may be served by:

Restriction on
execution against
property

21 (a) delivering to the Executive Secretary; or

22 (b) sending through registered post, addressed to the Executive
23 Secretary at the principal office of the Commission.

24 **60.**-(1) In any action or suit against the Commission, no execution or
25 attachment of process in any nature shall be issued against the Commission
26 unless a notice of not less than 3 months of the intention to execute or attach has
27 been given to the Commission.

Consideration
for issue of licences
and general
authorizations

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

1 the Commission.

2 PART V - LICENSING

3 **61.**-(1) Subject to the provisions of sections 3 and 72 of this Bill,
4 the use of water shall be subject to licensing provisions under this Part and
5 relevant regulations issued by the Commission.

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

10 (a) national water resources Policy and Strategy;

11 (b) existing lawful uses of the water; including customary use to the
12 extent that such use does not conflict with the provisions of the Bill, or water
13 resources policy of the Government or Hydrological Area Water Resources
14 Strategy;

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

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

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

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

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

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

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

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

29 **62.** Any person who, undertakes the following activities (in this
30 section referred to as "prescribed activities") in relation to water sources

Licensing
categories

- 1 listed in the First Schedule to this Bill, shall be licensed by the Commission:
- 2 (a) abstraction of surface water and groundwater;
- 3 (b) diversion, pumping, storage or use on a commercial scale of any
4 water;
- 5 (c) the construction of boreholes for commercial purposes;
- 6 (d) construction and operation of hydraulic structures for rivers,
7 dams, water intake barrages, groynes, bed and bank stabilisation, dykes,
8 polders, wells;
- 9 (e) public and private irrigation and drainage systems;
- 10 (f) diversion or impoundment of water for the purposes of mining and
11 discharge of waste water from mining into any water course;
- 12 (g) discharging industrial or agricultural waste or wastewater into a
13 water body through a pipe, canal, sewer, sea outfall or other conduit according
14 to environmental standards;
- 15 (h) disposing in any manner of water which contains waste from, or
16 which has been heated in, any industrial or power generation process according
17 to standards defined by the relevant environment standards enforcement
18 agency;
- 19 (i) undertaking drainage and land reclamation;
- 20 (j) removing, discharging or disposing of water found underground if
21 it is necessary for the efficient continuation of an activity or for the safety of
22 people;
- 23 (k) leachate containment activities according to environmental
24 standards;
- 25 (l) capital dredging;
- 26 (m) sand dredging, rock blasting and rock removal in rivers;
- 27 (n) construction of infrastructure, roads and bridges across rivers and
28 streams;
- 29 (o) any works affecting the banks and beds of water courses;

- 1 (p) carrying out commercial inland fisheries; Existing lawful
2 (q) transportation of "Specified Substances" over the watercourse; use
3 (r) activities which reduce stream flow; and
4 (s) using reservoirs for recreational purposes.
- 5 **63.**-(1) An existing lawful water use means a water use which:
6 (a) has taken place at any time during a period of two years
7 immediately before the date of commencement of this Bill; and
8 (b) was authorized by or under any law which was in force
9 immediately before the date of commencement of this Bill.
- 10 (2) A person or the person's successor-in-title, may continue with
11 an existing lawful use, subject to:
12 (a) any existing conditions or obligations attach to that use;
13 (b) its replacement by a licence within the specified period in
14 accordance with regulations made pursuant to this Bill; and Application for
15 (c) any other limitation or prohibition by or under this Bill. a licence
- 16 (3) The Commission may, subject to any regulation made under
17 this Bill, require the registration of an existing lawful water use.
- 18 **64.**-(1) No person shall undertake any of the prescribed activities
19 defined in section 62 of this Bill except in accordance with a license issued
20 by the Commission or a general authorization pursuant to this Bill.
- 21 (2) Where a person has made an application for an authorization to
22 use water under another law, and that application has not been finalized
23 when this Bill takes effect, the application shall be regarded as being an
24 application for a water use under this Bill.
- 25 (3) An application shall be in a form approved by" the Commission
26 and shall be accompanied by such documents as shall be prescribed by the
27 Commission.
- 28 (4) An application shall be accompanied by the required
29 application fee as may be fixed by the Commission from time to time.
- 30 (5) The Commission:

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

3 (i) other information, in addition to the information contained in the
4 application;

5 (ii) an assessment by a competent person of the likely effect of the
6 proposed licence on the resource quantity and quality; or

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

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

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

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

16 (6) An applicant is responsible for:

17 (a) demonstrating compliance and consistency with the respective
18 basin water resources strategy, resource quality objectives or reserve
19 determination as appropriate to the type of licence being applied for; and

20 (b) complying with the requirements of other Acts including for
21 environmental assessment and management.

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

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

26 (i) describing the licence applied for;

27 (ii) stating that not less than 21 days written objections may be lodged
28 against the application after the last publication of the notice;

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

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

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

Essential contents
of licences

4 (c) satisfy the Commission that the interests of any other person
5 having an Interest in the land will not be affected.

6 **65.**-(1) A licence contemplated in this Part shall specify the:

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

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

9 (c) person to whom it is issued;

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

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

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

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

19 (3) An extension of a licence period contemplated under
20 subsection (2) of this section may only be made after the Commission has
21 considered the factors specified in section 68 of this Bill, and all other
22 relevant factors, including new applications for water use, and has
23 concluded that there are no substantial grounds not to grant an extension.

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

Determination
of application

28 **66.**-(1) The Commission may grant or refuse to grant an
29 application for the issue of a license for any reason the Commission
30 considers appropriate having regard to the objectives specified in section 1

1 of this Bill.

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

4 (a) follow the procedure for notification and consultation as
5 stipulated in regulations issued by the Commission from time to time pursuant
6 to section 141 of this Bill; and

7 (b) be satisfied that harm will not be caused to existing lawful uses,
8 including customary uses, subject to provisions to vary the terms of existing
9 licenses under this Bill.

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

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

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

Emergency powers
in case of shortage
of water

20 (a) statistical probability of supply;

21 (b) availability of water; or

22 (c) quality of water.

23 **67.**-(1) Where the Commission is satisfied that, by reason of an actual
24 or anticipated exceptional shortage of water in a hydrological area, or by
25 reason of accident or other unforeseen circumstance, a serious deficiency of
26 water for essential domestic purposes or damage to the environment exists, or
27 is threatened in any area, the Commission may-

28 (a) declare that an emergency exists; and

29 (b) direct a person who has a supply of water in excess of his needs to
30 reduce the amount he is permitted to abstract under the terms of any licence or

1 general authorization.

2 (2) Any person who fails to comply with the directive of the
3 Commission issued pursuant to the provisions of subsection (1) of this
4 section commits an offence.

5 (3) An Order under this Section may require or authorize-

6 (a) the laying of pipes and the construction of works on any land;

7 (b) the entry on to any land by officers or agents of the
8 Commission; and

9 (c) such other measures at the Commission may consider
10 necessary to overcome the shortage of water or effect of any accident.

11 (4) If a person to whom an Order under this section is directed fails
12 to comply with the Order, the Commission or any person to whom it
13 delegates such power-

14 (a) may take possession of the water supply and operate any works
15 of the person concerned for the drawing, diversion, or use of water; and

16 (b) may exercise the person's rights in connection with the
17 abstraction of water during the period of the Order.

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

21 (6) A person who, without lawful authority, hinders or obstructs
22 any person acting in pursuance of an Order under this Section, or interferes
23 with any works constructed or under construction in pursuance of such an
24 order, commits an offence.

25 (7) Subject to section 37, any person who contravenes any
26 provision of this section commit an offence and liable, on first conviction to
27 a minimum fine of N50,000 Naira or imprisonment for a period not
28 exceeding 2 years, or to both such fine and imprisonment and in the case of a
29 second or subsequent conviction to a minimum fine of N100,000 Naira or
30 imprisonment for a period not exceeding 5 years or to both such fine and

- 1 imprisonment.
- 2 **68.**-(1) The Commission may attach conditions to every general
3 authorization or licence-
- 4 (a) relating to the protection of-
- 5 (i) the water resource in question;
- 6 (ii) the stream flow regime; or
- 7 (iii) other existing and potential users;
- 8 (b) relating to water management by-
- 9 (i) specifying practices and general requirements for any water use,
10 including water conservation and protection;
- 11 (ii) requiring the monitoring, analysis and reporting on water use or
12 water quality;
- 13 (iii) requiring the preparation, approval and adherence to a water
14 management plan;
- 15 (iv) requiring the payment of water charges as provided for in section
16 69 of this Bill;
- 17 (v) requiring the licensee to provide or make water available to a
18 person specified in the licence; and
- 19 (vi) in the case of a general authorization, requiring the registration of
20 the water use with the responsible Authority and the payment of a registration
21 fee as a pre-condition of that use;
- 22 (c) relating to a return flow and discharge or disposal of waste -
- 23 (i) specifying a water resource to which it must be returned or
24 disposed of;
- 25 (ii) specifying permissible levels for some or all of its chemical and
26 physical properties in accordance with standards and guidelines issued by the
27 Federal Ministry or Agency responsible for the regulation and enforcement of
28 Environmental Standards and relevant Regulations issued by the Commission,
- 29 (iii) specifying treatment to which it must be subjected before it is
30 discharged; and

- 1 (iv) specifying the volume which may be returned;
- 2 (d) in the case of taking or storing of water-
- 3 (i) setting out the specific quantity or percentage of water which
- 4 may be taken;
- 5 (ii) setting out the rate of abstraction;
- 6 (iii) setting out the method of construction of a borehole;
- 7 (iv) specifying the place from where water may be taken;
- 8 (v) specifying the times when water may be taken;
- 9 (vi) identifying or limiting the area of land on which any water
- 10 taken from a resource may be used;
- 11 (vii) limiting the quantity of water that may be stored; and
- 12 (viii) specifying locations where water may be stored;
- 13 (e) in the case of a licence-
- 14 (i) specifying times when water may or may not be used;
- 15 (ii) containing provisions for its termination if an authorized use of
- 16 water is not implemented or not fully implemented; or
- 17 (iii) designating water for future or contingent use which have been
- 18 agreed to by the licensee; and
- 19 (f) which are necessary or desirable to achieve-
- 20 (i) the purpose for which the licence was issued; and
- 21 (ii) compliance with the provisions of this Bill.
- 22 **69.**-(1) The use of prescribed water abstracted from a water
- 23 resource shall be subject to a water charge that reflects -
- 24 (a) the available water and resource quality objectives;
- 25 (b) the costs of water resources development and management;
- 26 (c) the affordability of water among water users;
- 27 (d) the equitable, efficient and sustainable allocation of water; and
- 28 (e) protection and conservation of the water resource and water
- 29 related environment.
- 30 (2) The water charge shall form a source of income for the

Charges for
water use

1 Commission.

2 (3) The pricing structure for water use adopted by the Commission
3 shall be approved by the National Council and may-

4 (a) differentiate on an equitable basis between different-

5 (i) types of geographic areas;

6 (ii) categories of water use; and

7 (iii) water users.

8 (b) include subsidies to promote equitable allocation;

9 (c) provide a transparent mechanism for establishing charges; and

10 (d) define any circumstances under which water charges may be
11 subject to waiver.

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

15 (a) context in the area concerned;

16 (b) characteristics of the waste discharged;

17 (c) amount and quality of the waste discharged;

18 (d) nature and extent of an impact on a water resource caused by the
19 waste discharged;

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

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

Renewal, review,
variation and
cancellation

23 (5) The pricing structure shall prescribe procedures for recovery of
24 water charges.

25 (6) In preparing the pricing structure the Commission shall follow
26 procedures for public consultation set out in section 141 of this Bill.

27 **70.**-(1) A licensee may, before the expiration of a licence, apply to the
28 Commission for the renewal or amendment of the licence in a form and
29 containing such information as may be required by the Commission.

30 (2) A licence may, at the request of the licensee, be varied by the

1 Commission if the Commission is satisfied that the variation is not contrary
2 to the public interest or the rights of others, so as to-

- 3 (a) vary the point of abstraction or diversion;
4 (b) vary the use of water authorized by the licence;
5 (c) to remedy any defect whereby the licence is incomplete or
6 indefinite in its terms and conditions; or
7 (d) to reflect one or more successors-in-title as new licensees

8 (3) A variation relating to the use of water or terms and conditions
9 of a licence shall not be made without public consultation in accordance
10 with section 141.

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

- 16 (a) inequity;
17 (b) a deterioration in the quality of water;
18 (c) a shortage of water for domestic purposes; or
19 (d) a shortage of water for any other purpose which in the opinion
20 of the Commission should have priority.

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

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

29 (7) A licensee whose license is varied under subsections (4) or (5)
30 of this section and, as a result of which the economic viability of any

1 undertaking is severely prejudiced, shall be paid compensation in such an
2 amount as shall be agreed between the permit holder and the Commission, or in
3 default of agreement, as may be determined by mediation' or appeals
4 procedures under this Bill.

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

9 (9) A licence may be cancelled, suspended or varied by the
10 Commission if the licensee-

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

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

13 (10) No licence shall be varied, suspended or cancelled under this
14 section unless notice of the proposed variation, suspension or cancellation has
15 been served-on the licensee and the licensee has been afforded a reasonable
16 opportunity to show cause to the Commission why the licence should not be
17 varied or cancelled.

Groundwater
conservation
areas

18 71.-(1) The Commission may, following public consultation, by order
19 published in the Gazette, declare an area to be a groundwater conservation area
20 in cases where the Commission is satisfied that, in the public interest in such
21 area, special measures for the conservation of groundwater are necessary for
22 the protection-

23 (a) of public water supplies;

24 (b) of the environment; or

25 (c) for water supplies used for agriculture, industry or other private
26 purposes.

General
authorizations

27 (2) The Commission may impose such requirements, and regulate or
28 prohibit such conduct or activities, in or in relation to groundwater
29 conservation areas such as the Commission may deem necessary to protect the
30 area.

1 72.-(1) The Commission may, subject to regulations made under
2 this Bill and conditions imposed, authorize all or any category of persons to
3 use water by notice in the Gazette-

4 (a) generally;

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

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

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

8 (a) shall state the geographical area in respect of which the general
9 authorization will apply and the date upon which the general authorization
10 will come into force; and

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

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

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

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

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

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

23 (5) Any authorization to use water under this section does not
24 replace or limit any entitlement to use water which a person may otherwise
25 have under this Bill.

26 73.-(1) Any person who contravenes the provisions of section 64
27 (1) commits an offence and is liable on conviction to a fine of not less than
28 N1,000, 000 Naira or to imprisonment for a period of 2 years or to both such
29 fine and imprisonment.

30 (2) The Commission shall have the authority to order any person

Contravention
of licence
provisions

	1	who contravenes section 64 (1) of this Bill to cease such activities and to make
	2	such other orders as may be deemed necessary to prevent continuation or
Regulations on groundwater abstraction and drilling of boreholes	3	reoccurrence of the contravention.
	4	(3) The Commission shall have the authority to penalize a licensee for
	5	violation of the terms and conditions of his license or to cancel or suspend such
	6	license in accordance with the provisions of this Bill.
	7	74. No person shall commence or carry on any kind of borehole
	8	drilling business in Nigeria except a-
Issuance of drillers' licence	9	(a) company duly incorporated as a limited liability company or a
	10	registered business name under the Companies and Allied Matters Act; or
	11	(b) body or individual duly authorized by or pursuant to any other
	12	enactment to carry on the business of borehole drilling.
Commercial boreholes	13	75. Subject to the provisions of this Bill, no borehole driller, whether
	14	corporate or Individual shall commence borehole drilling business in Nigeria
	15	unless such driller has been issued a Water Well Driller's Licence by the
	16	Commission.
	17	76. -(1) The owner of a borehole constructed for commercial purpose
	18	shall obtain a Permit for such Borehole from the Commission which Permit
	19	shall prescribe the terms and conditions to be observed by the Owner with
	20	respect to such borehole as well as the requirement to file details indicated in
	21	the permit with the Commission upon completion of the drilling works and
	22	commissioning of the borehole.
	23	(2) The Commission shall by Regulations determine matters to be
	24	considered and provided by the owner in the application for a permit including
	25	- information on proposed location, use, depth, and other geo-physical and
	26	geological details of the borehole - which shall be in compliance with the Code
Drilling permit	27	of Practice for water well drilling issued by the Commission on the
	28	recommendation of the NWRI and the SON.
	29	(3) A commercial borehole Permit shall be renewable every five years
	30	or such other period as the Commission may prescribe.

1	77. A drilling permit shall-	
2	(a) authorize the construction of one or multiple wells in specified	
3	locations in compliance with the conditions of approval specified for the	
4	purpose; and	Non-compliance
5	(b) be given at the catchment level by the CMO subject to licensing	
6	provisions under this PART V of this Bill and any regulations made pursuant	
7	hereto.	Delegation of powers to regulate groundwater abstraction through boreholes drilling
8	78. Any driller who fails to comply with the provisions of this Part	
9	of this Bill commits an offence and is liable to a fine of N500,000 naira or to	
10	imprisonment for a term of 1 year.	
11	79. The Powers of the Commission under sections 74-78 may be	
12	delegated to any State Water Regulatory Body duly constituted and	
13	possessing such capabilities and capacity to enable it carry out such	Establishment of River Basin Development Authorities
14	functions subject to guidelines to be issued by the Commission.	
15	PART VI - ESTABLISHMENT, FUNCTIONS AND POWERS OF RIVER BASIN	
16	DEVELOPMENT AUTHORITIES (RBDA)	
17	80. -(1) There are hereby established River Basin Development	
18	Authorities to be known by the names specified in column 1 of the Third	
19	Schedule to this Bill which shall have such powers and exercise such	
20	functions as are specified in this Bill.	
21	(2) The objectives of the Authorities shall be to harness, develop	
22	and manage available land and surface and ground water resources with a	
23	view to improving agriculture and providing raw water for multi-purpose	
24	uses.	
25	(3) Each Authority shall operate within the area specified in	
26	column 2 schedule 3 to this Bill and have its headquarters in the location	
27	specified in column 3 of the said Schedule.	
28	(4) Each Authority shall be a body corporate with perpetual	
29	succession and a common seal and may sue and be sued in its corporate	Membership of the Board of each Authority
30	name.	

	1	(5) Each Authority shall be subject to the regulatory oversight of the
	2	Commission as a water user pursuant to the provision of this Bill.
	3	81. -(1) Each Authority shall have a Part-time Board consisting of:
	4	(a) Chairman appointed by the President upon recommendation of the
	5	Minister;
	6	(b) a representative of the Federal Ministry for Water Resources;
	7	(c) a representative of the Federal Ministry of Agriculture;
	8	(d) one representative of each of the States in the basin; and
	9	(d) a full time Managing Director.
	10	(2) The Board of each Authority shall have power to:
	11	(a) formulate the general business plans, policies and guidelines
	12	relating to the achievement of the objectives of the Authority in accordance
	13	with this Bill, the regulations of the Commission and the National Water
	14	Resources Policies and Strategies as well as Basin strategies Basins relevant to
	15	their individual Basins;
	16	(b) supervise the management of the affairs of the Authority; and
	17	(c) subject to the provisions of this Bill and the regulations of the
	18	Commission, set fees and charges relating to services rendered by the
	19	Authority.
Tenure of office of members of each Authority	20	(3) The provisions of the Fifth Schedule to this Bill shall have effect
	21	with respect to the proceedings of each Authority and the other matters therein
	22	mentioned.
	23	82. -(1) The Members of the Board other than ex-officio members
	24	shall hold office for a term of four years and no more.
Remuneration	25	(2) The Managing Director shall hold office for a period of five years
	26	and no more
	27	(3) A member may resign his appointment by a letter addressed to the
Functions of each Authority	28	Minister.
	29	83. Members of the Board of the Authorities shall be paid such
	30	remuneration and allowances as may be determined by National Salaries,

1 Income and Wages Commission.

2 **84.**-(1) The functions of each Authority shall be:

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

7 (b) to construct, operate and maintain dams, dykes, polders, wells,
8 boreholes, irrigation and drainage systems, and other works necessary for
9 the achievement of the Authority's functions and allocate lands within the
10 Authority's area of operation and within the irrigation schemes to the
11 farmers for cultivation;

12 (c) supply raw water from each Authority's reservoirs for
13 irrigation, water supply, recreation as well as other uses under commercially
14 viable arrangements in accordance with the regulations of the Commission
15 and any other Regulations on WUA issued by the Minister in accordance
16 with section 90 of this Bill;

17 (d) to construct, operate and maintain infrastructural services such
18 as roads and bridges linking project sites- provided that such infrastructural
19 services are included and form an integral part of the approved list of
20 projects;

21 (e) to develop and keep up-to-date, as part of a Basin strategy Plan,
22 a comprehensive water resources Master-plan identifying all water
23 resources requirements in the Authority's area of operation, through
24 adequate collection and collation of water resources, water use, socio-
25 economic and environmental data of the River Basin in consultation with the
26 Commission;

27 (f) to procure, in consultation with the Commission, private
28 investment and Public Private Partnership Agreements for the development
29 of infrastructure necessary for the achievement of the Authority's mandate;

30 (g) promote auxiliary developments such as agro-allied industries,

1 fisheries and water tourism in the Authority's area of operation;

2 (h) enter into agreements with Hydro-electric Power generation
3 Companies for the use of the dams within its control for Hydro-Power
4 generation subject to Licenses to be issued by the Commission and Regulations
5 of the Commission;

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

Powers of the
Authority

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

12 **85.**-(1) An Authority shall have power to prescribe, terms and
13 conditions of service by way of Service Level Agreements and contracts with
14 Water Users and other third parties with which it transacts business, including
15 rules for the management of irrigation, drainage and flood management
16 systems and infrastructure by which water is abstracted or transferred to the
17 water Users in accordance with regulations issued by the Commission and the
18 Minister.

Restriction on
acquisition of
land, etc.

19 (2) An Authority may with the approval of the Minister borrow money
20 required in the exercise of its functions under this Bill, on such terms and
21 conditions as the Authority may determine.

22 **86.**-(1) No River Basin Development Authority may acquire or lease
23 land or take over any existing project without the knowledge and consent of the
24 State Government in its area of operation in which such is located.

Appointment
of Managing
Director and
Executive Directors
of the Authority

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

28 **87.**-(1) Each Authority shall have a Managing Director who shall be
29 the Chief Executive Officer of the Authority and shall possess cognate
30 experience in the management of water resources.

1 (2) There shall be four Executive Directors appointed by the
2 President on the recommendation of the Minister as follows:

- 3 (a) Executive Director (Planning, investigations and design);
4 (b) Executive Director (Engineering Services);
5 (c) Executive Director (Agriculture and Commercial Services);
6 (d) Executive Director (Finance and Administration).

7 (3) Each of the Executive Directors shall possess a minimum of ten
8 years cognate experience in the fields relevant to their assigned Department.

9 (4) The Board shall determine the scope of activities to be covered
10 by each of the departments subject to the approval of the minister.

11 (5) The Board may recommend to the Minister the appointment of
12 additional Executive Directors for new departments as deemed expedient
13 which appointment shall be in accordance with subsection (2) of this
14 section.

Appointment of
Secretary and
legal Advisor

15 **88.**-(1) The Board of each Authority shall appoint a Legal Advisor
16 who shall also serve as the Secretary to the Board.

17 (2) The Secretary shall:

18 (a) be a legal practitioner with a minimum of 10 years post-call
19 experience in legal practice and shall provide legal advisory services to the
20 Authority;

21 (b) be responsible for keeping the books and proper records of
22 proceedings and correspondences of the Board and the upkeep of the records
23 of the Authority;

24 (c) administer and discharge all insurance requirements of the
25 Authority;

26 (d) recommend the engagement of external legal services on behalf
27 of the Authority as may be necessary; and

Staff of the
Authority

28 (e) perform such other functions as the Board or the Managing
29 Director as the case may be, may from time to time assign to him.

30 **89.** Each Authority shall have power:

Management
of Irrigation
Infrastructure

1 (a) to appoint from the public or private sector, such staff and upon
2 such terms as it may determine;

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

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

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

8 **90.**-(1) Each Authority shall be responsible for the management of all
9 irrigation and drainage systems and infrastructure within its Basin.

10 (2) Where the Minister considers it expedient for sustainability and
11 effectiveness, the Minister may approve the devolution to Water User
12 Associations the responsibility for the management, operation and
13 maintenance of the irrigation infrastructure within the area of operation of such
14 WUA in accordance with Regulations to be issued by the Minister in
15 consultation with the Authority and the Commission.

16 (3) Subject to the Regulations mentioned in subsection (2), the WUA
17 may provide water to its members and collect and retain fees for the operation,
18 maintenance, expansion and improvement of that infrastructure:
19 Provided that WUA shall be accountable for the fees so collected to the
20 Minister.

21 (4) The WUA shall be considered customers of the Authority and
22 shall enter into necessary agreements for the supply of irrigation water and
23 payment for such water with the Authority in accordance with the Regulations
24 in subsection (2).

Funds of each
Authority

25 (5) A WUA shall comprise all holders of land within its area of
26 operation in the areas served by the irrigation infrastructure under the control
27 of the Authority as may be from time to time.

28 **91.**-(1) Each Authority shall maintain an account from which shall be
29 paid all expenditure incurred by the Authority.

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

2 (a) such sums of money as may be appropriated by the National
3 Assembly or by the government of any State in the Federation for the
4 purposes of this Bill either by way of budgetary allocations, loans or grants;
5 and

6 (b) Such other sums of money as may, from time to time, accrue to
7 the Authority:

Annual estimates

8 Provided that revenue generated internally by each Authority's fees
9 or charges from operation of dams, irrigation and water supply either
10 directly by itself or through public/private partnership arrangements shall be
11 paid directly into the Federation Account.

Annual reports

12 **92.** Each Authority shall submit to the Minister not later than 30th
13 September of each year an estimate of its expenditure and income during the
14 next succeeding year.

15 **93.**-(1) Each Authority shall prepare and submit to the Federal
16 Executive Council through the Minister, once every year, a report in such
17 form as the Minister may direct on the activities of the Authority during the
18 last preceding financial year and shall include in the report a copy of the
19 audited accounts of the Authority for that year and of the auditor's report
20 thereon.

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

Establishment
of the Nigeria
Hydrological
Services Agency

25 PART VII - ESTABLISHMENT, FUNCTIONS AND POWERS OF THE NIGERIA
26 HYDROLOGICAL SERVICES AGENCY

27 **94.**-(1) There is established the Nigeria Hydrological Services
28 Agency (in this Bill referred to as "the Agency").

29 (2) The Agency:

30 (a) shall be a body corporate with perpetual succession and a

	1	common seal;
Establishment and Membership of the Governing Board	2	(b) may sue and be sued in its corporate name;
	3	(c) may acquire, hold or dispose of property, whether movable or
	4	immovable; and
	5	(d) shall do all such things as are necessary for or incidental to the
	6	carrying out of its functions and duties under this Bill.
	7	95. There is established for the Agency, a Governing Board appointed
8	by the President on the recommendation of the Minister (in this Bill referred to	
9	as the Board") which shall consists of:	
	10	(a) a Chairman;
	11	(b) one representative each of the following:
	12	(i) Ministry responsible for Water Resources,
	13	(ii) Ministry responsible for Environment,
	14	(iii) Ministry responsible for Agriculture,
Tenure of office	15	(iv) Nigeria Meteorological Agency,
	16	(v) National Water Resources Institute;
	17	(vi) Nigeria Association of Hydro-Geologists;
	18	(vii) Nigeria Association of Hydrological Sciences; and
	19	(c) the Director-General of the Agency.
Cessation of Membership	20	96. A Member of the Board other than an ex-officio Member, shall
	21	hold office:
	22	(a) for a term of 4 years and no more; and
	23	(b) on such other terms and conditions as may be specified in the
	24	Letter of appointment.
	25	97. -(1) Notwithstanding the provisions of section 96 of this Bill, a
	26	person, other than an ex-officio Member shall cease to hold office as a Member
	27	of the Board, if he:
	28	(a) becomes bankrupt;
	29	(b) is convicted of a felony or any offence involving dishonesty or
	30	fraud;

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

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

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

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

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

Dissolution and
non-constitution
of the Board

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

15 **98.** Notwithstanding any provisions of this Bill:

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

18 (i) Board has not been constituted; or

19 (ii) Board has been dissolved;

Allowances of
members etc.

20 (b) the board of the Agency shall be constituted in accordance with
21 section 95 within three months of dissolution of the board; and

Functions of the
Agency

22 (c) any action taken or decision reached in compliance with the
23 provision of this subsection shall be valid.

24 **99.** A Member of the Board shall be paid such allowances as the
25 President may, from time to time, direct.

26 **100.-(1)** The Agency shall;

27 (a) advise the Federal and States Governments on all aspects of
28 hydrology and hydro-geology;

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

- 1 (c) work with local and international meteorological services
2 Agencies and Institutions, to issue forecasts for floods and other water related
3 issues;
- 4 (d) provide hydrological services in agriculture, drought and
5 desertification activities;
- 6 (e) provide hydrological services in operational hydrology and water
7 resources activities;
- 8 (f) collect, process and disseminate hydrological data and
9 information within and outside Nigeria;
- 10 (g) keep in safe custody all hydrological records in the Agency's
11 archive;
- 12 (h) promote uniform standards of observation of all hydrological
13 phenomena in Nigeria;
- 14 (i) promote international standards and best practices in hydrological
15 operations;
- 16 (j) train, conduct and undertake research particularly in the field of
17 surface and groundwater and other related areas of hydrology;
- 18 (k) provide consultancy services to the public on hydrology;
- 19 (l) monitor hydrology components of the environment, including
20 ground water pollution through industrial, commercial and agricultural
21 activities and issue relevant forecasts in relation thereto;
- 22 (m) establish stations for hydrological observation;
- 23 (n) carry out river training activities to improve conveyance of water
24 in river channels including, monitoring of the sediment load using the latest
25 technology available and provide this data to other Sector institutions and the
26 Federal Government;
- 27 (o) as part of the requirements for Licensing by the Commission,
28 carry out geo-physical investigations for siting ground water development
29 projects, for dam foundation and for saline water intrusion and advise Federal
30 and State governments of the result of such investigation; and

1 (p) carry out other activities as are necessary and expedient for the
2 full discharge of any of its functions under this Bill.

3 (2) Without prejudice to the functions in subsection (1) of the
4 section, the Agency shall, where it is required, in consultation with the
5 Commission and relevant National and State Agencies, in particular
6 Emergency relief Agencies, issue standards for the hydrological
7 requirements for all sector activities, including environmental impact
8 assessments, waterway transportation, natural disasters and relief
9 management issues.

Powers of the
Board

10 **101.** The Board shall have power to:

11 (a) formulate the general policies and guidelines relating to the
12 functions of the Agency;

13 (b) supervise the management of the affairs of the Agency;

14 (c) formulate policy guidelines which, in the opinion of the Board,
15 are necessary to ensure the efficient performance of the functions of the
16 Agency; and

Appointment, etc.,
of the Director-
General

17 (d) engage local and international expertise in the performance of
18 its activities.

19 **102.-(1)** There shall be for the Agency a Director - General who
20 shall be appointed by the President on the recommendation of the
21 Minister.

22 (2) The Director-General shall be-

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

24 (b) responsible to the Board for the day-to-day administration of
25 the Agency; and

26 (c) a professional with a minimum of 15 years cognate experience
27 who has held a management position in a public or Private organization for
28 not less than 10 years.

Appointment of
Secretary and
Legal Advisor

29 (3) The Director-General shall hold office on such terms and
30 conditions as are specified in his Letter of appointment for a period of four

1 years and may be eligible for appointment for a further period of four years and
2 no more.

3 **103.**-(1) The Board of the Agency shall appoint a Legal Advisor who
4 shall also serve as the Secretary to the Board.

5 (2) The Secretary shall:

6 (a) be a legal practitioner with a minimum of 10 years post-call
7 experience in legal practice and shall provide legal advisory services to the
8 Agency;

9 (b) be responsible for keeping the books and proper records of
10 proceedings and correspondences of the Board and the upkeep of the records of
11 the Agency;

Appointment
of other staff

12 (c) administer and discharge all insurance requirements of the
13 Agency;

14 (d) recommend the engagement of external legal services on behalf of
15 the Agency as may be necessary; and

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

18 **104.** The Agency shall have power:

19 (a) to appoint from the public or private sector, such staff and upon
20 such terms as it may determine subject to the approval of the Head of service of
21 the Federation;

22 (b) to pay its staff such remuneration and allowances as are payable to
23 persons of equivalent grades in Research Institutes in Nigeria;

Funds of the
Agency

24 (c) as regards any staff, to pay such additional allowances as may
25 reflect the nature of the specialized qualification, skills and experience of such
26 staff as well as specialised duties to be performed by the staff comparative to
27 similar professionals in the private sector subject to the approval of the
28 National income, salaries and wages Commission;

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

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

2 **105.** There is established for the Agency a Fund into which shall be
3 paid;

4 (a) 2% of the Ecological Fund;

Expenditure

5 (b) all subventions and budgetary allocations appropriated by the
6 National Assembly;

7 (c) gifts, loans, grants-in-aid from national, bilateral and
8 multilateral Agencies;

9 (d) returns on investments made by the Agency.

10 **106.-(1)** The Agency shall apply the proceeds of the Fund
11 established under section 105 of this Bill:

12 (a) to the cost of administration of the Agency;

13 (b) to the payment of emoluments, allowances and benefits of
14 members of the Board, reimbursing members of any committee of the Board
15 and for such expenses as may be expressly authorized by the Board;

16 (c) to the payment of the salaries, fees or other remunerations or
17 allowances, gratuities, pensions and other benefits payable to the officers
18 and other employees of the Agency, provided that no payment of any kind
19 under this paragraph shall be made to any person who is, within the relevant
20 period, in receipt of emoluments from the Federal or State Government,
21 except expressly authorised by the Board;

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

24 (e) to support necessary research towards the enhancement of
25 hydrological forecasting and disaster prevention locally and internationally;

26 (f) to publicize and promote the activities of the Agency; and

27 (g) to undertake such other activities in connection with all or any
28 of its functions under this Bill.

29 (2) Notwithstanding the provisions of subsection (1) of this
30 section, funds generated internally by the Agency through, charges, fees and

Annual estimates
and accounts

1 consultancy services shall be paid directly into the Federation Account.

2 (3) If after audit any surplus should be transferred to Rural Water
3 Supply Development.

Annual reports

4 **107.**-(1) The Agency shall, not later than 30th September in each year,
5 submit to the Minister an estimate of its expenditure and income, including
6 payments to the fund for the next succeeding year.

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

Power to accept
gifts

12 **108.**-(1) The Agency shall prepare and submit to the Federal
13 Executive Council, through the Minister, not later than 6 months after the end
14 of each year, a report in such form as the Minister may direct on the activities of
15 the Agency during the immediately preceding year, and shall include in the
16 report a copy of the audited accounts of the Agency for that year and the
17 auditor's report on the accounts.

Power to borrow

18 (2) Such reports shall highlight the impact of the activities of the
19 Agency on related and relevant national issues and phenomena including
20 forecasts and disaster prevention among others.

Limitations of
suits

21 **109.** The Agency may accept any gift of land, money or other property
22 on such terms and conditions, if any, as may be specified by the person or
23 organization making the gift, provided that such terms and conditions are not in
24 conflict with the objectives of the Agency and the provisions of this Bill.

25 **110.** The Agency may from time to time, borrow such sums as it may
26 require for the performance of its functions under this Bill in accordance with
27 Federal Financial Regulation subject to the approval of the Minister through
28 the Board.

29 **111.** -(1) A suit shall not lie or be instituted in any court against the
30 Agency or its employees unless it is commenced:

1 (a) within 3 months after the act, neglect or default complained of;
2 and

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

5 (2) A suit shall not be commenced against a Member of the Board,
6 Director-General or any other officer or employee of the Agency before the
7 expiration of a period of 1 month after service of a written notice of the
8 intention to commence the suit on the Agency by the intending plaintiff or
9 his agent.

Service of
documents

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

12 (a) cause of action;

13 (b) particulars of claim;

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

15 (d) relief sought.

Restriction on
execution against
property

16 **112.** The notice in section 111 (2) of this Bill, summons or other
17 document required or authorized to be served on the Agency under the
18 provisions of this Bill or any other law or enactment may be served by:

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

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

22 **113.** -(1) In any action or suit against the Agency, no execution or
23 attachment of process in any nature shall be issued against the Agency
24 unless a notice of not less than 3 months of the intention to execute or attach
25 has been given to the Agency.

Establishment
and functions of
the National Water
Resources Institute

26 (2) Any sum of money awarded against the Agency by the
27 judgment of any court shall) subject to any direction given by the court
28 where notice of appeal against the judgment has been given, be paid from the
29 Fund of the Agency.

30 PART VIII - ESTABLISHMENT, FUNCTIONS AND POWERS OF THE

1 NATIONAL WATER RESOURCES INSTITUTE (NWRI)

2 **114.**-(1) There is hereby established an institute to be known as the
3 "National Water Resources Institute" (in this Bill referred to as "the Institute")
4 which shall be a body corporate with perpetual succession and a common seal
5 and may sue and be sued in its corporate name.

6 (2) The Institute shall be responsible for the promotion and
7 development of training courses in water resources management and related
8 fields and without prejudice to the generality of the fore-going shall:

9 (a) advise the Minister on national water resources training needs and
10 priorities;

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

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

19 (d) in consultation with the Minister and Sector Professionals and
20 Institutions, promote the establishment of a uniform national data collection
21 system relating to surface and groundwater resources;

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

24 (f) establish and maintain a water resources library documentation
25 and conference centre;

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

27 (h) promote co-operation in water resources development
28 management with similar bodies in other countries and with international
29 bodies connected with water resources management and operation;

30 (i) promote improved technical capacity and capability of all

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

1 professionals and non-professionals in the sector towards effective water
2 resources management and issue advisories on required competencies for
3 identified roles and duties which may be adopted by Sector institutions; and

4 (j) carry out such other activities as are necessary or expedient for
5 the full discharge of its functions under this Bill.

6 **115.-(1)** There shall be a governing Board of the Institute (in this
7 Bill referred to as "the Board") which shall consist of:

8 (a) a part-time Chairman, who shall be a Professional with a
9 minimum of fifteen years' experience in the water Sector;

10 (b) a representative of:

11 (i) a university or other institution of higher learning in Nigeria not
12 below the rank of a Senior Lecturer in a water-related discipline;

13 (ii) the Federal Ministry of Water Resources not below the rank of a
14 Director;

15 (iii) the Federal Ministry of Science and Technology;

16 (iv) the Nigeria Society of Engineers; and

17 (v) the Nigeria Hydrological Services Agency;

18 (vi) the Nigeria Association of Hydro-geologists; and

19 (c) the Director-General of the Institute.

20 (2) The Chairman and other members of the Board other than Ex-
21 officio Members shall be appointed by the President on the recommendation
22 of the Minister.

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

27 (4) The Chairman and other Members of the Board other than the
28 DG and the ex-officio members shall hold office for a term of five years and
29 no more.

30 (5) Notwithstanding the provisions of subsection (4) of this

1 section, the office of a Member of the Board mentioned in subsection (4) of this
2 section shall become vacant if:

3 (a) he resigns his office by notice in writing under his hand, addressed
4 to the Minister; or

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

8 (6) Members of the Board may be paid such sitting and other
9 allowances as may, from time to time, be approved by the Minister.

Director-General
and other Staff of
the Institute

10 (7) The Board may act notwithstanding any vacancy in its
11 Membership or any defect in the appointment of a Member or the absence of a
12 Member.

13 (8) In the absence of a duly constituted Board of the Institute, the
14 Minister may perform the duties of the Board for a maximum period of six
15 months within which a Board must be duly constituted.

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

Appointment
of Secretary and
Legal Advisor

18 **116.**-(1) There shall be a Director-General of the Institute who shall
19 be appointed by the President on the recommendation of the Minister for a term
20 of five years and no more.

21 (2) The Director General, shall possess a Doctorate Degree in a
22 relevant discipline with a minimum of fifteen years' cognate experience.

23 (3) Subject to the general control of the Board, the Director-General
24 shall be the Chief Executive and Chief Accounting Officer of the Institute and
25 shall be responsible for the execution of the policies of the Institute and the day-
26 to-day running of its affairs.

27 **117.**-(1) The Board of the Institute shall appoint a Legal Advisor who
28 shall also serve as the Secretary to the Board.

29 (2) The Secretary shall:

30 (a) be a legal practitioner with a minimum of 10 years post-call

1 experience in legal practice and shall provide legal advisory services to the
2 Institute;

3 (b) be responsible for keeping the books and proper records of
4 proceedings and correspondences of the Board and the upkeep of the records
5 of the Institute;

Staff of the Institute

6 (c) administer and discharge all insurance requirements of the
7 Institute;

8 (d) recommend the engagement of external legal services on behalf
9 of the Institute as may be necessary; and

10 (e) perform such other functions as the Board or the Director-
11 General as the case may be, may from time to time assign to him.

12 **118.**-(1) The Institute shall have power:

13 (a) to appoint from the public or private sector, such staff and upon
14 such terms as it may determine subject to the approval of the Head of service
15 of the Federation;

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

18 (c) as regards any staff, to pay such additional allowances as may
19 reflect the nature of the specialized qualification, skills and experience of
20 such staff comparative to similar professionals in the private sector subject
21 to the approval of the National income, salaries and wages Commission;

22 (d) pay to such staff pension and gratuities as are payable under the
23 Pensions Reform Act provided that nothing in this Bill shall prevent the
24 appointment of a person to any office on terms which preclude the grant of
25 pension and gratuity in respect of that office; and

26 (e) to give loans to its staff for purposes approved by the Authority.

27 (2) Pensions Service in the Institute shall be public service for the
28 purpose of the Pension Act and, accordingly, officers and other staff of the
29 Institute shall in respect of their service in the Institute be entitled to such
30 pensions, gratuities and other retirement benefits as are prescribed

	1	thereunder, provided that nothing in this Bill shall prevent the appointment of a
	2	person to any office on terms which preclude the grant of pension and gratuity
Power to accept gifts, etc.	3	in respect of that office.
	4	(3) in accordance with (2) of this section and for the purposes of
	5	providing for the application of the provisions of the Pensions Act, any power
	6	exercisable thereunder by a Minister or other authority of the Government of
	7	the Federation not being power to make regulations are hereby vested in and
Offices and premises	8	shall be exercisable by the Board and not by any other person or authority.
	9	119.- (1) Subject to the provisions of subsection (2) of this section, the
	10	Institute may accept gifts of land, money or other property upon such terms and
	11	conditions, if any as may be specified by the person making the gift.
	12	(2) The Institute shall not accept any gift if the conditions attached by
	13	the person making the gift are inconsistent with its functions under this Bill.
	14	120.- (1) For the purpose of providing offices and premises necessary
	15	for the performance of the functions of the Institute under this Bill, the Board
Financial provisions	16	may:
	17	(a) purchase or take on lease any land; and
	18	(b) build, equip and maintain offices and premises.
	19	(2) The Board may, with the approval of the Minister, give out on
	20	lease any land, office or premises held by the Institute and no longer required
	21	for the performance of the functions of the Institute under this Bill.
	22	121.- (1) The Institute shall establish and maintain a fund (in this Bill
	23	referred to as "the fund of the Institute") from which there shall be defrayed all
	24	expenditure incurred by the Institute.
	25	(2) There shall be paid and credited to the fund of the Institute
	26	established under subsection (1) of this section:
	27	(a) such sums as may, from time to time, be appropriated by the
	28	National Assembly;
Accounts and audit	29	(b) all monies raised for the purposes of the Institute by way of gifts,
	30	grant-in-aid, testamentary dispositions and sales of publications;

1 (c) all subscriptions, fees and charges for training and other
2 services rendered by the Institute;

3 (d) 1% of the Ecological Fund; and

4 (e) all other sums that may accrue to the Institute from time to time.

5 **122.** -(1) The Board shall keep proper accounts and proper records Annual reports
6 in relation to the fund and shall prepare in respect of each financial year a
7 statement of accounts in such form as the Minister may direct.

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

11 **123.** -(1) The Board shall prepare and submit to the Minister, not
12 later than 6 months before the end of any financial year an estimate of its
13 revenue and expenditure for the following financial year.

14 (2) The Board shall prepare and submit to the Minister not later
15 than the end of each financial year a report in such form as the Minister may Procedure in
16 direct on the activities of the Institute during the immediately preceding respect of suits
17 financial year, and shall include in the report a copy of the audited accounts against the Institute
18 of the Institute for that year and of the auditors' report on the accounts.

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

21 **124.**-(1) No suit shall be commenced against the Institute before
22 the expiration of a period of 1 month after the service of a written notice of
23 intention to commence on the Institute by the intending plaintiff or his agent. Service of
documents

24 (2) The notice shall clearly state the:

25 (a) cause of action;

26 (b) particulars of the claim;

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

28 (d) relief which he claims.

29 **125.** The notice referred to in section 124 of this Bill and any Restriction on
30 summons, notice or other document required or authorized to be' served execution against
the property of
the Institute

1 upon the Institute under the provisions of this Bill or any other enactment or
2 law may be served by delivering the same to the Chairman of the Board or the
3 Director-General of the Institute, or by sending it by registered post, addressed
4 to the Director-General at the principal office of the Institute.

Power to give
direction

5 **126.** In any action or suit against the Institute, no-execution or
6 attachment or process shall be issued against the Institute, provided that any
7 sum of money awarded against the Institute by the judgment of a court shall,
8 subject to any directions given by the Institute, be paid from the fund of the
9 Institute.

National Water
Resources Strategy

10 **127.** The Minister may give to the Board directions of a general nature
11 or relating generally to particular matters with regard to the exercise by the
12 Board of its functions under this Bill, and it shall be the duty of the Board to
13 comply with such direction.

14 PART IX - WATER RESOURCES PLANNING AND MANAGEMENT

15 **128.**-(1) The Minister shall, after public consultation and discussion
16 by the National Council on Water Resources, formulate and publish in the
17 Gazette, a national water resources strategy in accordance with which the
18 water resources of Nigeria shall be protected, used, conserved, managed,
19 developed, and controlled in line with the provisions of section 13(1) (a) of this
20 Bill.

Hydrological areas
resources and
plans

21 (2) The National Water Resources Strategy set out pursuant to the
22 provisions of sub-section (1) of this section shall prescribe the principles,
23 objectives, procedures and institutional arrangements for the protection,
24 development, conservation, management and control of the nation's water
25 resources and provide the framework within which hydrological areas
26 resources strategies will be formulated under section 54 of this Bill.

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

30 **129.**-(1) The Commission, in consultation with Nigeria Hydrological

1 Services Agency and other stakeholders, through its Catchment
2 Management Offices shall formulate a comprehensive cross-sector
3 Hydrological Area water resources strategy for the protection, development,
4 use, conservation, management, control and administration of all surface
5 water and groundwater resources in the Hydrological Areas specified in the
6 Second Schedule to this Bill by reference to:

- 7 (a) national water resources policy and strategy;
8 (b) prevailing social, economic, financial, technological and
9 environmental conditions; and
10 (c) the activities, plans and proposals of State, local government,
11 community and private sector bodies in respect of water resources.

12 (2) A Hydrological Area water resources strategy shall provide
13 guidance on the priority of water use within a Hydrological area for
14 consideration in the licensing of water use under Part V of this Bill.

15 (3) A Hydrological Area water resources strategy shall be subject
16 to public consultation under section 141 of this Bill and be published in the
17 Gazette.

18 (4) A Hydrological Area water resources strategy may be prepared
19 in a phased and progressive manner over time and shall be reviewed every
20 10 years or earlier as the Minister may deem expedient but in any event not
21 later than a 10 year period.

22 (5) A Hydrological Area water resources strategy referred to in
23 sub-section (1) of this section shall prescribe principles, objectives,
24 procedures and institutional arrangements for management, protection, use,
25 development, conservation, control and administration of the water
26 resources in the Hydrological Area and in particular, for:

- 27 (a) classifying water resources and determining resource quality
28 objectives;
29 (b) setting out principles for allocating water; and
30 (c) defining mechanisms and facilities for stakeholder

1 participation in development of the Hydrological Area strategy and activities
2 related to management of the water resources of the Hydrological Area.

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

4 (a) be consistent with the provisions of this Bill and the national water
5 resources strategy; comprise an inventory and assessment of water resources
6 projects in the Hydrological Area; present an assessment of water resources
7 availability and use in the Hydrological Area, and, as required by the type of
8 water resources issues experienced in the hydrological area; and incorporate
9 thematic strategies, including:

10 (i) water conservation, efficiency of use, and demand-side
11 management;

12 (ii) watershed and erosion management and protection;

13 (iii) upgrading of existing assets;

14 (iv) flood management;

15 (v) drought management;

16 (vi) groundwater management; and

17 (vii) water quality management.

18 (7) All public and private sector bodies and community organizations
19 within the Hydrological Area shall submit their water-related development and
20 management plans to the CMO for consideration in respect of the Hydrological
21 Area's water resources and consolidation into a Hydrological Area
22 development and management plan.

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

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

30 **130.-** (1) The Minister shall introduce a system of classifying all

1 significant watercourses and aquifers which shall be used by the
2 Commission as the basis for determining license applications and for
3 developing plans for the progressive improvement of water quality in
4 watercourses and aquifers.

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

- 10 (a) determining an interim classification;
- 11 (b) preparing a classification recommendation;
- 12 (c) public consultation; and
- 13 (d) approval and publication in the Gazette.

14 (3) The Commission shall implement the procedures of the
15 prescribed classification system and prepare a recommendation for the
16 approval of the Minister for:

- 17 (a) the classification of each water resource within its basin;
- 18 (b) resource quality objectives for a water resource; and
- 19 (c) specifying the requirements for achieving the objectives and
20 the dates from which the objectives will apply.

Determination
of reserve

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

25 **131.**-(1) As soon as reasonably practicable after classifying a water
26 resource, the Commission shall after consultation with the Minister, and by
27 notice in the Gazette, determine the reserve for the whole or part of each of
28 that water resource.

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

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

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

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

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

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

13 (b) shall before licensing or authorizing the use of water under Part V
14 of this Bill, make a preliminary determination of the reserve.

15 (5) A determination in terms of subsection (1) of this section
16 supersedes a preliminary determination.

17 **132.**-(1) A person or institution established under this Bill shall
18 promote and observe the policy of the Federal Government on point and non-
19 point sources of pollution of the water resources of the Federation.

20 (2) Any such person or institution shall promptly notify both the
21 relevant environmental standards enforcement agency in charge of pollution
22 control in the area and the relevant Catchment Management Office of any
23 actual or threatened infringement whereupon such environment agency shall
24 take appropriate steps pursuant to the law establishing it. States shall take all
25 appropriate legal, economic and social measures to control non-point source
26 pollution including promoting:

27 (a) sustainable forestry practices, agro-forestry, reforestation and
28 good pasture husbandry;

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

1 (c) general land use planning and enforcement of urban planning
2 laws; and

3 (d) hygiene and sanitation.

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

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

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

Monitoring
systems

17 (6) Where the Minister or the Commission takes such steps as are
18 contemplated in this section, such costs as are incurred shall be recovered
19 from the parties directly or indirectly responsible in accordance with section
20 134 of this Bill.

21 PART X - MONITORING, REPORTING AND INFORMATION SYSTEMS

22 **133.**-(1) The Minister shall, through NIHSA, establish and
23 maintain national monitoring systems on water resources.

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

National
information
systems on water
resources

26 (a) the quantity of water in the various water sources;

27 (b) the quality of water resources;

28 (c) the use of water resources; and

29 (d) the state of the aquatic environment.

30 **134.**The Minister shall, through NIHSA, establish national

Establishment
of catchment
information
systems

1 information systems regarding water resources, for the following-
2 (a) hydrological and hydro-geological monitoring networks;
3 (b) hydro-meteorological monitoring network;
4 (c) databases and information systems that summarize the
5 information systems maintained at catchment level under section 138 of this
6 Bill; and
7 (d) information on water resources of international river basins of
8 which Nigeria is a party.

9 **135.**-(1) The Commission shall in collaboration with the Nigeria
10 Hydrological Services Agency, establish and maintain catchments level
11 information systems on water resources.

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

15 (a) the quantity of water in the various water sources;
16 (b) the status of groundwater aquifers;
17 (c) the quality of water resources and state of the aquatic
18 environment;
19 (d) the use of water resources, including a register of water use
20 authorizations for irrigation, municipal and industrial use and other uses;
21 (e) the extent and quality of coverage of water supply and sanitation
22 services; and
23 (f) compliance with water resource quality objectives.

Information on
floods and
droughts

24 (3) The Commission shall submit necessary information and reports
25 to the Minister for the purpose of compilation into the national information
26 system.

27 **136.**-(1) The Ministry, NWRI, the Commission, and any other water
28 sector institutions shall, make information at their disposal available to the
29 public in an appropriate manner in respect of-

30 (a) a flood which has occurred or is likely to occur;

- 1 (b) an impending drought or drought which has occurred;
 2 (c) a waterworks that might fail or has failed;
 3 (d) any risk posed by a dam or other water resources infrastructure;
 4 (e) levels likely to be reached by flood waters from time to time;
 5 (f) any risk posed by the quality of any water to life, health or
 6 property; and
 7 (g) any matter connected with water or water resources which the
 8 public needs to know.

9 (2) The institutions specified in subsection (1) of this section, shall
 10 where reasonably practicable, establish an early warning system in relation
 11 to the events contemplated in that section.

12 (3) For the purposes of ensuring that all persons who might be
 13 affected have access to information regarding potential flood hazards, no
 14 person shall establish a housing project unless the layout plan shows, in a
 15 form acceptable to the local authority concerned, lines indicating the
 16 maximum level likely to be reached by flood water on average once in every
 17 100 year return period.

Objective of
 national and
 hydrological
 area information
 systems

18 **137.** The objectives of the national information systems are to -

- 19 (a) store and provide data and information for the protection,
 20 sustainable use and management of water resources;
 21 (b) provide information for the development and implementation
 22 of the national water resources strategy; and
 23 (c) provide information to government, water management
 24 institutions, water users and the public on the status of water resources for
 25 the purpose of-
- 26 (i) research and development;
 27 (ii) planning and environmental management;
 28 (iii) determining licence applications;
 29 (iv) public safety and disaster management, and
 30 (v) international cooperation.

Provision of
 information

	1	138. The institutions specified in section 136 (1) of this Bill may
Access to information	2	require that any person shall, within a reasonable given time or on a regular
	3	basis, provide. any data, information, documents, samples or materials
	4	required for the-
	5	(a) purposes of respective national or hydrological area monitoring
Regulations for monitoring, assessment arid information	6	networks or information systems; and
	7	(b) management and protection of water resource.
	8	139. Information contained in any national or hydrological area
	9	information system established under this Part shall be made available to the
	10	public within a reasonable time frame, subject to any limitations imposed by
	11	law and the payment of a reasonable fee.
Public consultation	12	140. The Commission and the Nigeria Hydrological Services Agency
	13	shall jointly develop guidelines prescribing-
	14	(a) procedures, standards and methods for monitoring; and
	15	(b) the nature, type, time period and format of data to be submitted in
	16	accordance with this Part of this Bill.
	17	PART XI - GENERAL
	18	141. -(1) A requirement under this Bill for a person, in this section
	19	called the "designated person", to undertake public consultation in relation to
	20	any strategy developed, reserve determined, or other action to be taken, except
	21	licensing covered under section 100, that involves notification of the public or
	22	a restricted set of water stakeholders, or action proposed to be taken, under this
	23	Bill shall be construed as a requirement to ensure that this section is complied
	24	with in relation to that action.
	25	(2) The designated person shall publish notice, in relation to the
	26	application or proposed action-
	27	(a) in the Gazette;
	28	(b) in at least one national newspaper circulating in the locality to
	29	which the application or proposed action relates;
	30	(c) at local government offices or other location(s) accessible to those

1 affected by the proposed action; and

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

3 (3) The notice shall in each case-

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

5 (b) state the premises at which details of the application or

6 proposed action may be inspected;

7 (c) invite written comments on or objections to the application or

8 proposed action;

9 (d) specify the person or body to which any such comments are to

10 be submitted; and

11 (e) specify a date by which any such comments are required to be

12 received not being a date earlier than 21 days after publication of the notice.

13 (4) The designated person shall make arrangements for the public

14 to obtain copies, at reasonable cost, of documents relating to the application

15 or 'proposed action.

16 (5) The designated person shall-

17 (a) consider any written comments received on or before the date

18 specified under subsection (3)(e) of this section;

19 (b) consider any comments whether in writing or not, received at

20 any public meeting held in relation to the application or proposed action or

21 pursuant to any other invitation to comment; and

22 (c) acknowledge receipt of all written comments, prepare a

23 summary of the comments received and publish a consolidated response

24 indicating how the comments have been considered.

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

26 employed in subsection (2) of this section, notice of the fact that a copy of

27 the decision in writing of the designated person in relation to the application

28 or proposed action, and of the reasons therefor, is available for public

29 inspection at the same premises as were notified under subsection (3)(b) of

30 this section.

Entry onto land
in furtherance of
duties

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

4 **142.**-(1) The Minister, CEO of the Commission, Managing Director
5 of an Authority may in writing, appoint any suitable person as an authorized
6 person to perform the functions of this section subject to the limitations of their
7 powers and functions under this Bill.

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

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

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

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

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

25 (d) undertake any work necessary to comply with an obligation
26 imposed on any person under this Bill;

27 (e) erect any structure and to install and operate any equipment on a
28 temporary basis for monitoring and gathering information on water resources;

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

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

5 (a) investigate whether under this Bill, or other law related to the
6 quality of water, any condition attached to any authorized water use by or
7 under this Bill or any notice or directive is being contravened;

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

10 (c) inspect any works including hydraulic works, boreholes, dams
11 dykes or any other apparatus which appears to the water management
12 institution to be one to which this Bill or the regulations thereunder apply
13 and which may be capable of being used in contravention of the provisions
14 of this Bill or regulations made pursuant thereto;

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

17 (e) take a sample, specimen or other permanent evidence of any
18 works or other article to which this Bill or the regulations apply or which 'an
19 authorized person has power to examine;

20 (f) examine any book, document or other record which he
21 reasonably believes may, contain any information relevant to the
22 enforcement of this Bill or the Regulations and make copies thereof of
23 extracts therefrom;

24 (g) revoke a licence issued under this Bill;

25 (h) support action taken by the environment enforcement agency in
26 obtaining an order of the court to suspend activities that are in contravention
27 of this Bill.

28 (5) The owner or person in-charge of any premises or other
29 structure whatsoever, entered by an authorized person in pursuance of their
30 duties under this section, shall give all reasonable assistance in their power

	1	to the authorised person and shall make available all such information as may
Power to acquire land	2	be reasonably required for the purpose of this Bill.
	3	(6) The results of any investigation carried out upon any premises
	4	shall be notified to the owners of the premises within a reasonable time.
Appointment of Auditors	5	(7) Notwithstanding any provision of this section an authorized
	6	person shall not, under any circumstances, enter a dwelling without the consent
	7	of the occupier or without a warrant authorizing entry.
	8	143. Any of the institutions established pursuant to this Bill may
	9	acquire for its use in furtherance of its duties under this Bill and Regulations
	10	made pursuant to this Bill such land within its area of operation as it shall deem
	11	necessary subject to the provisions of the Land Use Act.
	12	144. -(1) The Institutions established under this Bill shall keep proper
	13	accounts in respect of each financial year and shall appoint an Auditor in
	14	accordance with the general guidelines for the appointment of auditors issued
	15	by the Auditor General for the Federation.
	16	(2) The accounts kept by the Institution referred to in subsection (1)
	17	hereof shall be examined by the Auditors.
	18	(3) The Auditor shall, within six months after the end of each financial
	19	year of each such institution, make a report to the relevant Institution and the
	20	President on the statement of account prepared by such Institution and such
	21	report shall state, whether or not in the opinion of the Auditor, the statement of
	22	account gives an accurate and fair view of the state of the Institution's financial
	23	affairs.
	24	(4) The Auditor General of the Federation may require that an
Powers of the Auditors	25	Institution instruct its Auditors to prepare and submit such other reports as he
	26	may deem necessary.
	27	(5) Every institution shall publish its audited statement of accounts in
	28	a national daily newspaper or in any other manner as shall be approved by the
	29	President within one month of such audited accounts being approved by the
	30	Auditor General as final.

1 (e) unlawfully and- intentionally or negligently tamper or interfere
2 with any water works;

3 (f) fail to procure a licence or other approval required under this Bill
4 upon the expiration of an existing right to use water recognised upon the
5 commencement of this Bill;

6 (g) intentionally refuse to perform a duty, or obstruct any other person
7 in the exercise of any power or performance of any duty under this Bill;

8 (h) unlawfully and intentionally or negligently commit any act or
9 omission which pollutes or is likely to pollute a water resource;

10 (i) unlawfully and intentionally or negligently commit any act or
11 omission which detrimentally affects or is likely to affect a water resource;

12 (j) fail to comply with a temporary restriction on the use of water in
13 terms of section 67 of this Bill; and

14 (k) undertake any prohibited activity in a watershed;

15 (2) Any person who contravenes any provision of subsection (1) of
16 this section commits an offence and is liable, on-

17 (a) first conviction, to a fine of N50,000 Naira or imprisonment for a
18 term not exceeding 5 years, or both;

19 (b) second or subsequent conviction, to a fine of N100,000 Naira or
20 imprisonment for a period not, exceeding 10 years or both.

21 (3) Any person who violates the provisions of any regulations made
22 pursuant to this Bill, commits an offence and shall on conviction, where no
23 penalty is provided in the Regulations, be liable to a fine of N50,000 Naira or to
24 imprisonment for a term not exceeding 2 years or both and an additional fine of
25 N10,000 Naira for every day the offence subsists.

26 (4) Where an offence under subsection (1) of this section is
27 committed by a body corporate, it shall on conviction, be liable to a minimum
28 fine of N100,000 Naira and an additional fine of 20,000 Naira for every day the
29 offence subsists.

30 (5) The scale of fines specified in this Bill shall be reviewed after

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

1 every 5 years by the National Law Reform Commission in collaboration
2 with the Institutions created under the Bill at the instance of the Ministry.

3 **149.** Where a person is convicted of an offence under this Bill and
4 another person has suffered harm or loss as a result of the act or omission
5 constituting the offence or damage has been caused to a water resource, the
6 Federal High Court may, in the same proceedings on the application of the-

Award of damages

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

8 (b) commission in respect of the damage caused to the water source
9 in the presence of the convicted person, enquire without pleadings into the
10 harm, loss or damage and determine the extent thereof and consider the
11 award of damages under section 150 of this Bill.

12 **150.** The Federal High Court may after making a determination in
13 accordance with section 149 of this Bill-

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

Establishment
of the water supply,
sanitation and
hygiene fund

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

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

20 PART XII - THE WATER SUPPLY, SANITATION AND HYGIENE FUND

Objectives of
the Fund

21 **151.** There is hereby established the Water Supply, Sanitation and
22 Hygiene Fund (in this Bill referred to as "the WASH Fund") for the purpose
23 of financing the development of water resources as well as for expanding
24 access to Water Supply and Sanitation facilities and for the promotion of
25 Hygiene practices across Nigeria.

Monies of the
Fund

26 **152.** The objective of the Fund shall be to create a basket of funds
27 to promote Federal-State partnership towards achieving national targets for
28 universal access to Water Supply, Sanitation and Hygiene (WASH).

29 **153.** The monies of the Fund shall consist of-

30 (i) budgetary allocation from the Federal Government;

	1	(ii) allocation from the Development of Natural Resources Fund from
	2	the Federation Account;
	3	(iii) contribution by a state Government as counterpart funds on
	4	approved Projects;
	5	(iv) loans and Grants from Multi-Lateral Financial Institutions
	6	/Donor Agencies, Development Partners;
Administrative of the Fund	7	(v) donations, grants, and bequests from other sources
	8	(vi) special Taxes and Levies as may be approved by the National
	9	Assembly;
	10	(vii) unexpended balance of allocation from the Ecological Fund to
	11	Water Sector Institutions established under this Bill.
	12	(viii) other sources.
	13	154.-(1) The Fund shall be administered by the Minister responsible
Eligible projects, eligibility criteria and funds operation	14	for Water Resources through a transparent and accountable Framework
	15	governed by applicable government financial regulations and international
	16	best practice.
	17	(2) The Minister shall ensure that there is strong analytical, technical,
	18	Policy and Regulatory capacity for Project appraisal and advisory functions
	19	available to the Fund at all times.
	20	155. Eligible Projects for consideration by the Fund shall include-
	21	(a) Water supply, Sanitation and Hygiene (WASH);
	22	(b) Construction and/or rehabilitation of water infrastructure;
Repeal of laws	23	(c) Studies including feasibility studies;
	24	(d) Technical assistance;
	25	(e) capacity building;
	26	(f) Advocacy;
	27	(g) Demand subsidies;
	28	(h) Other Projects within the objectives of section 152 above.
Transitional provisions and savings	29	156. The following laws are repealed-
	30	(a) Water Resources Act Cap W2 LFN 2004;

- 1 (b) River Basin Development Authority Act, Cap R9 LFN 2004;
2 (c) Nigeria Hydrological Services Agency (Establishment) Act,
3 Cap N110A, LFN, 2004; and
4 (d) National Water Resources Institute Act, Cap N83 LFN 2004.

5 **157.**-(1) All licences, permits, approvals, or certificates, issued in
6 respect of the activities specified in Part V of this Bill and, which had effect
7 immediately prior to the commencement of this Bill shall continue to have
8 effect for the remainder of its period of validity as if it had been issued under
9 this Bill.

10 (2) Without prejudice to the generality of subsection (3) of this
11 section, any licenced, permit, approval or certificate that is in conflict with a
12 Hydrological Area Water Resources Strategy developed under PART IX of
13 this Bill shall be subject to notification by the Commission and - shall be
14 varied in accordance with procedures under section 70 of this Bill.

15 (3) Any tariff, price, levy, or surcharge which, immediately before
16 the commencement of this Bill, was chargeable with respect to any activity
17 for, which provision is made under this Bill shall, after the commencement
18 of this Bill and until further provision is made pursuant to this Bill by the
19 relevant authority, continue to be chargeable in respect of the activities and
20 services provided by the relevant authorities.

21 (4) Subject to this Bill, any right, obligations, or duty accruing to
22 any person or authority by virtue of any licences, permits, approvals or
23 agreements with respect to any of the activities for which provision is made
24 under this Bill in addition to any rights in any land or water vested in any
25 person pursuant to the Water Resources Act, Cap W2 LFN, 2004 and the
26 River Basin Development Authority Act, Cap R9, LFN, 2004, shall continue
27 to vest in such person or authority as if it had accrued, vested or been
28 acquired pursuant to this Bill.

29 (5) Subject to this Bill, anything whatsoever made or done under
30 the Water Resources Act, Nigeria Hydrological Services Agency, National

Interpretation

1 Water Resources Institute Act and the River Basin Development Act shall, after
2 the commencement of this Bill continue to have effect as if it had been' made or
3 done under this Bill.

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

9 **158.** In this Bill-

10 "approved professional person" means a person registered as a professional by
11 the professional body statutorily responsible for registration of such
12 professionals within the relevant context under the provision of this Bill".

13 "Authority" means River Basin Development Authority established under this
14 Bill;

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

18 "basic sanitation" means the prescribed minimum standards of services
19 necessary for the safe, hygienic and adequate collection, removal, disposal or
20 purification of human excreta, domestic waste-water and sewage from
21 households, including informal households;

22 "Basin" means the land area formed by drainage boundaries of the major river
23 and lake systems as delineated by natural topographical features and
24 international borders, and which may be subdivided into a number of
25 constituent parts, as defined in Second Schedule to this Bill, and which
26 includes both surface water and groundwater resources;

27 "Basin Strategy" means a water resources strategy for a Basin under this Bill;

28 "Borehole" means any hole that is driven, drilled, dug or bored either cased or
29 uncased by any method into the ground, for the purpose of obtaining water or
30 knowledge of water bearing or soil formation, or for the disposal of surface

- 1 water drainage;
- 2 "catchment area" means the area from which any rainfall will drain into the.
- 3 watercourse or watercourses or part of a watercourse, through surface flow
- 4 to a common point or common points;
- 5 "Catchment Management Office" means a body established by the
- 6 Commission in each hydrological zone and headed by a Catchment
- 7 Management Officer;
- 8 "Commission" means Nigeria Water Resources Regulatory Commission;
- 9 "Council" means the National 'Council on Water Resources established
- 10 under this Bill;
- 11 "designated person" means a person nominated under this Bill to undertake
- 12 public consultations in accordance with this Bill and its associated rules;
- 13 "drinking water standards" mean standards for safe drinking water adopted
- 14 by, the Federal Republic of Nigeria.
- 15 "Federation" means the Federal Republic of Nigeria;
- 16 "groundwater" means water from aquifers or other underground sources;
- 17 "hydrological zone" means area defined in Schedule 2;
- 18 "hydraulic works" means all reservoirs, dams, barrages, weirs, canals,
- 19 channels, tunnels, pipelines, aqueducts, sluices, structures, embankments
- 20 constructed for the storage, conveyance, supply, measurement, regulation of
- 21 water and protection from the effects of floods;
- 22 "large dam" means a structure, whether constructed or proposed to be
- 23 constructed, which together with its abutments, appurtenant works and
- 24 foundation, is capable of diverting or storing water and which has a-
- 25 (a) vertical height of fifteen metres or more measured from the
- 26 non-overflow crest of the wall of the structure to the lowest point on the
- 27 downstream face of the wall;
- 28 (b) is capable of storing one million or more cubic metres of water
- 29 at full supply level;
- 30 (c) has foundations which, in the opinion of the Inspectorate as

1 notified to the owner of the structure, mayor does cause special or unexpected
2 difficulties; or

3 (d) in the opinion of the Inspectorate as notified to the owner of such
4 structure, is a small dam of unusual design;

5 "licence" means a licence in force under this Bill;

6 "licensee" means the holder of a licence under this Bill;

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

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

9 "Nation's water Resources" means all surface water and ground water affecting
10 more than one State pursuant to item 64 of the Exclusive Legislative list in Part
11 1 of the Second Schedule to the Constitution of the Federal Republic of
12 Nigeria, 1999 as amended, and as set out in the First Schedule to this Bill, is
13 vested in the Government of the Federation to be exercised in accordance with
14 the provisions of this Bill;

15 "Nigeria Water Resources Regulatory Commission" means the body
16 established under this Bill with the Responsibility for the Regulation and
17 Management of Water in Nigeria;

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

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

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

24 "pollution" means man-made or man-induced alteration of the chemical,
25 physical, biological and radiological integrity of water;

26 "prescribed activity" means any activity requiring a licence under section 62 of
27 this Bill;

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

1 "Reserve" in relation to a water resource means that quantity of water
2 required under this Bill-

3 (a) to satisfy basic human needs for all people who may be supplied
4 from the water resource; and

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

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

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

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

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

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

19 "State" means one of the 36 States of the Federal Republic of Nigeria, and
20 the FCT;

21 "state water" means water that comes under the jurisdiction of a state as
22 being water not crossing State boundaries in terms of item 64 of the second
23 schedule to the Constitution of the Federal Republic of Nigeria;

24 "State water agency or utility" means an agency established by the
25 Government of a State for the delivery of water supply and sanitation
26 services or management of State Water;

27 "State regulatory water Commission" means a body established by a State
28 for the regulation of the provision of water services in urban and semi-urban
29 areas;

30 "stream flow reduction activity" means any activity that reduces runoff from

1 a catchments to a river system;

2 "surface water" means any natural or man-made body of water, flowing or
3 standing, on the surface of the land including rivers, streams, lakes, reservoirs,
4 lagoons, wetlands, swamps, creeks, deltas and estuaries;

5 "task" includes a task relating to designing, constructing, altering, repairing,
6 impounding water in, operating, evaluating the safety of, maintaining,
7 monitoring, abandoning or de-Commissioning a dam;

8 "waste" means any material that is suspended, dissolved or transported in
9 water (including sediment) and which is spilled or deposited on land or into
10 water resources in such volume, composition, or manner as to cause, or be
11 reasonably likely to cause, the water resource to be polluted; .

12 "water bodies" means groundwater or surface water;

13 "water course" means any natural channel or depression in which water flows
14 regularly or intermittently;

15 "water management area" means an area over which a water management
16 institution has jurisdiction under this Bill;

17 "water management institution" means the National Council on Water
18 Resources, Federal Ministry of Water Resources, Nigeria Water Regulatory
19 Resources Commission, a body established for an international basin, a River
20 Basin Development Authority, a Water User Association, a State Water
21 Agency, or other person who fulfills the functions of a water management
22 institution under this Bill;

23 "water well" means borehole;

24 "water services" means any service of or incidental to the supply of water, or
25 the provision of sewerage, sanitation or irrigation; and

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

5 **159.** This Bill may be cited as the National Water Resources Bill,
6 2020.

7 SCHEDULES

8 FIRST SCHEDULE

9 *[Sections 2 (3) and 62]*

10 DESIGNATION OF WATER BODIES

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

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

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

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

22 (b) all the tributaries of the River Niger crossing the border to the
23 Benin Republic: and -

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

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

28 (a) the Kaduna River with the tributaries;

29 (b) Gurara River;

30 (c) all the tributaries of the River Niger crossing the border to the

- 1 Benin Republic; and
- 2 (d) the upper Niger sedimentary (Niger) hydro-geological area.
- 3 (3) Source 3 - The Benue River from the border between the Federal,
- 4 Republic of Nigeria and the Republic of Cameroon to the point of confluence
- 5 of the Benue River and the River Niger, including:
- 6 (a) the Gongola River;
- 7 (b) the Pai-yul River;
- 8 (c) the Wase River;
- 9 (d) the Shemankar River;
- 10 (e) the Dep River;
- 11 (f) the Mada River;
- 12 (g) all the tributaries of the Benue crossing the international border to
- 13 the Republic of Cameroon, and
- 14 (h) the Benue sedimentary (Benue) hydro-geological area.
- 15 Source 4 - The River Niger from the confluence thereof and of the
- 16 Benue River, including the Delta of the River Niger and all water tributaries or
- 17 influent thereto or diffluent therefrom, including:
- 18 (a) the Anambra River;
- 19 (b) the Imo River;
- 20 (c) the Akwa Ibom River; and
- 21 (d) the Aboine River.
- 22 Source 5 - All water courses directly or indirectly influent to the
- 23 Lagoon and other littoral Lagoons and water courses from the border with the
- 24 Republic of Benin to the mouth of the Forcados River, including:
- 25 (a) the Oshun River;
- 26 (b) the Ogun River;
- 27 (c) the Shasha River;
- 28 (d) the Owena River; and
- 29 (e) the Ogun/Oshun sedimentary (south-western) hydro geological
- 30 area.

Source 6 - All water rising or situated in the Federal Republic of Nigeria which are directly or indirectly influent into the Lake Chad, including the Chad sedimentary (north-eastern) hydro geological area. .

Source 7 - The Cross River from the boundary between the Federal Republic of Nigeria and the Republic of Cameroon and all water tributaries or influent thereto or diffluent therefrom including the Cross River sedimentary (south-eastern) hydrogeological area.

SECOND SCHEDULE

[Section (11 (1), 129 (1))]

LIST OF HYDROLOGICAL AREAS

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

THIRD SCHEDULE

Part

vi S. 80 River Basin Development

Authorities (RBDA's)	States of Operation	Headquarters
1 LOWER NIGER RBDA	Kwara & part of Kogi	Ilorin
2 CROSS RIVER RBDA	Akwa-Ibom and Cross-River	Calabar
3 HADEJIA-JAMA'ARE RBDA	Kano, Jigawa, parts of Yobe and Bauchi	Kano
4 SOKOTO- RIM RBDA	Sokoto, Zamfara, Kebbi and Katsina	Sokoto
5 UPPER BENUE RBDA	Taraba, Gombe; parts of Adamawa and Bauchi	Yola
6 UPPER NIGER RBDA	Niger, Kaduna and FCT	Minna

1	7 ANAMBRA/IMO RBDA	Anambra, Imo, Enugu, Abia andEbonyi
2	Owerri	
3	8 CHAD BASIN RBDA	Borno and parts of Yobe and Adamawa
4	Maiduguri	
5	9 LOWER BENUE RBDA	Benue, Plateau, Nassarawaand part of
6	Kogi Makurdi	
7	10 NIGER DELTA RBDA	Rivers, Bayelsaand& part of Delta
8	Portharcourt	
9	11 OGUN/OSHUN RBDA	Lagos, Ogun, Oyo and Osun
10	Abeokuta	
11	12 BENIN/OWENA RBDA	Edo, Ekiti, Ondo and part ofDelta Benin-
12	City	

FOURTH SCHEDULE

[Section 31]

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD OF NIGERIA
WATER RESOURCES REGULATORY COMMISSION, ETC.

1. Subject to this Bill, the Commission may make standing orders to regulate its proceedings or those of any of its committees.
2. The quorum of the Commission shall be the Chairman or the person presiding at the meeting and 3 other Members of the Commission, and the quorum of any Committee of the Commission shall be as determined by the Commission.
3. The Commission shall meet whenever it is summoned by the Chairman or if the Chairman is required to do so by written notice to him by not less than 4 other Members. In the case of any written request the chairman shall summon a meeting of the Commission to be held within 14 days of the written notice.
4. At any meeting of the Commission, the Chairman shall preside. But if he is absent, the Members present at the meeting shall appoint one of their number other than the Vice Chairman to preside.
5. Where the Commission desires to obtain the advice of a person on a

1 particular matter, the Commission may co-opt such a person into the
2 Commission for such period as it deems fit. A person who is in attendance by
3 virtue of this sub-paragraph shall not be entitled to vote at any meeting of the
4 Commission and shall not count in determining quorum.

5 *Committees*

6 6.-(1) The Commission may appoint one or more committees to
7 carry out, on behalf of the Commission such functions as the Commission
8 may determine.

9 (2) A committee constituted under this paragraph shall, consist of
10 such number of persons as may be determined by the Commission and a
11 person shall hold office on the Committee in accordance with the terms of
12 his appointment.

13 (3) A decision of a committee of the Commission shall be of no
14 effect until it is confirmed by the Commission

15 7. At any time when the office of the Chairman is vacant or the
16 Chairman is in the opinion of the Commission temporarily or permanently
17 unable to perform the functions of his office, a Member of the Commission
18 duly appointed by the President shall perform those functions and
19 references in this Schedule to the Chairman shall - be construed accordingly.

20 8. The fixing of the seal of the Commission shall be authenticated
21 by the signature of the Vice Chairman or of some other Member authorized
22 generally or specially by the Commission to act for that purpose for the
23 Commission.

24 FIFTH SCHEDULE

25 *[Section 49 (3)]*

26 PROCEEDINGS OF THE BOARDS OF AGENCIES ESTABLISHED UNDER

27 PARTS V, VI AND VII

28 *Board Meetings*

29 1. The Board of an Agency established under Part V, VI or VII of
30 this Bill shall meet at least four times a year or whenever it is summoned by

1 the Chairman or if the Chairman is required to do so by a written notice to him
2 signed by not less than 4 other Members, he shall summon a meeting of the
3 Board to be held within 14 days of the written notice.

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

7 3. Subject the provisions of this Bill, a Board may make standing
8 orders with respect to the holding of meetings, the nature of notice to be given,
9 the proceedings thereat, the keeping of minutes of such proceedings and the
10 custody and production for inspection of such minutes.

11 4. Where the Board desires to obtain the advice of a person on a
12 particular matter, the Board may co-opt him to the Board for such period as it
13 deems fit, but a person who is in attendance by virtue of this sub-paragraph
14 shall not be entitled to vote at any meeting of the Board and shall not count in
15 determining quorum.

16 5. Any Member of the Board or any of its Committees having a
17 personal interest in any contract or arrangement entered into or proposed to be
18 entered into by the Agency or any of its Committees shall declare his interest to
19 the Board or Committee and shall not vote on any question relating to the
20 contract or arrangement. Such declaration shall be recorded in the minutes of
21 meeting.

22 6. The validity of any proceeding of the Board or of any of its
23 committee shall not be affected:

24 (a) by any vacancy in the Membership of the Board or any such
25 committees;

26 (b) by any defect in the appointment of any Member;

27 (c) by reason of the fact that any person not entitled to do so took part
28 in the proceedings.

29 7.-(1) Every question put before the Board at a meeting shall be
30 decided by a majority of the votes of the Members present and voting. ..

