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*Adamawa State Notice No. 31*

The following is published as Supplement to this Gazette:-

ADS. Law No. 8 of 2011- Adamawa State Small Towns Water Supply and Sanitation  
Agency, Law 2011     ...     ...     ...     ...     ...     ...     A1 - A9

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ADAMAWA STATE HOUSE OF ASSEMBLY  
SMALL WATER SUPPLY AND SANITATION  
AGENCY LAW, 2011



Adamawa State of Nigeria  
Law No. 8 of 2011

*A Law to provide for the establishment of the Adamawa State Small Towns Water Supply and Sanitation Agency and for matters incidental thereto.*

[30th July, 2011]

Date of  
Commencement.

BE IT ENACTED by the House of Assembly of Adamawa State of Nigeria and by the authority of same as follows:-

1. This Law may be cited as the Adamawa State Small Towns Water Supply and Sanitation Agency Law 2011 and shall come into operation on 30th day of July, 2011.

Short title and  
Commencement.

2. In this Law unless the context otherwise requires:-

Interpretation.

“Agency” means Adamawa State Small Towns Water Supply and Sanitation Agency;

“Commissioner” means the Commissioner responsible for Water Resources;

“Financial Year” means the twelve months ending on 31st day December in any year;

“Government” means Government of Adamawa State;

“Governor” means the Executive Governor of Adamawa State;

“Small Towns” means towns with limited infrastructure and having minimum population of 5,000 and maximum population of 20,000; and

“State” means Adamawa State of Nigeria.

Establishment of the  
Agency.

3. (1) There is hereby established for the State a body to be known as the Adamawa State Small Towns Water Supply and Sanitation Agency.

(2) The Agency:-

- (a) shall be a body corporate;
- (b) shall have an official seal;
- (c) may acquire, hold and dispose property;
- (d) may sue and be sued in its corporate name.

Functions of the  
Agency.

4. The functions of the Agency shall be to:-

- (a) develop a sustainable service relieving mechanism for the provision of water supply and sanitation in small towns;
- (b) provide safe water for a large population not adequately service by existing programmes;
- (c) accelerate coverage of safe water supply and sanitation in small towns;
- (d) improve public health by building and promotion of sanitation demonstration units and sanitation centre in each town to inculcate best practices;
- (e) train builders on construction of sanitation facilities for further promotion in the towns;
- (f) involve the beneficiary communities in a cost sharing arrangement towards capital investment for construction of water supply and sanitation facilities based on their willingness and ability to sponsor.

Powers of the  
Agency.

5. In exercise of its functions the Agency shall have the power to:-

- (a) conduct the training in the operation and maintenance of water facilities, health and hygiene education, water supply and sanitation facility installation, and project monitoring and evaluation;
- (b) to send suitable persons within its staff for training in water supply and sanitation control system;

- (c) construct any work for water supply or sanitation on or in any land in the State; and
- (d) do anything that may lawfully be done to enhance its efficiency in the exercise of its functions.

6. (1) The Governor may give the Agency directions of a general or special nature in exercise of its functions and the Agency shall comply with the directions.

Direction by the Governor.

(2) Without prejudice to Sub-section (1) of this Section the Ministry of Water Resources shall on behalf of the State Government supervise the activities of the Agency and shall serve as its parent Ministry.

7. (1) There shall be for the Agency a Programme Manager who shall be Chief Executive and be appointed by the Governor.

Appointment of Programme Manager.

(2) The person to be appointed Programme Manager shall be qualified registered Water Resources Engineer or Geo-Scientist with a minimum of fifteen (15) years working experience in the State Civil Service.

(3) The Programme Manager shall be responsible for the day-to-day administration of the Agency.

8. Without Prejudice to the generality of SubSection (1) of Section 7 of this Law, the Agency shall have power to:-

Other staff of the Agency.

- (a) appoint such other staff for the conduct of its day-to-day business as it may determine;
- (b) pay its staff such remunerations and allowances as it may with approval of the Commissioner subject to Government regulations; and
- (c) pay in respect of any staff such as pensions and gratuities as are payable to persons of equivalent grade in the Civil Service of Adamawa State.

9. The sources of funds and resources of the Agency shall be:-

Funds of the Agency.

- (a) such sums or other property as may be advanced as loan, grant or appropriation to the Agency by the Government;

- (b) such sums or other property whatsoever as may be advances as loan grant to the Agency by township, local government statutory corporation, any Government Agency or institution of any such Government, an international organization, private foundation and
- (c) all other sums or property which may in any manner become payable to or vested in the Agency in respect of any matter incidental to its functions and powers under this Law.

Power to Borrow  
money:

10. (1) The Agency may borrow sums required by it for meeting any of its obligations or discharging of its functions under this Law.

(2) The power of the Agency shall be exercisable only with the approval of the Governor as to the amount of loan and the sources of borrowing.

(3) The approval may be either general or limited to a particular borrowing, or subject to any condition which the Governor may impose.

Record of Account.

11. The Agency shall:-

- (a) keep proper accounts of its transactions;
- (b) keep proper records relating to the accounts, and prepare in respect of each financial year statement of such accounts in a form prescribed by the State Auditor-General;
- (c) the book and accounts of the Agency shall within 3 months after the end of each financial year be audited in accordance with the Constitution of the Federal Republic of Nigeria 1999;
- (d) the Agency shall pay fees in respect of the audit to its External Auditors appointed by the State Auditor-General who may provide guidelines on the levels of fees to be paid to the External Auditors;

- (e) it shall be the duty of the Agency as soon as possible in receiving the External Auditor's report under this section to forward a copy of each to the State Auditor-General, the Commissioner, and the Governor;
- (f) the State Auditor-General may comment on the Agency's annual accounts and the External Auditor's report;
- (g) where the State Auditor-General comments on the annual accounts and External Auditor's report, he shall submit his comments to the Commissioner and the Governor.

12. (1) Where after receiving a copy of the Auditor-General's report the Commissioner is satisfied that:-

Auditor-General's  
Report.

- (a) any sum due to the Agency has not been duly brought to account by any person by whom such sums ought to have been brought into account; or
- (b) a deficiency in the monies or destruction of property of the Agency occurred by reason of negligence, breach of official duty or other misconduct of any persons the Commissioner may surcharge the amount of such loss or destruction of the property upon that person.

(2) Before exercising his power under Sub-section (1) of this Section, the Commissioner may in writing appoint persons to conduct an inquiry for the purpose of determining the cause or extent or value of deficiency, loss or destruction referred to in Sub-section (1) of this Law.

(3) If the Commissioner decides to surcharge any amount upon any person under Sub-section (1) of this section, he shall cause a notice to be served on that person or his legal representative to pay the amount surcharged within such period as may be specified in the notice.

(4) Notwithstanding Sub-section (1) and (3) of this Section, no liability to surcharge shall be incurred by any person who can prove to the satisfaction of the Commissioner that he acted in pursuance of or in accordance with the terms of a resolution of the Agency or any committee duly appointed under this Law.

Recovery of  
Surcharge.

13. Any amount notified as a surcharge under Sub-section (3) of section 12 of this Law shall be sued for and recovered in any court of competent jurisdiction with full course of action from the person upon whom the amount is surcharge as a debt due to the Agency.

Contribution Scheme  
for officers and  
Employees of the  
Agency.

14. (1) The Agency shall within one year after the coming into operation of this Law establish contributory scheme for its officers or employees.

(2) For the purpose of Sub-Section (1) of this Section the Agency shall:-

- (a) grant pensions, gratuities or other benefits to any of the officers or employees of the Agency and their dependants and may require such officers or employees to contribute to any pensioner or contributory scheme;
- (b) grant loan to any of the officers or employees of the Agency for such purpose as the Agency may approve; and
- (c) provide welfare facilities to its officers and employees.

(3) The Agency shall make regulations to give effect to this Section.

Action by or against  
the Agency.

15. The Agency may sue or be sued in its corporate name provided that:-

- (a) no suit against the Agency or employee of the Agency for any act done in pursuance of any of the functions of the Agency or in respect of any alleged neglect or default in the execution of such function shall lie or instituted in any court unless

it is commenced within 12 months next after the act, neglect or default complained of or in the case continuing damage or injury within 12 months next after ceasing thereof; and

- (b) no suit shall be commenced against the Agency until one month at least after a written notice of intention to commence the same shall have been served upon the Agency by intending plaintiff or his agent and such notice shall clearly and explicitly state the cause of action the particulars of the claim, the name place of abode of the intending plaintiff and the relief which he claims.

**16. Any person who is:-**

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

Appeal against  
Surcharge and  
Compensation.

**17. (1)** The Agency shall as soon as possible after expiration of each financial year but within the first quarter after the termination of that year, cause to be submitted to the Governor an annual report of the Agency dealing generally with the activities and operation of the Agency within that year which shall without prejudice to the generality of the foregoing include:

Annual Report.

- (a) a copy of the audited accounts of the Agency;
- (b) a statement of all the directions given to the Agency under Section 6 of this Law.
- (c) report submitted by the external auditors under section 11 of this Law in relation to that financial year; and
- (d) such other information as the Governor may request.

**(2)** A copy of the annual report shall be forwarded by the Agency to the Commissioner.



*Adamawa State Small Towns Water  
Supply and Sanitation Agency, Law 2011*

**A8 Law No. 8 of 2011**

Financial and material  
support to the  
Communities.

**18.** (1) The Agency shall give financial and material support to the communities who through their Water Consumer Association (WCA) embark on water supply or sanitation project for the purpose of provision of portable water or sanitation facilities.

(2) For the purpose of Subsection (1) of this Section Water Consumer Association public spirited organization may impose levies on members or its community or raise funds or organize commercial labour for the improvement of water supply and sanitation in their towns.

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

**ASMA'U G. SALIMU (DR.)**  
*Clerk to Adamawa State House of Assembly.*

I assent this 30th day of July, 2011.

**MURTALA H. NYAKO**  
*Governor,*  
*Adamawa State of Nigeria.*

**SCHEDULE OF BILL**

<b>SHORT TITLE</b>	<b>LONG TITLE</b>	<b>SUMMARY OF CON- TENTS</b>	<b>DATE PASSED BY HOUSE</b>
Adamawa State Small Towns Water Supply and Sanitation Agency Law, 2002.	A Bill for a Law to provide for establishment of the Adamawa State Small Towns Water Supply and Sanitation Agency and for matters incidental thereto.	The Bill seeks to establish for the State an Agency to provide water in small towns and its functions. The Bill also makes provisions for the appointment of a Programme manager for the administration of the Agency.	25th May, 2011.

**ASMA'U G. SALIMU (DR.)**

*Clerk to Adamawa State House of Assembly.*