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K.S. Law No. 8 of 2019 - Kano State Water and Sanitation Sector Reform Law 2019 (1440 A.H).

KANO STATE WATER AND SANITATION SECTOR REFORM LAW 2019

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Assented to this 8th day of May, 2019 (1440 A.H.)

DR. ABDULLAHI UMAR GANDUJE, OFR
Governor,
Kano State of Nigeria

**KANO STATE WATER AND SANITATION SECTOR (REFORM)
LAW, 2019 (1440 A. H.)**

No. 8



2019

K. S. Law No. 8 of 2019
Kano State of Nigeria

A Law to provide for the right of access to basic water and sanitation services, the establishment of Institutional and Regulatory Framework for the water and sanitation sector, the roles of the Government and private sector therein and for other matters connected therewith.

CHAPTER I

PRELIMINARIES

BE IT ENACTED by Kano State House of Assembly as follows:

1. This Law may be cited as Kano State Water and Sanitation Reform Law 2019 and shall be deemed to have come into operation on 8th. day of May, 2019 (1440 AH). Citation and Commencement.
2. In this Law unless the context otherwise requires: Interpretation.
“Abstraction” in relation to water contained in any source of supply, means the doing of anything whereby

any of that water is removed from that source of supply, whether temporarily or permanently, including anything whereby the water is so removed for the purpose of being transferred to another source of supply and “abstract” shall be construed accordingly;

“**Appropriate Local Government**” means any Local Government Council having jurisdiction over a specific area for the purpose of this Law;

“**Authorized Officer**” means any member of staff of any institution established pursuant to this Law duly authorized in writing by such institution;

“**Basic Water supply**” means the prescribed minimum standard of Water supply Services necessary for the reliable supply of a sufficient quantity and quality of water to households, including informal households, to support life and hygiene, as specified from time to time by the Commission;

“**Board**” means the Board of any of the institutions created under this Law;

“**Chairman**” means the Chairman of any of the Boards established pursuant to the relevant sections of this Law;

“**Commission**” means the State Water Regulatory Commission;

“**Consumer**” means any person who is supplied with water and includes any person who applied to be supplied with water from any waterworks or any person who otherwise uses water and is liable for the payment of water rates, rents or charges but does not deliver or resell the service to others including an end user in an informal settlement;

“**Contravention**” includes a failure to comply;

“**Distribution System**” means any operator’s networks or mains, pipes, pumping stations and service reservoirs through which water is conveyed to customers;

“**Domestic supply**” means water from any waterworks used in any household for drinking, washing, cooking, or for baths or any other purpose of domestic life;

“**Drain**” means any pipe or channel, etc, conveying only surface water or subsoil water or both and which is below ground level;

“Essential Service” includes hospitals, fire services, orphanages, public schools and other consumers as may be prescribed by the Commission;

“Emergency Situation” means any situation declared as such by the Governor or as may be declared by the head of the bodies or institutions created under this Law in the exercise of the functions and duties of such bodies or institution;

“Federal Ministry” means the relevant Ministry established by the Federal Government;

“Financial Year” means the period prescribed as such in the financial Regulations and Laws of the State;

“Fire Authority” means any Authority of body of firemen duly constituted, organized or established under any enactment or Law by the Federal, State or Local Government;

“Functions” includes Powers objectives and duties;

“Federal Government” means the Government of the Federal Republic of Nigeria;

“Gazette” means the official gazette of the State Government;

“Ground Water” means water from underground sources;

“Information” includes anything contained in any record, estimate or returns;

“Leakage” means the loss of water from the water service provider distribution system or from parts of service pipes for which customers are responsible;

“Manhole” means any chamber constructed on a closed drain so as to provide access thereto for inspection and cleaning;

“Meter” includes any equipment used for measuring or ascertaining the volume of water taken, used, or discharged from any waterworks.

“Metered Supply” means the supply of water by means of a service where the Water supply is measured by meter;

“Member” means a member of any of the Boards created under this Law and shall include the Chairman;

“National Water Laws and Policies” means all applicable Federal Water Laws and Regulations, the National Water Policy and guidelines prescribed by Federal Ministries;

“National Water Policy” means the policy of the Federal Government on Water supply, Sanitation and Hygiene and Water Resources as may be formulated approved and adopted from time to time;

“Occupier” in relation to a premises means the person in occupation of the whole or of any part of such premises, but does not include a lodger or squatter;

“Owner” includes the person for the time being receiving the rent of the tenement in respect of which the water is used whether on his own account or as agent or trustee of any other person or who would receive the rent if such tenement were to be left to a tenant and includes the holder of a tenement from the Governor whether under lease, license or otherwise;

“Permit” shall mean the certificate to be issued by the Commission stating the information that may be required as the Commission shall determine;

“Person” means an individual, corporate entity, limited liability company, partnership duly registered under the Companies and Allied Matters Act, or a natural person as defined under the interpretation Act.

“Pollution” means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water;

“Premises” means land with buildings or a distinct or separate holding or tenancy or any wharf or pier, or any tract of land used for any purpose;

“Prescribed” means prescribed by Regulation;

“Private Sector Participant” means a corporate entity, limited liability company, partnership or individual that provides any service or undertakes any activity in the water and sanitation services sector either by agreement or license from Government who has not been prohibited from undertaking such activity by Regulations prescribed by the Commission;

“Private Sector Participation Agreement” means an agreement between a public Sector Agency or body created in this Law and a private Sector participant to undertake any activity for the delivery of water or sanitation services on behalf of such Public Agency or body in accordance with the provisions of this Law or any other relevant Law;

“Records” include computer records and other records kept otherwise than in a document;

“Relevant Authority” means any Governmental Ministry or any other body, which is competent to address matters within its powers;

“Relevant State Ministry” means the relevant Ministry of the State including the Water Resources Ministry, Ministry of Health, or the Ministry of Environment, Ministry of Rural and community Development, Ministry of Agriculture and Ministry of Local Government as applicable;

“Sanitation” means the prescribed minimum standard of services necessary for the safe, hygienic and adequate collection, removal, disposal or purification of human excreta, domestic waste-water and sewage from household.

“State” means the State of Nigeria;

“State Government” means the Government of Kano State of Nigeria;

“State Information System” means the system for the collection of information pertaining to Water Services to be created and maintained in accordance with this Law;

“State Water Agencies” means the State Water Corporation, the Rural Water supply and Sanitation Agency, Small Town Water supply Agency, Water Resources and Engineering Construction Agency (WRECA).

“State Ministry or Ministry” means the ministry established by the Kano State Government of Nigeria;

“State Water Laws and Policies” means this Law, all other relevant Laws, all Regulations including Orders and Guidelines issued by the Commission pursuant to this Law, and all Water supply and Sanitation Policies (WSSP) in the State;

“State-Wide Water Services Development Plan”

means the State-wide Water Sector Development Plan including the aggregate investment plan created by the Ministry and approved by the State Executive Council in accordance with the provisions of this Law;

“Substance” includes microorganisms and any natural or artificial substance or other matter, whether it is in solid or liquid form of a gas or vapor;

“Tariffs” means the charges payable for Water Services and/or water-related services set in accordance with this Law;

“Treated Water” means Potable water for domestic, industrial and commercial purposes;

“Water Services ” means the abstraction, conveyance, treatment and distribution of potable water; water intended to be converted to potable water or water for commercial use, where such water is provided to Consumers or other Water Services Providers, wastewater collection, treatment and disposal, and sanitation services;

“Water Service Intermediary” means a Private Sector Participant who is obliged to provide Water Services to consumers under terms of a contract where the obligation to provide such Water Services is incidental to the main object of that contract, including, without limitation under a contract relating to a housing estate or under an employment contract with a firm, mine or other industry;

“Water Services Provider” means the State Water Agencies acting in that capacity and any other Person who provides Water Services to Consumers or other Water Services Providers with or without the responsibility to collect any Tariffs that may be due *and* includes a Water Services Intermediary;

“Water Service Regulatory Functions” means the prescribing of Rules, Orders and Regulations for the provision of Water Services , granting of Water Service Provider Licenses and other functions of the State

Water Regulatory Commission in accordance with this Law;

“Water Quality Standards” means the health, environment, and sanitation standards relating to the quality of drinking water consistent with the National Drinking Water Quality Standards developed by the Federal Ministry of Health and the Standards Organization of Nigeria as may be amended from time to time;

“Water Works” means a reservoir, dam, well, pump house, borehole, pumping installation, purification work, sewage treatment plant, sewers including facilities that serve the waterworks such as access road, dedicated electric power supply, pipeline, meter, fitting or apparatus built, installed or used by a Water Services Provider to provide Water Services ;

“Water Services Provider Licenses” means the license issued pursuant to this Law granting a person rights to provide Water Services within a jurisdiction i.e., the geographic areas specified therein and shall include a permit in accordance with Regulations or Guidelines issued by the Commission.

CLTS	Community - Led Total Sanitation
COMEG:	Council of Mining Engineers and Geoscientists
COREN:	Council for the Regulation of Engineering in Nigeria
CSO/NGO:	Civil Society Organization/Non-Governmental Organization
KASSTOWA:	State Small Towns Water supply and Sanitation Agency
KNIWRMC:	Kano Integrated Water Resources Management Coalition
KANSWAC:	Kano State Water Corporation
KSWRC:	State Water Regulatory Commission
LGAs:	Local Government Areas
M&E:	Monitoring and Evaluation
MC:	Master of Ceremony
MD /CEO:	Managing Director /Chief Executive Officer
MD:	Managing Director
MDAs	Ministries Departments and Agencies

NDWQS:	National Drinking Water Quality Standards
NSE	Nigerian Society of Engineers
O&M:	Operation and Maintenance
PRS:	Planning Research and Statistics
PSP:	Private Sector Participation
RUWASA:	Rural Water supply and Sanitation Agency
MINISTRY:	State Ministry of Water Resources
WASH:	Water, Sanitation and Hygiene Water Sanitation and Hygiene Information
WASHIMS:	Management System
WASHCOM:	Water Sanitation and Hygiene Committees
WCA:	Water Consumers Association
WRECA:	Water Resources and Engineering Construction Agency
WSDP:	Water Sector Development Plan
WSP:	Water Service Providers
GOVERNOR:	Governor of the Kano State
STATE:	Kano State.

CHAPTER II
STATE WATER CORPORATION –
ESTABLISHMENT AND FUNCTIONS

3. (1) There is hereby established for the State a body to be known and called “the State Water Corporation” (hereinafter referred to as “**the Corporation**”)

Establishment of State Water Corporation.

(2) The Corporation shall:-

- (a) be a body corporate with perpetual succession and a common seal;
- (b) have power to sue and be sued in its corporate name; and
- (c) be capable of entering into contracts , acquiring, purchasing, holding, selling and disposing of property of whatever nature.

(3)The existing Greater Kano Water supply Schemes and all the Regional Schemes in the State as described in Schedule I hereto are hereby vested in the corporation.

4. (1) There is hereby created for the Corporation a Governing Board (hereinafter referred to as “**the Board**”)

The Governing Board of the Corporation and its Composition.

(2) The Board shall consist of:-

- (a) a chairman who shall serve on part time basis and shall have at least 10 years’ experience in a Senior Management position in Water Management Administration or related fields in either public or private sector;
- (b) a Managing Director who shall be the Chief Executive and Accounting Officer; and
- (c) a representative who shall not be below the rank of a Director from each of the following Ministries:
 - i. water resources,
 - ii. justice,
 - iii. agriculture and natural resources,
 - iv. health,
 - v. environment,
 - vi. rural development, and
 - vii. local government.
- (d) two other persons who shall be professionals with experience in Water Resources and Sanitation or business field, one of whom

must be a woman and who have made special contributions towards the development of the State;

(e) secretary/legal adviser; and

(f) all members of the Board shall be appointed by the Governor.

(3) The appointment of the members of the Board shall be published in the State Gazette.

(4) The members of the Board shall meet at least once every quarter and at such other times as the Chairman or members may determine.

(5) The provisions contained in Schedule iv to this Law shall have effect with respect to the proceedings of the Board and other matters mentioned therein.

Allowances.

5. The Chairman and other members shall be paid such allowances as may be directed by the Governor.

Tenure of Office of Members of the Board.

6. (1) The Chairman and members of the Board shall hold office for a period of four years and may be re- appointed for another term of four years only and on such terms and conditions as may be stipulated in their letters of appointment.

(2) All members of the Board, except the Managing Director shall serve on part-time basis.

Functions of the Board.

7. The functions of the Board are as follows:-

a) making strategic decisions on the mandate and activities of the Corporation;

(b) reviewing and approving the business, plans, budgets and performance of the Corporation;

(c) approving pre-qualified Private Sector Participants in accordance with this Law and the State Public Private Participation in Infrastructure Development;

(d) monitoring the implementation of the State WASH Policy as it affects Water supply and Sanitation Management in its areas of operations;

(e) ensuring compliance with regulations and standards set by the Kano State

- Water Services Regulatory Commission;
- (f) approving and monitoring the implementation of the Water and Sanitation Services Development plans of the Corporation;
 - (g) proposing tariffs for Water supply and Sanitation Management Services for approval by the State Water Regulatory Commission;
 - (h) taking all steps to ensure that the Board does not engage in any activity which prejudices, unduly influences, coerces or subverts the normal legal, commercial and financial activities of the Corporation, and
 - (i) undertaking any other business which the Board considers necessary for enhancing the duties and functions of the Corporation.

8. The quorum for a meeting of the Board shall be seven members. Quorum.

The Chairman shall preside at meetings of the Board and in his absence, the members shall elect one of them to preside.

9. Notwithstanding the provisions of Section 6 of this Law, a member shall be deemed to have vacated his office and his office shall become vacant if:- Vacation of Office.

- (a) if the Governor decides to remove the member for public interest;
- (b) after the expiration of a month's notice of resignation duly served on the Board's Secretary;
- (c) convicted of any criminal offence;
- (d) absence from three consecutive meetings of the Board without cogent reason;
- (e) in case of a member who belongs to a professional body where, such member is barred or suspended from the body;
- (f) he becomes bankrupt;
- (g) he becomes of unsound mind or incapable of carrying out his duties; and
- (h) he is guilty of serious misconduct with respect to his duties as member of the Board.

Functions and Powers of the Corporation.

- 10.** (1) The functions of the Corporation shall include:-
- a) provide technical expertise to the Water and Sanitation Sector, disseminate knowledge and build capacity of all stake holders in the Water and Sanitation Sector;
 - b) enforce the standards in the industry, monitor and co-ordinate sector wide activities as delegated by the State Water Regulatory Commission;
 - c) collaborate with the Ministry responsible for Water Resources to secure efficient use, conservation and protection of Water Resources including the preparation of development plans for input into the State Water, Sanitation and Hygiene (WASH) Sector Development Plans;
 - d) provide safe, adequate and affordable Water Supply Services to the residents of Greater Kano and all regional schemes; and
 - e) implement cost recovery and commercial orientation in service provision and maintain customer focus for service sustainability and efficiency.
- (2) Without prejudice to the foregoing, the Corporation shall:-
- a. control and manage all existing State-owned water infrastructures and assets for domestic, commercial and industrial purposes in its area of operation;
 - b. develop, manage, operate and maintain new water infrastructures and assets for the purpose of providing wholesome, potable water for domestic consumption of the public, and water for commercial, industrial, scientific and other uses in its area of operation;

- c) supply wholesome potable/raw water to consumers in line with the Regulations issued by the State Water Regulatory Commission based on the National Drinking Water Quality Standards (NDWQS) on water quality;
- d) prepare plans for the development and maintenance of Water supply Services infrastructure in its areas of operation in consultation with the relevant authorities, stakeholders, and consumer groups;
- e) identify and implement projects for the provision of Water Services which may be undertaken by or in collaboration with private sector participation after consultation with the relevant authorities and subject to the approval of the Governor;
- f) ensure the supply of portable water in the State by raising necessary funds through the capital market;
- g) establish and implement proper accounting procedure for all of the assets and liabilities of the Corporation;
- h) conduct research for the purpose of carrying out the functions of the Corporation;
- i) submit the result of such research to the Board, the Ministry responsible for Water Resources, and the Ministry for Environment for the utilization of same in the formulation of the State Policy relating to Water supply and Sanitation, and Water Pollution control in the State;
- j) authorize or delegate any officer, employee, servant or contractor of the Corporation to act as its agent for any functions, services of facilities which may be exercised, performed or provided by the Corporation;
- k) propose Water Management Tariffs for the approval of the Kano State Water Services Regulatory Commission;

- l) specify the terms and conditions of supply of water to the consumers based on standards issued by the Kano State Water Services Regulatory Commission;
- m) provide data on Water supply, sanitation, and hygiene related matters for formulation of policy;
- n) recommend regulations to the Kano State Water Services Regulatory Commission for the protection and preservation of the assets of the State Water Corporation;
- o) promote the rational use of potable water;
- p) conduct training and re-training of staff for skills development;
- q) propose and charge fees through reasonable charges or metering for Water supply where the provision of water is available subject to the approval of State Water Regulatory Commission;
- r) carry out other activities which are expedient or necessary for the effective and efficient performance of its functions;
- s) implement the approved tariff; and
- t) apply as most practicable the provision of the Law regarding people with special needs.

Powers of the Corporation.

- 11. (1)** The State Water Corporation shall, subject to the provisions of this Law, have powers for the purpose of carrying out its functions to:-
- (a) own all Government Water Services , assets, and construct new Water Services facilities within its areas of operation as described in Schedule I hereto;
 - (b) collect all approved rates and charges payable by customers/consumers for Water Services supplied by the Corporation;
 - (c) acquire, purchase, lease, hold, fabricate, construct, manufacture, maintain or insure any property forming part of the Water Services infrastructures of the

Corporation, whether moveable or immovable, required for or in connection with the performance of its functions and may sell, lease, concede, dispose of, or otherwise deal with such property or any part thereof subject to the approval of the Governor in instances of sale;

- (d) procure water abstraction rights from the relevant authorities and may assign such rights to private participants and communities;
- (e) lay any water pipe through, across, or under any street or any lay- out or intended as a street and after giving reasonable notice in writing to the owner or occupier thereof, and thereafter, make good any damage done;
- (f) examine from time to time any surface or underground water forming part of the Water Resources of the State for the purpose of determining what pollution, if any, and make arrangement with the appropriate authority under and in accordance with the provisions of any existing Law in that behalf;
- (g) subject to the issuance of reasonable notice to the occupier thereof, at any time between the hours of six o'clock in the morning and six o'clock in the evening, or in case of urgency at any other time, to enter into premises or place upon which any service has been laid or into which any Water supply Services is supplied so as to:
 - (i) inspect and repair any service and to ascertain whether there is any wastage, leakage, obstruction, illegal connection or damage to any service or meter therein and anything in connection therewith,
 - (ii) ascertain the amount of water taken or used, or
 - (iii) disconnect the supply of water to any premises,
- h) diminish, withhold, or suspend, stop, turn off or divert the supply of water through or by means of any service or public fountain either wholly or in part whenever the

State Water Corporation deems necessary subject to Regulations of the State Water Regulatory Services, Kano State Water Services Regulatory Commission on connection and disconnection of Service;

- (i) accept or acquire and hold any security of any kind in any form whatsoever;
 - (j) surrender, transfer or re-convey any security held by the State Water Corporation whether upon exchange for other security or upon discharge;
 - (k) make, draw, accept, or endorse, negotiable instrument;
 - (l) invest money standing to its credit and not for the time being required for its immediate need, in accordance with the provisions of this Law;
 - (m) write off bad debts with the approval of the Governor, and notify the Kano State Water Services Regulatory Commission accordingly;
 - (n) raise financing or borrow money in accordance with the provisions of the relevant law;
 - (o) grant exemptions from any water rate or charge from the State Fire Service;
 - (p) collect from the Local Government Councils such fees as may be agreed in respect of services provided.
- (2) The State Water Corporation shall have Power, for the purpose of carrying out its functions, to do all such acts as appear to it to be expedient, advantageous, or convenient and may carry out any activity in that behalf either alone or in association with any other person or body as contained in this Law.

Staff of State
Water
Corporation.

12. The Managing Director:

- (1) There shall be appointed by the Governor a Managing Director of the Corporation who shall be subject to the general direction of the Board and shall:-
- (a) be the Chief Executive and Chief Accounting Officer of the State Water Corporation (referred to in this Law as **“the MD”**);
 - (b) be responsible for the implementation of the decisions and policies of the Board of the Corporation as well as the general administration

- of the corporation;
- (c) perform such other duties from time to time as the Board may direct.
- (2) The Managing Director/Chief Executive Officer shall:-
- (a) be appointed pursuant to advertisement and screening of the candidates for that position;
- (b) be a person with a professional qualification in either Engineering, Law, Accountancy, Business Administration, Earth Sciences or other relevant disciplines and registered with their professional bodies where such bodies exist and shall have held a Senior Management position for a minimum of ten (10) years in a public or private sector; and
- (c) be appointed pursuant to a performance based contract for a term of four (4) years which may be renewable for another four years only, upon considerations of the improved financial, managerial, operational, and other relevant indices of the State Water Corporation.
- (3) A report shall be prepared and submitted by the Managing Director to the Board on quarterly basis as an assessment of the performance of the corporation which shall also include a proposed action plan.

13. (1) The Managing Director shall be assisted in the performance of his duties by Heads of Departments in charge of:-

- (a) administration (Administration, Finance and Accounts);
- (b) operations and maintenance (Greater Kano Water supply);
- (c) technical services ;
- (d) commercial services;
- (e) planning research and statistics (M&E);
- (f) production;
- (g) engineering; and
- (h) such other departments as the Board may deem necessary.

Administration
of the State
Water
Corporation.

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The Secretary. **14.** (1) There shall be a Secretary (referred to in this Law as “the Secretary”) to the Board who shall be responsible to the MD/CEO and shall assist the Board and the MD/CEO in the discharge of their functions under this Law.
(2) The secretary shall be a qualified Legal Practitioner from within or outside the public service of the State with minimum of (10) years post call professional experience.

The Functions of the Secretary. **15.** The Secretary shall perform the following functions:-
(a) the Secretary shall render necessary advice on compliance with Laws, rules and regulations as it affects the operations of the State Water Corporation;
(b) organize and take minutes of the meetings of the Board;
(c) keep the seal and records of the State Water Corporation and conduct correspondences of the Board;
(d) arrange for payment of fees and allowances of meetings and all other matters affecting members of the Board;
(e) communicate policy decisions at Board meetings to affected departments;
(f) keep custody of copies of Asset Register, Financial Reports and Annual Reports of the State Water Corporation;
(g) perform all other duties as the Board or the MD/CEO may from time to time direct; and
(h) represent the Corporation in court with the consent of the Attorney General in matters to which it is a party.

Other Staff of the State Water Corporation. **16.** (1) The State Water Corporation may appoint such number of staff and other employees as it may from time to time require in the discharge of its functions under this Law PROVIDED however that the board shall confirm the employment of Management Staff.

(2) The State Water Corporation shall determine generally the terms and conditions of service of the staff and other employees which shall include:-

- (a) conditions for the appointment and promotion;
- (b) recommend to Government for termination and dismissal of staff and employees; and
- (c) procedure for appeals by staff and employees against dismissal, termination or other disciplinary measures as may be provided by KSWRC.

(3) The Board of State Water Corporation shall determine the salaries and emoluments of the staff and other employees of the State Water Corporation which shall not be lower than that applicable to staff and other employees of the same cadre in the Public Service.

(4) It is hereby declared that Service in the State Water Corporation shall be approved Service under the provision of the relevant State Pensions Law and accordingly, staff and other employees of the State Water Corporation shall be entitled to Pensions, gratuities and other retirement benefits as prescribed under such Laws.

(5) Without prejudice to the provisions of subsection (4) of this section, nothing in this Law shall prevent the appointment of any person to any office on terms which preclude the grant of pension, gratuity or other retirement benefits with respect to that office.

Funds and Resources of the State Water Corporation.

17. (1) The funds and resources of the State Water Corporation shall consist of:-

Financial
Provisions.

- (a) all sums, investments or other property vested in the State Water Corporation by virtue of the provisions of this law;
- (b) such sums or other property as may from time to time be advanced by way of loans or grants to the State Water Corporation by any Federal, State, or Local Government, any International Organization, and Private foundation or any person whatsoever;
- (c) any investments or other property whatsoever acquired by the State Water Corporation;

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- (d) all other sums such as Water rates, Water Services charges, or other property whatsoever which may accrue to the State Water Corporation in the course of performing its functions in accordance with this Law; and
- (e) any money allocated to the State Water Corporation under the State Government budgetary allocation or such other money as may from time to time accrue to the State Water Corporation.

Bank Account.

18. The State Water Corporation shall operate Bank Accounts with reputable Banks approved by the Board on the advice of the State Accountant General for its funds and the signatories to the accounts shall be the MD and the Head of Admin & General Services, or in their absence any other persons authorized by the Board of State Water Corporation.

Application of the State Water Corporation's Funds.

19. The following charges shall be defrayed out of the funds of the Corporation for any financial year:-

- (a) the remuneration and allowances of the members of the Board;
- (b) the salaries, remuneration, fees, allowances, pensions and gratuities of the staff, employees, agents, technical and other advisers or Consultants of the Corporation;
- (c) all expenses of the operation and management of the it's waterworks and other properties including provisions for depreciation, wear and tear or renewal of assets;
- (d) such minor works of a capital nature as the Board may deem necessary from time to time;
- (e) such sums including compensation that may be payable by the Corporation to any person or authority by virtue of the provisions of this Law or any other law;

- (f) taxes, rates and other levies payable by the Corporation under any Law;
- (g) interest on loans raised by and on behalf of the Corporation;
- (h) sums required to be transferred to any special fund or otherwise set aside for the purpose of making provision for the capital investments, redemption of investments in the Corporation or other securities or the repayment of other loans; and
- (i) such other sums as the Board may approve for payment out of the funds of the Corporation in respect of any financial year.

20. (1) Without prejudice to the provisions of the State Fiscal Responsibility Law the Corporation shall with the approval of the Board establish and maintain a Special Reserve Fund in a separate Account into which shall be paid the followings:-

Special Reserve Fund.

- (a) not more than 1% of the revenue of the Corporation as may be determined by the Board for any financial year;
- (b) such money as the Governor may from time to time direct from any sources.

(2) The Special Reserve Fund shall be used for emergency and urgent needs of the Corporation relating to the rendering of urgent and essential services as the Board may from time to time authorize subject to the approval of the Governor.

Provided that where the fund is used to meet State or National water related emergencies, the Government shall make arrangements to replace such amount upon application by the Corporation.

21. 1) The State Government may make to the Corporation the following:-

Loans and Grants by the State Government.

- (a) grants of any sums of money or property deemed necessary; and
- (b) loans upon such terms as to repayment of the loan as the Government may determine.

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(2) The Government may waive in favor of the Corporation any right or liability to the Government arising from any transaction made pursuant to subsection (1) of this section.

Annual Budgets,
Accounts and
Audit.

22. The provisions contained in the State Fiscal Responsibility Law as regards Budgetary Planning of Corporation and other related statutory bodies shall have effect in relation to the Corporation as regards annual budgets, accounts and audits.

Power to Accept
Gifts.

23. (1) The Corporation may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift.

(2) The Corporation shall not accept gifts if the conditions attached by the person or organization offering the gifts are inconsistent with the functions of the Corporation or against the interests of the State.

Power to Borrow
Money.

24. (1) The Kano State Water Corporation may from time to time, with the approval of the Governor and resolution of the State House of Assembly, or any other relevant law borrow from any person, Government or multilateral financial institution, or by overdraft from Banks, or in any other manner, money for and in connection with the exercise of its functions under this Law as the Corporation may deem necessary.

(2) An approval given for the purposes of this section may be either general or limited to a particular borrowing and any specified conditions.

Investments.

25. The Corporation may, subject to the provisions of this Law and the conditions of any trust created in respect of any property, invest some of its funds in any security as may from time to time subject to the resolution of the State Assembly.

- 26.** The Corporation may with the approval of the Board and subject to any relevant law raise capital for the implementation of its developmental plans and programs through the capital market or by issuing Bonds or other instruments, subject to satisfying the requirements of the Stock Exchange and the resolution of the State House of Assembly.
- 27.** (1) Subject to the provisions of any relevant Law, the Government may guarantee by an undertaking the payment of the principal and interest of any sum or sums borrowed or bonds issued by the Corporation.
(2) Any sum required by the State Water Regulatory Commission through the Commissioner for Finance for the purpose of making good the obligations of the Government under the guarantee shall be charged on the Consolidated Revenue Fund of the State Government.
- 28.** In any action for the recovery of any rate or other moneys (other than fines and penalties) payable or recoverable under this Law, a certificate under the hand of the Corporation that any sum of money is due, and that the defendant is the person liable to pay the same shall be evidence of such debt and of non-payment thereof.

Power to Raise Capital on the Stock Exchange.

Guarantee on Loans or Other Instruments of the State Water Corporation by the State Government.

Proof of Monies Due.

WATER SUPPLY, DISTRIBUTION AND CONSUMPTION.

- 29.** (1)The Corporation where practicable shall ensure efficient, affordable, economical and sustainable access to safe Water Services to all consumers within its area of operation subject to the:-
- (a) availability of resources;
 - (b) need for an equitable allocation of resources to all consumers within the corporation's area of operation;
 - (c) need to monitor and ensure access to water services in an equitable manner;
 - (d) duty to conserve Water Resources;
 - (e) nature, topography, zoning and situation of the area in question;

State Water Corporation's Responsibility to Consumers for Continuous Supply of Water.

- (f) right of the Corporation to limit or discontinue the provision of Water Services if there is a failure to comply with reasonable conditions set for the provision of such services;
- (g) need to carry out inspections, tests, or repairs and for the making of new connections; and
- (h) need to effect alterations and modifications to its pipelines and other facilities or general maintenance of the water works subject to notice as may be determined by Kano State Water Services Regulatory Commission.

(2) The Corporation shall not be under any obligation to pay compensation for loss, damages or inconveniences caused to any consumer through any suspension, failure, discontinuance or a total or partial interruption of the supply of water howsoever caused in furtherance of (1) of this section except in the case of negligence on the part any employee or agent of the corporation.

(3) The Corporation shall take reasonable steps to notify the public ahead of time of any proposed interruption in the provision of Water Services subject to any regulations by the State Water Regulatory Services, State Water Services Regulatory Commission with respect to same.

Rates and Scales
of Charges.

30. (1) The Corporation shall from time to time fix or propose rates and scales of charges payable for Water supply within its areas of operation in accordance with a methodology for tariff setting approved by the State Water Services Regulatory Commission and the resolution of the State House of Assembly.

(2) The Water rates and charges may be fixed at different rates for different locations and different users as shall be approved by the Kano State Water Services Regulatory Commission and the resolution of the State House of Assembly.

(3) In fixing the rates and charges for Water supply, the Corporation shall consult with the consumers to whom such rates shall be applied as well as other stakeholders who may be affected by such rates and charges.

- 31.** (1) The Corporation may supply services to premises upon application of the owner or occupier pursuant to any rules and regulations issued by the Kano State Water Services Regulatory Commission. Application for Water supply.
- (2) The Corporation may refuse to supply water to any particular premises except by a meter installed and maintained by the State Water Corporation, PROVIDED that the Corporation shall not disconnect any user or fail to connect a potential consumer for failure of the Corporation to provide such meter.
- 32.** Subject to the provisions of this Law, the Corporation may purchase water in bulk and may resell such water either in bulk or by distribution to individual consumers, corporate bodies, commercial ventures or other private Water supply providers. Purchase, Resale and Distribution of Water by the Corporation.
- 33.** As from the commencement of this Law, no person shall resell water supplied by the Corporation except pursuant to a license or other agreement with the Corporation for that purpose: Prohibition of Sale of Water Supplied by the Corporation .
- PROVIDED that no authority shall be required for the sale of any manufactured goods or other commodities in which water supplied by the Corporation is included such water having been from the Corporation in the first place.
- 34.** (1) The owner or occupier of any premises to which water is supplied by the Corporation shall pay to the Corporation such rates and charges for Water supply or other service as may from time to time be determined by the Corporation and approved by the Kano State Water Services Regulatory Commission. Payment of Water Rates and Charges.
- (2) Where any consumer fails to pay water rates or charges within one month or any other period after service of a notice of default, the Corporation may recover such rates or charges in accordance with regulations issued by the State Water Services Regulatory Commission for that purpose or by an action brought before a court of competent jurisdiction.
- (3) Where the Corporation fails to supply or meet the consumers demand within one month

or any other period after complain, the customer may report to the Kano State Water Services Regulatory Commission for that purpose or by an action brought before a court of competent jurisdiction.

State Water Corporation Shall Not Be Liable For Damaged Installation Works.

35. The Corporation shall not be liable for the malfunctioning or safety of any installation or apparatus in a customer's premises, only by reason of the connection to supply water to the premises unless such damage is due to the negligence of the agent, servant or employee of the Corporation.

Maps of Waterworks.

36. (1) The Corporation shall keep, modify and update annually printed and electronic records of the location of:-

- (a) all water stations, water mains or discharge pipes vested in the Corporation ; and
- (b) any other underground pipes, other than a service pipe, which are vested in the corporation.

(2) Any modification of the records by the Corporation pursuant to subsection (1) of this section, shall be made as soon as practicable and the date of such modification and completion of the work resulting in the modification shall be incorporated into the records.

(3) The Corporation shall ensure that the contents of any records kept by it under this section are available, at all reasonable times, for inspection by the public free of charge at any office of the Corporation upon application in writing to the corporation.

PROVIDED that where copies of such information are required, the Corporation may charge a reasonable fee for the provision of such copies thereof.

(4) Any information which is required under this section for inspection by the public shall be made available in the form of a map.

CUSTOMER CARE CENTRE

- 37.** There is hereby established for the corporation, a Customer Care Centre (referred to in this Law as “**the Centre**”) which shall be within the corporation’s Headquarters and in every area office. Establishment of the Care Centre.
- 38.** The functions of the Centre shall be to: Functions of the Centre.
- (1) Receive and ensure the resolution of complaints from customers and the general public regarding:-
- (a) quality of water;
 - (b) unsatisfactory water management services;
 - (c) environmental hazards resulting from the corporation’s activities;
 - (d) water leakages;
 - (e) damage to properties of the corporation;
 - (f) tariff for Water supply Services;
 - (g) contravention of Standards of service issued by the Kano State Water Services Regulatory Commission;
 - (h) activities of staff and Agents of the Corporation; and
 - (i) other water related matters.
- (2) Settle disputes and protect the interests of all customers.
- (3) Monitor all water matters appearing to the Centre to affect the interests of customers.
- (4) Monitor and consult with Water Service providers on customer/operator relationship.
- (5) Make representations in appropriate cases on behalf of a customer or complainant to any Water Service provider.
- (6) Receive complaints from customers towards resolving water pollution matters with Environmental Agencies and Government bodies.
- 39.** (1) No suit shall be instituted in any court against the State Water Corporation, a member of the corporation, the **MD**, any staff, or other employee of the Corporation for any act done in pursuance or execution of this Law, or public duties or in respect of any alleged neglect or default in the execution of this Law, duties or authority, unless:- Limitation of Suits Against the State Water Corporation, Pre-Action Notice, etc
- a) it is commenced within one month immediately following the act, neglect or default complained;

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b) in the case of continuation of damage or injury, within one month next after the ceasing thereof.

(2) No suit shall be commenced against the corporation, the MD or any staff or other employee of the Corporation before the expiration of a period of one month after written notice of intention to commence the suit shall have been served on the Corporation by the intending claimant or his agent; and the notice shall clearly and explicitly State the:-

- (a) cause of action;
- (b) particulars of claim;
- (c) name and place of the abode of the intending plaintiff; and
- (d) relief which he claims.

Service of Documents.

40. The notice referred to in subsection (2) of Section 43 of this Law, and any summons, notice or other document required or authorized to be served upon the Corporation under the provisions of this Law may be served by delivering the same to the MD or by sending it by registered post and addressed to the MD at the principal office of the corporation.

Restriction on Execution Against the Corporation.

41. In any action or suit against the corporation, no execution or attachment of process in the nature thereof shall be issued against the corporation.

Indemnity of Officers of the Corporation.

42. Every member of the corporation, agent, officer or employee shall be indemnified out of the assets of the Corporation against any liability incurred by him in defending any proceeding, if any such proceeding is brought against him in his capacity as such member, agent, officer or employee of the corporation.

Certain Provisions Relating to Defaulters, etc

43. (1) where any person contravenes any of the provisions of this Law, the Corporation may, without prejudice to the provision of this Law, commence proceedings against any defaulter by:-

- (a) serving a notice in writing on the defaulting occupier or consumer; and

(b) authorizing or causing an officer or employee of the Corporation to enter and alter, disconnect, stop or remove any water fittings, appurtenance, belonging to or used by such defaulting occupier or consumer.

(2) Where an occupier or consumer fails to remedy the default or contravention referred to in subsection (1) of this section, the Corporation may cause repairs, replacement and re-connection of the water fittings and the Corporation shall recover the cost or expenses reasonably incurred to effect the repairs or replacement or re-connection as the case may be from such defaulter.

44. (1) Wherever it appears to the Corporation that any land in the Greater Kano or the Regional Schemes of the State is required for the purpose of any water related work, the Corporation shall, subject to the **Land Use Act**, apply to the Governor for allocation of such land including an application for approval for its officers or agents to enter upon the land and:-

Provisions
Relating to
Acquisition of
Land.

- (a) survey and take levels of the land;
- (b) dig or bore a hole under the subsoil; and
- (c) do such other things as are necessary to ascertain whether the land is adapted for such purposes including the conducting of Environmental Impact Assessments.

PROVIDED that no such officer, agent, servant or employee of the Corporation shall enter any building or any enclosed court or garden attached to a dwelling house (except with the consent of the occupier) except at least seven days notice of intention to enter shall have been given to such occupier.

(2) Where any entry made under subsection (1) of this section occasions any damage requiring the payment of compensation, the Corporation shall pay reasonable compensation in the circumstances.

Abstraction by
Fire Authorities.

45. (1) Any fire authority may abstract water free of charge from any public fountain, service or waterworks of the Corporation for the purpose of prevention or control of fire subject to prescribed conditions by the corporation:

Provided that water shall not be abstracted by any fire authority for the purpose of testing any firefighting appliance except with the consent of the Corporation and such consent should not be unreasonably withheld.

(2) Any main pipe, valve, hydrant, service or other waterworks required within the area of operation of the Corporation by any fire authority in the discharge of its functions to prevent and control fire shall be provided by the Corporation upon payment by the fire authority of the requisite costs as the Corporation may determine provided that such main, pipe, valve, hydrant, service or other waterworks shall vest in the Corporation and shall be maintained by the corporation.

CHAPTER III

ESTABLISHMENT OF STATE SMALL TOWNS WATER SUPPLY AND SANITATION AGENCY, COMPOSITION, FUNCTIONS AND POWERS, ETC.

Establishment of
the State Small
Towns Water
Supply and
Sanitation
Agency.

46. (1) There is hereby established the State Small Towns Water supply and Sanitation Agency (referred to in this Law as “**KASSTOWA** “)

(2) The **KASSTOWA** shall:-

- (a) be a body corporate with perpetual succession and a common seal;
- (b) have power to sue and be sued in its corporate name; and
- (c) be capable of holding, purchasing, acquiring and disposing of property, movable and immovable.

(3) All existing and new State owned water infrastructures in the small towns in State other than towns within the area of operation of the KSWC are hereby vested in **KASSTOWA** in furtherance of Section 2(2) (r) of this Law.

47. The objectives of the KASSTOWA shall be to:
Provide technical assistance to small towns and the LGAs in the small town areas in the establishment, construction, management and maintenance of Water supply and sanitation infrastructure promotion in the small towns.

Objectives of the KASSTOWA.

48. The Governing Board of the KASSTOWA (hereafter called the “Board”)

Composition of the Governing Board.

(1) shall consist of:-

- a. chairman to serve on part time basis who must have at least 10 years experience in a senior management position in either public or private organization;
- b. managing director who shall be the Chief Executive Officer and representatives from the following institution:
 - i) the Ministry of Water Resources,
 - ii) the Civil Society Organizations (CSOs) active in the Water Sector,
 - iii) Ministry for Local Government,
 - iv) the Water Consumers Association,
 - v) Ministry of Environment,
 - vi) Ministry for Rural and Community Development.
 - vii) ministry of justice.

Two other persons shall be appointed by the Governor who have special contribution to make in the work of the Board and shall be professional with experience in Water Resources and/or business field, one of whom must be a woman.

(2) The names of the Chairman and other members of the KASSTOWA shall be published in the State Gazette.

(3) The Chairman and other members of the Board shall be appointed by the Governor.

(4) The Board shall meet to conduct the business of the Board once every quarter and at such other times as the Chairman may determine.

(5) The provisions contained in Schedule iv to this Law shall have effect with respect to the proceedings of the Board and other matters mentioned therein.

(6) Any of the Board members may be represented by an officer of the Ministry not below the rank a Director.

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Allowances.

49. The Chairman and other members shall be paid such allowances as may be applicable in the State Public Service.

Tenure of Office of Members of the Board.

50. (1) The Chairman and other members shall hold office for a term of four years and shall be eligible for re-appointment for one more term and no more.
(2) The appointment shall be upon such terms and conditions as may be stipulated in their letters of appointment.
(3) All members of the Board of the KASSTOWA except the MD shall be appointed to serve as part-time members.
(4) A Board member shall continue in office for a period of not more than 6 months after the expiration of his term of office until a successor has been appointed.

The Specific Duties of the Board.

51. The specific duties of the Board shall include but not be limited to the following:-
(a) provide guidelines for the performance of its functions and the exercise of the powers of KASSTOWA under this Law;
(b) give guidelines on the management and development of Small Town Water supply and Sanitation Services;
(c) provide technical assistance to Small Towns and the LGAs in the Small Town Areas in the establishment, construction, management and maintenance of Water supply and sanitation infrastructure promotion in the small towns;
(d) propose a tariff methodology in consultations with the WCA's in furtherance of the State's Water and Sanitation Principles in chapter 1 for the approval of the Kano State Water Services Regulatory Commission; and
(e) any other business which may be considered necessary by the Board in pursuance of KASSTOWA's functions as provided in this Law.

52. (1) The quorum for a meeting of the Board of KASSTOWA shall be seven members. Quorum.

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

(3). The provisions contained in Schedule iv to this Law shall have effect with respect to the proceedings of the Board and other matters mentioned therein.

53. (1) Notwithstanding the provisions of Section 51 of this Law, a member shall vacate his office and his office shall become vacant:- Vacaton of Office.

(a) if the Governor decides to remove him or her as a member;

(b) one month after the date upon which he gives notice in writing to the Governor on his intention to resign; or

(c) on the date he was convicted by a court of Law:

i) in Nigeria, in respect of a crime involving dishonesty or fraud; or

ii) outside Nigeria, in respect of an offence involving financial impropriety or any conduct which, if committed in Nigeria, would constitute a criminal offence;

(d) if he attends fewer than 75% of KASSTOWA 's meetings in any one year period without sufficient reasons; or

(e) in the case of members who have professional qualifications, if the member is barred or suspended from his professional body; or

(f) If he/she becomes bankrupt; or

(g) if he/she becomes of unsound mind or incapable of carrying out his duties; or

(h) if he/she is guilty of serious misconduct.

(2) A member of KASSTOWA may only be removed on the dissolution of the Board.

FUNCTIONS AND POWERS OF THE KASSTOWA

Functions of
the
KASSTOWA.

- 54.** The functions of KASSTOWA shall be to:
- (1) Supervise and monitor operation and maintenance of all Water and Sanitation facilities vested in the WCAs.
 - (2) Undertake planning, design, construction and supervise maintenance of all Small Towns Water supply and Sanitation facilities including motorized and solar powered borehole based schemes.
 - (3) Establish, control, manage, extend and develop Water and Sanitation facilities as the KASSTOWA may consider necessary for the purpose of providing wholesome potable water for the consumption of the public and for domestic, trade, commercial, industrial, scientific and other uses and hand over to the WCAs.
 - (4) Undertake public enlightenment, training and mobilization for community participation in all its programmes.
 - (5) Ensure provision of adequate and safe water to consumers regularly and at such charges as the Kano State Water Services Regulatory Commission may, from time to time approve.
 - (6) Conduct or organize the conduct of research in respect of Water supply, Sanitation and matters connected therewith and submit the results of such research to the Kano State Water Services Regulatory Commission for the formulation of policy.
 - (7) Coordinate activities in its administration and finance, as well as making intergovernmental and non-governmental linkages subject to the overriding coordination responsibility of the Ministry.
 - (8) The undertaking of KASSTOWA's programme planning, monitoring of on-going and completed projects as well as the collection and storage for easy retrieval of all data, records and statistics on its operations.
 - (9) Assist the Small Towns to form Water Consumer Associations and provide technical and other advisory services for same.
 - 10) Transfer ownership of any water schemes to benefitting Communities through appropriate Water Consumer Associations (WCAs) by means of a transfer

agreement stating the conditions of such transfer.

11) Determine its water rates and present it to the Kano State Water Services Regulatory Commission for approval after consultation with the WCA.

(12) Collaborate closely with all Local Government WASH Departments on all activities.

(13) Plan, design, construct, and operate all state owned Small Town Water Sanitation infrastructure and

(14) Promote sanitation and hygiene practices, monitor and prevent activities that may pollute the Water Resources of the State.

55. (1) The Board shall, subject to the provisions of this Law, have power for the purpose of carrying out its functions to:- General Powers of the KASSTOWA.

- a. fix rates and charges payable by consumers for Water supply and other services provided by the KASSTOWA in consultation with the WCA's subject to the approval of the State Water Services Regulatory Commission;
- b. prepare water and sanitation development plans for the Small Towns Water Sector;
- c. acquire, purchase, lease, hold, construct, manufacture, maintain or insure any property forming part of the assets required for or in connection with the performance of its functions and sell, lease, concede, dispose of, or otherwise deal with such property or any part thereof subject to the approval of the Governor in instances of sale;
- d. undertake any land acquisition procedure necessary for the performance of its functions, in accordance with all valid legislation;
- e. enter into agreement with any person for the performance of any of its statutory functions under this Law;
- f. protect, maintain and improve all existing natural water sources in consultation with relevant authorities;

- g. carry any water pipe through, across, or under any street or any place laid out or intended as a street and after giving reasonable notice in writing to the owner or occupier thereof, and making good any damage done;
 - h. abstract water from any lake, river, stream or other natural source forming part of the Water Resources of the State, and to do likewise in respect of other water by arrangement with the appropriate authority under and in accordance with the provisions of any existing Law in that behalf and may assign such rights to private operators pursuant to a PPP Agreement;
 - i. examine from time to time any surface or underground water forming part of the Water Resources of the State for the purpose of determining what pollution, if any, exists and its causes and to do likewise in respect of other water by arrangement with the appropriate authority under and in accordance with the provisions of any existing Law in that behalf;
 - j. construct stand pipes or public fountains in any street or other public place in consultation with WCA's;
 - k. enter into agreement with any person for the supply, construction, manufacture, maintenance or repair of any property which is necessary or appropriate for the purpose of the KASSTOWA;
 - l. do anything for the purpose of advancing the skills of persons employed by the KASSTOWA or the efficiency of the equipment of the KASSTOWA or the manner in which the equipment is operated including the provision of facilities for training, education and research.
- (2) do all such acts as appeared to it to be requisite, advantageous, or convenient and may carry on any activities in that behalf either alone or in association with any other person or body.
- (3) The Governor may by order confer on KASSTOWA such other additional functions as he may think fit either:-

- a) functions of a kind similar to the functions specified in subsection (1) of this section; or
- b) functions which in the opinion of the Governor can be conveniently exercised by KASSTOWA in association with the functions already specified above.

STAFF OF KASSTOWA

56. 1) There shall be appointed by the Governor the Managing Director who shall, subject to the general direction of the Board:-

The Managing Director.

- (a) be the Chief Executive and Chief Accounting Officer of the KASSTOWA;
- (b) be responsible for the implementation of the decisions and policies of the Board of the KASSTOWA as well as the general administration of KASSTOWA;
- (c) perform such other duties as the Board of the KASSTOWA may from time to time direct.

(2) The Managing Director shall:-

- (a) be a person with a professional qualification in water, civil or sanitary engineering or public health, or other profession relevant to the functions of the KASSTOWA with sound relevant experience;
- (b) shall hold office for a term of 4 years with an option renewal to another term of 4 years only.

57. (1) The Managing Director shall be assisted in the performance of his duties by Heads of Departments in charge of:-

Administration of the State Small Town Water supply and Sanitation Agency.

- (a) administration (Administration, Finance and Accounts);
- (b) operation and maintenance (Distribution);
- (c) technical;
- (d) commercial;
- (e) planning research and statistics (M&E);
- (f) production;
- (g) engineering; and
- (h) such other departments as the board may deem necessary.

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The Secretary. **58.** (1) There shall be a Secretary (referred to in this Law as “the Secretary”) to KASSTOWA who shall be responsible to the Board and shall assist it in the discharge of its functions under this Law.

(2) The Secretary shall be a Legal Practitioner with a minimum of ten [10] years post-call experience and shall be the Head of the Legal Department.

The Functions of the Secretary.

59. (1) The Secretary shall perform the following functions:-

- a) organize and take minutes of the meetings of KASSTOWA and at Senior Management meetings;
- b) be the custodian of the records of KASSTOWA and conduct correspondence on behalf of KASSTOWA;
- c) arrange for payment of fees and allowances of meetings and all other matters affecting members of the Board of KASSTOWA;
- d) perform all duties as the Board or MD may from time to time direct;
- e) communicate policy decisions of the Board to affected Departments;
- f) render necessary advice on compliance with Laws, rules and regulations affecting the Agency;
- g) establish and maintain the register and minutes book of the Board;
- h) keep custody of copies of asset register, financial and annual reports of KASSTOWA;
- i) coordinate the preparation, vetting and review of all contracts; and
- j) represent KASSTOWA in court with the consent of the Attorney General in matters to which it is a party.

Other Staff of KASSTOWA.

60. (1) KASSTOWA shall have power to employ directly from the private sector, or from any Public Service of the State, Local Government, Federation, or otherwise, any number of staff and other employees as it may from time to time deem necessary in the discharge of its functions under this Law.

(2) The terms and conditions of Service shall be in accordance with the condition of service as contained in the state civil service or as may be determined by KASSTOWA with the approval of the Government:-

- (a) that service in KASSTOWA shall be approved Service under the provision of the pensions Law and accordingly, staff and employees of KASSTOWA shall be entitled to pensions, gratuities and other retirement benefits as prescribed under the pensions Law;
- (b) without prejudice to the provisions of subsection (a) of this section, nothing in this Law shall prevent the appointment of any person to any office on terms which preclude the grant of pension, gratuity or other retirement benefits with respect to that office.

61. (1) KASSTOWA may, subject to the provisions of this Law, determine generally the conditions of service of the staff of KASSTOWA and without prejudice to the generality of the foregoing; KASSTOWA may determine:-

- (a) conditions for the appointment and promotion;
- (b) recommend to Government for termination and dismissal of staff and employee; and
- (c) procedure for appeals by staff and employees against dismissal, termination or other disciplinary measures as may be provided by KSWRC.

(2) KASSTOWA shall determine the remuneration of its staff and employees after consultation with the Department of Establishment and Service Matters of the State or any other Agency of Government responsible for such matters.

(3) Service in KASSTOWA shall be approved service under the relevant Pensions Law and accordingly, staff and employees of KASSTOWA shall be entitled to pensions, gratuities and other retirement benefits as prescribed under such Law.

The Conditions
of Service of
the Staff.

(4) Without prejudice to the provisions of sub-section (3) of this section, nothing in this Law shall prevent the appointment of any person to any office on terms which preclude the grant of pensions, gratuity or other retirement benefits with respect to that office.

Remuneration of Officers.

62. KASSTOWA shall determine the remuneration to be paid to its staff and may require any officer to give such security as is deemed proper for the due execution of his office.

GENERAL ADMINISTRATION AND FINANCIAL PROVISIONS

Financial Provisions.

63. The Provisions relating to the general administration and financial matters as applicable to the State Water Corporation shall apply to the KASSTOWA including but not limited to matters pertaining to:-

- (a) funds and resources;
- (b) bank accounts;
- (c) application of the KASSTOWA'S Funds;
- (d) loans and grants by the State Government;
- (e) annual budgets and accounts;
- (f) annual reports;
- (g) borrowing;
- (h) investments;
- (i) exemption from Taxation;
- (j) power to raise capital on the stock exchange;
- (k) power to accept gifts;
- (l) guarantee on loans or other instruments of KASSTOWA by the State Government; and
- (m) other financial matters.

Responsibility of KASSTOWA Which the Governor May Perform or Delegate.

64. In the absence of a Board of KASSTOWA and until such time such Board is constituted pursuant to this Law, the Governor or any person to whom he has delegated the responsibility of KASSTOWA shall execute any document, exercise or perform any of KASSTOWA's Powers or functions excluding the power to make regulations, provided that such period shall not exceed one year.

WATER SUPPLY, DISTRIBUTION AND CONSUMPTION.

- 65. (1)** KASSTOWA shall as far as possible maintain a continuity of supply of water to consumers within its areas of operation; provided that KASSTOWA shall have the right to:-
- KASSTOWA's Responsibility to Consumers for Continuous Supply of Water.
- a). suspend the supply of water for such periods as may be necessary for carrying out inspections, tests, or repairs and for the making of new connections;
 - b). suspend or turn off supply for the purpose of effecting alterations and modifications to its pipelines and other facilities or general maintenance of the waterworks subject to notice as may be determined by the State Water Services Regulatory Commission; and
 - c). suspend or discontinue any supply where the payment of any rate, dues or charges is in arrears.
- (2) KASSTOWA shall in no case be under any obligation to pay damages or compensation for loss, damages or inconveniences caused to any consumer through any suspension failure, discontinuance or a total or partial interruption of the supply of water howsoever caused.
- 66. (1).** KASSTOWA, shall from time to time fix rates and scales of charges payable for Water supply and other services in Small Towns in accordance with a methodology for tariff setting earlier approved by the Kano State Water Services Regulatory Commission which allows for the fixing of economic rates for Water supply and other services in order to meet its financial objectives in accordance with the provisions of this Law.
- Rates and Scales of Charges.
- (2).The water rates and charges may be fixed at different rates for different locations and different users as may be approved by the Kano State Water Services Regulatory Commission.
- 67. (1)** KASSTOWA may supply water to a tenant upon application of the owner/occupier thereof which service
- Application for Water Supply.

shall be by contract between the parties pursuant to rules and regulations issued by the Kano State Water Services Regulatory Commission.

(2) KASSTOWA may refuse to supply water to any particular premises otherwise than by a meter installed and kept in repair by KASSTOWA.

Provided that KASSTOWA may not disconnect any user or fail to connect a potential consumer for the failure of KASSTOWA to provide the said meter.

Prohibition of Sale of Water Supplied by KASSTOWA.

68. As from the commencement of this Law, it shall not be unlawful for any person to resell water supplied by KASSTOWA except pursuant to an agreement with KASSTOWA for that purpose; provided that no authority shall be required for the sale of any manufactured goods or other commodities in which water supplied by KASSTOWA is included.

Payment for Water Rates and Charges.

69. (1). The owner or occupier of any tenant to which water is supplied by KASSTOWA shall pay to KASSTOWA such rates and charges for Water supply or other service as may from time to time be determined by KASSTOWA in consultation with the Water Consumer Associations and approved by the Kano State Water Services Regulatory Commission.

(2). Upon failure by a consumer to pay any outstanding water rates and charges pursuant to a notice by KASSTOWA in accordance with regulations issued by the State Water Services Regulatory Commission, the KASSTOWA may recover such rates or charges by application brought before the High court of Kano State or any other special Court created for that purpose.

Supply to Local Government Councils and its Institutions.

70. (1) Where standpipes or other supply services are provided for communal use, upon application by the relevant Local Government Council, KASSTOWA shall have power to charge for such service in accordance with rates approved by the State Water Services Regulatory Commission and the Local Government Councils shall pay such rates from its resources.

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

71. (1) Except in so far as is otherwise provided by this Law, where a supply of water is provided by KASSTOWA in any part of an area for private purposes, every person within that part of the area shall, upon application to KASSTOWA, be entitled to a supply on terms and conditions as KASSTOWA may deem fit.

Entitlement to Supply of Water Without Preferential Treatment.

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

72. (1) Subject to the provisions of this section, it shall be the duty of KASSTOWA to keep records of the location of:-

Maps of Waterworks and Sanitation Infrastructure.

- a) every source main, water main or discharge pipe which is for the time being vested in KAS STOWA; and
- b) any other underground works, other than a service pipe, which are for the time being vested in KASSTOWA.

(2) It shall be the duty of KASSTOWA to ensure that the contents of any records for the time being kept by it under this section are available, at all reasonable times, for inspection by the public free of charge at an office of KASSTOWA upon prior application in writing to KASSTOWA.

(3). any information which is required under this section to be made available by KASSTOWA for inspection by the public shall be so made available in the form of a map.

(4) For the purpose of determining whether any failure to make a modification of any records kept under this section constitutes a breach of the duty imposed by subsection (1) that duty shall be taken to require any modification of the records to be made as soon as reasonably practicable after the completion of the works which make the modification necessary; and

where records kept under this section are modified, the date of the modification and of the completion of the works making the modification necessary shall be incorporated in the records.

(5) KASSTOWA shall put in place a mechanism to receive and address consumer complaints in an efficient and effective manner and as may be prescribed by the Ministry.

(6) The duty of KASSTOWA under this section shall be enforceable under this Law by the Kano State Water Services Regulatory Commission.

CHAPTER IV

AFFIRMATION, COMPOSITION, FUNCTIONS AND POWERS OF THE RURAL WATER SUPPLY AND SANITATION AGENCY.

Affirmation of the State Rural Water supply and Sanitation Agency ("RUWASA").

73. (1) There is hereby established a body to be known and called as the State Rural Water supply and Sanitation Agency (hereinafter referred to as "RUWASA") which shall:-

- (a) be a body corporate with perpetual succession;
- (b) have a common seal;
- (c) sue and be sued in its corporate name; and
- (d) own and dispose movable or immovable property.

(2) The objectives of the RUWASA shall be to provide technical assistance to communities and the LGAs in the rural areas in the establishment, construction, management and maintenance of Water supply and sanitation infrastructure, and hygiene promotion in the communities.

Affirmation and Composition of the Board of RUWASA.

74. (1) There is established for RUWASA, a Governing Board which shall comprise:-

- a) chairman to serve on part time basis who must have at least 10 years experience in a senior management position in either public or private organization;
- (b) the Managing Director who shall be the Chief Executive Officer and accounting officer;

(c) representatives from the following institutions:

- i) Ministry of Water Resources,
- ii) Ministry of Justice,
- iii) Ministry of Rural Development,
- iv) Ministry of Agriculture.
- v) Ministry of Health,
- vi) Ministry of Environment,
- vii) Ministry for Local Government,
- viii) Ministry of Education.

Three other persons shall be appointed by the Governor one from each senatorial district who have special contribution to make in the work of the Board and shall be professionals with experience in Water Resources and Sanitation or business field, one of whom must be a woman.

(2) Any of the Board members may be represented by an officer of the Ministry not below the rank of a Director.

(3) The names of the Chairman and other members of the Board shall be published in the State Gazette.

(4) The Chairman and other members of the Board shall be appointed by the Governor.

(5) The Board shall meet to conduct the business of the Board once every quarter and at such other times as the Chairman may determine.

(6) The provisions contained in Schedule iv to this Law shall have effect with respect to the proceedings of the Board and other matters mentioned therein.

75. The Chairman and other members shall be paid such allowances as may be applicable in the State Public Service. Allowances.

76. The functions of the Board shall be to:-

- a) provide guidelines for the performance of its functions and the exercise of the powers of RUWASA under this Law;
- b) give guidelines on the management and development of Rural Water supply, Sanitation and Hygiene Services; and
- c) do such other things and acts that the Board may require for carrying into effect the provisions of this Law.

Functions of the Board of RUWASA.

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- Proceedings of the Board. **77.** The provisions contained in Schedule iv to this Law shall have effect with respect to the proceedings of the Board and other matters mentioned therein.
- Functions of RUWASA. **78.** RUWASA shall:
- (1) In consultation with the WASH Departments of the relevant LGAs and the WASHCOMS in the communities, agree and design appropriate technology for Water supply to each community and coordinate the construction, rehabilitation and supervision of same.
 - (2) Issue certificate of compliance with standards set by the Kano State Water Services Regulatory Commission for the construction of water schemes and hand over such schemes to the community for management and operation, subject to the technical supervision by RUWASA and the LGA WASH Departments.
 - (3) Support State Rural Water Supply programmes;
 - (4) Design and supervise the construction of all new sanitation facilities in the rural areas, rehabilitate monitor and improve all existing sanitation facilities and support the State Rural Sanitation programme.
 - (5) Liaise with the Federal and State Government MDAs and external support Agencies in the design and implementation of programmes and projects in the area of rural Water supply, and Water-related Sanitation and Hygiene activities.
 - (6) Support studies and research projects that will facilitate the execution of the functions of RUWASA.
 - (7) Undertake WASH education and create awareness of WASH principles in the communities, particularly in schools and amongst women and children.
 - (8) Organize technical training of staff of LGA WASH department key officers of the WASHCOMs and local artisans for the operation and maintenance of the Water supply schemes and sanitation facilities.
 - (9) Promote improvement of traditional sources of community Water supply (protected springs, orifices, protected hand dug wells, rain water harvest).
 - (10) Promote construction and maintenance of household or public toilet facilities and household toilet facilities.

- (11) Promote Rural Community - Led Total Sanitation (CLTS) and issue certificate of open- defecation free status to compliant communities.
- (12) Promote appropriate technology for the construction of toilet facilities in the rural areas.
- (13) Ensure compliance with the Nigerian Drinking Water Quality Standards (NDWQS) for WRC.
- (14) Monitor and protect the quality of raw water sources in collaboration with the Ministry responsible for Water Resources in the Rural Areas.
- (15) Monitor and undertake preventive and remedial action, in collaboration with the Ministry of Health, any outbreak of any water-related disease or any other real or potential health threats associated with the delivery or provision of Water supply and Sanitation Services in the rural areas.
- (16) Promote private sector participation in the Water supply and sanitation industry in the rural areas to attract resources for sustainable development of the rural water sector.
- (17) Develop mechanisms and procedures for stakeholder's participation in the development of WASH Plans for the rural areas.
- (18) Coordinate the activities of all WASH Departments of LGAs in all the rural areas in the implementation of State WASH programmes for rural areas.
- (19) Conduct raw and treated water quality tests to ensure compliance by all operators in the rural Water supply and sanitation sector with the Nigerian Drinking Water Quality Standards and
- (20) Perform such other activities in the rural area as may be necessary in furtherance of its functions under this Law.

- 79.** (1) Subject to the provisions of this Law, RUWASA shall, for the purpose of carrying out its functions under this Law, have power to carry on all activities which are necessary, advantageous or convenient in the rural areas.
- (2) Without prejudice to the generality of the foregoing, RUWASA shall have power to:-

Powers of
RUWASA.

- (a) prepare such Master Plans as may be necessary for the development and maintenance of rural water and sanitation infrastructure for the rural areas;
- (b) create awareness of the WASH Policy and sector reform principles, and undertake necessary activities to carry same into effect in the rural areas;
- (c) organize communities to form community improvement or development unions or associations (to be known as WASHCOMS) under elected leadership to act as the apex organization for the implementation of rural programmes initiated by RUWASA, the LGA, or the communities themselves in the Rural Areas;
- (d) to do anything for the purpose of advancing the skills of persons employed by RUWASA, including facilities for training, education and research for the efficient running of the services of RUWASA as applicable in the Rural Areas;
- (e) construct and maintain buildings and other works necessary for the discharge of its functions under this Law in the Rural Areas;
- (f) acquire, purchase, lease, hold, construct, manufacture, maintain or insure any property whether movable or immovable, required for or in connection with the performance of its functions and to sell, lease, dispose of, or otherwise deal with such property or any part thereof subject to the approval of the Governor in instances of sale in the Rural Areas; and
- (g) enter into PPP arrangements with the private sector for the purpose of carrying out any of the functions of RUWASA under this Law in the Rural Areas.

80. Provided that wherever appropriate RUWASA shall have powers to establish and maintain such major departments, subsidiary divisions, sections, branches and field offices and make all other administrative arrangements as may in its opinion be necessary or expedient for the performance of its functions under this Law in the Rural Areas.

Administrative Organization of RUWASA.

81. Established for RUWASA the under listed Departments for the effective performance of its functions:-

Departments and Responsibilities.

- a) community mobilization, health and hygiene education department;
- b) planning, monitoring and evaluation department;
- c) sanitation department;
- d) water supply department;
- e) administration and finance department.

82. (1) There shall be established in each Local Government Council in the State a Rural Water supply, Sanitation and Hygiene Department (hereinafter called the **WASH Department**).

Establishment of Local Government Council (LGC) WASH Departments.

(2) Membership of WASH Department shall comprise of:-

- (a) the head of department and the officers responsible for:
 - i) water supply,
 - ii) sanitation,
 - iii) community mobilization, health and hygiene education, and
 - iv) planning, monitoring and evaluation.

(3) The functions of the WASH Department shall be to:-

- a) liaise between RUWASA and all the communities in the Rural Areas;
- b) develop annual water sector developmental plans and budget for the Local Government in consultation with relevant WASHCOMS and submit same to RUWASA as part of the State Rural Water Sector Development Plan;

- c) encourage and support communities to mobilize, organize and establish Water supply Sanitation and Hygiene Committees with a minimum of 35% women representation in the Rural Areas;
- d) compile inventory, monitor operations, and provide technical assistance on maintenance of Water supply and Sanitation facilities in the communities of the Rural Areas;
- e) identify and train hand pump mechanics, caretakers, latrine artisans and hygiene facilitators in the Rural Areas;
- f) maintain records of plans and requests concerning Water supply and Sanitation, Hygiene Education and other sanitary activities in all communities in the Rural Areas;
- g) mobilize and support community linkages with relevant developmental Agencies and Organizations;
- h) encourage and support teachers in Primary and Post Primary Schools to teach and promote hygiene education to pupils and members of the community in the Rural Areas;
- i) contribute to the eradication of Water and Sanitation related diseases in the communities in the Rural Areas;
- j) liaise with other Agencies for progress reports, policy guidelines and standards;
- k) collaborate with Non-Governmental Organizations, Community Based Organizations, and communities to promote the rehabilitation or construction of Water and Sanitation facilities in schools in the Rural Areas;
- l) train the WASHCOM members to plan and implement Water and Sanitation Services in their communities within the Rural Areas;
- m) promote awareness of environmental friendly activities in communities of the Rural Areas;
- n) promote good hygiene practices in the utilization and maintenance of Water and Sanitation facilities in the Rural Areas; and

- o) provide, coordinate and supervise the construction of low cost latrines such as Ventilated Improved Pit (VIP) latrines, SANPLAT, Pour Flush, Pier Latrines in the Rural Areas of the Local Governments.

83. (1) There shall be established for each community in the Rural Areas of the Local Governments, a Water supply, Sanitation and Hygiene Committee (in this Law referred to as "WASHCOM").

Establishment
of
WASHCOMS.

(2) The WASHCOM shall be registered by the Local Government Council and a certificate issued shall serve as evidence of such registration.

(3) The WASHCOM shall comprise:-

- a) chairman;
- b) secretary;
- c) treasurer;
- d) financial secretary;
- e) publicity secretary;
- f) three ex-officio members.

Provided that four of the members shall be women.

(4) WASHCOM shall:-

- (a) be formed in the rural areas at the village level Water Sanitation and Hygiene Committees for the management of Water supply and Sanitation facilities on behalf of the community;
- (b) enhance community ownership of WASH facilities and be responsible for determining the cost of operation and maintenance of water points in their areas;
- (c) be responsible for fixing and collection of water point tariffs for the operation and maintenance of the water points;
- (d) support for basic hygiene education, sensitization activities, and community advocacy;
- (e) collaborate with the WASH Departments and RUWASA on Water supply Sanitation and Hygiene Programmes of the Federal, State or Local Governments on behalf of the Communities in the Rural Areas;

- (f) encourage development of skills of members to promote community participation with the active involvement of women;
- (g) participate in planning, design, construction, and operation of Community WASH facilities;
- (h) promote household food and water security in the Community by encouraging prudent use of water and preventing wastage;
- i) support the immunization and the provision of nutritional supplements for children in the community;
- (j) contribute to the eradication of Water supply and Sanitation related diseases in the community in the rural areas;
- (k) mobilize the community to take active part in the construction of Water supply and Sanitation facilities in the Rural Areas ;
- (l) collaborate with the WASH Departments in the preparation of the WASH Development Plans for the communities in the Rural Areas ;
- (m) support and promote Community Led Total Sanitation (CLTS) in the community in the Rural Areas;
- (n) ensure that the community contributes to part financing of Small Scale Water supply facilities or extension schemes as appropriate in the Rural Areas;
- (o) participate in project design and implementation and;
- (p) be responsible for policing of water infrastructure to report leakages and protect it against vandalism in the Rural Areas.

**MANAGING DIRECTOR (MD), SECRETARY AND
OTHER STAFF OF RUWASA.**

The Managing
Director.

84. (1) The Governor shall appoint a Managing Director for RUWASA who shall be:-

- (a) the Chief Executive and Accounting Officer;

- (b) responsible for the implementation of the decisions and policies of the Board and the general administration;
 - (c) perform such other duties as the Board may from time to time direct;
 - (d) be responsible for the execution of the State WASH policies.
- (2) The Managing Director shall:-
- (a) be a person with a professional qualification in either Engineering, Law, Accountancy, Business Administration, Earth Sciences or other relevant disciplines and registered with their professional bodies where such bodies exist and shall have held a senior management position for a minimum of ten (10) years in a public or private sector;
 - (b) hold office for a period of four years which term may be renewed for a further term of four years and no more; and
 - (c) the MD shall be paid such remuneration as may be specified in his letter of appointment as determined by the Governor.

85. (1) RUWASA may appoint such number of staff and other employees as it may require either directly or by way of deployment from the State Public Service to assist in the discharge of its functions under this Law.

Other Staff of
RUWASA.

- (2) RUWASA may determine generally the terms and conditions of service which shall include:-
- (a) conditions for the appointment and promotion;
 - (b) recommend to Government for termination and dismissal of staff and employees; and
 - (c) procedure for appeals by staff and employees against dismissal, termination or other disciplinary measures as may be provided by KSWRC.

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

(3) RUWASA shall determine the remuneration of its staff and employees after consultation with the Department of Establishment and Service Matters of the State or any other Agency of Government responsible for such matters.

(4) Service in RUWASA shall be approved service under the relevant Pensions Law and accordingly, staff and employees of RUWASA shall be entitled to pensions, gratuities and other retirement benefits as prescribed under such Law.

(5) Without prejudice to the provisions of sub-section (4) of this section, nothing in this Law shall prevent the appointment of any person to any office on terms which preclude the grant of pensions, gratuity or other retirement benefits with respect to that office.

FINANCIAL PROVISIONS AND ASSETS OF RUWASA.

Funds of
RUWASA.

86. (1) The funds and resources of RUWASA shall consist of:-

- (a) all fees, charges and other revenue accruing to RUWASA by virtue of its operations;
- (b) all sums, investments, or other property whatsoever vested in RUWASA under this Law;
- (c) such sums or other property whatsoever as may from time to time be advanced by way of Loans or grants to RUWASA, by the Federal Government, State Government, Local Government, any International Organization, Private Foundation or any person whatsoever;
- (d) all budgetary allocations approved for RUWASA by the State House of Assembly; and
- (e) all other sums or other properties whatsoever which may in any manner become vested in RUWASA under this Law or any other Law.

(2) Funds for Capital Projects:-

- (a) the funds for capital projects which include the provision of Water supply, Sanitation facilities and hygiene promotion shall include contributions from the State and the Local Governments as well as from the community in the ratios as may be agreed during Project design.
- (b) the Community, through RUWASA may apply for contributions and support from the Federal, State and Local Governments and donor agencies for necessary funds for their capital projects.

87. RUWASA shall open and operate Bank Accounts for its funds for capital Projects and other expenses with reputable Banks on the advice of the State Accountant General and the signatories to the accounts shall be the MD and the Head of Accounts. Bank Accounts.

88. (1) The provisions contained as regards Budgetary Planning of Corporations and other related statutory bodies shall have effect in relation to RUWASA as regards Annual Budgets, Accounts and Audits; Annual Estimates, Accounts and Audit.

(2) RUWASA shall cause to be kept proper accounts and receipts, payments credits and liabilities in satisfactory financial standards and shall submit the same from time to time with vouchers to be audited by the Auditor-General of the State;

(3) At the end of every financial year, the Auditor-General shall submit the report of his audit of the accounts of RUWASA to the Governor;

(4) The provisions of this section shall be subject to the provisions of the State Fiscal Responsibility Law,

89. Subject to the approval of the Governor and the resolution of the State House of the Assembly, RUWASA may borrow any sum of money as it may require in the exercise of its functions under this Law. Borrowing Powers.

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- Handover of Completed Facilities. **90.** (1) All projects constructed under the supervision of RUWASA with contributions from the community shall, when completed, be handed over to be operated and maintained by the WASHCOM of the beneficiary Community pursuant to a Transfer Agreement.
2) Every benefiting Community shall provide security on project sites during construction and after due handover by RUWASA.
(3) All completed projects shall be certified by RUWASA and the WASH Department as meeting standards for the construction of such works issued by the Kano State Water Services Regulatory Commission.
- Payment for RUWASA's Services. **91.** RUWASA may prescribe fees and charges for any of its services as may be approved by the Kano State Water Services Regulatory Commission and State House of Assembly and such fees shall be published in the Official Gazette of the State.
- Gifts, Grants, etc. **92.** RUWASA shall have power to accept any gift, grant, bequest or devise, provided that the conditions attached by the person or organization making it are not inconsistent with the functions of RUWASA and the interest of the State.
- Authentication of Documents. **93.** (1) The Common Seal of RUWASA shall not be used or affixed to a document unless in pursuance of a resolution duly passed at a meeting of the Board.
(2) The Seal of RUWASA shall be authenticated by the signature of the Chairman and the MD.
(3) Any document purported to be duly executed under the Seal of RUWASA shall be received in evidence and shall unless the contrary is proved, be deemed to be so executed.
- Service of Notices. **94.** All notices, summons, orders or any other document to be served on RUWASA shall be addressed to the Managing Director and delivered to its Head Office.

95. An officer of RUWASA may enter into any water scheme, sanitation facilities or other premises in the rural areas between the hours of six o' clock in the morning and six 0' clock in the evening or in an emergency at any time for the purposes of inspecting such facility or premises or any part thereof, to take samples of the water, inspect the sanitation facilities, or investigate any outbreak of water-related diseases or other occurrence in the exercise of its functions under this Law.

Power of Entry
of RUWASA
Officer.

96. (1) All WASH assets of the State Government in Rural Areas vested in the Water Board or other State Government owned bodies (transferred assets) immediately before the coming into effect of this Law shall by virtue of this Law and without further assurance be vested in RUWASA hereby established.

Assets of
RUWASA.

(2) Such assets shall include all Rural Water Supply infrastructure constructed by the State Government or any of its Agencies prior to the commencement of this Law and shall include land, works, and other properties, assets, powers, rights and privileges appertaining thereto or enjoyed in connection therewith.

(3) All liabilities and obligations of the government in respect of any of the transferred assets falling due or to be discharged after the commencement of this Law shall become the liabilities and obligations of RUWASA;

Provided that RUWASA shall not be liable or obliged to repay to the Government any loan or part thereof made before the commencement of this Law by the State Government to any Local Government Council for the construction or otherwise in respect of any transferred water works not yet repaid to the Government by the Council before the commencement of this Law.

(4) Every deed, bond agreement, instrument or contract to which the State Government was a party for the construction or otherwise in respect of any of the transferred assets shall subject to the provisions of this section and unless the circumstance otherwise requires have effect from the commencement of this Law as if;

- (a) RUWASA had been a party thereto;
 - (b) any reference to the Government therein, shall be a reference to RUWASA with respect to anything required to be done before the commencement date.
- (5) Where, by the operation of any of the forgoing provisions of this section, any of the transferred assets including lands, works , or other properties, assets, powers, rights and privileges are vested in RUWASA, RUWASA shall, from the commencement date, exercise the same rights powers and remedies, and in particular the same rights and powers as to the taking and resisting of legal proceedings for ascertaining, performing, protecting or enforcing as the circumstance may require such transferred assets or other properties, assets, powers, rights or privileges of RUWASA. Any legal proceedings by or against the State Government pending upon the commencement date in respect of the same shall be continued by or against RUWASA.
- (6) It shall be the duty of the appropriate authority to prepare and deliver to RUWASA such particulars as RUWASA may require in respect of such transferred assets.
- (7) Nothing in this section shall be construed as purporting to derogate from the provision of any Act of the National Assembly relating to the transfer or vesting of any class of property, rights or liability and such measures as are necessary in accordance with these provisions shall be taken to ensure the vesting of such property, right and liability in RUWASA either on the commencement date or so soon as may be thereafter, and upon such vesting, the preceding provisions of this section relating to the consequence of the vesting of properties, rights and liabilities shall have effect accordingly.
- (8) Assets in communities where WASHCOMS have been formed shall be transferred to such WASHCOMS subject to terms and conditions of a Transfer Agreement between the relevant WASHCOM and RUWASA.

(9) RUWASA and the WASH Department of the LGC shall continue to provide technical advisory services to the WASHCOM in the operation of the facilities while the Community will bear the cost of operating and maintaining such Schemes.

97. (1) Whenever it appears to RUWASA that any land in the rural area of the State is likely to be needed for the purpose of any rural infrastructures, RUWASA may, by its servants and Agents, together with necessary workers enter upon any such land and:

Preliminary Investigation in Respect of Land for Rural Infrastructures.

- (i) survey and take levels of the land,
- (ii) dig or bore under the subsoil,
- (iii) do all other technical acts necessary to ascertain whether the land is suitable for such purposes, and
- (iv) clearly set out and make the boundaries of the land in respect of which it is proposed to make an application.

Provided that no such agent, servant or workman shall enter any building or any enclosed court or garden attached to a dwelling house (except with the consent of the occupier thereof) before at least six weeks' notice of the intended entry has been given to such occupier.

(2) As soon as any entry has been made under (1) of this section, RUWASA shall pay compensation for all damages arising out of the exercise of any power conferred by subsection (1) above.

(3) In the event of a dispute as to the amount of any compensation payable under this section, the amount may be determined by the State Water Regulatory Commission and upon appeal, by the high court having jurisdiction in the area where the land is situated.

CHAPTER V
MISCELLANEOUS

Role of
Government.

98. The Ministry in connection with all stake holders shall be to:-

- a. support the development of human resources in the sector through the provision of education and training opportunities at universities and polytechnics tailored to the specific situation in the State;
- b. institutionalize monitoring and evaluation of activities in the water sector to track progress of changes and to make necessary adjustments required to achieve the desired outcomes. Benchmarking against other locations shall be an integral part of evaluation;
- c. institutionalize data gathering and information management to provide necessary data for long-term planning purposes;
- d. institutionalize Water Supply System Planning;
- e. with contributions from the 3 tiers of Government and from other stakeholders, fund the Value Based Water, Sanitation and Hygiene Education Programme and promote sanitation and hygiene;
- f. allow competition on equal basis between its WSPs and private WSPs on commercial basis with no subsidy or advantage over the private sector;
- g. develop and review water policy and legislation in conjunction with WCAs and LGAs, coordinates stakeholders, data collection, monitoring and evaluation;
- h. finance capital projects for new building and capital expansion where long term sustainability is displayed by WCAs;
- i. ensure that adequate capital funding is directed towards poor segments of the population to increase their level of access to safe and reliable water supplies.

99. (1) The State Government, through the Ministry shall have the following powers:-

Ministry of
Water
Resources
(MWR).

- a. financing capital project (rehabilitation of existing and construction of new systems) but shall not implement them;
- b. facilitate the process of O&M and create the enabling environment for success at the state level;
- c. maintain information data base, planning and development, policies and programmes state-wide;
- d. develop state-wide technical standards for the industry in conjunction with the KSWC and the KSWRC;
- e. serve as a link between the Federal Government and external agencies involved in the Water Supply in the State;
- f. serve as a centre of knowledge of the Water and Sanitation Sector and disseminate information;
- g. provide necessary enabling environment for the involvement of the private sector in Water Supply and Sanitation Services;
- h. coordinate state-wide Water Resources and issues with Water Supply Development Plans;
- i. collaborate with other State Ministries, CSOs and KNIWRMC;
- j. supervise the activities of the institutions under its jurisdiction;
- k. be responsible for driving forward all associated changes in the water sector and sanitation and create change management office for that purpose;
- l. re-orientate consumers about the changes that are taking place and other Water Supply and Sanitation issues through the Directorate of Societal Re -orientation;
- m. the Directorate of Societal Re-orientation will have the following purposes;

- i. to inform people of new Government Water Policies and the long term direction of the sector,
- ii. to re-orientate water consumers that water is an economic good that needs to be paid for based on level of services provided that communities need to manage their own water supplies,
- iii. re-orientation of personnel in all Government Institutions involved in Water Supply to instill an attitude of continuous improvement, implementation of best practices, work ethics, transparency and accountability,
- iv. advocate at the political level ethics to discourage politicians from making promises concerning Water Supply that are contrary to the WASH policies,
- v. advocacy directed at the private sector of opportunities available in the water sector as well as the need to rise to the challenges of participating in the delivery of safe and reliable Water Supply in a cost effective manner with due regard to “Corporate Social Responsibility”

Local
Government
Authorities
(LGAs).

100. The Local Government shall:-

- a. facilitate, support and coordinate all matters between the WCA's and Government.
- b. support and promote the development of WCA's especially in communities where the association is non-existent or very weak, this will include:
 - (i) disseminating information on State and Federal Government programmes to the communities and WCA's,
 - (ii) assisting communities to create WCA and coordinating with other LGAs in the area.
 - (iii) serving as a link between the WCA's, KASSTOWA and external support agencies involved in Water Supply and sanitation services in the LGA

- f. contribute in financing capital projects (rehabilitation of existing and construction of new systems) but does not implement them.
- g. facilitate processes and create the enabling environment for success at the LGA level.
- h. maintain LGA information database, undertaking LGA-wide planning and developing LGA-wide programs
- i. monitor and evaluate project implementation.
- j. coordinate LGA-wide water resource management issues with Water supply development plans.
- k. coordinate with the relevant State, ministries like Ministry of Water Resources, Rural Development, Environment and Health.
- l. collaborate with WASHCOM/WCA and provider in rural and semi-urban Water supply systems to provide affordable water rates and tariffs for the less privileged and ensuring that accountability between the consumer and the provider is maintained.
- m. establish WASH Departments whose responsibilities shall be:
 - i. registration of WASHCOMs
 - ii. construction and supervision of boreholes, hand-pumps, hand dug wells and other simple water systems
 - iii. collaborate with KASSATOWA and RUWASA for technical training and advice to the WASHCOMs,
 - iv. to promote Community Led Total Sanitation (CLTS) in all the villages within the LGA,
 - v. any other function that may be assigned to it by the LGA.

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Establishment
of Water
Consumers
Associations
(WCAs) in
Small Towns.

101. (1) Local Governments shall with the support of the KASSTOWA facilitate the establishment of WCAs by communities in small towns to own, operate and manage water schemes serving their immediate community on behalf of Water consumers in each small town.

(2) The objective of the WCA shall be to undertake the operation, maintenance and management of the Water Supply Schemes within its own area either by itself or by engaging a private water operator.

(3) The WCAs shall be registered as cooperative societies with the relevant State department.

(4) Subject to any Regulations by the State Water Regulatory Commission with respect to such matters, the Agency upon an application by a WCA for the transfer of Water Scheme within their community shall transfer such scheme if it is satisfied that the WCA possesses sufficient capacity to successfully operate the Scheme.

(5) Any transfer made pursuant to sub section (4) of this section shall be by a formal agreement specifying the terms and conditions of such transfer.

(6) The WCA shall obtain an operating License from the Kano State Water Services Regulatory Commission pursuant to such Agreement.

Establishment
of State Water
and Sanitation
Information
System.

102. (1) The Ministry shall establish a State Water and Sanitation Information System which shall encompass data and information gathering on Water Supply, Water Sanitation facilities and Water Resources of the State and shall report regularly to the National Information System on Water Supply and Sanitation Services and Water Resources generally to the Federal level.

(2) All information provided shall be in a format accessible to all stake-holders.

(3) For the purpose of subsection (1) of this section, the Ministry may require any Service Provider and Consumers to provide information that will be included in the State Water and Sanitation Information System.

(4) The Ministry shall submit the data for input into the

State Water and Sanitation information system for verification of stakeholders at an annual stakeholder's conference stating the source of the data and confirming the accuracy thereof and such data will be made available to the public at a reasonable fee.

(5) The Ministry shall establish Water and Sanitation Sector Coordination Committee:-

- a) the Committee shall comprise of the following members under the chairmanship of the Honorable Commissioner State Ministry of Water Resources;
- b) the following Ministries and or Parastatals shall send a representative or a person not below the rank of a Director in the case of Ministries and GM in Parastatals:
 - i. Min. of Health,
 - ii. Min. of Environment,
 - iii. Min. of Education,
 - iv. Min. of Women Affairs,
 - v. Min. of Agriculture,
 - vi. Min. for Local Government,
 - vii. Min. of Rural and Community Development,
 - viii. Chairman of Association of Local Government of Nigeria (ALGON), State,
 - ix. the Kano State Water Regulatory Commission,
 - x. State Water Corporation,
 - xi. Small Towns Water Supply and Sanitation Agency,
 - xii. Rural Water Supply and Sanitation Agency,
 - xiii. Hadejia Jama'are River Basin Development Authority,
 - xiv. Three Non-Governmental Organizations related to Water Supply and Sanitation active in the State,
 - xv. KNIWRMC in the State,
 - xvi. all relevant external support Agencies active in the State,

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- xvii. representatives of tertiary institutions in the state,
- xviii. representative of water consumer associations in the State,
- xix. representative of water supply and Quality Control of the Federal Ministry of Water Resources in Kano Office,
- xx. bureau of land and physical planning
- xxi. representative of WRECA,
- XXII. representative of WASHCOM in the State.

Functions of the Committee.

- 103.** (1) The committee shall meet annually to:-
- (a) assess the Water Sector Development Plans (WSDP) presented by the Ministry of Water Resources and highlight prospective intervention proposed for the Sector by Government and Non-Governmental Agencies.
 - (b) consider and suggest capital infrastructure projects for the sector.
- (2) There shall be a sub-committee of WSDP that shall meet quarterly to monitor and evaluate the implementation of programs and projects of the water and sanitation sector.
- (3) The secretariat for the Committee shall be in the Ministry in charge of Water Resources.

Preparation of Water Sector Development Plans.

- 104.** (1) Every Water Supply and Sanitation Services operator and institution, whether public, private, or community based, shall, within one year after the commencement of this Law, as part of the process of preparing an integrated Water Supply and Sanitation Development Plan for the State in accordance with this Law, and in consultation with the consumers served, the WASH Department, the community, and other stakeholders, prepare:-
- (a) a Water Supply and Sanitation Sector Development Plan for its area of operation; and
 - (b) a summary of that plan and submit same to the Ministry.

(2)The Ministry responsible for Water Resources may extend the one-year period in respect of a Water Services Operator.

(3) The Plan shall be approved at a meeting of all stakeholders with the Water and Sanitation Sector Coordination Committee and the Kano State Water Services Regulatory Commission.

105. Every Water Sector Development Plan must contain details of:

- (i) the physical attributes of the area to which it applies,
- (ii) the size and population distribution within that area,
- (iii) a time frame for the plan, including the implementation programme for the following five years,
- (iv) existing Water Services ,
- (v) existing Water Sanitation facilities and plans,
- (vi) existing industrial water use within the area of operation of the relevant Water Services operator or Agency,
- (vii) an estimate of the number and location of persons within the area who are not being provided with a basic Water Supply and basic sanitation,
- (viii) the future provision of Water Services and water for industrial use including:-
 - (a) the Water Services providers;
 - (b) the contracts and proposed contracts with those Water Services providers;
 - (c) the proposed infrastructure necessary;
 - (d) the water sources to be used and the quantity of water to be obtained from and discharged into each source;
 - (e) the estimated capital and operating costs of those Water Services and the financial arrangements for funding those Water Services , including the existing tariff structures and recommendations for future tariff structures;

Contents of
the Water
Sector
Development
Plan.

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- (f) any Water Services institution that will assist the Water Services operator;
- (g) the operation, maintenance, repair and replacement of existing and future infrastructure;
- (ix) the number and location of persons to whom Water Services cannot be provided within the next five years setting out:-
 - (a) the reasons;
 - (b) the time frame within which it may reasonably be expected that a basic Water Supply and basic sanitation will be provided to those persons; and
 - (c) existing and proposed water conservation, recycling and environmental protection measures.

Publication of
the Water
Sector
Development
Plan.

106. (1) The Ministry shall: -

- (a) take reasonable steps to bring the Water Sector Development Plan to the notice of all stakeholders, consumers, potential consumers, industrial users, and Water Services institutions in the State; and
- (b) invite public comments thereon to be submitted within a reasonable time.

(2) A copy of the Water Sector Development Plan, a copy of its summary, all written comments, and a report on all comments other than written comments, must be:-

- (a) available for inspection at the offices of the Ministry, and
- (b) obtainable on payment of a nominal fee.

Adoption of
Water Sector
Development
Plan.

107. (1) The Ministry shall consider all comments received by it before adopting the Water Sector Development Plan.

(2) The Ministry shall, or request, report on the extent to which a specific comment has been taken into account or, if a comment was not taken into account, provide reasons thereof.

108. The Ministry shall prepare, for the approval of the State Executive Council, every five years or any other period as it may determine a new development plan in accordance with the procedure set out in Sections 104 to 107 of this Law.

Review of the State Water Sector Development Plan.

109. No substantial deviation from an approved Water Sector Development Plan is valid unless it is embodied in a new plan adopted in accordance with the procedure set out in sections 105 to 108 of this Law.

Deviation from Development Plan.

110. (1) Every Water Services operator, institution or community based organization shall report on the implementation of its development plan during each financial year as well as at the time of submitting the new development plans for the succeeding year.

Reporting on Implementation of the Water Sector Development Plan.

(2) The report shall be:-

(a) made within four months after the end of each financial year; and

(b) submitted to the Ministry and the Kano State Water Services Regulatory Commission.

(3) The Water Services Operators and institutions shall publicise a summary of the report.

(4) A copy of the report and of its summary shall be:-

(a) available for inspection at the offices of the Water Services Operator and institution; and

(b) obtainable on payment of a nominal fee.

COLLABORATION OF THE MINISTRY RESPONSIBLE FOR WATER RESOURCES WITH OTHER MDAS IN THE SECTOR.

111. The Ministry responsible for Water Resources shall collaborate with the Ministry of Environment:

Collaboration with Ministry of Environment.

(1) In the development and enforcement of standards and receiving water bodies composition.

(2) In the implementation of measures to control erosion, flooding, ecological degradation, pollution, and sanitation matters and

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(3) In conducting Environmental Impact Assessment of new and existing water projects as they impact Water Resources and Water Services in the State, and making recommendations to the Ministry for effective measures.

The Role of the State Ministry of Health.

112. Ministry of Health shall undertake water quality surveillance and monitoring in accordance with the Nigerian Standard for Drinking Water Quality (NSDWQ), and report infringements to the Kano State Water Services Regulatory Commission for enforcement.

Prevention of Water Pollution.

113. (1) It shall be a duty of every person or institution established under this Law to promote and observe the State Policy on point and non-point sources of pollution of the Water Resources of the State.

(2) Any such person or institution shall promptly notify both the relevant Federal and State Environmental Standards Enforcement Agency in charge of pollution control, the State Water Services Regulatory, Kano State Water Services Regulatory Commission, the State Ministry responsible for Water Resources, Ministry of Environment and any other Agency responsible for standards enforcement in the area where the water source is situated, of any actual or threatened infringement whereupon such Agency, Ministry or Institution shall take appropriate steps pursuant to this Law and or the Law establishing it.

(3) All WCAs, WSPs, relevant MDAs, and the State Water Services Regulatory Commission shall take all appropriate measures to control non-point source pollution including monitoring the industrial effluents discharged into water sources.

(4) In cases of emergency or threat of imminent serious pollution, the Ministry responsible for Water Resources, in collaboration with other relevant State Ministry and the State Water Services Regulatory Commission, will take appropriate steps to rectify the problem as soon as practicable and thereafter inform the relevant enforcement Agency.

- (5) In spite of a notification of a point or non-point source of pollution to the Enforcement Agency by any person, the Ministry responsible for Water Resources in collaboration with other relevant State Ministry and the State Water Services Regulatory Commission shall continue to monitor and ensure actual abatement of such pollution occurring within the State.
- (6) In the event that such pollution continues after notification to the Enforcement Agency, the Ministry responsible for Water Resources, where it considers it expedient to protect lives, property and the Water Resources of the State and in collaboration with other relevant State Ministries may take appropriate steps to abate such pollution including prosecution of such polluters and suspension of a license for wastewater discharge or related Water Supply.
- (7) Where the Ministry takes such steps as contemplated in this section, such costs as incurred shall be recovered from the party(s) directly or indirectly responsible for the pollution.

CHAPTER VI

ESTABLISHMENT OF KANO STATE WATER REGULATORY COMMISSION.

- 114.** (1) There is hereby established the State Water Regulatory Commission (in this Law referred to as “the Water Regulatory Commission”).
- (2) The Water Regulatory Commission shall be a body corporate with perpetual succession and a common seal and shall have power to sue and be sued in its corporate name and to hold and dispose of property whether movable or immovable.
- (3) The head office of the State Water Regulatory Commission shall be in the State capital.
- 115.** (1) The principal objectives of the State Water Regulatory Commission shall be to:-
- (a) promote all State and Federal Water Laws and Policies;
- Objectives.

- (b) create, promote, and preserve efficient industry and market structures, and to ensure optimal utilization of resources for the provision of Water and Sanitation Services;
- (c) maximize access to Water and related Sanitation Services, by promoting and facilitating consumer connections to distribution systems in urban areas, small towns and provision of water in rural areas;
- (d) ensure adequate supply of water to consumers and that consumers (including low-income or vulnerable) benefit from any gains from increased competition and efficiency;
- (e) ensure that the rates and fees charged by Water Service Providers are sufficient to finance their activities and allow for reasonable earnings for efficient operation;
- (f) ensure the safety, security, reliability, and quality of service in the production and delivery of water to consumers;
- (g) make regulations for the protection of the integrity of investments by Water Service Providers in the sector through ensuring that the providers are able to recoup their investment without undue prejudice to the interest of the consumers;
- (h) ensure that Regulation is fair and balanced for Water and related Sanitation Service to Providers, consumers, investors, and other stakeholders;
- (i) receive complaints and resolve disputes between consumers and Water Services providers;
- (j) ensure that regulatory decision-making has regards to all relevant health, safety, environmental and social legislations applying to the water sector; and
- (k) promote consistency in Regulation between States on a National basis.

(2) Without derogating from subsection (1) the State Water Regulatory Commission shall perform its functions and exercise its powers in such a manner as it considers best in achieving any of its objectives under this Law.

116. The Authority of the Water Regulatory Commission shall apply to the State Water Agencies created under this Law, all Water Services providers, consumers, and Government Ministries, Departments, Agencies and relevant Donor/Aid Agencies.

Scope of the Authority of the State Water Regulatory Commission.

117. (1) There is hereby established for the State Water Services Regulatory Commission, a part-time Board appointed by the Governor which shall consist of the following members:-

Establishment and Composition of the Board of the Water Regulatory Commission.

(a) chairman;

(b) one nominee each representing the following:

- (i) the Nigerian Bar Association, Kano State Branch who shall possess a minimum of ten (10) years cognate post-call experience,
- (ii) an NGO, who is a professional with a minimum of ten (10) years cognate experience in advocacy in the Water and Sanitation Sector of the State,
- (iii) state Chamber of Commerce, Industry, Mines and Agriculture,
- (iv) state chapter of the Nigerian Society of Engineers with a minimum of ten (10) years' cognate experience who shall be registered with COREN,
- (v) state chapter of the Council of Mining Engineers and Geoscientist (COMEG) with a minimum of ten (10) years cognate experience,
- (vi) the Ministry of Water Resources, who shall not be below the rank of a Director,
- (vii) the Ministry of Environment who shall not be below the rank of a Director,
- (viii) the Ministry of Health, who shall not be below the rank of a Director.

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(c) a chartered Accountant or an Economist with a minimum of ten (10) years' cognate experience; and

(d) the Director General of the Regulatory Commission.

(2) A person shall not be appointed as Chairman unless he is a holder of a degree in a related discipline and shall have held a senior management position in a public or private establishment for a minimum of ten years.

(3) The Director Legal Services Departments shall be the Secretary to the Board.

Tenure of Office. **118.** (1) The Chairman and members of the Board except the Director General, shall hold office for a period of four years and may be re-appointed for another of four years and no more; and on such terms and conditions as may be stipulated in their letters of appointment.

(2) All members of the Board, except the Director General shall serve on part-time basis.

Disqualifications. **119.** A Person shall not be appointed as a member of the Board if he/she:-

(a) is not an indigene of State or permanently resident in Nigeria; or

(b) has a pecuniary interest in any Water Services Provider regulated under this Law or any entity which is in competition with or provides similar services to those supplied by a Water Services Provider regulated under this Law within the State unless the Governor is satisfied that the interest or activity is indirect and passive and will not interfere with the person's impartial discharge of his duties as a member, or unless the pecuniary interest is terminated prior to the appointment taking effect; or

(c) has:

(i) been adjudged or otherwise declared insolvent or bankrupt and has not been rehabilitated or discharged;

- (ii) made an assignment to, or arrangement or compromise with, his creditors which has not been rescinded or set aside;
- (iii) has been certified by a competent Authority to be of unsound mind; or
- (iv) been banned from practicing his profession.

120. (1) A member shall vacate his office if he/she:-

Vacation of Office.

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

(2) The Governor may in accordance with sections 120 and sub-section (1) of this section suspend or remove any member of the Board.

121. (1) The Board shall meet for the dispatch of its business as often as is necessary and expedient, and subject to this section, may adjourn, close and otherwise regulate its meetings and procedure as it deems fit.

Proceedings of the Board.

(2) The Chairman, or in his absence, any member chosen by the members present from among themselves shall preside at the meeting of the Board.

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

(4) No act or proceeding of the Board shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Board, except where actions are not supported by a quorum.

(5) The quorum for the meeting of the Board shall be seven (7) members and each a member present shall have one vote on each question before the Board and,

in the event of an equality of votes, the Chairman shall have a casting vote in addition to a deliberative vote.

(6) For a meeting of the Board to review any previous decision or order taken by the Board, the quorum shall not be less than seven (7) members of the Board present when the decision was taken or the Order was made.

Disclosure.

122. (1) A member shall disclose his interest if he/she:-

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

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

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

(2) A member referred to in subsection (1) shall take no part in the consideration or discussion of, or vote on, any question before the Board which relates to any contract, right, immovable property or interest referred to in that subsection.

(3) Any member who contravenes the provisions subsections (1) & (2) of this Section commits an offence and is liable to a fine of N100,000.00 or to (2) two years imprisonment or both.

(4) If a member referred to in this section takes part in the consideration of a matter in which his private interests are in conflict with his function as a member, the other members may subsequently ratify any such decision or action.

123. (1) There shall be appointed by the Governor, a person of proven integrity as Director General, for the State Water Regulatory Commission who shall be the Chief Executive Officer and Chief Accounting Officer of the COMMISSION and shall hold office on such terms and conditions as may be specified in his letter of appointment.

Director
General and
Secretariat.

(2) He shall be responsible for the day to day administration of the affairs of the Water Regulatory Commission and perform such other functions as the Board may from time to time direct.

(3) The remuneration of the Director General shall be as contained in his letter of appointment provided that such remuneration shall not be less than that paid to a Permanent Secretary in the public service of the State.

(4) He shall be a professional in Engineering, Law, Accountancy, Business Administration, the Physical Sciences, or other relevant discipline who is registered with his professional body and shall have held a senior management position for a minimum of ten years in a public or private organization.

(5) He shall hold office for a period of five (5) years and may be re-appointed for another five term of (5) years and no more.

124. (1) The Water Regulatory Commission shall appoint such number of Staff as may be required to carry out its functions under this law.

Appointment
and
Remuneration
of Staff.

(2) The Staff of the Water Regulatory Commission shall be paid such remuneration and allowances as the Board may determine based on the following principles:-

- (a) the specialized nature of work to be performed by the Staff;

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(b) the salaries paid in the private sector to individuals with equivalent responsibilities, expertise and skills.

Departments. **125.** (1) The Water Regulatory Commission shall establish such number of Departments as it deems necessary which Departments shall include Legal Services Department.
(2) The Legal Services Department shall be headed by a Legal Practitioner not below the rank of a Director who shall be nominated by the Attorney-General.

Budgets. **126.** The Water Regulatory Commission shall prepare and submit an estimate of its budget to the Commissioner for Budget/Planning in accordance with the State Fiscal Responsibility Law.

Funds of the Water Regulatory Commission. **127.** (1) There is hereby established for the Water Regulatory Commission a fund into which all monies accruable to the COMMISSION shall be paid and from which shall be defrayed all expenditure incurred by the COMMISSION.

(2) The funds of the Kano State Water Regulatory Commission shall consist of:-

- (a) fees, charges and other income accruing to the COMMISSION from Water Service Providers, or any other monies, as may accrue to the COMMISSION, whether in the course of its operations or otherwise, excluding any fines or penalties recovered pursuant to this Law;
- (b) a surcharge on Tariffs payable by consumers of Water Services as the COMMISSION may by Regulation decide;
- (c) funds allocated to the Water Regulatory Commission by the House of Assembly, pursuant to a request by the COMMISSION for additional funds required to meet its reasonable expenditure;
- (d) not more than **2%** of all incomes from the sale of water by Water Service providers to consumers to the Water Regulatory Commission.

128. (1) The Chairman shall keep proper account and other records relating to such account in respect of all the COMMISSION'S activities, funds and property including such particular accounts and records as the COMMISSION may require.

Accounts and Audit.

(2) The accounts shall be audited in accordance the State Fiscal Responsibility Law or any other relevant Law.

(3) Any staff or employee or agent of the COMMISSION who fails without just cause to comply with a requirement of an auditor in terms of subsection (2) hereof commits an offence and is liable on conviction to a fine of One Hundred Thousand Naira (N100,000.00) or 2 years imprisonment or both.

129. (1) The COMMISSION shall submit an annual report of its activities to the Governor and the State House of Assembly in accordance with the provisions of this Law.

Annual Reports.

(2) The annual report shall, amongst other information, contain a detailed presentation of the COMMISSION'S performance during the reporting year stated against any targets set in the COMMISSION'S approved plans together with an analysis of the opportunities and constraints impacting upon the COMMISSION'S performance and the actions proposed for addressing them.

(3) The COMMISSION shall, within six months after the end of each financial year, furnish the State House of Assembly with:-

(a) a copy of the audited accounts of the COMMISSION; and

(b) a copy of the report of the external auditor.

(4) The COMMISSION shall publish its Annual Reports in two National Daily News Papers circulating within the State and on its website.

(5) The COMMISSION shall cause the Audited Accounts and Annual Reports to be published in the State Government Official Gazette after complying with subsection (3) of this section.

Other Reports.

130. (1) In addition to any report which the COMMISSION is required by this Law to submit to the Governor, the COMMISSION shall submit to the Governor and State House of Assembly such other reports as they may require and such other reports **as** the COMMISSION considers necessary.

The Governor shall publicly release any reports submitted pursuant to subsection (1) of this section within two months following the receipt of such Reports.

SPECIAL REGULATORY FUNCTIONS OF THE WATER REGULATORY COMMISSION.

Water
Regulatory
Functions.

131. (1). The Water Regulatory Commission, (KSWRC) in addition to any other functions imposed on it by this Law shall perform the following regulatory functions for the provision of Water Services in the State:-

- (a) advise the State Government on Water supply and Sanitation matters;
- (b) advise towards regulating wastewater activities in the State and towards enforcement compliance in respect thereof and any other provisions under this Law or any other Law;
- (c) license Water Services providers;
- (d) develop sector guidelines on the technical and financial management of Water Services by Water Services providers;
- (e) regulate the source, lifting and sale of water by local informal vendors('Yan-ga ruwa) so as to ensure the quality of water being sold to the consumer;
- (f) make Regulations prescribing all matters which by this Law are required or permitted to be prescribed or which, in the opinion of the COMMISSION, are necessary or convenient to be prescribed for carrying out or giving effect to this Law, including:
 - (i) the administration of the affairs of the COMMISSION, including, inter alia, the holding of meetings, Hearings and proceedings, arbitration and mediation Proceedings, the conduct of inquiries and

investigations, becoming a party, the handling of information and generally the conduct of its business,

- (ii) the procedure for issuing licenses,
 - (iii) the determination of the standards for the provision of Water Services including water quality standards in accordance with the **NDWQS** and the construction of boreholes,
 - (iv) the method and manner by which the tariffs that may be charged by water service providers for their services will be determined including a metering scheme for certain large volume consumers, to the extent practicable and cost-effective,
 - (v) the duties, powers, rights, and obligations of a Water Services Provider,
 - (vi) the resources, procurement policies of, and entry into Private Sector Participation Agreement by, the Water Services Providers, including, as may be applicable, the review and approval of same subject to State Laws and Regulations on same,
 - (vii) procedures for monitoring compliance with this Law and any other applicable Laws and policies on water,
 - (viii) guidelines to eliminate illegal connections, unregulated or illegal use of Water Services,
 - (ix) guidelines for monitoring the drilling of boreholes and issuing of permits for same, and other activities impacting access to water including prescribing fees for such monitoring as well as for penalties for contravention;
 - (x) practices, procedures and reporting requirements for monitoring and enforcing this Law including prescriptions of fines and penalties,
 - (xi) regulations for connection and disconnection of consumers from Water Services,
- (g) considering and approving applications for the execution of any Water Sanitation Project in any part of the State.
- (2) It shall be lawful for the COMMISSION to charge annual levies on privately-owned commercial borehole

or other water facilities of such amount as the COMMISSION may determine from time to time PROVIDED that this power shall not be exercised in an area where the COMMISSION has not provided functioning and water facilities and potable water.

Discharge of Functions.

132. (1) In the discharge of its Regulatory Functions under this Law, including the making of Regulations and of any decision or determination, the STATE WATER REGULATORY COMMISSION shall:-

- (a) consult in good faith with persons who are or are likely to be affected by the decision including Water Services providers, consumers and any consumer associations;
- (b) give to such persons an opportunity to make submissions to and be heard by the COMMISSION;
- (c) have regard to the evidence or facts adduced at any hearing and to matters contained in any submissions;
- (d) give reasons in writing for every decision;
- (e) ensure that notice is given of each Regulation, decision or determination in the Government Gazette, and in a National Daily News Paper circulating in the State and on its website;
- (f) ensure that decisions are accessible to the public at reasonable times and places; and
- (g) ensure that decisions are consistent with all applicable Federal and State Water Laws and policies, and Water Sector Development Programme commitments of the State;
- (h) in carrying out its functions under this Law, the COMMISSION shall actively collaborate with Local Government Councils and it shall be lawful for the COMMISSION to enter into any Agreement or Understanding with such Councils to discharge its functions under this Law.

(2) The COMMISSION may make interim Orders pending the final disposition of any matter before it.

133. (1) The COMMISSION may exercise such other powers including the power to make determinations and to act as an arbitrator in disputes under a Private Sector Participation Agreement where such is provided, and in accordance with the Arbitration and Conciliation Act Cap 18A LFN 2004.

Other Powers of the Water Regulatory Commission.

(2) In making a determination under this section the COMMISSION shall have regard to any factors specified in the Private Sector Participation Agreement in relation to economic regulatory matters.

LICENSE

134. (1) No person shall operate as a Service Provider unless such person:-

License to Operate as Water Services Provider.

- (a) holds a license issued by the State Water Regulatory Commission; or
- (b) is exempted from the requirement to obtain a license in respect of the provision of the relevant Water Services .

(2) Notwithstanding the provisions of Subsection (1) of this section, any person, who at the commencement of this Law, are private entrepreneur acting as a Water Services Provider without a license, may continue to do so until the expiry of reasonable time or period, which time or period shall not exceed six months, to enable him actualize the necessary license.

(3) The State Water Regulatory Commission shall have the power to determine whether a person who engages, or is about to engage in business for which a license is required under this Law, may be exempted from the requirement to obtain a license:

PROVIDED that the COMMISSION shall, by an Order publish the exemption in the Gazette, specifying whether such exemption is of general or specific application.

(4) An exemption shall be granted subject to the terms, conditions and limitations specified in the Order but without prejudices to the powers and functions of the COMMISSION in relation to the regulation of the provision of Water Services which may be rendered by such service providers.

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(5) The COMMISSION may issue an interim license to any person as specified under this Law for a period not exceeding eighteen months, or such shorter period as it may consider appropriate.

(6) Any person who contravenes any of the provisions of this Law in obtaining the required license commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or a fine of N100,000.00 or both.

(7) The COMMISSION shall have the power to order any person who contravenes any of the provisions of subsection (2) of this section, to cease operations, and to make such other orders, including an order to disconnect facilities as may be necessary to prevent the continuation or reoccurrence of the contravention.

Limitations
on Transfer
of License.

135. A Water Services Provider shall not, except as provided under this Law, transfer its license by whatever means or nature of transaction, without the written consent of the COMMISSION first sought and obtained:

PROVIDED that, where the circumstances require, the COMMISSION may approve the transfer subject to terms and conditions including the extent of the consent.

Application
for License.

136. (1) An application for a license shall be made to the COMMISSION in the form and manner prescribed by the COMMISSION, and shall be accompanied by the prescribed fee and such information or documents as may be required by the COMMISSION.

(2) Within thirty days of applying for a license under this section, the applicant shall cause a notice of such application to be published in newspapers and electronic media in circulation in the area in which the applicant intends to provide its services.

(3) The notice shall state the period within which objections or representation in connection with the application may be made to the COMMISSION by any member of the public, and the COMMISSION shall not issue any license until the period has lapsed or any objections or representations received by the COMMISSION have been considered

(4) Subject to subsection (5) of this section, if on consideration of an application that satisfies the

requirements of subsection (1), the COMMISSION is also satisfied that:-

- (a) the applicant is likely to comply with such provisions of this Law, including, without limitation, all codes of conduct, Standards, Regulations and terms and conditions of license, applicable to the service or system it intends to provide or operate; and
 - (b) the grant of the license is in the public interest, after consideration of all relevant factors, including but not limited to the following:
 - (i) existing lawful services; and
 - (ii) efficient and beneficial use of Water Services in the relevant geographic areas, the COMMISSION shall issue the appropriate license to the applicant.
- (5) If on consideration of an application that satisfies the requirements of subsection (1), the COMMISSION is not satisfied as to the additional matters referred to in subsection (4) of this section, it shall refuse to issue a license to the applicant, subject to affording the applicant an adequate opportunity to make representations in the matter.
- (6) The period between the COMMISSION's receipt of an application under subsection (1) and all documents and information submitted in support of it, and the date on which it notifies the applicant of the adequacy of the documents and information, shall not exceed (30) thirty days.
- (7) The period between the COMMISSION's receipt of an application that satisfies the requirements of subsection (1), and the date on which the COMMISSION notifies the applicant of its decision or proposed decision in accordance with subsection (2) or subsection (5) of this section, as the case may be, shall not exceed six months, unless the applicant consents to an extension of the period.
- (8) Notwithstanding subsections (1) to (7) of this section, the COMMISSION may establish simplified procedures for different Water Services providers such as Water Services Intermediaries so as to expedite the application and licensing process.

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Terms and
Conditions of
License.

137. (1) A license shall be issued subject to such terms and conditions as are required by this Law or as the COMMISSION may by Regulation prescribe.

(2) Unless expressly indicated in the license, the grant of a license shall not hinder or restrict the grant of other similar licenses to other persons for like purpose and, in the absence of such an express indication, the water services provider shall not claim any exclusivity:

PROVIDED that the COMMISSION may allow a license to be exclusive for all or part of the period of the license, for a specific purpose, within a geographic area, or for some combination of the foregoing.

(3) A license may contain terms and conditions for the license to cease to have effect or to be modified or amended by the COMMISSION in such circumstances as may be specified in the license.

(4) A license shall be valid for five (5) years in the first instance and subject to satisfactory performance and conditions set by the COMMISSION be renewable for a further period of five (5) years.

Determination
of Fees and
Charges.

138. The COMMISSION shall specify a fee chargeable in relation to respective licenses issued under this Law, which fee shall represent reasonable estimate of the costs which shall be incurred by the COMMISSION in relation to the Regulation of the Water Services to which the license relates, and at such intervals as determined by the COMMISSION.

Renewal of
License.

139. At the expiry of his license, subject to payment of the appropriate fee, a service provider shall apply to the COMMISSION in the form and manner and within the period prescribed for a renewal of its license.

Amendment
of License.

140. (1) Subject to this section, the contents of a license may be amended:-

(a) in accordance with the procedures specified in the license; or

(b) by agreement between the COMMISSION and the Water Services Provider.

(2) The Water Services Provider shall cause a notice of the proposed alteration or amendments to its license to be

published in accordance with such directions as may be issued by the COMMISSION, which may include stating the period prescribed by the COMMISSION, within which objections or representations in connection with the amendments may be made to the COMMISSION.

(3) The COMMISSION shall not amend any license until all objections or representations received by the COMMISSION have been considered.

STANDARDS AND TARIFFS

141. (1) The COMMISSION shall in consultation with applicable Federal and State MDAs, water service providers, consumers and other stakeholders, develop the following performance standards and codes:- Standards.

- (a) standards for overall performance in connection with the provision of Water Services and in connection with the promotion of the efficient use of water by consumers;
- (b) water quality standards;
- (c) such technical codes and manuals as may be required for the safe, reliable, and efficient operation of the system; and
- (d) such other standards, codes, manuals as the COMMISSION may require.

(2) Standards, codes and manuals approved by the COMMISSION pursuant to Subsection (1) of this section shall be binding on the relevant Water Service providers and shall be published by the relevant Water Services Providers in such manner as the COMMISSION may direct.

(3) The COMMISSION may, depending on the nature of the service provided, set different standards for different Water Services Providers under this Law.

(4) In carrying out its functions under this Law, including setting and monitoring standards under this section, the COMMISSION shall consult and cooperate with relevant Federal and State MDAs responsible for Environmental and Water Resource Management Regulation.

Tariffs.

142. (1) The COMMISSION shall adopt and issue to the service providers methodologies for tariffs that may be charged for its services.

(2) No service provider shall fix any tariff to be charged for Water Services unless the tariff is in accordance with the applicable tariff methodology adopted for regulating water tariffs and has been approved by the COMMISSION.

(3) In determining Tariff methodologies the COMMISSION shall have regard to:-

- (a) particular circumstances of the Water Services for which the determination is being made;
- (b) costs of producing and supplying the Water Services ;
- (c) interests of the service provider including assurance of the financial integrity of the service provider;
- (d) cost of complying with relevant health, safety, environmental and social legislation;
- (e) the need to provide incentives for continued improvement in technical and economic efficiency and quality of Water Services ; and
- (f) the interest of consumers, including the need to avoid undue discrimination between consumers and consumer categories.

(4) The COMMISSION may establish simplified tariff methodologies for different service providers such as Water Services intermediaries.

(5) Notwithstanding the provisions of paragraph (f) of subsection (3) of this section, in establishing tariff methodologies, the COMMISSION shall differentiate among consumers on the basis of differences in total water consumption, the time or periods on which water is consumed, and other such criteria as may affect the cost of providing a service and may allow a lifeline tariff for some consumers.

(6) Prior to approving a tariff methodology, the COMMISSION shall give notice in the Official Gazette and in one or more National Newspapers with wide circulation in the State, of the proposed establishment of a tariff methodology, indicating the period within which objections or representations in connection with the same may be made to the COMMISSION.

(7) The COMMISSION shall fix the date on which the tariff methodology shall come into operation and it shall cause the notice to be published in the Official Gazette and any Newspapers circulating in the State.

(8) The COMMISSION shall with the help of experts in the field of Water Regulation establish procedures for undertaking fixed and extraordinary reviews of the tariff methodology.

(9) Any person, upon whom any function has been conferred or imposed in connection with setting tariffs, shall be bound by a tariff methodology that has come into operation under this section.

(10) A service provider shall transmit to the COMMISSION, within the time and in the prescribed form, a schedule showing the tariff charged by it for the Services it provides.

(11) It shall be an offence for a service provider to transfer any fines or penalties levied against it under this Law to the consumer.

CHAPTER VII

WATER SERVICE PROVIDERS AND CONSUMERS

143. (1) The COMMISSION shall in accordance with this Law and any Regulation made pursuant to this Law set terms and conditions for the provision of Water Services by service providers.

Terms and
Conditions for
the Provision of
Water Services.

(2) These conditions shall:-

- (a) be in writing, accessible to the public and available free of charge to any consumer;
- (b) be consistent with applicable Federal and State Laws and policies on water;
- (c) be consistent with every applicable Water Services Development Plan adopted pursuant to this Law; and
- (d) provide for:
 - (i) the technical conditions of existing or proposed extensions of supply,
 - (ii) the determination and structure of tariffs,
 - (iii) the conditions for payment,
 - (iv) the circumstances under which Water Services may be limited or discontinued,
 - (v) procedures for limiting or discontinuing Water Services, and
 - (vi) measures to promote water conservation and demand management.

(3) The procedures for the limitation or discontinuation of Water Services shall:-

- (a) be fair and equitable; and
- (b) provide for the required notice of intention to limit or discontinue the services, for an opportunity to make representations, unless; other consumers would be prejudiced or there is an emergency situation or the consumer has interfered with a limited or discontinued service.

(4) Any person who uses Water Services Provided by a service provider shall be subject to any applicable condition set or presented by that service provider subject to Regulations with respect to such conditions issued by the COMMISSION.

(5) Where a Water Service Provider supplies Water Services to another Water Service Provider, it shall not limit or discontinue those services for reasons of non-payment, unless it has given at least 30 days notice (or any other period of notice as may be deemed sufficient by the COMMISSION) in writing of its intention to discontinue the Services and has forwarded a copy of the notice to the COMMISSION for information.

Duty to Provide access to Water Services .

144. (1) Any Water Service Provider shall ensure efficient, affordable, economical and sustainable access to Water Services to all consumer or potential consumers in its area of operation, in accordance with the terms of its license.

(2) The duty prescribed in subsection (1) of this section shall be subject to the followings:-

- (a) terms of the license and any applicable Private Sector Participation Agreement;
- (b) availability of resources;
- (c) need to regulate access to Water Services in an equitable way;
- (d) duty of consumers to pay reasonable charges, based on standard tariffs for Water Services ;
- (e) duty to conserve Water Resources;
- (f) duty to manage waste water and sewerage in a manner prescribed by the Commission and all applicable Laws and best practices;

- (g) duty to provide quality and safe water;
 - (h) nature, topography, zoning and situation of the land in question;
 - (i) the right of the relevant Water Service Provider to limit or discontinue with provision of Water Services if there is failure to comply with reasonable conditions set for the provision of such services; and
 - (j) the service provider shall ensure optimum performance of all electrical, mechanical and other components necessary for a functional system.
- (3) A service provider shall not unreasonably and without verifiable cause refuse or fail to give access to prescribed Water Services to a consumer or potential consumer in its area of operation.
- (4) In an emergency situation, a Service Provider shall take reasonable steps to provide basic Water Supply to any person within its area of operation and may do so at a cost to the State Government in accordance with standards prescribed by the COMMISSION.
- (5) No provision of this section shall be interpreted to expand the obligations of a service provider under a Private Sector Participation Agreement awarded and approved in accordance with the provisions of this Law, and the State PPP and Procurement Laws.

145. The Water Service Provider may: –

- (a) construct, operate, alter or repair any water service facility in accordance with the terms of its license and, where applicable, may engage in to Sector Participation Agreement and with the permission of the relevant State and Federal Government Authorities;
- (b) levy tariffs for Water Services provided by it in accordance with this Law and the tariff methodology prescribed by the COMMISSION; and
- (c) apply for, enter into agreements for, and perform all obligations related to grants or loans under a Water Sector Programme Commitment as it relates to such service provider.

Rights of Water
Service
Providers.

A178 Kano State Water and Sanitation Sector (Reform) Law 2019 (1440 A.H)

Obligations of Water Services Provider.

- 146.** (1) A Water Services Provider shall: -
- (a) comply with the provisions of its license, and Regulations, general codes, and other requirements issued by the COMMISSION from time to time unless restrained by a court of competent jurisdiction and provided that the Water Services provider may challenge any such Order or notice;
 - (b) provide the Water Services in accordance with all applicable State and Federal Water Laws and any other laws applicable thereto;
 - (c) unless expressly exempted by the COMMISSION, prepare and submit to the COMMISSION each year such accounting information as the COMMISSION may require;
 - (d) present to the COMMISSION, complete and regular information, in the form and in substance prescribed, as may be required by the COMMISSION in relation to its services and so as to prove compliance with the approved tariff, tariff methodology and with any other obligation of the Service Provider under this Law or its license and for the purposes of monitoring the implementation of the Water Sector Development Plan by the COMMISSION.
- (2) A Service Provider shall establish procedures for dealing with complaints by its consumers or potential consumers in accordance with Regulations developed by the COMMISSION.

Consumers.

- 147.** (1) In addition to any other right contained in the contract between the consumer and the Water Service Provider, a consumer shall be informed by the Water Services provider of the rights and obligations of the Water Services Provider under the license.

- (2) The COMMISSION shall make Regulations containing the Consumer's Bill of Rights and Obligations and make same available to all consumers.
- (3) A consumer shall in addition to any other obligation contained in any contract between the consumer and the Water Services Provider:-
- (a) pay for the services provided or made available in accordance with the applicable tariff;
 - (b) pay the surcharge on tariff imposed under this Law;
 - (c) comply with the technical regulations issued by the Water Services Provider licensee relating to consumer installations including their maintenance;
 - (d) allow the Water Services Provider to install a meter on the property where appropriate, and keep the meter in the same condition as existed when installed fair wear and tear excepted;
 - (e) permit the service provider or its agents and employees to read the meter in accordance with the terms and conditions established in the license.
- (4) Where the consumer fails, after the due notice, to comply with the provisions of subsection (3) of this section, the service licensee may suspend the service to that consumer except where the consumer is an essential service provider.

COMPLAINTS, INVESTIGATIONS AND ORDERS

- 148.** (1) Any consumer or service provider may submit a complaint to the COMMISSION in respect of any matter arising under this Law.
- (2) A dispute between a consumer and a service provider relating to the provision of Water Services or the tariff chargeable for the service provided by a service provider shall in the first instance be referred to the COMMISSION for investigation and settlement.

Right of
Complaint to
the
Commission.

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Investigations.

149. (1) The COMMISSION may on its own initiative, or upon the receipt of a complaint from any consumer or services provider inquire into the conduct or performance of any services provider in carrying out its obligations under this Law or Regulations, codes of conduct, or the terms and conditions of the license.

(2) The COMMISSION shall investigate complaints received by it unless it is of the opinion that:-

- (a) the complaint is trivial, frivolous, vexatious or not made in good faith:-
- (b) the complaint is on the same subject already under investigation;
- (c) the Commission shall not entertain any complain if such complain is before the State House of Assembly, Court of competent jurisdiction and or any other body charged with the same responsibility.

Abatement Orders.

150. (1) Where the COMMISSION is satisfied that a service provider is contravening, has contravened or is likely to contravene any of the conditions of the water service provider's license, the Commission may serve upon the service provider an abatement order:-

(a) requiring the services provider to do, or avoid the doing of any act, as may be specified in the Order for the purpose of rectifying or avoiding any contravention or threatened contravention of any condition of the license; and

(b) stipulating the period within which any directive referred to in paragraph (a) of subsection (1) of this section shall be commenced and completed.

(2) An Order for abatement shall be published by the COMMISSION in the Official Gazette and in the public media or in such manner as the COMMISSION considers appropriate to draw the attention of other persons affected or likely to be affected by the acts of the Water Service Provider.

(3) Before serving an order specified in subsection (1) of this section, the COMMISSION shall serve a notice on the services provider:-

- (a) specifying the grounds upon which the order is to be issued and;
 - (b) what the COMMISSION considers is required for the purposes of rectifying or avoiding any contravention or threaten contravention of any condition of the license;
 - (c) stipulate the maximum period that the COMMISSION considers reasonable for the implementation of any requirement it proposes to order; and
 - (d) to make representations to the COMMISSION within a specified period.
- (4) An order served under subsection (1) of this section, may specify a penalty for each day the services-provider remains in default of compliance with the order.
- (5) The COMMISSION may impose penalty on any service provider, public or private or individual who pollutes or causes to pollute, or changes, alters or cause to alter, or alter the status of any surface or groundwater source without the specific approval of the COMMISSION.

151. (1) After an inquiry, including an opportunity for the Water Services Provider to show cause as to why its license should not be revoked, the COMMISSION may revoke or suspend any license if, in its opinion:-

- (a) the license was issued through fraud or the misrepresentation or non-disclosure of a material fact by the Water Services Provider;
- (b) the services provider has failed, without reasonable cause, to comply with an enforcement Order issued by the COMMISSION;
- (c) the service provider has failed, after appropriate notice in accordance with the terms and conditions of the license, to comply with any terms and condition of its license, the breach of which is expressly declared by such license to render it liable to revocation; or

Suspension or Revocation of License.

(d) the financial position of the service provider is such that he is unable to fully and efficiently discharge the duties and obligations imposed by the license.

(2) Before revoking a license, the COMMISSION shall notify the service provider in writing of its intention to revoke the license and the reasons for doing so, and shall allow the Water Services Provider an opportunity to demonstrate within 60 days, following the delivery of such a notification that circumstances have changed such that revocation may not longer be warranted.

(3) Notwithstanding subsections (1) and (2) of this section, the COMMISSION may allow a license to remain in force, subject to such further terms and conditions as it may deem necessary to impose, and such terms and conditions shall form part of the license.

Power of
Appointment of
Statutory Managers.

152. (1) Without prejudice to the powers of the COMMISSION to revoke a license, where a license has been suspended or revoked, the Governor may, acting on the recommendation of the COMMISSION and in the public interest, direct that the utility or service be operated under the management and control of a competent person (in this section referred to as the "Statutory Manager").

(2) The Statutory Manager shall exercise all relevant powers and perform all relevant duties on behalf of the Service Provider, and shall use the infrastructure of the original Service Provider to perform all necessary functions.

(3) When a Service Provider resumes its functions, the powers exercised and duties performed by the Statutory Manager shall cease.

(4) The Statutory Manager may recover from the original Water Services Provider all outstanding expenses which it incurred and losses which it suffered, in the cause of any act performed under this section.

(5) The suspension or revocation of a license and the

appointment of a Statutory Manager under this section shall not prejudice or adversely affect the interest of any holder of any security in the business of the Water Services Provider or any mortgage or the right of enforcing the security.

153. (1) Any person who is aggrieved by:-

- (a) the decision of the COMMISSION not to issue a license;
- (b) any term or condition of a license issued to him, or a refusal by the COMMISSION to specify a term and condition in the license;
- (c) a refusal by the COMMISSION to renew a license;
- (d) any amendment of a license or a refusal by the COMMISSION to amend a license;
- (e) the revocation of a license;
- (f) the grant or refusal by the COMMISSION to grant any approval or authority in accordance with this Law;
- (g) the outcome of any arbitration or mediation by the COMMISSION of a dispute between service providers or between a service provider and a consumer;
- (h) a decision of the COMMISSION with respect to tariff; or
- (i) any other decision of the COMMISSION, may within 14 days of the delivery of the decision, apply to the COMMISSION for re-consideration of the matter or review of the decision of the COMMISSION.

Review of
Decisions by
the
COMMISSION.

(2) An application for review of decision of the COMMISSION may also be sought under this section if the applicant relies on new facts or changed circumstances that could not, with due diligence, have become known to the applicant while the matter was being considered by the COMMISSION.

(3) Disputes or differences arising between licensees or users in respect of activities carried out under this Law may at first instance be referred to the COMMISSION for mediation and where necessary Arbitration.

(4) For the purpose of subsection (4) of this section, the COMMISSION may act as Mediator and where necessary, Arbitrator or nominate an Arbitrator to adjudicate and settle the dispute.

Right of Action.

154. (1) Notwithstanding anything contained in section 15 of this Law, a person who has made an application for a license may challenge any failure by the COMMISSION to take a decision on the application within a reasonable time.

(2) The provision of section 15 shall not operate to prejudice the right of any person who is aggrieved by any decision of the Commission to challenge the decision before a Court of Law.

PROVIDED that the action shall be commenced within 21 days of the decision.

GENERAL PROVISIONS WITH RESPECT TO THE COMMISSION.

Compliance with Other Laws.

155. No approval given under this Law and nothing in this Law shall relieve any water service provider or any other person from complying with any other Law relating to the management or Regulation of the environment or Water Resources or with any other applicable State or Federal Water Laws or policies including, where required, any obligation on a Water Services provider to obtain a license or permit to abstract water to be used in providing the Water Services.

Entry and Inspection of Property.

156. (1) Any Person authorized in writing by the COMMISSION may:-

- (a) subject to the provisions of subsection (3) of this section, at any reasonable time and without prior notice, enter any property and inspect any Water Services facilities in order to ascertain whether the activities undertaken therein is carried out in compliance with this Law or any Regulation made pursuant to this Law;
 - (b) after reasonable notice to the owner or occupier of any property, enter the property with the necessary vehicles, equipment and material for its work:
 - (i) to, remove or demolish any water service facility belonging to or operated by the Water Services provider concerned,
 - (ii) to establish the suitability of any water source or site for the construction of a Water Services work,
 - (iii) search, excavate, bore or carry on any activity necessary for the recovery of measurement of water; and
 - (c) after reasonable notice to the owner or occupier of any property, enter the property in order to have access to another property lawfully.
- (2) Any Person entering any property shall identify himself and present his authorization.
- (3) Where it is necessary to do so for the enforcement of this Law, a private residence or business premises may only be entered upon reasonable notice and at a reasonable time.
- (4) The service areas, and existing rights and obligations of any Water Services Provider operating under a PSP Agreement pre-existing this Law remain as set out in the PSP Agreement.

PRIVATE SECTOR PARTICIPATION AGREEMENTS

157. (1) All PSP Agreements to perform any functions or services or to provide facilities in the Water supply and Sanitation Services Sector shall be subject to this Law, the State Public-Private Participation in Infrastructure Development, the State Procurement Law,

Private Sector Participation (PSP) Agreements.

the Regulations of the COMMISSION and any other relevant Law in the State.

(2) The procurement of a Private Sector Participation Agreement shall be carried out in accordance with all applicable Laws and policies, including the following provisions:-

- (a) except as otherwise authorized by the COMMISSION, Private Sector Participation Agreements shall be procured by open and competitive bidding, subject to bidding and award guidelines, including adequate technical requirements;
- (b) the scope of the project or activities of the Private Sector Participation Agreements, including the design, construction, maintenance or operation of new Water Services facilities or the modernization, rehabilitation, expansion, management or operation of existing Water Services facilities, shall conform with the State Water Sector Development Plans as approved by the State Executive Council;
- (c) any award of contract pursuant to this section shall be consistent with the bidding and award guidelines contained in the PPPID Law, the Procurement Law of the State and any other relevant Laws, circulars, Regulations and guidelines relating to the tendering of public contracts and private sector investment on infrastructure;
- (d) the COMMISSION shall approve Private Sector Participation Agreement only if the Agreement complies with this Law, the Water Services Development Plan and the State-Wide Development Plan and any prescribed procedures for award of the Private Sector Participation Agreement.

(3) The COMMISSION may develop further provisions for the procedure of award of Private Sector Participation Agreements which may include compulsory provisions to be included in a Private Sector Participation Agreement.

(4) Upon the conclusion of a Private Sector Participation Agreement or Joint Venture Agreement, the service provider shall within fourteen days of the signing of the Agreement supply a copy thereof to the COMMISSION.

CHAPTER VIII

OFFENCES AND PENALTIES.

- 158.** (1) No person shall construct any waterworks in the State without obtaining a license or other authorization from the COMMISSION. Illegal Construction of Water Works from the Commencement of this Law.
- (2) No person shall construct any illegal structure within the waterworks premises.
- (3) Any person who contravenes the provisions of this section commits an offence and shall be liable on conviction to a fine of N200,000.00 or to imprisonment for a term not exceeding 6 months or both.
- Provided** that the provisions of subsections (1) and (2) of this section shall not apply to a person who constructs a well having a depth not exceeding 15 meters within his premises for his domestic use only.
- (4) No person shall construct any structure within the Kano State Water Corporation's right of way.
- (5) Where construction work of any kind requires relocation of KANSWAC pipe line, costs associated with such relocation works shall be borne by the Ministry/Agency undertaking such work.
- (6) Notwithstanding the provision and sub-section (5) above, loss of revenue by the KANSWAC as a result of such construction work shall be fully determined and compensated.

- 159.-** Any person who:- Offences Relating to Water Diversion, Pollution, etc.
- (a) willfully damages any water works, public fountain or service; or
 - (b) unlawfully draws, diverts or takes water from any source or from any stream by which any waterworks is supplied, or
 - (c) makes an unauthorized opening or closes any

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- valve, slice or manhole of any waterworks; or
- (d) pollutes any water or water source; or
- (e) allows or causes any foul liquid, gas or other noxious, toxic or injurious substance or matter to be discharged into any water source or any facility of any State owned or private water facilities commits an offence and shall be liable on conviction to a fine of not less than N150,000.00 or to imprisonment for a term not exceeding [12] months or to both such fine and imprisonment and to a further penalty of N10,000.00 for each day in which the act or omission that constitutes the offence continues.

Offences Relating to Wastage.

160. Any person who alters, causes or permits to be altered any pipeline, fittings or fountains of any waterworks leading to wastage of raw/treated water without the consent of any treated water supply utility, commits an offence and shall be liable on conviction to a fine of not more than N500,000.00 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

Offences Relating to Fraudulent Measurements.

161. Any person who alters, causes or permits to be altered, any pipeline, fittings, meters of any waterworks with the intent to:-

- (a) avoid the accurate measurement or register of water by means of any meter;
- (b) obtain a greater supply of water than he is entitled, or to avoid payment for such supply; or
- (c) willfully or negligently damage, alter, cause or permit to be damaged or altered any meter, commits an offence and shall be liable on conviction to a fine of not more than N200,000.00 or to imprisonment for a term of not exceeding 12 months or to both such fine and imprisonment.

162. (1) Any person who puts, or allows to be put or to remain, or to accumulate on any tenement owned or occupied by him or his servant or agent, any foul material or substance in such manner or place that it causes nuisance or may fall or be washed or be carried into or obstructs any water works of any water supply utility commits an offence and shall be liable on conviction to a fine of not more than N200,000.00 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment to a further penalty of N10,000.00 for each day in which the act or omission that constitutes the offence continues.

Offences
Relating to
Nuisance.

(2) Any person who allows any material or substance or any nuisance to remain after notice for the cleanup or removal or remediation has been served on him by the COMMISSION, the Ministry responsible for Water Resources or any other relevant State Agency shall, in addition to the penalty specified in subsection (1) of this section, be liable to a further penalty of N5,000.00 for each day that the act or omission that constitutes the offence continues.

(3) Any person who disposes or procures the disposal of human waste into water works or facilities by use of a bucket or a container or such receptacle in the toilet, or wheresoever's or howsoever through which night soil men come regularly to dispose of it whether by day or by night, commits an offence and shall be liable on conviction to the sum of not more than N200,000.00 or imprisonment of 3 years or both.

163. Any person who obstructs or assaults any Staff, officer or employee of the Government bodies established pursuant to this Law or any other person authorized by such Government bodies in the course of carrying into effect any of the provisions of this Law commits an offence and shall be liable on conviction to a fine of not more than N300,000.00 or imprisonment for a term not exceeding 3 years or to both.

Obstruction of
the Staff of
Relevant
Government
Bodies.

164. Any person, including Staff of any Government bodies established under this law, who, not being

Offences of
Impersonation.

lawfully authorized to carry out any function under this Law and who under any guise or cover holds out himself as having been authorized to enforce any part of this Law commits an offence and shall be liable on conviction to a fine of not more than N200,000.00 or to imprisonment for a term not exceeding 12 months or both.

Conspiracy.

165. Any person who conspires with, procures, instigates, aids, or facilitates another person to do anything or act prohibited under any of the provision of this Law, commits an offence and shall be liable under the relevant provisions of this Law relating to such offence and shall be punished as if he committed the offence himself.

Unauthorized Activities in Relation to Water Supply Facilities.

166. No person shall:-

- (a) bathe in any part of any reservoir; or
- (b) wash or throw clothes, materials or things into any reservoir; or
- (c) wash or cause any horse, dog, goat, pig or any other animal to enter any reservoir; or
- (d) wrongfully open or close any lock, valve or manhole belonging to or installed by the water supply utility; or
- (e) temper with any meteorological and hydrological equipment in the various stations across the State .

(2) A person who contravenes any of the provisions of subsection (1) of this section commits an offence and is liable on conviction to a fine of not more than N200,000.00 or to imprisonment for 12 months or both.

CHAPTER IX

AFFIRMATION OF WRECA IN THE STATE

Affirmation of the State Water Resources and Engineering Construction Agency ("WRECA").

167. (1) There is hereby recognized already established body known as the State Water Resources and Engineering Construction Agency (hereinafter referred to as "WRECA") which shall:-

- (a) be a body corporate with perpetual succession;

- (b) have a common seal;
 - (c) sue and be sued in its corporate name; and
 - (d) own and dispose movable or immovable property.
- (2) Under this Law, WRECA shall be a service provider in the areas of design, construction and maintenance of Water supply and sanitation infrastructure.

168. The Agency shall have a Board of Directors which shall consist of the following members who shall be appointed by the Governor:

Affirmation and Composition of the Board of WRECA.

- (1) Chairman to serve on part time basis who must have at least 10 years experience in a senior management position in either public or private organization.
- (2) Managing Director who shall be the Chief Executive Officer of the Agency.
- (3) The Director of Water in the State Ministry responsible for Water Resources.
- (4) A Director in the office of the State Deputy.
- (5) Four other persons experienced in fields relating to the Agency.

169. (1) A member of the Board whose appointment is not ex-officio unless he vacates his office or is removed in accordance with subsection (2) of this section shall:-

Tenure of Office.

- (a) hold office for a period of four years on such terms as may be specified in his instrument of appointment;
 - (b) be eligible for re-appointment, and such member shall be paid out of moneys at the disposal of the agency such remuneration as the Governor may determine.
- (2) without prejudice to section 1 of this Law (which provide inter alia for the removal of appointees by the person who appointed them) any member of the board whose appointment is not ex-officio:-
- a) shall cease to hold office if he resign his appointment by notice in writing signed by him and sent to the Governor;
 - b) may be removed from office by notice in writing served on him for any of the following reasons;

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- i. his absence from three consecutive meeting of the Agency without good reason,
- ii. his conviction of an offence involving or implying fraud or dishonesty,
- iii. his incapacitation by physical or mental illness from performing his functions as a member,
- iv. that he has such financial or other interest in the operations of the Agency as in the opinion of the Governor are likely to prejudice the discharge by him of his functions as a member;
- v. that he is a otherwise unable or unfit to discharge his functions as a member.

Co-operation of Person.

170. (1) Where the Board desires to obtain the advice of any person on any matter it may co-opt such person to be a member for such meetings as may be required, and such person whilst so co-opted shall have all rights and privileges of a member save that he shall not be entitled to vote on any question.

(2) No act or proceeding of the Board shall be invalid on account of any vacancy amongst its members on the appointment of any member having been defective.

Standing Order.

171. The Board may with the approval of the Governor make standing orders regulating the proceedings of the Board or any committee thereof for the proper conduct of its business and in particular for:-

- a) custody and use of the common seal of the Agency;
- b) the method of entering into agreement;
- c) the signing of cheques and other instrument; and
- d) such other matters as the Governor may direct.

Presiding at Meetings.

172. (1) At any meeting of the Board the Chairman shall preside and if he is absent or unable to preside the members present shall appoint one of their member to preside.

(2) The Chairman at any meeting shall have a second or casting vote.

- 173.** Five members who shall include the Managing Director shall form a quorum at any meeting of the Board. Quorum.
- 174.** (1) The Governor may upon such terms and conditions as he may approve/ appoint an engineer to be the Managing Director of the Agency. Managing Director of the Agency.
(2) The Managing Director shall be responsible for the execution of the policies of the Board, the general management of the Agency and shall be its accounting officer and perform other functions the Board may direct.
- 175.** (1) The Governor may upon such terms and conditions as he may approve appoint a legal practitioner of not less than seven years post call experience to the Secretary and Legal Adviser to the Agency. Secretary.
(2) The secretary shall:-
a) conduct the correspondence of the Agency and keep a proper record of its proceeding;
b) keep record of the proceedings of the Board and perform other functions as the Board may direct;
c) the Secretary shall not be member of the Board.
- 176.** (1) The functions of the Agency shall be:- Power and Functions of the Agency.
a) the undertaking of hydrological/hydrogeological and geological investigation on all matter relating to the development of Water Resources within its area of operation and remit same to the Ministry of Water Resources;
b) the investigation, planning, designing and construction of Water Supply Systems and general development of Water Resource for all purpose;
c) undertaking and execution of any engineering and construction project and such other functions as may from time be approved by the Government of the State;
d) construction and maintenance of dams, canals, sewage system, and the drilling of boreholes and wells.

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(2) It shall be lawful for the Agency to accept any work of the nature of its functions from any person or body within or outside the State.

Power of the Agency.

177. (1) For the purposes of performing its functions under this edict, the Agency shall have power to carry on all activities which it considers necessary, advantageous or convenient within or outside the State.

(2) Without prejudice to the generality of the provisions of Subsection (1) of this section, the powers of the Agency shall include power:-

- a) to enter into any contract;
- b) to manufacture or purchase such Water Supply, construction or engineering or other equipment as it may require;
- c) to acquire purchase, lease mortgage manufacture or maintain any property whether movable or immovable and to sell dispose or otherwise deal with such property in any manner it may deem fit;
- d) to employ staff and make rule or regulations to govern staff matter;
- e) to train its staff in any field it may determine;
- f) to operate its bank accounts;
- g) to insure its property against risks;
- h) to draw, make accept discount execute or endorse negotiable instruments; and
- i) to charge and collect revenue for its services.

Power to Confer Additional Functions and Power.

178. The Governor may order and confer on the Agency such additional functions or power as he may deem fit.

Funds Assets Accounts and Reports.

179. The funds of the Agency shall consist of:-

- a) all sums, investments or other property whatever vested in the Agency by the Government of the State, Federation of Nigeria or any other organisation or individual whether within or outside the State;

- b) such sums as may be realized by the Agency from the performance of its functions;
- c) such sums as may accrue to the Agency from its investments and properties; and
- d) any such sums as may accrue to the Agency from any other source.

180. (1) Subject to the provision of this section, the Agency may be issuing debentures, stocks or other securities, or in any other manner, borrow sums required by it for meeting any of its obligations or discharging any of its function under this edict:-

Power to Borrow.

- (a) the power of the Agency to borrow shall be exercisable only with the approval of the Governor as to the amount source and terms of the loan which approval may be of a general nature or limited to a particular borrowing;
- (b) a person lending money to the Agency shall not be bound to enquire whether the loan is approved as required by subsequent (1) (a) of this section.

181. (1) The Agency shall:-

Accounts Reports etc.

- a) cause to be kept proper accounts in respect of its activities and other records in relation thereto; and
- b) prepare, in respect of each financial year, a statement of account in such form as may be approved by the Board.

(2) The said statement of accounts shall be audited by an independent auditor to be appointed annually by the Board on the recommendation of the auditor general of the State.

(3) The Agency shall forward to the Governor a copy of the said statement of accounts together with the report of the independent auditor thereon and the comments of the Auditor General.

(4) Before the commencement of each financial year the Agency shall prepare an estimate of its revenue for that financial year and submit same to the Governor for his approval.

5) The Agency shall within three months after the end of each financial year, submit to the Military Governor a report containing in addition to any particulars he may direct, details of the activities of the Agency during that financial year.

Miscellaneous.

182. (1) Any contract or instrument which, if entered into or executed by a person not being a body corporate would not require to be under seal, may be entered into or executed on behalf of the Agency by any person generally or specially authorized by the Board.

(2) Any document purporting to be under the seal of the Agency shall unless the contrary is proved be deemed to be a document so executed or issued as the case may be.

Repealed.

183. The following enactment is hereby repealed:-

- a) the State Water Resources and Engineering Construction Agency Edict 1975;
- b) the State Water Resources and Engineering Construction Agency Edict (amendment) 1976;
- c) the State Water Resources and Engineering Construction Agency Edict (amendment) 1978; and
- d) the State Water Resources and Engineering Construction Agency Edict (amendment) 1991.

CHAPTER X

ESTABLISHMENT OF THE KANO INTEGRATED WATER RESOURCES MANAGEMENT COALITION (KNIWRMC).

Establishment of the KNIWRMC in the State.

184. (1) There is hereby established Integrated Water Resources Management Coalition referred to in this Law as (“KNIWRMC”)

(2) The KNIWRMC shall:-

- (a) be a body corporate with perpetual succession and a common seal;

- (b) have power to sue and be sued in its corporate name;
 - (c) be capable of entering into acquiring, holding, and disposing of property of any kind towards conflict resolution; and
 - (d) responsible for equitable sharing and resolving conflicting issues of Water Resources between the Local Government Areas in the State, the benefitting communities for the different purposes (Water Supply, irrigation, fisheries, industries, environment etc.) and other States within the Hydrological Area 8 (HJKY-Basin) of Nigeria and Nigeria at large.
- (3) There shall be an Executive Arm of the KNIWRMC (hereafter called "EXECUTIVE").

185. The Executive of the IWRM shall consist of:-

- (a) Chairman;
- (b) Vice Chairman;
- (c) Secretary General;
- (d) Treasurer;
- (e) Financial Secretary;
- (f) Organizing Secretary;
- (g) Legal Adviser;
- (h) Auditor;
- (i) Public Relation Officer;
- (j) Assistant Secretary;
- (k) Assistant (P.R.O.);
- (l) Assistant Legal Adviser;
- (m) Ex- Officio i;
- (n) Ex-Officio ii; and
- (o) Ex- Officio iii.

The Executive and its Composition.

186. State Integrated Water Resources Management Coalition (KNIWRMC) was set to coordinate the activities of all Water Resources Stakeholders towards the sustainable provision and utilization of Water Resources in an equitable manner without compromising the environment. The Committee's secretariat is located in the State Ministry of Water Resources, Kano:-

Functions of the KNIWRMC.

- a) the activities and responsibilities of the Committee are to coordinate all the activities relevant to Water

- and environmental issues within the State and to liaise with other States in the basin for sustainable Water Management;
- b) advocacy visits to various institutions;
 - c) data collection, analysis and sharing of ideas among other IWRMC;
 - d) establishment of Monitoring and Evaluation Section in Water Institutions for sustainability of Water Resources Management;
 - e) conflict resolution among riparian states of the basin and within their respective domain through meetings and workshops;
 - f) capacity building - KNIWRMC as an institution engage in capacity building to stakeholders through special trainings and sensitization;
 - g) public enlightenment/campaign in media houses through posters, jingles, publications, advertisements and re-orientation on Water Management and its sustainability; and
 - h) workshops and seminars to stakeholders on droughts, flooding, pollutions, diseases outbreak etc.

FINANCIAL PROVISIONS

Funds and Resources of KNIWRMC.

187. (1) The funds and resources of the KNIWRMC shall consist of:-

- (a) all sums, investments or other property vested in it by virtue of the provisions of this Law;
- (b) such sums or other advances by way of loans, or grants to the KNIWRMC by the State Government;
- (c) such sums or other property as may from time to time be advanced by way of loans or grants to it by any Federal, State, or Local Government or Agency of any such Government, any International Organisation, and Private Foundation or any person whatsoever;
- (d) any money earned as a result of services provided to WCA, WSP and LGAs or any other person.

- (e) any money allocated to it under the State Government budgetary allocation or such other money as may from time to time accrue to it.
- (2) It shall ensure that its funds and resources are adequate to meet its operating expenses.

188. The KNIWRMC shall operate Bank Accounts for its funds with a reputable Bank or Banks and the signatories to the accounts shall be either the Chairman or in his absence his designated representatives as the case may be, together with the Financial Secretary, or in his absence his designated representative or any person duly authorized by the KNIWRMC in that behalf.

Bank Account.

189. Every member of the KNIWRMC, agent, auditor or officer or employee of the KNIWRMC shall be indemnified out of the assets of the KNIWRMC against any liability incurred by him in defending any proceeding, if any such proceeding is brought against him in his capacity as such member, agent, auditor or officer or employee as aforesaid.

Indemnity of the Officers of KNIWRMC.

CHAPTER XI

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

190. (1) Repeal of Laws and savings the State Water Board Law Cap. 138, Laws of Kano State of Nigeria, 1999 is hereby repealed and accordingly, the State Water Board existing immediately before the commencement of this Law is hereby dissolved.

Repeals, Savings etc.

(2) The statutory functions, rights, obligations and liabilities of the Water Board as they relate to the supply of Water in the State existing before the commencement of this Law, under any contract or instrument, whether in Law or in equity, shall by virtue of this Law and without further assurance, is hereby vested in the relevant Bodies and Agencies established under this Law.

(3) Any such contract or instrument mentioned in Subsection (2) of this section, shall be of the same force and effect against or in favour of the State Water Corporation or any of the Agencies established by this

Law as the case may be and shall be enforceable instead of the Water Board existing before the commencement of this Law, the State Water Corporation or the Agencies established by this Law had been named therein or had been a party thereto.

(4) The State Water Corporation and the Agencies established by this Law shall be subject to all obligations and liabilities to which the Water Board existing before the commencement of this Law was subject, and all persons shall have the same rights, powers and remedies against the State Water Corporation and the Agencies established by this Law as they had against the previous Water Board.

(5) Any proceedings or cause of action pending or existing immediately before the commencement of this Law, by or against the Water Board before the commencement of this Law in respect of any right, interest, obligation or liability may be continued or as the case may be, commenced by or against the State Water Corporation or the relevant and any determination of a court, tribunal or other Authority or person may be enforced by or against the State Water Corporation or the Agencies established by this Law to the same extent that such proceedings or cause of action or determination might have been continued, commenced or enforced against the Water Board.

(6) Any person:-

(a) who immediately before the coming into force of this Law was the holder of any office in the Water Board or was a Staff in the Water Board before the commencement of this Law shall, on the commencement of this Law and without further assurance, continue in office and be deemed to have been appointed to his office by the State Water Corporation established under this Law;

(b) whose services are not required by the State Water Corporation upon the conduct of a staff needs assessment for the effective performance of its functions in accordance with this Law shall be redeployed to the State Civil Service.

SCHEDULE 1

**DESCRIPTION OF STATE WATER CORPORATION
(GREATER KANO)**

191. Water Supply to settlements having a population greater than 20,000 with good measures of social infrastructures and level of economic activity with minimum supply standard of 100 litres per capita per day with reticulation and full house connections as determined by the beneficiaries/Government. Interpretation.

The Kano State Water Corporation shall consist of Challawa Complex, Tamburawa, Watari, Wudil, Guzuguzu, Joda Water Works and all the water treatment plants that serve Kano metropolitan.

SCHEDULE II

Description of Kano State Small Towns Water Supply and Sanitation Agency (KASSTOWA).

Water Supply to settlements having a population between 5,000 — 20,000 with a fair measure of social infrastructure and some level of economic activity with minimum supply standard of 60 litres per capita per day with reticulation and limited or full house connections as determined by the beneficiaries/Government.

The area of coverage for KASSTOWA shall be all Local Government Headquarters not covered by Kano State Water Cooperation and other towns that fall under the description above.

SCHEDULE III

Description of Rural Areas.

Guarantee minimum level of service 30 litres per capita per day within 250 meters of the Community of less than 5,000 people, serving 250-500 persons per water point.

All Communities under this description shall be supplied with potable water and sanitation by Rural Water supply and Sanitation Agency (RUWASA)

SCHEDULE IV

Proceedings of the Boards

1. The following shall have effect with respect to the Proceedings of the Boards of the Institutions created pursuant to this Law:-

- (a) the Board shall meet for the dispatch of its business at least once a quarter, or as often as is deemed expedient, and subject to this section, may adjourn, close and otherwise regulate its meetings and procedure as it deems fit;
- (b) the Chairman or, in his absence, any member chosen by the members present from among themselves shall preside at the meeting of the Board;
- (c) all decisions of the Board shall be on the basis of simple majority of the members present and voting;
- (d) no act or proceeding of the Board shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Board, except where actions are not supported by a quorum;
- (e) the quorum for the meeting of the Board shall be 7 and each member present shall have one vote on each question before the Board and, in the event of equality of votes, the Chairman shall have a casting vote in addition to a deliberative vote;
- (f) the Boards may review any previous decision taken, provided that the quorum taking such event shall not be less than the Board members present when the previous decision was taken.

2. Disclosure

(1) If a member:-

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

come into conflict with his functions as a member, or if for any reason the private interests of a member come into conflict with his functions as a member, the member shall forthwith disclose the fact to the Board.

(2) A member referred to in subsection (1) shall take no part in the consideration or discussion of, or vote on, any question before the Board which relates to any contract, right, immovable property or interest referred to in that subsection.

(3) Any member who contravenes subsections (1) & (2) of this section commits an offence and is liable to fine of N100,000 or two years imprisonment or both.

(4) If a member referred to in this section takes part in the consideration of a matter in which his private interests are in conflict with his function as a member, the other members may subsequently ratify any such decision or action.

SCHEDULE V

SUPPLEMENTARY PROVISIONS RELATING TO THE WCA

FEDERAL REPUBLIC OF NIGERIA

Model Constitution for Water Consumer Associations

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FEDERAL REPUBLIC OF NIGERIA
MODEL CONSTITUTION FOR STATE WATER CONSUMER ASSOCIATION (WCA)

We, the Trustees and Members of this Association, in order to provide a clean, safe, improved and reliable supply of potable Water and Sanitation to our members and to our immediate community at affordable cost within the framework of the State Water Supply and Sanitation Programme, do enact and establish this Constitution for the Association.

Section 1: NAME

The Association shall be known and addressed asand shall hereinafter be referred to as 'The Association.'

Section 2: OBJECTS

- 2.1: To provide adequate, affordable and safe water and Sanitation in a sustainable manner.
- 2.2: To identify the appropriate technology option(s) for Water Supply and Sanitation.
- 2.3: To own and operate Water Supply and Sanitation facilities for the Community.
- 2.4 To charge members and non-members whatever it (WCA) considers to be appropriate fee to cover its administration, operation and maintenance costs.
- 2.5: To improve environmental health conditions in the communities and thereby improve the health and hygiene of the members.
- 2.6: To build consensus, initiative and leadership among members.
- 2.7: To co-operate with Governments, NGOs and other Agencies for the construction, operation and maintenance of Water and Sanitation Schemes as may be considered necessary.

Section 3: FUNCTIONS OF THE ASSOCIATION

- 3.1: To collect and manage funds for constructing and operating Water Supply and Sanitation Scheme(s).
- 3.2: To maintain completed Water and Sanitation Scheme(s) and ensure their proper use.

3.3: To facilitate the construct household sanitation facilities.

3.4: To coordinate all Water and Sanitation activities in the Communities.

3.5: To liaise with Government, NGOs and other Donor Agencies for the construction and management of Water and Sanitation facilities in the communities.

Section 4: AREA OF OPERATION

The area of operation of the Association shall be

Section 5: MEMBERSHIP

There shall be only one registered member per stakeholder community at any time.

Each community will be represented by an individual in the community:

5.1: Members shall be citizens or community residents in the Community;

5.2: Shall be of good standing and willing to pay for improved Water Supply and Sanitation;

5.3: Intending members shall pay an appropriate membership registration fee as may be fixed by the Association;

5.4: Member Shall not be younger than 18 years of age;

5.5: There shall be a register showing as a minimum for each community, the names, addresses, amount(s) contributed with date(s), balance(s) due, date of joining. Other relevant particulars will be recorded at the discretion of the Association;

5.6: There shall be an attendance register for the purpose of recording attendance of members at the meetings;

Section 6: TERMINATION OF MEMBERSHIP

Membership of the Association shall be terminated in the following circumstances:

6.1: Death of the Member;

6.2: Permanent insanity of Member

6.3: Banishment or expulsion from the community;

6.4: If the member voluntarily moves away from the WCA area;

6.5: Refusal by a member to pay the required financial contribution to the Association;

6.6: Conviction on any criminal charge;

6.7: Misconduct or other acts contrary to the stated objects of the Association.

Section 7: EXECUTIVE COMMITTEE

7.1: The Management of the Association shall be vested in the Executive Committee, hereinafter known as “the Committee” which should be elected or re-elected for four (4) years.

7.2: The Committee shall have, as a minimum, five (5) members drawn from the WCA membership list to fulfill the roles of:

- Chairperson
- Secretary
- Treasurer
- Scheme Supervisor (for Operations and Public Relations)
- Women’s Representative (who shall be female).
- M&E Officer
- Programme Officer
- Legal Adviser
- Financial Secretary

These posts should be held for a period not more than 4 years and should be subject to election or re-election after each term.

7.3: The Committee shall appoint Alternates for Committee roles where the need arises.

7.4: The Committee shall appoint a Member to represent the interests of the WCA in any Water and Sanitation Development project in the community and any other Government’s Projects.

7.5: The Chairperson shall have the following duties:

- i. to convene and preside over all meetings of the Committee, general and extra-ordinary.
- ii. to be a joint-signatory to all cash withdrawals from the Association’s bank account(s).
- iii. to perform such other functions, that would enhance the collective efforts of Members.
- iv. the chairman in the company of the Secretary and PRO, represent WCAs in State and National fora

7.6 The Secretary to the WCA shall have the following duties:

- i. to keep and maintain correctly, an up-to-date register of members together with a record.
- ii. to sign on behalf of the Association and conduct all its correspondence.
- iii. to summon and attend all meetings, recording the proceedings of such meetings and ensure that accurate minutes are duly signed by the Members of the Committee.

- 7.7 The Treasurer shall have the following duties:
- i. to keep a true and accurate account of the Association's funds.
 - ii. to pay out all orders supported by proper vouchers and receipts signed by the Chairman.
 - iii. to be custodian of the Association's bank passbook and/or cheque books.
 - iv. to take charge of all money received and make disbursements in accordance with the directives of the Executive Committee.
 - vi. to deposit all receipts and other funds over the limits fixed by the General Meeting in any bank approved for this purpose.
 - vii. to issue proper receipts for all money paid into the Association by Members and other parties.
- 7.8 The Scheme Supervisor will have the following duties:
- i. to supervise the operation and maintenance of water and sanitation facilities.
 - ii. to disseminate information to the Executive Committee and the other WCA Members about progress, developments and management on the Water and Sanitation sector.
 - iii. to advise and assist the Executive Committee in matters relating to operation and maintenance of the schemes.
- 7.9: The Women's Representative will have the following duties:
- i. to maintain an accurate register of WCA female Members for consultations.
 - ii. to visit each WCA female Member at least once every quarter to elicit their views and comments on the Water Supply scheme, communicate these to the Executive Committee for consideration and provide feedback on requests to the WCA Executive Committee.
 - iii. to disseminate project information to all female Members of the WCA.
 - iv. to convene periodical meetings of female WCA Members.
 - v. to liaise with appropriate Agencies in Health & Hygiene matters and convene H&H Education meetings for the female Members of the WCA.
 - vi. to educate female WCA Members, peer group educators and influential women on their roles in STWSP.
 - vii. to mobilise and encourage WCA female Members to organise opening ceremonies and fund-raising events for the WCA.

- viii. to be a joint-signatory to all cash withdrawals and payments from the Association's Bank Account(s).

Subsection 7.2 Additions of Executive Members

- i. PRO – Function as stated in the workshop on the establishment of the coalition of WSSSRP I and II Water Consumer Association on 11th March 2016 at Kano hospitality and tourism institute.
- ii. Financial secretary as above
 1. To ensure that the Association's accounts are audited annually.
 2. To prepare, submit and read the Association's Financial report at the Annual General Meeting.
 3. To be a joint-signatory to all cash withdrawals and payments from the Association's bank account(s).
- iii. Programme officer.
 1. To act as the programme manager in any activities events of the association
 2. To make arrangement of advocacy visits for the state association.
 3. To act as master of the ceremony (M.C.) to an y meeting of the association
 4. To arrange and the executive members to small towns WCA's for the activities assessment and monitoring.

IV. Monitoring and Evaluating Officer (M&E)

1. To monitor the activities of the proceedings of the State Association
2. To evaluate and advise on the proceeding of the State Association
3. Input
4. Input

V. Legal adviser

1. To engaged in any legal proceeding concerning individual or the association as the case may be with regard to the association matter.
2. To lead the disciplinary committee of the association and provide legal advice thereof.
3. To advise on any advocacy matter of the State Association
4. To act as dispelling master in any meeting proceeding of the State Association.

Function as stated in establishment of coalition WSSSRP I and II of financial secretary:

1. Financial administration taking custody of accounting and financial records in all transactions of the coalition.
2. Reading of financial statement of the coalition and any other accounting matters.

PRO:

1. Announce dates and venue for meetings
2. Dissemination of information about the activities of the coalition
3. In company of the chairman and secretary represents the coalition in the forums
4. Master of the Ceremony (MC) of workshop and seminars of the coalition

Section 8: POWERS AND DUTIES OF THE EXECUTIVE COMMITTEE

The Committee shall exercise all the powers of the Association except those reserved for the General Meeting, subject to any regulations duly laid down by the Association.

The duties of the Executive Committee shall be:

- i. to observe in all their transactions, the constitution, regulations and resolutions of the Association.
- ii. to ensure the maintenance of true and accurate accounts of all money received and expended and all the assets and liabilities of the Association.
- iii. to keep an accurate register of members and their contributions.
- iv. to present before the Annual General Meeting an income and expenditure account and an audited balance sheet for the WCA.
- v. to consider the inspection notes of the Government Public Utility or Water Resources Staff and take necessary action.
- vi. to admit new members subject to the confirmation of a General meeting.
- vii. to summon General Meetings.
- viii. to institute, conduct, defend, refer to arbitration or abandon legal proceedings by or against the Association, its officers or employees in matters concerning the affairs of the Association.
- ix. to appoint, confirm and fix the salary and conditions of appointment of any employee.
- x. to put in place an internal administrative support system which will foster the Association's collective strength.

Section 9: LIABILITY OF THE EXECUTIVE COMMITTEE

In their conduct of the affairs of the Association, the Committee shall exercise prudence and diligence and shall be responsible for any loss sustained through acts or omissions contrary to the resolutions, regulations and constitution of the Association.

Section 10: DISQUALIFICATION OF MEMBERS OF THE COMMITTEE

A member of the Executive Committee shall cease to hold office if he or she:

- i. ceases to be a member of the Association.
- ii. becomes of unsound mind.
- iii. acts in a manner prejudicial to the interest or stated objects of the Association
- iv. bankruptcy
- v. permanent disability

Section 11: QUORUM

The presence of at least one third of the fully paid-up Members shall be necessary for the disposal of any business at a General Meeting as well as at the Annual General Meeting.

Section 12: TENURE OF OFFICE

All elected officers shall hold office for a period not exceeding 4 years and may be re-elected for only one additional term.

Section 13 MEETINGS

13.1 General Meetings

The ultimate authority of this Association shall be in the general body of Members who shall meet monthly at a place and time fixed by the Association.

13.2 Executive Committee Meeting

The Executive Committee shall meet at least once a month and shall be convened by the Secretary on the advice of the Chairperson.

13.3 Annual General Meeting

The Annual General Meeting shall take place within two (2) months after the annual Statement of Account has been prepared.

13.4 Purpose of the Annual General Meeting

- i. to formulate policy in accordance with the stated objects of the Association,
- ii. to ratify any appointments.
- iii. to consider and approve the Association's budget.
- iv. to elect the Chairperson, Vice-Chairperson, Secretary and Treasurer.
- v. to appoint the Trustees and the Executive Committee.
- vi. to confirm the admission and expulsion of Members.
- vii. to amend or repeal the Constitution.
- viii. to dispose of any other business duly brought before it.

Section 14: VOTING

All questions shall be determined by majority of votes of the Members present at the meeting provided that the number attending matches or exceeds the required Quorum. Each Member shall have one vote only.

A household may nominate a Proxy from amongst the members of the household provided that the Proxy fulfills the Membership conditions in Section 5 of this Constitution.

In addition to his/her ordinary vote, the Chairperson shall have a casting vote.

Section 15: COMMON SEAL

The common seal of the Association shall be of a pattern approved by the Corporate Affairs Commission; and any instrument to which the Common Seal has been affixed shall be binding on the Association. The common seal shall be in the safe custody of the Secretary.

Section 16: DISCIPLINE

Discipline shall be maintained by the imposition of penalties or sanctions for breach of rules and regulations by a Member. Such sanction shall be proportionate to the gravity of the offence committed and shall be determined by an ad hoc Disciplinary Committee which shall be set up to try an offender or group of offenders.

16.1 Offences

Any of the following shall constitute an offence which could attract appropriate sanctions or penalties:

- i. absence from meetings of the Association without reasonable cause.
- ii. rowdiness or disruptive behaviour at meetings.

- iii. insubordination to, obstruction of, or assault of Association officials in the course of performing their lawful assignments on behalf of the Association.
- iv. proven cases of scandalous acts against Members.
- v. divulging matters confidential to the Association or withholding essential information from the Association.
- vi. fighting during meetings of the Association.
- vii. refusal or willful neglect to pay the required dues or contributions to the Association.
- viii. engaging in conduct prejudicial to the interests of Association.

16.2 Disciplinary Committee

The Executive Committee shall have powers to empanel a Disciplinary Committee of five members who shall be persons of proven integrity, varied background and experience to investigate and adjudicate upon any reported offence(s). The Disciplinary Committee shall be empowered to apportion sanctions and penalties according to the gravity or seriousness of the offence. Such sanctions and penalties could range from fines to expulsion from the Association.

16.3 A Member who is not satisfied with the decision of the Disciplinary Committee may make a formal written appeal against the decision to the Executive Committee within four (4) weeks of the decision. The Executive Committee will consider the appeal and rule on the matter at its next meeting. The ruling of the Committee at that time shall be final.

Section 17: FINANCE

17.1 Banking and Revenue Collection

The Association shall keep its funds in the nearest suitable Bank on resolution passed at the Executive Committee Meeting.

17:2: Sources of Funds;

The sources of funds shall be:

- i. commitment fees of Members
- ii. contribution of Federal, State and Local Governments
- iii. proceeds from sale of water and sanitation use to consumers
- iv. donations from Members, NGO/CBO/CSOs and non-members.
- v. loans from financial institutions

- vi. launching of appeals or development funds.
- vii. miscellaneous sources approved by the FMWRRD and the General Meeting.

17.3 Signatories to Bank Account:

There shall be four (4) signatories approved for the operation of the Association's Bank Account(s). These shall comprise the Chairperson, the Secretary, the Treasurer, and the Women's Representative.

All payments by the Association and withdrawals from the Association's accounts shall require any two (s) signatures.

17.4 Revenue Collection

The Association shall collect revenue in the period and place prescribed by a General Meeting and in the manner determined by a meeting of the Executive Committee.

17.5 Accounting and Reporting

- i. The Association shall submit quarterly accounts and financial reports to the Funding Agency, which shall remain The Federal Ministry of Water Resources and Rural Development, throughout the construction and the defect liability period,
- ii. the Annual General Meeting shall determine the regularity of subsequent reports after the construction and the defect liability period.

17.6 Tariffs and Revenue

- i. the Association shall set tariffs and revenue within the limits prescribed by the State Government.
- ii. the tariffs and revenue to be collected shall be approved by the Annual General Meeting.

Section 18: TRUSTEES

- i. the Chairman, the Secretary and if the General meeting so approves, one other Member of the Executive Committee shall be the Trustees of the Association.
- ii. it shall be the duty of the Trustees to sign on behalf of the Association all cheques and legal documents including those concerned with the transfer of funds, acquisition and disposal of the Association's property.

Section 19: OPERATION AND MAINTENANCE

- i. The Association shall have the responsibility to manage, operate and maintain the water point, including all the assets, headwork's, spares, pumps and other appurtenances so as to ensure regular supply of water to consumers.
- ii. the Association shall contract qualified and skilled maintenance artisans for the purpose of operating and maintaining the water point.

Section 20:

LINK TO OTHER STATES AND NATIONAL WATER SUPPLY AND SANITATION ASSOCIATIONS/COMMITTEES

The Chairman of the association should sit in other States and National Water Supply and Sanitation Associations/Committees that may be set up.

Section 21: Health, Hygiene and Sanitation Issues

The association shall link up with the STWSSDC on all health and sanitation issues. The WCA is obliged to organise the construction of a demonstration sanitation facility within its area. It should also see that all its members are participating in an annual health and hygiene education training session.

Section 22:

AMENDMENTS

This Constitution shall be subject to amendment or repeal by a two-third majority vote of Members present at an Annual General Meeting.

Section 23:

This Law shall become effective from the 8th day of May, 2019