

Extraordinary



Federal Republic of Nigeria Official Gazette

No. 164

Lagos - 2nd February, 2016

Vol. 103

Government Notice No. 120

The following is published as supplement to this *Gazette* :

<i>S.I. No.</i>	<i>Short Title</i>	<i>Page</i>
14	Water Use and Licence Regulations, 2016	B439-483

Printed and Published by The Federal Government Printer, Lagos, Nigeria
FGP 123/112016/1.200

Annual Subscription from 1st January, 2016 is Local : ₦25,000.00 Overseas : ₦37,500.00 [Surface Mail]
₦49,500.00 [Second Class Air Mail]. Present issue ₦1,500.00 per copy. Subscribers who wish to obtain *Gazette* after
1st January should apply to the Federal Government Printer, Lagos for amended Subscriptions.

WATER RESOURCES ACT (CAP. W2 LFN 2004)
WATER USE AND LICENCE REGULATIONS, 2016



ARRANGEMENT OF REGULATIONS

Regulation :

PART I—OBJECTIVE AND WATER RIGHTS

1. Objective.
2. Right to use of water.
3. Relationship between Water Rights and Land Tenure Rights.

PART II—REGISTRATION AND LICENSING

4. Licensable activities.
5. Licensable water use.
6. Registration of water use.
7. Registration of pre-existing water use.
8. Manner of Application for licence.
9. Additional Information.
10. Notification of Due Filing of Application.
11. Publication of Notice of Application.
12. Withdrawal of application.
13. Approval or Refusal to grant a licence.
14. Allotment of Catchment Registration number.
15. Annual publication of list of Licensees.

PART III—AMENDMENT, RENEWAL AND TRANSFER OF LICENCE

16. Amendment of licence.
17. Renewal of licence.
18. Transfer of licence.
19. Extension of tenure of licence.
20. Suspension of licence.
21. Cancellation of licence.
22. Withdrawal of licence.
23. Payment of fees.
24. Rehearing and appeals.
25. Water use charge.

PART IV—OFFENCES AND PENALTIES

26. Offences and Penalties.

PART V—MISCELLANEOUS

27. Interpretation.

28. Citation.

SCHEDULES

FIRST SCHEDULE	—	Application Form for a Licence.
SECOND SCHEDULE	—	Application Form for Amendment of Licence.
THIRD SCHEDULE	—	Application Form for Renewal of Licence.
FOURTH SCHEDULE	—	Application Form for Tenure Extension of Licence.
FIFTH SCHEDULE	—	Designation of Water Bodies.
SIXTH SCHEDULE	—	Table of Fees and Tariffs.
SEVENTH SCHEDULE	—	Water Use Charges.

S. I. No. 14 of 2016

WATER RESOURCES ACT (CAP. W2 LFN 2004)
WATER USE AND LICENCE REGULATIONS, 2016

[27th Day of January, 2016]

Commence-
ment.

In exercise of the Powers conferred on me by Section 19 of the Water Resources Act, Cap W2 Law of the Federation of Nigeria 2004, I, ENGR. SULEIMAN H. ADAMU, FNSE, Minister of Water Resources, make the following Regulations—

PART I—OBJECTIVES AND RIGHT TO USE WATER

1. The Objectives of these Regulations are to—

Objectives.

(a) protect, conserve and control water resources for equitable and sustainable social and economic development and to maintain environmental integrity ;

(b) ensure allocation, supply and distribution of water resources for all uses to promote equitable, sustainable and sufficient best practices and conduct ;

(c) ensure that licensees or authorized developers and water service providers and users and infrastructure used for water services meet the technical, social and commercial obligations under these Regulations in a manner which promotes the wellbeing of citizens ;

(d) ensure that licensees are accountable and responsive to customer and community needs ; and

(e) ensure that public water services are supplied efficiently and economically in accordance with standards that reasonably meet the social, industrial and commercial needs of the community.

2.—(1) In accordance with Section 2 of the Act, a person may without a licence—

Right to use
Water.

(a) take water from a water source to which the public has free access for the purpose of reasonable domestic use or for watering domestic livestock ;

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

(c) use water for personal irrigation schemes covering not more than 5 hectares ;

(d) where a statutory or customary right of occupancy to any land exists, take or use water without charge from the underground water source, or if abutting the bank of any watercourse, from that water course, for reasonable

domestic use, watering livestock and for personal irrigation not for commercial purposes ; or

- (e) store and use runoff water from a roof ; and
- (f) diversion, construction, drilling, reclamation.

(2) A person may—

- (a) continue with an existing lawful water use, including a customary use ; and
- (b) use water generally, in accordance with the Act.

(3) Any pre-existing right granted to a person supersedes any right to use water which that person might otherwise have been able to enjoy or enforce under any other law to—

- (a) take or use water ;
- (b) obstruct or divert a flow of water ;
- (c) affect the quality of any water ;
- (d) receive any particular flow of water ;
- (e) receive a flow of water of any particular quality ; or
- (f) construct, operate or maintain any waterworks.

except if such right has been overridden by any law or regulation in Nigeria in the interest of the public.

(4) In order to carry out any other activity not specified under sub-regulation (3) of this Regulation, a holder of a pre-existing right shall be given the option of first refusal where an applicant has applied for a Water Use Licence on that existing right.

Relationship between Water Rights and Land Tenure Rights.

3.—(1) Water Rights shall exist independently of Land Tenure Rights.

(2) Any person holding a Land Tenure Right, who intends to carry out any licensable activity or licensable use under regulations 4 and 5 of these Regulations, shall first obtain a Water Use Licence notwithstanding the person's rights over the attached or connecting Land.

PART II—REGISTRATION AND LICENCING

Licensable Activities.

4.—(1) The Minister shall licence the following prescribed activities affecting the water Sources listed in the Fifth Schedule to these Regulations—

- (a) abstraction of surface water and groundwater ;
- (b) diversion, pumping, storage or use on a commercial scale of water ;
- (c) the construction of boreholes ;
- (d) construction and operation of hydraulic structures for rivers, dams, water intake barrages, groynes, bed and bank stabilisation, dykes, polders, wells ;

- (e) public and private irrigation and drainage systems ;
- (f) diversion or impoundment of water for the purposes of mining and discharge of waste water from mining into any water course ;
- (g) discharging waste or water containing waste into a water body through a pipe, canal, sewer, sea outfall or other conduit ;
- (h) disposing in any manner water—
 - (i) containing waste ;
 - (ii) which has been heated ; and
 - (iii) from any industrial or power generation process.
- (i) undertaking drainage and land reclamation ;
- (j) capital dredging ;
- (k) sand dredging, rock blasting and rock removal from rivers ;
- (l) construction of infrastructure, roads and bridges across rivers and bridges ;
- (m) any work ; affecting the banks and beds of water courses ;
- (n) carrying out commercial inland fisheries/aquaculture ;
- (o) transportation of Specified Substances over the water course ;
- (p) activities which reduce stream flow ;
- (q) using reservoirs for recreational purposes such as tourism, water sports and boat riding purposes ; and
- (r) operating water quality laboratories and water analysis centres.

(2) The activities specified in this regulation shall be in accordance to the standards of the relevant environment enforcement standards agency.

5. The Minister shall issue a licence for the following water uses—

Licensable
Water Use.

- (a) agriculture water use ;
- (b) commercial water use ;
- (c) electric power generation water use ;
- (d) environmental water use ;
- (e) fisheries or aquaculture water use ;
- (f) industrial water use ;
- (g) municipal water use ;
- (h) recreational water use ; and
- (i) water transportation use.

6. The water uses specified in regulation 2 of these Regulations shall be registered by the Ministry.

Registration
of Water
Use.

7.—(1) Where a person holds a pre-existing right to abstract water before the commencement of these Regulations, the person shall register and obtain a licence for such a right from the Minister.

Registration
of pre-
existing
Water right.

(2) Registration of existing rights shall be in accordance with these Regulations.

Manner of Application for a Licence.

8.—(1) To carry out an activity under regulations 3 and 4 of these Regulations, an applicant shall—

(a) make an application for a licence in writing addressed to the Minister ;

(b) complete and submit the Application Form contained in the First Schedule to these Regulations to be obtained from the office of the Minister or downloaded from the Ministry's website.

(2) An Application for a licence shall be accompanied with all the information specified in the Application form relating to the specific licence being applied for.

(3) The Applicant shall upon submission of the Application Form, pay a non-refundable fee as specified in the Table of Fees and Tariffs in the Sixth Schedule to these Regulations for the processing of the Application.

Additional Information.

9.—(1) The Minister may upon review of the Application require the Applicant to furnish, within a specified period, any additional information.

(2) Provided however that the time between the receipt of the Application and the accompanying documents and date on which the Minister notifies the Applicant of the inadequacy of the documents and information shall not exceed one month.

(3) An application shall lapse if the applicant does not submit all required documents within sixty (60) days from the date which the Minister requests for the additional information.

(4) An application which has lapsed cannot be restored but may be resubmitted as a new Application upon payment of the prescribed processing fee.

Notification of Due Filing of Application.

10.—Where the Minister finds the Application to be complete, the Minister shall—

(a) pass an order that the Application has been duly made ; and

(b) within 30 days of the passing of the order referred to in paragraph (a) of this regulation, cause the applicant to be notified in writing that the application has been duly made and request that the applicant publish the Statutory Public Notice.

11.—(1) The Applicant shall within 60 days of receiving the Minister's notification under regulation 10 of these Regulations, cause a notice of the Application to be published at his own expense.

Publication
of Notice of
Application.

(2) The notice shall—

(a) be published in at least two daily newspapers, one of which must be a local newspaper with wide circulation in the area where the Applicant intends to operate as a Licensee, and the other, a national newspaper ; and

(b) state the period within which any objection or representation in connection with the Application may be made to the Ministry.

(3) The Applicant shall forthwith send a copy of each of the newspaper publications to the Ministry.

(4) Any person wishing to object to the grant of a licence shall file a written objection within 21 days from the date of the Public Notice. The objection shall be filed in the form of a petition to the Minister in 2 paper copies and an electronic copy in Microsoft Office format contained in a CD-Rom.

(5) The petition shall be made available to the Applicant by the Minister for a reply.

(6) The Minister may, following the publication of the Public Notice and lapse of the time specified for filing objections, proceed to place the Application for hearing upon its evaluation and consideration of any objection filed.

(7) The Minister shall give the notice of inquiry or hearing to the Applicant, the persons who had filed objections and such other authority, person or body as the Minister considers appropriate.

(8) The conduct of the hearing shall be in the form and manner prescribed by the Minister and shall be concluded within a period of 30 days.

(9) The Minister may refuse the conduct of an inquiry or hearing if in his opinion the objection is frivolous or vexatious.

(10) The findings of the Minister following the inquiry or hearing shall be recorded in writing and published in at least two daily newspapers, one of which must be a local newspaper with wide circulation in the area where the Applicant intends to operate as a Licensee, and the other a national newspaper.

(11) The Minister shall not issue any Licence until all objections or representations regarding the Application received by the Ministry have been considered.

12.—(1) An applicant may in writing, withdraw his Application for a licence, the amendment, renewal, transfer or tenure extension of a licence at any stage before grant of the licence and the Ministry shall not refund any fees already made by an applicant.

Withdrawal
of
Application.

(2) An application which has been withdrawn cannot be reactivated but maybe resubmitted as a new Application, upon payment of the prescribed processing fee.

Approval or refusal to grant a licence.

13.—(1) All water licences shall be issued in accordance with the available water reserves, Basin Catchment Plans and available Water Plans.

(2) In considering an application, the Minister shall be guided by—

(a) the prevailing water policy ;

(b) domestic water use ; and

(c) any other water use which fulfils the goals of national socio-economic development.

(3) Where two applications are the same, the first in time shall be given priority.

(4) The Minister shall, after due consideration of an Application and inquiry if any, grant or refuse to grant a licence.

(5) Where the Minister has approved a licence, the Minister shall inform the Applicant in writing of such approval and the conditions to be satisfied, including the fees to be paid before the grant of the licence.

(6) Where the Minister refuses the grant of a Licence, he shall notify the Applicant in writing stating the reasons for the refusal.

(7) The Applicant shall have the opportunity to make adequate representations to the Minister within 21 days of the Applicant's receipt of the notification of the refusal of a licence.

(8) The Minister shall consider the representation made by the Applicant and shall, where the representation is unsuccessful, or no representation was made, duly notify the Applicant in writing that the Application has been refused stating the reasons for refusing to grant the licence.

(9) Where the Minister approves an application for a licence, the applicant shall—

(a) be informed in writing, of such approval ; and

(b) pay a Licence fee as specified in the Table of Fees and Tariffs in the Sixth Schedule to these Regulations and in the letter of Notification of grant of Licence.

(10) Where the Licence fee is not paid within the time specified in the Letter of Notification of grant of the Licence, the applicant may make a request for extension of the period within which to pay.

(11) Where payment is not made after the extended period, there shall be a surcharge of 2% per week on the amount due for a period of 2 months till the licence fees are paid.

(12) Where the surcharge period has lapsed, the licence shall be cancelled and Notice of Cancellation shall be sent to the applicant.

14.—The Minister shall allot a Catchment registration number against the Licensee's licence for adequate monitoring purposes.

Allotment of
Catchment
Registration
Number.

15.—The Minister shall publish annually a list of Licensees and volume of water allocated to each Licensee and any change in licence holding.

Annual
Publication
of list of
Licensees.

PART III—AMENDMENT, RENEWAL AND TRANSFER OF LICENCE

16.—(1) The terms and conditions of a licence granted by the Minister may be amended—

Amendment
of Licence.

(a) upon the Minister receiving a complaint from any Licensee, water user association, or group of Licensees ; or

(b) on the Minister's initiative.

(2) An application for amendment of a licence—

(a) shall be made in the form specified in the Second Schedule to these Regulations ;

(b) shall be accompanied with a non-refundable processing fee as specified in the Table of Fees and Tariffs in the Sixth Schedule to these Regulations for the amendment of a license ; and

(c) may be made at any time after the issuance of the licence, but at least nine months before the expiration of the licence.

(3) For all amendments not initiated by the Licensee, the Minister may amend the terms and conditions of a license if satisfied that—

(a) any circumstance exists which renders it necessary in the public interest to amend the Licence ;

(b) the Licensee does not meet certain requirements in the terms and conditions of the licence ;

(c) the Licensee has not complied with the provisions of the Act, these Regulations, market rules or relevant Codes and standards ; or

(d) there is a material change in the circumstance of the Licensee.

(4) Where a Licensee makes an application for the amendment of a licence, the Licensee shall publish a notice of the proposed amendments to the licence in the form and manner specified by the Ministry.

(5) The procedure for the application for a license under regulation 8 of these Regulations shall, where applicable, be followed in making an Application for amendment of a licence.

(6) Where the proposed amendment is as a result of the Minister's initiative, the Ministry shall be responsible for the publication of the public notice stating the proposed amendments, required.

Renewal of licence.

17.—(1) An Application for the renewal of a licence shall be—
(a) in the form specified in the Third Schedule to these Regulations ;
(b) made at least 9 months before the expiration of the licence ; and
(c) accompanied with a non-refundable processing fee as specified in the Table of Fees and Tariffs in the Sixth Schedule to these Regulations.

(2) The procedure for the application for a licence under regulation 8 of these Regulations shall, where applicable be followed in making an application for the renewal of a licence.

Transfer of licence.

18.—(1) A Licensee shall not assign or cede his licence or transfer his undertaking or any part thereof, by way of sale, lease, exchange or otherwise without the prior consent of the Minister.

(2) The Minister may give his consent pursuant to sub regulation (1) of this regulation where in his opinion, the circumstances exist for an applicant to assign or cede his licence, or transfer his undertaking or any part thereof, upon specific terms and conditions.

(3) An Application for Transfer of a licence shall be accompanied with a non-refundable processing fee as specified in the Table of Fees and Tariffs in the Sixth Schedule to these Regulations.

Extension of tenure of licence.

19.—(1) Any Person who has been issued a licence by the Minister under these Regulations may apply for an extension of tenure of the License.

(2) An Application for Extension of Tenure of License—

(a) shall be in the form specified in the Fourth Schedule to these Regulations which may be obtained from the office of the Minister or downloaded from the Ministry's website.

(b) shall be accompanied with a non-refundable processing fee as specified in the Table of Fees and Tariffs in the Sixth Schedule to these Regulations ; and

(c) must be submitted within the first 5 years of the initial term of the licence.

(3) The procedure for the Application for a license under regulation 8 of these Regulations shall, where applicable, be followed in making an Application for extension of tenure of a licence.

(4) The Minister shall consider the application and reach a decision to grant or refuse to grant a tenure extension within three (3) months of the submission of an application.

(5) An application for extension of tenure of a licence can only be granted once during the initial tenure of the licence being extended.

(6) A licence may only be extended for a period of 2 years after which the Licensee must apply for a renewal of his licence.

20.—(1) The Minister may on his own initiative or upon receiving a complaint or information from any Licensee or group of Licensees cause an inquiry into the conduct or activities of any Licensee or group of Licensees.

Suspension
of licence.

(2) The Minister may suspend a licence where—

(a) the Licensee—

(i) does not comply with the terms and conditions of the licence, the Act, relevant laws and regulations, market rules and regulations, and relevant codes and standards,

(ii) has defaulted in complying with the terms and conditions of the licence, any decisions or orders of the Minister,

(iii) is carrying out the licenced business in a form and manner which constitutes an immediate threat to the health and safety of any person or the public,

(iv) refuses to submit to investigations or inquiry by the Ministry or obstructs any officer assigned to do so or fails to produce documents for inspection, or

(b) any circumstance exists which renders it necessary in the public interest to suspend the licence.

(3) The licensee shall be informed in writing of the grounds for suspending the licence and give the licensee an opportunity to make representations against the suspension.

(4) Where the Licensee chooses to make a representation, the representation shall be made within 30 days from the date of the receipt of the letter informing him of the grounds for suspending the licence.

(5) The Minister shall take into cognizance the representation made by the licensee and communicate his decision to the licensee in writing.

(6) Where the Minister decides to suspend a licence, the licensee shall be notified of the date on which the suspension shall take effect.

(7) The Minister may make orders regarding the undertaking of the suspended licence including an order giving the licensee time to wind up his operations or arrange for a licenced competent management to take over his undertakings or other agreed terms which the Minister shall ratify.

(8) The Minister may after the suspension of a licence, review the suspension and either cancel the licence in accordance with provisions of

regulation 21 of these Regulations or lift the suspension of the licence and restore the undertaking to the Licensee.

(9) The Minister shall not impose a suspension order in excess of 6 months and may review the order before the expiration of the suspension term imposed.

Cancellation
of licence.

21.—(1) The Ministry may on its own initiative or upon receiving a complaint or information from any licensee or group of licensees initiate an inquiry into the conduct or functioning of any Licensee.

(2) The Minister may cancel a licence if—

(a) the licence was issued through fraud or misrepresentation or non-disclosure of a material fact ; or

(b) the Licensee has willfully or unreasonably contravened any provisions of the Act, applicable legislations, Regulations made pursuant to the Act, market rules, relevant codes, rules and regulations ; or

(c) the Licensee has failed to comply with any term or condition of the licence the breach of which is expressly declared to render it liable to cancellation ;

(d) the Licensee becomes insolvent or is adjudged bankrupt ; or

(e) the financial position of the Licensee is such that the Licensee is unable to fully and efficiently discharge the duties and obligations imposed by the licence ; or

(f) the Licensee has failed to use water under a water right for a period running concurrently and consecutively for 6 months after grant of licence ;

(g) Where an applicant envisages that he may not be able to comply with the terms and conditions of his licence, the applicant shall bring such a situation to the notice of the Ministry in order to forestall the cancellation of his licence.

(3) The Minister shall, if satisfied that enough grounds exist for the cancellation of a licence, give notice of proceedings for the cancellation of the licence to the Licensee and to such other persons, group of persons or body as it may consider necessary.

(4) The proceedings for the cancellation of a licence shall be in the manner prescribed by the Minister provided that the licensee shall be—

(a) notified in writing of the cancellation of the licence and the reasons for doing so ; and

(b) given the opportunity to demonstrate, within 60 days of the delivery of the notification referred to in paragraph (a) of this regulation, that the circumstances have changed such that the cancellation may no longer be warranted.

(5) If the Minister decides to cancel the licence after complying with the laid down procedure, the licensee shall be served notice of the cancellation specifying the effective date from which the cancellation shall take effect.

(6) The Minister may instead of canceling the licence, make any other order imposing further terms and conditions subject to which the licensee is permitted to operate under thereafter.

(7) The Minister may upon the cancellation of a licence, make orders with regard to the undertaking of the licensee, including giving the licensee reasonable time to wind up his operations.

(8) Where a licence is cancelled due to non-payment of licensing fees, the applicant shall make a new application as specified in regulation 8 of these Regulations.

22.—(1) The Minister may withdraw any licence issued where a licensee—

Withdrawal
of licence.

(a) obtained the licence through fraud or misrepresentation or non-disclosure of a material fact ;

(b) willfully or unreasonably contravenes any provision of the Act, applicable legislation, Regulations made pursuant to the Act, market rules or relevant codes and standards ;

(c) fails to comply with the conditions upon which the licence was issued ;

(d) contravenes any term or condition of the licence ;

(e) becomes insolvent or is adjudged bankrupt ; or

(f) fails to commission the licenced project within 6 months from the date of grant of the licence.

(2) The licensee shall be informed in writing of the grounds for withdrawing the licence and give the licensee an opportunity to make representations against the withdrawal.

(3) Where the licensee chooses to make a representation, the representation shall be made within 30 days from the date of receipt of the Ministry's letter informing the licensee of the grounds for withdrawing the licence.

(4) The Minister shall take into cognizance the representation made by the Licensee in reaching a final decision. The decision of the Minister shall be communicated to the Licensee in writing.

(5) If the Minister decides to withdraw a licence, the Minister shall notify the Licensee of the decision in writing, and may make orders to that effect.

(6) A licence which has been withdrawn maybe restored, upon payment of the prescribed fee.

Payment of fees.

23.—(1) All fees payable under these Regulations shall be paid by means of bank draft or evidence of electronic payment transfer in favour of the Ministry.

(2) All fees received by the Ministry under these Regulations shall be acknowledged by the issuance of the Ministry's official receipt.

Re-hearing and Appeals.

24.—(1) Any person who is aggrieved by a decision of the Minister made pursuant to these Regulations, may, within 14 days after the decisions communicated, apply to the Minister for a review of the following—

(a) a decision of the Minister not to grant a licence ;

(b) a decision of the Minister to refuse to renew, amend, approve of a transfer or extend the tenure of a licence ; or

(c) a decision of the Minister to withdraw, suspend or cancel a licence.

(2) All decisions and directives of the Ministry are subject to judicial review by a Court of competent jurisdiction.

Water Use charges.

25.—(1) Water Use shall be charged in accordance with the rates specified in the Table of Fees in the Seventh Schedule to these Regulations.

(2) Where the Water Use charge is not paid within the time specified in the terms and conditions of the licence, a surcharge shall be payable on the amount due at the rate of 1% per week up to a maximum period of 12 weeks after which period, the Ministry shall apply appropriate penalties in accordance with the terms and conditions of the licence.

PART IV—OFFENCES AND PENALTIES

Offences and Penalties.

26.—(1) Any person who contravenes any provision of these Regulations commits an offence and is liable on conviction, where no specific penalty is prescribed, to a fine of —

(a) ₦500,000.00 or imprisonment for a term not exceeding 6 months or both, as a first offender ; or

(b) ₦150,000.00 or imprisonment for a term not exceeding three years both for subsequent convictions.

(2) Where an offence under these Regulations has been committed by a body corporate or a partnership, that body corporate or partnership shall on conviction—

(a) be liable to a fine not exceeding ₦500,000 ; and

(b) any director or partner of the body corporate or partnership found to have been negligent or to have willfully connived in the

commission of the offence is liable on conviction to a term of imprisonment not exceeding 6 months.

PART V—MISCELLANEOUS

27. In these Regulations, unless the context otherwise requires—

Interpretation.

“*Act*” means the Water Resources Act, Cap W2, Laws of the Federation, 2004 ;

“*agricultural water use*” means the use of water to enhance agricultural output by means of irrigation or the use of water to sustain livestock ;

“*competing applications*” means all existing applications for a water right from the same water source, whether for a new water right or for a change or transfer of an existing water right ;

“*commercial water use*” means the abstraction and use of water for independent projects that rely on their own water production works *i.e.* for profit or gain ;

“*customary right*” Native of land may use water from the underground water sources or if abutting on the bank of any water course from that water course, without Charge for domestic purpose, livestock and personal irrigation schemes (5Ha) ;

“*days*” means working days, excluding Saturdays, Sundays, and public holidays declared by the Federal Government of Nigeria ;

“*defence purposes*” includes properties used as military installations, military divisions, military brigades, military barracks, army depots, military bases, naval shipyards, naval dockyards, Nigeria Defense Academy (NDA), Defense Industries Corporation of Nigeria (DICON), Command and Staff Colleges, War Colleges, etc ;

“*domestic use*” means Water use for domestic purpose ;

“*environmental water use*” means the release or maintenance of a certain flow of water for the purpose of maintaining specific environmental and recreational purposes ;

“*fisheries or aquaculture water use*” means the release or maintenance of a certain flow of water for the purpose of meeting the needs of aquaculture or fishery activities ;

“*industrial use*” means the use of water by major non-municipal industrial establishments ;

“*Minister*” means the Honourable Minister in charge of Water Resources ;

“*Ministry*” means the Federal Ministry of Water Resources ;

“*municipal water use*” means the diversion treatment, and distribution of water by a water supply utility to satisfy a range of domestic and non-domestic demands within a given municipality ;

“*native*” means indigenous settlers who have customarily been known to use the water source for their domestic farming activities ;

“*power*” *generation water use*” means the use of the hydraulic potential of water for the, generation of power by diverting it ‘through penstocks and turbines ;

“*recreational use*” means the use of water for activities such as swimming, boat surfing, etc ;

“*right to Water*” is the right to take and use water subject to the provisions of the Constitution and the Water Resources Act ;

“*specified Substances*” means detergents and industrial chemical products such as trichloroethylene, tetrachlo-ethylene, carbon tetrachloride, copolymers of alkyl-acrylate etc that are harmful to aquatic life ;

“*use*” means any taking advantage of water, either as a physical substance or as a water body to meet any demand ;

“*Water body*” means a place where water accumulates to the point that it is a distinct feature of a land ;

“*Water Course*” means a—

(a) natural stream of water fed from a permanent or periodical water source and usually flows in a particular direction in a defined channel, having a bed and bank or sides and discharges itself into some other stream or body of water ; or

(b) natural or artificial channel through which water flows ;

“*water transportation use*” means the use of water for navigation relying on the buoyancy capability of water ;

“*water-use rights*” are conferred through an administrative process of water allocation, such as licensing ;

“*water allocation*” is the process in which an available water resource is distributed (or redistributed) to Licenced holders of water rights ;

“*water sources*” means an aquifer, aquifer system or surface water body including a stream, stream system, lake or reservoir and any underground water that is part of or tributary to the surface water body or aquifer that the Ministry determines to be a water body suitable for the purposes of a water administration system ; and

“*water Quality*” means water that is free from contamination which could be foreign or natural.

Citation.

28. These Regulations may be cited as the Water Use and Licence Regulations, 2016.

FIRST SCHEDULE

Regulation 8(1)(b)



FEDERAL REPUBLIC OF NIGERIA
FEDERAL MINISTRY OF WATER RESOURCES

APPLICATION FORM FOR LICENSE

IMPORTANT NOTE :

Your Application is *incomplete* unless all required documents are submitted and the application is *accompanied by the appropriate processing fee.*

1.0. PARTICULARS OF APPLICANT

1.1. Names, Physical and Postal Address of Applicant :

Name :
Physical Address :
Postal Address :
Tel :
Fax :
Mobile Phone :
E-mail :
Website Address :

1.2. Name of Proposed Business if Different from above

Name :
Location :
Postal Address :
Telephone No :
Fax :
Mobile Phone :
E-mail :
Website Address :

1.3 Name and Details of Contact Person

Name :
Physical Address :
Postal Address :
Tel No. :
Mobile Phone :
E-Mail :

Website Address :

Fax No. :

2.0. LEGAL STATUS OF APPLICANT

2.1. Indicate legal Status of Applicant (Tick relevant option)

- 1. Sole Proprietorship
- 2. Partnership
- 3. Public Limited Liability Company
- 4. Private Limited Liability Company
- 5. Cooperative Society
- 6. Others (please specify).....

.....

(Attach Certificate of Registration, Certificate of Incorporation, Memorandum and Articles of Association, Deed of Partnership, Deed of Trust, as applicable)

2.2. LIST AND PARTICULARS OF SHAREHOLDERS

<i>Name</i>	<i>Address</i>	<i>Nationality</i>	<i>Country of Usual Residence</i>

2.3. State if any Shareholder has ever been convicted of a Criminal Offence in Nigeria or in any other Country :

.....
If Yes, details of conviction :

2.4. LIST AND PARTICULARS OF DIRECTORS

<i>Name</i>	<i>Address</i>	<i>Nationality</i>	<i>Country of Usual Residence</i>

2.5. State if any Director has ever been convicted of a Criminal Offence in Nigeria or in any other Country :

.....

If Yes, details of conviction :

.....

3.0. TYPE OF LICENCE/PERMIT REQUIRED (DOMESTIC/PUBLIC)

HYDROPOWER	<input type="checkbox"/>	
IRRIGATION	<input type="checkbox"/>	
AQUACULTURE	<input type="checkbox"/>	
HORTICULTURE	<input type="checkbox"/>	
TOURISM	<input type="checkbox"/>	
OTHERS (Please state)		

3.1. EXISTING LICENCE

Does the Applicant have an existing licence/permit/agreement issued by the Ministry or River Basin Development Authority ?

.....

If yes, state the nature of the licence, date issued and the licence number.

.....

3.2. AFFILIATE OWNERSHIP/RELATIONSHIP

Does the Applicant own more than ten percent (10%) shareholding in another entity that has applied for a licence or has been granted a licence by the Ministry ?

.....
.....

If yes, state the name of the entity, the nature of the application or licence, the date issued and the licence number.

.....
.....

3.3 REFUSAL, SUSPENSION OR CANCELLATION OF LICENCE

(a) Has the Applicant ever been refused a licence or had its licence suspended and/or cancelled by the Ministry ?

.....
.....
.....

(b) If yes, give details of the refusal, suspension, and/or cancellation.

.....
.....
.....
.....

3.4. FINANCIAL STATUS OF APPLICANT

Share Capital of the Applicant
(Authorised)

.....
.....

(Fully Paid)

.....
.....

3.5. INDEBTEDNESS

.....
.....

3.6. Please provide Certified Audited Financial Statements and Accounts for the last 3 years (Or latest 3 years) prior to Application (if applicable).

3.7. BANKERS AND FINANCIAL REFERENCES

Name and Address of Bankers inside and outside Nigeria (including Telephone and Fax)

<i>Institution Name</i>	<i>Address</i>	<i>Contact Person</i>

(NOTE : The Ministry may independently verify with your bankers)

3.8. Other Important Referees on the Applicants Financial Status

<i>Institution Name</i>	<i>Address</i>	<i>Contact Person</i>

3.9. Sources of Funding for the Proposed Project

(a) Share Capital contribution (specify foreign or local)

.....

(b) Loan capital (specify source and provide evidence)

.....

Others (specify)

.....

3.10. MAIN BUSINESS ACTIVITIES OF APPLICANT

Please indicate the main business activities the Applicant is currently engaged in :

3.11. TECHNICAL CAPACITY AND MANAGERIAL EXPERIENCE

TECHNICAL CAPACITY AND MANAGERIAL COMPETENCE OF APPLICANT

Please provide detailed statement of Applicant's technical and managerial competence and experience to undertake the proposed project. (Use additional sheets if necessary).

(a) Technical Capacity

.....
.....
.....

(b) Managerial Competence

.....
.....
.....
.....

Describe technical and industrial support from domestic and foreign sources :

(a) Foreign

.....
.....
.....
.....

(b) Domestic

.....
.....
.....
.....

3.12. DESCRIPTION OF PROPOSED PROJECT

Please provide detailed description of the project :

(Please attach the detailed feasibility study)

.....
.....
.....
.....

Project site/utilities

(a) Project site (attach title document to the land, relevant maps and drawings and state whether there are access roads required) :

.....
.....
.....

(b) Site map indicating access roads, civil construction works, irrigation pump heads (if any), proposed turbine head house, proposed pond sites and substations required for the project (Attach map) :

.....
.....
.....

(c) Provide technical aspects/design of the project.

.....
.....
.....

State Initial Capacity of the Proposed Project

(a) Amount of power to be initially generated, transmitted, distributed or supplied/ amount of crops to be produced/ amount of aquaculture to be harvested :

.....
.....
.....
.....

(b) Proposed future capacity

.....
.....
.....
.....

Implementation Schedule of the Project

.....
.....
.....
.....

Present land use at the Project Site

.....

State if there is need to access public and/or private land :

.....

Specify Consents required from other public authorities to undertake the project and their status (attach relevant documents) :

<i>Consent Required and from Whom</i>	<i>Legal Provisions e.g. land Use Act etc.</i>	<i>Status</i>

3.13. Does the area of business operation cover space occupied by the Federal Ministry of Defence ?

.....YesNo

3.14. Does the area of business operation cover River Basin Development Authority Land ?

.....YesNo

3.15. IMPACTS OF THE PROJECT

ENVIRONMENTAL IMPACT ASSESSMENT

Please attach the Environmental Impact Assessment and approval from the Federal Ministry of Environment.

Any other relevant Information (Use additional sheets if appropriate)

.....

3.16. COMMERCIAL ASPECTS OF THE PROJECT

State the geographical area(s) in which the licence is required

.....

Provide detailed 10-year Business Plan including cash flow projections, tariff methodology and calculation, investment plans, etc. (Detailed Business plan should be attached)

.....
.....
.....

PLEASE REMEMBER TO SUBMIT

THREE (3) HARD COPIES AND A SOFT COPY OF ALL SUPPORTING DOCUMENTS

4.0. DECLARATION BY THE APPLICANT [Notary Public Seal and Attestation Required].

The project is not unlawful or contrary to the interest of the Federal Republic of Nigeria. I/we hereby declare that the details stated above are, to the best of my/our knowledge, true and correct.

Dated this..... day of....., 20.....

THE COMMON SEAL OF THE WITHIN NAMED APPLICANT

.....

Hereunto been affixed in the presence of :

Sign :..... Sign :

Name : Name :

Managing Director/CEO

Secretary

Sworn to thisday of, 20.....

BEFORE ME

.....

NOTARY PUBLIC/COMMISSIONER FOR OATHS

FOR OFFICIAL USE ONLY

1. **Date of submission of Application**
2. **Fees Paid and Receipt Number**
3. **Results of Verification for compliance**
.....
.....
.....
4. **Newspapers and Dates in which Application is advertised :**
.....
.....
.....
5. **Results of any Public Hearing**
.....
.....
.....
6. **Recommendation Ministry Legal/Licensing Division**
.....
.....
.....
7. **Decision of Minister :**
8. **Issuing Date :**
9. **Expiration Date :**
10. **Other Relevant information :**
-
-
-

SECOND SCHEDULE Regulation 16(2)(a)



FEDERAL REPUBLIC OF NIGERIA
FEDERAL MINISTRY OF WATER RESOURCES

APPLICATION FORM FOR AMENDMENT OF LICENCE

IMPORTANT NOTE : Your Application is incomplete unless all required documents are submitted and the application is accompanied by the appropriate processing fee.

1.0. PARTICULARS OF APPLICANT :

1.1. Names, Physical and Postal Address of Applicant

Name :

Physical address :

Postal Address :

.....

Tel No.....

Fax No.....

Mobile Phone :

E-mail :

Website Address :

1.2. NAME AND DETAILS OF CONTACT PERSON

Name :

Physical Address :

Postal Address :

.....

.....

Tel No. :

Mobile Phone :

E-mail :

2.0. TYPE OF EXISTING LICENCE (tick relevant type)

HYDROPOWER	<input type="checkbox"/>	
IRRIGATION	<input type="checkbox"/>	
AQUACULTURE	<input type="checkbox"/>	
HORTICULTURE	<input type="checkbox"/>	
TOURISM	<input type="checkbox"/>	
OTHERS (Please state)		

2.1. CURRENT LICENCE

(a) Licence Number.....

(b) Expiration date of the licence :.....

(c) Has the Applicant ever been refused a licence or had its licence suspended and/or cancelled by the Ministry ?

.....

If yes, give details of the refusal, suspension, and/or cancellation.

.....

.....

.....

(d) Does the area of business operation or Plant cover a building or place occupied by Federal Ministry of Defence?

.....**Yes****No**

2.2. PREVIOUS APPLICATION(S)

(a) Have you applied previously for an amendment of the terms and conditions of the licence ?

.....

.....

(b) Has the Applicant ever been refused an application to amend the terms and conditions of the licence ?

.....

.....

.....

If yes, give details of the refusal.

.....

.....

2.3. PROPOSED AMENDMENT(S)

(a) State the Term(s), Condition(s), and/or Part(s) of the Licence to be affected by the proposed amendment

.....
.....
.....
.....

(b) State reasons for proposed amendment to the terms and conditions of the licence (please provide supporting documents)

.....
.....
.....
.....

(c) Any Other relevant Information (use additional sheets if appropriate)

.....
.....
.....

PLEASE REMEMBER TO SUBMIT

THREE (3) HARD COPIES AND A SOFT COPY OF ALL SUPPORTING DOCUMENTS

3.0. DECLARATION BY THE APPLICANT [Notary Public Seal and Attestation Required]

I/We hereby declare that the details stated above are, to the best of my/our knowledge, true and Correct.

Dated this.....day of20.....

THE COMMON SEAL OF THE WITHIN NAMED APPLICANT

.....
Hereunto been affixed in the presence of :

Sign : Sign :

Name : Name :

Managing Director/CEO

Secretary

Sworn to thisday of, 20.....

BEFORE ME

.....
NOTARY PUBLIC/COMMISSIONER FOR OATHS

FOR OFFICIAL USE ONLY

1. **Date of submission of Application**
2. **Fees Paid and Receipt Number**
3. **Results of Verification for compliance**
.....
.....
.....
4. **Newspapers and Dates in which Application is advertised :**
.....
.....
.....
5. **Results of any Public Hearing**
.....
.....
.....
6. **Recommendation Ministry Legal/Licensing Division**
.....
.....
.....

- 7. **Decision of Minister :**
- 8. **Issuing Date :**
- 9. **Expiration Date :**
- 10. **Other Relevant information :**
.....
.....
.....



FEDERAL REPUBLIC OF NIGERIA
FEDERAL MINISTRY OF WATER RESOURCES

APPLICATION FORM FOR AMENDMENT OF LICENCE

IMPORTANT NOTE : Your Application is incomplete unless all required documents are submitted and the application is accompanied by the appropriate processing fee.

PARTICULARS OF APPLICANT :

1.1. Names, Physical and Postal Address of Applicant

Name :

Physical address :

Postal Address :

.....

Tel No.....

Fax No.....

Mobile Phone :

E-mail :

Website Address :

1.2. NAME AND DETAILS OF CONTACT PERSON

Name :

Physical Address :

Postal Address :

.....

.....

Tel No. :

Mobile Phone :

E-mail :

2.0. TYPE OF EXISTING LICENCE (*tick relevant type*)

HYDROPOWER	<input type="checkbox"/>	
IRRIGATION	<input type="checkbox"/>	
AQUACULTURE	<input type="checkbox"/>	
HORTICULTURE	<input type="checkbox"/>	
TOURISM	<input type="checkbox"/>	
OTHERS (Please state)		

2.1. CURRENT LICENCE

(a) Licence Number.....

(b) Expiration date of the licence :.....

(c) Has the Applicant ever been refused a licence or had its licence suspended and/or cancelled by the Ministry ?

.....

If yes, give details of the refusal, suspension, and/or cancellation.

.....

.....

.....

(d) Does the area of business operation or Plant cover a building or place occupied by Federal Ministry of Defence?

.....,.....YesNo

2.2. PREVIOUS APPLICATION(S)

(i) Have you applied previously for a renewal of your licence ?

.....

.....

(b) Has the Applicant ever been refused an application to renew the licence ?

.....

.....

If yes, give details of the refusal.

.....

.....

2.3. TERM OF PROPOSED RENEWAL

(a) How many years does the applicant want to renew the licence for?
(Note : Renewal cannot be for more than the initial term of the licence being renewed)

.....
.....

(b) Any other relevant information (use additional sheets if appropriate)

.....
.....
.....

PLEASE REMEMBER TO SUBMIT

THREE (3) HARD COPIES AND A SOFT COPY OF ALL SUPPORTING DOCUMENTS

3.0. DECLARATION BY THE APPLICANT [Notary Public Seal and Attestation Required]

I/We hereby declare that the details stated above are, to the best of my/our knowledge, true and Correct.

Dated this.....day of20.....

THE COMMON SEAL OF THE WITHIN NAMED APPLICANT

.....

Hereunto been affixed in the presence of :

Sign :..... Sign :

Name : Name :

Managing Director/CEO

Secretary

Sworn to thisday of, 20.....

BEFORE ME

.....
NOTARY PUBLIC/COMMISSIONER FOR OATHS

FOR OFFICIAL USE ONLY

1. Date of submission of Application for Amenment of licence
2. Fees Paid and Receipt Number
3. Newspapers and Dates in which Application is advertised :
.....
.....
4. Results of any Public Hearing
.....
.....
.....
5. Recommendation Ministry's Legal, Licensing and Enforcement Division :
.....
.....
.....
6. Decision of the Minister :
7. Date of Decision :
8. Issuing Date :
9. Expiration Date :
10. Other Relevant information :
-
-
-



FEDERAL REPUBLIC OF NIGERIA
FEDERAL MINISTRY OF WATER RESOURCES

APPLICATION FORM FOR EXTENSION OF TENURE OF LICENCE

IMPORTANT NOTE : Your Application is incomplete unless all required documents are submitted and the application is accompanied by the appropriate processing fee.

PARTICULARS OF APPLICANT :

1.1. Names, Physical and Postal Address of Applicant

Name :
Physical address :
Postal Address :
.....
Fax :
Mobile Phone :
E-mail :
Website Address :

1.2. NAME AND DETAILS OF CONTACT PERSON

Name :
Physical Address :
Postal Address :
.....
.....
Tel No. :
Mobile Phone :
E-mail :

2.0. TYPE OF EXISTING LICENCE (tick relevant type)

HYDROPOWER	<input type="checkbox"/>	
IRRIGATION	<input type="checkbox"/>	
AQUACULTURE	<input type="checkbox"/>	
HORTICULTURE	<input type="checkbox"/>	
TOURISM	<input type="checkbox"/>	
OTHERS (Please state)		

2.1. CURRENT LICENCE

(a) Licence Number.....

(b) Expiration date of the licence :.....

(c) Has the Applicant ever been refused a licence or had its licence suspended and/or cancelled by the Ministry ?

.....

If yes, give details of the refusal, suspension, and/or cancellation.

.....

.....

.....

(d) Does the area of business operation or Plant cover a building or place occupied by Federal Ministry of Defence?

.....,.....YesNo

2.2. PREVIOUS APPLICATION(S)

(a) Have you applied previously for a renewal of your licence ?

.....

.....

(b) Has the Applicant ever been refused an application to renew the licence ?

.....

.....

If yes, give details of the refusal.

.....

.....

2.3. TERM OF PROPOSED TENURE EXTENSION

(a) How many years does the applicant want to extend the tenure of the licence for ?

(Note : Extension cannot be for more than 5 years)

.....

(b) Resources for applying for tenure extension (use additional sheets if appropriate)

.....

.....

(c) Any other relevant information (use additional sheets if appropriate)

.....

PLEASE REMEMBER TO SUBMIT

THREE (3) HARD COPIES AND A SOFT COPY OF ALL SUPPORTING DOCUMENTS

3.0. DECLARATION BY THE APPLICANT [Notary Public Seal and Attestation Required]

I/We hereby declare that the details stated above are, to the best of my/our knowledge, true and Correct.

Dated this.....day of20.....

THE COMMON SEAL OF THE WITHIN NAMED APPLICANT

.....

Hereunto been affixed in the presence of :

Sign :..... Sign :

Name : Name :

Managing Director/CEO

Secretary

Sworn to thisday of, 20.....

BEFORE ME

.....
NOTARY PUBLIC/COMMISSIONER FOR OATHS

FOR OFFICIAL USE ONLY

1. Date of submission of Application for Amendment of licence
2. Fees Paid and Receipt Number
3. Newspapers and Dates in which Application is advertised :
.....
.....
4. Results of any Public Hearing
.....
.....
.....
5. **Recommendation Ministry's Legal, Licensing and Enforcement Division :**
.....
.....
.....
6. **Decision of the Minister :**
7. **Date of Decision :**
8. **Issuing Date :**
9. **Expiration Date :**
10. **Other Relevant information :**
.....
.....
.....



FEDERAL REPUBLIC OF NIGERIA

FEDERAL MINISTRY OF WATER RESOURCES

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

All water, whether surface or underground, from time to time contained within or flowing or percolating through such sources, and the tributaries and catchment areas thereof :

1. *Source 1.*—The River Niger from the border between the Federal Republic of Nigeria and the Niger Republic to the outlet of the Kainji reservoir, including—

- (a) the Sokoto Rima River from the border with the Federal Republic of Nigeria ;
- (b) all the tributaries of the River Niger crossing the border to the Benin Republic ; and
- (c) the Sokoto sedimentary (western) hydro-geological area.

2. *Source 2.*—The River Niger from the outlet of the Kainji reservoir to the point of confluence of the River Niger and the Benue River, including—

- (a) The Kaduna River with the tributaries ;
- (b) the Gurara River ;
- (c) all the tributaries of the River Niger crossing the border to the Benin Republic ; and
- (d) the upper Niger sedimentary (Niger) hydro-geological area.

3. *Source 3.*—The Benue River from the border between the Federal Republic of Nigeria and the Republic of Cameroon to the point of confluence of the Benue River and the River Niger, including :

- (a) the Gongola River ;
- (b) the Pai-yul River ;
- (c) the Wase River ;
- (d) the Shemankar River ;
- (e) the Dep River ;
- (f) the Mada River ;
- (g) all the tributaries of the Benue crossing the international border to the Republic of Cameroon ; and
- (h) the Benue sedimentary (Benue) hydro-geological area.

4. *Source 4.*—The River Niger from the confluence thereof and of the Benue River, including the Delta of the River Niger and all water tributaries or influent thereto or diffluent therefrom, including :

- (a) the Anambra River ;
- (b) the Imo River ;
- (c) the Akwa Ibom River ; and
- (d) the Aboine River.

5. *Source 5.*—All water courses directly or indirectly influent to the Lagoon and other littoral Lagoons and water courses from the border with the Republic of Benin to the mouth of the Forcados River , including :

- (a) the Osun River ;
- (b) the Ogun River ;
- (c) the Shasha River ;
- (d) the Owena River ; and
- (e) the Ogun/Osun sedimentary (south-western) hydro geological area.

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

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

SIXTH SCHEDULE

Regulations 8(3), 16(2)(b), 17(1)(c), 18(3) and 19(2)(b)

FEDERAL REPUBLIC OF NIGERIA

FEDERAL MINISTRY OF WATER RESOURCES

TABLE OF FEES AND TARIFFS

<i>Activities</i> N	<i>Processing fees for Application and Amendment</i> N	<i>Licencing Fee</i> N	<i>Duration Licence</i> N	<i>Processing fee for Renewal/ Extension of licence</i> N	<i>Processing Fees for Transfer of Licence</i> N
Ground Water Abstraction Industrial	350,000	1,500,000	5 years	200,000	200,000
Surface Water Abstraction Domestic Industrial	400,000	1,000,000	5 years	150,000	300,000
Establishment of Irrigation Projects :					
(a) 5000ha-above	1,000,000	8,000,000	10 years	500,000	1,000,000
(b) 1000ha-5000ha	750,000	3,000,000	7 years	375,000	750,000
(c) 200ha-1000ha	500,000	1,000,000	5 years	250,000	500,000
(d) 30ha-200ha	100,000	500,000	3 years	50,000	100,000
Drainage and Land Reclamation :					
(a) Private use	750,000	2,500,000	5 years	375,000	750,000
(b) Public use	550,000	1,000,000	8 years	275,000	550,000
(c) Agricultural	300,000	1,000,000	10 years	150,000	300,000
Inland Fishing	300,000	800,000	5 years	150,000	300,000
Discharge into Water Bodies(Waste)	2,000,000	10,000,000	5 years	2,000,000	2,000,000
Leachate Containment	2,000,000	10,000,000	5 years	1,000,000	2,000,000
Borehole Drilling Contractors	50,000	100,000	5 years	Not Allowed	50,000
Hydropower :					
1-5	1,000,000	2,000,000	5 years	500,000	500,000
6-10MW	1,500,000	3,000,000	5 years	1,000,000	1,000,000
11-50MW	2,000,000	5,000,000	10 years	1,500,000	2,000,000
51-100MW	3,000,000	6,000,000	10 years	2,000,000	3,000,000
101-200MW	4,000,000	7,000,000	10 years	2,500,000	4,000,000
201-300MW	5,000,000	8,000,000	10 years	3,000,000	5,000,000

301-400MW	6,000,000	9,000,000	10 years	2,500,000	6,000,000
401-500MW	7,000,000	10,000,000	10 years	4,000,000	7,000,000
Above 500MW	8,000,000	11,000,000	10 years	4,000,000	8,000,000
Recreation : Land	100,000	500,000	5 years	50,000	100,000
Water	100,000	1,000,000	5 years	50,000	100,000
Mineral Mining with Water Components	300,000	500,000	5 years	150,000	300,000
Abstraction of Minerals from Water	300,000	500,000	5 years	150,000	300,000
Water Transportation :					
Small	100,000	500,000	5 years	50,000	250,000
Medium	250,000	1,500,000	5 years	150,000	750,000
Large	500,000	3,000,000	5 years	300,000	1,500,000
Tourism	350,000	2,500,000	5 years	150,000	1,250,000
Raw bulk water supply to Municipal Water Boards	500,000	1,000,000	5 years	Not Allowed	Not Allowed
Construction/Modification and Operation of Dams/ Reservoir :					
(a) Large Dam	2,000,000	5,000,000	5 years	1,000,000	2,000,000
(b) Medium Dam	1,000,000	2,500,000	5 years	500,000	1,000,000
(c) Small Dam	500,000	1,000,000	5 years	250,000	500,000
Industrial Water Usage :					
(a) SMES	500,000	1,000,000	5 years	250,000	500,000
(b) Large Scale	1,000,000	5,000,000	5 years	500,000	2,500,000



FEDERAL REPUBLIC OF NIGERIA
FEDERAL MINISTRY OF WATER RESOURCES

WATER USE CHARGES

<i>Activities</i>	<i>Water Use Charge/M³</i> ₦
Ground Water Abstraction Industrial	0.25/M ³ Except bottling companies who will pay 10.00/ M ³
Surface Water Abstraction	..
(a) 5000ha-above (b) 1000ha-5000ha (c) 200ha-1000ha (d) 30ha-200ha	..
Drainage and Land Reclamation (a) Private use (b) Public use (c) Agricultural purpose
Inland Fishing	..
Discharge into Water bodies(waste)	..
Leachate containment	..
Borehole Drilling Contractors	..
Hydropower : Small Medium Large	15/m ³
Recreation : Land Water
Mineral Mining that has Water Components	15/m ³
Abstraction of Minerals from Water	100 per Ton
Water Transportation : Small Medium Large	10/tonne 35/tonne 50/tonne
Water Use for Coal	
Tourism	5/m ³
Raw bulk water supply to Municipal Water Boards	25/M ³

Notwithstanding all the above tariff structure, the Honourable Minister may under special circumstances and in particular in the area that may not have been covered in these charges, may on application and on recommendation to him, fix and approve specific rate for specific activities and with other condition as he may deem fit from time to time.

MADE at Abuja this 27th day of January, 2016.

ENGR. SULEIMAN H. ADAMU, FNSE
Honourable Minister
Federal Ministry of Water Resources

EXPLANATORY NOTE

*(This note does not form part of the above Regulations
but is intended to explain its purport)*

These Regulations provide a legal framework for the regulation and licensing of water use.