



KATSINA STATE WATER BOARD

THE WATER BOARD EDICT 1971

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SCHEDULE

THE KATSINA STATE WATER BOARD A 3
EDICT, 1971



Katsina State of Nigeria
Edict No. 2 of 1971

*Date of
Commencement*

(By Notice)

THE MILITARY GOVERNOR OF THE KATSINA STATE OF
NIGERIA hereby makes the following Edict:—

PART I — PRELIMINARY

(1) This Edict maybe cited as the Katsina State Water Board Edict, 1971, and shall come into operation on a date to be appointed by the appointed Military Governor by notice in the Katsina State Gazette.

*Title, Com-
mencement and
application*

(2) Subject to the provisions of subsection (3), this Edict shall apply to sub areas as the Military Governor may, from time to time, by order designate and in any order the Military Governor may exempt any water-works or any tye of waterworks from the provisions of such order.

(3) This Edict shall not apply to water from such sources as may be declared under the Constitution of the Federation to be sources affect- ing more than one territory, as defined in such Constitution.

2. In this Edict, unless the context otherwise requires— “appointed day” means the date on which this Edict shall come into operation;

Interpretation

“assessed value” in relation to a tenement means the capital, annual unimproved value at which the tenement is for the time being assessed in accordance with the provisions of the Assessment Law;

“the Board” means the Katsina State Water Board established under section 3;

“Catchment area” means any area of land or water from which water contributions to the supply of any waterworks;

“the Chairman” means the Chairman appointed under subsection (2) of section 4;

“the Commissioner” means the Commissioner for Works;

“dwelling house” means any premises used wholly or mainly for the purposes of private dwelling, with or without any garage, outhouse, garden, compound, yard, court, forecourt or other appurtenances be- longing thereto or usually enjoyed therewith;

“excess consumption” means—

(a) in the case of a tenement in respect of which the general water rate is not payable, any quantity of water ascertained by meter as hav- ing been used in such tenement;

- (b) in the case of a tenement in respect of which the general water rate is paid, any quantity of water ascertained by meter as having been used in such tenement in excess of such monthly allowance as may be prescribed;

"financial year" means the twelve months ending on the 31st day of March in any year;

"gathering ground" means any surface of land or water which collects rainfall for the purposes of any waterworks;

"the Government" means the Military Government of the State;

"health officer" includes a medical officer of health, a health inspector or other person acting under the authority, whether general or special, of the medical officer of health, and whether such health inspector or other person is serving in the medical or health departments of the Government or is in the service of a township authority or local authority;

"member" means a member of the board and includes the Chairman;

"meter" means any appliance used for measuring ascertaining or regulating the amount of water taken or used from any waterworks by means of any service;

"metered supply" means a supply by means of a service where the water supplied is measured by meter;

"the Military Governor" means the Military Governor of the State;

"occupier" means the person in occupation of a tenement in respect of which the word is used or any part of such tenement, but does not include a lodger;

"owner" means the person for the time being receiving the rent of the tenement in respect of which the word is used, whether on his own account or as agent or trustee for any other person, or who would receive the rent if such tenement were let to a tenant, and includes the holder of a tenement direct from the State whether under lease, licence or otherwise;

"private supply" means a supply by means of a service to be any tenement for the purpose of supplying water to be used solely within the area of such tenement;

"public fountain" means any fountain, standpipe, valve, tap or appliance used or intended to be used for or in connection with the supply of water to the public from any waterworks, and vested in or erected or hereafter to be erected by the Board and which is the property thereof; "public supply" means a supply by means of any public fountain, standpipe, valve, tap or other appliance for supplying water to the public other than a private supply;

"service" means all pipes, valves, cisterns, cocks, fittings and other appliances, other than a meter, by or through which water flows or is intended to flow from a waterworks;

"the State" means the Katsina State of Nigeria; "street" includes any square, court, highway, road, thoroughfare or public passage or place over which the public have a right of way; "tenement" means any land with or without buildings which is held or occupied as a distinct or separate holding or tenancy or any wharf or pier;

"waterworks" means all reservoirs, ponds, bore-holes, and wells which are used with any dam, weir, tank, cistern, tunnel, bed, conduit.

aqueduct, main, pipe, fountain, sluice valve, pump, engine or any other structure or appliance used -or constructed for the storage, conveyance supply, measurement or regulation of water.

PART II. — ESTABLISHMENT CONSTITUTION AND FUNCTIONS OF THE BOARD

3. As from the appointed day there shall be established for the State a body called the Katsina State water Board which shall be a body corporate with perpetual succession and a common seal and which shall have power to sue and be sued in its corporate name.

*Establish of
the Board*

4. (1) The Board shall consist of a Chairman and not less than thirteen other members

*Constitution of
the Board*

(2) The Chairman and the other members shall be appointed by the Military Governor:

Provided that in appointing the members the Military Governor shall appoint at least two persons who, in his opinion, will represent adequately interests of water consumers.

(3) There shall be paid out of the funds of the Board to each member, not being an officer in the public service of the State, such remuneration, if any, whether by way of salary, fees or allowances as the Military Governor may determine.

(4) A member shall not be personally liable for any act or any omission to do any act or any default of the Board so long as such act, omission or default is in the course of the operations of the Board and in good faith.

5. The provisions contained in the Schedule shall have effect with respect to the constitution and proceeding of the Board.

*Supplementary
Provisions:
Schedule*

6. it shall be the duty of the Board, subject to the provisions of this Edict-

*Duties of the
Board in respect
of the taking-over,
establishment, and
Management of
Water-Works and
the Supply of Water*

- (a) to control and manage all waterworks vested, or to be vested, in the Board under the provision of this Edict.
- (b) to establish, control, manage extend and develop such new waterworks and to extend and develop such existing ones as the Board may consider necessary for the purpose of providing water in order to meet the requirements of the general public agriculture, trade and industry in the State;
- (c) to ensure that water is supplied to the consumers thereof at reasonable charges and in potable quality and adequate quantity;
- (d) to organise the conduct of comprehensive research for the purposes of the Board from time to time on matters relating to its functions under this Edict and to submit the result of such research to the Commissioner for the utilization of the same by him in the formulation of policy relating to the supply and usage of water in the State; and
- (e) with the approval of the Commissioner, to make arrangements and enter into agreements with any person, department, or office of the Government or any other body or institution, or to delegate a authority to any of its members, officers, employees, servants or

agents, for the exercise, performance or provision by that person, department, office, body, institution, member, officer, employee, servant or agent as agent for the Board, of any of the functions, services or facilities which may be exercised, performed or provided by the Board under this Edict.

*General powers
of the Board*

7. (1) Subject to the provisions of this Edict, the Board shall, for the purpose of carrying out its functions under this Edict, have power to carry on all activities which are necessary, advantageous or convenient.

(2) Without prejudice to the generally of the provisions of sub-section (1), the powers of the Board shall include powers—

- (a) to adopt with or without amendments such master plans for the maintenance and development of its undertakings as its officers may prepare and submit from time to time;
- (b) to construct, reconstruct, maintain and operate waterworks and all other stations, buildings and works, necessary for the discharge of its functions under this Edict;
- (c) to 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, into, through or under any lands whatsoever without paying any compensation, but making good any damage done;
- (d) to abstract water from any lake, river, stream, or other natural source;
- (e) from time to time, to examine any surface or under-ground waters for the purpose of determining what, if any, pollution exists and the causes thereof;
- (f) to enter upon any land at any time for the purpose of laying examining, repairing or removing any water-pipe the property of the Board;
- (g) to construct public fountains in any street or other public place;
- (h) at any time between the hours of six o'clock in the morning and six o'clock in the afternoon, or in cases of urgency at any other time, to enter into or upon any tenement into or upon which any service has been laid or into or upon which water from any water-works is supplied or flows, so as—
 - (i) to inspect any service or meter and to ascertain whether there is any waste, leakage, obstruction or damage to any service of meter therein and anything in connection therewith;
 - (ii) to ascertain the amount of water taken or used; or
 - (iii) to disconnect the supply of water to any tenement, or to diminish withhold, or divert the supply of water to any tenement through or by means of any service, either wholly or in part;
- (i) to 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 Board shall think necessary or proper and without prejudice to any liability to payable water rate, meter rent or other sums due or to become due under this Edict;

- (j) to enter into such contracts as may be necessary, advantageous or expedient for the performance of its functions under this Edict, including contracts for the construction or extension of water-works or the bulk supply of materials;
- (k) to acquire, purchase, lease, mortgage, hold, construct, manufacture or maintain any property whatsoever whether movable or immovable, required for or in connection with the performance of its functions and to sell, dispose of, or otherwise deal with such property or any part thereof;
- (l) to enter into any agreement with any person for the supply, construction, manufacture, maintenance or repair, by that person, of any property whether movable or immovable, which is necessary or appropriate for the purposes of the Board, subject to the same provisions as in paragraph (f) of this subsection, which provisions shall apply in respect of this paragraph with any necessary adaptations and modifications;
- (m) to do anything for the purpose of advancing the skill of persons employed by the Board or the efficiency of the equipment of the Board or the manner in which the equipment is operated, including the provision of facilities for training, education and research;
- (n) to accept or acquire and hold any security of any kind in any form whatsoever;
- (o) to surrender, re-transfer or re-assign any security held by the Board whether upon exchange for another security or upon discharge;
- (p) in relation to any security held by the Board, to exercise any power, right or privilege in respect thereof which a private individual would be capable of exercising in like circumstances;
- (q) to make, draw, accept or indorse, negotiable instruments;
- (r) to invest money standing to its credit, and not for the time being required for its purpose under this Edict, in stocks, shares debentures or other securities whatsoever approved by the Commissioner, and with the approval of the Commissioner, to sell such stocks, shares debentures or other security ties;
- (s) to enter into any commitments, agreements or other arrangements in respect of the provision, distribution, supply or sale of water;
- (t) to insure its property against all forms of risks;
- (u) with the approval of the Commissioner, to write off bad debts.

(3) the proceeding provisions of this section relate only to the capacity of the Board as a statutory corporation and nothing in the said provisions shall be construed as authorising the disregard by the Board of any written law.

8. (1) Subject to the provisions of this section, the Board may appoint one or more committees to advise or take any other action as to the initiation administration or progress of any project which the Board may undertake or in which it may participate, or for any other purpose, whether general or special, relating to the functions of the Board, which in the opinion of the Board would be better regulated -or managed by

*Appointment
Committees*

means of a committee, and delegate to a committee so appointed, with or without restrictions or conditions, any function exercisable by the Board under this Edict:

Provided that the power to make rules or regulations or to borrow money shall not be delegated to any committee by the board.

(2) The number of members of any committee appointed under this section, the chairman of the committee, the term of office and remuneration of the members shall be such as the Board may, with the approval of the Commissioner, specify.

(3) Any committee appointed under this section may include with the approval of the Commissioner, persons who are not members of the Board but who possess such special qualification or experiences as in the opinion of the Board would prove beneficial to the work or purpose of the committee; Provided that the majority at least of the members of every committee shall be members or officers of the Board.

power of Military Governor to give direction

9. (1) The Military Governor may, after consultation with the Board, give to the Board such general directions as to the discharge by the Board of its functions under this Edict as appear to the Military Governor to be necessary to ensure conformity by the Board with the policy of the Government for the time being in respect of the supply and distribution of water in the State, and the Board shall give effect to any such directions.

(2) The Military Governor may, after consultation with the Board, give to the Board specific directions for the purposes of remedying any defect which may be disclosed in the arrangements of the Board for the discharge of its functions under this Edict and the Board shall give effect to any such directions.

(3) The power conferred by subsection (2) on the Military Governor shall include power to give directions prohibiting or limiting any expenditure proposed to be incurred by the Board which appears to the Military Governor to be excessive or unnecessary.

(4) The Board shall afford to the Commissioner facilities for obtaining information relating to the assets and liabilities and functions of the Board, and shall furnish him with returns, account, minutes of meetings, and other information relating thereto, and shall afford to him facilities for the verification of information furnished, in such manner and at such times as he may require.

Transfer to the Board of water-works, etc.

PART III — FINANCIAL PROVISIONS: ASSETS AND LIABILITIES OF THE BOARD

10. (1) All waterworks which are used or have been constructed by or on behalf of the Government and are the property thereof immediately before the appointed day shall, as from the appointed day, vest in the Board by virtue of this Edict and without further assurance, and such vesting shall extend to the whole of the waterwork (hereinafter referred to as the transferred waterworks) including all lands, works, and other property, assets, powers, rights and privileges appertaining thereto or held or enjoyed in connection therewith.

(2) liabilities and obligations of the Government in respect of any transfer waterworks failing due or to be discharged on or after the appoint day shall, as from that date, become the liabilities and obligation of the Board.

(3) Every deed, bond, agreement, instrument and working arranges to which the Government was a party for the construction or otherwise in respect of any transferred waterworks, shall subject to the provision of this section, and unless the circumstances otherwise required, have effect as from the appointed day as if—

- (a) the Board had been a party thereto;
- (b) for any reference to the Government therein there were substituted as respects anything falling to be done on or after the appointed day a reference to the Board.

(4) Where, by the operation of any of the foregoing provisions of this section, any waterworks, lands, works or other property, assets, powers, right and privileges, are vested in the Board, the Board and all other person shall, as from the appointed day, have the same rights, powers remedies (and in particular the same rights and powers as to the taking and resisting of legal proceedings), for ascertaining, perfecting, protecting or enforcing as the circumstances may require, such waterworks, lands, works or other properties, assets, powers, rights or privileges of Board, and any legal proceedings by or against the Government rung on the appointed day in respect of the same shall be continued against the Board.

(5). In this action—
“property” without prejudice to the generality of its meaning, includes building and appurtenances, stocks of fuel, parts accessories, stores, materials, investments, funds, loans and accounts receivable claims and a

11 (1) The funds and resources of the Board shall consist of

- (a) all sums, investments or other property whatsoever vested in the Board by the provisions of section 10;
- (b) such sums or other property whatsoever as may from time to time be advanced by way of loan or granted to the Board by the Government;
- (c) such sums or other property whatsoever as may from time to time be advanced by way of loan or granted to the Board by any town ship authority, Local authority or statutory corporation in the State, any other Government in Nigeria or any agency or institution of any such Government, any international organisation, any private foundation or any person whatsoever,
- (d) any investments or other property whatsoever acquired by or vested in the Board;
- (e) money earned or arising from any investments or other property whatsoever acquired by or vested in the Board.

Fund and resources of the Board and application of its revenue

- (f) all other sums (whether as water rates or water charges or otherwise), or other property whatsoever which may in any manner become payable to or vested in the Board in respect of its powers and duties or of any manner incidental thereto under this Edict or by virtue of the provisions of any other law.
- (2) The following charges shall be defrayed out of the revenue of the Board for any financial year—
 - (a) the salaries, fees and allowances of the members;
 - (b) the salaries, remuneration, fees, allowances, pensions, gratuities and other retirement benefits of the officers, servants, other employees and agents, technical or other advisers of or consultants to the Board;
 - (c) all expenses of working and management of the Board and its waterworks and other properties including proper provision for depreciation 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 which maybe payable by the Board to any person or authority under the provisions of this Edict or any other law;
 - (f) taxes, rates and other levies payable by the Board under any law;
 - (g) interest on any loan raised by the Board;
 - (h) sums required to be transferred to any sinking fund or otherwise set aside for the purpose of making provisions for the redemption of debentures, stocks or other securities or the repayment of other loans;
 - (i) such other sums as the Commissioner may approve for payment out of the revenue account of the Board in respect of any financial year.
- (3) The balance of the revenue of the Board for any financial year shall be applied—
 - (a) to the creation of a general reserve or such other reserves as the Governor may from time to time approve both in regard to their maximum amounts and in other respects;
 - (b) to the repayment of such interest or part thereof on the advance account referred to in section 12 as the state of the Board's affairs appears, in the opinion of the Board and with the approval of the Governor, to warrant.
12. (1) It shall be lawful for the Government to make to the Board—
 - (a) grants of any sums or property as the Government shall deem fit;
 - (b) loans upon such terms as to repayment, payment of interest or otherwise as the Government may determine.
- (2) The Governor may, if he deems it expedient so to do, waive in favour of the Board any right of or liability to the Government in respect of any property vested in the Board by or under the provisions of section 10.
- (3) So soon as may be after the appointed day, the Board shall in respect of any moneys (other than grants) advance by the—

and
to the
Government,
the advance ac-
count for work
ing capital.

Government to provide working capital for the Board, create an advance account in favour of the Government of an amount equal to the total sum of moneys so advanced.

- 4) The advance account referred to in subsection (3) shall be subject to such conditions as to interest and repayment as the Military Governor may from time to time determine.

13. (1) Subject to the provisions of this section, the Board may, by 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 functions under this Edict.

Power to borrow money

- 2) (a) The power of the Board to borrow shall be exercisable only with the approval of the Military Governor as to the amount of the loan, the sources of the borrowing and the terms on which the borrowing may be effected; and the approval given for the purposes of this subsection may be either general or limited to a particular borrowing.
- (b) Approval of the Military Governor for the purposes of this subsection may be subject to such conditions, other than conditions that may be imposed under paragraph (c) as he may specify.
- (3) A person lending money to the Board shall not be bound to enquire whether the borrowing of the money is within the power of the

board

Debentures to the Government

14. (1) If the Government makes any loan to the Board at any time in accordance with the provisions of this Edict, the Board shall, if required by the Military Governor, issue to the Government a debenture or debentures of a nominal value equivalent to the sum loaned.

(2) Debentures issued in accordance with the provisions of subsection (1) shall bear interest at such rate, if any, and from such date as the Military Governor may specify.

PART IV — ADMINISTRATIVE ORGANISATION OF THE BOARD.

General Manager, etc.

15. (1) The chief executive officer of the Board shall be its General Manager who shall be a professionally qualified engineer with sound experience of water supply engineering and management and shall have ultimate responsibility for the carrying out of the policies and decisions of the Board in accordance with the provisions of this Edict.

(2) In the discharge of his functions the General Manager shall be assisted by an officer of the Board to be known as Assistant General manager who shall be a professionally qualified engineer with sound experience of water supply engineering and management and shall be responsible to the General Manager for the co-ordination of the functions and the general supervision of all the major departments of the Board, subject to the ultimate administrative direction and control of the General Manager.

(3) There shall be a Secretary to the Board who shall, subject to the provisions of this Edict, have such functions of an administrative nature as the Board may from time to time assign to him.

(4) Power to appoint and exercise disciplinary control over the General Manager, Assistant General Manager and the Secretary, and to determine their terms and conditions of service as to remuneration or otherwise, shall be vested in the Governor, and shall also be subject to the provisions of any regulations or rules that may be made under section 18 or 19 respectively.

*other off. etc.
of the Board.*

16. (1) Subject to the provisions of this section, the Board shall have power to appoint and exercise disciplinary control over such other officers, servants and agents as it may think necessary for the discharge of its functions under this Edict and to determine their terms and conditions of service as to remuneration or otherwise.

(2) The exercise of the powers vested in the Board by subsection (1) shall be subject to the provisions of any regulations or rules that may be made under section 18 or 19 respectively.

(3) (a) There shall be an Establishments Committee which shall comprise all departmental heads and shall be charged with the responsibility of making recommendations to the Board in respect of the appointments, promotions and disciplinary control of all officers of the Board earning a salary of £480 per annum or more, not being such officers as are referred to in subsection (4) of section 15.

(b) The General Manager shall be the Chairman of the Establishments Committee and shall have power to make known to the Board his views in any case where he disagrees with the views of the other members of the Establishments Committee.

(4) The General Manager shall have power to appoint, promote, and exercise disciplinary control in respect of established and unestablished employees of the Board earning a salary of less than £480 per annum, and he shall be assisted in exercising these powers by a committee comprising such officers of the Board as the Board may direct:

Provided that the General Manager may delegate his powers of appointment, promotion and disciplinary control in respect of established and unestablished employees earning a salary of less than £480 per annum to such divisional or sectional heads or field or other officers of the Board as he may consider it.

*secondment and
transfer of em-
ployees*

17. The Board may employ on secondment such officers of the public service of the State or in the service of any other State, township authority or local authority as may, with the agreement of such officers, be seconded to the service of the Board in accordance with the procedure applicable to the secondment of such officers, be seconded to the service of the Board in accordance with the procedure applicable to the secondment of such officers.

18. The Board may, with the approval of the Military Governor, and subject to the provisions of this Edict, make regulations with respect to the appointment, promotion, transfer and dismissal of, and exercise of disciplinary control over, its employees, and without prejudice to the generality of the foregoing provisions, make regulations for any of the following matters:-

Power to make regulations relating to employees of the Board

- (a) the qualifications to be required for appointments;
- (b) the method of appointment (including probation and confirmation);
- (c) the form of any agreement to be entered into between the Board and its employees;
- (d) the terms and conditions of service (including, without prejudice to the generality of that expression, the salaries and allowances the grant of advances, the provision of quarters, leave, and medical and dental treatment);
- (e) the procedure and requirements for promotion;
- (f) the maintenance of discipline (including dismissal and the termination of appointments);
- (g) the transfer of employees between the Board and the Government of the State, any other State, township authority or local authority or any statutory corporation;
- (h) such other matters relating to departmental procedure and duties and responsibilities of employees as the Board considers can be best provided for by regulations.

19. The Board may, with the approval of the Governor make rules, with respect to its employees, for—

Power to make rules relating to retirement benefit for employees of the Board

- (a) the pensions, gratuities and retirement allowances to be granted to pensionable employees of the Board and their dependants.
- (b) the gratuities and retirement allowances to be granted to non-pensionable employees of the Board and their dependants;
- (c) all matters ancillary to the matters mentioned in paragraphs (a) and (b).

PARTY— POWERS AND PROCEDURE IN RESPECT OF WATER SUPPLY AND WATER RATES.

20. (1) The rates and scales of charges for water shall be such as the Board may, from time to time, with the approval of the Military Governor, determine.

Rate and scales of charges for water.

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

- (a) the working expenses and other outgoings of the Board properly chargeable to income in that year;
- (b) the payments falling to be made in such year by the Board in respect

of the interest on or repayment of the principal of any money borrowed by the Board;

(c) such sums as the Board may think proper to set aside in that year for a general reserve, extensions, renewals, depreciation, loans and other like purposes.

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

21. (1) The Board may, in any area, with the approval of the Military Governor, by order direct—

*Power to levy
general water
rate in respect of
tenement or
persons*

(a) that there shall be levied and paid a general water rate of an amount and assessed in the manner hereinafter described:

(i) the rate shall be levied in respect of tenements in such area, and in such case it shall be assessed on the assessed value of the tenements and shall be such percentage of that value as the order may prescribe:

Provided that where a tenement is supplied with an internal pipe supply the general water rate may be increased in respect of that tenement;

(ii) every person or any class of persons of sixteen years of age and over resident in such area shall pay annually such sum as general water rate as the order may prescribe;

(iii) there shall be levied annually in respect of every tenement such sum as general water rate as the order may prescribe; or

(iv) persons resident within a defined area may be divided into classes, such classes being assessed for general water rate on one or other of the methods of assessment hereinbefore described as the order may prescribe and shall pay general water rate accordingly:

Provided always that no person shall be assessed for general water rate in more than one of the various manners hereinbefore mentioned;

(b) that there shall be exempt from such general water rate any tenement or class of tenements, or any person or class of persons;

(c) that where assessment of the general water rate is made as provided in sub-paragraph (i) or (iii) of paragraph (a) such higher rate as the order may prescribe shall be levied and paid in respect of a non-domestic supply;

(d) whether payments of general water rate are to be made quarterly, half yearly or yearly and that the first payment of such general water rate shall become due on such date as the order may prescribe;

Provided that in exceptional cases the Board may provide that the rate shall be paid monthly in advance

(e) that such general water rate shall be paid with retrospective effect:

(f) the officer to whom or the office at which the general water rate shall be paid and the times during which such payment may be made.

(2) Any order made under this section may be given retrospective effect: Provided that-

- (a) subject to the provisions of paragraph (i) of subsection (2) of section and section 26, water has in fact been Supplied in respect the period for which any order, whereby any general water rates is levied, is to be given retrospective effect;
- (b) nothing in such order contained by virtue of any of the provision of this Edict shall constitute or be construed as purporting to constitutes as an offence committed by any person any act or omission by him which was not such an offence at the time it took place, and any act or omission may be constituted an offence by virtue of the provisions of such order or this edict only in so far as the same has taken place or has been continued on or after the date of the publication of the order in the State Gazette.

(3) The application of any order made under this section may be general or may be limited as to area or time or otherwise.

22.(1) The Board may, with the approval of the Governor, make regulations for the better carrying out of the provisions of this Edict and without prejudice to the generality of the fore-going provision make regulations with respect to all or any of the following matter—

Power to make regulation

- (a) the price of, or charge for, water supplied—
 - (i) by means of a public supply
 - (ii) by meter;
 - (iii) by means of a private supply to a tenement;
 - (iv) to any office, barracks, institution, undertaking or building whether of a public or private nature;
 - (v) to a site of any building under construction;
- (b) levy or impose a special rate or charge;
- (c) the amount of rent to be paid for meters
- (d) the officer to whom or the office at which the rate, charge or rent shall be paid, and whether such rate, charge or rent shall be payable monthly, quarterly, half yearly or yearly in arrears or in advance, and the date on which the first payment of such rate, charge or rent shall become due, or in the case of water supplied by a public supply the manner in which the charge for such water shall be payable;
- (e) exemptions from any water rate or charge of any tenement or class of tenements, or any person or class of persons;
- (f) the method and manner in which water may be taken from public fountains or a public Supply;
- (g) the price to be paid for all services constructed or laid by the Board and the time and place for the payment of the same;
- (h) the construction, Laying fitting, alteration or readjustment of services, and the nature, quality, size and pattern thereof, and of meters used therewith;
- (i) the forms of all notices required to be given or sent under this Edict and the issuing and service thereof;

- (j) the control, whether or not by prohibition, of boating on or fishing in any waterworks;
- (k) the prevention of the wrongful opening or closing of any lock, cock, valve, sluice or manhole appertaining to any waterworks or otherwise belonging thereto;
- (l) the prevention of waste of water;
- (m) the prevention of the commission of any offence or nuisance in or about any of the stations, works, plants, buildings or premises of the Board;
- (n) the prevention of trespasses upon or injury to stations, work, plants, buildings or premises appertaining to any waterworks or otherwise belonging thereto;
- (o) generally for regulating the operation of the waterworks and the governance thereof and maintenance of good order thereon;
- (p) generally for the preservation and the conservation of the sources of water in catchment areas;
- (q) the prescription of penalties for offences against any regulations made under this section.

(2) regulations made under this section may be given retrospective effect:

Provided that—

- (a) subject to the provisions of paragraph (i) of subsection (2) of section 7 and section 26, water has in fact been supplied in respect of the period for which any regulations, whereby any price, charge or amount for water supplied or rent for meters is to be payable, are to be given retrospective effect;
- (b) nothing in such regulations contained or by virtue of any of the provisions of this Edict shall constitute or be construed as purporting to constitute as an offence committed by any person any act or omission by him which was not such an offence at the time it took place, and any act or omission may be constituted an offence by virtue of the provisions of such regulations or this Edict only in so far as the same has taken place or has been continued on or after the date of the publication of the regulations in the State Gazette.

(3) If any person contravenes or fails to comply with the provisions of any regulations made under the provisions of this section the Board may, without prejudice to its right to take proceedings for a fine or other penalty in respect of such contravention or non-compliance, cut off the supply and in addition or in the alternative may, after such notice in writing as it may think fit, enter and cause any water fittings belonging to or used by that person which are not in accordance with the requirements of the regulations to be altered, repaired, replaced or removed, and may recover the expenses reasonably incurred by it in so doing from the person in default in the manner provided for the recovery of water rates.

(4) The application of any regulations made under this section may be general or may be limited as to area or time or otherwise.

23. Notwithstanding any of the provisions of this edict, no person shall be liable to pay rates levied by more than one method in respect than one of the supply of water or to pay any charge as well as a rate in respect of the same supply of water.

*Rating by more
than one
method*

24. The owner and occupier of every tenement not exempt from a rate shall be liable to the Board for payment of the rate or charge, but unless otherwise rate prescribed in the order or regulations imposing such rate or charge the same shall be deemed an owner's rate, and as between the occupier and the owner of any such tenement, shall, in the absence of any agreement to the contrary, be borne by the owner: and the amount thereof if paid by the occupier, may be recovered by him from the owner in an action for money paid to his use, or may be deducted from any rent due or to become due in respect of the tenement.

*Recovery of rate
or charge*

25. If any person fails to pay any rate or charge for which he is liable within one month after the same became payable, the Board may recover the same with costs in any court of competent jurisdiction.

26. The Board shall as far as possible maintain a continuity of supply of water.

*Continuity of
supply of water*

(a) the Board shall have the right to suspend the supply of water for such periods as may be necessary for carrying out inspection test, or repairs and for the making of new connections;

(b) the Board shall have the right to suspend or discontinue any supply where the payment of any rates, dues or charges are in arrears.

(2) The Board shall in no case be under any obligation to pay damages or compensation for loss, damage or inconvenience caused to any consumer through any suspension, failure, discontinuance or a whole or partial interruption of the supply of water howsoever caused.

27. (1) The Board may purchase water in bulk and may resell such water either in bulk or by distribution direct to individual consumers.

*Purchase and re-
sale of water*

(2) No person shall resell water supplied by the Board save under licence granted by the Board upon such terms and conditions as the Board may prescribe:

Provided that no such licence shall be required for the sale of any manufactured goods or other commodity in which water supplied by the Board is included.

28. (1) The Board may, subject to the provisions of any regulations made under section 22, supply water through any service to any tenement on application being made by the owner or occupier thereof who shall pay to the Board any charges the Board may require for the laying of a service to such tenement.

*Service to tenement
and payment for excess
consumption
and for meter
rent.*

(2) The Board may refuse to supply water to any particular tenement otherwise than through a meter which shall be supplied, installed and maintained by the Board.

(3) The occupier of a tenement to which water is supplied by meter shall pay monthly to the Board the amount due for the excess consumption and for meter rent.

(4) The Board shall as soon as conveniently may be after the end of each month notify the occupier of a tenement supplied with water of the

amount due from him for excess consumption and for meter rent, and the amount payable for excess consumption and the meter rent shall be paid by such occupier within fourteen days of the service upon him of such notice, and if the same is not then paid the Board may disconnect the service to the tenement.

(5) If any person fails to pay the amount due from him for excess consumption or meter rent, the Board may recover the same with cost' together with the expenses of disconnecting the service to the tenement in any court of competent jurisdiction.

Board not responsible for safety of consumer pipes, etc.

29. The Board shall not by virtue of making any inspection or test of a consumer's pipes fittings, appliances and apparatus in accordance with this Edict or any regulations made there under, whether during the progress of the work of installation at the consumer's premises or after its completion, be deemed to be responsible for the efficiency or safety or the consumer's pipes, fittings, appliance and apparatus so inspected or tested, or for the proper execution of the work of installation, or for any damage or loss arising out of the use or misuse of apparatus by the consumer or any other person other than an employee of the Board.

Entitlement to supply and preclusion of preferential treatment

30. Except in so far as in otherwise provided by this Edict, where a supply of water is provided by the Board in any part of an area for private purposes, every person within that part of the area shall, upon application to the Board, be entitled to a supply on the same terms on which other persons in such part of the area are entitled under similar circumstances to a corresponding supply, provided that in the case of a fresh connection adequate water can be made available without detriment to existing supplies to persons or institutions in the area.

Expenses of certain necessary alterations.

31. (1) if any person or any department of the Government or any other authority does any matter or thing which such person, department or authority is by or under any law authorised to do and which necessitates an alteration in any part of any waterworks or of any distribution system vested in or the property of the Board, the Board shall on reasonable notice being given to it by such person, department or authority make such alteration, and the expenses incurred thereby shall be borne by such person, department or authority.

(2) In the event of any dispute arising as to the amount of such expenses the same may be referred by either the person, department or authority as aforesaid or the Board to an arbitrator to be appointed by the Commissioner.

PART VI—ACCOUNTS AND REPORTS OF THE BOARD

Account, audit and estimates.

32. (1) The Board shall—

- (a) cause to be kept proper accounts in respect of its functions under this Edict and other records in relation thereto; and
- (b) prepare, in respect of each financial year, a statement of accounts in such form as may be approved by the Commissioner.

(2) The said annual statement of accounts shall be a fair and accurate statement of the financial position, and of the results of the operations, of the Board for the financial year to which it relates

(3) The said annual statement of account shall be audited by the auditor or auditor to be appointed annually by the commissioner after consultation with the Auditor-General of the State, and the remuneration to be paid by the Board to the auditor or auditor so appointed shall be approved by the Commissioner.

(4) As soon as the said annual of accounts has been audited as aforesaid the Board shall forward to the commissioner a copy of the said statement of account together with a copy of the report made by the auditors.

(5) Before the commencement of each financial year the Board shall prepare an estimate of its revenue and expenditure of that financial year and submit the same to the Commissioner for his approval, and the Commissioner shall have power to disallow or reduce the provision under any items in the estimate as he may consider necessary.

Annual Report

33 (1) The Board shall, within six months after the end of each financial year, make the Commissioner a report, in such form and containing such particulars as he may from time to time direct, dealing with the activities of the Board during that financial year.

(2) Every annual report made by the Board under subsection (1) shall contain particulars of all directions given under the Effect by the Governor to the Board during each financial year.

PART VII - OFFENCES

34 (1) No person shall construct any waterworks without the approval of the Commissioner.

Construction of waterworks.

(2) The section shall not apply to the construction of a well having a diameter not exceeding four feet and depth not exceeding two hundred feet.

(3) Notwithstanding the provision of subsection (2) no person shall pump water or permit artesian water to flow from a well having a diameter not exceeding four feet and a depth not exceeding two hundred feet or any borehole within one mile of a waterwork, unless permitted in writing so to do by the Commissioner:

Provided that the Commissioner may by notice in the state gazette specify any area being further than one mile from any waterworks where water shall not be pumped or artesian water permitted to flow from any such well or borehole without the permission in writing of the Commissioner.

(4) Nothing in this section shall affect the right of any person under any other written law.

(5) Any person who contravenes any of the provisions of this shall be guilty of an offence and shall be liable on conviction not exceeding one hundred pound or to imprisonment to a exceeding six months.

(35) Any person who-

willfully or negligently damages any waterworks, public fountain services or meter;

unlawfully draws off divert or takes water from the same, or from any stream or water by which any waterworks are supplied or pollutes any

inquiry pollution etc.

such water, or allows any foul liquid, gas or other noxious or injurious matter to enter into any waterworks or any service connected therewith, guilty of an offence and shall be liable on conviction to a fine exceeding one hundred pounds or the imprisonment for a term not exceeding six months and, for every day during which the offence is after notice in writing requiring the same to be stopped, to a penalty of five pounds for each such day.

36(1) Any person who wilfully or negligently misuses, wastes, or allows to be misused or wasted any water passing into upon, or near any tenement from any waterworks shall be an offence and shall be liable on conviction to a fine not exceeding ten pounds or to imprisonment for a term not exceeding One month.

Any person who alters, or causes, or permits to be altered, ce without the consent of the Board or contrary to any regulation under this Edict, shall be guilty of an offence and shall on conviction to a fine not exceeding ten pounds or to imprison a term not exceeding One month.

37 Any person who alters, or causes, or permits to be altered, ce with intent to avoid the accurate measurement or register by means of any meter, or to obtain a greater supply of water is entitled to, or to avoid payment therefor, or who wilfully damages, alters or causes or permit to be damaged or any meter, shall be guilty of an offence and shall be liable on to a fine not exceeding fifty pounds or to imprisonment for to exceeding four months; and any service so altered or any damaged or altered shall be replaced or repaired by the Board pense of the person convicted, and the cost of replacing or any such service or meter may be recovered upon the order in the same manner as any penalty may be recovered upon

38. Any person who puts, or allows to be put, or to remain, or to accumulate on any tenement owed or occupied by him or his servants, or who fails to remove or to cause to be removed, or to take such steps as may be necessary to prevent, upon notice in writing from the Board, any foul, noisome or injurious matter, or any earth, deposit or excavated material in such manner or place that it may be washed, fall, or be carried into any waterworks or the gathering grounds thereof, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding four months, and in respect of any period during which such matter, earth, deposit or excavated material is allowed to remain after notice in writing from the Board requiring the same to be removed, to a further penalty of five pounds for each day whilst the offence continues.

39. Any person who

- (a) bathes in any part of any waterworks;
- (b) washes, throws or causes to enter therein any horse, dog, goat, pig, or other animal, or any bird, or any clothes, material or thing; or
- (c) wrongfully opens or closes any lock, cock, valve, sluice or manhold belonging to any waterworks,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pound or to imprisonment for a term not exceeding four months.

Penalty for refusing or failing to pay rates charges

42. Any person who, without lawful justification or excuse, the proof of which shall lie on the person charged, refuse or fails to pay any rate or charge payable by him by virtue of this Edict by the date on which it is payable, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred pound or to imprisonment for a term not exceeding six months.

43. Any person who, without lawful justification or excuse the proof of which shall lie on the person charged

Penalty for inciting any person to pay rate or charge etc.

a) incites any person to refuse to pay any rate or charge payable by him by virtue of this Edict: or

b) incites or assist or any information material to the assessment of or rating upon any tenement of which he is owner or occupier.

Shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

PART VIII- MISCELLANEOUS AND GENERAL

42. (1) In any action for the recovery of any rate charge or other moneys, other than fines and penalties, due, payable or recoverable under this Edict, a certificate from the Board, or money is due and that the defendant is the person liable to pay the same, shall, in the absence of any evidence to the contrary, be conclusive evidence of such debt and of the non-payment thereof, and that the defendant is the person liable to pay the same.

Proof of moneys due

(2) Every such action may be instituted by the Board or by any person authorised by Board to institute such action on its behalf.

43. The chairman of the state ministry of water resource, or any person authorised in writing by him may at any time enter any waterworks for the purpose of inspecting such waterworks or any part thereof.

Power of entry to waterworks

44. A health moh officer or any person authorised in writing by him may enter any waterworks between six o'clock in the morning and six o'clock in the afternoon or in an emergency at any other time for the purpose of inspecting such waterworks or any part thereof, and of taking samples of the water supplied from such waterworks.

45. (1) Where, upon considering any audit report on account or in any other case, the Commissioner is satisfied that in respect of the functions of the Board under the Edict-

Power of entry by MOH

a) any sum due of the Board has not been duly brought to account by any person by whom such sum ought to have been brought into account or

b) any loss of or deficiency in the moneys, or loss or destruction of any other property of the board has occurred by reason of the negligence breach of official duty or other misconduct of any person

Power of the Commissioner is surcharge person

the commissioner may surcharge the amount of such sum, loss or deficiency, or of the value of the property loss or destroyed, upon the person aforesaid whether he be a member of the Board or an officer or other employee or agent of the Board.

(2) Before exercising any of his powers under subsection (1) the Commissioner may by writing under his hand authorise any person to conduct an inquiry for the purpose of this section and to take evidence and examine witnesses upon oath affirmation (which oath or affirmation that person is hereby empowered to administer) and that person may, by summons under his hand, require all such persons as he may deem fit to appear before him at a time and place to be stated in such summons and to produce all such books records, accounts, and other documents and materials as he may consider necessary for the purposes of the inquiry

(3) If the commissioner decides to surcharge any amount upon any person under subsection (1) he shall cause a notice to be served upon him or on his legal representatives in the event of his death, requiring him or such representatives to pay the amount surcharged within such period from the date of the service of the notice as may be specified therein.

(4) Notwithstanding any of the provisions of subsection (3) no liability to surcharge shall be incurred by any officer, other employee or agent of the Board, who can prove to the satisfaction of the Commissioner that he acted in pursuance of and in accordance with the terms of a resolution of the Board or of any committee duly appointed under this Edict, or on the written instructions of any officer, other employee or agent of the Board to whose orders, in relation to the matter in question, he was subject:

Provided that nothing in this subsection shall exempt any person from liability to surcharge in accordance with the provisions of this section where that person knew or ought reasonably to have known that the terms of any resolution or any written instructions as aforesaid were not in accordance with the provisions of this Edict or any regulations or rule made or directions given hereunder.

46. Any amount notified as a surcharge in accordance with the provisions of subsection (3) of section 45 shall be a debt due to the Board, and may be sued for and recovered in any court of competent jurisdiction at the suit of the commissioner

47. (1) Any person who is aggrieved by any decision of the Commissioner to surcharge any amount upon him may, if the decision relates to an amount exceeding two hundred pounds, within thirty days of such decisions, appeal to the High Court.

(2) The High Court of such appeal shall have power to confirm, vary or quash the decision of the Commissioner and to give such directions as the court may deem fit in the matter.

enter upon any such land and-

- (a) survey and take levels of the land.
- (b) dig or bore under the subsoil; and
- (c) do all other acts necessary to ascertain whether the land is adapted for such purposes:

*required for
water-works*

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

(2) As soon as conveniently may be after any entry made under subsection (1) the Board shall pay compensation for all damage arising out of the exercise of any power conferred by that subsection.

(3) In the case of dispute as to the amount of any compensation payable under this section the amount may be determined by the High court or a District Court having jurisdiction in respect of the place where the land is situated.

49. (1) Nothing in this Edict shall preclude any fire authority or fire brigade from abstraction water, for the purpose of the prevention or control of fire, from any public fountain, service or waterworks of the Board.

Provision relating to the use of water by fire authorities and fire brigades.

(2) Water shall not be abstracted by any fire authority or fire brigade for the purpose of testing any fire-fighting appliance except with the consent of the Board, which consent shall not be unreasonably withheld.

(3) No charge shall be made for water supplied by the Board under Section (1) or (2).

(4) Any main, pipe, valve, hydrant, service or other waterworks required within the area of operation of the Board by any fire authority or fire brigade in the discharge of its functions to prevent and control fire shall be provided by the Board upon full payment therefore by such fire authority or fire brigade, but such main pipe, valve, hydrant, service or other waterworks shall vest in the Board in perpetuity but shall be maintained and renewed by the Board as the fire authority or fire brigade may require and at the expense of such fire authority or fire brigade.

(5) In this section the expressions "fire authority" and "fire brigade" mean any authority or body of firemen respectively constituted, organised or established under any written law.

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

Execution or issue of instruments.

(2) Any document purporting to be a document duly executed or issued under the seal of the Board or on behalf of the Board shall, unless the contrary is proved, be deemed to be a document so executed or issued as may be.

Service of notice, etc.

51. Service upon the Board of any notice, order or other document may be effected by delivering the same or by sending it by registered post addressed to the Secretary of the Board.

Restriction on execution against Board's water works.

52. No execution or attachment or process in the nature thereof shall be issued against any waterwork vested in or the property of the Board, but any sums of money which may be the judgement of any court awarded against the Board shall, subject to any direction given by the court where notice of appeal has been given by the Board in respect of the said judgement, be paid by the Board from its funds.

Waterworks to be valued from 1971.

53. Waterworks vested in or the property of the Board shall not be regarded as hereditaments or tenement to be valued for rating purpose under any law.

Repeal of Cap. 137 and transfer of powers to the Board.

54. The waterworks Law is hereby repealed to the extent to which it applies to the state.

Provided that any regulation made under that Law and in force immediately before the date of commencement of this Edict shall continue in force as from that date as if made by the Board under this Edict, until such regulation are revoked or replaced under the provisions of this Edict, and accordingly reference in any such regulations to any water authority or prescribed authority or to any other authority or person, shall, with the necessary adaptation and modification, be constructed as references to the Board.

SCHEDULE

CONSTITUTION AND PROCEEDINGS OF THE BOARD

Section 5.

1. Every member of the Board (other than an ex-officio member shall, subject to the provision of this schedule, hold office for a period of three years for the date of this appointment.

Term of office of members.

2. A member of the Board who has ceased to be such member shall be eligible for re-appointment.

3. (1) If the Military Governor is satisfied that a member of the Board

Eligibility for re-appointment.

- (a) has been absent from three consecutive meeting of the Board without the permission of the or commissioner in the case of the Chairman, or of the Chairman in the case of any other member;
- (b) has become bankrupt or made an arrangement with his creditors;
- (c) has been convicted of an offence involving or necessarily implying fraud or dishonesty and has undergone a sentence of imprisonment therefor;
- (d) is incapacitated by physical or mental illness from performing his function as a member;
- (e) has such financial or other interest in the operation of the Board or otherwise as in the opinion of the Military Governor State is likely to affect prejudicially the discharge by him of his

Vacation of office.

functions as a member ; or

(f) is otherwise unable or unfit to discharge the functions of a member.
the Military Governor may revoke the appointment of such member.

(2) Notwithstanding anything contained in the instrument by a member is appointed, a member may resign his office as a member by notice in writing to the Military Governor, and upon receipt of such resignation by the Military Governor the appointment of such member shall be terminated.

(3) Notwithstanding the provisions of paragraph (1) the Military Governor may at any time remove any member from his office.

4. No act or proceedings of the Board shall be questioned on account of any vacancy among its members or on account of the appointment of any member having been defective.

Vacancies

5. Where any member of the Board is temporarily incapacitated by illness from performing the functions of his office or is temporarily to hold temporarily the office held by such incapacitated or absent functions of such member under this Edict shall devolve upon the person so temporarily appointed.

Temporary membership

6. Where upon any special occasion the Board desires to obtain the advice of any person on any particular matter, the Board may co-opt such person to be a member for such meeting or meetings as may be required, and such person whilst so co-opted shall have all the rights and privileges of a member save said that he shall not be entitled to vote on any question.

Co-optation of persons

7. (1) The Board shall hold such and so many meetings as may be necessary for the due fulfilment of its function so, however, that it shall hold at least two meetings in every year.

(2) At a meeting of the Board

(a) the Chairman of the Board shall, if present, be chairman of the meeting;
(b) if and so long as the Chairman of the Board is not present or if the office of chairman is vacant, the members of the Board who are present shall choose one of their number to be chairman of the meeting,

(3) Every question at a meeting of the Board shall be determined by a majority of the votes of the members present and voting on the question, and in the case of any equal division of votes, the chairman of the meeting shall have a second or casting vote.

(4) Any six members of the Board may by notice in writing signed by them request the Chairman to call a special meeting of the Board for the purposes set out in such notice and the Chairman shall thereupon call a special meeting.

8. One-half of the members (including the Chairman or other member presiding) shall form a quorum at any meeting of the Board.

Quorum.

9. (1) The Board shall as soon as may be after its establishment provide itself with a common seal.

Common seal

(2) The common seal of the Board shall be authenticated by the signature of the Chairman of the Board or some other member thereof authorised by the Board to act in that behalf and the signature of the Secretary of the Board.

(3) Judicial notice shall be taken of the common seal of the Board and every document purporting to be an instrument made by the Board and to be sealed with the common seal (purporting to be authenticated in accordance with this paragraph) of the Board shall be received in evidence and be deemed to be such instrument without further proof unless the contrary is shown.

Standing Orders.

10. Subject to the provisions of this Edict, the Board may make standing orders for the purpose of regulating its own proceedings.

DATED at Katsina this 14th day of April, 1971.

Military Governor
Katsina State of Nigeria

EXPLANATORY NOTE.

(This note does not form part of this Edict and no legal effect)

The purpose of this Edict is to establish the Katsina State Water Board as a body corporate for the purpose of controlling and managing all waterworks to be vested in the Board under the provisions of the Edict. The main function of the Board will be to provide an adequate supply of water at reasonable charges in order to meet the requirements of the general public, agriculture, trade and industry in the State.

The Board will consist of a Chairman not less than thirteen other members appointed by the Military Governor and at least two of the members will be chosen to represent adequately the interests of water consumers.

The Edict will apply to such areas of the State as the Military Governor may by order designate but in any such order he may exempt any waterworks or any type of waterworks. Within such areas and subject to any such exemptions, all Government waterworks will become the property of the Board on the date when the Edict comes into operation. Part III also contains other financial provisions governing the Board. The Government may under section 12 make any grants or loans to the Board and such loans may be secured by debentures issued to the Government under section 14. The Board is given power under section 13 to borrow money from other source.

Part IV provides for the administrative organizations of the Board. The Board has power under section 18 to make regulations

relating to its employees and under section 19 ii may make rules relating to the retiring benefits of such employees.

Part V provides for the payment for water supplied to consumers. Under section 21 a general water rate may be fixed by the Board and under 22 the Board may make regulations relating to a number of matters including the price of, or charge for, water supplied.

Part VI provides for the keeping of the Board's accounts and for their audit.

Part VII contains penal provisions and Part VIII covers a number of miscellaneous matters. Under section 54 the existing Waterworks Law is replaced but regulations, now made under that Law, will continue in force until revoked or replaced under the Edict.

The Schedule contains provisions governing the constitution and proceedings of the Board.

Quorum.

Common seal

**KATSINA STATE WATER BOARD
(AMENDMENT) EDICT, 1976**



Katsina State of Nigeria

Edict No. 6 of 1976.

(Section 3 — 3rd February, 1976; remainder — 15th August, 1975).

THE MILITARY GOVERNOR OF KATSINA STATE OF

NIGERIA hereby makes the following Edict:—

Date of commencement

Title

1. This Edict may be cited as the Katsina State Water Title, Board Amendment) Edict, 1976.

Commencement

2; (1) Section 3 of this Edict shall be deemed to have come into operation on the 3rd day of February, 1976.

(2) The remainder of this Edict shall be deemed to have come into operation on the 15th day of August, 1975.

*Amendment of
Section 1 of
Edict No. 2 of
1971*

3. Section 1 of the Katsina State Water Board Edict (hereinafter called the principal Edict) is hereby amended by the deletion of words "Katsina State " and the insertion therefor of the word Katsina".

*Amendment of
Section 15 of the
Principal Edict.*

4. Section 15 of the principal edict is hereby amended in the following respects:—

(a) by the deletion of the words "its General Manager who shall be a professionally qualified engineer with sound experience of water supply engineering and management and" in sub-section (1) and the insertion therefor of the words "the Chairman who".

(b) by the deletion of the words "General Manager" wherever they occur in subsection (2) and the insertion therefor of the word "Chairman".

(c) by the deletion of the words "an officer" in subsection (2) and the insertion therefor Of the words "the Chief Engineer";

(d) by the deletion of the words "to be known as Assistant General Manager" in subsection (2);

(e) by the deletion of the words "General Manager" where they first occur and in subsection (4) and the insertion therefore of the word "Chairman";

(f) by the deletion of the words "Assistant General Manager" in Subsection

*Amendment of
Section 16 of the
Principal Edict.*

5. Section 16 of the principal Edict is hereby amended the following respects:—
 - (a) by the deletion of the figure "E480" in paragraph (a) of sub-section (3) and the insertion therefor of the figures "N1,164".
 - (b) by the deletion of the words "General Manager" in paragraph (1') of subsection (3) and the insertion therefor of the word "Chairman";
 - (c) by the deletion of the words "General Manager" wherever they occur in subsection (4) and the insertion therefor of the word "Chairman"; and
 - (d) by the deletion of the figures "E480" wherever they occur in subsection (4) and the insertion therefor of the figures "N1,164"

*Amendment of
Section 20 of the
Principal Edict.*

6. Section 20 of the principal Edict is hereby amended in the following respect:—
 - (a) by the deletion of subsection (2); and
 - (b) by the deletion of the word "localities" in subsection (3) and the insertion therefor of the words "types of consumers"

*Amendment of
Section 34 of the
Principal Edict.*

7. Section 34 of the principal dict is hereby amended by the deletion of the word "Commissioner" wherever it occurs and the insertion therefor of the word "Board".

*Amendment of
Section 40 of the
Principal Edict.*

8. Section 40 of the principal Edict is hereby amended by the deletion of the words "be liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months" and the insertion therefor of the words "have his supply disconnected and reconnected only on the payment of a reconnecting fee of five naira, after the payment of the rate or charge due"

*Amendment of
Section 41 of the
Principal Edict.*

9. Paragraph (a) of section 41 of the principal Edict is hereby deleted.

*Amendment of
Section 43 of the
Principal Edict.*

10. Section 43 of the principal Edict is hereby amended in the following respects:—
 - (a) by the deletion of word "Water"; and
 - (b) by the deletion of the words "State Ministry of Works" and the insertion therefor of the word "Board".

*Amendment of
clause 7 of the
Schedule to
the principal
Edict.*

11. Subclause (4) of clause 7 of Schedule to the principal Edict is hereby amended by the deletion of the words "Any six members of the Board" and the insertion therefor of the words "One third of the members".

MADE at Katsina this 4th day of May, 1976.

Military Governor
Katsina State of Nigeria

THE KATSINA STATE WATER BOARD EDICT, 1971
(No. 2 of 1971)
KATSINA STATE WATER BOARD STANDING ORDERS,
1976

Date of Commencement: 7th June 1976

In pursuance of the provisions of clause 10 of the Schedule to the Katsina State Water Board Edict, 1971 the following Standing Orders are hereby made by the Katsina State Water Board:—

1. These Standing orders may be cited as the Katsina State Water Board Standing Orders

2. These Standing Orders shall come into force on the 7th day of June, 1976

Title

Commencement

3. In these Standing Orders, unless the context otherwise requires "Board" means the Katsina State Water Board. "Chairman" means the Chairman of the Board appointed under section 4 of the Edict;

Interpretation

"Edict" means the Katsina State Water Board Edict, 1971, "member" means a member of the Board appointed under section 4 of the Edict or co-opted under clause 6 of the Schedule to the Edict;

"Schedule" means the Schedule to the Katsina State Water Board Edict, 1971; and "Secretary" means the person appointed to be the Secretary under section 15 of the Edict.

4. The Common Seal of the Board shall be the design and impression affixed hereto;

5. The assent or other action of the Board shall be signified on documents by the signature of the Chairman or some other member authorised by the Board to act in the behalf, and the signature of the Secretary of the Board.

Common Seal

6. The Board shall meet at least once every three months on a date to be fixed by the Board at the end of its meeting, but such that if no date has been fixed by the meeting of the Board, the Chairman shall fix a date for the next meeting; and every date so fixed for a meeting shall be notified to all members by the secretary at least seven days before the date of the meeting.

Ordinary Meeting

7. The Chairman shall have power to call a meeting of the Board at any time if he considers it necessary or desirable.

Other Meetings

8. The normal place of meeting of the Board shall be in the Board room Katsina, but a meeting may be held at any other place provided that due notice has been given by the Chairman.

Place of meeting

9. Except as may otherwise be provided or agreed by the Board, notice of every meeting shall be given at least seven days before the date of the meeting.

Notice of meeting

Provided that the Chairman shall have power to call an emergency meeting to discuss any particular matter without the necessity of giving

Agenda the length of notice referred to above.

10. (1) Members of the board shall submit to the Secretary, memoranda for the agenda of any ordinary meeting at least ten days before the date on which such meeting shall be held:

Provided that the Chairman, with the approval of a simple majority of the members present at the meeting, may waive the provisions of this Standing Order.

(2) The Chairman shall be responsible for the selection of memoranda to be included on the agenda:

Provided that any memoranda submitted to the Secretary shall be considered within four months of its submission unless it has been withdrawn by the member originating it.

Order of business.

11. At any meeting except a special meeting, the order of business shall be

- (a) election of temporary Chairman (if required under paragraph (b) of sub-clause (2) of clause 7 of the Schedule);
- (b) confirmation of minutes of the previous meeting;
- (c) matters arising from the minutes;
- (d) reports from committees;
- (e) questions;
- (f) new business (including memoranda submitted by members);
- (g) any other business; and
- (h) date of next meeting.

Meeting

12. (1) All meetings of the Board shall be in camera and no member of the general public shall be permitted to attend.

(2) A meeting may be adjourned by the Chairman on a resolution to that effect being proposed with the consent of the Chairman and being passed by a simple majority of members present and voting.

Conduct of business

13. (1) The following rules of debate shall be observed:

- (a) only a member may address the Board;

Provided that with the leave of the Board the Chairman may invite any person to address the Board;

- (b) all observations shall be addressed to the Chairman;
- (c) a member shall confine his observation to the matter under discussion;
- (d) reference shall not be made to any matter on which a judicial decision is pending; and
- (e) it shall be out of order without the prior permission of the Chairman, to attempt to reconsider any specific matter upon which the Board has already come to a conclusion within four months of the date on which such conclusion was reached.

(2) The Chairman shall On all occasions be heard in silence and any member who is speaking when the Chairman begins to speak shall immediately be silent:

(3) If a member shows disregard for the authority of the Chairman or obstructs the business of the meeting, the Chairman may direct him to withdraw from that meeting of the Board.

(4) The Chairman may order a member to discontinue his speech if he persists in irrelevance or vain repetition.

(5) In the case of disorder arising at a meeting of the Board, the

Chairman may, if he thinks it necessary to do so, adjourn or suspend the meeting for a time to be fixed by him

Adjournment of meetings

14. The Chairman may adjourn the meeting if the business on the of agenda has been concluded, but may at any earlier time adjourn the meeting on a motion carried by a simple majority of the members present and voting.

15. (1) Any member of the Board shall have the right to demand a formal vote by show of hands on any matter under discussion.

voting

(2) Any member of the Board may request that the voting on any question shall be recorded so as to show how each member present and voting gave his Vote:

Provided that the Chairman may refuse such request if he is satisfied that the question is one that might give rise to criminal or civil proceedings against the Board or against a!! or any of its members.

16. Subject to the provisions of sub-section (3) of section 15 of the Edict shall be the duty of the Secretary:

duties of secretary

- (a) to give notice of meetings and to distribute the agenda to all members
- (b) to record the minutes of the meeting and distribute copies thereof to all members within 10 days of such meetings;
- (c) where the decision of the Board necessitates action by any Head of Division of the Board, to convey such decision to them for action within 12 days of such decision being taken.

17. (1) The minutes of meeting shall record:

minutes

- (a) the names of all members present;
 - (b) all discussions, recommendations and resolutions and the number voting for and against the resolution; and
 - (c) where required by these Standing Orders, the names of members so voting.
- (2) The book containing the original minutes of all meetings shall be open to inspection by all members at any reasonable hour of the day.
- (3) The minutes shall be written in the English Language.

18. Subject to the provisions of section 8 of the Edict the following committees may be set up by the Board:

committees

- (a) Finance Committee;
- (b) Tenders Committee;
- (c) General Purpose Committee; and
- (d) Ad-hoc Committee to look into matters specifically.

19. If a member has any pecuniary interest in any contract or proposed contract or other matter he shall at the meeting disclose the fact and shall not take part in the discussion or consideration of, or vote on any question with respect to the contract or other matter.

Pecuniary interest

MADE by the Katsina State Water Board this 27th day of September, 1976.

The Common Seal of the Katsina State

Water Board was hereto

A fixed in the presence of:

HARUNA SOBA,
Chairman

LAWAL KAITA
Secretary

THE KATSINA STATE WATER BOARD (AMENDMENT) EDICT,
1978.

*Adjournment of
meetings*



voting

Katsina State of Nigeria.
Edict No. 1 of 1978

The Military Governor of Katsina State of Nigeria hereby makes the following Edict:-

1. This Edict may be cited as the Katsina State Water Board (Amendment) Edict, 1978

*duties of secre-
tary*

2. This edict shall be deemed to have come into operation on the 15th day of June 1977.

3. Section 5 of the Katsina State Water Board Edict, 1971 as amended by section 4 of the Katsina State water Board (Amendment) Edict, 1976 is hereby substituted with the following new section:-

minutes

15. (1) The Chief Executive of the Board shall be its General Manager who shall be:-

(a) a person trained in management/administration with a minimum of five year experience in management/administration ;

(b) a professionally qualified engineer with a minimum of or five years experience in engineering.

(2)The General Manger shall have ultimate responsibility for the carrying out of policies and decision of the Board in Accordance with the provisions of the Edict.

committees

(3)In the discharge of his functions the General Manager shall be assisted by an Officer of the Board to be known as the chief engineer who shall be a professionally qualified engineer with sound experience in water supply engineering.

(4) The Chief Engineering shall be responsible to the General manager for the technical operation of the Board, subject to the ultimate direction and control of the General manager.

*Pecuniary in-
terest*

(5)There shall be a Secretary to the Board-who shall, subject to the provision of this Edict, have such functions of an administrative nature as the Board may from time to time assign to him.

(6) The Military Governor shall appoint the General Manager, Chief Engineer and Secretary who shall hold and vacate office in accordance with the term of the instrument by which they are appointed

(7) Without prejudice to the provision of subsection (6) the General Manager, Chief engineer and secretary shall be subject to the provisions

of any regulations or rules that may be made under section 18 or 19 respectively.

MADE at Katsina this 29th day of November, 1977.

Military Governor

Ref. No: SG/S/21/11/248.

Military Governor's Office,
Katsina State.
Katsina.

16th January, 1984.

The Principal Private Secretary,
to the Military Governor,
Government House,
Katsina.

All Permanent Secretaries.
All Heads of Departments.

RESTRUCTURING OF MINISTRIES, DEPARTMENTS AND PARASTATALS.

Following the directives of the Federal Military Government on the new structure of Ministries in the State Civil Service, the Military Governor of Katsina State approved the re-structuring of Ministries from thirteen to nine. Attached herewith is Appendix I showing the approved structure of Ministries and Departments.

2. Approval has also been given for all Parastatals to revert to their original mother Ministries as reflected in the Edicts establishing them. Clear guidelines, would be issued later outlining the nature of the 'relationship between the Parastatals and Ministries in such a way as to ensure efficiency and control in the use of resources without strangulation or any form of conflict.

3. for the purpose of expenditure, the 1984 proposed Budget is being revised to reflect the Divisions and Departments in the "Approved structure of Ministries and Departments" in Appendix I, and the approved Expenditure Units of Grants and Subventions in Appendix II attached. 4. The new structural changes are to be implemented immediately.

5. An exercise on re-deployment of Permanent Secretaries is being carried out and appropriate circular on that will issued in due course.

6. A Committee to comprise of Alhaji Isa A. Matazu (Secretary, Katsina State Water Board) as Chairman and representatives of the Ministry of Health, Ministry of information, Ministry of Works and Ministry of Finance, is hereby appointed to look into the question of office ac-

commodation and what changes are necessary to be made to effect the 35 re-organisation without undue disruptions. The Committee is to be serve by Alhaji Bello Usman, Ministry of Information, as Secretary. One week from the date of this circular is given for the Committee to finish its work.

(Sd)
Secretary to the Military Government
and Head of Service.

Ref: No. MG176/VoL 11/227.

Military Governor's Office,
State House,
Private Mail Bag
Katsina.
24th February 1984.

The Principal Private
Secretary to the Military Governor,
Government House, Katsina.

All Permanent Secretaries

The Chief Registrar,
High Court of Justice,
Katsina.

The Director of Audit,
Audit Department, Katsina.

The Secretary,
Civil Service Commission,
Katsina.

All Heads of Departments,
Parastatals and Boards.

All Sole Administrators.

RE-ORGANISATION OF PARASTATALS.

As a result of an exercise carried out recently on the thirty (30) State owned Boards, Councils and Limited Liability Companies in the State, the Katsina State Military Governor has approved their reorganisation/re-structuring as follows, with immediate effect:—

- i Katsina State Housing Authority—to continue as at present, Chairman to be part-time.
- ii Katsina State Rural Electrification Board — to continue, but Chair man to be part-time.

- iii Katsina State Co-operate Bank —No changes, but Chief Executive is now Managing Director.
- iv Katsina State Library — No change.
- v Katsina state Broadcasting Corporation — No change
- vi Katsina State Water Board — No change. But Chairman to be part time.
- vii Katsina State Investment Company—No change. Chairman to be part-time.
- viii Katsina State Sports Council— No Change.
- ix Local Government Service Board — No change
- x Katsina State Transport Authority, — No change
- xi Katsina State Pilgrims' Welfare Board — No change
- xii Katsina State Distribution Agency to continue,
- xiii Katsina State Health Management Board — To continue, but Chairman to be part-time.
- xiv Katsina. State Industrialisation Board — reduced to an Implementation Committee under the Ministry of Commerce and Industries.
- xv Katsina, State Hotels—to be abolished and new Limited Liability Company be incorporated and decentralized to the five major towns in the State: Katsina, Katsina, Funtua-Kafanchan and Duara. The Motels around each of the five major towns should serve as annexes. -
- xvi Katsina Urban Development Board — New Board to be retained and duly established.
- xvii Katsina Capital Development Board to be absorbed by the Urban Development Board (xvi above)
- xviii Katsina State Farmers Supply Company — to continue pending the report of a Committee set up to review this existence.
- xiv Katsina state Agricultural Promotion and Development Company continue pending further decision on its existence.
- xx Katsina State Scholarship Board —, No change, commissioner of Education to continue as Chairman.
- xxi Katsina State Tourism Committee — to become a Committee under the Ministry of Information and Home Affairs.
- xxii Katsina State Rural Development Board — reduced to an ad-hoc Committee under the Ministries for Local Government and Community Development with Ministries of Justice, Health, Education, Works and Transport and Finance & Economic Planning.
- xxiii Katsina State Council of Arts and Culture to absorb the Katsina State History Bureau.
- xxiv Katsina State Rehabilitation Board — Reduced to Committee under the Ministry of Health and Social Welfare.
- xxv Katsina Polytechnic to absorb Katsina College of Legal Studies which will become a department in the Polytechnic.
- xxvi Kafanchan College of Education — No change
- xxvii Zaria College of Advanced Studies — No changes.
- xxviii Gaskiya Corporation, Zaria — participation of Katsina State government to continue.

2. In order to ensure efficiency and control in the use of resources, the Katsina State government has directed that these Parastatals

should come under the general supervision of the following Ministries; for the purpose of policy guidance and allocation of funds. (more details on the relationship will be issued in due course):— A37

Military Governor's Office.
Pilgrims Welfare Board.
Urban Development Board
(Civil Service Commission)

Ministry of Education
Katsina State Scholarship Board
College of Advanced Studies Zaria
College of Education, Kafanchan.

Ministry of Health.
Health Management Board
Katsina State Sports Council
Katsina State Rehabilitation Committee

Ministry of Works & Transport.
Katsina State Water Board
Katsina State Housing Authority
Katsina State Transport Authority
Katsina State Electrification Board
Katsina State Development Authority (winding up)

Ministry of Information.
Katsina State Broadcasting Corporation
Katsina State Library Board
Katsina State Council of Arts And Culture.
Katsina State Tourism Committee.
Gaskiya Corporation, Zaria.

Ministry of Finance & Economic Planning
Katsina State Investment Company
Katsina State Co-operative Bank.

Ministry for Local Government.
Local Government Service Board, (Policy only)
Katsina State Rural Development Committee

Ministry of Commerce & Industry.
Katsina State Distribution Agency,
Katsina State Industrialization Committee
Katsina State Hotels Board-pending abolition and incorporation of
Limited Liability Company.

Ministry of Agriculture.
Katsina State Agricultural Promotion and Development Company
(A.P.D.C.)

Katsina State Farmers Supply Company.pending revision of its
existence. (LR.D.A)

3. All Chief Executives of Parastatals should ensure strict compliance with the Government guide-lines regarding the operations of their parastatals and prudent management of its financial resources.

4. Where needs arise to amend existing Laws to legalise these changes, the necessary steps to do that will be take in due course, and as mentioned above, more guidelines should be expected to streamline and ensure a smooth operation of these parastatals, please.

Secretary to the Military Government
and Head of Service,
Katsina State.

Ref: No. MG 176/Vol. 11/242..

Military Governor's Office
State House,
Private Mail Bag 2002,
Katsina

8th March, 1984.

The Principal Private,
Secretary to the Military Governor,
Government House, Katsina.

All Permanent Secretaries.

The Chief Registrar,
High Court of Justice,
Katsina.

The Director of Audit,
Audit Department, Katsina.

The Secretary,
Civil Service Commission,
Katsina.

All Heads of Departments,
Parastatals and Boards.

All Sole Administrators.

RELATIONSHIP BETWEEN MINISTRIES AND PARASTATALS.

Further to my Circular letters No. SG/S/21/Vol. 11/248 of 16th January, 1984 and No. MG. 176/Vol.11/227 of 24th February, 1984, I write to clarify on the relationship between Parastatals and their parent Ministries. You are all aware that most of the Parastatals have been established by Laws clearly stating their functions, powers and in some cases the relationship between them and Ministries.

2. As indicated in paragraph two of my circular No MG/176/Vol.11/227 of 24th February, 1984, Ministries will be responsible for policy guidance, procurement of necessary grants/subventions for the parastatals and their general supervision. They will be responsible for the presentation of memos on all issues affecting Parastatals that require Council consideration. To carry out these functions effectively the Parastatals are required to provide the Ministries with necessary information on their operations. However, the implementation of Board decisions and the day to day running of these Parastatals should be a management function. This, however, does not preclude the commissioner responsible for the Parastatals from making enquires or giving instructions to them if need be in the overall public interest on matter relating to or affecting their organisation.

(Sd).

Secretary to the Military Government and Head of Service.
KAISINA STATE

KATSINA STATE OF NIGERIA EDICT NO. OF 1988.

THE MILITARY GOVERNOR OF KATSINA STATE OF NIGERIA
hereby makes the following Edict:

- Title* 1. This Edict may be cited as the Katsina State Water Board (Amendment) Edict, 1988.
- Commencement* 2. This Edict shall deemed to have come into operation on the 23rd day of September, 1987.
- Amendment of section 2 of the principal Edict* 3. Section 2 of Katsina State Water Board Edict, 1981 (hereinafter called the principal edict) is hereby amended by the insertion of the following new definition immediately after the definition of the word "Owner".
"Permanent Secretary" means (he Permanent Secretary incharge of Parastatals",
- Amendment of section 4 of Edict No. 5 of 1978* 4. The Principal Edict as amended by section 4 of the Katsina State Water Board (Amendment) Edict, No.5 of 1978 is hereby further amended by the substitution of the words "Military Governor" for the word "Permanent Secretary".
- Amendment of section 15 of the Principal Edict as amended by Edict No. 7 of 1986* 5. Section 15 of the Principal Edict as amended by section 3 of Katsina State Water Board (Amendment) Edict 1986 is hereby further amended (1) by the substitution of subsection (3) thereof with the following new subsection (3).
"(3) in the discharge of his functions the General Manager shall be assisted by six officers of the Board to be known as
(a) Assistant General Manager in Administration who shall also be Secretary to the Board;
(b) Assistant General Manager in charge of Finance and Accounts;
(c) Assistant General Manager in charge of Projects and Research;
(d) Assistant General Manager in charge of Operations;
(e) Assistant General Manager in charge of Rural Water Supply;
and
(f) Assistant General Manager, Commercial 2. by the substitution of subsection (7) thereof with the following new subsection (7).
"(7) The Assistant General Manager shall be appointed by the Board on the approval of the Military Governor under such terms and conditions as the Board may set down for each of the Departments"
- Amendment of section 43 of the Principal Edict as amended by Edict No. 6 of 1976* 6. Section 43 of the Principal Edict as amended by section 10 of Edict No6 of 1976 is hereby further amended by the deletion of the word "Chief Engineer" and the substitution therefore of the words "General Manager".
- Amendment of clause 7 of the schedule to the Principal Edict* 7. Subelause (1) of clause 7 of the schedule to the principal Edict is hereby amended by the deletion of the word "two" and the substitution therefore of the word "four".

MADE at Katsina this day of 1988.
COLONEL ABDULLAHI SARKI MUKHTAR
Military Governor
Katsina State of Nigeria.