

Annex 19:

FCTWB Bill 2017



THE SENATE
FEDERAL REPUBLIC OF NIGERIA

**FEDERAL CAPITAL TERRITORY WATER BOARD
(ESTABLISHMENT, ETC.) BILL, 2017
(HB.318)**

A BILL
FOR
AN ACT TO ESTABLISH THE FEDERAL CAPITAL TERRITORY WATER
BOARD AND FOR MATTERS CONNECTED THEREWITH

FIRST READING

WEDNESDAY, 5TH OCTOBER, 2016

SECOND READING

THURSDAY, 13TH OCTOBER, 2016

THIRD READING AND PASSAGE

WEDNESDAY, 12TH JULY, 2017

FEDERAL CAPITAL TERRITORY WATER BOARD (ESTABLISHMENT, ETC.) BILL,

2017



Arrangement of Clauses

Clause

PART I — ESTABLISHMENT, ETC OF THE FEDERAL CAPITAL TERRITORY WATER BOARD

1. Establishment, etc of the Federal Capital Territory Water Board.
2. The Board and its constitution.
3. Remuneration of members of the Board.
4. Tenure of office of members.
5. Quorum.
6. Vacation of office.

PART II — FUNCTIONS, POWERS AND OBJECTIVES OF THE BOARD

7. Objectives of the Board.
8. Functions of the Board.
9. General powers of the Board.

PART III — STAFF OF THE BOARD

10. Power to make regulations.
11. The General Manager and Chief Executive Officer (GM).
12. Other management staff.
13. Other staff of the Board.
14. Remuneration of officers.

PART IV — FINANCIAL PROVISIONS

15. Funds of the Board.
16. Bank account.
17. Application of the Board's revenue.
18. General reserve fund.
19. Loans and grants by the Federal Government.
20. Annual budgets and accounts.
21. Annual reports.
22. Power to accept gifts.
23. Power to borrow money.
24. Investments.
25. Power to raise capital on the stock exchange.
26. Guarantee on loans or other instruments of the Board by the Federal Government.
27. Proof of moneys due.
28. Board's responsibility to consumers for continuous supply of water.
29. Rates and scales of charges.
30. Application for water supply.
31. Purchase, resale and distribution of water by the Board.
32. Prohibition of sale of water supplied by the Board.
33. Payment for water rates and charges.
34. Power to levy general water rate in respect of local authorities.
35. Board not responsible for installation works or for damage.
36. Entitlement to supply of water without preferential treatment.

i.

4. (1) The Chairman and other members of the Board shall hold office —
- (a) for a term of four years in the first instance and may be reappointed for a further term of four years and no more; and
 - (b) on such terms and conditions as may be stipulated in their letters of appointment.
- (2) All members of the Board except the General Manager shall serve as part-time members.

Tenure of office of members.

5. The quorum for a meeting of the Board shall be five members, including the Chairman.

Quorum.

6. (1) Notwithstanding the provisions of section 4 of this Bill, a member shall vacate office
- (a) three months after the date upon which he gives notice in writing to the Minister, FCT of his intention to resign, or on the expiry of such other period of notice as he and the Minister, FCT may agree; or
 - (b) on the date he begins to serve a sentence of imprisonment imposed without the option of a fine —
 - (i) in Nigeria, in respect of an offence; or
 - (ii) outside Nigeria, in respect of an offence involving financial impropriety or any conduct which, if committed in Nigeria, would constitute an offence;
 - (c) if he attends fewer than 75% of the Board's meetings in any one year period; or
 - (d) in the case of members who have professional qualifications, if the member is barred or suspended from his professional body;
 - (e) if he becomes bankrupt;
 - (f) if he becomes of unsound mind or incapable of carrying out his duties;
 - (g) if he is guilty of serious misconduct with relation to his duties as a member of the Board.
- (2) A member of the Board may only be removed by the Minister, FCT under any of the provisions of section 6 (1) (a) to (g) of this Bill.

Vacation of office.

PART II — FUNCTIONS, POWERS AND OBJECTIVES OF THE BOARD

7. The objectives of the Board shall be to —
- (a) provide safe, adequate and affordable water supply services to the residents of the Federal capital Territory;
 - (b) collaborate with the Authority responsible for Water Resources Management to secure efficient use of water resources for the conservation and protection of the water resources of the Territory and the Nation.
8. The functions of the Board shall be to —
- (i) ensure the supply of adequate and potable water throughout the Territory at reasonable charges;
 - (ii) manage and maintain all capital works, water services facilities and new water services assets in the Territory either directly, or pursuant to PPP Agreements with private participants, or by raising necessary funds from other sources subject to the provisions of this Bill;

Objectives of the Board.

Functions of the Board.

(iii) prepare for the approval of the Minister, FCT, plans for the maintenance and development of water supply services, water service assets and new water services assets in the Territory (referred to as the "Development Plans"), pursuant to consultation with the relevant authorities and consumer groups;

(iv) identify and implement projects for the delivery of water supply services which may be undertaken with private sector participation, pursuant to consultation with the relevant authorities, in order to fulfill the water service obligations of the Board;

(v) manage and maintain existing waterworks within the Territory more particularly to the various area councils and maintaining limited supervising capacity and intervention over these area councils' operations;

(vi) manage and control waterworks for public, domestic, industrial, and general purposes in the Territory;

(vii) verify and monitor PPP Agreements compliance by the private participant

(viii) establish and implement proper accounting procedures for all of the assets and liabilities of the Board;

(ix) undertake from time to time the conduct of research for the purposes of carrying out the functions of the Board;

(x) submit the result of such research to the Minister for the utilization of same for the formulation of the Policies relating to water supply, and water pollution control in the Territory;

(xi) authorize or delegate any officer or employee of the Board to act as agent of the Board for any functions, services or facilities which may be exercised, performed or provided by the Board under this Bill;

(xii) specify the terms and conditions of supply of water to the consumers;

(xiii) develop regulations for the protection and preservation of the water services assets and water supply facilities of the Board;

(xiv) promote the rational use of water resources and potable water supplied by the Board and develop regulations to prevent wastage;

(xv) take steps to protect the water resources and others assets and facilities of the Board from trespass, pollution and other nuisance by any member of the public.

(xvi) collect rate and charges for water supplied, distributed, or sold in bulk by the Board, and;

(xvii) carry out any other activities that are expedient or necessary for the effective and efficient performance of its functions under this Bill.

9. (1) The Board shall, subject to the provisions of this Bill, have power for the purpose of carrying out its functions to —

General powers of the Board.

(a) own all water services assets within the Territory;

(b) fix rates and charges payable by customers for water supplied by the Board within the Territory subject to the approval of the Minister, FCT;

(c) determine fees to be paid for all services of the Board, which fees, including water rates will conform to the cost of production, maintenance and shall correlate with consumption;

- (d) determine the manner in which rates shall be paid by the consumers and exercising discretionary powers on whether to stratify the payments of rates according to income and or house types;
- (e) prepare development plans for the maintenance and development of water supply services assets;
- (f) acquire, purchase, lease, hold, maintain or insure any property forming part of the water services assets or new water services assets, whether movable or immovable, required for or in connection with the performance of its functions and sell, lease, concede, dispose of, or otherwise deal with such property or any part thereof subject to the approval of the Minister in instances of sale of asset —
- (i) undertake any land acquisition procedure necessary for the performance of its functions, in accordance with all valid legislation;
- (ii) enter into agreement with any person for the management, supply manufacture, maintenance or repair of any water services asset or new water services asset whether movable or immovable;
- (iii) procure water abstraction rights from the relevant authorities and may assign such rights to private participants under PPP Agreements;
- (g) maintain and operate water works and all other buildings and works necessary for the discharge of the functions of the Board under this Bill;
- (h) protect, maintain and improve all existing natural water courses in consultation with relevant authorities;
- (i) carry any water pipe through, across, or under any street or any place laid out or intended as a street and after giving reasonable notice in writing to the owner or occupier thereof, and making good any damage done;
- (j) abstract water from any lake, river, stream or other natural source forming part of the water resources of the Territory, and to do likewise in respect of other water by arrangement with the appropriate authority under and in accordance with the provisions of any existing law in that behalf;
- (k) access from time to time any surface or underground water forming part of the water Resources of the Territory for the purpose of determining what if any pollution exists and its causes and to do likewise in respect of other water by arrangement with the appropriate authority under and in accordance with the provisions of any existing Act in that behalf;
- (l) control the drilling and operation of boreholes and the abstraction from underground water forming part of the water resources of the Territory in consultation with the Ministry responsible for water resources and making appropriate regulations relating thereto;
- (m) enter upon any land at any time for the purpose of investigating, repairing or removing any water pipe which is the property of the Board;
- (n) maintain stand pipes or public fountains in any street or other public place;
- (o) at any time between the hours of six o'clock in the morning and six o'clock in the evening, or in case of emergency at any other time, to enter into any premises or any place upon which any pipe has been laid or into which any water supply services is supplied so as to —
 - (i) inspect any service and to ascertain whether there is any wastage, leakage, obstruction, illegal connection or damage to any service or meter therein and anything in connection therewith;
 - (ii) ascertain the amount of water taken or used or;
 - (iii) disconnect the supply of water to any premises;

(p) 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 deems necessary;

(q) enter into agreement with any person for the supply, construction, manufacture, maintenance or repair of any property whether movable or immovable, which is necessary or appropriate for the purpose of the Board;

(r) 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;

(s) accept or acquire and hold any security of any kind in any form whatsoever;

(t) delegate the responsibility to provide water services and the operation, management and maintenance of water services assets and new water services assets, to private participants pursuant to project agreements subject to the Policy of the Federal Government with respect thereto;

(u) surrender, transfer or re-convey any security held by the Board whether upon exchange for other security or upon discharge;

(v) in relation to any security held by the Board exercise any power, right or privilege in respect thereof that a private individual would be capable of exercising in like circumstances;

(w) make, draw, accept, or endorse, negotiable instruments;

(x) invest money standing to its credit and not for the time being required for its immediate need, in stocks, shares, debentures or other securities whatsoever approved by the Minister and to sell such stocks, shares, debentures or other securities;

(y) insure its properties against all forms of risk —

(i) write off bad debts with the approval of the Minister;

(ii) raise financing or borrow money by issuing debenture or any other securities or in any other manner in connection with the exercise of its functions subject to the approval of the Minister;

(iii) retain and expend corporate income, as defined under relevant accounting standards, for the purposes of fulfilling its function under this Bill.

(2) The Board shall have power for the purpose of carrying out its functions to do all such acts as appear to it to be requisite, advantageous, or convenient and may carry on any activities in that behalf either alone or in association with any other person or body.

10. The Board may, with the approval of the Minister make regulations with respect to all or any of the following matters —

Power to make regulations.

(a) fixing the rate and scale of charges payable for the water supplied by meter or otherwise within the Territory;

(b) granting exemptions from any water rate or charge of any premises or class of premises to any person or class of persons;

(c) the amount payable in respect of water supplied to any Government in the Federation or Local Authority Council, institution or institutions, be it public or private, or to any special part of any such institutions as aforesaid;

(d) the amount of rent payable on the Board's meters;

- (e) the method and manner in which water may be taken from public fountains;
- (f) fees payable for services rendered by the Board together with the time and place of payment of such fees;
- (g) the construction, laying, fitting, alteration or readjustment of services and the nature, quality, size and pattern used;
- (h) the forms of all notices required to be given or sent under this Act and the issuing and service of same;
- (i) the control, whether by prohibition or otherwise of boating or fishing in any waterworks;
- (j) the prevention of the wrongful opening or closing of any lock, cock, valve, sluice or manhole pertaining to any waterworks or otherwise belonging thereto;
- (k) the prevention of the commission of an offence or nuisance in or, about any station, works, plant, building or premises of the Board;
- (l) the prevention of illegal tapping of water;
- (m) the prevention of trespass upon or injury to stations, works, plants, buildings or premises appertaining to any water works or otherwise belonging thereto;
- (n) generally regulating the operations of the waterworks and the governance thereof and maintenance of good order thereon;
- (o) generally for the preservation and the conservation of the sources of water in the areas appertaining to the Board's operations;
- (p) the prevention of wastage and leakage of water;
- (q) licensing procedure for water services operators and other participants in the water sector including informal operators.

PART III — STAFF OF THE BOARD

- 11. There shall be appointed by the Minister an officer of the Board to be known as the General Manager who shall, subject to the general direction of the Board—
 - (a) be the Chief Executive and Chief Accounting Officer of the Board (referred to in this Bill as “the General Manager” or “GM”);
 - (b) be responsible for the implementation of the decisions and policies of the Board as well as the general administration of the Board;
 - (c) perform such other duties as the Board may from time to time direct.
- 12. In the discharge of his functions, the General Manager may be assisted by the following officers of the Board —
 - (a) Assistant General Manager in charge of Administration;
 - (b) Assistant General Manager in charge of Finance and Accounts;
 - (c) Assistant General Manager in charge of Technical operations;

The General Manager and Chief Executive Officer (GM).

Other management staff.

(d) Assistant General Manager in charge of Commercial operations;

(e) Assistant General Manager in charge of Planning;

(f) the Secretary of the Board who shall be the legal Adviser to the Board;

(g) any other Officers as the Board may deem necessary in furtherance of the functions of the Board.

13. (1) The Board shall have power to appoint directly, or from any Public Service of the Federation, any number of staff and other employees as it may from time to time deem necessary to assist the Board in the discharge of its functions under this Bill. Other staff of the Board.

(2) The terms and Conditions of Service of members of staff shall be as may be determined by the Board and in accordance with prevailing terms and conditions of service for public enterprises.

(3) It is hereby declared —

(a) that Service in the Board shall be approved Service under the provision of the Pensions Act and accordingly, staff and employees of the Board shall be entitled to pensions, gratuities and other retirement benefits as prescribed under the Pensions Act.

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

14. The Board shall determine the remuneration to be paid to its officers and servants and may require any officer to give such security as is deemed proper for the due execution of his office. Remuneration of officers.

PART IV — FINANCIAL PROVISIONS

15. (1) The funds and resources of the Board shall consist of— Funds of the Board.

(a) all sums, investments or other property vested in the Board by virtue of the provisions of this Bill;

(b) such sums or other advances by way of loans or grants to the Board by the Government;

(c) such sums or other property as may from time to time be advanced by way of loans or grants to the Board by any Government or Statutory Body in the Territory, the Federal Government or any agency or institution of any such Government, any international Organization, and private foundation or any person whatsoever;

(d) any investments or other property whatsoever acquired by the Board;

(e) money earned or arising from any investments or other property acquired by or vested in the Board; and

(f) all other sums (whether as water rates, water services charges) 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 other incidental matter under this Bill or by virtue of the provisions of any other Bill;

(g) any money allocated to the Board under the Federal Government budgetary allocation or

(h) such other money as may from time to time accrue to the Board.

(2) The Board shall ensure that its funds and resources are adequate to meet the operating expenses, depreciation charges, debt servicing requirements and such percentage of its annual capital expenditure requirements as may be determined by the Minister.

16. The Board shall operate bank accounts for its funds with a reputable Bank or Banks and the signatories to the accounts shall be either the General Manager or in his absence his designated representatives as the case may be, and the Head of Accounts, or in his absence his designated representative or any person duly authorized by the Board in that behalf. Bank account.
17. The following charges shall be defrayed out of the revenue of the Board for any financial year — Application of the Board's revenue.
- (a) the remuneration and allowances of the members of the governing body and those of any committees of the Board;
 - (b) the salaries, remuneration, fees, allowances, pensions and gratuities of the staff, agents, technical and other advisers or consultants of the Board;
 - (c) all expenses of working and management of the Board and its waterworks and other properties including proper provision for depreciation, wear and tear or renewal of assets;
 - (d) such minor works of a capital nature as the Board may deem necessary from time to time;
 - (e) such sums including compensation that may be payable by the Board to any person or authority by virtue of the provisions of this Bill or any other enactment;
 - (f) taxes, rates and other levies payable by the Board under any Bill;
 - (g) interest or loans raised by and on behalf of the Board;
 - (h) sums required to be transferred to any sinking fund or otherwise set aside for the purpose of making provision for the redemption of or other securities or the repayment of other loans; and
 - (i) such other sums as the Board may approve for payment out of the revenue account of the Board in respect of any Financial year.
18. (1) The Board shall establish and maintain a General reserve fund in a separate Account into which account shall be paid the following — General reserve fund.
- (a) balance of the revenue of the Board for any financial year;
 - (b) such money as the Minister may from time to time direct from any sources;
 - (c) operating profits as may accrue to the Board in any financial year.
- (2) The General Reserve Funds shall be used for the actualization of the Plans of the Board with respect to the provision of water services delivery as contained in the approved water services development plan.
19. (1) It shall be lawful for the Government to make to the Board the following — Loans and grants by the Federal Government.
- (a) grants of any sums of money or property deemed necessary; and
 - (b) loans upon such terms as to repayment, with interest or otherwise as the Government may determine.
- (2) The Government may, if it deems it expedient so to do, waive in favour of the Board any right or liability to the Government in respect of any property vested in the Board by virtue of the provisions of this Bill.
20. (1) The Board shall, not later than 30th September of each year, submit for the approval of the Minister an estimate of its expenditure and income (including payments for the Board's fund) for the next succeeding year. Annual budgets and accounts.

(2) The Board shall keep proper accounts, to conform with standard accounting practice, in respect to each year and proper records in relation to those accounts and shall cause its accounts to be audited within six months after the end of each year by auditors appointed from the list and in accordance with guidelines supplied by the Auditor – General for the Federation.

- 21. The Board shall prepare and submit to the Minister, not later than six months after the end of each year, a report in such form as the Minister may direct on the activities of the Board during the immediately preceding year, and shall include in such report a copy of the audited accounts of the Board for that year and the auditors' report on the accounts. Annual reports.
- 22. (1) The Board may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift. Power to accept gifts.
 (2) The Board shall not accept gifts if the conditions attached by the person or organization offering the gifts are inconsistent with the functions of the Board.
- 23. (a) The Board may from time to time, with the approval of the National Assembly, borrow money by overdraft or in any other manner for and in connection with the exercise of its functions under this Bill as the Board may deem necessary. Power to borrow money.
 (b) An approval given for the purposes of this section may be either general or limited to a particular borrowing or otherwise and may be subject to conditions.
 (2) The Board shall have the powers to take loans for purposes of developmental activities as may be approved by the National Assembly.
- 24. The Board may, subject to the Provisions of this Bill, and the conditions of any trust created in respect of any property, invest all or any of its funds in any security prescribed by the Investments and Securities Act or in such other securities as may from time to time be approved by the Minister. Investments.
- 25. The Board may with the approval of the National Assembly raise capital for the implementation of its developmental plans and programmes through the capital market or by issuing Bonds or other instruments, and by satisfying all the necessary requirements of the Stock Exchange in that regard subject to the approval of the National Assembly. Power to raise capital on the stock exchange.
- 26. (1) The Government may guarantee by an undertaking of the Minister of Finance in such manner and on such condition as that Minister may think fit, the payment of the principal and interest of any sum or sums borrowed or Bonds issued by the Board with the approval of the Minister. Guarantee on loans or other instruments of the Board by the Federal Government.
 (2) Such sums as may be required by the Federal Accountant-General for the purpose of making good the obligations of the Government under the guarantee shall be charged on the Consolidated Revenue Fund of the Federal government.
- 27. In any action for the recovery of any rate or other moneys (other than fines and penalties) payable or recoverable under and by virtue of the provisions of this Bill, a certificate under the hand of the Board in that behalf, that any sum of money is due, and that the defendant is the person liable to pay the same shall, be evidence of such debt and of non-payment thereof, and of the fact that the defendant is the person liable to pay the same. Proof of moneys due.

PART V — TECHNICAL PROVISIONS

- 28. *Water Supply, Distribution and Consumption* Board's responsibility to consumers for continuous supply of water.
 (1) The Board shall as far as possible maintain a continuity of supply of treated water to residents in the Territory, provided that—
 (a) the Board shall have the right to suspend the supply of water for such periods as may be necessary

for carrying out inspections, tests, or repairs and for the making of new connections;

(b) the Board shall have the right to suspend or turn off supply for the purpose of effecting alterations and modifications to its pipelines and other facilities or general maintenance of the waterworks;

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

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

29. (1) The Board, shall from time to time fix rates and scales of charges payable for water supply and other services within the Territory in accordance with a methodology for tariff setting earlier approved by the Minister which allows for the fixing of economic rates for water supply and other services in order to meet its financial objectives and in accordance with the provisions of this Bill. Rates and scales of charges.
- (2) The water rates and charges may be fixed at different rates for different locations as the Board may think fit in the circumstances.
30. (1) Subject to this Bill and any rules or regulations made thereunder, the Board may supply water to any tenement upon application made by the owner or occupier thereof and such application shall be accompanied with payment of fees or rates as the Board may from time to time determine. Application for water supply.
- (2) The Board may refuse to supply water to any particular premises otherwise than by a meter or device installed and maintained by the Board.
31. Subject to the provisions of this Bill, the Board may purchase water in bulk and may resell such water either in bulk or by distribution to individual consumers. Purchase, resale and distribution of water by the Board.
32. As from the commencement of this Bill, it shall be unlawful for any person to resell water supplied by the Board except pursuant to a License or other Agreement with the Board for that purpose: Prohibition of sale of water supplied by the Board.
- Provided that no authority shall be required for the sale of any manufactured goods or other commodities in which water supplied by the Board is included.
33. (1) The owner or occupier of any tenement to which water is supplied by the Board shall pay to the Board such rates and charges for water supply or other services as may from time to time be determined by the Board. Payment for water rates and charges.
- (2) Where any person fails to pay water rates or charges within one month after it has become due the Board may recover such rates or charges with cost by an application brought before the FCT High court.
34. The Board shall have power to collect from Local Authorities such fees as may be agreed in respect of services in common provided for the inhabitants of the respective Local Areas. Power to levy general water rate in respect of local authorities.
35. 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 Bill, 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 of the consumer's pipes, fittings, appliances and apparatus so inspected or tested or arising out of the use or misuse of apparatus by the consumer or any other person other than an employee of the Board. Board not responsible for installation works or for damage.

36. Except in so far as is otherwise provided by this Bill, 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 terms and conditions as the Board may deem fit:

Entitlement to supply of water without preferential treatment.

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

37. (1) If any person or any Ministry of the Federal Government, a Department of the Ministry, or other authority does anything which such person, department or authority is by or under any Act authorized 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, Ministry, Department or Authority make such alteration and the expenses incurred thereby shall be borne by such person, Ministry, Department or Authority.

Responsibility for expenses caused by certain necessary alterations.

(2) In the event of any dispute as to the amount of such expenses the same may be referred by the person, Ministry, Department or Authority concerned, or the Board to the Abuja Multi-Door Courthouse.

38. (1) Subject to the provisions of this section, it shall be the duty of the Board to keep records of the location of—

Maps of waterworks.

(a) every resource main, water main or discharge pipe which is for the time being vested in the Board; and

(b) any other underground works, other than a service pipe, which are for the time being vested in the Board.

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

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

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

(5) The Board may charge such amounts as it may determine for the provision of such information to the public.

PART VI— CUSTOMER CARE CENTER

39. (1) There shall be established for the Board, a Customer Care Centre (referred to in this Bill as "the Centre") which shall be established within the Board's Headquarters.

Establishment of Customer Care Centre.

(2) The Board may also establish customer care centers in its area offices as it deems necessary with a view to bringing its services closer to the consumers.

40. The functions of the Centre shall be—

Functions of the Centre.

(1) to receive and pursue complaints from consumers regarding—

(a) quality of water;

- (b) water leakages;
 - (c) damage to properties of the Water Board;
 - (d) water connection charges;
 - (e) standards of service; and
 - (f) other related matters.
- (2) to settle minor disputes and protect the interests of all consumers.
- (3) to monitor all matters appearing to the Centre to affect the interests of consumers or potential consumers.
- (4) to consult with any operator about matters which affect the interest of consumers or potential consumers to that operator.
- (5) to make representations where appropriate on behalf of a consumer or complainant to any Private Sector Operator.
- (6) to receive and pursue complaints from Environmental Agencies and Government Bodies on pollution matters.
- (7) to forward complaints to the relevant authorities where applicable.

PART VII – OFFENCES AND PENALTIES

41. Any person who –

- (a) willfully or negligently damages any water works, public fountain or service; or
- (b) unlawfully draws, diverts or takes water from any source or from any stream by which any water is supplied, or
- (c) makes an unauthorized opening or closes any valve, sluice or manhole of any waterworks; or
- (d) pollutes any water or water source; or
- (e) allows or causes any foul liquid or gas or other noxious or toxic or injurious substance or matter to be discharged into any water source or any facility of the Board:

commits an offence and shall be liable on conviction to a fine of ₦20,000 or to imprisonment for a term not exceeding 1 year or to both such fine and imprisonment in case of an individual or ₦250,000.00 in case of corporate offenders and to a further penalty of ₦50,000 for each day that the act or omission that constitutes the offence continues.

Offences relating to water diversion, pollution, etc.

42. Any person who –

- (a) willfully or negligently misuses, causes or allows to be misused or wasted any water, passing through or into, upon or near tenement any water works; or
- (b) alters, causes or permits to be altered any pipeline, fittings or fountains or any waterworks without the consent of the Board, commits an offence and shall be liable on conviction to a fine of ₦10,000 or to imprisonment for a term not less than 6 months or to both such fine and imprisonment.

Offences relating to wastage.

43. Any person who alters, causes or permits to be altered, any pipeline, fittings or fountains or any

Offences relating

PART VIII – LEGAL PROCEEDINGS

50. (1) Subject to the provisions of this Bill, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any member, officer or employee of the Board. Limitation of suits against the Board, etc.
- (2) No suit against the Board, a member of the Board, the General Manager or any other officer or employee of the Board for any act done in pursuance or execution of any Law, or any public duties or in respect of any alleged neglect or default in the execution of such act, duties or authority, shall lie or be instituted in any court unless –
- (a) it is commenced within three months next after the act, neglect or default complained; or
- (b) in the case of continuation of damage or injury, within three months next after the ceasing thereof.
- (3) No suit shall be commenced against the Board, the General Manager or any other officer or employee of the Board before the expiration of a period of one month after written notice of intention to commence the suit shall have been served on the Board by the intending plaintiff or his agent; and the notice shall clearly and explicitly state –
- (a) the cause of action;
- (b) the particulars of claim;
- (c) the name and place of the abode of the intending plaintiff; and
- (d) the relief claimed.
51. The notice referred to in subsection (3) of section 55 of this Bill, and any summons, notice or other document required or authorized to be served upon the Board under the provisions of this Bill or any other Law may be served by delivering the same to the General Manager or by sending it by registered post and addressed to the General Manager at the Headquarters of the Board. Service of documents.
52. In any action or suit against the Board, no execution or attachment of process in the nature thereof shall be issued against the Board but any sums of money which may by judgment of the court be awarded against the Board shall, subject to any directions given by the court, be paid from the general reserve fund of the Board. Restriction on execution against the Board.
53. Every member of the Board, agent, auditor, officer or employee of the Board shall be indemnified out of the assets of the Board against any liability incurred by him in defending any proceeding, whether civil or criminal if any such proceeding is brought against him in his capacity as such member, agent, auditor, officer or employee as aforesaid. Indemnity of the officers of the board.

PART IX – MISCELLANEOUS PROVISIONS

54. Where any person contravenes any of the provisions of this Bill, the Board may, without prejudice to the rights of the Board to commence proceedings against any defaulter – Certain provisions relating to defaulters, etc
- (a) serve a notice in writing on the defaulting occupier or consumer; and
- (b) authorize or cause an officer or employee of the Board to enter and alter, disconnect, stop or remove any water fittings belonging to or used by such defaulting occupier or consumer.
- (2) Upon the occupier or the consumer remedying the default or contravention referred to in subsection (1) of this section, the Board may cause repairs, replacement and re-connection of the water fittings and the Board shall recover from the defaulter, the cost or expenses reasonably incurred to effect the repairs or replacement or re-connection as the case may be.

55. (1) Where, upon consideration of any audit report, the Board is satisfied that in respect of its functions under this Bill – Recovery of loss of money.

(a) a sum due to the Board has not been duly brought to account by any person; and

(b) there is loss of money or destruction of any of the property of the Board which has occurred by reason of –

(i) negligence; and

(ii) breach of official duty or other misconduct of any person, the Board may surcharge such money or the value of the property lost or destroyed upon the person aforesaid whether he is member of staff of the Board or an agent of the Board.

(2) Before exercising any of the powers specified under subsection (1) of this section, the Board may, in writing, authorize any person to conduct an inquiry for the purposes of the section (and to take evidence and examine witnesses) by summons, require all such persons as it may deem fit to appear before it at a time and place stated in such notice or summons and to produce all such books, records, accounts and other documents and materials as it may consider necessary for the purpose of the inquiry.

(3) If the Board decides to surcharge any person under subsection (1) of this section, it shall cause a notice to be served upon such person.

(4) Notwithstanding anything to the contrary contained in subsection (1) of the section, no liability to surcharge shall be incurred by any officer, employee or agent of the Board if he can prove to the satisfaction of the Board that he acted in pursuance, and in accordance with the terms of a resolution of the Board or of any committee duly appointed by the Board under this Bill or on the written instructions of any officer, employee or agent of the Board:

Provided that nothing in this subsection shall exempt any person from liability to surcharge within the provisions of this section where it is proved that he knew or ought reasonably to have known that the terms of the resolution or written instructions as aforesaid were not in accordance with provisions of this Bill or rules or directions given hereunder

(5) Any amount notified as a surcharge in accordance with subsection (3) of this section shall be due to the Board and may be sued for and recovered in any court of competent jurisdiction at the instance of the Board.

56. (1) Any person who is aggrieved by any decision of the Board for a surcharge of any amount exceeding ₦1,000 may within thirty days of such decision appeal to the Minister for a review of the decision. Appeals against surcharge.

(2) The Minister, shall have power to confirm, vary or quash the decision of the Board and give such direction(s) as he may deem fit in each circumstance.

57. (1) Wherever it appears to the Board that any land in the Territory is required for the purpose of any waterworks, the Board shall, subject to the Land Use Act, apply to the Minister for approval for its officers or agents to enter upon the land and – Provisions relating to land.

(a) survey and take levels of the land;

(b) dig or bore hole under the subsoil; and

(c) do such other things as are necessary to ascertain whether the land is adapted for such purposes:

Provided that no such officer, agent, servant or workman of the Board shall enter into any building or upon any enclosed court or garden attached to a dwelling house without giving at least seven days

notice of intention to enter to the Occupier and the occupier shall not unreasonably withhold consent as requested.

(2) Where any entry made under subsection (1) of this section occasions any damages requiring the payment of compensation, the Board shall pay compensation (s) as it thinks fit in the circumstances, from time to time.

58. (1) Subject to subsection (2) of this section, any fire authority may abstract water from any public fountain, service or waterworks of the Board for the purpose of prevention or control of fire. Abstraction by fire authorities.

(2) Water shall not be abstracted by any fire authority for the purpose of testing any fire fighting appliance except with the consent of the Board and such consent should not be unreasonably withheld.

(3) No charge shall be made for water supplied by the Board under subsection (1) or (2) of this section
(4) Any main, pipe, valve, hydrant, service or other waterworks required within the area of operation of the Board by any fire authority in the discharge of its functions to prevent and control fire shall be provided by the Board upon payment thereof by the fire authority such fees or rates as the Board may from time to time, determine provided that such main, pipe, valve, hydrant, service or other waterworks shall vest in the Board and shall be maintained by the Board as the fire authority may, from time to time, require.

(5) In this section, "fire authority" means any authority or body of firemen duly constituted, organized or established under any enactment or Act by the Federal, Local Authority.

59. (1) The statutory functions, rights, obligations and liabilities of the Federal Capital Development Authority (in this Bill referred to as "the Authority") as they relate to the supply of water in the Territory existing before the commencement of this Bill under any contract or instrument, shall subject to any contrary directive(s) by the Minister, be vested in the Board established under this Bill. Savings, transfers of liabilities, staff etc.

(2) Any such contract or instrument as is mentioned in subsection (1) of this section, shall be of the same force and effect against or in favour of the Board established by this Bill and shall be enforceable as fully and effectively as if instead of the Authority existing before the commencement of this Bill, the Board established by this Bill has been named therein or had been a party thereto.

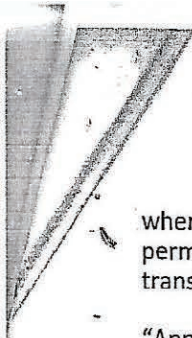
(3) The Board established by this Bill shall be subject to all obligations and liabilities to which the Authority existing before the commencement of this Bill was subject before the commencement of this Bill and all persons shall have the same rights, powers and remedies against the Board established by this Bill as they had against the Authority

(4) Any proceeding or cause of action pending or existing immediately before the commencement of this Bill, by or against the Authority existing before the commencement of this Bill in respect of any right, interest, obligation or liability of the Authority may be continued or as the case may be commenced by or against the Board and any determination of a court, tribunal or other authority may be enforced by or against the Board established by this Bill to the same extent that such proceeding or cause of action or determination might have been continued, commenced or enforced against the board.

(5) Any person who immediately before the coming into force of this Bill is the holder of any office in the Authority existing before the commencement of this Bill shall, on the commencement of this Bill and without further assurance, continue in office and be deemed to have been appointed to his office by the Board established under this Bill unless the authority by which the person was appointed terminates the appointment.

60. In this Bill, unless the context otherwise requires – Interpretation.

"Abstraction" in relation to water contained in any source of supply, means the doing of anything



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

"Appropriate Local Authority" means any Local Authority having jurisdiction over a specific area for the purpose of this Bill;

"Authorized officer" means any environmental health officer or any member of staff duly authorized in writing by the Board;

"Authority" means the Federal Capital Development Authority; established pursuant to the Federal Capital Territory Act;

"Board" means the Federal Capital Territory Water Board established under section 1 of this Bill;

"Bulk supply" means water supplied for the purpose of wholesale by the Board or by any other operator;

"consumer" means any person who is supplied with water and includes any person who applied to be supplied with water from any waterworks or any person, who otherwise uses water and is liable for the payment of water rates, rents or charges;

"domestic supply" means water supplied from any waterworks used in any tenement for drinking, washing, cooking, or for baths or any other purpose of domestic life;

"drain" means any pipe or channel, etc, conveying only surface water or subsoil water or both and which is below ground level;

"financial year" means every period of twelve months terminating on the 31st day of December;

"functions" includes objectives and duties;

"General Manager" means the General Manager of the Board appointed under section 2 of this Bill;

"illegal connection" means any connection to a water pipe without the explicit authorization of the Board;

"Leakage" means the loss of water from the Board or any operators distribution system or from parts of service pipes for which consumers are responsible;

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

"meter" includes any device used for measuring ascertaining or regulating the quantity of water taken or used from any waterworks by means of any service;

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

"Minister" means the Minister of the Federal Capital Territory;

"occupier" in relation to a tenement means the person in occupation of the whole or of any part of such tenement, but does not include a lodger;

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

"permit" shall mean the certificate to be issued by the Board stating the information that may be required as the Board shall determine, but does not include the payment of annual charges.

"person" means an individual and shall include a limited liability company or an organization duly registered under the Companies and Allied Matters Act 1990;

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

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

"President" means the President and Commander in Chief of the Armed Forces of the Federal Republic of Nigeria.

"Private Sector Participant" means any private entity, whether a natural person, body corporate or a consortium or joint venture entering into a project agreement;

"property" includes buildings and appurtenances, accessories, stores, materials, investments, funds, loans and accounts receivable claims;

"PPP agreement" means an agreement between the Board and a Private Sector Participant selected by Board through competitive bidding procedures to carry out private sector participation that sets the terms and conditions of such participation, including, without limiting the generality of the foregoing, concessions, leases, management contracts, BOT and BOOT Agreements, technical assistance contracts, consulting services contracts, franchises, bulk water supply and purchase agreements and regulatory agreements;

"public fountain" means any fountain, standpipe, valve, tap of any device 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 by the Board and which is the property thereof;

"records" include computer records and other records kept otherwise than in a document;

"relevant authority" means any governmental ministry or agency, or any other body, which is competent to address matters within its power;

"service" means all pipes, valves, cisterns, cocks, fittings, and other devices (excepting any meter as herein defined) by or through which water flows or is intended to flow from any waterworks or which are or may be used for the purpose of supplying any tenement from any waterworks, and being the property of the owner or occupier or such tenement;

"street" includes any square, court, highway, road, thorough fare 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 under tenancy or terms of occupation of any description;

"Territory" means the Federal Capital Territory, Abuja;

"treated water" means water treated for domestic purposes;

"waterworks" includes all reservoirs, ponds, boreholes or well, dams, tanks, cisterns, channels, tunnel, fitter beds, conduits, aqueducts, mains pipes, fountains, sluices used or constructed for the storage or conveyance, supply, measurement or regulation of water which belongs to or are vested in the Board.

61. This Bill may be cited as the Federal Capital Territory Water Board (Establishment, etc.) Bill, 2017. Citation.

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD E.T.C.

Proceedings of the Board

1. Subject to this Bill and section 27 of the Interpretation Act (which provides for decisions of statutory body to be taken by a majority of its members and for the person presiding at any meeting, when a vote is ordered, to have a second or casting vote), the Board may make standing orders regulating its proceedings or that of any committees.
2. At every meeting of the Board, the Chairman shall preside and in his absence the members present at the meeting shall appoint one of their numbers to preside at the meeting.
3. The quorum at a meeting of the Board shall be not less than one-third of the total number of members of Board at the date of the meeting and the quorum of a committee of the Board shall be as determined by the Board.
4. The Board shall for the purposes of this Bill, meet not less than three times in each year and subject, thereto, the Board shall meet whenever it summoned by the Chairman, and if required to do so, by notice given to him by not less than 5 other members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.
5. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board for such period as it thinks fit, but a person who is a member by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.
6. A member of the Board who is directly or indirectly interested in any matter being deliberated on by the Board, or is interested in contract made or proposed to be made by the Board shall, as soon as possible after the relevant facts have come to his knowledge disclose the nature of his interest at a meeting of the Board.
7. A disclosure under this paragraph shall be recorded in the Minutes of Meetings of the Board and the member concerned shall –
 - (a) not, after the disclosure, take part in any deliberation or decision of the Board; and
 - (b) be excluded for the purpose of constituting a quorum of any meeting of the Board for any deliberation or decision, with regard to the subject matter in respect of which his interest is so disclosed.

Committees

8. (1) Subject to its standing orders, the Board may appoint such number of standing and ad hoc committees as it thinks fit to consider and report on any matter with which the Board is concerned.
 - (2) A committee appointed under this paragraph shall consist of such number of persons (not necessarily members of the Board as may be determined by the Board), and a person, other than a member of the Board, shall hold office on the committee in accordance with the terms of his appointment and the committee shall be presided over by a member of the Board.
 - (3) The quorum of any committee set up by the Board shall be as may be determined by the Board.
 - (4) A decision of a committee of Board shall be of no effect until it is ratified and confirmed by the Board.

Miscellaneous

9. The fixing of the seal of the Board shall be authenticated by the signature of the Chairman or any other person generally or specifically authorized by the Board to act for that purpose, and that of the Secretary.
10. Any contract or instrument which, if made by a person not being a body corporate, would not be required to be under seal and may be executed on behalf of the Board by the Secretary or by any other person generally or specially authorized by the Board to act for that purpose.

11. Any document purporting to be a contract, instrument or other document duly signed or sealed on the behalf of the Board shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.

12. The validity of any proceedings of the Board or of any of its committees shall not be affected by-

(a) any vacancy in the membership of the Board, or committee; or

(b) any defect in the appointment of member of the Board or committee: or by reason that any person not entitled to do so took part in the proceedings of the Board or committee.

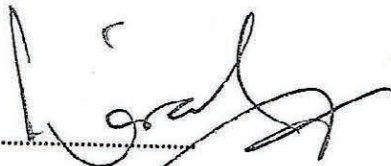
13. A member of a committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the committee shall forthwith disclose his interest to the committee and shall not vote on any question relating to the contract or arrangement.

14. No member of the Board shall be personally liable for any omission done or made in good faith while engaged in the business of the Board.

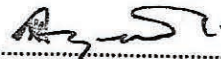
EXPLANATORY MEMORANDUM

This Bill seeks to provide, among other things, for the establishment of the Federal Capital Territory Water Board charged with the responsibility for managing water resources and provision of potable water supply in the Territory.

THIS BILL WAS PASSED BY THE SENATE ON WEDNESDAY, 12TH JULY, 2017



.....
President,
Senate of the Federal Republic of Nigeria



.....
Clerk,
Senate of the Federal Republic of Nigeria

Annex 20:

Official Approval Letters of Project-related
Plans/Manuals



FEDERAL CAPITAL TERRITORY WATER BOARD

No 7/9 Orlu Street, Area 3
P.M.B. 164, Garki- Abuja
07044384003
07040157007
07040157059
07040157011
E-mail:admin@fctwb.com
www.fctwb.com

FCT/WB/5/S.335034

13th August, 2018

The Chief Advisor,
NRW Reduction Project.

Notification of Approval of Planning Manual for NRW Reduction and Manual for NRW Reduction Operations

This is to acknowledge the receipt of the prepared Planning Manual for NRW Reduction and Manual for NRW Reduction Operations by the project team.

2. Having gone through, satisfied with the contents of the above documents and in consideration of the verifiable indicators provided in the Project Design Matrix (PDM), approval is hereby granted for the following:

- i. **The Planning Manual for Non-Revenue Water Reduction**
- ii. **The Manual for Non-Revenue Water Reduction Operations.**

3. Accept the assurances of my highest regards, Please.


Engr. A. A. Nahuche
General Manager, FCT Water Board



FEDERAL CAPITAL TERRITORY WATER BOARD

P.M.B. 164, Garki-Abuja F.C.T.Tel: 09-2341559 Email: fctwb@alpha.linkserv.com

FCT/WB/11/S.304/3

5th September, 2018

The Chief Advisor,
NRW Reduction, Project
FCT Water Board

NOTICE OF APPROVAL: THE MEDIUM-TERM STRATEGIC PLAN FOR NON-REVENUE WATER REDUCTION (2019 – 2023) AND ITS INCORPORATION IN TO FCT WATER BOARD BUDGET EXPENDITURE

This is to acknowledge the receipt of request for approval of Medium-Term Strategic plan and its incorporation in to FCT Water Board's Capital and Recurrent Budget Expenditure, Reference No. FCT/WB/S.82361 dated 30th July, 2018.

The FCT Water Board Governing Board has approved the Medium-Term Strategic plan for NRW reduction (2019 – 2023) and its incorporation in to the FCT Water Board's Capital and Recurrent Budget Expenditure.

While appreciating the Technical Cooperation for development of FCT Water Board, please accept the assurances of our warm regards.


Engr. K. A. Ali, FNSE, NPOM, mni
Chairman, FCT Water Board


Engr. A. A. Nahuche
General Manager, FCT Water Board

