

Extraordinary



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A BILL

FOR

AN ACT TO ESTABLISH A REGULATORY FRAMEWORK FOR TRANS
BOUNDARY WATER RESOURCES IN NIGERIA, PROVIDE FOR THE
EQUITABLE AND SUSTAINABLE DEVELOPMENT, MANAGEMENT, USE AND
CONSERVATION OF NIGERIA'S INTER-STATE SURFACE WATER AND
GROUNDWATER RESOURCES; AND FOR RELATED MATTERS, 2022

Sponsored by Hon. Sada Soli

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria-

1 PART I - OBJECTIVE AND ENTITLEMENT TO USE OF WATER

2 1.-(1) The objective of this Bill is to ensure that the nation's inter-
3 state water resources are protected, used, developed, conserved, managed
4 and controlled in ways which take into account amongst other factors:

Objective of
this Bill

5 (a) citizens' right of access to safe water and basic sanitation;

6 (b) meeting the basic human needs of present and future
7 generations;

8 (c) promoting equitable and affordable access to water and
9 reducing poverty;

10 (d) adopting hydrological boundaries as the basic units for water
11 resources management;

12 (e) protecting the water environment for sustainability of the
13 resources and protection of aquatic ecosystems, and recognizing the
14 polluter pays principle;

15 (f) providing for existing customary uses of water and avoidance of
16 harm to other water users;

17 (g) promoting the efficient, sustainable and beneficial use of water
18 in the public interest;

1 (h) facilitating social development, improved public health and
2 economic development;

3 (i) supporting initiatives to reduce and prevent pollution and
4 degradation of water resources and the aquatic environment;

5 (j) managing floods, desertification, droughts, erosion control and
6 land drainage and supporting other environmental measures aimed at
7 promoting climate resilience, climate risk mitigation and adaptation;

8 (k) encouraging comprehensive and equitable coverage of water
9 supply and sanitation including promoting public-private sector partnerships
10 in delivery of water services;

11 (l) promoting public-private partnerships in the development and
12 management of water resources infrastructure;

13 (m) promoting dams' safety and appropriate reservoir operation and
14 management;

15 (n) meeting international obligations; and

16 (o) recognizing and implementing the principle of water as an
17 economic good and social good, taking into consideration the socio-economic
18 status of the users, particularly affordability.

19 (2) The institutions established under this Bill shall be guided by the
20 following principles in achieving the objective set out in subsection (1) of this
21 section:

22 (a) participation and consultation with States, local governments,
23 communities, women and other stakeholders;

24 (b) the coordinated management of the water resources sector at the
25 lowest appropriate level;

26 (c) administrative efficiency;

27 (d) transparency;

28 (e) accountability;

29 (f) implementing national policies on gender equality and the
30 environment and

1 (g) capacity building and development.

2 (3) In implementing the principles under subsection (2) of this
3 section, the institutions established under this Bill shall promote Integrated
4 Water Resources Management (IWRM) and the coordinated management
5 of:

6 (a) incidental economic development, social welfare and
7 environmental sustainability;

8 (b) land and water resources;

9 (c) surface water and groundwater resources;

10 (d) the river basins and adjacent marine and coastal environment;

11 and

12 (e) upstream and downstream interests.

13 **2.-(1)** The right to the use, management and control of all surface
14 water and ground water affecting more than one State pursuant to item 64 of
15 the Exclusive Legislative List in Part 1 of the Second Schedule to the
16 Constitution of the Federal Republic of Nigeria, 1999 as amended, and as set
17 out in the First Schedule to this Bill is vested in the Government of the
18 Federation to be exercised in accordance with the provisions of this Bill.

Public trusteeship
of water

19 (2) States may make provisions for the use, management and
20 control of water resources occurring solely within the boundaries of the
21 State in line with regulations and guidelines made pursuant to this Bill on
22 policy and principles of Integrated Water Resources management..

23 **3.-(1)** Subject to the provisions of S. 2 (1), a person may, without a
24 licence:

Entitlement to
use of water

25 (a) take water from a water source to which the public has free
26 access for the use of his household or for watering domestic livestock;

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

30 (c) where a statutory or customary right of occupancy to any land

1 exists, take or use water without charge from the underground water source, or
2 if abutting the bank of any watercourse, from that water course, for reasonable
3 household use, watering livestock and for personal irrigation not for
4 commercial purposes; or

5 (d) store and use runoff water from a roof.

6 (2) A person may continue with an existing lawful water use,
7 including a customary use, in accordance with Part V of this Bill.

8 (3) A person may use water in terms of a general authorisation as
9 defined in section 72 or pursuant to a licence issued under this Bill.

10 (4) Any entitlement granted to a person by or under this Bill
11 supersedes any right to use water which that person might otherwise have been
12 able to enjoy or enforce under any other law to:

13 (a) take or use water;

14 (b) obstruct or divert a flow of water;

15 (c) affect the quality of any water;

16 (d) receive any particular flow of water;

17 (e) receive a flow of water of any particular quality; or

18 (f) construct, operate or maintain any waterworks.

19 PART II - NATIONAL COUNCIL ON WATER RESOURCES

Establishment
of the Council

20 **4.-(1)** There is established an advisory standing body to be known as
21 the National Council on Water Resources (in this Bill referred to as "the
22 Council").

23 (2) The Council shall meet at least once every year and at other times
24 as directed by the Chairperson.

25 (3) The Council shall establish committees and sub-committees as
26 required to investigate and analyse issues tabled for discussion before the
27 Council and to formulate recommendations.

28 (4) The Council shall establish rules to govern its proceedings, the
29 workings of its committees and its decision-making processes based on the
30 provisions of this Bill and its regulations.

1 (5) Annual reports of the Council providing details of its
2 discussions and recommendations shall be made public through publication
3 in the official gazette and transmitted to its Members within one month from
4 the date of the last council meeting.

5 (6) All existing directives or procedures relating to the composition
6 and functioning of the existing National Council on Water Resources shall
7 be in accordance with the provisions of this Bill.

8 **5.** For the furtherance of the fundamental objectives of water
9 resources management referred to in section 1 (1) of this Bill, the Council
10 shall perform the following functions, to:

Functions of the
Council

11 (a) provide guidance for and review of the formulation of national
12 water-related legislation; water resources, water supply and sanitation
13 policies and strategies; and master plans;

14 (b) provide a forum for coordination across water sub-sectors and
15 discussion of issues of national importance;

16 (c) provide a forum for mediation of issues on the use or
17 management of water resources arising between sub-sectors or across river-
18 basin boundaries; and

19 (d) review performance of the water resources sector in Nigeria as
20 well as the Nation's compliance with obligations of international
21 agreements and commitments on water-related matters.

22 **6.** The Council shall be made up of the following:

Membership of
the Council

23 (a) the Minister, who shall Chair the Council;

24 (b) State Commissioners for Water Resources or any other person
25 responsible for water resources in the States.

26 **7.-(1)** A Secretariat shall be established for the Council to act as an
27 administrative body for the purpose of convening meetings of the Council
28 and its committees, administering activities of the Council and coordinating
29 the working of its committees.

Secretariat of
the Council

30 (2) The Permanent Secretary of the Ministry shall be the Secretary

Representation
at the Technical
Committees of
the Council

1 to the Council and also the chairperson of the Technical Committee of the
2 Council.

3 **8.** The Council may direct that for the purpose of providing technical
4 expertise and socio-economic advice with respect to any matter to be decided
5 by the Council relevant representatives and experts from any of the following
6 may be invited to participate in the sessions of the Technical Committees of the
7 Council:

8 (a) members of the water resources committee of the National and
9 State Houses of Assemblies);

10 (b) professional bodies as well as stakeholders in the water resources
11 sector at Federal, State, and local government levels,;

12 (c) Federal ministries, departments and agencies responsible for:

13 (i) water resources;

14 (ii) environmental and climate related matters;

15 (iii) agriculture;

16 (iv) health;

17 (v) inland waterways;

18 (vi) minerals;

19 (vii) forestry;

20 (viii) hydro - electric power generation;

21 (ix) women affairs;

22 (x) Surveyor -General of the Federation;

23 (xi) National Planning and Development; and

24 (d) State water and environment Agencies;

25 (e) water consumers, water users associations, associations of local
26 governments, community-based organizations;

27 (f) bodies responsible for protected or conservation area;

28 (g) the Nigeria Meteorological Agency;

29 (h) the National Emergency Management Agency;

30 (i) civil society organisations; and

1 (j) private sector and resource persons..

2 **9.-** (1) Funds of the Council shall comprise such amounts as shall Financial
3 be appropriated by the National Assembly. provisions

4 (2) The cost of participation of Members of the Council and
5 Technical Committees shall be borne by the Organizations that they
6 represent.

7 (3) Notwithstanding the provision of subsection (2) of this section,
8 the Council may, at its discretion, subsidize the participation of any
9 participants.

10 **PART III - POWERS AND FUNCTIONS OF THE MINISTER RESPONSIBLE**
11 **FOR WATER RESOURCES**

12 **10.-**(1) It shall be the duty of the Minister to promote the General powers
13 protection, use, development, conservation, and management of inter-state of the Minister
14 water resources throughout Nigeria and to ensure the effective exercise of
15 powers and performance of duties by institutions and persons identified
16 under this Bill and in the constitution.

17 (2) The Minister shall have the power to make regulations, policies
18 and strategies for the proper carrying out of the provisions of this Bill and
19 functioning of the Ministry in accordance with this Bill as well as in
20 accordance with other directives he may receive from the President and any
21 guidance from the Council.

22 (3) The Minister shall have and exercise reasonable powers as are
23 necessary and required in furtherance of the duties and functions conferred
24 pursuant to this Bill, the directives of the President, or any other Law.

25 **11.-**(1) The Minister shall establish and chair ad- hoc committees Powers related
26 for situations where the issues on development or management of the water to trans-boundary
27 resources affects more than one hydrological area as defined in the Second waters within
28 Schedule to this Bill. Nigeria

29 (2) The Minister may delegate the power under subsection (1) of
30 this section to any person or Institution as deemed appropriate.

Powers related to international agreements, negotiations and meetings

1 **12.**-(1) The Minister may, in consultation with the Federal Executive
2 Council, by notice in the Gazette, establish a Committee to coordinate
3 implementation of any international agreement entered into by the Federal
4 Republic of Nigeria and a foreign government or any other international body
5 or organisation relating to:

6 (a) investigating, managing, monitoring, and protecting water
7 resources;

8 (b) regional co-operation on water resources;

9 (c) acquiring, constructing, altering, operating or maintaining a
10 waterworks connected to such agreement; or

11 (d) the allocation, use and supply of water according to the principles
12 of equitable and reasonable utilization and avoidance of significant trans-
13 boundary harm.

14 (2) The Minister shall consult with all affected States prior to entering
15 into any international agreement on a river basin.

Functions of the Minister

16 **13.** -(1) For the purpose of this Bill, the functions of the Minister shall
17 be:

18 (a) to formulate national Policy and water resources Management
19 strategy to guide the integrated planning, management, development, use and
20 conservation of the nation's water resources and provide guidance for
21 formulation of hydrological area resources strategies under section 94 of this
22 Bill;

23 (b) The Policy and Strategy referred to in paragraph (a) of this
24 subsection shall be based on basin strategies developed by the Commission,
25 recommendations of the National Council on Water Resources and all other
26 institutions in the water resources sector in consultations with other
27 stakeholders;

28 (c) to provide guidance for policy and standards for water supply and
29 sanitation towards promoting uniform technical and service' standards and
30 infrastructure development across the country;

1 (d) to facilitate the periodic review and update national water
2 legislation to ensure consistency with national policy under paragraphs (a)
3 and (c) of this sub section;

4 (e) to undertake planning for implementation of Sector Policies,
5 Strategies and Master Plans, and in consultation with the Commission, to
6 provide general guidance to relevant Sector institutions on achievement of
7 the objectives;

8 (f) based on the performance of existing irrigation systems and
9 considerations of relevant National and basin Policy and strategy on
10 irrigation, as well as economic efficiency and social development, provide
11 guidance to the Authorities responsible for irrigation management and
12 development on criteria to govern decisions on investments for future
13 development of irrigation Programs;

14 (g) to provide guidance to institutions in the sector in formulating
15 development plans and projects;

16 (h) to monitor the level of service provision for water supply and
17 sanitation across Nigeria with a view to providing and disseminating data
18 for planning, socio-economic development, investments, as well as
19 infrastructure distribution to both Federal and state Governments, National
20 water Council and other Stakeholders;

21 (i) to provide technical support for the survey, investigation,
22 planning and design of water resources projects with input from relevant
23 Professional institutions;

24 (j) to implement development projects of a multi-purpose nature,
25 and for flood management, that are outside the mandate of individual
26 service delivery Agencies but in collaboration with relevant sector
27 Agencies;

28 (k) to support, monitor and evaluate programmes and institutions
29 in the sector;

30 (l) to provide technical guidance to the National Council on Water

- 1 Resources and its committees;
- 2 (m) to liaise with donors and supervise donor and government
3 funded projects;
- 4 (n) to promote all aspects of public-private partnerships in the
5 development of water resources infrastructure;
- 6 (o) to prepare and submit an annual report to the National Assembly
7 within 90 days of the end of each financial year that monitors and evaluates the
8 quantitative and qualitative status of the nation's water resources and report on
9 the Ministry's commitments related to water resources development and
10 service delivery;
- 11 (p) to represent the Federation in international conferences, meetings
12 and, negotiations on matters related to water;
- 13 (q) in consultation with relevant Sector institutions, State
14 Government, and Ministries, Departments and Agencies responsible for
15 environment, climate change, health, agriculture, natural disaster management
16 and rural development. identify areas which, in accordance with the laws of the
17 Federation and Nigeria's international obligations, to be designated as
18 protected areas by the Commission and collaborate with the Commission to
19 achieve this;
- 20 (r) to undertake such activities and issue such directives as shall be
21 expedient subject to due notification to appropriate Agencies to remediate
22 emergency situations that may threaten any water course within the country;
23 and
- 24 (s) to receive the reports of the National Council on Water Resources
25 and implement such decisions as they affect the duties of the Minister as
26 identified in such reports.
- 27 (2) The Minister shall perform such other functions, as are provided in
28 this Bill as well as any other functions as may be directed by the President.
- 29 (3) The Minister may delegate any of his functions in writing to any
30 person, body, institution, agency or authority for the purpose of performing

1 those functions in accordance with this Bill.

2 **14.**-(1) The Minister may make Regulations as is expedient for the
3 purpose of giving full effect to the provisions as it relates to PART III of this
4 Bill.

Powers to make
Regulations

5 (2) The contravention of any Regulations issued pursuant to any of
6 the provisions on subsection (1) of this section shall constitute an offence
7 and shall be punishable as prescribed in the Regulations.

8 PART IV - ESTABLISHMENT, FUNCTIONS AND POWERS OF THE NIGERIA
9 WATER RESOURCES REGULATORY COMMISSION

10 **15.**-(1) There is established an independent regulatory body to be
11 known as the Nigeria Water Resources Regulatory Commission (in this Bill
12 referred to as "the Commission") charged with the responsibility for the
13 regulation of national water resources of Nigeria as defined in S. 2 (1) and
14 listed in the First Schedule to this Bill

Establishment of
the Water Resources
Regulatory
Commission

15 (2) The Commission:

16 (a) shall be a body corporate, with perpetual succession and a
17 common seal; and

18 (b) may sue or be sued in its corporate name.

19 (3) The head office of the Commission shall be in the Federal
20 Capital Territory, Abuja or at such other place within Nigeria as may be
21 designated by the President.

22 (4) The Commission shall be structured into various departments
23 as deemed appropriate for the effective discharge of its functions.

24 **16.** The objectives of the Commission shall be to:

Objectives of the
Commission

25 (a) regulate, protect, conserve and control water resources
26 identified in this Bill as water sources crossing state boundaries in
27 accordance with section 2 as well as the first schedule of this act for
28 equitable and sustainable social and economic development and to maintain
29 environmental integrity;

30 (b) regulate the allocation, supply and distribution of water

1 resources for all uses, and to promote equitable, sustainable and efficient best
2 practices and conduct;

3 (c) ensure that licensees, authorized developers, as well as other users
4 of water resources whether for consumptive or non-consumptive purposes and
5 their infrastructure meet the technical, social and commercial requirements
6 and obligations specified under this Bill in a manner which promotes fairness
7 as well as the well-being of all citizens;

8 (d) protect licensees and the public with regard to quality of service in
9 the sector and the determination of and payment tariffs;

10 (e) ensure that licensees achieve the highest possible level of
11 accountability and responsiveness to environmental and community needs;

12 (f) through Licensing of abstractions, ensure that public water
13 services are supplied as efficiently and economically as possible and at
14 standards which reasonably meet the social, industrial, and commercial needs
15 of the community;

16 (g) promote the development of other sectors of the Nigerian
17 economy through the efficient and sustainable allocation of water within the
18 framework of this Bill;

19 (h) to ensure that the prices charged by licensees are fair and are
20 sufficient to allow the licensees to finance their activities and to allow for
21 reasonable earnings for efficient operation and return on investment;

22 (i) to ensure that regulation is fair and balanced for licensees,
23 consumers; investors, and other stakeholders; and

24 (j) to present quarterly reports to the President and National Assembly
25 on its activities.

Appointment
of Commissioners

26 **17.-(1)** Subject to subsections (2) and (3) of this section, the
27 Commission shall consist of Seven Members ("Commissioners") appointed by
28 the President subject to confirmation by the Senate who shall be responsible for
29 the management, strategic planning, and formulation, implementation and
30 enforcement of regulatory Policies for the Commission.

1 (2) In selecting potential nominees, the President shall ensure that
2 individuals are chosen, from both the Public and Private Sectors, for their
3 experience and professional qualifications in the following fields or areas of
4 competence:

- 5 (i) Water Resources Engineering and Management;
6 (ii) Law;
7 (iii) Accountancy;
8 (iv) Finance or economics;
9 (v) Hydro-Geology;
10 (vi) Administration or Social Science;
11 (vii) Regulation;
12 (viii) other relevant expertise in water and related state of
13 knowledge and fields, including but not limited to agriculture, environment,
14 climate change, health, gender and rural development.

15 (3) There shall be a Vice Chairman appointed by the President who
16 shall be the Chief Executive and Chief Accounting Officer ("CEO") of the
17 Commission.

18 (4) All Commissioners, including the Chairman must possess a
19 minimum of ten years cognate Professional experience in the field that they
20 represent while the Vice Chairman must possess, in addition, a minimum of
21 ten years' cumulative experience at Management Level in Public or Private
22 Organisations.

23 (5) The seven Commissioners shall be appointed to reflect one
24 Commissioner per geo-political zone and the Chairman may be from any
25 zone.

26 **18.** Subject to this Part, a Members shall hold office as follows:

27 (a) the Chairman shall be appointed to serve for a single term of
28 five years on a part-time basis;

29 (b) the Vice Chairman will serve full time for a term of four years
30 which term may be renewed for one more term of three years and no more;

Tenure and
conditions of
service of
Commissioners

Conditions for
appointment as
a Commissioner

1 (c) all other Commissioners shall serve full time for a single term of
2 five years and no more.

3 (2) A Commissioner shall not continue in office after the expiry of his
4 term.

5 (3) A Commissioner shall hold office on such other terms and
6 conditions as the President may fix in relation to Members generally.

7 **19.** A person shall not be appointed as a Commissioner who:

8 (a) is neither a citizen of Nigeria nor permanently resident in Nigeria;

9 (b) has a financial interest in any business connected, either directly or
10 indirectly, with water services provision in Nigeria, or is a relative of a person
11 who has such an interest unless the President is satisfied that the interest or
12 activity is in effect passive and will not interfere with the person's impartial
13 discharge of his duties as a Commission Member or unless the financial interest
14 is terminated prior to the appointment taking effect, or

15 (c) has, in terms of a law in force in any country:

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

18 (ii) made an assignment to, or arrangement or composition with, his
19 creditors which has not been rescinded or set aside; or

20 (d) has, in terms of a law in force in any country:

21 (i) been adjudged by a court of competent jurisdiction, to be of
22 unsound mind;

23 (ii) been banned from practicing his profession; or

24 (iii) been convicted of an offence and sentenced to a term of
25 imprisonment imposed with or without the option of a fine, whether or not any
26 portion has been suspended, and has not received a free pardon;

27 (iv) or is found by a court of competent jurisdiction to be a member of
28 any secret society or terrorist Organisation or sponsor of any such
29 Organisation.

Suspension of
Commissioners

1 **22.**-(1) A Commissioner may only be suspended by the President:
2 (a) if criminal proceedings have been instituted against that
3 Commissioner for an offence in respect of which a sentence of imprisonment
4 may be imposed; or

5 (b) if the President suspects on reasonable grounds that the
6 circumstances set out in section 21 have arisen and intends to investigate them
7 further.

8 (2) While a Commissioner is under suspension pursuant to subsection
9 (1) of this section:

10 (a) he shall not carry out any duties as a Commissioner; and

11 (b) he shall continue to be paid half of his salary and benefits
12 throughout the period of his suspension until he is either re-instated or
13 removed.

Remuneration,
Allowances and
Expenses of
Commissioners

14 **23.**-(1) Commissioners shall be paid from the funds of the
15 Commission such remuneration and Allowances as the Commission may from
16 time to time determine, subject to the recommendations of the National
17 Salaries, Incomes and Wages Commission and the approval of the
18 President;

19 (2) While making recommendations, the National Salaries, Incomes
20 and Wages Commission shall have due regard to the following principles:

21 (a) the specialised nature of work to be performed by the Commission
22 and in particular restriction placed on Commissioners in terms of this Part;

23 (b) the need to ensure the financial self-sufficiency of the
24 commissioners and the Commission;

25 (c) the salaries paid in the private sector to individuals with equivalent
26 qualifications, experience, responsibilities, expertise and skills; and

27 (d) the nature of the expenses incurred by the Commissioners towards
28 the business of the Commission including national and international travel
29 expenses among others.

1 **24.** -(1) The Commission shall meet for the dispatch of business as Meetings and
2 often as is necessary or expedient and, subject to this section, may adjourn, Procedures of
3 close and otherwise regulate its meetings and procedure as it thinks fit. Commission

4 (2) The Chairman, or a Member nominated by the Chairman other
5 than the Vice Chairman shall preside at all meetings of the Commission.

6 (3) All decisions of the Commission shall be on the basis of
7 majority of the members present and voting.

8 (4) The Vice Chairman, as the CEO, shall not be entitled to a vote
9 on matters presented by him to the Commission;

10 (5) The quorum for the meeting of the Commission shall be four
11 and subject to section 25, at all meetings of the Commission, each
12 Commissioner present shall have one vote on each question before the
13 Commission and, in the event of an equality of votes, the Chairman shall
14 have a casting vote.

15 (6) For a meeting of the Commission to review any previous
16 decision or order taken by the Commission, the quorum shall be no less than
17 the Commissioners present when the decision was taken or order was made.

18 (7) Without derogation from subsection (1) of this section, the
19 Commission may conduct its business by means of written resolution signed
20 by all the Commissioners, provided that, if any Commissioner requires that
21 a matter be placed before all the Commissioners for discussion, this
22 subsection shall not apply to such matter.

23 **25.**-(1) If a Commissioner:

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

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

Commissioner
to disclose interest

1 (c) knows or has reason to believe that a relative of the Commissioner:

2 (i) has acquired or holds a direct or indirect pecuniary interest in any
3 matter that is under consideration by the Commission, or

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

8 (d) if for any reason the private interests of a Commissioner come into
9 conflict with his functions as a Commissioner, the Commissioner shall
10 forthwith disclose the fact to the Commission.

11 (2) A Commissioner referred to in subsection (1) of this section shall
12 neither take part directly or indirectly, nor lobby any persons, including the
13 Chairman, Vice Chairman, other Commissioners in the consideration of or
14 discussions with regards to, or in voting on, any question before the
15 Commission which relates to any contract, right, immovable property or
16 interest referred to in that subsection.

17 (3) A Commissioner shall, prior to accepting his appointment to the
18 Commission, make a declaration of assets in accordance with paragraph 11 of
19 the Fifth schedule to the constitution of the Federal Republic of Nigeria, 1999
20 and shall terminate all other engagements for gain, including appointment to
21 any office in the Public Service.

22 (4) A Commissioner who contravenes subsection (1), (2) or (3) of this
23 section commits an offence and liable on conviction to a fine not exceeding
24 fifty thousand Naira or imprisonment for a period not exceeding three months
25 or to both such fine and imprisonment.

General powers
of the Commission

26 **26.**-(1) The Commission shall have power to:

27 (a) make Policy decisions for the management of the affairs of the
28 Commission;

29 (b) subject to the provisions of this Bill, approve rules and regulations
30 for carrying on the functions of the Commission;

1 (c) fix the terms and conditions of service including remuneration
2 of employees of the Commission;

3 (d) do such other things which in the opinion of the Commission
4 are necessary to ensure the efficient performance of the functions of the
5 Commission;

6 (2) In the absence of a duly constituted Commission, the Minister
7 shall carry out such functions of the Commission as may be required
8 pending the constitution of a new Commission which shall be done within
9 six months of the dissolution of the last one.

10 (3) Any action taken or decision reached in compliance with the
11 provisions of sub-section (2) of this section shall be valid for all intents and
12 purposes.

13 **27.-(1)** The Commission shall have power to make Rules and
14 Regulations for the sector in respect of the matters covered in this section
15 and in section 28.

Specific powers
of the Commission

16 (2) The Commission shall have power to:

17 (a) issue Licences in each Hydrological area with respect to water
18 use and allocation through Catchment Management Offices;

19 (b) require establishment of effective water resources management
20 systems by water users;

21 (c) give written directives to a licensee, authorized developer or
22 other service provider in connection with the functions of the Commission
23 in accordance with the provisions of this Bill and the terms and conditions of
24 the License issued to such Licensee;

25 (d) consult, where appropriate with the President, commercial and
26 industrial organizations, professional bodies, consumers and standards
27 organizations as well as other relevant bodies;

28 (e) delegate any of its powers to a Committee properly constituted
29 in accordance with the provisions of this Bill;

30 (f) require any person to appear before the Commission or any

1 committee of the Commission to:

2 (i) discuss any matter which the Commission deems necessary for the
3 purpose of effective discharge of the Commission's duties under this Bill,
4 and

5 (ii) give evidence or produce any document which is likely to assist
6 the Commission or any of its committees in the discharge of the duties of the
7 Commission under this Bill;

8 (2) The Commission may enter into contracts or partnership with any
9 company, firm or person which in the opinion of the Commission, is intended
10 to facilitate the duties specified in this Bill

11 (3) The Commission may establish and maintain such number of
12 Catchments Management Offices for the discharge of the functions identified
13 in section 29 of this Bill in the Hydrological Areas; and

14 (4) The Commission shall have power to do anything which, in the
15 opinion of the Commission, is necessary to facilitate the carrying out of the
16 functions and achievement of the objectives of the Commission under this Bill.

Regulations of
the Commission

17 **28.** In accordance with the Powers of the Commission to make
18 Regulations pursuant to section 27 of this Bill, the Commission shall make
19 Rules and Regulations in relation to the following matters:

20 (a) technical standards and Codes;

21 (b) payment of license fees, annual levy on gross turn-over by
22 specified licensees and other charges;

23 (c) procedures for obtaining licenses or permits and the conduct of
24 holders of licenses and permits;

25 (d) tariff to be paid for water abstraction and tariff charged by
26 operators;

27 (e) specifications and codes for equipment;

28 (f) accreditation of water quantity and quality testing Agencies;

29 (g) drilling of boreholes and borehole drillers;

30 (h) piping, canal structures and water conveyance facilities; and

1 (i) such other matters as may be considered necessary for the
2 achievement of the objectives of the Commission or referred to it by the
3 Minister or the President.

4 **29.-(1)** For the furtherance of the objects referred to in section 16 of Functions of the
5 this Bill, the Commission shall perform the following functions in relation Commission
6 to national water resources identified in section 2 (1):

7 (a) implement regulatory policies on activities relating to the
8 management of national water resources listed in the first Schedule to this
9 Bill;

10 (b) be responsible for economic and technical regulation of all
11 aspect of National water resources exploitation and provision;

12 (d) issue licences for water resources use in accordance with the
13 provisions of this Bill;

14 (e) monitor the conduct of holders of the licences and to enforce the
15 conditions included in the licences;

16 (f) liaise with relevant Agencies to conduct studies and surveys for
17 the purpose of establishing water resources balance, catchments
18 management plans and water efficiency strategies (including Basin
19 management strategies);

20 (g) interact and consult with approved local and international
21 organizations engaged in Integrated Water Resources Management and
22 liaise with other relevant Agencies to determine Nigeria's input into the
23 setting of international technical standards for Water Resources
24 development within the provisions of this Bill;

25 (h) promote competition in the water resources sector;

26 (i) protect developers and suppliers of public water resources
27 services or facilities under this Bill from unfair practices of other Water
28 Resources developers or services providers which are damaging to
29 competition;

30 (j) facilitate the entry into the market by persons wishing to provide

- 1 water services and facilities;
- 2 (k) protect licensees from misuse of market power by other
3 developers and service providers;
- 4 (l) mediate disputes between all stakeholders especially the licensees
5 and other participants in the water resources sector;
- 6 (m) receive and investigate complaints from licensees, developers
7 and consumers and other persons in the water resources sector;
- 8 (n) liaise with relevant national and international Agencies and advise
9 the Minister on ways of promoting cooperation for effective and equitable
10 management of trans-boundary waters within and outside Nigeria.
- 11 (o) protect the interest of the public by ensuring that the provisions of
12 this Bill are carried out with due regard to public interest;
- 13 (p) protect water users and developers, as well as consumers from
14 unfair practices of licensees and other persons in the supply of water resources
15 services and facilities;
- 16 (q) develop performance indices in relation to the quality of Water
17 Resources services and facilities supplied to consumers having regard to
18 international best practices, performance indicators and Nigerian conditions
19 including dam licencing, safety, monitoring and security;
- 20 (r) render report to the President annually on the regulation of water
21 resources in Nigeria, including regulations issued by the Commission, tariff
22 charged by the Commission, licences and all other matters as have been
23 addressed by the Commission within the year immediately preceding such
24 report;
- 25 (s) regulate operational rules of dams, barrages weirs, diversion
26 works and other hydraulic works that affect the flow of water in a river taking
27 into account principles of any national policy or strategy on reservoir
28 operations and dams safety;
- 29 (t) regulate other activities that may affect water quantity or quality
30 including dredging and programs for weed prevention, clearing and

1 containment activities;

2 (u) facilitate technical assistance through research and
3 development as well as through international and other partnerships in all
4 aspects of Integrated Water Resources Management; and

5 (v) perform such other functions which in the opinion of the
6 Commission are required for the purpose of achieving its objectives under
7 this Bill.

8 (2) For the purpose of subsection (1) of this section, water
9 resources management includes securing water for the people, food
10 production, job creating activities, protection of vital ecosystem, recreation
11 and hydro power, containment of the variability of water in time and space,
12 management of risks and any other activities that impact National Water
13 Resources as described in S.2 (1).

14 (3) Without derogating from subsection (1), the Commission shall
15 perform its functions and exercise its powers in such a manner as it considers
16 best in achieving any of its objectives under this Bill.

17 (4) The Commission may carry out any of its functions in
18 association with any person or authority as may be considered necessary for
19 the efficient performance of functions under this Bill, including delegation
20 of management and administrative functions to the private sector under a
21 contractual arrangement.

22 (5) In the discharge of its functions, the Commission shall consult,
23 from time to time, and to the extent the Commission considers appropriate,
24 such persons or groups of persons who may or are likely to be affected by the
25 decisions or orders of the Commission including, but not limited to States,
26 communities, licensees, consumers, potential investors, and other interested
27 parties.

28 **30.-(1)** The Commission shall not be subject to the control of any
29 person in respect of the exercise of its functions, the issuance of any

Directives on
policy issue

1 Directives, Determination, Orders or Report, or conduct of any inquiry or
2 hearing.

3 (2) The President and the Minister may issue general Policy direction
4 to the Commission on matters relating to water resources management
5 generally which the Commission shall take into consideration in exercising its
6 functions provided that such directions shall not be in conflict with the
7 provisions of this Bill, the objectives of the Commission and the Constitution
8 of the Federal Republic of Nigeria.

Supplementary
rules for the
conduct of
Commission
activities

9 31.-(1) In addition to the provisions of section 24, the Commission
10 shall be guided by the provisions in the fourth Schedule in the conduct of its
11 Proceedings.

12 (2) The Commission may develop additional rules of business to
13 guide its Public Hearings, inquiries and investigations such Rules not being in
14 conflict with this Bill.

No invalidity of
decisions or acts
of the Commission

15 32.-(1) No decision or act of the Commission or act done under the
16 Direction of the Commission shall be invalid on the ground that:

- 17 (a) there existed a vacancy or vacancies among the Commissioners;
18 (b) there existed some defect in the constitution of the Commission at
19 the time the decision was taken or act was done or authorised.

20 (2) If a Commissioner referred to in section 31 takes part in the
21 consideration of a matter in which his private interests are in conflict with his
22 functions as Commissioner, the other Commissioners may subsequently ratify
23 any such decision or action.

Regulatory
proceedings of
the Commission

24 33.-(1) The Commission shall be entitled to conduct its proceedings,
25 consultations and hearings at its headquarters, at relevant catchment
26 management Offices or at any other place in Nigeria.

27 (2) The Commission shall make regulations for the discharge of its
28 functions and for the conduct of its proceedings, consultations and hearings,
29 including procedures for the participation of licensees, other water users,
30 potential investors, and other stakeholders.

1 **34.** -(1) The Chairman shall ensure that all Commission decisions
2 and orders:

Decisions,
directives and
orders of the
Commission

3 (a) contain the basis for the decision or order;
4 (b) are properly recorded in writing; and
5 (c) are accessible to the public at reasonable times, places and
6 relevant internet platforms.

7 (2) The Commission shall issue written reasons in respect of any
8 decisions or orders affecting the existing rights of any person, if the affected
9 person requests such written reasons.

10 (3) The Commission may issue written reasons in respect of any
11 other decision or order as the Commission deems necessary.

12 (4) Every recommendation, Declaration, Decision or Order of the
13 Commission, if purporting to be signed by a person describing himself as the
14 Chairman of the Commission, or by a person describing himself as the Vice-
15 Chairman acting in the capacity of the Chairman, shall, unless the contrary is
16 shown, be deemed to be made by the Commission and to have been so
17 signed and may be proved by the production of a copy thereof purporting to
18 have been so signed.

19 (5) The Commission may make interim orders pending the final
20 disposition of a matter before it.

21 **35.**-(1) The Commission may hold a hearing of any matter, which
22 under this Bill or any other enactment is required or permitted to conduct or
23 on which it is required or permitted to take any action and the Commission
24 shall hold public hearing on matters which the Commission determine to be
25 of significant interest to the general public.

Commission to
give notice to
interested persons

26 (2) Where the Commission is required to, or otherwise decides to,
27 hold a hearing, all persons having an interest in such matter shall, as far as
28 reasonably practicable, be notified of the questions at issue and given
29 opportunities for making representations if they so wish.

Commission to consult experts on technical questions	1	36. When any matter arises which entails the consideration of any
	2	professional or technical question, the Commission may consult such persons
	3	as may be qualified to advise thereon.
Enforcement of Commission's decisions, directives, and orders	4	37.- (1) The decision of the Commission shall be binding on the party
	5	(ies) to whom such decision is directed.
	6	(2) A decision made by the Commission under this Part may be
	7	enforced by the Federal High Court as if the decision is a judgment of such
	8	Court.
	9	(3) Any Licensee that, without reasonable cause, fails to or refuses to
	10	comply with an Order or directive given under this Section shall be liable to a
	11	penalty of up to N1,000,000 (one Million naira) and a further penalty of not less
	12	than N50,000 for every day during which the non-compliance continues.
	13	(4) An Order of the Commission may also prescribe the penalty for
	14	non-compliance with such Order provided that such penalty shall not be in
	15	excess of what is provided in Regulations on the subject of such Order or this
	16	section whichever is higher.
Re-hearing and appeals	17	38.- (1) Subject to this section, any person who is aggrieved by:
	18	(a) a decision of the Commission not to issue a licence;
	19	(b) any term or condition of a licence issued to him, or a refusal by the
	20	Commission to specify a term or condition in a licence;
	21	(c) a refusal by the Commission to renew a licence;
	22	(d) any amendment of a licence or a refusal by the Commission to
	23	amend a licence;
	24	(e) the cancellation of a licence;
	25	(f) the grant or refusal by the Commission to grant any approval or
	26	authorisation in terms of this Bill;
	27	(g) the outcome of any arbitration or mediation by the Commission of
	28	a dispute between licensees;
	29	(h) a decision of the Commission with respect to prices or tariffs;
	30	(i) any other decision of the Commission;

1 may apply to the Commission for review of the decision, order or refusal.

2 (2) The Commission may, reconsider, vary or rescind its decisions
3 before issuing a final decision, in accordance with such procedures as the
4 Commission may establish; provided that such review or consideration shall
5 be completed within sixty days of the date it is requested.

6 (3) The decisions of the Commission on questions of fact shall be
7 final Unless the court otherwise directs.

8 **39.**-(1) If any question of law arises from an Order or Decision of
9 the Commission, the Commission may, on its own initiative, or any person
10 directly affected by such Order, may reserve such question for the decision
11 of the Federal High Court.

Appeals on
questions of law

12 (2) Where a question has been reserved under subsection (1) of this
13 section, the Commission shall state the question in the form of a special case
14 and file it with the Registrar of the Federal High Court.

15 (3) Any party wishing to challenge a decision of the Commission in
16 court must give the Commission a minimum of 14 days' Notice of intention
17 to sue.

18 **40.**-(1) There shall be appointed by the Commission a Secretary
19 who shall not be a Commissioner but shall possess relevant professional
20 qualifications, with not less than 10 years post-qualification experience.

Appointment of
Secretary to the
Commission

21 (2) The Secretary shall keep the corporate records of the
22 Commission and perform such other duties and functions as the Chairman
23 or the Chief Executive may from time to time direct.

24 (3) The Secretary may perform Legal advisory Services for the
25 Commission where the Commission deems this expedient.

26 (4) A Secretary who is appointed to serve as Secretary and Legal
27 Advisor as specified in (3) shall Possess a minimum of ten years Post-Call
28 cognate Legal Experience.

29 **41.**-(1) The Commission shall employ such persons as it considers
30 expedient for the better exercise of the functions of the Commission.

Staff of the
Commission

1 (2) The terms and conditions of service, including remuneration,
2 allowances and pension benefits, of the staff of the Commission shall be as
3 determined by the Commission.

4 (3) Subject to subsection (5) of this section, the Commission may
5 assign to its staff such functions of the Commission deems fit.

6 (4) Any assignment of functions under subsection (3) of this section
7 may be made either generally or specially and subject to such reservations,
8 restrictions and exceptions as the Commission may determine, and may be
9 revoked by the Commission at any time.

10 (5) Anything authorised or required by or under this Bill to be done
11 by the Commission, other than the making of final orders, may be done by any
12 member of the Commission staff who has been authorized either generally or
13 specifically by the Commission to do so.

Exemption from
liability

14 **42.** No personal liability shall attach to any employee of the
15 Commission or to a Commissioner for any loss or damage sustained by any
16 person as a result of the bona fide exercise or discharge by such employee or
17 Commissioner of any duty arising from or imposed pursuant to this Bill.

Funds and resources
of the Commission

18 **43.-** (1) The Commission shall establish and maintain a Fund from
19 which shall be defrayed all expenditure incurred by the Commission.

20 (2) There shall be paid and credited to the fund established in
21 subsection (1) of this section:

22 (a) fees, charges and other income accruing to the Commission from
23 licensees and other things done by it in terms of this Bill, excluding any fines or
24 penalties recovered pursuant to this Bill;

25 (b) 2% of the Nigeria Ecological Fund;

26 (c) funds allocated to the Commission by the National Assembly,
27 pursuant to a request by the Commission for additional funds required to meet
28 its reasonable expenditures;

29 (d) such grants or Loans as may, from time to time, be granted or
30 received from:

1 (i) the organised private sector other than water users or potential
2 Licensees;

3 (ii) international donor agencies, development partners and non-
4 governmental and inter-governmental organisations provided that the terms
5 of such grants or Loans do not conflict with the role of the Commission in
6 regulating the sector in terms of this Bill; and

7 (e) all other assets that may, from time to time accrue to the
8 Commission.

9 **44.** The Commission shall apply the proceeds of the fund
10 established pursuant to section 43 of this Bill to:

Application of
the Fund

11 (a) the cost of the administration of the Commission;

12 (b) the payment of salaries, fees, remunerations allowances and
13 pensions payable to Members and the employees of the Commission;

14 (c) the payment for all contracts, including mobilization,
15 fluctuations, variations, legal fees and cost of contract administration;

16 (d) the payment for all purchases;

17 (e) conduct and support research towards improving integrated
18 water resources management and regulation; and

19 (f) undertake such other activity as are connected with all or any of
20 the functions of the Commission under this Bill.

21 **45.-(1)** The Commission may accept gifts of land, money or other
22 property on such terms and conditions as may be specified by the person or
23 organization.

Gifts, etc. to the
Commission

24 (2) The Commission shall not accept any gift if the conditions
25 attached by the person or organization making the gift are inconsistent with
26 the functions of the Commission under this Bill.

27 **46.** The Commission with prior consent of the President subject to
28 the approval of the National Assembly may borrow on such terms and
29 conditions as the Commission may determine, such sums of money as the
30 Commission may require in the exercise of its functions under this Bill.

Borrowing powers

Budget provisions and financial year	1	47. -(1) The Commission shall, not later than 30th September each
	2	year submit to the National Assembly through the President an estimate of the
	3	expenditure and income of the Commission during the next succeeding year.
	4	(2) The financial year of the Commission shall be the period of
	5	Twelve months ending on the 31st December in each year.
	6	(3) The provisions of any enactment relating to the taxation of
	7	companies or trust funds shall not apply to the Commission.
Annual report	8	48. The Commission shall prepare and submit to the President not
	9	later than 30th June each year, a report in such form as the President may direct
	10	on the activities of the Commission during the immediate preceding year, and
	11	shall include in the report a copy of the audited account of the Commission for
	12	the financial year and the auditor's report.
Additional facilities and personnel	13	49. -(1) In the exercise of its functions under this Bill, the Commission
	14	may request from any public organization, relevant equipment, facility or
	15	personnel which may assist the Commission in the efficient and effective
	16	regulation of the National water resources sector in Nigeria in accordance with
	17	S.2(1).
	18	(2) The Commission shall pay adequate compensation for loss or
	19	damage arising from the use of any equipment or facility received under this
	20	section of this Bill.
Acquisition of land, properties, etc.	21	50. -(1) For the purpose of providing offices and premises necessary
	22	for the performance of its functions under this Bill, the Commission, may,
	23	subject to the Land Use Act:
	24	(a) purchase, or take on lease, any interest in land, or other property;
	25	and
	26	(b) construct offices and premises and equip and maintain same.
	27	(2) The Commission may, subject to the Land Use Act and the prior
	28	approval of the President, sell or lease any office or premises held by it, which
	29	offices or premises is no longer required for the performance of its functions
	30	under this Bill.

1 **51.**-(1) Subject to section 37, any person who contravenes any Contravention of
2 provisions of this Bill, rules or regulations made under this Bill is guilty of regulations
3 an offence and liable on conviction, where no specific penalty is prescribed,
4 to:

5 (a) a fine of 50,000 Naira or to imprisonment for a term not
6 exceeding 1 year or, to both, such fine and imprisonment as a first offender;
7 and

8 (b) a fine of 1000,000 Naira or to imprisonment for a term not
9 exceeding 3 years or to both, such fine and imprisonment for subsequent
10 convictions and for a continuing contravention under section 64 (1) of this
11 Bill, a fine of 100, 000 Naira for each day that the offence continues.

12 (2) The Commission may make regulations generally to provide
13 for the imposition of a fine and in any proper case, for the payment of
14 compensation or for confiscation of the equipment or facilities as it may
15 deem fit.

16 (3) Where an offence against this Bill or any rules or regulations
17 made has been committed by a body corporate or a partnership, the body
18 corporate or partnership shall on conviction, be liable to a fine not less than
19 500,000 Naira.

20 (4) Any director or partner found to have been negligent or to have
21 willfully connived in the commission of the offence shall upon conviction,
22 be liable to a term of imprisonment not exceeding 1 year.

23 **52.**-(1) There is established for each Hydrological Area, a Establishment of
24 Catchment Management Office (in this Bill referred to as "CMO") which catchment
25 shall be part of the operational structure of the Commission and shall be management offices
26 responsible to the Commission in all its activities.

27 (2) The purpose of a Catchment Management Office shall be to
28 implement in each Hydrological Basin over which it has responsibility, the
29 regulations and Policies which the Commission are empowered to issue and
30 formulate in accordance with S.2(1) and S.15 (1) of this Bill.

1 (3) The CMO shall have the duty to protect, conserve and control
2 National water resources and their use within its Hydrological Area or Basin
3 for equitable and sustainable social and economic development and to
4 maintain environmental integrity in accordance with the Policies and
5 Regulations developed by the Commission.

6 (4) The CMO shall:

7 (a) comprise sufficient supporting staff of various relevant
8 competencies;

9 (b) produce quarterly reports which shall be sent to the office of the
10 CEO;

11 (c) be accountable to the Commission for all funds accruing to it in the
12 course of discharging its functions under this Bill; and

13 (d) perform other duties as may be assigned by the Commission.

14 (5) All decisions of the CMO shall be subject to the approval of the
15 Commission.

Management of
the Catchment
Management
Offices (CMO)

16 **53.** Each Catchment Management Office shall be headed by a
17 Catchment Officer who shall be:

18 (a) at least a Deputy Director in the Service of the Commission with
19 experience in water resources management; or

20 (b) a person with a minimum of 12 years' cognate experience in the
21 management of water resources from the private Sector; or

22 (c) a person who has held Management position in a public quoted
23 company for a minimum of 10 years.

Functions of the
Catchment
Management
Offices

24 **54.** The CMO shall, with respect to National Water Resources in
25 accordance with S.2(1) and S.15(1) of this Bill:

26 (a) implement the Policies, regulations and Strategies of the
27 Commission at the Catchment and Basin Level subject to necessary approvals
28 from the Commission and the CEO;

29 (b) formulate and implement a water resources management strategy
30 approved by the Commission for its area of operation or Hydrological Area

1 including thematic strategies relevant to the situation in its area in
2 accordance with the National water resources Strategy;

3 (c) in accordance with the Regulations of the Commission, protect,
4 conserve, and control water resources and their use within its Basin for
5 equitable and sustainable social and economic development and to maintain
6 environmental integrity, including management and protection of river and
7 lake catchments;

8 (d) prepare an indicative basin strategy and plan for its water
9 management area;

10 (e) advise interested persons on the protection, use, development,
11 conservation, management and control of the water resources in its Basin;

12 (f) with respect to water sources declared to be national water
13 resources in terms of section 2 and Schedule 1 of this Bill, advise the
14 Commission on licencing, water allocation, wastewater discharge,
15 construction of hydraulic works and other related activities in accordance
16 with Part V of this Bill;

17 (g) implement the Commission's Tariff Policy for raw water
18 abstractions and monitor water abstraction;

19 (h) implement and monitor regulations for the operation of dams,
20 barrages, weirs, diversion works and other hydraulic works that affect the
21 flow of water in a river issued by the Commission taking into account
22 principles of any national policy or strategy on reservoir operations and
23 other matters peculiar to the relevant Hydrological area;

24 (i) promote improved river quality through a cooperative working
25 arrangement with Federal and State Environmental Protection Agencies;

26 (j) promote community participation in the protection, use,
27 development, conservation, management and control of the water resources
28 in its Basin;

29 (k) co-ordinate the related activities of water users and of the other
30 water management institutions within its Basin;

1 (l) maintain a database on hydro-meteorological, hydrological,
2 hydro-geological and other water monitoring networks and related climate
3 risk and climate scenario assessment data occurring within its area of
4 responsibility;

5 (m) monitor water use and the quality of water sources within its
6 Basin and take action for remediation where water quality is or may be
7 adversely affected under section 132 of this Bill;

8 (n) facilitate resolution of water-related conflicts relating to its Basin;

9 (o) participate in ad-hoc Committees and coordinate with other
10 CMOs in upstream or downstream Basins as provided by section 11 (1) of this
11 Bill;

12 (p) implement regulations of the Commission relating to other
13 activities that may affect water quantity or quality including dredging and
14 programs for weed prevention, clearing and containment activities and by
15 Order of the Commission, direct relevant parties to undertake necessary
16 action with respect thereto;

17 (q) prepare an annual report for the Commission describing the status
18 of the Basin's water resources, major issues impacting the Basin, actions
19 necessary to be taken and propose related future plans and necessary financial
20 report;

21 (r) promote co-ordination with the implementation of any applicable
22 development plan established pursuant to any other law or policy in the water
23 resources sector; and

24 (s) inform and discuss with the Catchment Stakeholder Advisory
25 Committee, proposed basin strategies, regulations and studies with respect to
26 the matters in this section.

The catchment
stakeholder
advisory
committee

27 **55.**-(1) There shall be established for each Hydrological Area, a
28 Catchment Stakeholder Advisory Committee comprising the following
29 Members:

30 (a) a Member of the Commission sitting for that purpose as Chairman;

- 1 (b) a representative from the Nigeria Hydrological Services
2 Agency;
- 3 (c) a representative of the relevant RBDA for the basin;
- 4 (d) in respect of each of the States within the Hydrological Area, a
5 representative of each of the following:
- 6 (i) the Ministry responsible for water resources;
- 7 (ii) the Ministries responsible for the environment and for
8 Agriculture;
- 9 (iii) the State Emergency Management Agency;
- 10 (iv) the Federation of Water Users Associations;
- 11 (v) the State Water Utilities;
- 12 (vi) State Water Regulatory Body where available;
- 13 (vii) State Environment protection Agency;
- 14 (viii) relevant Chamber of Commerce and Industry;
- 15 (ix) National Geological Survey Agency.
- 16 (2) The Catchment Management Office may invite any party
17 considered relevant to the deliberations of the Catchment Stakeholder
18 Advisory Committee to participate only for the purpose of making
19 contributions to the matters being considered by the Committee as deemed
20 necessary.
- 21 **56.-(1)** The role of the Catchment Stakeholder Advisory
22 Committee shall be advisory only while final decision on any matter
23 presented to the Committee shall be that of the Commission.
- 24 (2) The Catchment Committee shall advise the Catchment
25 Management Office on all matters relating to the following:
- 26 (a) issuance of licences for raw water abstraction;
- 27 (b) setting of tariffs;
- 28 (c) basin policies;
- 29 (d) basin management strategies;
- 30 (e) conflict resolution within the catchment; and

Role of the
Catchment
Stakeholder
Advisory
Committee

	1	(f) water quality control; and
	2	(g) other matters pertinent to the basin.
Proceedings of the catchment stakeholder advisory committee	3	57. The meetings of the Catchment Committee shall be on quarterly
	4	basis or as deemed necessary in accordance with rules drawn up by the
	5	Commission.
Limitation of suits	6	58. -(1) A suit shall not lie or be instituted in any court against the
	7	Commission or its employees unless it is commenced:
	8	(a) within 3 months after the act, neglect or default complained of; and
	9	(b) in the case of a continuation of damage or injury, within 3 months
	10	after the ceasing thereof.
	11	(2) A suit shall not be commenced against a Commissioner or any
	12	other officer or employee of the Commission before the expiration of a period
	13	of one month after service of a written notice of the intention to commence the
	14	suit on the Commission by the intending plaintiff or his agent.
	15	(3) The notice' referred to in subsection (2) of this section shall clearly
	16	state the:
	17	(a) cause of action;
	18	(b) particulars of claim;
	19	(c) name and place of abode of the intending plaintiff; and
	20	(d) relief sought.
Service of documents	21	59. The notice in section 58 (2) of this Bill, summons or other
	22	document required or authorized to be served on the Commission under the
	23	provisions of this Bill or any other law or enactment may be served by:
	24	(a) delivering to the Chief Executive Officer; or
	25	(b) sending through registered post, addressed to the Executive
	26	Secretary at the principal office of the Commission.
Restriction on execution against property	27	60. -(1) In any action or suit against the Commission, no execution or
	28	attachment of process in any nature shall be issued against the Commission
	29	unless a notice of not less than 3 months of the intention to execute or attach has
	30	been given to the Commission.

1 (2) Any sum of money awarded against the Commission by the
2 judgment of any court shall, subject to any direction given by the court
3 where notice of appeal against the judgment has been given, be paid from the
4 Fund of the Commission.

5 PART V - LICENSING

6 **61.**-(1) Subject to the provisions of sections 3 and 72 of this Bill,
7 the use of water shall be subject to licensing provisions under this Part and
8 relevant regulations issued by the Commission.

Consideration for
issue of licences
and general
authorizations

9 (2) In considering an application for water use or waste water
10 discharge licence or a general authorisation, and in stipulating any
11 conditions to be imposed thereon, the CMO shall take into account such
12 factors as it considers relevant while advising the Commission, including:

- 13 (a) national water resources Policy and Strategy;
- 14 (b) existing lawful uses of the water; including customary use to the
15 extent that such use does not conflict with the provisions of the Bill, or water
16 resources policy of the Government or Hydrological Area Water Resources
17 Strategy;
- 18 (c) efficient and beneficial use of water in the public interest;
- 19 (d) any basin management strategy applicable to the relevant water
20 resource including consideration of water conservation measures;
- 21 (e) the likely effect of the water use to be authorised on the water
22 resource and on other water users, including avoidance of significant harm
23 to customary users;
- 24 (f) the class and resource quality objectives of the water resource;
- 25 (g) the investments already made and to be made by the water user
26 in respect of the water use;
- 27 (h) the strategic importance of the water use to be authorized;
- 28 (i) the quality of the water in the water resources which may be
29 required for the reserve and for meeting international obligations; and
- 30 (j) the probable duration, if any, undertaking for which a water use

	1	is to be authorized.
Licensing categories	2	62. Any person who, undertakes the following activities (in this
	3	section referred to as "prescribed activities") in relation to national water
	4	sources described in S. 2(1) and listed in the First Schedule to this Bill, shall be
	5	licensed by the Commission:
	6	(a) abstraction of surface water and groundwater;
	7	(b) diversion, pumping, storage or use on a commercial scale of any
	8	water;
	9	(c) the construction of boreholes for commercial purposes;
	10	(d) construction and operation of hydraulic structures for rivers,
	11	dams, water intake barrages, groynes, bed and bank stabilisation, dykes,
	12	polders, wells;
	13	(e) public and private irrigation and drainage systems;
	14	(f) diversion or impoundment of water for the purposes of mining and
	15	discharge of waste water from mining into any water course;
	16	(g) discharging industrial or agricultural waste or wastewater into a
	17	water body through a pipe, canal, sewer, sea outfall or other conduit according
	18	to environmental standards;
	19	(h) disposing in any manner of water which contains waste from, or
	20	which has been heated in, any industrial or power generation process according
	21	to standards defined by the relevant environment standards enforcement
	22	agency;
	23	(i) undertaking drainage and land reclamation;
	24	(j) removing, discharging or disposing of water found underground if
	25	it is necessary for the efficient continuation of an activity or for the safety of
	26	people;
	27	(k) leachate containment activities according to environmental
	28	standards;
	29	(l) capital dredging;
	30	(m) sand dredging, rock blasting and rock removal in rivers;

1 (n) construction of infrastructure, roads and bridges across rivers
2 and streams;

3 (o) any works affecting the banks and beds of water courses;

4 (p) carrying out commercial inland fisheries;

5 (q) transportation of "Specified Substances" over the watercourse;

6 (r) activities which reduce stream flow; and

7 (s) using reservoirs for recreational purposes.

8 **63.**-(1) An existing lawful water use, in relation to water resources Existing lawful
9 identified in S.2 (1) of this Bill means a water use which: use

10 (a) has taken place at any time during a period of two years
11 immediately before the date of commencement of this Bill; and

12 (b) was authorized by or under any law which was in force
13 immediately before the date of commencement of this Bill.

14 (2) A person or the person's successor-in-title, may continue with
15 an existing lawful use, subject to:

16 (a) any existing conditions or obligations attach to that use;

17 (b) its replacement by a licence within the specified period in
18 accordance with regulations made pursuant to this Bill; and

19 (c) any other limitation or prohibition by or under this Bill.

20 (3) The Commission may, subject to any regulation made under
21 this Bill, require the registration of an existing lawful water use.

22 **64.**-(1) No person shall undertake any of the prescribed activities Application for
23 defined in section 62 of this Bill except in accordance with a license issued a licence
24 by the Commission or a general authorization pursuant to this Bill.

25 (2) Where a person has made an application for an authorization to
26 use water under another law, and that application has not been finalized
27 when this Bill takes effect, the application shall be regarded as being an
28 application for a water use under this Bill.

29 (3) An application shall be in a form approved by the Commission

1 and shall be accompanied by such documents as shall be prescribed by the
2 Commission.

3 (4) An application shall be accompanied by the required application
4 fee as may be fixed by the Commission from time to time.

5 (5) The Commission:

6 (a) may, where necessary, require the applicant, at the applicant's
7 expense, to obtain and provide it by a given date with:

8 (i) other information, in addition to the information contained in the
9 application;

10 (ii) an assessment by a competent person of the likely effect of the
11 proposed licence on the resource quantity and quality; or

12 (iii) an independent review of the assessment furnished under
13 subparagraph (ii) of this paragraph, by a person acceptable to the Commission;

14 (b) may conduct its own investigation on the likely effect of the
15 proposed licence on the protection, use, development, conservation,
16 management and control of the water;

17 (c) may invite written comments from any organ of state which or
18 person who has an interest in the matter; and

19 (d) shall afford the applicant an opportunity to make representations
20 on any aspect of the licence application.

21 (6) An applicant is responsible for:

22 (a) demonstrating compliance and consistency with the respective
23 basin water resources strategy, resource quality objectives or reserve
24 determination as appropriate to the type of licence being applied for; and

25 (b) complying with the requirements of other Acts and regulations,
26 including those relating to environmental assessment and management,
27 climate risk and scenario assessment and related matters.

28 (7) The Commission may, at any stage of the application process,
29 require the applicant to:

30 (a) give suitable notice in newspapers and other media in a form and

- 1 with content prescribed by the Commission:
- 2 (i) describing the licence applied for;
- 3 (ii) stating that not less than 21 days written objections may be
- 4 lodged against the application after the last publication of the notice;
- 5 (iii) giving an address where written objections must be lodged;
- 6 and
- 7 (iv) containing such other particulars as the Commission may
- 8 require;
- 9 (b) take such other steps as it may direct to bring the application to
- 10 the attention of relevant organs of state, interested persons and the general
- 11 public; and
- 12 (c) satisfy the Commission that the interests of any other person(s)
- 13 having an Interest in the adjoining land area will not be adversely affected.
- 14 **65.**-(1) A licence contemplated in this Part shall specify the:
- 15 (a) water use or uses or activity for which it is issued;
- 16 (b) property or area in respect of which it is issued;
- 17 (c) person to whom it is issued;
- 18 (d) conditions subject to which it is issued;
- 19 (e) licence period, which shall not exceed 25 years for hydro Power
- 20 generation Projects and 10 years for other Projects, provided that licences
- 21 for discharges shall be treated on a case by case basis; and
- 22 (f) the periods during which the licence may be reviewed.
- 23 (2) Subject to the provisions of subsection (3) of this section, and
- 24 notwithstanding the provisions of subsection (1) of this section, the
- 25 Commission may extend the licence period of a licence if this is done as part
- 26 of a general review of licences.
- 27 (3) An extension of a licence period contemplated under
- 28 subsection (2) of this section may only be made after the Commission has
- 29 considered the factors specified in section 68 of this Bill, and all other
- 30 relevant factors, including new applications for water use, and has

Essential contents
of licences

1 concluded that there are no substantial grounds not to grant an extension.

2 (4) If the validity period of a licence is extended in pursuant to the
3 provisions of subsection (3) of this section, the licence in respect of the period
4 for which it is extended may be issued, subject to different conditions which
5 may include a lesser permitted water use.

Determination
of application

6 **66.**-(1) The Commission may grant or refuse to grant an application
7 for the issue of a license for any reason the Commission considers appropriate
8 having regard to the objectives specified in section 1 of this Bill.

9 (2) In determining whether to grant an application or not the
10 Commission shall:

11 (a) follow the procedure for notification and consultation as stipulated
12 in regulations issued by the Commission from time to time pursuant to section
13 141 of this Bill; and

14 (b) be satisfied that harm will not be caused to existing lawful uses,
15 including customary uses, subject to provisions to vary the terms of existing
16 licenses under this Bill.

17 (3) The Commission shall notify the applicant for a license, and any
18 person who has objected to the application in writing of its decision to grant or
19 refuse to grant the application and in the case of a decision to refuse to grant the
20 application, of the reasons for its decision.

21 (4) The Commission shall keep a register of licences issued with
22 respect to water sources within its area of authority which register shall be
23 available for the inspection of the public in accordance with the rules of the
24 Commission in respect thereof.

25 (5) The issue of a licence to use water does not imply a guarantee
26 relating to the:

27 (a) statistical probability of supply;

28 (b) availability of water; or

29 (c) quality of water.

- 1 **67.** -(1) With respect to National water resources as described in Emergency powers
2 S.2(1), where the Commission is satisfied that, by reason of an actual or in case of shortage
3 anticipated exceptional shortage of water in a hydrological area, or by of water
4 reason of accident or other unforeseen circumstance, including but not
5 limited to climatic effects and factors, a serious deficiency of water for
6 essential domestic purposes or damage to the environment exists, or is
7 threatened in any area, the Commission may by Order-
- 8 (a) declare that an emergency exists; and
- 9 (b) direct a person who has a supply of water in excess of his needs
10 to reduce the amount he is permitted to abstract under the terms of any
11 licence or general authorization.
- 12 (2) Any person who fails to comply with the directive/Order of the
13 Commission issued pursuant to the provisions of subsection (1) of this
14 section commits an offence.
- 15 (3) Subject to reasonable notice to owner of such land, and such
16 other measures that the Commission may consider necessary to overcome
17 the shortage of water or the effect of any accident, an Order by the
18 Commission under this Section may require or authorize:
- 19 (a) the laying of pipes and the construction of works on such land as
20 required to address the shortage;
- 21 (b) the entry on to such land by officers or agents of the
22 Commission.
- 23 (4) If a person to whom an Order under this section is directed fails
24 to comply with the Order, the Commission or any person to whom it
25 delegates such power-
- 26 (a) may take possession of the water system and operate any works
27 of the person concerned for the drawing, diversion, or use of water; and
- 28 (b) may exercise the person's rights in connection with the
29 abstraction of water during the period of the Order.
- 30 (5) It shall be the duty of any person exercising any powers under

1 this section to do so with reasonable care and in such a manner as to cause as
2 little damage as possible in so doing.

3 (6) A person who, without lawful authority, hinders or obstructs any
4 person acting in pursuance of an Order under this Section, or interferes with
5 any works constructed or under construction in pursuance of such an order,
6 commits an offence.

7 (7) Subject to section 37, any person who contravenes any provision
8 of this section commit an offence and liable, on first conviction to a minimum
9 fine of N50,000 Naira or imprisonment for a period not exceeding 2 years, or to
10 both such fine and imprisonment and in the case of a second or subsequent
11 conviction to a minimum fine of N100,000 Naira or imprisonment for a period
12 not exceeding 5 years or to both such fine and imprisonment.

Conditions of
licences

13 **68.-** (1) The Commission may attach conditions to every general
14 authorization or licence-

15 (a) relating to the protection of-

16 (i) the water resource in question;

17 (ii) the stream flow regime; or

18 (iii) other existing and potential users;

19 (b) relating to water management by-

20 (i) specifying practices and general requirements for any water use,
21 including water conservation and protection;

22 (ii) requiring the monitoring, analysis and reporting on water use or
23 water quality;

24 (iii) requiring the preparation, approval and adherence to a water
25 management plan;

26 (iv) requiring the payment of water charges as provided for in section
27 69 of this Bill;

28 (v) requiring the licensee to provide or make water available to a
29 person specified in the licence; and

30 (vi) in the case of a general authorization, requiring the registration of

1 the water use with the responsible Authority and the payment of a
2 registration fee as a pre-condition of that use;

3 (c) relating to a return flow and discharge or disposal of waste-

4 (i) specifying a water resource to which it must be returned or
5 disposed of;

6 (ii) specifying permissible levels for some or all of its chemical and
7 physical properties in accordance with standards and guidelines issued by
8 the Federal Ministry or Agency responsible for the regulation and
9 enforcement of Environmental Standards and relevant Regulations issued
10 by the Commission,

11 (iii) specifying treatment to which it must be subjected before it is
12 discharged; and

13 (iv) specifying the volume which may be returned;

14 (d) in the case of taking or storing of water-

15 (i) setting out the specific quantity or percentage of water which
16 may be taken;

17 (ii) setting out the rate of abstraction;

18 (iii) setting out the method of construction of a borehole;

19 (iv) specifying the place from where water may be taken;

20 (v) specifying the times when water may be taken;

21 (vi) identifying or limiting the area of land on which any water
22 taken from a resource may be used;

23 (vii) limiting the quantity of water that may be stored; and

24 (viii) specifying locations where water may be stored;

25 (e) in the case of a licence-

26 (i) specifying times when water may or may not be used;

27 (ii) containing provisions for its termination if an authorized use of
28 water is not implemented or not fully implemented; or

29 (iii) designating water for future or contingent use which have been
30 agreed to by the licensee; and

Charges for water
use

- 1 (f) which are necessary or desirable to achieve-
- 2 (i) the purpose for which the licence was issued; and
- 3 (ii) compliance with the provisions of this Bill.
- 4 **69.**-(1) The use of water abstracted from a national water resource in
- 5 accordance with S. 2(1) shall be subject to a water charge that reflects -
- 6 (a) the available water and resource quality objectives;
- 7 (b) the costs of water resources development and management;
- 8 (c) the affordability of water among water users;
- 9 (d) the equitable, efficient and sustainable allocation of water; and
- 10 (e) consideration for climate risks and effects, protection and
- 11 conservation of the national water resource and water related environment.
- 12 (2) The water charge shall form a source of income for the
- 13 Commission.
- 14 (3) The pricing structure for water use adopted by the Commission
- 15 shall be approved by the National Council and may-
- 16 (a) differentiate on an equitable basis between different-
- 17 (i) types of geographic areas;
- 18 (ii) categories of water use; and
- 19 (iii) water users.
- 20 (b) include subsidies to promote equitable allocation;
- 21 (c) provide a transparent mechanism for establishing charges; and
- 22 (d) define any circumstances under which water charges may be
- 23 subject to waiver.
- 24 (4) The pricing structure for waste water discharges shall be approved
- 25 by the National Council and may provide a differential rate taking into account
- 26 the-
- 27 (a) context in the area concerned;
- 28 (b) characteristics of the waste discharged;
- 29 (c) amount and quality of the waste discharged;

1 (d) nature and extent of an impact on a water resource caused by the
2 waste discharged;

3 (e) extent of permitted deviation from prescribed waste standards
4 or management practices; and

5 (f) required extent and nature of monitoring the water discharge.

6 (5) The pricing structure shall prescribe procedures for recovery of
7 water charges.

8 (6) In preparing the pricing structure the Commission shall follow
9 procedures for public consultation set out in section 141 of this Bill.

10 **70.**-(1) A licensee may, before the expiration of a licence, apply to
11 the Commission for the renewal or amendment of the licence in a form and
12 containing such information as may be required by the Commission.

Renewal, review,
variation and
cancellation

13 (2) A licence may, at the request of the licensee, be varied by the
14 Commission if the Commission is satisfied that the variation is not contrary
15 to the public interest or the rights of others, so as to-

16 (a) vary the point of abstraction or diversion;

17 (b) vary the use of water authorized by the licence;

18 (c) to remedy any defect whereby the licence is incomplete or
19 indefinite in its terms and conditions; or

20 (d) to reflect one or more successors-in-title as new licensees.

21 (3) A variation relating to the use of water or terms and conditions
22 of a licence shall not be made without public consultation in accordance
23 with section 141.

24 (4) The Commission may vary a licence or its conditions where, it
25 is shown to the satisfaction of the Commission, that owing to climate factors
26 and effects, changes in hydrological conditions, prolonged drought,
27 increased demand or other cause, the use of water under a licence, or the
28 method or point of abstraction or other manner in which the water is sourced,
29 causes-

30 (a) inequity;

1 (b) a deterioration in the quality of water;
2 (c) a shortage of water for domestic purposes; or
3 (d) a shortage of water for any other purpose which in the opinion of
4 the Commission should have priority.

5 (5) A variation contemplated in sub-section (4) of this section may
6 only be made if the conditions of other licences for similar water use from the
7 same water resource in the same vicinity, as determined by the Commission,
8 are also being amended in an equitable manner through a general review
9 process.

10 (6) Notwithstanding the provisions of sub-section (4) of this section, a
11 Commission may review the terms of a licence, other than the time period, only
12 at the periods stipulated in a licence for that purpose

13 (7) A licensee whose license is varied under subsections (4) or (5) of
14 this section and, as a result of which the economic viability of any undertaking
15 is severely prejudiced, shall be paid compensation in such an amount as shall
16 be agreed between the Licensee and the Commission, or in default of
17 agreement, as may be determined by the appeals procedures under this Bill.

18 (8) A licensee may, before the expiration of a licence, apply to the
19 Commission for the renewal or amendment of a licence which shall be dealt
20 with according to the same procedures and considerations as application for a
21 new licence.

22 (9) A licence may be cancelled, suspended or varied by the
23 Commission if the licensee-

24 (a) contravenes any conditions of the licence; or

25 (b) fails to make beneficial use of the water or any part thereof.

26 (10) No licence shall be varied, suspended or cancelled under this
27 section unless notice of the proposed variation, suspension or cancellation has
28 been served on the licensee and the licensee has been afforded a reasonable
29 opportunity to show cause to the Commission why the licence should not be
30 varied or cancelled.

- 1 71.-(1) Subject to S. 2(1) of this Bill, the Commission may, Groundwater
2 following public consultation, by order published in the Gazette, declare an conservation areas
3 area to be a groundwater conservation area in cases where the Commission
4 is satisfied that, in the public interest in such area, special measures for the
5 conservation of groundwater are necessary for the protection and efficient
6 management-
- 7 (a) of public water supplies;
8 (b) of the environment; or
9 (c) for water supplies used for agriculture, industry or other private
10 purposes.
- 11 (2) The Commission may impose such requirements, and regulate
12 or prohibit such conduct or activities, in or in relation to groundwater
13 conservation areas such as the Commission may deem necessary to protect
14 the area.
- 15 72.-(1) The Commission may, in relation to National Water General
16 Resources as provided in S.2 (1) and in accordance with Regulations made authorizations
17 pursuant to this Bill, authorize all or any category of persons to use water by
18 notice in the Gazette-
- 19 (a) generally;
20 (b) in relation to a specific water resource; or
21 (c) within an area specified in the notice,
22 (2) The notice referred to in subsection (1) of this section -
23 (a) shall state the geographical area in respect of which the general
24 authorization will apply and the date upon which the general authorization
25 will come into force; and
26 (b) may state the date on which the general authorisation will lapse.
27 (3) A water use may be authorized under subsection (1) of this
28 section on condition that the user obtains any permission or authority
29 required by any other specified law.
30 (4) Before issuing a general authorization, the Commission shall-

1 (a) publish a notice in the Gazette setting out the proposed general
2 authorisation and an address to which and date before which comments are to
3 be submitted;

4 (b) consider what further steps, if any, are appropriate to bring the
5 contents to the attention of interested persons and, take those steps which it
6 considers appropriate; and

7 (c) consider all comments received on or before the date specified.

8 (5) Any authorization to use water under this section does not replace
9 or limit any entitlement to use water which a person may otherwise have under
10 this Bill.

Contravention of
licence provisions

11 **73.**-(1) Any person who contravenes the provisions of section 64 (1)
12 commits an offence and is liable on conviction to a fine of not less than N1,000,
13 000 Naira or to imprisonment for a period of 2 years or to both such fine and
14 imprisonment.

15 (2) The Commission shall have the authority to order any person who
16 contravenes section 64 (1) of this Bill to cease such activities and to make such
17 other orders as may be deemed necessary to prevent continuation or
18 reoccurrence of the contravention.

19 (3) The Commission shall have the authority to penalize a licensee for
20 violation of the terms and conditions of his license or to cancel or suspend such
21 license in accordance with the provisions of this Bill.

Delegation of
powers to regulate
groundwater
abstraction through
borehole drilling

22 **74.**-(1) In relation to Water Sources falling within the description of
23 National Water Resources in accordance with S. 2 (1) and the first schedule to
24 the Bill, no person shall commence or carry any kind of borehole drilling
25 business for extraction of water except in accordance with Regulations to be
26 issued by the Commission.

27 (2) Any driller who fails to comply with the provisions of any
28 Regulations made pursuant to S.(1) commits an offence and on conviction
29 shall be liable to a term of imprisonment not exceeding two years or to a fine
30 not exceeding N500,000 or to both fine and a term of imprisonment.

1 (3) The Penalty in S.(2) above may apply to a single offence and for
 2 every additional day that the offence continues Regulations on groundwater
 3 abstraction and Drilling of boreholes.

4 PART VI - ESTABLISHMENT, FUNCTIONS AND POWERS OF RIVER
 5 BASIN DEVELOPMENT AUTHORITIES (RBDA)

6 **75.-** (1) There are hereby established River Basin Development Establishment of
 7 Authorities to be known by the names specified in column 1 of the Third River Basin
 8 Schedule to this Bill which shall have such powers and exercise such Development
 9 functions as are specified in this Bill. Authorities

10 (2) The objectives of the Authorities shall be to harness, develop Schedule
 11 and manage available national surface and ground water resources as
 12 described in S.2(1) as well as the Third Schedule to this Bill with a view to
 13 improving agriculture and providing raw water for multi-purpose uses.

14 (3) Each Authority shall operate within the area specified in
 15 column 2 schedule 3 to this Bill and have its headquarters in the location
 16 specified in column 3 of the said.

17 (4) Each Authority shall be a body corporate with perpetual
 18 succession and a common seal and may sue and be sued in its corporate
 19 name.

20 (5) Each Authority shall be subject to the regulatory oversight of
 21 the Commission as a water user pursuant to the provision of this Bill.

22 **76.-**(1) Each Authority shall have a Part-time Board consisting of: Membership of
 23 the Board of each
 24 Authority

(a) Chairman appointed by the President upon recommendation of
 24 the Minister;

25 (b) a representative of the Federal Ministry for Water Resources;

26 (c) a representative of the Federal Ministry of Agriculture;

27 (d) Commissioners for Water Resources from each State in the
 28 Basin; and

29 (e) a full time Managing Director.

30 (2) The Board of each Authority shall have power to:

	1	(a) formulate the general business plans, policies and guidelines
	2	relating to the achievement of the objectives of the Authority in accordance
	3	with this Bill, the regulations of the Commission and the National Water
	4	Resources Policies and Strategies as well as Basin strategies Basins relevant to
	5	their individual Basins;
	6	(b) supervise the management of the affairs of the Authority; and
	7	(c) subject to the provisions of this Bill and the regulations of the
	8	Commission, set fees and charges relating to services rendered by the
	9	Authority.
	10	(3) The provisions of the Fifth Schedule to this Bill shall have effect
	11	with respect to the proceedings of each Authority and the other matters therein
	12	mentioned.
Tenure of office of members of each Authority	13	77.- (1) The Members of the Board other than ex-officio members
	14	shall hold office for a term of four years and no more.
	15	(2) The Managing Director shall hold office for a period of five years
	16	and no more
	17	(3) A member may resign his appointment by a letter addressed to the
	18	Minister.
Remuneration	19	78. Members of the Board of the Authorities shall be paid such
	20	remuneration and allowances as may be determined by National Salaries,
	21	Income and Wages Commission.
Functions of each Authority	22	79.- (1) The functions of each Authority shall be, in relation to
	23	National Water Resources as described in S. 2 (1) and the first Schedule to this
	24	Bill within the area of responsibility of each Authority:
	25	(a) to undertake comprehensive development of both surface and
	26	underground water resources for multipurpose use with particular emphasis on
	27	the provision of irrigation infrastructure, control of floods and erosion, for inter
	28	basin transfer and for water-shed management;
	29	(b) to construct, operate and maintain dams, dykes, polders, wells,
	30	boreholes, irrigation and drainage systems, and other works necessary for the

1 achievement of the Authority's functions and allocate lands within the
2 Authority's area of operation and within the irrigation schemes to the
3 farmers for cultivation;

4 (c) supply raw water from each Authority's reservoirs for
5 irrigation, water supply, recreation as well as other uses under commercially
6 viable arrangements in accordance with the regulations of the Commission
7 and any other Regulations on WUA issued by the Minister in accordance
8 with section 90 of this Bill;

9 (d) to construct, operate and maintain infrastructural services such
10 as roads and bridges linking project sites- provided that such infrastructural
11 services are included and form an integral part of the approved list of
12 projects;

13 (e) to develop and keep up-to-date, as part of a Basin strategy Plan,
14 a comprehensive water resources Master-plan identifying all water
15 resources requirements in the Authority's area of operation, through
16 adequate collection and collation of water resources, water use, socio-
17 economic and environmental data of the River Basin in consultation with the
18 Commission;

19 (f) to procure, in consultation with the Commission, private
20 investment and Public Private Partnership Agreements for the development
21 of infrastructure necessary for the achievement of the Authority's mandate;

22 (g) promote auxiliary developments such as agro-allied industries,
23 fisheries and water tourism in the Authority's area of operation;

24 (h) enter into agreements with Hydro-electric Power generation
25 Companies for the use of the dams within its control for Hydro-Power
26 generation subject to Licenses to be issued by the Commission and
27 Regulations of the Commission;

28 (i) in cooperation with Federal and State Ministry of Agriculture,
29 support agriculture generally and in particular provide extension services in
30 crop; Livestock and fish farming.

1 (2) Projects within the limits of the functions enumerated in
2 subsection (1) of this section shall be executed with the approval of the
3 Minister responsible for water resources.

Powers of the
Authority

4 **80.**-(1) An Authority shall have power to prescribe, terms and
5 conditions of service by way of Service Level Agreements and contracts with
6 Water Users and other third parties with which it transacts business, including
7 rules for the management of irrigation, drainage and flood management
8 systems and infrastructure by which water is abstracted or transferred to the
9 water Users in accordance with regulations issued by the Commission and the
10 Minister.

11 (2) An Authority may with the approval of the Minister borrow
12 money required in the exercise of its functions under this Bill, on such terms
13 and conditions as the Authority may determine.

Restriction on
acquisition of
land, etc.

14 **81.**-(1) No River Basin Development Authority may acquire or lease
15 land or take over any existing project without the knowledge and consent of the
16 State Government in its area of operation in which such land is located.

17 (2) The acquisition and control of land for development for irrigation
18 by each Authority shall be as provided under the Land Use Act.

Appointment of
Managing Director
and Executive
Directors of the
Authority

19 **82.**-(1) Each Authority shall have a Managing Director who shall be
20 the Chief Executive Officer of the Authority and shall possess cognate
21 experience in the management of water resources.

22 (2) There shall be five Executive Directors appointed by the
23 President on the recommendation of the Minister as follows:

24 (a) Executive Director (Planning, investigations and design);

25 (b) Executive Director (Engineering Services);

26 (c) Executive Director (Agriculture and Commercial Services);

27 (d) Executive Director (Finance and Administration);

28 (e) Executive Director (Environment, Ecology, Climate Adaptation,
29 Mitigation and Community Relations.

30 (3) Each of the Executive Directors shall possess a minimum of ten

1 years cognate experience in the fields relevant to their assigned Department.

2 (4) The Board shall determine the scope of activities to be covered
3 by each of the departments subject to the approval of the minister.

4 (5) The Board may recommend to the Minister the appointment of
5 additional Executive Directors for new departments as deemed expedient
6 which appointment shall be in accordance with subsection (2) of this
7 section.

8 **83.-** (1) The Board of each Authority shall appoint a Legal Advisor
9 who shall also serve as the Secretary to the Board.

Appointment of
Secretary and
Legal Advisor

10 (2) The Secretary shall:

11 (a) be a legal practitioner with a minimum of 10 years post-call
12 experience in legal practice and shall provide legal advisory services to the
13 Authority;

14 (b) be responsible for keeping the books and proper records of
15 proceedings and correspondences of the Board and the upkeep of the records
16 of the Authority;

17 (c) administer and discharge all insurance requirements of the
18 Authority;

19 (d) recommend the engagement of external legal services on behalf
20 of the Authority as may be necessary; and

21 (e) perform such other functions as the Board or the Managing
22 Director as the case may be, may from time to time assign to him.

23 **84.** Each Authority shall have power:

Staff of the
Authority

24 (a) to appoint from the public or private sector, such staff and upon
25 such terms as it may determine;

26 (b) to pay its staff such remuneration and allowances as are payable
27 to persons of equivalent grades in the civil service of the Federation;

28 (c) as regards any staff, to pay such pension and gratuities as are
29 payable under the Pensions Reform Act; and

30 (d) to give loans to its staff for purposes approved by the Authority.

Management of
Irrigation
Infrastructure

1 **85.** -(1) Each Authority shall be responsible for the management of all
2 irrigation and drainage systems and infrastructure within its Basin.

3 (2) Where the Minister considers it expedient for sustainability and
4 effectiveness, the Minister may approve the devolution to Water User
5 Associations the responsibility for the management, operation and
6 maintenance of the irrigation infrastructure within the area of operation of such
7 WUA in accordance with Regulations to be issued by the Minister in
8 consultation with the Authority and the Commission.

9 (3) Subject to the Regulations mentioned in subsection (2), the WUA
10 may provide water to its members and collect and retain fees for the operation,
11 maintenance, expansion and improvement of that infrastructure:

12 Provided that WUA shall be accountable for the fees so collected to
13 the Minister.

14 (4) The WUA shall be considered customers of the Authority and shall
15 enter into necessary agreements for the supply of irrigation water and payment
16 for such water with the Authority in accordance with the Regulations in
17 subsection (2).

18 (5) A WUA shall comprise all holders of land within its area of
19 operation in the areas served by the irrigation infrastructure under the control
20 of the Authority as may be from time to time.

Funds of each
Authority

21 **86.** -(1) Each Authority shall maintain an account from which shall be
22 paid all expenditure incurred by the Authority.

23 (2) There shall be paid or credited to the fund:

24 (a) such sums of money as may be appropriated by the National
25 Assembly or by the government of any State in the Federation for the purposes
26 of this Bill either by way of budgetary allocations, loans or grants; and

27 (b) Such other sums of money as may, from time to time, accrue to the
28 Authority:

29 Provided that revenue generated internally by each Authority's fees or
30 charges from operation of dams, irrigation and water supply either directly by

- 1 (a) a Chairman;
- 2 (b) one representative each of the following:
- 3 (i) Ministry responsible for Water Resources,
- 4 (ii) Ministry responsible for environment and climate matters,
- 5 (iii) Ministry responsible for Agriculture,
- 6 (iv) Nigeria Meteorological Services Agency,
- 7 (v) National Water Resources Institute;
- 8 (vi) Nigeria Association of Hydro-Geologists;
- 9 (vii) Nigeria Association of Hydrological Sciences;
- 10 (viii) six persons, one each from the six geo-political zones appointed
- 11 on rotational basis among the States in the zone to serve a term of 2 years and
- 12 (c) the Director-General of the Agency.

Tenure of office

- 13 **91.** A Member of the Board other than an ex-officio Member, shall
- 14 hold office:
- 15 (a) for a term of 4 years and no more; and
- 16 (b) on such other terms and conditions as may be specified in the
- 17 Letter of appointment.

Cessation of
Membership

- 18 **92.**-(1) Notwithstanding the provisions of section 96 of this Bill, a
- 19 person, other than an ex-officio Member shall cease to hold office as a Member
- 20 of the Board, if he:
- 21 (a) becomes bankrupt;
- 22 (b) is convicted of a felony or any offence involving dishonesty or
- 23 fraud;
- 24 (c) becomes of unsound mind or is incapable of carrying out his
- 25 duties;
- 26 (d) is guilty of a serious misconduct in relation to his duties;
- 27 (e) possesses a professional qualification and is disqualified or
- 28 suspended from practicing his profession in any part of the country by an order
- 29 of a competent authority; or
- 30 (f) he resigns his appointment by a letter addressed to the President.

1 (2) Where a Member of the Board ceases to hold office for any
 2 reason before the expiration of the term to which he was appointed, another
 3 person representing the same interest as that Member shall be appointed to
 4 the Board for the unexpired term.

5 (3) A Member may be removed by the President directly or on the
 6 recommendation of the Minister if he is satisfied that it is not in the interest
 7 of the Agency or public that the Member continues in that office.

8 **93.** Notwithstanding any provisions of this Bill:

9 (a) the Minister shall, exercise all the powers of the Board where
 10 the:

11 (i) Board has not been constituted; or

12 (ii) Board has been dissolved;

13 (b) the board of the Agency shall be constituted in accordance with
 14 section 95 within three months of dissolution of the board; and

15 (c) any action taken or decision reached in compliance with the
 16 provision of this subsection shall be valid.

17 **94.** A Member of the Board shall be paid such allowances as the
 18 President may, from time to time, direct.

19 **95.**-(1) The Agency shall;

20 (a) advise the Federal and States Governments on all aspects of
 21 hydrology and hydro-geology;

22 (b) project, prepare and interpret Federal Government policy in the
 23 field of hydrology;

24 (c) work with local and international meteorological services
 25 Agencies and Institutions, to issue forecasts for floods and other water
 26 related issues;

27 (d) provide hydrological services in agriculture, drought and
 28 desertification activities;

29 (e) provide hydrological services in operational hydrology and
 30 water resources activities;

Dissolution and
non-constitution
of the Board

Allowances of
members etc.

Functions of the
Agency

- 1 (f) collect, process and disseminate hydrological data and
2 information within and outside Nigeria;
- 3 (g) keep in safe custody all hydrological records in the Agency's
4 archive;
- 5 (h) promote uniform standards of observation of all hydrological
6 phenomena in Nigeria;
- 7 (i) promote international standards and best practices in hydrological
8 operations;
- 9 (j) train, conduct and undertake research particularly in the field of
10 surface and groundwater and other related areas of hydrology;
- 11 (k) provide consultancy services to the public on hydrology;
- 12 (l) monitor hydrology components of the environment, including
13 ground water pollution through industrial, commercial and agricultural
14 activities and issue relevant forecasts in relation thereto;
- 15 (m) establish stations for hydrological observation;
- 16 (n) carry out river training activities to improve conveyance of water
17 in river channels including, monitoring of the sediment load using the latest
18 technology available and provide this data to other Sector institutions and the
19 Federal Government;
- 20 (o) as part of the requirements for Licensing by the Commission,
21 carry out geo-physical investigations for siting ground water development
22 projects, for dam foundation and for saline water intrusion and advise Federal
23 and State governments of the result of such investigation;
- 24 (p) carry out other activities as are necessary and expedient for the full
25 discharge of any of its functions under this Bill; and
- 26 (q) Promotion of research and development, capacity building and
27 international best practices over climate scenario assessment, impact of
28 climate change on hydrology and mitigation and adaptation strategies.
- 29 (2) Without prejudice to the functions in subsection (1) of the section,
30 the Agency shall, where it is required, in consultation with the Commission and

1 relevant National and State Agencies, in particular Emergency relief
 2 Agencies, issue standards for the hydrological requirements for all sector
 3 activities, including environmental impact assessments, waterway
 4 transportation, natural disasters and relief management issues.

5 **96.** The Board shall have power to:

Powers of the
Board

6 (a) formulate the general policies and guidelines relating to the
 7 functions of the Agency;

8 (b) supervise the management of the affairs of the Agency;

9 (c) formulate policy guidelines which, in the opinion of the Board,
 10 are necessary to ensure the efficient performance of the functions of the
 11 Agency; and

12 (d) engage local and international expertise in the performance of
 13 its activities.

14 **97.**-(1) There shall be for the Agency a Director-General who shall
 15 be appointed by the President on the recommendation of the Minister.

Appointment,
etc., of the Director-
General

16 (2) The Director - General shall be-

17 (a) the Chief Executive and Accounting Officer of the Agency;

18 (b) responsible to the Board for the day-to-day administration of
 19 the Agency; and

20 (c) a professional with a minimum of ten years cognate experience
 21 who has held a management position in a public or Private organization for
 22 not less than 10 years.

23 (3) The Director-General shall hold office on such terms and
 24 conditions as are specified in his Letter of appointment for a period of four
 25 years and may be eligible for appointment for a further period of four years
 26 and no more.

27 **98.**-(1) The Board of the Agency shall appoint a Legal Advisor who
 28 shall also serve as the Secretary to the Board.

Appointment of
Secretary and
Legal Advisor

29 (2) The Secretary shall:

30 (a) be a legal practitioner with a minimum of 10 years post-call

1 experience in legal practice and shall provide legal advisory services to the
2 Agency;

3 (b) be responsible for keeping the books and proper records of
4 proceedings and correspondences of the Board and the upkeep of the records of
5 the Agency;

6 (c) administer and discharge all insurance requirements of the
7 Agency;

8 (d) recommend the engagement of external legal services on behalf of
9 the Agency as may be necessary; and

10 (f) perform such other functions as the Board or the Director-General
11 as the case may be, may from time to time assign to him.

Appointment of
other staff

12 **99.** The Agency shall have power:

13 (a) to appoint from the public or private sector, such staff and upon
14 such terms as it may determine subject to the approval of the Head of service of
15 the Federation;

16 (b) to pay its staff such remuneration and allowances as are payable to
17 persons of equivalent grades in Research Institutes in Nigeria;

18 (c) as regards any staff, to pay such additional allowances as may
19 reflect the nature of the specialized qualification, skills and experience of such
20 staff as well as specialised duties to be performed by the staff comparative to
21 similar professionals in the private sector subject to the approval of the
22 National income, salaries and wages Commission;

23 (d) pay to such staff pension and gratuities as are payable under the
24 Pensions Reform Act; and

25 (e) to give loans to its staff for purposes approved by the Authority.

Funds of the
Agency

26 **100.** There is established for the Agency a Fund into which shall be
27 paid;

28 (a) 2% of the Ecological Fund;

29 (b) all subventions and budgetary allocations appropriated by the
30 National Assembly;

1 (c) gifts, loans, grants-in-aid from national, bilateral and
2 multilateral Agencies;

3 (d) returns on investments made by the Agency.

4 **101.-(1)** The Agency shall apply the proceeds of the Fund Expenditure
5 established under section 105 of this Bill:

6 (a) to the cost of administration of the Agency;

7 (b) to the payment of emoluments, allowances and benefits of
8 members of the Board, reimbursing members of any committee of the Board
9 and for such expenses as may be expressly authorized by the Board;

10 (c) to the payment of the salaries, fees or other remunerations or
11 allowances, gratuities, pensions and other benefits payable to the officers
12 and other employees of the Agency, provided that no payment of any kind
13 under this paragraph shall be made to any person who is, within the relevant
14 period, in receipt of emoluments from the Federal or State Government,
15 except expressly authorised by the Board;

16 (d) for the development and maintenance of any property vested in
17 or owned by the Agency;

18 (e) to support necessary research towards the enhancement of
19 hydrological forecasting and disaster prevention locally and internationally;

20 (f) to publicize and promote the activities of the Agency; and

21 (g) to undertake such other activities in connection with all or any
22 of its functions under this Bill.

23 (2) Notwithstanding the provisions of subsection (1) of this
24 section, funds generated internally by the Agency through, charges, fees and
25 consultancy services shall be paid directly into the Federation Account.

26 (3) If after audit any surplus should be transferred to rural water
27 supply development.

28 **102.-(1)** The Agency shall, not later than 30th September in each Annual estimates
29 year, submit to the Minister an estimate of its expenditure and income, and accounts
30 including payments to the fund for the next succeeding year.

1 (2) The Agency shall keep proper accounts in respect of each year and
2 proper records in relation to those accounts and shall cause its accounts to be
3 audited within 6 months after the end of each year by auditors appointed from
4 the list and in accordance with the guidelines supplied by the Auditor-General
5 of the Federation.

Annual reports

6 **103.**-(1) The Agency shall prepare and submit to the Federal
7 Executive Council, through the Minister, not later than 6 months after the end
8 of each year, a report in such form as the Minister may direct on the activities of
9 the Agency during the immediately preceding year, and shall include in the
10 report a copy of the audited accounts of the Agency for that year and the
11 auditor's report on the accounts.

12 (2) Such reports shall highlight the impact of the activities of the
13 Agency on related and relevant national issues and phenomena including
14 climate change mitigation and adaptation, forecasts and disaster prevention
15 among others.

Power to accept
gifts

16 **104.** The Agency may accept any gift of land, money or other property
17 on such terms and conditions, if any, as may be specified by the person or
18 organization making the gift, provided that such terms and conditions are not in
19 conflict with the objectives of the Agency and the provisions of this Bill.

Power to borrow

20 **105.** The Agency may from time to time, borrow such sums as it may
21 require for the performance of its functions under this Bill in accordance with
22 Federal Financial Regulation subject to the approval of the Minister through
23 the Board.

Limitation of
suits

24 **106.** -(1) A suit shall not lie or be instituted in any court against the
25 Agency or its employees unless it is commenced:

26 (a) within 3 months after the act, neglect or default complained of; and

27 (b) in the case of a continuation of damage or injury, within 3 months
28 after the ceasing thereof.

29 (2) A suit shall not be commenced against a Member of the Board,
30 Director-General or any other officer or employee of the Agency before the

1 expiration of a period of 1 month after service of a written notice of the
2 intention to commence the suit on the Agency by the intending plaintiff or
3 his agent.

4 (3) The notice referred to in subsection (2) of this section shall
5 clearly state the:

6 (a) cause of action;

7 (b) particulars of claim;

8 (c) name and place of abode of the intending plaintiff; and

9 (d) relief sought.

10 **107.** The notice in section 111 (2) of this Bill, summons or other
11 document required or authorized to be served on the Agency under the
12 provisions of this Bill or any other law or enactment may be served by:

Service of
documents

13 (a) delivering to the Director-General; or

14 (b) sending through registered post, addressed to the Director -
15 General at the principal office of the Agency.

16 **108.-(1)** In any action or suit against the Agency, no execution or
17 attachment of process in any nature shall be issued against the Agency
18 unless a notice of not less than 3 months of the intention to execute or attach
19 has been given to the Agency.

Restriction on
execution against
property

20 (2) Any sum of money awarded against the Agency by the
21 judgment of any court shall) subject to any direction given by the court
22 where notice of appeal against the judgment has been given, be paid from the
23 Fund of the Agency.

24 PART VIII - ESTABLISHMENT, FUNCTIONS AND POWERS OF THE
25 NATIONAL WATER RESOURCES INSTITUTE (NWRI)

26 **109.-(1)** There is hereby established an institute to be known as the
27 "National Water Resources Institute" (in this Bill referred to as "the
28 Institute") which shall be a body corporate with perpetual succession and a
29 common seal and may sue and be sued in its corporate name.

Establishment
and functions of
the National Water
Resources Institute

30 (2) The Institute shall be responsible for the promotion and

1 development of training courses in water resources management and related
2 fields and without prejudice to the generality of the fore-going shall:

3 (a) advise the Minister on national water resources training needs and
4 priorities;

5 (b) perform engineering research functions related to such major
6 water resources projects as may be required for flood control, river regulation,
7 reclamation, drainage, irrigation, domestic and industrial water supply, sewage
8 and sewage treatment;

9 (c) perform such ancillary services on planning of water resources
10 management and river basin development and produce necessary codes of
11 practice in water resources engineering, related to and suitable for Nigerian
12 conditions, in consultation with relevant Sector institutions;

13 (d) in consultation with the Minister and Sector Professionals and
14 Institutions, promote the establishment of a uniform national data collection
15 system relating to surface and groundwater resources;

16 (e) provide for the training of engineers and technicians on short
17 courses and formulate programmes of work in the field of water resources;

18 (f) establish and maintain a water resources library documentation
19 and conference centre;

20 (g) publish or sponsor publication of water resources journals;

21 (h) promote co-operation in water resources development
22 management with similar bodies in other countries and with international
23 bodies connected with water resources management and operation;

24 (i) promote improved technical capacity and capability of all
25 professionals and non-professionals in the sector towards effective water
26 resources management and issue advisories on required competencies for
27 identified roles and duties which may be adopted by Sector institutions;

28 (j) carry out such other activities as are necessary or expedient for the
29 full discharge of its functions under this Bill; and

30 (k) promote improved resource, technical capacity and knowledge

1 development and mobilization on international best practices on integrated
2 water resources management, ecological sustainability, climate adaptation
3 and mitigation.

4 **110.-** (1) There shall be a governing Board of the Institute (in this
5 Bill referred to as "the Board") which shall consist of:

Establishment
of the Governing
Board of the Institute,
its functions etc.

6 (a) a part-time Chairman, who shall be a Professional with a
7 minimum of fifteen years' experience in the water Sector;

8 (b) a representative of:

9 (i) a university or other institution of higher learning in Nigeria not
10 below the rank of a Senior Lecturer in a water-related discipline;

11 (ii) the Federal Ministry of Water Resources not below the rank of a
12 Director;

13 (iii) the Federal Ministry of Science and Technology;

14 (iv) the Nigeria Society of Engineers; and

15 (v) the Nigeria Hydrological Services Agency;

16 (vi) the Nigeria Association of Hydro-geologists; and

17 (c) the Director-General of the Institute.

18 (2) The Chairman and other members of the Board other than Ex-
19 officio Members shall be appointed by the President on the recommendation
20 of the Minister.

21 (3) The Board shall, in general, outline the policy and decide in
22 broad terms on the programme of work of the Institute and prepare detailed
23 estimates of expenditure which will be required to carry out such
24 programmes.

25 (4) The Chairman and other Members of the Board other than the
26 DG and the ex-officio members shall hold office for a term of five years and
27 no more.

28 (5) Notwithstanding the provisions of subsection (4) of this
29 section, the office of a Member of the Board mentioned in subsection (4) of
30 this section shall become vacant if:

1 (a) he resigns his office by notice in writing under his hand, addressed
2 to the Minister; or

3 (b) the President is satisfied that it is not in the interest of the Institute
4 for the person appointed to continue in office and notifies the Member in
5 writing to that effect.

6 (6) Members of the Board may be paid such sitting and other
7 allowances as may, from time to time, be approved by the Minister.

8 (7) The Board may act notwithstanding any vacancy in its
9 Membership or any defect in the appointment of a Member or the absence of a
10 Member.

11 (8) In the absence of a duly constituted Board of the Institute, the
12 Minister may perform the duties of the Board for a maximum period of six
13 months within which a Board must be duly constituted.

14 (9) The provisions of Fifth Schedule to this Bill shall have effect with
15 respect to matters under this Part.

Director-General
and other Staff
of the Institute

16 **111.**-(1) There shall be a Director-General of the Institute who shall be
17 appointed by the President on the recommendation of the Minister for a term of
18 five years and no more.

19 (2) The Director General, shall possess a Doctorate Degree in a
20 relevant discipline with a minimum of fifteen years' cognate experience.

21 (3) Subject to the general control of the Board, the Director-General
22 shall be the Chief Executive and Chief Accounting Officer of the Institute and
23 shall be responsible for the execution of the policies of the Institute and the day-
24 to-day running of its affairs.

Appointment of
Secretary and
Legal Advisor

25 **112.**- (1) The Board of the Institute shall appoint a Legal Advisor who
26 shall also serve as the Secretary to the Board.

27 (2) The Secretary shall:

28 (a) be a legal practitioner with a minimum of 10 years post-call
29 experience in legal practice and shall provide legal advisory services to the
30 Institute;

1 (b) be responsible for keeping the books and proper records of
2 proceedings and correspondences of the Board and the upkeep of the records
3 of the Institute;

4 (c) administer and discharge all insurance requirements of the
5 Institute;

6 (d) recommend the engagement of external legal services on behalf
7 of the Institute as may be necessary; and

8 (e) perform such other functions as the Board or the Director-
9 General as the case may be, may from time to time assign to him.

10 **113.-(1)** The Institute shall have power:

Staff of the
Institute

11 (a) to appoint from the public or private sector, such staff and upon
12 such terms as it may determine subject to the approval of the Head of service
13 of the Federation;

14 (b) to pay its staff such remuneration and allowances as are payable
15 to persons of equivalent grades in the civil service of the Federation;

16 (c) as regards any staff, to pay such additional allowances as may
17 reflect the nature of the specialized qualification, skills and experience of
18 such staff comparative to similar professionals in the private sector subject
19 to the approval of the National income, salaries and wages Commission;

20 (d) pay to such staff pension and gratuities as are payable under the
21 Pensions Reform Act provided that nothing in this Bill shall prevent the
22 appointment of a person to any office on terms which preclude the grant of
23 pension and gratuity in respect of that office; and

24 (e) to give loans to its staff for purposes approved by the Authority.

25 (2) Pensions Service in the Institute shall be public service for the
26 purpose of the Pension Act and, accordingly, officers and other staff of the
27 Institute shall in respect of their service in the Institute be entitled to such
28 pensions, gratuities and other retirement benefits as are prescribed
29 thereunder, provided that nothing in this Bill shall prevent the appointment
30 of a person to any office on terms which preclude the grant of pension and

1 gratuity in respect of that office.

2 (3) in accordance with (2) of this section and for the purposes of
3 providing for the application of the provisions of the Pensions Act, any power
4 exercisable thereunder by a Minister or other authority of the Government of
5 the Federation not being power to make regulations are hereby vested in and
6 shall be exercisable by the Board and not by any other person or authority.

Power to accept
gifts, etc.

7 **114.**-(1) Subject to the provisions of subsection (2) of this section,
8 the Institute may accept gifts of land, money or other property upon such terms
9 and conditions, if any, as may be specified by the person making the gift and as
10 may be acceptable to the Institute taking into account undue influence, ethical
11 due diligence and unfettered ability of the Institute to discharge its functions
12 under this Bill.

13 (2) The Institute shall not accept any gift if the conditions attached by
14 the person making the gift are inconsistent with its functions under this Bill.

Offices and
premises

15 **115.**-(1) For the purpose of providing offices and premises necessary
16 for the performance of the functions of the Institute under this Bill, the Board
17 may:

18 (a) purchase or take on lease any land; and

19 (b) build, equip and maintain offices and premises.

20 (2) The Board may, with the approval of the Minister, give out on
21 lease any land, office or premises held by the Institute and no longer required
22 for the performance of the functions of the Institute under this Bill.

Financial
provisions

23 **116.**-(1) The Institute shall establish and maintain a fund (in this Bill
24 referred to as "the fund of the Institute") from which there shall be defrayed all
25 expenditure incurred by the Institute.

26 (2) There shall be paid and credited to the fund of the Institute
27 established under subsection (1) of this section:

28 (a) such sums as may, from time to time, be appropriated by the
29 National Assembly;

30 (b) all monies raised for the purposes of the Institute by way of gifts,

1 grant-in-aid, testamentary dispositions and sales of publications;

2 (c) all subscriptions, fees and charges for training and other
3 services rendered by the Institute;

4 (d) 1% of the Ecological Fund; and

5 (e) all other sums that may accrue to the Institute from time to time.

6 **117.**-(1) The Board shall keep proper accounts and proper records Accounts and
7 in relation to the fund and shall prepare in respect of each financial year a audit
8 statement of accounts in such form as the Minister may direct.

9 (2) The Board shall ensure that the accounts of the Institute shall be
10 audited annually by auditors appointed from the list and in accordance with
11 guidelines issued by the Auditor-General for the Federation.

12 **118.** -(1) The Board shall prepare and submit to the Minister, not Annual report
13 later than 6 months before the end of any financial year an estimate of its
14 revenue and expenditure for the following financial year.

15 (2) The Board shall prepare and submit to the Minister not later
16 than the end of each financial year a report in such form as the Minister may
17 direct on the activities of the Institute during the immediately preceding
18 financial year, and shall include in the report a copy of the audited accounts
19 of the Institute for that year and of the auditors' report on the accounts.

20 (3) The Minister shall submit the report and recommendations
21 made by him to the President.

22 **119.**-(1) No suit shall be commenced against the Institute before Procedure in
23 the expiration of a period of 1 month after the service of a written notice of respect of suits
24 intention to commence on the Institute by the intending plaintiff or his agent against the Institute

25 (2) The notice shall clearly state the:

26 (a) cause of action;

27 (b) particulars of the claim;

28 (c) name and place of abode of the intending plaintiff; and

29 (d) relief which he claims.

Service of documents	1	120. The notice referred to in section 124 of this Bill and any
	2	summons, notice or other document required or authorized to be' served upon
	3	the Institute under the provisions of this Bill or any other enactment or law may
	4	be served by delivering the same to the Chairman of the Board or the Director-
	5	General of the Institute, or by sending it by registered post, addressed to the
	6	Director-General at the principal office of the Institute.
Restriction on execution against the property of the Institute	7	121. In any action or suit against the Institute, no-execution or
	8	attachment or process shall be issued against the Institute, provided that any
	9	sum of money awarded against the Institute by the judgment of a court shall,
	10	subject to any directions given by the Institute, be paid from the fund of the
	11	Institute.
Power to give direction	12	122. The Minister may give to the Board directions of a general nature
	13	or relating generally to particular matters with regard to the exercise by the
	14	Board of its functions under this Bill, and it shall be the duty of the Board to
	15	comply with such direction.
	16	PART IX - WATER RESOURCES PLANNING AND MANAGEMENT
National Water Resources Strategy	17	123. -(1) The Minister shall, after public consultation and discussion
	18	by the National Council on Water Resources, formulate and publish in the
	19	Gazette, a national water resources strategy in accordance with which the the
	20	National water resources more particularly described in S.2 (1) water resources
	21	of Nigeria shall be protected, used, conserved, managed, developed, and
	22	controlled in line with the provisions of section 13(1) (a) of this Bill.
	23	(2) The National Water Resources Strategy set out pursuant to the
	24	provisions of sub-section (1) of this section shall prescribe the principles,
	25	objectives, procedures and institutional arrangements for the protection,
	26	development, conservation, management and control of the nation's water
	27	resources and provide the framework within which hydrological areas
	28	resources strategies will be formulated under section 54 of this Bill.
	29	(3) The Minister and all public bodies shall, when exercising any
	30	statutory power or performing any statutory function, take into account and

1 give effect to the national water resources management strategy.

2 **124.**-(1) The Commission, in consultation with Nigeria Hydrological Services Agency and other stakeholders, through its Catchment Management Offices shall formulate a comprehensive cross-sector Hydrological Area water resources strategy for the protection, development, use, conservation, management, control and administration of all surface water and groundwater resources in the Hydrological Areas specified in the Second Schedule to this Bill by reference to:

3 (a) national water resources policy and strategy;

4 (b) prevailing social, economic, and financial, technological and environmental including any associated climate effects and incidental ecological conditions; and

5 (c) the activities, plans and proposals of State, local government, community and private sector bodies in respect of water resources.

6 (2) A Hydrological Area water resources strategy shall provide guidance on the priority of water use within a Hydrological area for consideration in the licensing of water use under Part V of this Bill.

7 (3) A Hydrological Area water resources strategy shall be subject to public consultation under section 141 of this Bill and be published in the Gazette.

8 (4) A Hydrological Area water resources strategy may be prepared in a phased and progressive manner over time and shall be reviewed every 10 years or earlier as the Minister may deem expedient but in any event not later than a 10 year period.

9 (5) A Hydrological Area water resources strategy referred to in sub-section (1) of this section shall prescribe principles, objectives, procedures and institutional arrangements for management, protection, use, development, conservation, control and administration of the water resources in the Hydrological Area and in particular, for:

Hydrological
areas resources
strategy and plans

1 (a) classifying water resources and determining resource quality
2 objectives;

3 (b) setting out principles for allocating water; and

4 (c) defining mechanisms and facilities for stakeholder participation in
5 development of the Hydrological Area strategy and activities related to
6 management of the water resources of the Hydrological Area.

7 (6) A Hydrological Area water resources strategy shall:

8 (a) be consistent with the provisions of this Bill and the national water
9 resources strategy; comprise an inventory and assessment of water resources
10 projects in the Hydrological Area; present an assessment of water resources
11 availability and use in the Hydrological Area, and, as required by the type of
12 water resources issues experienced in the hydrological area; and incorporate
13 thematic strategies, including:

14 (i) water conservation, efficiency of use, and demand-side
15 management;

16 (ii) watershed and erosion management and protection;

17 (iii) upgrading of existing assets;

18 (iv) flood management;

19 (v) drought management;

20 (vi) groundwater management; and

21 (vii) water quality management.

22 (viii) Climate scenario assessment, climate disruption mitigation and
23 adaptation strategies.

24 (7) All public and private sector bodies and community organizations
25 within the Hydrological Area shall submit their water-related development and
26 management plans to the CMO for consideration in respect of the Hydrological
27 Area's water resources and consolidation into a Hydrological Area
28 development and management plan.

29 (8) The CMO shall, based on the Hydrological Area water resources
30 strategy, formulate and publish short to medium term management and

1 development plans as a basis for its financial plan.

2 (9) The Minister, Commission, and any public authority shall,
3 when exercising any statutory power or performing any statutory function,
4 take into account and give effect to any Hydrological Area water resources
5 strategy in force under this section.

6 **125.**-(1) The Minister shall introduce a system of classifying all
7 significant inter-state watercourses and aquifers which shall be used by the
8 Commission as the basis for determining license applications and for
9 developing plans for the progressive improvement of water quality in
10 watercourses and aquifers.

Classification of
water resources and
resource quality
objectives t

11 (2) The Minister in consultation with relevant stakeholders at
12 Federal and State levels, shall prescribe a system for classifying water
13 resources for the purpose of determining resource quality objectives for
14 each class of water resources and guiding decisions on water allocation,
15 including procedures for:

- 16 (a) determining an interim classification;
17 (b) preparing a classification recommendation;
18 (c) public consultation; and
19 (d) approval and publication in the Gazette.

20 (3) The Commission shall implement the procedures of the
21 prescribed classification system and prepare a recommendation for the
22 approval of the Minister for:

- 23 (a) the classification of each water resource within its basin;
24 (b) resource quality objectives for a water resource; and
25 (c) specifying the requirements for achieving the objectives and
26 the dates from which the objectives will apply.

27 (4) The Minister, the Commission, and any public authority shall,
28 when exercising any statutory power or performing any statutory function,
29 take into account and give effect to the resource quality objectives
30 determined under this section in respect of a water resource.

Determination
of reserve

1 **126.**-(1) As soon as reasonably practicable after classifying a water
2 resource, the Commission shall after consultation with the Minister, and by
3 notice in the Gazette, determine the reserve for the whole or part of each of that
4 water resource.

5 (2) The reserve set out in sub-section (1) of this section shall comprise
6 the quantity and quality of water required to:

7 (a) satisfy basic human needs by securing a basic water supply, as
8 prescribed in regulations made pursuant to this Bill, for people to rely upon,
9 take water from, or be supplied from the relevant water resource; and

10 (b) maintain significant environmental services of the water resource
11 including protection of aquatic ecosystems in order to ensure ecologically
12 sustainable development and use of the water resource.

13 (3) The Minister, the Commission, and any public authority shall,
14 when exercising any statutory power or performing any statutory function,
15 take into account and give effect to the requirements of the reserve.

16 (4) Until a system for classifying water resources has been prescribed
17 or a class of a water resource has been determined, the Commission:

18 (a) may for all or part of a water resource; and

19 (b) shall before licensing or authorizing the use of water under Part V
20 of this Bill, make a preliminary determination of the reserve.

21 (5) A determination in terms of subsection (1) of this section
22 supersedes a preliminary determination.

Pollution
prevention

23 **127.**-(1) A person or institution established under this Bill shall
24 promote and observe the policy of the Federal Government on point and non-
25 point sources of pollution of the water resources identified in S.2 (1).

26 (2) Any such person or institution shall promptly notify both the
27 relevant environmental standards enforcement agency in charge of pollution
28 control in the area and the relevant Catchment Management Office of any
29 actual or threatened infringement whereupon such environment agency shall
30 take appropriate steps pursuant to the law establishing it.

1 (3) States shall take all appropriate legal, economic and social
2 measures to control non-point source pollution including promoting:

3 (a) sustainable forestry practices, agro-forestry, reforestation and
4 good pasture husbandry;

5 (b) appropriate agricultural land use methods, soil conservation,
6 control and minimization of the use of agricultural chemical inputs;

7 (c) general land use planning and enforcement of urban planning
8 laws; and

9 (d) hygiene and sanitation.

10 (4) In cases of emergencies or threat of imminent serious pollution,
11 the Minister or other relevant State Ministry, agency and/or sector
12 institution shall take appropriate steps to rectify the problem and as soon as
13 practicable thereafter to notify the appropriate enforcement agency.

14 (5) Where the pollution continues for a period of two days after
15 notification to the enforcement agency, the Commission in consultation
16 with the enforcement agency shall take further appropriate steps to abate
17 such pollution, including prosecution of the polluters and suspension of a
18 licence for wastewater discharge or related water supply.

19 (6) Upon a notification of a point or non-point source of pollution
20 to the enforcement agency by any person, the Catchment Management
21 Office shall continue to monitor and ensure actual abatement of such
22 pollution occurring within the Basin.

23 (7) Where the Minister or the Commission takes such steps as are
24 contemplated in this section, such costs as are incurred shall be recovered
25 from the parties directly or indirectly responsible in accordance with section
26 134 of this Bill. In the case of a State or State Agency such recovery shall be
27 via a demand made to and payable to the Commission .

28 PART X - MONITORING, REPORTING AND INFORMATION SYSTEMS

29 128.-(1) The Minister shall, through NIHSA, establish and
30 maintain national monitoring systems on water resources.

Monitoring
systems

1 (2) The systems shall provide for the collection of appropriate data
2 and information necessary to assess, among other matters-

3 (a) the quantity of water in the various water sources;

4 (b) the quality of water resources;

5 (c) the use of water resources; and

6 (d) the state of the aquatic environment.

National information
systems on water
resources

7 **129.** The Minister shall, through NIHSA, establish national
8 information systems regarding water resources, for the following-

9 (a) hydrological and hydro-geological monitoring networks;

10 (b) hydro-meteorological monitoring network;

11 (c) databases and information systems that summarize the
12 information systems maintained at catchment level under section 138 of this
13 Bill; and

14 (d) information on water resources of international river basins of
15 which Nigeria is a party.

Establishment
of catchment
information
systems

16 **130.**-(1) The Commission shall in collaboration with the Nigeria
17 Hydrological Services Agency, establish and maintain catchments level
18 information systems on water resources.

19 (2) The catchments level information systems shall provide for the
20 collection of appropriate data and information necessary to assess, among
21 other matters-

22 (a) the quantity of water in the various water sources;

23 (b) the status of groundwater aquifers;

24 (c) the quality of water resources and state of the aquatic
25 environment;

26 (d) the use of water resources, including a register of water use
27 authorizations for irrigation, municipal and industrial use and other uses;

28 (e) the extent and quality of coverage of water supply and sanitation
29 services; and

30 (f) compliance with water resource quality objectives.

1 (3) The Commission shall submit necessary information and
2 reports to the Minister for the purpose of compilation into the national
3 information system.

4 **131.**-(1) The Ministry, NWRI, the Commission, and any other
5 water sector institutions established under this Bill shall, make information
6 at their disposal available to the public in an appropriate manner in respect
7 of-

Information on
floods and
droughts

- 8 (a) a flood which has occurred or is likely to occur;
9 (b) an impending drought or drought which has occurred;
10 (c) a waterworks that might fail or has failed;
11 (d) any risk posed by a dam or other water resources infrastructure;
12 (e) levels likely to be reached by flood waters from time to time;
13 (f) any risk posed by the quality of any water to life, health or
14 property;
15 (g) any matter connected with water or water resources which the
16 public needs to know.

17 (h) any credible climate scenario or climate analytic and associated
18 projected risks related national water resources

19 (2) The institutions specified in subsection (1) of this section, shall
20 where reasonably practicable, establish an early warning system in relation
21 to the events contemplated in that section.

22 (3) For the purposes of ensuring that all persons who might be
23 affected have access to information regarding potential flood hazards, no
24 person shall establish a housing project unless the layout plan shows, in a
25 form acceptable to the local authority concerned, lines indicating the
26 maximum level likely to be reached by floodwater on average once in every
27 100 year return period.

28 **132.** The objectives of the national information systems are to-

- 29 (a) store and provide data and information for the protection,
30 sustainable use and management of water resources;

Objectives of
national and
hydrological area
information systems

1 (b) provide information for the development and implementation of
2 the national water resources strategy; and

3 (c) provide information to government, water management
4 institutions, water users and the public on the status of water resources for the
5 purpose of-

6 (i) research and development;

7 (ii) planning, climate mitigation and adaptation measures and
8 environmental and ecological management;

9 (iii) determining licence applications;

10 (iv) public safety and disaster management, and

11 (v) international cooperation.

Provision of
information

12 **133.** The institutions specified in section 136 (1) of this Bill may
13 require that any person shall, within a reasonable given time or on a regular
14 basis, provide any data, information, documents, samples or materials
15 required for the-

16 (a) purposes of respective national or hydrological area monitoring
17 networks or information systems; and

18 (b) management and protection of water resource.

Access to
information

19 **134.** Information contained in any national or hydrological area
20 information system established under this Part shall be made available to the
21 public within a reasonable time frame, subject to any limitations imposed by
22 law and the payment of a reasonable fee.

Regulations for
monitoring,
assessment and
information

23 **135.** The Commission and the Nigeria Hydrological Services Agency
24 shall jointly develop guidelines prescribing-

25 (a) procedures, standards and methods for monitoring; and

26 (b) the nature, type, time period and format of data to be submitted in
27 accordance with this Part of this Bill.

28 PART XI - GENERAL

Public
consultation

29 **136.-(1)** A requirement under this Bill for a person, in this section
30 called the "designated person", to undertake public consultation in relation to

1 any strategy developed, reserve determined, or other action to be taken,
2 except licensing covered under section 100, that involves notification of the
3 public or a restricted set of water stakeholders, or action proposed to be
4 taken, under this Bill shall be construed as a requirement to ensure that this
5 section is complied with in relation to that action.

6 (2) The designated person shall publish notice, in relation to the
7 application or proposed action-

8 (a) in the Gazette;

9 (b) in at least one national newspaper circulating in the locality to
10 which the application or proposed action relates;

11 (c) at local government offices or other location(s) accessible to
12 those affected by the proposed action; and

13 (d) if the designated person is an institution, on its website.

14 (3) The notice shall in each case-

15 (a) set out a summary of the application or proposed action;

16 (b) state the premises at which details of the application or
17 proposed action may be inspected;

18 (c) invite written comments on or objections to the application or
19 proposed action;

20 (d) specify the person or body to which any such comments are to
21 be submitted; and

22 (e) specify a date by which any such comments are required to be
23 received not being a date earlier than 21 days after publication of the notice.

24 (4) The designated person shall make arrangements for the public
25 to obtain copies, at reasonable cost, of documents relating to the application
26 or 'proposed action.

27 (5) The designated person shall-

28 (a) consider any written comments received on or before the date
29 specified under subsection (3) (e) of this section;

30 (b) consider any comments whether in writing or not, received at

**Entry onto land in
furtherance of duties.**Entry onto and
in furtherance of
duties

1 any public meeting held in relation to the application or proposed action or
2 pursuant to any other invitation to comment; and

3 (c) acknowledge receipt of all written comments, prepare a summary
4 of the comments received and publish a consolidated response indicating how
5 the comments have been considered.

6 (6) The designated person shall publish, through the same media
7 employed in subsection (2) of this section, notice of the fact that a copy of the
8 decision in writing of the designated person in relation to the application or
9 proposed action, and of the reasons therefor, is available for public inspection
10 at the same premises as were notified under subsection (3) (b) of this section.

11 (7) Where regulations made under this Bill so require, the designated
12 person shall cause a public meeting, to be held in relation to the application or
13 proposed action.

14 **137..**(1) The Minister, CEO of the Commission, Managing Director
15 of an Authority may in writing, appoint any suitable person as an authorized
16 person to perform the functions of this section subject to the limitations of their
17 powers and functions under this Bill.

18 (2) An authorized person' may, at any reasonable time and on
19 production of their identity card or other instrument or certificate of
20 designation if so required, enter a property with the necessary persons,
21 vehicles, equipment and material in order to carry out routine inspections of the
22 use of water or disposal of waste water under any authorization.

23 (3) An authorized person, may, at any reasonable time and on
24 production of their identity card or other instrument or certificate of
25 designation if so required, and after giving reasonable notice to the owner or
26 occupier of the property, which notice must state the purpose of the proposed
27 entry; enter a property with the necessary persons, vehicles, equipment and
28 material in order to-

29 (a) clean, repair, maintain, remove or demolish any government
30 waterworks operated by any water management institution;

1 (b) undertake any work necessary for cleaning, clearing,
2 stabilizing and repairing the water resource and protecting the resource
3 quality;

4 (c) establish the suitability of any water resource or site for
5 constructing a waterworks;

6 (d) undertake any work necessary to comply with an obligation
7 imposed on any person under this Bill;

8 (e) erect any structure and to install and operate any equipment on a
9 temporary basis for monitoring and gathering information on water
10 resources; or

11 (f) bring heavy equipment on to a property or occupy a property for
12 any length of time.

13 (4) An authorized person may, at any reasonable time and without
14 prior notice, enter a property that is not a dwelling under subsection (7) of
15 this section with the necessary persons, vehicles, equipment and material,
16 and perform any action necessary to -

17 (a) investigate whether under this Bill, or other law related to the
18 quality of water, any condition attached to any authorized water use by or
19 under this Bill or any notice or directive is being contravened;

20 (b) investigate whether any information supplied in connection
21 with the use of water is being contravened;

22 (c) inspect any works including hydraulic works, boreholes, dams
23 dykes or any other apparatus which appears to the water management
24 institution to be one to which this Bill or the regulations thereunder apply
25 and which may be capable of being used in contravention of the provisions
26 of this Bill or regulations made pursuant thereto;

27 (d) inspect whether any works or water body poses an imminent or
28 potential threat of pollution of water bodies and take necessary samples for
29 analysis;

30 (e) take a sample, specimen or other permanent evidence of any

1 works or other article to which this Bill or the regulations apply or which 'an
2 authorized person has power to examine;

3 (f) examine any book, document or other record which he reasonably
4 believes may, contain any information relevant to the enforcement of this Bill
5 or the Regulations and make copies thereof of extracts therefrom;

6 (g) revoke a licence issued under this Bill;

7 (h) support action taken by the environment enforcement agency in
8 obtaining an order of the court to suspend activities that are in contravention of
9 this Bill.

10 (5) The owner or person in-charge of any premises or other structure
11 whatsoever, entered by an authorized person in pursuance of their duties under
12 this section, shall give all reasonable assistance in their power to the authorised
13 person and shall make available all such information as may be reasonably
14 required for the purpose of this Bill.

15 (6) The results of any investigation carried out upon any premises
16 shall be notified to the owners of the premises within a reasonable time.

17 (7) Notwithstanding any provision of this section an authorized
18 person shall not, under any circumstances, enter a dwelling without the consent
19 of the occupier or without a warrant authorizing entry.

Powers to acquire
land

20 **138.** Any of the institutions established pursuant to this Bill may
21 acquire for its use in furtherance of its duties under this Bill and Regulations
22 made pursuant to this Bill such land within its area of operation as it shall deem
23 necessary subject to the provisions of the Land Use Act.

Appointment
of Auditors

24 **139.**-(1) The Institutions established under this Bill shall keep proper
25 accounts in respect of each financial year and shall appoint an Auditor in
26 accordance with the general guidelines for the appointment of auditors issued
27 by the Auditor General for the Federation.

28 (2) The accounts kept by the Institution referred to in subsection (1)
29 hereof shall be examined by the Auditors.

30 (3) The Auditor shall, within six months after the end of each financial

1 year of each such institution, make a report to the relevant Institution and the
2 President on the statement of account prepared by such Institution and such
3 report shall state, whether or not in the opinion of the Auditor, the statement
4 of account gives an accurate and fair view of the state of the Institution's
5 financial affairs.

6 (4) The Auditor General of the Federation may require that an
7 Institution instruct its Auditors to prepare and submit such other reports as
8 he may deem necessary.

9 (5) Every institution shall publish its audited statement of accounts
10 in a national daily newspaper or media platform including website or both
11 and in any other manner as shall be approved by the President within one
12 month of such audited accounts being approved by the Auditor General as
13 final.

14 **140.**-(1) The Auditor shall be entitled at reasonable hours to require
15 to be produced to him all accounts' and - other records relating to such
16 accounts kept by the Institution appointing such Auditor or its agents and to
17 require from any Member of the governing or apex body or employee or
18 agent of such Institution, information and explanation as in the opinion of
19 the Auditor are necessary for the purpose of their audit.

Powers of the
Auditors

20 (2) Any of the persons referred to in subsection (1) who fails to
21 comply with any request by the Auditors pursuant to the same subsection
22 commits an offence and is liable on conviction to a fine of not less than
23 25,000 Naira or to imprisonment for a period not exceeding 3 months or to
24 such fine and imprisonment.

25 **141.** No liability shall attach to the Commission an Authority or
26 any Member or employee of these institutions for any loss or damage
27 sustained by any person as a result of the bona fide exercise or performance
28 of any function which by or in terms of this Bill is conferred or imposed upon
29 the Commission or Authority.

Exemption from
liability

	1	PART XII - OFFENCES
False declaration	2	142. Any person who, in any declaration required to be made under
	3	this Bill, makes any statement which he knows to be false or does not have
	4	reasonable grounds to believe it to be true, commits an offence and is liable on
	5	conviction to a fine of 100,000 Naira or to imprisonment for a period not
	6	exceeding 6 months or to both.
Non-compliance	7	143.-(1) No person shall-
	8	(a) use water otherwise than as permitted under this Bill;
	9	(b) fail or refuse to provide-
	10	(i) access to any books, accounts, documents or assets; and
	11	(ii) data or information, when required to do so under this Bill;
	12	(c) fail to comply with any condition attached to a license issued or
	13	deemed issued under this Bill;
	14	(d) fail to comply with a directive issued by the Commission;
	15	(e) unlawfully and- intentionally or negligently tamper or interfere
	16	with any water works;
	17	(f) fail to procure a licence or other approval required under this Bill
	18	upon the expiration of an existing right to use water recognised upon the
	19	commencement of this Bill;
	20	(g) intentionally refuse to perform a duty, or obstruct any other person
	21	in the exercise of any power or performance of any duty under this Bill;
	22	(h) unlawfully and intentionally or negligently commit any act or
	23	omission which pollutes or is likely to pollute a water resource;
	24	(i) unlawfully and intentionally or negligently commit any act or
	25	omission which detrimentally affects or is likely to affect a water resource;
	26	(j) fail to comply with a temporary restriction on the use of water in
	27	terms of section 67 of this Bill; and
	28	(k) undertake any prohibited activity in a watershed;
	29	(2) Any person who contravenes any provision of subsection (1) of
	30	this section commits an offence and is liable, on-

1 (a) first conviction, to a fine of N50,000 Naira or imprisonment for
2 a term not exceeding 5 years, or both;

3 (b) second or subsequent conviction, to a fine of N100,000 Naira or
4 imprisonment for a period not, exceeding 10 years or both.

5 (3) Any person who violates the provisions of any regulations
6 made pursuant to this Bill, commits an offence and shall on conviction,
7 where no penalty is provided in the Regulations, be liable to a fine of
8 N50,000 Naira or to imprisonment for a term not exceeding 2 years or both
9 and an additional fine of N10,000 Naira for every day the offence subsists.

10 (4) Where an offence under subsection (1) of this section is
11 committed by a body corporate, it shall on conviction, be liable to a
12 minimum fine of N100,000 Naira and an additional fine of 20,000 Naira for
13 every day the offence subsists.

14 (5) The scale of fines specified in this Bill shall be reviewed after
15 every 5 years by the National Law Reform Commission in collaboration
16 with the Institutions created under the Bill at the instance of the Ministry.

17 **144.** Where a person is convicted of an offence under this Bill and
18 another person has suffered harm or loss as a result of the act or omission
19 constituting the offence or damage has been caused to a water resource, the
20 Federal High Court may, in the same proceedings on the application of the-

Enquiry in respect
of compensation
for harm, loss or
damage suffered

21 (a) person who suffered the harm or loss; or

22 (b) commission in respect of the damage caused to the water source
23 in the presence of the convicted person, enquire without pleadings into the
24 harm, loss or damage and determine the extent thereof and consider the
25 award of damages under section 150 of this Bill.

26 **145.** The Federal High Court may after making a determination in
27 accordance with section 149 of this Bill-

Award of damages

28 (a) award damages for the loss or harm suffered by the person
29 referred to against the accused;

30 (b) order the accused to pay for the cost of any remedial measures

1 implemented or to be implemented; and

2 (c) order that any remedial measures, be undertaken either by the
3 accused or the Commission.

4 PART XIII - THE WATER SUPPLY, SANITATION AND HYGIENE FUND

Establishment
of the water supply,
sanitation and
hygiene fund

5 **146.** There is hereby established the Water Supply, Sanitation and
6 Hygiene Fund (in this Bill referred to as "the WASH Fund") for the purpose of
7 financing the development of water resources as well as for expanding access
8 to Water Supply and Sanitation facilities and for the promotion of Hygiene
9 practices across Nigeria.

Objectives of
the Fund

10 **147.** The objective of the Fund shall be to create a basket of funds to
11 promote Federal-State partnership towards achieving national targets for
12 universal access to Water Supply, Sanitation and Hygiene (WASH).

Monies of the
Fund

13 **148.** The monies of the Fund shall consist of-
14 (i) budgetary allocation from the Federal Government;
15 (ii) allocation from the Development of Natural Resources Fund from
16 the Federation Account;
17 (iii) contribution by a state Government as counterpart funds on
18 approved Projects;
19 (iv) loans and Grants from Multi-Lateral Financial Institutions
20 /Donor Agencies, Development Partners;
21 (v) donations, grants, and bequests from other sources
22 (vi) special Taxes and Levies as may be approved by the National
23 Assembly;
24 (vii) unexpended balance of allocation from the Ecological Fund to
25 Water Sector Institutions established under this Bill.
26 (viii) other sources.

Administration
of the Fund

27 **149.-(1)** The Fund shall be administered by the Minister responsible
28 for Water Resources through a transparent and accountable Framework
29 governed by applicable government financial regulations and international
30 best practice.

1 (2) The Minister shall ensure that there is strong analytical,
2 technical, Policy and Regulatory capacity for Project appraisal and advisory
3 functions available to the Fund at all times.

4 **150.** Eligible Projects for consideration by the Fund shall include-

Eligible projects,
eligible criteria
and funds operation

5 (a) Water supply, Sanitation and Hygiene (WASH);

6 (b) Construction and/or rehabilitation of water infrastructure;

7 (c) Studies including feasibility studies;

8 (d) Technical assistance;

9 (e) capacity building;

10 (f) Advocacy;

11 (g) Demand Subsidies;

12 (h) Special Projects on collaborations with stakeholders in public
13 health with priority for improving sanitation in rural communities with
14 focus on girls, women, persons with disabilities and other vulnerable
15 members of the society;

16 (h) Other Projects within the objectives of section 152 above.

17 **151.** The following laws are repealed-

Repeal of laws

18 (a) Water Resources Act Cap W2 LFN 2004;

19 (b) River Basin Development Authority Act, Cap R9 LFN 2004;

20 (c) Nigeria Hydrological Services Agency (Establishment) Act,
21 Cap N110A, LFN, 2004; and

22 (d) National Water Resources Institute Act, Cap N83 LFN 2004.

23 **152.**-(1) All licences, permits, approvals, or certificates, issued in
24 respect of the activities specified in Part V of this Bill and, which had effect
25 immediately prior to the commencement of this Bill shall continue to have
26 effect for the remainder of its period of validity as if it had been issued under
27 this Bill.

Transitional
provisions and
savings

28 (2) Without prejudice to the generality of subsection (3) of this
29 section, any licenced, permit, approval or certificate that is in conflict with a
30 Hydrological Area Water Resources Strategy developed under PART IX of

1 this Bill shall be subject to notification by the Commission and - shall be varied
2 in accordance with procedures under section 70 of this Bill.

3 (3) Any tariff, price, levy, or surcharge which, immediately before the
4 commencement of this Bill, was chargeable with respect to any activity for,
5 which provision is made under this Bill shall, after the commencement of this
6 Bill and until further provision is made pursuant to this Bill by the relevant
7 authority, continue to be chargeable in respect of the activities and services
8 provided by the relevant authorities.

9 (4) Subject to this Bill, any right, obligations, or duty accruing to any
10 person or authority by virtue of any licences, permits, approvals or agreements
11 with respect to any of the activities for which provision is made under this Bill
12 in addition to any rights in any land or water vested in any person pursuant to
13 the Water Resources Act, Cap W2 LFN, 2004 and the River Basin
14 Development Authority Act, Cap R9, LFN, 2004, shall continue to vest in such
15 person or authority as if it had accrued, vested or been acquired pursuant to this
16 Bill.

17 (5) Subject to this Bill, anything whatsoever made or done under the
18 Water Resources Act, Nigeria Hydrological Services Agency, National Water
19 Resources Institute Act and the River Basin Development Act shall, after the
20 commencement of this Bill continue to have effect as if it had been' made or
21 done under this Bill.

22 (6) Any existing agreement for the management of water resources in
23 a hydrological area existing at the time this Bill enters into' force, shall,
24 provided it is generally consistent with the principles of this Bill, continue to be
25 effective until it is incorporated into a Hydrological Area Water Resources
26 Strategy.

Interpretation

27 **153.** In this Bill-

28 "approved professional person" means a person registered as a professional by
29 the professional body statutorily responsible for registration of such
30 professionals within the relevant context under the provision of this Bill;

1 "Authority" means River Basin Development Authority established under
2 this Bill;

3 "basic human needs" means the prescribed minimum quantity and quality of
4 water to households to support life and personal hygiene as quantified in the
5 regulations;

6 "basic sanitation" means the prescribed minimum standards of services
7 necessary for the safe, hygienic and adequate collection, removal, disposal
8 or purification of human excreta, domestic waste-water and sewage from
9 households, including informal households;

10 "Basin" means the land area formed by drainage boundaries of the major
11 river and lake systems as delineated by natural topographical features and
12 international borders, and which may be subdivided into a number of
13 constituent parts, as defined in Second Schedule to this Bill, and which
14 includes both surface water and groundwater resources;

15 "Basin Strategy" means a water resources strategy for a Basin under this
16 Bill;

17 "Borehole" means any hole that is driven, drilled, dug or bored either cased
18 or uncased by any method into the ground, for the purpose of obtaining
19 water or knowledge of water bearing or soil formation, or for the disposal of
20 surface water drainage;

21 "catchment area" means the area from which any rainfall will drain into the
22 watercourse or watercourses or part of a watercourse, through surface flow
23 to a common point or common points;

24 "Catchment Management Office" means a body established by the
25 Commission in each hydrological zone and headed by a Catchment
26 Management Officer;

27 "Commission" means Nigeria Water Resources Regulatory Commission;

28 "Council" means the National 'Council on Water Resources established
29 under this Bill;

30 "designated person" means a person nominated under this Bill to undertake

- 1 public consultations in accordance with this Bill and its associated rules;
- 2 "drinking water standards" mean standards for safe drinking water adopted by,
3 the Federal Republic of Nigeria.
- 4 "Federation" means the Federal Republic of Nigeria;
- 5 "groundwater" for the purposes of this Bill, means transboundary water from
6 aquifers or other underground sources;
- 7 "hydrological zone" means area defined in Schedule 2;
- 8 "hydraulic works" means all reservoirs, dams, barrages, weirs, canals,
9 channels, tunnels, pipelines, aqueducts, sluices, structures, embankments
10 constructed for the storage, conveyance, supply, measurement, regulation of
11 water and protection from the effects of floods;
- 12 "large dam" means a structure, whether constructed or proposed to be
13 constructed, which together with its abutments, appurtenant works and
14 foundation, is capable of diverting or storing water and which has a -
- 15 (a) vertical height of fifteen metres or more measured from the non-
16 overflow crest of the wall of the structure to the lowest point on the downstream
17 face of the wall;
- 18 (b) is capable of storing one million or more cubic metres of water at
19 full supply level;
- 20 (c) has foundations which, in the opinion of the Inspectorate as
21 notified to the owner of the structure, may or does cause special or unexpected
22 difficulties; or
- 23 (d) in the opinion of the Inspectorate as notified to the owner of such
24 structure, is a small dam of unusual design;
- 25 "licence" means a licence in force under this Bill;
- 26 "licensee" means the holder of a licence under this Bill;
- 27 "Minister" means the Federal Minister responsible for water resources;
- 28 "Ministry" means the Federal Ministry responsible for water resources;
- 29 "Nation's water Resources" means all surface water and ground water affecting
30 more than one State pursuant to item 64 of the Exclusive Legislative list in Part

1 of the Second Schedule to the Constitution of the Federal Republic of
2 Nigeria, 1999 as amended, and as set out in the First Schedule to this Bill, is
3 vested in the Government of the Federation to be exercised in accordance
4 with the provisions of this Bill;

5 "Nigeria Water Resources Regulatory Commission" means the body
6 established under this Bill with the Responsibility for the Regulation and
7 Management of Water in Nigeria;

8 "Person" includes an individual, company, government agency, partnership
9 or other association of individuals, whether incorporated or not;

10 "owner of a dam" means the person entitled to divert or store water by means
11 of the large dam or small dam and includes the person in charge of that dam;

12 "personal irrigation" means the use of water for subsistence agriculture and
13 in no case exceeding 0.5 ha;

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

16 "prescribed activity" means any activity requiring a licence under section 62
17 of this Bill;

18 "reasonable domestic use" means an amount needed by a household for
19 drinking, cooking, washing, sanitation and domestic livestock that is set out
20 in the regulations;

21 "Reserve" in relation to a water resource means that quantity of water
22 required under this Bill -

23 (a) to satisfy basic human needs for all people who may be supplied
24 from the water resource; and

25 (b) to maintain significant environmental services of the water
26 resource including protection of aquatic ecosystems.

27 "safe drinking water" means water that does not represent any significant
28 risk to health over a lifetime of consumption including different sensitivities
29 that may occur between life stages;

30 "Secretary" means the Secretary to the Government of the Federation;

1 "small dam" means a structure, whether constructed or proposed to be
2 constructed, which, together with its abutments, appurtenant works and
3 foundations, is capable of diverting or storing water and which-

4 (a) has a vertical height of more than eight metres but less than fifteen
5 metres measured from the non-overflow crest of the wall of such structure to
6 the lowest point on the downstream face of such wall; or

7 (b) is capable of storing more than five hundred thousand but less than
8 one million cubic metres of water at full supply level;

9 "State" means one of the 36 States of the Federal Republic of Nigeria, and the
10 FCT;

11 "state water" means water that comes under the jurisdiction of a state as being
12 water not crossing State boundaries in terms of item 64 of the second schedule
13 to the Constitution of the Federal Republic of Nigeria;

14 "State water agency or utility" means an agency established by the
15 Government of a State for the delivery of water supply and sanitation services
16 or management of State Water;

17 "State regulatory water Commission" means a body established by a State for
18 the regulation of the provision of water services in urban and semi-urban areas;

19 "stream flow reduction activity" means any activity that reduces runoff from a
20 catchments to a river system;

21 "surface water" means any natural or man-made body of water, flowing or
22 standing, on the surface of the land including rivers, streams, lakes, reservoirs,
23 lagoons, wetlands, swamps, creeks, deltas and estuaries;

24 "task" includes a task relating to designing, constructing, altering, repairing,
25 impounding water in, operating, evaluating the safety of, maintaining,
26 monitoring, abandoning or de-Commissioning a dam;

27 "waste" means any material that is suspended, dissolved or transported in water
28 (including sediment) and which is spilled or deposited on land or into water
29 resources in such volume, composition, or manner as to cause, or be reasonably
30 likely to cause, the water resource to be polluted;

1 "water bodies" means groundwater or surface water;
2 "water course" means any natural channel or depression in which water
3 flows regularly or intermittently;
4 "water management area" means an area over which a water management
5 institution has jurisdiction under this Bill;
6 "water management institution" means the National Council on Water
7 Resources, Federal Ministry of Water Resources, Nigeria Water Regulatory
8 Resources Commission, a body established for an international basin, a
9 River Basin Development Authority, a Water User Association, a State
10 Water Agency, or other person who fulfills the functions of a water
11 management institution under this Bill;
12 "water well" means borehole;
13 "water services" means any service of or incidental to the supply of water, or
14 the provision of sewerage, sanitation or irrigation; and
15 "water users association" means an association of water users with a
16 common use of water and involved in the local management thereof, either
17 registered under State legislation or recognised as an effective community
18 based organisation.

19 **154.** This Bill may be cited as the National Water Resources Bill, Citation
20 2022.

- 1 SCHEDULES
- 2 FIRST SCHEDULE
- 3 *[Sections 2 (3) and 62]*
- 4 DESIGNATION OF WATER BODIES
- 5 Designation of Water Bodies declared as affecting more than one State
- 6 pursuant to item 64 of the Exclusive Legislative list in Part 1 of the Second
- 7 Schedule to the Constitution of the Federal Republic of Nigeria, 1999.
- 8 All inter-state water, whether surface or underground, from time to time
- 9 contained within or flowing or percolating through such sources, and the
- 10 tributaries and catchment areas thereof-
- 11 (1) Source 1 - The River Niger from the border between the Federal
- 12 Republic of Nigeria and the Niger Republic to the outlet of the Kainji reservoir,
- 13 including-
- 14 (a) the Sokoto Rima River from the border with the Federal Republic
- 15 of Nigeria;
- 16 (b) all the tributaries of the River Niger crossing the border to the
- 17 Benin Republic: and -
- 18 (c) the Sokoto sedimentary (western) hydro-geological area.
- 19 (2) Source 2 - The River Niger from the outlet of the Kainji reservoir
- 20 to the point of confluence of the River Niger and the Benue River, including-
- 21 (a) the Kaduna River with the tributaries;
- 22 (b) Gurara River;
- 23 (c) all the tributaries of the River Niger crossing the border to the
- 24 Benin Republic; and
- 25 (d) the upper Niger sedimentary (Niger) hydro-geological area.
- 26 (3) Source 3 - The Benue River from the border between the Federal,
- 27 Republic of Nigeria and the Republic of Cameroon to the point of confluence
- 28 of the Benue River and the River Niger, including:
- 29 (a) the Gongola River;
- 30 (b) the Pai-yul River;

- 1 (c) the Wase River;
- 2 (d) the Shemankar River;
- 3 (e) the Dep River;
- 4 (f) the Mada River;
- 5 (g) all the tributaries of the Benue crossing the international border
- 6 to the Republic of Cameroon, and
- 7 (h) the Benue sedimentary (Benue) hydro-geological area.
- 8 Source 4 - The River Niger from the confluence thereof and of the Benue
- 9 River, including the Delta of the River Niger and all water tributaries or
- 10 influent thereto or diffluent therefrom, including:
- 11 (a) the Anambra River;
- 12 (b) the Imo River;
- 13 (c) the Akwalbom River; and
- 14 (d) the Aboine River.
- 15 Source 5 - All water courses directly or indirectly influent to the Lagoon and
- 16 other littoral Lagoons and water courses from the border with the Republic
- 17 of Benin to the mouth of the Forcados River, including:
- 18 (a) the Oshun River;
- 19 (b) the Ogun River;
- 20 (c) the Shasha River;
- 21 (d) the Owena River; and
- 22 (e) the Ogun/Oshun sedimentary (south-western) hydro geological
- 23 area.
- 24 Source 6 - All water rising or situated in the Federal Republic of Nigeria
- 25 which are directly or indirectly influent into the Lake Chad, including the
- 26 Chad sedimentary (north-eastern) hydro geological area.
- 27 Source 7 - The Cross River from the boundary between the Federal Republic
- 28 of Nigeria and the Republic of Cameroon and all water tributaries or influent
- 29 thereto or diffluent therefrom including the Cross River sedimentary (south-
- 30 eastern) hydrogeological area.

SECOND SCHEDULE

[Section (11 (1), 129 (1))]

LIST OF HYDROLOGICAL AREAS

Name of Zone	Member States
HA-I	Katsina, Zamfara, Sokoto, Kebbi, Niger, Kano
HA-II	Niger, Kaduna, Plateau, Kogi, FCT
HA-III	Adamawa, Bauchi, Gombe, Plateau, Taraba, Yobe
HA-IV	Benue, Nasarawa, Plateau, Taraba
HA-V	Anambra, , Bayelsa, Delta, Imo, Kogi, Rivers
HA-VI	Edo, Ekiti, Lagos, Ogun, On do, Osun, Oyo.
HA-VII	Abia, Akwa-Ibom; Cross- River, Ebonyi; Enugu, Imo
HA-VIII	Bauchi, Borno, Gombe, Jigawa, Kano, Yobe.

THIRD SCHEDULE

Part	River Basin Development	States of Operation	Headquarters
vi S.	River Basin Development		
80	Authorities (RBDA)		
1	LOWER NIGER RBDA	Kwara& part of Kogi	Ilorin
2	CROSS RIVER RBDA	Akwa-Ibom and Cross-River	Calabar
3	HADEJIA-JAMA'ARE RBDA	Kano, Jigawa, parts of Yobe and Bauchi	Kano
4	SOKOTO- RIMA RBDA	Sokoto, Zamfara, Kebbi and Katsina	Sokoto
5	UPPER BENUE RBDA	Taraba, Gombe; parts of Adamawa and Bauchi	Yola
6	UPPER NIGER RBDA	Niger, Kaduna and FCT	Minna
7	ANAMBRA/IMO RBDA	Anambra, Imo, Enugu, Abia and Ebonyi	Owerri
8	CHAD BASIN RBDA	Borno and parts of Yobe and Adamawa	Maiduguri
9	LOWER BENUE RBDA	Benue, Plateau, Nassarawa and part of Kogi	Makurdi
10	NIGER DELTA RBDA	Rivers, Bayelsaand& part of Delta	Portharcourt
11	OGUN/OSHUN RBDA	Lagos, Ogun, Oyo and Osun	Abeokuta
12	BENIN/OWENA RBDA	Edo, Ekiti, Ondo and part of Delta	Benin-City

1 FOURTH SCHEDULE

2 *[Section 31]*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD OF NIGERIA

4 WATER RESOURCES REGULATORY COMMISSION, ETC.

5 1. Subject to this Bill, the Commission may make standing orders to
6 regulate its proceedings or those of any of its committees.7 2. The quorum of the Commission shall be the Chairman or the person
8 presiding at the meeting and 3 other Members of the Commission, and the
9 quorum of any Committee of the Commission shall be as determined by the
10 Commission.11 3. The Commission shall meet whenever it is summoned by the
12 Chairman or if the Chairman is required to do so by written notice to him by not
13 less than 4 other Members. In the case of any written request the chairman shall
14 summon a meeting of the Commission to be held within 14 days of the written
15 notice.16 4. At any meeting of the Commission, the Chairman shall preside.
17 But if he is absent, the Members present at the meeting shall appoint one of
18 their number other than the Vice Chairman to preside.19 5. Where the Commission desires to obtain the advice of a person on a
20 particular matter, the Commission may co-opt such a person into the
21 Commission for such period as it deems fit. A person who is in attendance by
22 virtue of this sub-paragraph shall not be entitled to vote at any meeting of the
23 Commission and shall not count in determining quorum.24 *Committees*25 6.-(1) The Commission may appoint one or more committees to carry
26 out, on behalf of the Commission such functions as the Commission may
27 determine.28 (2) A committee constituted under this paragraph shall, consist of
29 such number of persons as may be determined by the Commission and a person

1 shall hold office on the Committee in accordance with the terms of his
2 appointment.

3 (3) A decision of a committee of the Commission shall be of no
4 effect until it is confirmed by the Commission

5 7. At any time when the office of the Chairman is vacant or the
6 Chairman is in the opinion of the Commission temporarily or permanently
7 unable to perform the functions of his office, a Member of the Commission
8 duly appointed by the President shall perform those functions and
9 references in this Schedule to the Chairman shall - be construed accordingly.

10 8. The fixing of the seal of the Commission shall be authenticated
11 by the signature of the Vice Chairman or of some other Member authorized
12 generally or specially by the Commission to act for that purpose for the
13 Commission.

14 FIFTH SCHEDULE

15 *[Section 49 (3)]*

16 PROCEEDINGS OF THE BOARDS OF AGENCIES ESTABLISHED UNDER

17 PARTS V, VI AND VII

18 *Board Meetings*

19 1. The Board of an Agency established under Part V, VI or VII of
20 this Bill shall meet at least four times a year or whenever it is summoned by
21 the Chairman or if the Chairman is required to do so by a written notice to
22 him signed by not less than 4 other Members, he shall summon a meeting of
23 the Board to be held within 14 days of the written notice.

24 2. At any meeting of a Board, the Chairman shall preside but if he
25 is absent, the Members present at the meeting shall appoint one of their
26 Members to preside.

27 3. Subject the provisions of this Bill, a Board may make standing
28 orders with respect to the holding of meetings, the nature of notice to be
29 given, the proceedings thereat, the keeping of minutes of such proceedings
30 and the custody and production for inspection of such minutes.

1 9. Subject to this Bill the Board may make standing orders to
2 regulate proceedings or those of any of its committees.

3 10. At any time when the office of the Chairman is vacant or the
4 Chairman is in the opinion of the Board temporarily or permanently unable
5 to perform the functions of his office, a Member of the Board duly appointed
6 by the Minister shall perform those functions and references in this Schedule
7 to the Chairman shall be construed accordingly.

8 11. The fixing of the seal of the Commission shall be authenticated
9 by the signature of the Chairman or of some other Member authorized
10 generally or specially by the board to act for that purpose for the
11 Commission.

EXPLANATORY MEMORANDUM

This Bill seeks to establish a Regulatory framework for Trans Boundary Water Resources in Nigeria, provide for the equitable and sustainable development, management, use and conservation of Nigeria's Inter-State surface Water and Groundwater Resources.