

**EKITI STATE WATER CORPORATION
(AMENDMENT) LAW, 2012**

NO. 12 OF 2012

EKITI STATE OF NIGERIA

EKITI STATE WATER CORPORATION (AMENDMENT) LAW, 2012

Arrangement of Sections.

1. Amendment of Sections 2(1) (a), (b), (c), (d), (e) and 2 (2) of the Principal Law.
2. Amendment of Section 3(1) (i) and (ii) of the Principal Law.
3. Amendment of Section 4 (2) of the Principal Law.
4. Amendment of Section 6 (1) of the Principal Law.
5. Amendment of Section 8 (1) and (2) of the Principal Law.
6. Amendment of Section 10 (2) of the Principal Law.
7. Amendment of Section 13 of the Principal Law.
8. Amendment of Section 14 of the Principal Law.
9. Amendment of Section 15 (3) of the Principal Law.
10. Amendment of Section 16 (1) (b) of the Principal Law.
11. Amendment of Section 17 of the Principal Law.
12. Amendment of Section 18 of the Principal Law.
13. Amendment of Section 28 of the Principal Law.
14. Amendment of Section 34 (2) of the Principal Law.
15. Amendment of Section 37 (2) and (3) (a) of the Principal Law.
16. Amendment of Section 38 of the Principal Law.
17. Amendment of Section 41 (2) of the Principal Law.
18. Amendment of Section 42 (2) of the Principal Law.
19. Amendment of Section 51 of the Principal Law.

A LAW TO AMEND THE EKITI STATE WATER CORPORATION

LAW CAP. E 36, LAWS OF EKITI STATE, 2012.

NO. 12 OF 2012

EKITI STATE OF NIGERIA

Commencement ()

ENACTED BY Ekiti State House of Assembly as follows:

**Composition of
the Board of
Directors.**

**1. Amendment of Section 2(1) (a), (b), (c), (d), (e) and 2(2) of
the Principal Law**

Section 2(1) (a), (b), (c), (d), (e) and 2(2) of the Principal Law is hereby deleted and substituted with a new section 2(1) (a), (b), (c) (d) (e) and 2(2) as follows:

“2. (1) The Board of Directors shall consist of the following members:

(a) A full-time Executive Chairman and six part-time members:

(b) Three representative of stakeholders who shall be appointed by the Governor

(c) A representative of the Ministry of Health as ex-officio member; and

(d) A representative of the Ministry of Works as ex-officio member.

‘2 (2) The persons referred to in paragraphs (a) and (b) of subsection (1) of this Section shall be appointed by the Governor.

Qualification and disqualification of members of the Board.

2. Amendment of Section 3(1) (i) of the Principal Law

1. Section 3(1) (i) of the Principal Law is hereby amended by inserting immediately after the word “Nigeria” the word “and preferably of Ekiti State”.

Amendment of section 3 (1) (ii) of the Principal Law

Section 3 (1) (ii) of the Principal Law is hereby deleted and substituted with a new section 3(1) (ii) as follows:

“3(1) (ii) The Chairman shall have water industry professional experience and must have achieved management position in his career. The Chairman, where he is an Executive Chairman shall be professionally qualified, registered with the Nigerian Society of Engineers (NSE), Council for the Regulation of Engineering Nigeria (COREN) and with sound management experience of water supply or water resources engineering.

Tenure of Office of members of the Board.

3. Amendment of Section 4(2) of the Principal Law

Section 4 (2) of the Principal Law is amended by inserting immediately after the word “addressed” the words “through the Chairman”

Amendment of Section 6 (1) of the Principal Law

Meetings of the Board.

4. Section 6 (1) of the Principal Law is hereby deleted and substituted with a new section 6(1) as follows:

“6(1) The Board shall meet four times in a year.”

**Secretary of
the
Corporation.**

5. Amendment of section 8(1) of the Principal Law

Section 8 (1) is hereby amended by substituting the words “the Head of General Administration” with “the Head of Administration and Supplies to read;

(1) The Corporation shall appoint a Secretary who shall also be the Head of Administration and Supplies of the Corporation.

(2) Section 8 (2) is hereby amended by substituting the words “the Secretary” with “The Head of Administration and Supplies” to read:

(2) “The Head of Administration and Supplies shall act as the Secretary to the Board as its meeting...”

**Functions of
the
Corporation.**

6. Amendment of Section 10(2) of the Principal Law

Section 10(2) of the Principal Law is hereby deleted and substituted with a new Section 10(2) as follows:

“10(2) The Corporation may also do all such acts as may appear to it expedient for the purpose of achieving the objects set out in section 9 of this Law and the implementation of the functions specified in subsection (1) of this section which may include private sector participation (PSP), Public Private Partnership (PPP). Built Operate and Transfer (BOT) System”.

**General
Manager.**

7. Amendment of Section 13(1) of the Principal Law

Section 13 (1) is hereby amended by replacing subsection 1 of Section 13 with:

“The Corporation shall have Executive Chairman who shall be the Chief Executive while the General Manager shall be the Accounting Officer”.

**Management of
the Corporation’s
business and
administration.**

8. Amendment of Section 14 of the Principal Law.

Section 14(1) line 1 is hereby amended by substituting the words “General Manager” with the words “Executive Chairman”

Section 14 (2) is hereby amended by replacing the entire subsection 2 with:

“The Executive Chairman shall be assisted in the performance of his duties by the General Manager and Directors who shall be appointed and designated as Assistant General Manager or as considered appropriate by the Board, to be in charge of the departments identified by the Board”.

A new subsection 3 to read:

14(3): There is hereby established Area Offices charged with responsibilities for maintaining schemes in their areas of location and attending to complaint.

**Staff of the
Corporation.**

9. Amendment of Section 15(3) of the Principal Law.

Section 15(3) of the Principal Law is amended by deleting the word “General Manager” and substituting same with “Executive Chairman”.

Execution of contracts and authentication of documents.

10. Amendment of Section 16(1)(b) of the Principal Law

Section 16(1)(b) of the Principal Law is deleted and substituted with a new section 16(1)(b) as follows:

“16(1)(b): The signature of the Executive Chairman of the Corporation or/and any other officer of the Board authorized by the Board to act in the Secretary’s place for that purpose.”

Internal Auditor

11. Amendment of section 17 of the Principal Law

Section 17 of the Principal Law is amended:

(a) In subsection (1), by inserting immediately after the word “auditor” the words “who shall be a qualified chartered accountant”

(b) In subsection (2), by substituting the words “General Manager” with “Executive Chairman”

(c) In subsection (3) by deleting the words “to the General Manager who shall present the report for the consideration of the Board”

(d) By deleting subsection (6) and substituting same with a new subsection (6) as follows:

“17 (6) The Internal Auditor shall send a copy of each of the quarterly reports to the Board who shall make available copy to the:

- (a) State Governor;
- (b) Commissioner responsible for Finance;
- (c) State Auditor General.

Funds and resources of the Corporation.

12. Amendment of Section 18 of the Principal Law

Section 18 of the Principal Law is amended in paragraph (a) by inserting immediately after the word “acquire”, the words

“including revenue/money generated through sales of potable/treated water from consumers”

Surcharge.

13. Amendment of Section 28 of the Principal Law

Section 28 of the Principal Law is amended:

(a) in subsections (2), (3) and (4) lines 1 and 2 by substituting the word “General Manager” with “Executive Chairman”.

Annual Report.

14. Amendment of Section 34(2)(b) of the Principal Law

Section 34(2)(b) of the Principal Law is amended by substituting the word “Commissioner” with “Governor”.

No person to contract waterworks without permission.

15. Amendment of Section 37 (2) and (3)(a) of the Principal Law

Section 37 (2) and (3) (a) of the Principal Law is amended:

(a) by substituting the figures “0.22 meters and 61 meters with 0.50 meters and 100 meters

(b)in subsection (3)(b) by substituting the figure “2 kilometers’ with ‘1 kilometer”.

(c)in subsection (5) by substituting the figure “~~₦~~2,000.00” with “~~₦~~200,000.00”

No person to damage waterworks, etc.

16. Amendment of Section 38 of the Principal Law

Section 38 of the Principal Law is amended by substituting the figures “~~₦~~5,000.00 and “~~₦~~100.00” in lines 3 and 5 with ₦500,000 and “ ~~₦~~50,000.00” respectively.

Foul accumulation of earth, etc., an offence.

17. Amendment of section 41 (2) of the Principal Law

Section 41 (2) is amended by substituting the figures “~~₦~~4,000.00 and “~~₦~~100.00” in lines 2 and 4 with “~~₦~~400,000” and “~~₦~~40,000.00” respectively.

Bathing, washing, etc., in waterworks, an offence.

18. Amendment of Section 42(2) of the Principal Law

Section 42(2) of the Principal Law is amended by substituting the figures “~~₦~~5,000” and “ ~~₦~~100.00” in lines 1 and 2 with “~~₦~~500,000 and ~~₦~~50,000”

Interpretation.

19. Amendment of Section 51 of the Principal Law

Section 51 of the Principal Law is amended by further defining the following words:-

“Executive Chairman” means the Chairman of the Board of Directors who also is the Chief Executive of the Corporation.

“Excess Consumption” means (a) in the case of tenement in respect of which general water rate is payable, quantity of water ascertained by tenement in excess of such monthly allowance may be prescribed and,

(b)In the case of tenement in respect of which general water rate is not payable, quantity of water ascertained by meter as having been consumed in the tenement.

“Finance year” means a period of twelve months commencing on 1st January.

“Public device” means a fountain, stand pipe, hydrant, tap or other device, natural or constructed from water discharges”

“Street” includes a road, highway, bridge, thoroughfare, access, road, avenue, alley, square, court or other passage or place over or to which the public have right or way of access.

“Undertaking” means the system of all the materials, plant, equipment construction, instrument and other devices used together in the production, supply and distribution of water”.

