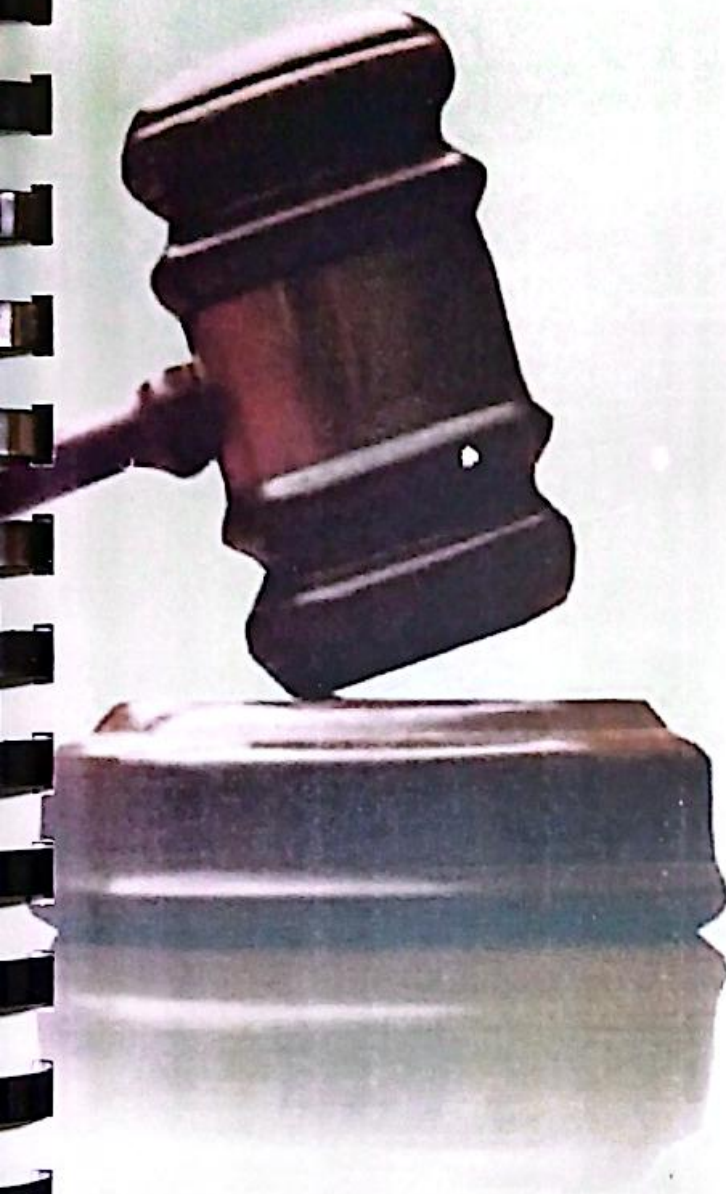


EKITI STATE WATER RESOURCES, SANITATION, AND HYGIENE SECTOR LAW, 2025.

NO. 5 OF 2025



EKITI STATE OF NIGERIA

**A LAW TO REPEAL THE EKITI STATE WATER SUPPLY, SANITATION AND
HYGIENE (WASH) SECTOR LAW NO. 2 OF 2021 AND TO RE-ENACT THE
EKITI STATE WATER RESOURCES, SANITATION AND HYGIENE SECTOR
LAW, 2025 AND OTHER RELATED MATTERS.**

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LAW, 2024 AND OTHER RELATED MATTERS.**

EKITI STATE OF NIGERIA.

Commencement

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ENACTED BY THE HOUSE OF ASSEMBLY OF EKITI STATE AS FOLLOWS:

**PART I
PRELIMINARY.**

Ekiti State Water Sector Institutions.

1. This Law shall apply to Ekiti State Water Supply, Sanitation and Hygiene (WASH) Sector; and the following entities, Agencies, Associations, Committees, and persons that govern, regulate, provide, and access WASH services:
 - (1) Ekiti State Government;
 - (2) Ministry of Infrastructure and Public Utilities;
 - (3) Ekiti State Water and Sewerage Company Limited (EKWSC);
 - (4) Ekiti State Small Towns, Rural Water, Sanitation and Hygiene Agency (EKST-RUWASHA);
 - (5) Ekiti State Water, and Sanitation Regulatory Agency (EK-WASRA);
 - (6) Ekiti State Water, Sanitation and Hygiene (WASH) Steering Committee;
 - (7) Ekiti State Integrated Water Resources Management Committee;
 - (8) Ekiti State Task Group on Sanitation and Hygiene;
 - (9) Local Government Authorities;
 - (10) Local Government Task Group on Sanitation and Hygiene;
 - (11) Ekiti State WASH Fund (EKWF);
 - (12) Water Consumer Associations (WCAs);
 - (13) Water users' Association;
 - (14) Water, Sanitation and Hygiene Committees (WASHCOMs);
 - (15) WASH Service Providers (WSPs); and
 - (16) Water Well Drillers.

PART II

SUPERVISING MINISTRY.

Supervisory Role of the Ministry.

2. The Ministry shall coordinate the activities of state-level WASH Agencies and Departments including but not limited to the following -
 - (a) Ekiti Water and Sewerage Company Limited (EKWSC);
 - (b) Ekiti State Agency for Small Towns, Rural Water Supply, Sanitation and Hygiene Agency (EKST-RUWASHA);
 - (c) Ekiti State Water and Sanitation Regulatory Agency (EK-WASRA).

Powers of the Ministry.

3. The Ministry shall -
 - (a) create a Water Supply, Sanitation and Hygiene (WASH) Department;
 - (b) be responsible for the initiation, formulation, and implementation of policies and coordination of WASH programmes in the State;
 - (c) mobilize funds to finance capital projects such as rehabilitation and upgrading of existing water supply schemes, and construction of new systems;
 - (d) receive quarterly reports from the agencies stated in Section 2;
 - (e) maintain WASH information data station, planning, and development, policies, and programmes formulation for the State;
 - (d) develop state-wide technical standards for the industry in conjunction with the Ekiti Water and Sewerage Company Limited (EKWSC), Ekiti State Agency for Small Towns, Rural Water Supply, Sanitation, and Hygiene Agency (EKST-RUWASHA), and Ekiti State Water and Sanitation Regulatory Agency (WASRA);
 - (f) serve as a link between the State and the Federal Government, external support agencies, and persons involved in the WASH sector.

Functions of the Ministry

4.
 - (1) The Ministry shall exercise its statutory WASH duties through its WASH department.
 - (2) The WASH department shall comprise of relevant sector with multi-disciplinary staff, including Engineers, Environmental Health Officers, Natural and Social Scientists, Community Mobilization and Hygiene specialists, Biochemists, and Policy analysts.
 - (3) The Ministry's WASH Department shall not be involved in WASH service provision.
 - (4) The Ministry's WASH Department shall interface with sector bodies such as Ekiti State Water and Sewerage Company Limited, Ekiti State Small Towns, Rural Water, Sanitation and Hygiene Agency (EKST-RUWASHA), Ekiti State Water and Sanitation Regulatory Agency (EK-WASRA), Ekiti State Water,

Sanitation, and Hygiene (WASH) Steering Committee, Ekiti State Integrated Water Resources Management Committee, Ekiti State Task Group on Sanitation, and Hygiene, and LGA's WASH department for the purposes of sector coordination.

- (5) The WASH Department shall host the secretariat of the Ekiti State Water, Sanitation, and Hygiene (WASH) Steering Committee, Ekiti State Integrated Water Resources Management Committee, and Inter-Agency working group on Monitoring and Evaluation.
- (6) The Ministry shall ensure all projects and activities implemented by the agencies under her supervision comply with environmental and social guide, climate change principles, and gender inclusiveness.

PART III

EKITI WATER AND SEWERAGE COMPANY LIMITED.

Incorporation of Ekiti Water and Sewerage Company Limited.

5. (1) The State Government shall take all necessary steps to incorporate the Ekiti Water and Sewerage Company Limited (referred to in the Law as "Company") under the Companies and Allied Matters Act, provided that the majority shares shall be held by the State.
- (2) The Company shall retain ownership, management, and maintenance of both surface water and underground water supply schemes, (including all its assets and liabilities), in urban areas of the State; and public sewers, sewerage, and disposal work in urban areas of the State.
- (3) The company shall also ensure sanitation (sewer and non-sewer) in urban areas following City-wide Inclusive Sanitation (CWIS) approach

Objectives of the Company.

6. The articles of the Company so incorporated in accordance with Section 5 shall state that the Company's primary objective is to provide efficient, effective, and sustainable water system development and delivery as well as urban public sewerage management in the State.

Use and non-payment of water by Fire Service.

7. (1) A charge shall be prescribed by the Company for water abstracted by any Fire Service in Ekiti State.
- (2) The Fire Service shall not be prevented from abstracting water from any public fountain, service, or waterworks of the Company to prevent or control fire.
- (3) The main pipe, valve, hydrant, service or other waterworks supplied by any Fire Service to prevent or control fire shall be provided by the Company.

- (4) Any main, pipe, valve, hydrant, service, or other waterworks supplied by the Company to any Fire Service on request shall vest in the Company perpetuity and shall be maintained and renewed by the Company at the expense of such Fire Service.
- (5) The Company shall ensure that any main, pipe, valve, hydrant, service, or other waterworks supplying water for firefighting shall be fitted with meters.
- (6) Water abstracted for firefighting shall be charged appropriately by the Company.

Waterworks and property of the Company not to be rated.

8. Any waterworks vested in or the property of the Company shall not be valued for rating purposes under any existing enactment.

Waterworks not to be constructed without permission.

9. (1) No surface water waterworks shall be constructed by any person without the approval of the Company.
- (2) This Section shall not apply to the construction of a well having a diameter not exceeding 0.50 meters and depth not exceeding 100 meters.
- (3) Notwithstanding subsection (2) above, no person shall pump water or permit artesian water to flow from: -
 - (a) A well having a diameter not exceeding 0.50 meters and depth not exceeding 100 meters or
 - (b) A borehole within 1 kilometer of waterworks, without the permission of the Company.
- (4) The Company may by notice published in the State Gazette specify any area being further than $\frac{1}{2}$ kilometres from any waterworks where water shall not be pumped or artesian water permitted to flow from any well or borehole without the permission in writing of the Company.
- (5) Any person who contravenes any of the provisions of this Section commits an offence under this Law and is liable on summary conviction to a fine not exceeding two hundred thousand naira (₦200,000) or to a term of imprisonment not exceeding 12 months.

Damage to Pipeline, Waterworks, and Company Assets.

10. (1) No person shall:
 - (a) willfully or negligently damage a waterworks, public fountain, pipeline service or meter, or
 - (b) unlawfully draw off, or divert water from any waterworks, public fountain, stream, meter, or water by which any waterworks are supplied, or

- (c) pollute water in any waterworks, public fountain, stream, well, borehole or allow any foul liquid, gas, or other noxious or injurious matter to enter any such water or service-connected therewith; or
 - (d) connect or cause to be connected any water pipe to the water pipe already laid by the Company without the approval and supervision of the Company.
- (2) Any person who contravenes any of the provisions of this Section commits an offence under this Law and is, liable on conviction to a fine not exceeding ₦500,000.00 or to a term of imprisonment not exceeding one year; and in the case of a continuing offence after a notice in writing to the person requiring him/her to stop committing the offence, to an additional fine not exceeding ₦50,000 in respect of each day on which the offence continues and to a term of imprisonment not exceeding one month in addition to that already prescribed herein.
 - (3) Any Staff of the Company who connives, aids or abates the commission of the offence mentioned in this Section or any other Section of this Law shall be liable to summary dismissal in addition to any other punishment prescribed for the offender.
 - (4) If damage or relocation of the water pipeline is in the public interest the cost of repairing the damage or relocation shall be done by the contractor or the person undertaking the assignment.

Misuse of Water.

11. No person shall -

- (a) willfully or negligently misuse or cause or permit to be misused or wasted any water passing into, though, upon or near any tenement; or
- (b) alter or cause or permit to alter any service without the written permission of the Company.
- (c) any person who contravenes subsection (1) of this Section commits an offence under this Law and is liable on conviction to a fine not exceeding ₦50,000.00 or to a term of imprisonment not exceeding one year.

Alteration or damage to service meter.

12. (1) No person shall -

- (a) alter or cause, or permit to be altered any service meter with intent to:
 - (i) avoid the accounting measurement or register of water; or
 - (ii) obtain a greater supply of water than he/she is entitled to; or
 - (iii) avoid payment of water supplied to him/her; or
- (b) willfully or negligently alter or damage or cause or permit to be altered or damaged any service meter.

- (2) Any person contravenes subsection (1) of this Section commits an offence under this Law and is liable on summary conviction to a term of imprisonment not exceeding four months without the option of fine.
- (3) Any service meter so altered or damaged shall be replaced or repaired by the Company at the expense of the person convicted, and the cost of replacement or repair of such service meter may be recovered upon the order of a court in the same manner as any penalty may be recovered upon conviction.

Unlawful accumulation of polluting earth and excavated materials.

- 13. (1) Any person who puts, or permits to be put or to remain, or to accumulate on any tenement owned or occupied by him/her or his/her servant, or who falls to remove or to cause to be removed; or to take such steps as may be necessary, to prevent, upon notice in writing from the Company, any foul nuisance or injurious matters, or any earth, deposit or excavated materials in such manner or place that may be washed, fall or be carried into any waterworks or the gathering ground thereof commits an offence under this Law.
- (2) Any person who commits an offence under subsection (1) above is liable on summary conviction to a fine not exceeding ₦100,000.00 or to a term of imprisonment not exceeding one year, and in the case of a continuing offence to an additional fine not exceeding ₦40,000.00 in respect of each day on which the offence continues.

Bathing, Washing, or Serving Animals in Waterworks.

- 14. (1) Any person who:
 - (a) bathes or washes in any part of waterworks; or
 - (b) throws or causes to enter any waterworks, any dog, horse, goat, pig or any other animal, or any bird or any cloth, material or things, or
 - (c) wrongfully opens or closes any lock, valve, sluice, or maintenance hole belonging to any waterworks, commits an offence under this Law.
- (2) Any person who commits an offence under subsection (1) of this Section is liable on conviction to a fine not exceeding ₦500,000.00 or to a term of imprisonment not exceeding four months, and in the case of a continuing offence to an additional fine not exceeding ₦50,000.00 in respect of each day on which the offence continues.

Power to Disconnect or Refuse Service.

- 15. (1) Any person or body who refuses and neglects to pay his/her water rate shall have his/her premises disconnected.
- (2) Where such refusal and or neglect occurs for a continuous period of two weeks immediately preceding the month such person or body was disconnected, the Company shall immediately commence prosecution of such person or body in

a Court and on conviction liable to a fine not below 25% of the amount owed in addition to payment of the bill and or term of imprisonment not exceeding six months.

Offence by a Body of Persons.

16. (1) Where an offence is committed under this Law or regulations made thereunder by a body of persons;
- (a) in the case of a body corporate, other than a partnership, every Director, Secretary, or similar officer of the body shall be held liable for such an offence; and
 - (b) in the case of a partnership, every partner shall be held liable for such an offence.
- (2) No person shall be convicted for an offence under subsection (1) if he proves to the satisfaction of the Court -
- (a) that he did not consent to or connive at the commission of the offence; and
 - (b) that he did all in his/her power to prevent the commission of the offence when considering all the circumstances.

Revenue Court.

17. The Governor may constitute a Revenue Court to ensure speedy enforcement of provisions of this Law.

Bye-Laws and Administrative Instructions.

18. The Company may from time-to-time issue bye-laws or administrative instruments in writing for regulating the internal operation of the Company including but without prejudice to the general effect of the provisions of this Law, the regulation of the conditions of service of employees of the Company and the operation of the Pension scheme.

Service of Notice.

19. Service upon the Company of any notice, Court processes, or other documents may be effected by delivering such notice, order, or other documents to the Managing Director of the Company.

Restriction of Execution against the Company.

20. No execution or attachment or process in nature thereof shall be issued against any waterworks vested in or the property of the Company, until the expiration of three months from the date of the judgment of the Court.

Restriction on Suits against the Company.

21. (1) No suit shall be commenced against the Company until one month has lapsed since a written notice to commence the suit shall have been served on the Company by the Complainant or his/her agent.
- (2) A notice under subsection (1) shall state:
- (a) The cause of action;
 - (b) The relief sought, and
 - (c) The name and place of abode of the intending plaintiff.

Water Supply, Distribution, and Consumption.

22. (1) The Company shall ensure efficient, affordable, economical and Sustainable access to water supply services by all consumers in the urban areas, subject to the -
- (a) availability of resources.
 - (b) need for the equitable allocation of resources to all consumers within the Company's area of jurisdiction
 - (c) need to monitor and ensure access to water services in an equitable way.
 - (d) duty of consumers to pay reasonable charges, which must be following the prescribed norms and standards for tariffs for water services issued by WASRA.
 - (e) duty to conserve water resources.
 - (f) nature, topography, zoning, and situation of the area in question.
 - (g) right of the Company to limit or discontinue the provision of water services if there is a failure to comply with reasonable conditions set for the provision of such services.
 - (h) need to carry out inspections, tests, or repairs and for the making of new connections; and
 - (i) need to effect alterations and modifications to its pipelines and other facilities or general maintenance of the waterworks subject to Notice as maybe determined by Regulations of the Agency.
- (2) The Company shall not be under any obligation to pay damages or compensation for loss, damages, or inconveniences caused to any consumer through any suspension, failure, discontinuance, or a total or partial interruption of the supply of water howsoever caused in furtherance to subsection (1) of this Section except in the case of negligence on the part of any employee or agent of the Company.
- (3) Except where impracticable, the Board shall take reasonable steps to notify the public ahead of time of any interruption in the provision of water services.

Rates and scales of charges.

23. (1) The Company shall from time-to-time fix rates and scales of charges payable for water supply and other services within the designated urban areas following a methodology for tariff setting approved by the Agency.

- (2) The water rates and charges may be fixed at different rates for different locations and different users as may be approved by the Agency.

Application for water supply.

24. (1) The Company may supply water to a tenement upon application of the owner or occupier according to any Rules and Regulations issued by the Agency.
(2) The Company may refuse to supply water to any particular premises except by a meter installed and maintained by the Company; provided that the Company shall not disconnect any user or fail to connect a potential consumer for the failure of the Company to provide such meter.

Purchase, resale and distribution of water by the Company.

25. Subject to the provisions of this Law, the Company may purchase water in bulk and may resell such water either in bulk or by distribution to individual consumers, corporate bodies, commercial ventures, or other Private water supply operators.

Prohibition of sale of water supplied by the Company.

26. As from the commencement of this law, no person shall resell water supplied by the Company except according to a License or Permit issued by the Ekiti State Water and Sanitation Regulatory Agency (EK-WASRA).

Payment for water rates and charges.

27. (1) The owner or occupier of any tenement to which water is supplied by the Company shall pay to the Company such rates and charges for water supply or other services as may from time to time be determined by the Company and approved by the WASRA.
(2) Where any person fails to pay water rates or charges within one month or any other period after service of a notice of default, the Company may recover such rates or charges following regulations issued by the WASRA for that purpose or by an action brought before a court of competent jurisdiction.

Company not responsible for installation works or damage.

28. The Company shall not be liable for the malfunctioning or safety of any installation or apparatus connecting water supply to a customer's premises unless such damage is due to the negligence of the agent, servant, or employee of the Company.

Maps of Waterworks.

29. (1) The Company shall keep, modify, and update annually printed and electronic records of the location of:
(a) all resource mains, water mains or discharge pipes vested in the Company; and

- (b) any other underground pipes, other than a service pipe, which is vested in the Company.
- (2) Any modification of the records by the Company according to subsection (1) of this Section, shall be made as soon as practicable and the date of such modification and completion of the work resulting in the modification shall be incorporated into the records.
- (3) The Company shall ensure that the contents of any records kept by it under this Section are available, at all reasonable times, for inspection by the public free of charge at any of its offices upon application in writing to the Company
 - (a) Provided that where copies of such information are required, the Company may charge a reasonable fee for the provision of such copies thereof.
 - (b) Except where the request for copies is made by any Government Agency or the WASRA.
- (4) Any information which is required under this Section for inspection by the public shall be made available in form of a map.

Establishment of the Customer Care Centre.

- 30. There is hereby established for the Company, a Customer Care Centre (referred to in this Law as "the Centre") which shall be within the Company's Headquarters and its area offices.

Functions of the Centre.

- 31. The functions of the Centre shall be to -
 - (1) receive and resolve complaints from customers and the general public regarding:
 - (a) Quality of water;
 - (b) Water leakages;
 - (c) damage to properties of the Water Company
 - (d) Water connection charge
 - (e) Standards of service; and
 - (f) other related matters
 - (2) refer disputes for settlement to the Ekiti State Water and Sanitation Regulatory Agency (EK-WASRA);
 - (3) protect the interests of all customers and the public;
 - (4) monitor all matters appearing to the Centre to affect the interests of customers or the public;
 - (5) consult with operators on customer/operator relationships;
 - (6) make representations in appropriate cases on behalf of a customer or complainant to any Private Sector Operator;
 - (7) receive and forward complaints from Environmental Agencies and Government bodies on water pollution matters to the relevant authorities where applicable.

Vesting of Sewer Disposal Works.

32. From the Commencement of this Law, all public sewers, sewerage, and disposal work in the State are vested in the Company.

PART IV

**EKITI STATE SMALL TOWNS, RURAL WATER, SANITATION AND
HYGIENE AGENCY (EKST-RUWASHA).**

**Establishment of Ekiti State Small Towns, Rural Water, Sanitation and Hygiene
Agency (EKST-RUWASHA).**

33. (1) There is established the Ekiti State Small Towns, Rural Water Supply and Sanitation Agency (EKST-RUWASHA).
- (2) The Agency shall -
- (a) be a body corporate.
 - (b) have an official seal.
 - (c) acquire, hold and dispose of property; and
 - (d) sue and be sued in its corporate name.

Functions of EKST-RUWASHA.

34. The functions of the Agency shall include:
- (a) developing a sustainable service delivery mechanism for the provision of potable water supply in Small Towns through under groundwater schemes and springs development.
 - (b) developing a sustainable service delivery mechanism for the provision of safe sanitation services in Small Towns.
 - (c) accelerating coverage of state water supply and sanitation in Small Towns.
 - (d) improving public health by building and promotion of Sanitation demonstration Units and Sanitation Centers in each town to inculcate best practices.
 - (e) training builders on the construction of sanitation facilities for further promotion in the towns.
 - (f) involving the beneficiary communities in a cost-sharing arrangement towards capital investment for construction of water supply and sanitation facilities based on their willingness and ability to sponsor.
 - (g) assisting Local Governments to take inventory of existing Rural Water, Sanitation, and Hygiene facilities and the rehabilitation and improvement of existing sources.
 - (h) supporting the Local Governments to take inventory of existing Rural Water Supply and Sanitation coverage, use, and maintenance status.
 - (i) the establishment of an award scheme to recognize Local Government achievement in hygiene education, water, and sanitation coverage.

- (j) setting up the maintenance of minimum standards for all Rural Water Supply and Sanitation works in the State.
- (k) establishment and maintenance of a core capacity for drilling work in all local government areas; and the provision of a benchmark cost and minimum quality standard for private contractors working on boreholes and hand pumps.
- (l) collaborating with other agencies to facilitate the activities of the environmental sanitation in the areas of safe water, sanitation, hygiene education, and community mobilization.
- (m) monitoring the state of repairs of all rural supply and school/community-based sanitation facilities and the report of local government performance to the State Government.
- (n) organizing training for hand pump maintenance within the State and recommending to local governments the expert contractors to be used for such works.
- (o) collaborating with other agencies in ensuring that guinea worm and other water, sanitation, hygiene-related diseases are eradicated/ controlled through hygiene education and campaigns.
- (p) ensuring greater participation of women in the Agency's projects.
- (q) liaising with the Federal Ministry of Water Resources for national guidelines and reporting up-to-date data on Water Supply, Sanitation and Hygiene coverage to the Ministry's monitoring units through the State's parent Ministry, at quarterly intervals.
- (r) compiling and maintaining a state-wide inventory of rural water supply and sanitation sources, including condition, type of pumps, and land source.
- (s) continuous training of local government artisans on hand-dug well and Manual Rig teams, sanitation artisans/promoters; Community-based Hygiene Education Facilitators and Village Level Operation and Maintenance (VLOM) artisans.
- (t) supporting the local governments that wish to have their wells and manual rig terms to procure and maintain equipment.
- (u) assisting local governments to plan and implement their Rural Water Supply Sanitation and Hygiene Education programmes, by devising schemes which will allow community participation in terms of capacity building and maintenance.
- (v) assisting local governments with diagnostic surveys to establish local conditions and attitudes related to water use, Sanitation, and Hygiene practices.
- (w) construction of low-cost technology latrines, such as the Sanitation Platform (SANPLAT), ventilated improved pit latrine (VIP) latrines, and demonstration toilet units in strategic places in the Local Government Areas in collaboration with the LGA WASH Unit

- (x) developing of alternative Rural Water Supply sources and improvement on the existing native water supply sources for communities, e.g., rainwater harvesting, spring development, slow sand filtration galleries, etc. in collaboration with the LGA WASH Unit
- (y) coordination of activities of all rural water supply, sanitation, and hygiene departments in the State, including collaboration with non-governmental and civil society organizations.
- (z) providing enabling environment for the implementation of Sanitation and Hygiene activities in the State, as part of the scaling-up of Sanitation in Nigeria.
- (aa) working closely with the State Task Group on Sanitation, and Hygiene and all stakeholders to implement sanitation and hygiene activities in the State
- (bb) embracing and actively participating/facilitating the conduct of any emerging WASH-related issue(s) in current trends, for example, marking off the IYS, Global Hand washing campaigns, and others.

Directions from Governor and Ministry.

35. The Agency may -

- (a) receive from the Governor directions of a general or specific nature in the exercise of its functions and the Agency shall comply accordingly.
- (b) without prejudice to subsection (a) of this Section, be amenable to the coordination of its activities by the Ministry, who shall act on behalf of the State Government.

Powers of EKST-RUWASHA.

36. In the exercise of its function, the Agency shall have the power to-

- (a) conduct pieces of training in the operation and maintenance of water facilities, health and hygiene education, water supply and sanitation facility installation, project monitoring, and evaluation.
- (b) send suitable persons within its staff, for training in water supply and sanitation control systems.
- (c) construct groundwater schemes to provide water supply in any Small-Town and Rural Communities in the State; and
- (d) do anything that may lawfully be done to enhance its efficiency in the exercise of its functions.
- (e) appoint such other staff for the conduct of its day-to-day business, as it may determine.
- (f) pay its staff such remuneration and allowance as it may deem appropriate with the approval of the Commissioner in charge of the Ministry of Infrastructure and Public Utilities, subject to Government regulations.
- (g) pay in respect of any staff, such as pensions and gratuities, as are payable to persons of equivalent grade in the Ekiti State Civil Service.

Appointment of General Manager for EKST-RUWASHA.

37. (1) There shall be a General Manager for the Agency who shall be appointed by Governor.
- (2) The General Manager shall be the Chief Executive of the Agency.
- (3) The General Manager shall -
- (a) be a qualified and registered Engineering, Management, Science or Social Science professional with a minimum of first degree and on at least GL 16 salary scale.
 - (b) have a cognate/related experience in rural water supply, sanitation and hygiene implementation.
- (4) The terms and conditions of service of the General Manager shall be as may be detailed in the instrument of appointment.
- (5) The General Manager shall, subject to the general control of the Board on policy matters, and subject in particular to such regulations as the Board may make in that behalf be charged with the overall responsibilities for carrying out the policies and decisions of the Board as well as the written administration and the control of all the employees of the Agency.

Departments of the Agency.

38. (1) The Agency shall appoint seven Heads of Department for -
- (a) Finance and Accounts
 - (b) Administration and Supplies
 - (c) Planning, Monitoring, and Evaluation
 - (d) Community Mobilization and Hygiene
 - (e) Sanitation and Hygiene
 - (f) Water Supply; and
 - (g) Maintenance.
- (2) The General Manager shall consult with the supervising Ministry regularly and brief the State Executive Council every three months.

Composition of the Board.

39. (1) There shall be constituted for the Agency, a Board (hereinafter referred to as 'the Board').
- (2) The Board shall give guidelines for the management of the Agency's affairs.
- (3) Members of the Board shall be charged with the responsibility of making policies in respect of the execution of all functions of the Agency under this Law.
- (4) The Governor shall appoint for the Board a Chairman on part-time basis.
- (5) Other members of the Board shall comprise-
- (a) seven ex-officio members including-
 - (i) the Permanent Secretary, Ministry of Infrastructure and Public Utilities.

- (ii) the Permanent Secretary, Ministry of Finance and Economic Development.
- (iii) the Permanent Secretary, Ministry of Health.
- (iv) the Permanent Secretary, Ministry of Women Affairs and Social Welfare.
- (v) the Permanent Secretary, Ministry of Local Government and Chieftaincy Affairs.
- (vi) the Permanent Secretary, Ministry of Environment; and
- (vii) Executive Secretary, State Planning Commission.
- (b) the ALGON Chairman.
- (c) three other part-time members representing various interests; and
- (d) the General Manager of the Agency.
- (6) Two members appointed in subsection 5 (a) of this Section shall be women.
- (7) Except for ex-officio members, other members shall be paid such remunerations stated in their instruments of appointment.

Tenure of Membership of the Board.

40. (1) Except for ex-officio members, other members of the Board shall hold office as may be determined in their instrument of appointment.
- (2) Except for ex-officio members, other members shall hold office for four (4) years in the first instance and may be reappointed for a further non-renewable term of 4 years.
- (3) Notwithstanding the provisions in subsections (1) and (2) of this Section, a member may at any time offer a written resignation of appointment to the Governor.
- (4) **Provided** that the Governor is vested with the power to suspend a member, the Governor may remove a member from the Board, following due consultation and conclusion that such a member's continued presence violates the interest of the Agency.

Qualification of the Chairman of the Board.

41. The Chairman shall be an experienced WASH professional, with good track records.

Disqualification from membership of the Board.

42. No person shall be qualified as a member of the Board if-
- (a) he has been adjudged or otherwise declared bankrupt under any existing law in Nigeria.
 - (b) he has not been discharged from such bankruptcy.
 - (c) he had been detained as a criminal or lunatic under any existing law in Nigeria; or
 - (d) he has been convicted for:-
 - (i) an offence involving State security, fraud, dishonesty or moral turpitude; or

- (ii) any other offence and has not been granted state pardon; or
- (e) he has been found by the report of a commission of inquiry to:-
 - (i) be incompetent to hold public office, or
 - (ii) had abused his/her office.
- (f) he had willfully acted in a manner prejudicial to the interest of the State and such findings had not been vacated on appeal or by judicial review; or
- (g) he is still serving a sentence imposed on him/her by any court of competent jurisdiction.

Emoluments of members of the Board.

43. There shall be paid to each member of the Board, each committee member of the Board and each co-opted person of the Board, such allowance whose rate may, from to time, be determined by the existing civil service rules and such shall be in respect of traveling and other approved expenses.

Meetings of the Board.

44. (1) The Board shall meet in the Agency's boardroom at least twice but not more than six times in a year.
- (2) The Chairman shall make a written invitation, bearing signatures of at least four (4) members, summoning a special board meeting to be held within fourteen (14) days of receipt of such a summon.
- (3) The Board Chairman shall preside at every board meeting, however, in the Chairman's absence, a member shall be elected within the board members to preside.
- (4) Every matter at a board meeting shall be decided using simple majority voting and in the event of a tie, the Chairman or the presiding member shall cast a tie-breaking vote.
- (5) The quorum for any meeting of the Board shall be four (4), including the Chairman or the presiding member.
- (6) The Board may, at any time during its meetings, co-opt any person or persons to act as an adviser.
- (7) The co-opted person shall not vote on any matter discussed at the meeting.
- (8) The Board shall have the power to advertise a work contract of the Agency or any other Agency transaction and in the event of any urgency in the execution of such contract or transaction, a selective contract method may be used under the existing process in the State.
- (9) Any member, under subsection (7) of this Section can declare a conflict of interest regarding his/her link to a firm or company being considered for the contract or transaction and such a declaration shall serve as the purpose of declaring the interest.
- (10) A member may declare an interest under subsection (9) of this Section if he:-
- (a) attends a meeting of the Board to so act; or

- (b) takes reasonable steps to disclose this interest by the notice that shall be read at the board meeting.
- (11) Any member who violates the provisions of subsections (8) and (9) of this Section shall be removed from the Board.
- (12) The proceedings of the Board shall remain valid notwithstanding: -
 - (a) any existence of a vacancy in the Board membership; or
 - (b) any defect in any member's appointment to the Board.
 - (c) any inadvertent omission to send out notice of its meeting; and
 - (d) any error to address the failure in (c) above or any failure in delivering any such notice.
- (13) Except as otherwise expressly provided under this Section, and subject to this Law, the Board may make standing orders to regulate its procedure.

Committees of the Board.

- 45. (1) Subject to subsection (2) of this Section, the Board may appoint one or more committees of the board to advise it on any matter or take any other action regarding -
 - (a) the initiation, execution, administration, or progress of any project, scheme or activity the Board may undertake, participate in; or
 - (b) any other purpose, general or specific, relating to the functions of the Agency which, in the opinion of the Board, is better regulated or managed using a committee.
- (2) The Board may, on such terms and conditions as it may think, delegate to a committee appointed under subsection (1) of this Section which shall not include:-
 - (a) extraordinary expenditure.
 - (b) borrowing money; and
 - (c) making standing orders, rules, or regulations.
- (3) The composition, tenure of office, and remuneration of committee members appointed under subsection (1) of this Section shall be determined by the Board.
- (4) A committee appointed under subsection (1) of this Section may include persons who are not board members or officers or employees of the Agency, but who possess such special qualification or experience as, in the opinion of the Board, shall prove beneficial to the work of the committee.

Execution of Projects.

- 46. (1) All projects the Agency initiates shall, on completion, be handed over to the community.
- (2) Benefiting communities shall provide labor and security on project sites during construction and after the handover by the Agency.

Sources of Fund.

47. The sources of fund and resources of the Agency shall comprise of -
- (a) funds or other property as may be advanced as a loan, grants from development partners and donor agencies, allocation or such other appropriations Government may make.
 - (b) such funds or other property whatsoever as may be advanced as loans or grants to the Agency by State Government, Local Government, statutory corporation, any Government Agency or Institution of such Government, an international organization, private foundation or any person whatsoever; and
 - (c) all other sums or property which may in any manner become payable to or vested in the Agency in respect of any matter incidental to its functions and powers under this Law.

Power to Raise Loans.

48. (1) The Agency may -
- (a) raise loans for meeting any of its obligations or discharging its functions under this Law.
 - (b) exercise its powers under subsection (1) (a) of this Section, only with the approval of the Governor, following details of the amount of loan and the sources of borrowing.
- (2) The approval sought in subsection (1) (b) of this Section may be total or limited to borrowing or subject to any condition, which the Governor may impose.

Accounts and Audit.

49. The Agency shall -
- (a) keep proper accounts of its transactions.
 - (b) keep proper records relating to the accounts and prepare in each financial year a statement of such accounts in a form prescribed by the State Auditor General.
 - (c) submit to audit the books and accounts of the Agency, within 3 months after the end of each financial year.
 - (d) pay fees in respect of the audit work to its external auditors as the State Auditor General shall provide payment guidelines; and;
 - (e) send, as soon as possible, copies of the external auditor's report to the State Auditor-General, the Commissioner for Infrastructure and Public Utilities and the State Governor.

Power of the Commissioner on Auditors Report.

50. (1) If the Commissioner for Infrastructure and Public Utilities shall discover from the Auditor-General's report that -
- (a) some monies due to the Agency have not been fully accounted for; or

- (b) there is a shortfall in the Agency's funds, destruction of the Agency's property through negligence, breach of official duty, or other similar misconduct, the Commissioner for Infrastructure and Public Utilities may order a surcharge to be imposed on the offending official.
- (2) The Commissioner for Infrastructure and Public Utilities may order an inquiry to determine the causes of the effects in subsection (1) of this Section.
- (3) An officer to be surcharged shall be served notice in person or through his legal representative.
- (4) The notice shall bear the value of the surcharge and the deadline for paying such surcharge.
- (5) Notwithstanding the provisions of subsections (1), (3) and (4) of this Section, any officer who had acted in pursuance of the terms of a resolution of this Agency or the Agency's legitimate committee shall have provided sufficient reason to avoid the Commissioner's surcharge.
- (5) The Agency may sue for the recovery of the surcharge imposed under Section 50 (3) and (4).
- (6) Such surcharge shall be recovered from the respondent, including the full cost of action.

Employees' Contributory Pension Scheme.

- 51. (1) Within one year of its existence, the Agency shall establish a contributory scheme for its employees.
- (2) According to subsection (1) of this Section, the Agency shall -
 - (a) introduce the contributory pension scheme.
 - (b) officers qualified for pension and its benefits shall enjoy pension, gratuities, and associated benefits.
 - (c) approve loans to any employee of the Agency for the contributory scheme under paragraph (a) above; and
 - (d) provide welfare facilities to its officers and employees.
- (3) The Agency shall make regulations to give effect to the provisions of this Section.

Suit Against EKST-RUWASHA.

- 52. (1) The Agency may sue or be sued in its corporate name provided that -
 - (a) the suit against the Agency, servant or employee of the Agency for any act done in pursuance of any of the functions of the Agency or in respect of any alleged negligence or default in the execution of such function shall be lodged in any court and commenced within 3 months of the negligent act, default or the same period in the case of damage or injury; and
 - (b) the suit shall commence against the Agency within a minimum of one month following a written notice of intention by the plaintiff or his/her agent to commence such suit.

- (2) Any person -
(a) aggrieved by the Commissioner's surcharge; or
(b) dissatisfied with the value of his surcharge, may appeal to a higher court within 30 days following the surcharge.

Annual Reports.

53. (1) The Agency shall, after the expiration of each financial year but within the first quarter following termination of that year, cause to be submitted to the Governor an annual report of the Agency dealing generally with the activities and operations of the Agency within that year.
- (2) This annual report shall include:-
(a) a copy of the audited account of the Agency.
(b) a statement of all the directions given to the Agency under Section 35 of this Law.
(c) report submitted by the external auditors under Section 49 of this Law concerning that financial year; and
(d) such other information as the Governor may request.
- (3) The Agency shall forward a copy of the annual report to the House of Assembly and the Commissioner for Infrastructure and Public Utilities.

Support to WCAs and WASHCOMs.

54. (1) The Agency shall give financial and material support to the communities, through the communities' Water Consumers Associations (WCAs) and Water Supply, Sanitation, and Hygiene Committees (WASHCOMs) to embark on water supply or sanitation projects.
- (2) For the purpose of subsection (1) of this Section, the WCAs and WASHCOMs, both public-spirited organizations, may impose levies on members of the community to raise funds or organize commercial labour for the improvement of water supply and sanitation in that community.

PART V

EKITI STATE WATER AND SANITATION REGULATORY AGENCY (WASRA).

Establishment of the Ekiti State Water and Sanitation Regulatory Agency (WASRA).

55. (1) There shall be established a Regulatory Agency called the Ekiti State Water and Sanitation Regulatory Agency (WASRA) (herein after known as 'the Regulatory Agency').
- (2) The Regulatory Agency shall be a body corporate with perpetual succession and a common seal.
- (3) The Regulatory Agency shall -
(a) acquire, hold and dispose of real and personal property;

- (b) sue and be sued;
- (c) exercise the rights, powers, and privileges as a corporate body; and
- (d) incur liabilities and obligations of a natural person of full age.
- (4) The Governor shall appoint a Chairman for the Regulatory Agency.
- (5) The Chairman shall –
 - (a) be the Chief Executive Officer and shall serve on full-time basis;
 - (b) be an Ekiti citizen to qualify as Chairman;
 - (c) have a minimum of a first degree from a recognized institution;
 - (d) have a minimum of 10 years of working experience in the relevant field.

Objectives of the Water and Sanitation Regulatory Agency.

56. (1) The principal objectives of the Regulatory Agency shall include -
- (a) promoting State water laws and the State WASH Policy, 2020.
 - (b) creating, promoting, and preserving efficient industry and at the same time, ensuring optimal utilization of resources for the provision of prescribed water services.
 - (c) maximizing access to Prescribed Water Services by promoting and facilitating consumer connection to distribution systems in its area.
 - (d) ensuring an adequate supply of WASH services to consumers and ensuring that consumers, including low-income or vulnerable consumers, benefit from the gains, increased competition and efficiency provided.
 - (e) ensuring that the prices WASH Services Providers charge are enough to enable these services providers to finance their activities, make reasonable earnings that foster efficient operation.
 - (f) controlling water and wastewater, and their discharge.
 - (g) ensuring the safety, security, reliability and quality of service in the production and delivery of WASH services to consumers.
 - (h) ensuring that regulation is fair and balanced for WASH Services Providers, Water Users, consumers, investors and other stakeholders.
 - (i) receiving complaints and resolving disputes between consumers and WASH Services Providers.
 - (j) ensuring that regulatory decision-making has regard to all relevant health, safety, environmental and social legislation applying to the WASH sector; and
 - (k) promoting consistency in regulation between all stakeholders in the State WASH sector.
- (2) Without prejudice to subsection (1) of this Section, the Regulatory Agency shall perform its functions and exercise its powers in such a manner as it considers best in achieving any of its objectives under this Law.

- (3) In furtherance of the objectives in this Section, the Regulatory Agency shall perform the WASH services regulatory functions conferred on it or as may be provided under this Law.

Establishment of the Board of WASRA.

57. (1) There shall be established a Board for the Regulatory Agency.
- (2) The Governor shall appoint a Chairman for the Board.
- (3) Other members of the Board shall comprise of -
- (a) the General Manager.
 - (b) a representative of the consumers.
 - (c) a representative of the Water, Sanitation and Hygiene (WASH) Services Providers.
 - (d) a representative of the Ministry of Infrastructure and Public Utilities.
 - (e) a representative of the Ministry of Environment.
 - (f) a representative of the Ministry of Finance.
 - (g) a representative of the Small Towns and Rural Water Supply and Sanitation Agency.
 - (h) a legal practitioner with at least 10 years cognate experience in the Ministry of Justice of Ekiti State.
 - (i) one member who shall have at least five years' experience in the regulation of utility and infrastructure.
- (3) The composition of the Board shall be gender sensitive.
- (4) The Governor may increase the number of members but shall ensure that members are chosen from the public sector as well as the private sector.
- (5) The Governor shall take into consideration experience or professional qualifications in engineering, water resources management, hydrology, drinking water, sewerage, groundwater development, environmental sciences in the water sector, in utility regulation, law, accountancy, economics finance, and administration.

Tenure of office for Board members.

58. (1) Subject to the provisions of this Law, a member shall hold office for a period of four (4) years.
- (2) A member shall hold office on such terms and conditions as the Governor may specify in the letter of appointment.
- (3) A member shall be eligible for a non-renewable reappointment to another four years.
- (4) The terms, remuneration, and conditions of service of serving members shall not be altered to the members' disadvantage.
- (5) At the expiration of his/her office, the Chairman shall continue in office for a maximum of six months until a new Board is reconstituted.

Disqualification from membership of the WASRA.

59. A person shall not be appointed as a member of the Regulatory Agency if -
- (a) he is not a Nigerian citizen.
 - (b) he is not a permanent resident in Nigeria.
 - (c) he has a pecuniary interest in any WASH Services Provider under any regulation by an instrument of law in this Law.
 - (d) he has any interest in any entity competing or providing similar services to those of any WASH Services Provider regulated under any instrument of law in this Law;
 - (e) the conflict of interest observed in paragraphs (c) and (d) above is more than indirect and passive.
 - (f) he had been declared insolvent or bankrupt and this bankruptcy had not been discharged.
 - (g) he had made a subsisting assignment with his/her creditors.
 - (h) a competent authority has certified his/her as unsound mind.
 - (i) he has been banned from practicing his/her profession; and
 - (j) he is a serving member of the Legislative House.

Vacation of Office.

60. (1) A member shall vacate office if -
- (a) he gives a written resignation notice to the Governor; or
 - (b) on the expiration of such notice, the Governor has approved the resignation.
 - (c) he has been convicted of any offence involving dishonesty, fraud or financial impropriety; and
 - (d) he attends less than 75% of the total number of Board meetings in one year.
- (2) The Governor may suspend or remove any member for gross misconduct or negligence of duty.

Business and Meetings of the WASRA.

61. (1) Subject to this Law, the Regulatory Agency shall regulate its proceedings.
- (2) The Regulatory Agency shall meet for its business as often as it is necessary and, subject to this Section, may adjourn, close and otherwise regulate its meetings and procedures as it deems fit.
- (3) The Chairman shall preside at the meetings of the Regulatory Agency and in the Chairman's absence, sitting members shall choose one of them to preside.
- (4) All matters of the Regulatory Agency shall be decided using a simple majority of voting by members present at the meeting.
- (5) Except where a quorum is not formed, acts or proceedings of the Regulatory Agency shall remain valid, notwithstanding any occasion of a vacancy or defect in the constitution of the Regulatory Agency.

- (6) The quorum for the meeting of the Regulatory Agency shall be four (4).
- (7) Each member shall have a casting vote in deciding any matter before the Board and in the event of a tie, the Chairman or other presiding officer shall break the tie with his/her vote.
- (8) In reviewing a previous board decision or order, a quorum for this review shall have the same number of members that decided the matter for review.

Disclosure by members.

62. (1) The following conditions shall require a member disclosing to the Regulatory Agency if he -
- (a) acquires or holds a direct or indirect pecuniary interest in any matter being considered by the Regulatory Agency.
 - (b) owns any property or has right in property, a direct or indirect pecuniary interest in a company, association of persons which may cause the member's private interests to conflict with this member's functions as a member.
 - (c) knows or has reasons to believe that a relative of the member has acquired or holds a direct or indirect pecuniary interest on any matter being considered by the Regulatory Agency; or
 - (d) owns any property or has right in a property or a direct or indirect pecuniary interest in a company or association of persons which may conflict with his/her functions as a member.
- (2) A member referred to in subsection (1) of this Section shall take not take part in the considerations or discussions of, or vote on, any question before the Regulatory Agency or take part in any pertinent discussions relating to contracts, rights, immovable property or interests referred to in subsection (1) of this Section.
- (3) A member shall, before accepting his/her appointment to the Regulatory Agency, make a declaration of assets under paragraph 11 of the Fifth Schedule to the 1999 Constitution (as amended), of the Federal Republic of Nigeria.
- (4) Any member who contravenes subsections (1), (2) or (3) of this Section commits an offence and shall be liable and be punishable according to the extant Law.

Validity of Decisions.

63. (1) No decision or act of the Regulatory Agency, done under the direction of the Regulatory Agency shall become invalid because:-
- (a) there existed a vacancy or vacancies in the Agency's membership; or
 - (b) there existed some defects in the constitution of the Regulatory Agency at the time the decision was taken, or law was enacted or authorized.
- (2) If a member referred to in Section 63 takes part in the consideration of a matter in which his/her private interests' conflict with his/her function as a member,

the other members may, nevertheless, subsequently ratify any such decision or action.

General Manager and the Secretariat.

64. (1) The Governor shall appoint a General Manager for the Regulatory Agency.
- (2) The General Manager shall –
- (a) be the Chief Accounting Officer of the Regulatory Agency;
 - (b) hold office on such terms and conditions as may be specified in his/her letter of appointment.
- (3) The General Manager shall be responsible for the daily administration of the affairs of the Regulatory Agency.
- (4) The General Manager shall perform other functions as the Board may, from time to time, delegate.

Appointment and Remuneration of Staff.

65. (1) Members shall be paid from the funds of the Regulatory Agency.
- (2) The Regulatory Agency shall propose from time to time such remunerations and any associated allowances and shall pass this proposal to the Ekiti State House of Assembly for approval.
- (3) The proposal shall be in accord with salaries and allowances obtainable in equivalent institutions in Nigeria and Ekiti State.
- (4) The Regulatory Agency shall apply in the proposal the criteria detailing –
- (a) the specialized nature of work the Regulatory Agency shall perform.
 - (b) the salaries paid in the private sector to employees holding equivalent responsibilities, expertise, and skills; and
 - (c) the nature of the expenses employees of the Regulatory Agency shall incur.
- (5) The Regulatory Agency shall pay other staff such remunerations and allowance, the Regulatory Agency shall determine.

Functions of the WASRA.

66. The Regulatory Agency shall perform the following functions –
- (a) advise the State Government on Water, Sanitation, and Hygiene (WASH) matters.
 - (b) license Water, Sanitation, and Hygiene (WASH) Services Providers, Water User Associations (WUAs) and other Water Resource Users (for fisheries, irrigation, recreation etc.);
 - (c) develop Water, Sanitation, and Hygiene (WASH) sector guidelines on the technical and financial management of the Water, Sanitation, and Hygiene (WASH) Services Providers and Water User Associations (WUAs);
 - (d) make regulations prescribing matters which, by this Law, are required or permitted to be prescribed or, which in the opinion of the Regulatory Agency, are

necessary or convenient to be prescribed for carrying out or giving effect to this Law, including: -

- (i) the administration of the affairs of the Regulatory Agency, including the holding of meetings, hearings, and proceedings, arbitration and mediation proceedings, the conduct of inquiries and investigations, becoming a party, the handling of information, and, generally, the conduct of its business;
 - (ii) the procedure for issuing Water, Sanitation, and Hygiene (WASH) Services Provider and Water User Associations (WUA) Licenses;
 - (iii) the determination of the standards for the provision of Prescribed Water, Sanitation, and Hygiene (WASH) Services, including Water Quality Standards;
 - (iv) the method and manner by which the Water, Sanitation, and Hygiene (WASH) Services Providers shall charge their tariffs will be determined, including a metering scheme for certain large water user, to an extent that it is practicable and cost-effective;
 - (v) the duties, powers, rights, and obligations of a Water, Sanitation, and Hygiene (WASH) Services Provider;
 - (vi) the resources procurement policies of, and entry into the Private Sector Person (PSP) Agreement by, the Water, Sanitation and Hygiene (WASH) Services Providers, including, as may be applicable, the review and approval of the same;
 - (vii) the requirements of Water, Sanitation and Hygiene (WASH) Services Development Plans;
 - (viii) procedures for monitoring compliance with this law and any other applicable laws and policies on Water, Sanitation, and Hygiene (WASH).
 - (ix) guidelines to eliminate illegal connections, unregulated or illegal use of Prescribed Water, Sanitation, and Hygiene (WASH) Services; and
 - (x) practices, procedures, and reporting requirements for monitoring and enforcing this law, including the establishment of fines and penalties.
- (e) liaise with the Integrated Water Resources Management Committee on all situations relating to the catchment areas in Ekiti State;
- (f) use the information obtained in (e) for water resources development regulation;
- (g) regulate the development of water resources, including the construction of water resources infrastructure;
- (h) develop an economic regulation model;
- (i) register industrial water users;
- (j) monitor water quality and pollutions;
- (k) monitor water users' activities on the environment;
- (l) regulate wastewater disposals;
- (m) Set benchmarking tools of sewerage management system including coverage of toilets, coverage of sewerage network, the collection efficiency of sewerage network, adequacy of the treatment system, quality of treatment system, the

extent of reuse and recycle of sewage, the extent of cost recovery, efficiency of collection of service charges, and efficiency on redressal of customer complaints.

- (n) Regulate urban public sewerage services;
- (o) monitor construction of wastewater treatment plants for public septic tanks, public toilets, mobile toilet, and cesspool in the State;
- (p) monitor the periodic evacuation of septic tanks in all public premises in the State;
- (q) monitor operations of wastewater evacuation trucks and mobile toilets;
- (r) Approve and monitor all urban wastewater disposal points and regulate all wastewater activities;
- (s) establish and regularly review wastewater management charges in the State; and
- (t) render a bi-annual and annual report on the sector to the State Executive Council (EXCO) and State House of Assembly respectively.

Power to enter and Inspect Urban Public Sewerage System and Sanitary Facilities.

67. (1) An authorized officer may enter and inspect any public sewerage system or sanitary facility and may, for that purpose, at any time enter upon any premises and cause the ground to be opened.
- (2) An authorized officer may also cause the sludge from any sewer to be conveyed by a proper channel to the most convenient site for its deposit.

Power to approve construction of Urban Public Sewerage Systems.

68. A person shall not construct, alter, discontinue or close any public sewerage system or sanitary facilities without obtaining, in respect of those works, a clearance certificate or approval from the WASRA.

Power of Registration of Facility/Wastewater Outfit.

69. As from the commencement of this Law-
- (a) any person, organization, or government agency who operates an urban dislodging outfit shall be registered with the WASRA.
 - (b) all public housing estates, medical and educational institutions and high-rise buildings in urban areas shall establish and register its wastewater facilities by the provisions of this Law.

Discharge of Functions.

70. (1) In the discharge of its regulatory functions under this Law, including the making of regulations and any decision or determination, the Regulatory Agency shall: -
- (a) consult in good faith with persons who are or are likely to be affected by the decision including Water, Sanitation, and Hygiene (WASH) Services Providers, consumers, and any consumer associations.
 - (b) allow such persons to make submissions and to be heard by the Regulatory Agency.

- (c) have regard to the evidence or facts adduced during any hearing and to matters contained in any submissions.
 - (d) give reasons in writing for every decision.
 - (e) ensure that notice is given about each regulation, decision, or determination in the Government Gazette, and a national daily newspaper available in the State and on the official website of the State Government.
 - (f) ensure that decisions are accessible to the public at reasonable times and places; and
 - (g) ensure that decisions are consistent with all applicable Federal and State Water, Sanitation and Hygiene (WASH) laws and policies, and Water, Sanitation and Hygiene (WASH) sector program commitments of the State.
- (2) The Regulatory Agency may make interim orders pending the final determination of a matter before it.

Issuance of License.

71. (1) No person shall operate as a service provider unless such a person: -
- (a) has a license from the Regulatory Agency; or
 - (b) is exempted from the license requirements.
- (2) Notwithstanding the provisions of subsection (1) of this Section, any person, public or private who, at the commencement of this Law, was acting as a WASH Services Provider without a WSP License, may continue to do so until the expiration of reasonable notice issued by the Regulatory Agency, and this notice shall not exceed six months after which, any further services shall require a WSP License.
- (3) The Regulatory Agency shall have the authority to determine whether a person is engaging or is about to engage in a business requiring a WSP License under this Law or any other law, as may by order be published in the Government Gazette.
- (4) The Regulatory Agency may exempt a person from the requirement of a WSP License if the exemption states that it is of a general or specified type.
- (5) An exemption shall be granted, subject to the terms, conditions, and limitations specified in the Order, without prejudice to the powers and functions of the Regulatory Agency concerning the regulation of the provision of Prescribed Water Services by such services providers.
- (6) The Regulatory Agency may issue an interim WASH Services Provider License to any person, as specified in this Law for a period not exceeding eighteen (18) months, or such shorter period, as may be considered appropriate, if it is necessary for the public interest.
- (7) Any person who contravenes the provisions in this Law on obtaining the required WSP License commits an offence and is liable, on conviction, to a term of imprisonment not exceeding two (2) years, or to a fine ₦100,000.00 or both.

- (8) The Regulatory Agency shall have the authority to order any person who contravenes the provisions of this Law, as stated in subsection (7) of this Section, to cease his/her operations, and to make such orders, including an order to another Water Services Provider, to disconnect facilities, as may be necessary to prevent the continuation or reoccurrence of the contravention.

PART VI
EKITI STATE WATER, SANITATION AND HYGIENE (WASH) STEERING
COMMITTEE.

Establishment of Ekiti State Water, Sanitation and Hygiene (WASH) Steering Committee.

72. (1) There shall be established a body called Ekiti State Water, Sanitation, and Hygiene (WASH) Steering Committee (referred to as "Steering Committee")
- (2) The Steering Committee shall be hosted by the Ministry.

Functions of the Ekiti State Water, Sanitation and Hygiene (WASH) Steering Committee.

73. The Steering Committee shall perform the following functions -
- (a) It shall operate as an ad hoc committee and meet at least once monthly.
 - (b) It shall coordinate and harmonise all WASH sector policies and programmes in the State.
 - (c) It shall consider state-wide WASH plans and undertake bi-annual monitoring and evaluation of the implementation of the state water and sanitation sector development plans.
 - (d) It shall interface with all donors and development partners implementing WASH programmes in the State.

Membership of the Ekiti State Water, Sanitation and Hygiene (WASH) Steering Committee.

74. The membership of the Steering Committee shall comprise of representatives of the following bodies: -
- (a) Ministry of Infrastructure and Public Utilities;
 - (b) Ekiti Water and Sewerage Company Limited;
 - (c) Ekiti State Small Towns, Rural Water, Sanitation and Hygiene Agency (EKST-RUWASHA);
 - (d) Ekiti State Water Supply and Sanitation Regulatory Agency (EK-WASRA);
 - (e) Ekiti State Task Group on Sanitation and Hygiene;
 - (f) Local Governments Authorities (WASH Departments) in the State;
 - (g) Major WASH donor bodies/development partners operating in the State; and
 - (h) Any other State-wide WASH body(ies) as may be determined by the Commissioner for Infrastructure and Public Utilities.

PART VII
EKITI STATE INTEGRATED WATER RESOURCES MANAGEMENT
COMMITTEE.

Establishment of Ekiti State Integrated Water Resources Management Committee.

75. There shall be established a body called Ekiti State Integrated Water Resources Management Committee.

Functions of the Ekiti State Integrated Water Resources Management Committee.

76. (1) The body shall be hosted by the Ministry of Infrastructure and Public Utilities.
(2) The body shall perform the following functions:-
- (a) Act as an Inter-Commissionerial Committee of all relevant MDAs to handle water resources management issues such as water for domestic, industrial, agriculture, and recreation/tourism, purposes.
 - (b) Develop a framework for the allocation of water rights among all users.
 - (c) Coordinate raw water demand and supply among all users in Ekiti State.
 - (d) Monitor and prevent point and non-point sources of water pollution in Ekiti State.

Membership of the Ekiti State Integrated Water Resources Management Committee.

77. The membership of the Ekiti State Integrated Water Resources shall be from the following MDAs: -
- (a) Ministry of Infrastructure and Public Utilities;
 - (b) Ministry of Environment and Natural Resources;
 - (c) Ministry of Health and Human Services;
 - (d) Ministry of Education;
 - (e) Ministry of Local Government and Community Development;
 - (f) Ministry of Agriculture and Rural Development;
 - (g) Ministry of Budget and Economic Planning;
 - (h) Ministry of Women and Social Development;
 - (i) Ministry of Commerce and Tourism;
 - (j) Ekiti Water and Sewerage Company Limited;
 - (k) Ekiti State Water and Sanitation Regulatory Agency (EK-WASRA);
 - (l) Ekiti State Small Towns, Rural Water, Sanitation and Hygiene Agency (EKST-RUWASHA);
 - (m) Benin Owena River Basin Development Authority;
 - (n) Ekiti State Environmental Protection Agency;
 - (o) Ekiti State Task Group on Sanitation, and Hygiene;
 - (p) State Universal Basic Primary Education Board;
 - (q) Ekiti State Hospital Management Board;
 - (r) Ekiti State Board for Technical Education;

- (s) Ekiti State Waste Management Board;
- (t) Ekiti State Primary Health Care Development Agency; and
- (u) Urban Renewal Agency.

PART VIII

EKITI STATE TASK GROUP ON SANITATION AND HYGIENE.

Establishment of Ekiti State Task Group on Sanitation and Hygiene.

78. (1) There shall be established a body called Ekiti State Task Group on Sanitation, and Hygiene.
- (2) The State Task Group on Sanitation and Hygiene shall be hosted by the Ministry of Infrastructure and Public Utilities

Functions of the Ekiti State Task Group on Sanitation and Hygiene.

79. The body shall perform the following functions -
- (a) Harmonization and coordination of all governmental and non-governmental activities related to water-related sanitation policy development, planning, programme development, and project implementation.
 - (b) Organize Campaigns and Advocacy on safe excreta management, efficient wastewater management, and promotion of safe hygiene practices in urban and small towns.
 - (c) Ensure Knowledge management and experience sharing on best practices to promote safe sanitation and hygiene practices.
 - (d) Organize forums to coordinate donor and development partners' programmes on water-related sanitation.
 - (e) Conduct Media Advocacy to propagate, educate, and enlighten the general public on safe sanitation and hygiene practices.
 - (f) Marking on Sanitation milestones, including Global Handwashing Day, World Toilet Day, etc.
 - (g) Ensure that environmental sanitation laws and regulations are enforced.
 - (h) Certification of open defecation free (ODF) status of claimed communities in line with National ODF protocol.
 - (i) Advocacy visits to local government authority Chairmen, State House of Assembly, First Lady, informal association, churches, mosques, schools, motor parks to promote the construction of household/institution, and public toilets.
 - (j) Establish State- PEWASH Governance structures- PEWASH Consultative Forum (CF), PEWASH Programme Steering Committee (PSC), and PEWASH Coordinating Team (PCT).

Membership of the Ekiti State Task Group on Sanitation and Hygiene.

80. (1) The Ministry shall nominate its Chair, while the Ministry of Environment shall nominate its Co-Chair.
- (2) Its membership shall comprise of a representative each from the following MDAs/bodies:-
- (a) Ministry of Infrastructure and Public Utilities.
 - (b) Ministry of Environment and Natural Resources
 - (c) Ministry of Health.
 - (d) Ministry of Education.
 - (e) Ministry of Local Government & Chieftaincy Affairs
 - (f) Ministry of Women Affairs.
 - (g) Ekiti State Environmental Protection Agency.
 - (h) Ekiti State Waste Management Authority.
 - (i) Ekiti Water and Sewerage Company Limited.
 - (j) Ekiti State Small Towns, Rural Water, Sanitation and Hygiene Agency (EKST-RUWASHA)
 - (k) Ministry of Integration and Inter-Governmental Affairs.
 - (l) Ministry of Budget and Economic Planning.
 - (m) State Universal Primary Education Board.
 - (n) Ekiti State Community Development Agency.
 - (o) Local Government Service Commission.
 - (p) Coalition of Civil Society Organisation in Ekiti State.
 - (q) WASH Coordinators of 16 LGAs.
 - (r) Federation of WCAs.
 - (s) Federation of WASHCOMs
 - (t) WASH Media Network

PART IX

LOCAL GOVERNMENT AUTHORITIES.

Establishment of LGA Environmental Services Department.

81. (1) The LGA Environmental Services Department established under any enabling Law of the State shall continue to exist and perform the following functions-
- (a) preventive and Environmental Health duties such as, Environmental Sanitation, Health Education, Control of Communicable diseases, Port Health Services, Meat and food Inspection, registering birth and death, Collecting and processing health data
 - (b) inspecting factories for industrial health and food hygiene
 - (c) collecting food and water samples for bacteriological examination
 - (d) ensure that the public complies with the public health laws on Environmental Health and offensive trade, disposal of toxic waste and other pollutants

- (e) enforcement of Environmental Health and Sanitation Law, including Laws against Open Defecation.
- (f) carry out pollution control activities
- (g) carry out field investigation with a view to controlling epidemic diseases
- (h) overseeing Environmental Impact Assessment on projects
- (2) The LGA Environmental Services Department shall be headed by a suitably qualified candidate registered and licensed by Environmental Health Officers Registration Council of Nigeria (EHORECON).

Establishment of LGA WASH Department.

- 82.
- (1) There is established in all Local Government Areas in the State a Water Supply, Sanitation and Hygiene (WASH) Department.
 - (2) Notwithstanding the provision of any other Law currently in force in the State, particularly the provision of The Ekiti State Environmental Health and Sanitation (Re-Enactment) Law, No. 2 of 2020 on the establishment of WASH units in local Government Councils, the WASH department established in subsection (1) of this Law shall take charge of water supply and basic sanitation programs and projects at the Local Government level in the State.
 - (3) The LGA WASH Department shall co-exist with the existing LGA Environment Services Department.

Functions of LGA WASH Department.

83. The LGA WASH Department shall perform the following functions -
- (a) develop LGA WASH master plans and Investment plan.
 - (b) develop and Implement annual LGA WASH plans.
 - (c) implement projects to increase access to safe drinking water, basic sanitation (human excreta management), and good hygiene practices, particularly appropriate handwashing with Soap.
 - (d) appropriate budgets for implementation of LGA WASH projects.
 - (e) implement all WASH-related projects initiated by the LGA.
 - (f) interface with EKST-RUWASHA for the implementation of rural WASH Projects.
 - (g) act as a home for donor bodies and development partners for the implementation of rural WASH projects.
 - (h) coordinate LGA WASH planning, implementation, and monitoring programmes.
 - (i) source funds from internal and external sources for the promotion of WASH programmes.
 - (j) development of Rural Water Supply sources, including Rain Harvesters, in public schools, and improvement on the existing native water supply sources for the community.
 - (k) host LGA Task Group on Sanitation, and Hygiene.
 - (l) coordinate activities of WASHCOMs in rural communities.

- (m) train WASHCOMs members to plan and implement the activities of the Committee.
- (n) implement Community-Led Total Sanitation (CLTS), and other proven approaches to end Open Defecation in rural communities.
- (o) coordinate Schools' basic Sanitation.
- (p) work with Parent-Teacher Associations (PTAs) to promote the improvement or construction of Water, Sanitation, and Hygiene facilities in schools; and provide technical assistance to households for the upgrading of on-site sanitation facilities and/or traditional pit latrines to a safer and convenient facility.
- (q) engage in the training and capacity building of government personnel (environmental health officers, monitors, enforcers, and administrators) and community artisans to be involved in the maintenance of WASH facilities in the communities.
- (r) compilation of an inventory and maintenance of Water, Sanitation, and Hygiene facilities in all communities and monitoring therein their operations.

Structure of the LGA WASH Department.

84. (1) The LGA WASH Department shall have the following Operational Sections:-
- (a) Rural Water Supply;
 - (b) Basic Sanitation;
 - (c) Hygiene Education;
 - (d) WASH Planning, Monitoring and Evaluation.
- (2) The LGA WASH Department shall be headed by a suitably qualified candidate, a professional background in Engineering, natural science, Environmental Health sciences and any relevant physical sciences courses

LGA WASH Committee.

85. (1) There shall be a Local Government WASH Committee comprising three part-time members.
- (2) The committee members shall be appointed by the Chairman among whom shall be a woman.
- (3) An Administrative Officer in the Local Government shall serve as Secretary to the Committee.

PART X

LOCAL GOVERNMENT TASK GROUP ON SANITATION AND HYGIENE.

Establishment of Local Government Task Group on Sanitation and Hygiene.

86. (1) All Local Government Authorities in the State, shall establish a body called Local Government Task Group on Sanitation and Hygiene.
- (2) The Task Group shall be hosted by the LGA WASH Department.

- (a) liaise with the State Task Group on Sanitation and Hygiene for domestication of sanitation and hygiene policies in Ekiti state.
- (b) provide technical support to WASHCOMs to implement Community Led Total Sanitation Approach.
- (c) develop guidelines for the construction of sanitary facilities, school sanitation and hand washing with soap and water.
- (d) collaborate with the Media to propagate, educate and enlighten the general public on safe sanitation practices.
- (e) observe milestones on sanitation and Hygiene such as World Hand washing Day and World Toilet Day.
- (f) liaise with the private sector to mobilise resources for the provision of sanitation services in public places and support of other sanitation services.
- (g) organise Hand washing Campaigns/Launch
- (h) identification of Sanitation Champions and Voluntary Hygiene Promoters in communities.
- (i) media Advocacy to propagate, educate and enlighten the general public on safe sanitation and Hygiene practices.

Membership of the Local Government Task Group on Sanitation, and Hygiene.

88. Membership of the Task Group shall comprise of a representative each from the following bodies: -

- (a) Local Government WASH Department – Host;
- (b) Local Government Environmental Health Services Department;
- (c) Traditional Rulers Council;
- (d) Federation of WCAs;
- (e) Federation of WASHCOMs;
- (f) Federation of Voluntary Hygiene Promoters;
- (g) Christian Association of Nigeria;
- (h) League of Imams and Alfas;
- (i) Okada Riders Association;
- (j) Public/Private School Proprietors Association;
- (k) Food Vendors/Restaurants;
- (l) Road Transport Employers Association;
- (m) National Union of Road Transport Workers; and
- (n) Private sector.

PART XI
EKITI STATE WASH FUND (EKWF)

Establishment of Ekiti State WASH Fund (EKWF).

89. (1) There shall be established a fund called Ekiti State Water Supply, Sanitation and Hygiene (WASH) Fund (referred to as 'Ekiti WASH Fund')

- (2) Ekiti WASH Fund shall be registered as an Incorporated Trustee.

Objectives of Ekiti WASH Fund.

90. The objectives of the WASH fund are as follows -
- (a) Complement public financing of the WASH sector development;
 - (b) Mobilize alternate non-public funds to strategically finance the WASH sector infrastructure;
 - (c) Bridge the resource gap in WASH sector investment requirements.

Governance and Secretariat of Ekiti WASH Fund.

91. (1) EKWF shall be set up by the State Governor, but operate as an autonomous independent fiduciary, with strong and transparent governance and accounting system.
- (2) The Trustees of the Ekiti WASH Fund shall comprise of five persons, representing the following interests -
- (a) Ekiti State Government;
 - (b) Traditional rulers and Institutions;
 - (c) The Academia;
 - (d) Ekiti Professionals;
 - (e) Civil Society.
- (3) The Fund shall be managed by a Governing Board set up by the Executive Governor, and shall comprise of the following -
- (a) A non-partisan chairman, appointed by the Governor, who shall be -
 - (i) a prominent indigene of Ekiti State,
 - (ii) a successful businessman, educationalist, or Professional respected in and outside the state, across a religious, political party, and cultural lines,
 - (iii) mostly resident in Nigeria,
 - (iv) with business premises within the State; and
 - (v) who shall be willing to provide office space and secretarial services for the operation of the Fund within its business premises.
 - (b) A professional Executive Secretary who shall be appointed on merit through an open and competitive process.
 - (c) A representative of the Ministry of Infrastructure and Public Utilities
 - (d) A representative of the Ministry of Budget and Economic Planning
 - (e) Two representatives from the organized Private sector, who should not be less than Chief Executive Officers of reputable firms operating in the state or supplying goods or services to people of the state
 - (f) Three representatives of development partners/donor organizations intervening in the state.

- (g) A prominent, non-partisan, and well-respected Philanthropist from each of the three senatorial zones in the state.
- (h) President of Alumni Association of all State Universities or Federal and State Polytechnics operating in Ekiti State.
- (i) Three Representative of major charities operating in Nigeria including, but not limited to: -
 - (i) Rotary club
 - (ii) Lions club
- (j) All indigenes of Ekiti State holding or previously held the following positions in Nigeria: -
 - (i) President of the Federal Republic
 - (ii) Vice President
 - (iii) President of the Senate
 - (iv) Chief Judge
 - (v) Speaker of the Federal House of Assembly
 - (vi) Federal Commissioner
 - (vii) Present Governor of the State
 - (viii) Past State Governors.
- (k) Two representatives of Associations of Ekiti State indigenes in Diaspora.
- (4) Members of the Governing Board shall have a four-year, term of office, renewable once.
- (5) The Ekiti WASH Fund shall -
 - (a) develop its own business rules, and procurement procedures,
 - (b) be independent of the Ekiti State Government,
 - (c) submit quarterly reports to the Governor.

Functions of the FUND.

92. The WASH Fund shall -
- (a) mobilize funds from various sources for developing the WASH sector
 - (b) mobilize an endowment funds of WASH projects by philanthropists.
 - (c) maintain a functional office for management of the Fund
 - (d) draw up its procurement and operational procedures
 - (e) invest in critical WASH sectors such as:-
 - (i) Mini small towns groundwater schemes
 - (ii) Public toilets in small and urban towns.
 - (iii) Hand washing facilities in public places.

Sources of Fund.

93. The WASH Fund shall develop sources of funds from the following -
- (a) State and Local Governments to contribute a seed fund.
 - (b) Voluntary contribution by firms operating in Ekiti State as part of Corporate Society Responsibility.

- (c) 2.5% of the gross value of all WASH contracts awarded by the following bodies for implementation in any part of Ekiti State:
 - (i) Federal Government of Nigeria;
 - (ii) Federal Ministries including Ministries of Water Resources;
 - (iii) Federal and State Agencies;
 - (iv) Multilateral Financing institutions.
- (d) 10% percent of revenues derived from the issuance of permits to the following-
 - (i) WASH Service Providers including small scale commercial borehole operators;
 - (ii) Water well drillers registration permit;
 - (iii) Borehole drilling permits;
 - (iv) Borehole licensing permits;
 - (v) Table Water sale permits;
 - (vi) Bottle water sale permits;
 - (vii) Sachet water production permits;
 - (viii) Private plumbers for registration and annual renewal;
 - (ix) Water Tankers distributors permit.

PART XII

WATER CONSUMER ASSOCIATIONS AND WATER USERS' ASSOCIATIONS.

(A) WATER CONSUMER ASSOCIATION

Establishment of Water Consumer Associations (WCAs).

94. (1) There is established State-wide, a Water Consumers Association (WCA).
 (2) This Association shall, within Small Town Communities, own, manage and operate groundwater supply schemes for the benefit of the consumers living in areas these schemes operate.
 (3) Water Consumers Associations in Small Towns and urban areas of the State shall be referred to as 'WCAs'.
 (4) Water Consumers Associations (WCAs) shall be an autonomous body, appointed or elected by the community.

Status of the WCA.

95. The Water Consumers Association shall -
- (a) be registered as Incorporated Trustee under Part C of the Companies and Allied Matters Act, 2020.
 - (b) be a body corporate, with perpetual succession, and a common seal.
 - (c) have the power to sue and be sued in its corporate name; and
 - (d) be capable of holding, purchasing, acquiring and disposing of moveable and immovable property.

Composition of the Water Consumers Association.

96. (1) The Water Consumers Association shall comprise of -
- (a) all water consumers within a prescribed area in a General Assembly;
 - (b) The Executive Committee (the Board).
 - (c) This board shall manage the WCA.
- (2) The Board shall manage the WCA.
- (3) Members of the Board shall be drawn from most of the village/community gathering sitting in a General Assembly where a voting process shall be conducted.
- (4) The minutes of the meeting as conducted in subsection (3) above shall contain signatures/thumbprints of members present to ratify the Constitution of the WCA.

Composition of the Executive Committee or Board.

97. The Executive Committee or Board shall comprise of -
- (a) a Chairman of the Executive Committee; and
 - (b) six members, with at least two females who shall be experienced and senior members of the community.
 - (c) a representative of the LGA WASH Department shall act as an observer.

Qualifications for Board membership.

98. The Chairman and other members of the Board shall possess a minimum of Secondary School Leaving Certificate or an equivalent educational qualification.

The Constitution of the WCA.

99. (1) The composition, appointment, tenure, remuneration, and other matters relating to the administration of the WCA shall be defined in the Constitution of the WCA.
- (2) The provisions of the constitution shall give effect to the proceedings of the WCA, and other matters mentioned therein.

Structure and Functions of the WCA.

100. (1) There shall be one WCA per Small Town.
- (2) There shall be one WCA per area, under the administrative subdivisions of the urban area.
- (3) The Water Consumers Association shall be accountable to its water consumers in the following ways -
- (a) The WCAs may engage the services of WASH Service Provider (WSP) to undertake Operation and Maintenance of the water schemes, subject to the approval of the WASRA.

- (b) WCAs in urban and Small-Town areas shall apply and obtain operational licenses from the WASRA before the commencement of any operation.

Inter-Agency Support for the WCA.

101. (1) The WASRA, the Local Government Councils, the Ekiti State Small Towns, Rural Water Supply and Sanitation Agency (EKST-RUWASHA) and other relevant agencies or departments shall provide support and advisory services to all WCAs on technical matters, including but not limited to -
- (a) conduction of engineering studies to determine the size and costs of various systems.
 - (b) construction, supervision, and setting up of Operation and Maintenance contracts, after systems are constructed.
- (2) The Local Government Area (LGA), Ekiti State Small Towns, Rural Water, Sanitation and Hygiene Agency (EKST-RUWASHA), or the WASRA may offer advice and information subject to the final decision of the WCAs.

Funding for the WCAs.

102. (1) The WCAs shall seek funds from -
- (a) the Local Government,
 - (b) the State Government,
 - (c) the Federal Government,
 - (d) External Support Agencies (ESAs), and
 - (e) International Financial Institutions, through the State Government, to construct new water schemes, rehabilitate, or upgrading existing ones.
- (2) Communities in rural and semi-urban areas of the State shall contribute to the cost of construction of new schemes, capital rehabilitation, or upgrading projects as contained in the Ekiti State WASH Policy, 2020.
- (3) The contributions under subsection (2) above shall comprise of -
- (a) counterpart contributions in form of collections from community members made out in cash or in-kind as the WASRA and LGA may determine.
 - (b) contributions through a capital surcharge on tariffs in communities comprising multiple LGAs.

Tariff setting by the WCAs.

103. (1) The WCAs shall establish tariffs using guidelines the WASRA shall set.
- (2) Any tariff so set shall be subject to WASRA final approval.

Objectives of the Water Consumers Association.

104. The objectives of WCAs shall be to -
- (a) provide safe, adequate, and affordable water supply services to residents of the affiliated community; and

- (b) collaborate with all relevant agencies in the State water sector, the State and Local Governments, Civil Society Organizations, the private sector, water consumers, the State line ministries, the Ministry of Infrastructure and Public Utilities to foster efficient use of water resources, including the conservation and protection of these water resources and meeting the water needs of the community.

Functions of the WCA Executive or Board.

105. The Board shall -

- (a) ensure the supply of adequate and potable water in all its affiliated areas while applying reasonable charges as the WASRA may approve;
- (b) subject to all provisions of this law and directly, through water supply providers or fundraising, develop, control, manage and maintain all water supply facilities and new water services assets in the affiliated areas;
- (c) prepare plans for the maintenance and development of water supply services, water services assets, and new water services assets in the affiliated areas ('Development Plans'), according to consultation with the relevant authorities, stakeholders, and consumer groups and submitted to the Local Government Authority;
- (d) identify and implement projects for the provision of water supply services which may be taken with a WASH Service Provider, according to consultation with the relevant authorities;
- (e) extend and develop existing water supply systems within an affiliated area.
- (f) establish, manage, control, and develop a new water supply system for public and general purposes within the affiliated area;
- (g) verify and monitor the WASH Service Provider's compliance with the project agreement;
- (h) establish and implement proper accounting procedures and inventories for all the assets and liabilities of the WCA;
- (i) specify the terms and conditions of water supply to consumers;
- (j) promote the rational use of water resources and portable water the WCA supplies and take steps to prevent wastage;
- (k) take steps to protect from trespass, pollution, and other nuisance, all the water resources, and other assets and facilities within its authority;
- (l) collect rates and charges for water supplied, distributed, or sold in bulk by the WCA;
- (m) carry out other activities that are expedient or necessary for the effective and efficient performance of its functions under this law; and
- (n) Cooperate with LGA WASH Department staff, and environmental health officers and their community on every activity of the community to be on the same page at all time.

General powers of the WCA Executives.

106. The WCA Executives shall have power to -

- (a) own, on behalf of the WCA, all water services assets and participate in the construction of new water services assets within the affiliated area;
- (b) fix rates and charges on customers for water the WCA supplies within the affiliated area, subject to WASRA approval;
- (c) determine the manner the consumers shall pay these water rates;
- (d) determine fees to be paid for all services the WCA provides;
- (e) prepare developmental plans for the maintenance and development of water supply services assets and new water services assets;
- (f) acquire, purchase, lease, hold, construct, maintain or insure any property forming part of the water services assets or new water services assets, whether moveable or immovable, required for the performance of its functions; sell, lease, concede, dispose or deal with such property or its part, subject to the Governor's approval;
- (g) undertake any land acquisition procedure necessary for the performance of its functions;
- (h) agree with any person for the management, supply, construction, maintenance, or repair of any water services asset or new water services asset, whether moveable or immovable.
- (i) procure water abstraction rights from the relevant authorities and may assign such rights to Water, Sanitation, and Hygiene (WASH) Services Providers (WSPs) under a contract.
- (j) construct, reconstruct, maintain and operate water supply scheme and all other buildings and works necessary for the discharge of the functions of the Board of the WCA.
- (k) lay any water piping through, across, under any street or any place intended as a street, following written notice to the owner or occupier thereof, and making good any damage done.
- (l) abstract water, within the affiliated area, from any lake, river, stream or other natural water source forming part of the water resources of the State, and to do likewise in respect of other water arrangements with the appropriate authority, according to law;
- (m) examine regularly, within the affiliated areas, any surface or underground water forming part of the water resources of the State, to determine the existence of pollution and its causes.
- (n) enter any land housing the WCA's property, including water pipes, to examine and effect necessary repairs.
- (o) construct standpipes or public fountains on any street or other public places.
- (p) enter, between 7 am and 6 pm and in cases of emergency, any property housing the WCA's service materials to -
 - (i) inspect the service materials to ascertain water wastage, leakage, obstruction, illegal connections, or damage to service materials or meters.

- (ii) ascertain the amount of water taken or used; or
- (iii) disconnect the supply of water to any premises.
- (q) diminish, withhold, turn off or divert the supply of water when the Board deems it necessary.
- (r) agree with any person for the supply, construction, maintenance, or repair of any moveable or immovable property belonging to the WCA.
- (s) accept or acquire and hold any security of any kind in any form whatsoever.
- (t) delegate the responsibility to provide water services and the operation, management, and maintenance of water services assets and new water services assets, to Water, Sanitation, and Hygiene (WASH) Services Providers, according to project agreements and subject to Government policy.
- (u) surrender, transfer or reconvey any security held by the Executive, whether upon exchange for others or upon discharge.
- (v) exercise any right or privilege concerning any security held by the Executive, the same way a private individual would exercise in like circumstances.
- (w) insure its properties against all forms of risk.
- (x) write off bad debts with the Governor's approval.
- (y) raise finances or borrow money by issuing debenture or any other securities or in any other manner for the exercise of its functions, subject to the Governor's approval; and
- (z) retain and expand corporate income, as defined under relevant accounting standards, to fulfill its functions under this Law.

B. WATER USERS' ASSOCIATIONS (WUAS).

Establishment and objectives of Water Users Association.

- 107.** (1) There is established a Water User Association to manage, operate and maintain the irrigation infrastructure within its Area of Operation, to provide water for its members and to collect and retain fees for the operation, maintenance, expansion and improvement of that infrastructure.
- (2) The Water User Association shall be a body corporate with perpetual succession and a common seal with the power to acquire, hold or dispose of property, to open a bank account and to sue and be sued in its corporate name.
- (3) The Water User Association shall operate on a non-profit basis. Any surplus of income over expenditure shall be retained in the bank account of the Association and shall not be distributed among Association members.

Name.

108. (1) The name 'Water User Association' shall form part of the name of every Water User Association established pursuant to this Law.
- (2) The name of every Water User Association shall be written boldly and displayed outside its registered office and shall be written or sealed on every notice or letter or document signed on behalf of the Association.

Functions of the Water User Association.

109. (1) The functions of the Water User Association are: -
- (a) to manage and operate the irrigation infrastructure and related water resources, including groundwater and ponds connected to the irrigation infrastructure, within its Area of Operation in order to supply irrigation water and drainage services to its members;
 - (b) to maintain, rehabilitate and improve the irrigation infrastructure within its Area of Operation and to undertake construction and reconstruction works as necessary;
 - (c) to take measures to combat erosion, pollution, salinization and flooding within its Area of Operation;
 - (d) to establish internal rules for irrigation water consumption and to collect fees from its members for the services provided;
 - (e) to procure, substitute, operate and maintain irrigation equipment; and
 - (f) to train its members in irrigation techniques, aspects of irrigated agriculture, methods for improving productivity and new technology.
- (2) The Water User Association may undertake such activities that are necessary to enable it to fulfil its permitted functions as specified in this Law but shall not engage in any other type of commercial activity.
- (3) The Water User Association may conclude contract with suitably qualified persons to supply management, administrative or financial services as well as to undertake construction and maintenance works.

Area of Operation.

110. (1) The Area of Operation of a Water User Association shall comprise a distinct hydraulic unit meaning a defined area of land that is capable of receiving irrigation water through the irrigation infrastructure operated by that Water User Association from one or more Water Supply Points.
- (2) The Area of Operation of two or more Water User Associations shall not overlap.
- (3) In order to ensure effective governance and management, the Area of Operation of a Water User Association may be divided into hydraulic sub-units and the holders of the land plots contained in such sub-units shall constitute a Water User Group.

Operating principles.

111. (1) Every Water User Association shall operate in accordance with the following principles:
- (2) Fairness and Equity, to ensure that a Water User Association is operated in a fair and equitable manner in terms of decision making and the allocation of irrigation water;
 - (3) Rational Use of Resources, to ensure that a Water User Association manages the irrigation infrastructure within its Area of Operation in a rational manner so as to prevent waste, over-watering, erosion, salinization and pollution, as well as to promote the protection of the environment;
 - (4) Non-discrimination, to ensure that no member of a Water User Association suffers discrimination on any basis, including gender, religion or ethnicity;
 - (5) Transparency and Participation, to ensure that a Water User Association operates in a transparent manner and promotes effective participation in its management bodies; and
 - (6) Cost Recovery and Financial Sustainability, to ensure that a Water User Association sets fees at a level that ensures that it has adequate resources to discharge all of its liabilities and take all reasonable efforts to ensure that such fees are collected.

Relationship with State and local government.

112. (1) State and local government bodies shall provide such material and other support as is reasonably practicable relating to the establishment and operation of Water User Associations that operate within their jurisdiction while at all times strictly observing the independence of such Associations and their non-political nature.
- (2) State and local government officials shall not interfere in the establishment or functioning of a Water User Association otherwise than pursuant to the written request of the Management Committee of such an Association.

MEMBERSHIP, RIGHTS AND DUTIES OF MEMBERS.

Membership of a Water User Association.

113. (1) The rights and duties that derive from the establishment of a Water User Association are permanently linked to the land plots located within the Area of Operation of a Water User Association and are transferred with those plots until such time as the Association is dissolved or until such plots no longer lie within that Association's Area of Operation following an amendment to its Constitution.
- (2) A person who, on the basis of land holding right, uses a land plot located within the Area of Operation of a Water User Association shall be deemed to be a member of that Association.

- (3) A person who uses a land plot of land located within the Area of Operation of a Water User Association on the basis of a lease for a term of three years or less shall be deemed to be a member of that association throughout the term of that lease.
- (4) A person who uses a land plot that is not government-owned land located within the Area of Operation of a Water User Association on the basis of a lease for a term of three years or less:
 - (a) shall comply with the Constitution and rules of the Water User Association;
 - (b) may, on the written authorisation of the lessor, exercise the latter's rights as an Association member throughout the term of that lease.
- (5) A person who holds a lease of a government-owned land plot for a term of three years or less of located within the Area of Operation of a Water User Association shall be deemed to be a member of that association throughout the term of the lease and shall be strictly liable to pay all fees and charges due to the association during that period.
- (6) In cases where a plot within the Area of Operation of a Water User Association is held, leased or otherwise used by two or more persons, those persons shall determine which one among them is according to Law as the member of the Association.
- (7) A Water User Association member may authorize in writing a manager or other user of the land plot from which their membership derives to act on their behalf in dealings with the Association.

Rights of Water User Association members.

114. Every member of a Water User Association has the right:

- (a) to a fair share of the irrigation water distributed by the Water User Association;
- (b) to benefit from other services provided by, or through, the Water User Association;
- (c) to stand for election to the bodies of the Water User Association provided no outstanding fees, levies or charges are due from him to the Water User Association;
- (d) to propose agenda items for discussion at General Assembly meetings;
- (e) to nominate and to vote for candidates in elections to the bodies of the Water User Association provided no outstanding fees or charges are due to the Water User Association;
- (f) to be reimbursed by the Water User Association for the costs of damage to crops or land resulting from the deliberate or negligent use of any employee of the Water User Association or as a result of operation and maintenance activities undertaken by the Water User Association on that land;
- (g) to inspect, during working hours at the offices of the Water User Association, the Water User Association's records and to be provided, on request, with

information regarding the Water User Association's accounts, operation and management plans.

Duties of Water User Association members.

115. Every member of a Water User Association has the duty:
- (a) to observe the Constitution of that Association and any internal Rules adopted by the General Assembly of the Water User Association;
 - (b) to promptly pay any fees or charges levied in accordance with the Constitution of that Association and this Law;
 - (c) to use irrigation water only in accordance with the Water User Association's irrigation schedule;
 - (d) to pay the repair or replacement costs of any equipment or infrastructure of the Water User Association which is damaged as a result of his or her deliberate or negligence or omission;
 - (e) to provide relevant information on request to the Water User Association about his or her use of land and water;
 - (f) to allow employees of the Water User Association and external service providers contracted by the Water User Association, to enter his or her land, with machines and equipment as necessary, in order to undertake works concerning the operation and maintenance of the irrigation infrastructure subject to the provision of reasonable notice;
 - (g) to participate, directly or indirectly, in activities relating to the cleaning and repair of irrigation infrastructure; and
 - (h) to comply with applicable technical rules concerning the operation and maintenance of the irrigation infrastructure.

Acquisition and Termination of Water User Association membership.

116. (1) A person who ceases to hold the right to use land located within the Area of Operation of a Water User Association shall, on notifying that Water User Association in writing, cease to be a member, save that he shall remain personally liable for all outstanding fees or charges due to the Water User Association at the date on which his or her membership ends.
- (2) A person who acquires a use right over land located within the Area of Operation of a Water User Association on the basis of succession or any other legal basis shall automatically become a member of that Water User Association but shall not be entitled to receive irrigation water or otherwise participate in the activities of the Water User Association until such time as all outstanding fees or charges due to the Water User Association from the previous user of that land have been paid.
- (3) The procedure for notifying the termination and acquisition of Water User Association membership, including the case of a person who acquires the right to membership on the basis of a lease in accordance with Section 113(3) or

113(4)(b) of this Law, shall be specified in the Constitution of each Water User Association.

WATER USER ASSOCIATION ESTABLISHMENT

Water User Association Constitution.

117. (1) Every Water User Association shall have its own Constitution.
- (2) The Constitution of a Water User Association shall include the following particulars:
- (a) the name and address of the Water User Association;
 - (b) a statement as to the purpose and tasks of the Water User Association;
 - (c) a clear description of the Area of Operation by reference to plans or maps;
 - (d) the rights and duties of the members of the Water User Association;
 - (e) the powers, responsibilities and duties of the bodies of the Water User Association;
 - (f) the procedures for calling and holding meetings of the General Assembly of the Water User Association;
 - (g) conditions for the election, term of office and removal of elected officials of the Management Committee and other bodies of the Water User Association;
 - (h) provisions on the setting of fees and charges; and
 - (i) conditions for the termination of the activity of the Water User Association.
- (3) The Constitution of a Water User Association may be amended by special resolution of the General Assembly, save that no such amendment shall be effective until such time as it is approved by the EK-WASRA.

Registration procedure.

118. A Water User Association:
- (a) may be established on a voluntary basis by interested potential Water User Association members in accordance with Section 119 of this Law;
 - (b) shall be established on a mandatory basis pursuant to a decision of the relevant River Basin Development Authority in accordance with Section 120 of this Law.

Voluntary registration procedure.

119. (1) A Water User Association may be registered on a voluntary basis in accordance with this Law by persons who hold land within an irrigation scheme.
- (2) Five or more persons who propose establishing a Water User Association shall form an Initiative Group that will, in consultation with the Ministry of

- Infrastructure and Public Utilities, provisionally identify the Area of Operation of the proposed Water User Association and will organise the election of an Establishment Committee, which will consist of no more than twelve potential members of the proposed Water User Association.
- (3) To ensure a fair representation of potential members of the proposed Water User Association, the Establishment Committee shall be composed of persons representing different parts of the proposed Area of Operation.
 - (4) The Establishment Committee shall elect its chairperson and shall formulate its own rules of procedure for all activities prior to the formal establishment of the Water User Association.
 - (5) The Establishment Committee shall prepare:
 - (a) the draft Constitution of the proposed Water User Association;
 - (b) a plan of the proposed Area of Operation that shows the size and location of the Water User Groups, if any;
 - (c) a list of potential members of the proposed Water User Association together with a description of the land holding and land certificate number where available;
 - (d) a petition for the establishment of the Water User Association containing the name, signature and date of signature of each potential member;
 - (e) an application for registration of the proposed Water User Association in the prescribed form; and;
 - (f) a draft budget and work-plan for the proposed Water User Association.
 - (6) The Establishment Committee shall:
 - (a) give the potential members of the proposed Water User Association an opportunity to consider and comment on the documents listed in subsection (5); and
 - (b) organise the signing of the Application for registration.
 - (7) Provided that at least half of the potential members of the proposed Water User Association have signed the establishment petition, and after taking into consideration all comments received on the Constitution, budget and work-plan, the Establishment Committee shall convene a Foundation Meeting comprising all signatories to the Application for registration as well as other potential members of the Water User Association to:
 - (a) approve the establishment of the proposed Water User Association;
 - (b) approve the Constitution of the Water User Association;
 - (c) approve the draft budget and work-plan; and
 - (d) elect the provisional Management Committee and other officers of the Water User Association.
 - (8) A Foundation Meeting shall be considered to have a quorum provided a simple majority of the potential members of the proposed Water User Association are present or represented and a decision to approve the

- establishment of the Water User Association and to approve the draft Constitution shall be approved by a simple majority of members present.
- (9) The provisional Management Committee shall submit an application for establishment to the EK-WASRA comprising:
 - (a) the form for application for registration of the proposed Water User Association;
 - (b) the signed establishment petition;
 - (c) the minutes of the Foundation Meeting;
 - (d) the Constitution of the Water User Association in three copies;
 - (e) the plan of the proposed Area of Operation and the location of the sub-units, if any;
 - (f) the draft budget and work-plan; and
 - (g) other particulars that may be specified in directives issued for the implementation of this Law.
 - (10) If the EK-WASRA rejects the application for the registration of a Water User Association, it shall give a written explanation to the provisional Management Committee within 60 days of the date on which the application was received.
 - (11) If the EK-WASRA finds that the application for registration is properly made out, it shall forward the application to the Commissioner for approval.
 - (12) A Water User Association shall acquire juridical personality on the date of publication in the Gazette of the approval of the Commissioner.
 - (13) The EK-WASRA shall forthwith register the Water User Association in the Register of Water User Associations and issue of a certificate of registration in the prescribed format.

Mandatory Registration procedure.

120. (1) The Commissioner may, following consultations with relevant stakeholders including potential members of a new Water User Association, announce the planned mandatory establishment of a Water User Association.
- (2) The announcement shall be accompanied by copies of the draft documents specified in Section 119 (5) of this Law, which shall be made available for inspection by potential members of the proposed Water User Association.
- (3) The Ministry of Infrastructure and Public Utilities shall arrange for meeting(s) with potential members of the proposed Water User Association in order to finalise the draft documents specified in Section 119 (5) of this Law.
- (4) The Ministry of Infrastructure and Public Utilities shall announce the date of the Foundation Meeting of the proposed Water User Association which will adopt the draft budget and work plan of the proposed Water User Association and elect the members of the provisional Management Committee and other elected officers of the proposed Water User Association.
- (5) The provisional Management Committee shall submit the documents specified in Section 119 (9) of this Law to Ekiti State Water and Sanitation

Regulatory Agency in compliance with subsections (10) - (12) of Section 119 of this Law.

PART XIII GOVERNANCE

Internal structure of a Water User Association.

- 121.** (1) Every Water User Association shall have:
- (a) a General Assembly;
 - (b) a Management Committee; and
 - (c) an Internal Audit Committee.
- (2) A Water User Association may provide in its Constitution for the establishment of a Dispute Resolution Committee and such other committees or bodies as may be considered necessary.
- (3) The powers, duties and structure of the bodies of a Water User Association shall be as determined by this Law and the Water User Association's Constitution.

The General Assembly and its powers.

- 122.** (1) The General Assembly is the supreme body of a Water User Association.
- (2) The exclusive functions of the General Assembly are:
- (a) to approve the annual budget and the annual work plan that shall include an operation and maintenance plan for the irrigation infrastructure within the Area of Operation;
 - (b) to approve the irrigation schedule for each irrigation season;
 - (c) to elect the members of the Management Committee, the Internal Audit Committee and the Dispute Resolution Committee if there is one;
 - (d) to approve the internal rules of the Water User Association including the level of fines and penalties;
 - (e) to set the level of fees and charges payable by Water User Association members;
 - (f) to approve the annual income and expenditure statement and balance sheet as well as the Management Committee's annual report;
 - (g) to approve the sale, purchase, mortgaging or pledging of any assets owned by the Water User Association or the issuing of bonds or other financial instruments and the conclusion of loans, overdrafts or other

- financial liabilities by the Water User Association or the specification of limits thereto;
- (h) to approve investments which the Water User Association intends to make, including investments in the construction and rehabilitation of irrigation infrastructure;
 - (i) to approve contracts above a certain value or importance to the Water User Association as may be specified in the Constitution;
 - (j) to amend the Constitution and the boundary of the Area of Operation;
 - (k) to take decisions on the re-organisation or liquidation of the Water User Association; and
 - (l) any other matter for which the approval of the General Assembly is required by the Constitution of the Water User Association.
- (3) The Constitution shall specify the quorum required for a meeting of the General Assembly.

Composition of the General Assembly.

123. (1) The participants in the meetings of the General Assembly shall be:
- (a) the Representatives elected by the members of each Water User Group;
 - (b) the individual members of the Water User Association if the total number of Water User Association members is sufficiently small that all members can reasonably participate in such meetings and this is explicitly stated in the Constitution.
- (2) The Constitution shall:
- (a) specify the term of service of each Group Representative, which may not exceed four years;
 - (b) specify the number of Group Representatives per Water User Group which shall be in proportion to the size of the Group;
 - (c) describe the procedures for the election, substitution and removal of Group Representatives;
 - (d) stipulate how the Group Representatives are to consult the members of the Water User Group that they represent regarding meetings of the General Assembly and their obligation to report back to them on the outcome of such meetings;
 - (e) specify the number of votes each Group Representative is to exercise at meetings of the General Assembly.
- (3) Water User Association Members who are not Group Representatives shall have the right to attend meetings of the General Assembly as observers and shall not have the right to vote.

Meetings of the General Assembly.

124. (1) Unless the Constitution specifies a higher number of ordinary meetings, the General Assembly shall hold an ordinary meeting at least once a year.
- (2) Extraordinary meetings of the General Assembly:
- (a) may be called pursuant to a decision of the Management Committee;
 - (b) shall be called at the written request of the Internal Audit Committee or at least of one third of Water User Association members or Group Representatives.
- (3) The procedures for informing the members and their Group Representatives about the agenda of General Assembly meetings and or proposing additional agenda items shall be specified in the Constitution.
- (4) The meetings of the General Assembly shall be chaired by the Chairperson of the Water User Association or in his or her absence by the Deputy Chairperson.
- (5) Decisions of the General Assembly shall be adopted by vote.
- (6) Decisions shall be taken by a simple majority of the votes cast except in the case of a decision regarding the dissolution, liquidation or reorganisation of the Water User Association, an amendment to its Constitution or any other matter directly specified in this respect in its Constitution, in which case a two thirds majority of votes cast shall be required.
- (7) The procedures for voting shall be described in the Constitution and may include provision for decisions to be taken by secret ballot.
- (8) The minutes of meetings of the General Assembly shall be signed by the Chairperson of the Water User Association and the Secretary of the Management Committee, stamped and kept in the Water User Association records.

Allocation of votes.

125. (1) Every member shall have one vote in the election of Group Representatives or at meetings of the General Assembly if the Constitution provides for members to directly participate in such meetings.
- (2) If there are significant differences in the respective sizes of the land holdings of Water User Association members and/or the volumes of water used, the

Water User Association Oversight Office may authorise the allocation of votes on one of the following bases:

- (a) each member is to be allocated with votes in proportion to the size of that member's land plot within the Area of Operation; or that
 - (b) each member is to be allocated with votes in proportion to the amount of fees paid to the Water User Association during the previous year.
- (3) An authorisation granted pursuant to subsection 2:
- (a) may be granted during the initial establishment of a Water User Association or subsequently;
 - (b) shall be reflected in the Constitution of the Water User Association concerned which shall further require that the right to exercise more than one vote shall at times be subject to that member not being in arrears of payments due and outstanding to the association;
 - (c) shall provide that no member may hold more than 10% of the total quantity of votes within a Unit or the entire Area of Operation;
 - (d) shall provide that in any event each member shall have a minimum of one vote.

Duties of the Management Committee.

126. (1) The Management Committee shall be responsible for overseeing the correct operation and management of the Water User Association between the meetings of the General Assembly to which it is accountable.
- (2) The functions of the Management Committee include:
- (a) ensuring the implementation of the decisions of the General Assembly;
 - (b) ensuring the implementation of the budget and work plan;
 - (c) monitoring the performance of the Water User Association;
 - (d) approving the conclusion and implementation of contracts in compliance with the approved budget and the work plan;
 - (e) electing the Chairperson and Deputy Chairperson, as appropriate, as well as the Secretary from among its members;
 - (f) preparing the agenda for, and convening the meetings of, the General Assembly;
 - (g) preparing the draft budget, work plan, annual report, internal rules and other documents for approval by the General Assembly;
 - (h) ensuring that the Water User Association's financial and accounting procedures are followed; and
 - (i) such other matters as may be determined by the General Assembly or specified in the Constitution or this Law.
- (3) The members of the Management Committee shall apply the necessary care in fulfilling their duties and shall give effect to the operating principles specified in Section 5 of this Law

Composition of the Management Committee.

127. (1) The Management Committee shall comprise no less than five and no more than eleven persons.
- (2) Members of the Management Committee shall be members of the Water User Association and the precise number of members of the Management Committee shall be specified in the Constitution.
- (3) Each Water User Association shall provide in its Constitution that in order to achieve a gender balance, at least 20% of the positions on the Management Committee shall be reserved to the less represented gender.
- (4) Members of the Management Committee shall be elected by the General Assembly to serve for a term of no more than five years.
- (5) The terms of office of Management Committee members shall be staggered so that the terms of no more than three Management Committee members expire in any single year.
- (6) A member of the Management Committee shall not serve for more than two successive terms, meaning that, when the second successive term expires, the member shall be entitled to stand for election for a third term only if at least one year has passed since the end of the second term.
- (7) The Constitution may provide that each member of the Management Committee is to represent one or more Water User Groups within the Area of Operation and to be elected by and from among the members of those Groups.
- (8) Each member of the Management Committee shall at all times Law in the interests of the Water User Association and shall declare any personal financial interest or interest of any other nature in any issue under discussion at meetings of the Management Committee and shall thereafter take no further part in the discussion or decision making relating to that issue.
- (9) No person shall be eligible to stand for election to the Management Committee if that person has outstanding liabilities (including penalties) to the Water User Association.
- (10) The Management Committee shall elect one of its members to be the Secretary of the Water User Association and one of its members to be the Treasurer.

The Chairperson of the Water User Association.

128. (1) The Constitution of a Water User Association shall provide either that:
- (a) the Chairperson of the Water User Association shall be elected by the Management Committee from and among its members; or that
- (b) the Chairperson of the Water User Association shall be directly elected by the General Assembly from among the members of the Water User Association.

- (2) The Powers and Duties of the Chairperson are:
 - (a) to call and chair the meetings of the Management Committee and to chair the meetings of the General Assembly;
 - (b) to represent the Water User Association in relationships with third persons in accordance with the Constitution;
 - (c) to sign contracts and other legal documents in accordance with resolutions of the Management Committee; and
 - (d) to undertake other tasks specified in the Constitution.
- (3) The Deputy Chairperson of the Water User Association shall also be elected in accordance with subsection (1) and shall undertake the tasks of the Chairperson of the Management Committee when the latter is unable to do so for objective reasons.

Meetings of the Water User Association Management Committee.

129. (1) The Management Committee shall meet at least once a month or more frequently as necessary.
- (2) A meeting of the Management Committee shall be called on the request of one third of the members or their representatives.
- (3) The Constitution shall establish the quorum for meetings of the Management Committee.
- (4) Decisions of the Management Committee shall be made by consensus or, if consensus cannot be reached, by simple majority vote with each member having one vote.
- (5) The Management Committee shall develop and adopt its rules of procedure as specified by the Constitution and minutes of its meetings shall be maintained by the Secretary.

The Internal Audit Committee.

130. (1) The Internal Audit Committee shall supervise the financial management of a Water User Association and shall comprise no less than three members.
- (2) The members of the Internal Audit Committee shall be elected by the General Assembly from among the members of the Water User Association by direct ballot for a three-year term and all candidates for such elections shall be literate, numerate and have relevant accounting skills or qualifications.
- (3) The activities of the Internal Audit Committee and its powers shall be set out in the Constitution and shall include the duty to perform an audit of the Water User Association's financial activity during each irrigation season.
- (4) The Management Committee and any employees of a Water User Association shall promptly provide documents relating to the financial activity of Water

User Association to the Internal Audit Committee upon the request of the latter.

- (5) The Internal Audit Committee shall be responsible to the General Assembly to which it shall submit an annual report on the economic and financial management of the Water User Association.

Dispute Resolution.

131. (1) The Constitution of a Water User Association may provide for the establishment of a Dispute Resolution Committee that shall consist of five persons elected by the General Assembly for a four-year term.
- (2) The members of the Dispute Resolution Committee shall elect one of their members to be the Chairperson of the committee.
- (3) The Dispute Resolution Committee shall determine disputes between members of the Water User Association concerning the use and distribution of irrigation water.
- (4) A Water User Association member who alleges that another member has violated the Water User Association's Constitution, its internal rules or the watering plan may lodge a written and/or verbal complaint with the Chairperson of the Dispute Resolution Committee.
- (5) The Chairperson or another member of the Dispute Resolution Committee shall promptly inspect the source of the problem and the Chairperson shall then forthwith call a hearing of the Dispute Resolution Committee and in any event no later than two days following receipt of the complaint.
- (6) Both parties to the dispute shall attend the hearing which shall be held in public, and which shall be chaired by the Chairperson of the Dispute Resolution Committee.
- (7) The Dispute Resolution Committee shall hear evidence from both parties to the dispute, which may include documentary evidence, and it may undertake site inspections.
- (8) The Dispute Resolution Committee shall hold its deliberations in private and shall promptly announce its verdict and in any event within two days of the hearing unless further investigation is required which fact shall be communicated to the parties.
- (9) If the Dispute Resolution Committee considers:
 - (a) that the complaint is not made out, it shall dismiss the complaint;
 - (b) that the complaint is satisfied that the complaint is made out, it may take a decision to impose sanctions, in accordance with the Constitution, against the unsuccessful party.
- (10) A decision of the Dispute Resolution Committee shall be appealable to the court of appropriate jurisdiction.

Common provisions on elected officers of a Water User Association.

132. (1) The members of the Management Committee, the Internal Audit Committee and the Dispute Resolution Committee are not employees of a Water User Association and do not receive a salary but shall be entitled to be reimbursed reasonable expenses arising from the fulfillment of their functions and may, on the approval of the General Assembly and in accordance with the Water User Association's budget, be paid a nominal sitting allowance.
- (2) A member of the Management Committee shall not be eligible for election to the Internal Audit Committee or the Dispute Resolution Committee if he is already a member of the Management Committee.
- (3) A member of the Management Committee, Internal Audit Committee and Dispute Resolution Committee, may be removed from office pursuant to a decision of the General Assembly on the grounds of:
- (a) grave dereliction of duty such as misappropriation of funds;
 - (b) incapability due to illness or some other reason;
 - (c) repeated failure to attend scheduled meetings;
 - (d) conviction of a criminal offence.
- (4) In the event that an elected official of the Water User Association resigns or is removed from office by the General Assembly, an extraordinary meeting of the General Assembly shall be called as soon as reasonably practicable to elect a replacement.

Employees of a Water User Association.

133. (1) A Water User Association may employ such full time, part time or seasonal staff as necessary including a manager.
- (2) The recruitment of a manager shall take place on a competitive basis by the Management Committee and a manager shall be a person who has suitable qualifications and relevant experience of irrigation management.
- (3) A manager employed by a Water User Association:
- (a) shall not be a member of that association;
 - (b) shall report to and advise the Management Committee and shall attend its meetings when so requested, but shall not be entitled to participate in decision making or to vote;
 - (c) may be authorised by the Management Committee to sign routine contracts up to a specified value, the limits of which may be established in the Constitution or the internal rules of the Water User Association.
- (4) Other employees of a Water User Association, including an accountant, shall be appointed on a competitive basis by the Management Committee, or the

- manager if there is one, in accordance with the budget and organisational chart adopted by the General Assembly.
- (5) The manager and other employees of a Water User Association are employed in accordance with applicable labour legislation.

PART XVI

FINANCIAL MATTERS

Sources of income of a Water User Association.

134. (1) The sources of income of a Water User Association are:
- (a) the annual membership fee payable by Water User Association members;
 - (b) a water delivery fee payable by Water User Association members;
 - (c) levies or other charges against Water User Association members authorised by the General Assembly including special levies for specific purposes such as emergency repairs;
 - (d) gifts or grants;
 - (e) subsidies, if available;
 - (f) interest on outstanding fees or charges due to the Water User Association;
 - (g) interest on any money held in bank accounts or equivalent;
 - (h) the proceeds of fines and other sanctions of a pecuniary nature imposed by the Water User Association; and
 - (i) payments for services provided by the Water User Association.
- (2) Every Water User Association shall establish a reserve fund which:
- (a) shall be used to pay for emergency repairs, to make improvements to the irrigation infrastructure used by the Water User Association or to cover the long-term costs of replacing or rehabilitating that irrigation infrastructure;
 - (b) shall be held in a safe, interest-bearing bank account until such time as the funds are required.
- (3) All surplus of income over expenditure shall be paid into the reserve fund.
- (4) A Water User Association shall be entitled to levy a reasonable rate of interest on outstanding fees or charges.

The Annual membership fee.

135. (1) Every Water User Association shall levy an annual membership fee that shall be applied towards the Association's fixed costs.
- (2) The amount of the annual membership fee payable by each member shall be calculated by reference to the size of the land plot of that member in proportion to the total size of the Area of Operation as a fraction of:
- (a) the costs of operating and maintaining the irrigation infrastructure including the costs of cleaning any drainage ditches;
 - (b) the Water User Association's obligation to pay charges to any other person in respect of the operation of the irrigation infrastructure and/or the abstraction of water;
 - (c) salaries of staff and other fixed costs of the Water User Association; and
 - (d) the need to make provision to the Water User Association's reserve fund.
- (3) A Water User Association that has limited financial costs may provide that some or all of the annual membership fee is to be paid in kind including through an agreed contribution of labour.

Water delivery fee.

136. (1) A Water User Association shall levy a water delivery fee payable by each member by reference to the volume of irrigation water used by that member which may be measured or assessed on a fair basis by taking account of such criteria as the area irrigated, the number of irrigations undertaken and the type of crop grown, or a combination thereof, in accordance with a formula agreed by the General Assembly or set out in the Constitution of that association.
- (2) The water delivery fee per unit shall be calculated by reference to the Water User Association's costs of operating the irrigation infrastructure and delivering irrigation water, as well as any costs payable by the Water User Association in connection with the supply of water to it including electricity costs.

Records and administration.

137. Every Water User Association shall maintain:

- (a) a plan showing the Area of Operation;
- (b) a register of members, which shall contain a description of the size and location of each member's landholding, and which should be reviewed and, as necessary, updated every year;
- (c) a record of the quantities of water received by the Water User Association;
- (d) a record of the quantities of water or the number of irrigations received by members;
- (e) a record of fees and charges owed paid or unpaid;
- (f) a register containing the minutes of the meetings of the General Assembly and Management Committee;
- (g) a register of transactions and contracts;
- (h) an inventory of assets;
- (i) a register of inspections and surveys of the irrigation infrastructure used by the Water User Association;
- (j) a record of maintenance activities; and
- (k) financial accounts.

Financial accounts.

138. (1) Every Water User Association shall maintain accounts of receipts and expenditure and shall prepare an annual balance sheet and income and expenditure statement.
- (2) The annual balance sheet and the income and expenditure statement shall be approved annually by the General Assembly.
- (3) The records and books of account of a Water User Association shall be subject to an annual audit by an auditor approved by the EK-WASRA.

PART XV SANCTIONS AND ENFORCEMENT

Sanctions.

139. (1) A Water User Association shall be entitled to impose sanctions against a member who fails:
- (a) to observe the Constitution and any internal rules adopted by the General Assembly of the Water User Association;
 - (b) to promptly pay any fees or charges levied in accordance with the Constitution and this Law or to provide labour in *lieu* at the appropriate time if this is provided in the Constitution of the WUA;
 - (c) to use irrigation water in accordance with the Water User Association's irrigation schedule;
 - (d) to pay the repair or replacement costs of any equipment which is damaged as a result of that member's negligent act or omission;
 - (e) to provide relevant information to the Water User Association about his use of land and water;

- (f) without good reason to allow employees or contractors of the Water User Association on to his or her land, with machines and equipment as necessary, in order to undertake works concerning the operation and maintenance of the irrigation infrastructure; and
 - (g) to comply with applicable technical rules concerning the operation of the irrigation infrastructure.
- (2) The level of sanctions shall be specified in the Constitution and/or the internal rules of each Water User Association and may include a fine and /or the suspension of the provision of services, including the supply of irrigation water, to the defaulting member.
 - (3) Sanctions shall be imposed by the Management Committee but may be appealed to the court of appropriate jurisdiction.

Enforcement.

140. (1) Every Water User Association shall take appropriate measures to ensure that its members comply with their duties, as set out in Section 115 of this Law, including but not limited to internal sanctioning mechanisms agreed at the Water User Group level, applicable traditional and customary dispute resolution procedures and proceedings before the courts.
- (2) A Water User Association may provide in its Constitution that a person who grants a lease of land within the Service Area shall be responsible for the conduct of the lessee relating to that land.
- (3) In the event of serious or continuing non-compliance by a member with the rules of a Water User Association contrary to Section 9 of this Law, the Management Committee may apply to the Ministry of Infrastructure and Public Utilities for an order extinguishing the land use right of a defaulting member in cases where that land is owned by the authority subject to the approval of the Water User Association.
- (4) A certificate signed by the Chairperson of the Water User Association describing the actions or omissions of the member in default shall constitute *prima facie* evidence of those actions or omissions.

LEGAL AND FINANCIAL SUPERVISION

Oversight function of EK-WASRA on Water User Association.

141. The EK-WASRA shall be established:

- (a) to undertake the activities specified in this Law relating to the establishment of Water User Associations and the modification of Water User Association Constitutions;
- (b) to establish and maintain the State Register of Water User Associations;
- (c) to undertake legal and financial supervision in accordance with the provisions of Section 37 of this Law in order to ensure that Water User Associations comply with the provisions of this Law and applicable accounting rules.

Annual reports.

142. (1) Every Water User Association shall within 120 days of the end of its financial year file an annual report with the EK-WASRA in the prescribed format, together with a copy of its accounts.
- (2) The members of a Management Committee of a Water User Association that fails to file an annual report and a copy of the accounts within the period specified in sub-section (1) shall be jointly and severally liable on conviction to a fine of twenty thousand naira (₦20,000)

Legal and Financial Supervision.

143. (1) A duly authorised officer from the EK-WASRA shall inspect the records of a Water User Association:
- (a) on the written request of one third of the members of that Water User Association who allege impropriety in the functioning of the Water User Association; or
 - (b) if, having reviewed a copy of the annual report and accounts of that Water User Association, there is *prima facie* evidence of legal or financial malpractice.
- (2) If, having inspected the records of a Water User Association, the EK-WASRA finds evidence of financial malpractice or that the Water User Association has not been operating in accordance with the provisions of this Law, it may require the Management Committee to call an extraordinary meeting of the General Assembly at which the findings of the Water User Association Oversight Office can be presented to the members.
- (3) If the Management Committee fails to call a meeting of the General Assembly within 30 days, the Water User Association Oversight Office may suspend the Management Committee and call such a meeting itself.
- (4) If the Management Committee is suspended in accordance with subsection (3) of this Law, the EK-WASRA shall have the power to call a further extraordinary meeting of the General Assembly so that a new Management Committee can be elected.

Approvals.

- 144.** (1) The following actions require the prior written authorisation of the EK-WASRA:
- (a) the amendment of the Constitution of a Water User Association;
 - (b) a modification of the Area of Operation of a Water User Association;
 - (c) the pledging or mortgaging of any assets of a Water User Association;
 - (d) the expansion and/or rehabilitation of scheme infrastructure
- (2) The EK-WASRA shall not unreasonably refuse to approve any matter requiring its approval pursuant to subsection (1).

Register of Water User Associations.

- 145.** (1) The EK-WASRA shall establish and maintain the Register of Water User Associations.
- (2) The Register of Water User Associations shall contain the following details of each Water User Association:
- (a) the name and the registered office;
 - (b) the date of establishment of each Water User Association;
 - (c) the size and location of the Area of Operation;
 - (d) the number of members;
 - (e) the names, addresses and telephone numbers of the members of the Management Committee and the Chairperson;
 - (f) the date of filing of the most recent annual return report; and
 - (g) details of the condition of irrigation infrastructure transferred to the Water User Association.
- (3) Members of the public shall have the right to inspect the Register of Water User Associations during ordinary office hours.

TRANSFER OF IRRIGATION INFRASTRUCTURE

Transfer of irrigation infrastructure.

- 146.** (1) Following the establishment of a Water User Association, the Commissioner shall transfer State owned irrigation infrastructure that lies within the Area of

- Operation of a Water User Association to that Water User Association on the basis of a use right.
- (2) A transfer of irrigation infrastructure to a Water User Association shall:
 - (a) be free of charge;
 - (b) be for a period of 20 years renewable;
 - (c) take place on the basis of a transfer agreement between the Commissioner and the Water User Association.
 - (3) Each transfer agreement shall be in the prescribed format and shall:
 - (a) contain a detailed description of the infrastructure to be transferred and the condition of such infrastructure at the date of the transfer;
 - (b) confer the necessary legal powers on the Water User Association to control access to the irrigation infrastructure and the use of any water its contains by persons other than the Water User Association or its members;
 - (c) specify the rights and obligations of the parties to the agreement in terms of the maintenance of the infrastructure;
 - (d) contain provisions concerning the termination of the agreement.
 - (4) The Ministry of Infrastructure and Public Utilities shall in any event ensure the management, operation and maintenance of the parts of the irrigation scheme that are not transferred to Water User Associations and which remain under its control.

Technical Supervision.

147. (1) A Water User Association shall file information concerning the maintenance and condition of infrastructure transferred in accordance with Section 40 of this Law to the Ministry of Infrastructure and Public Utilities in the prescribed form.
- (2) A duly authorised officer of the Ministry of Infrastructure and Public Utilities may enter upon and inspect infrastructure transferred in accordance with the provisions of Section 40 of this Law and may require the Water User Association to undertake specified works where this is necessary as a matter of urgency:
 - (a) to prevent damage or harm to that infrastructure; or
 - (b) to prevent damage to state property or the property of third persons.
- (3) The members of the Management Committee of a Water User Association shall be liable to a fine of Ten thousand naira on conviction if they:
 - (a) fail to provide within 30 days information requested pursuant to subsection (1) of this Law; or
 - (b) fail to provide access to irrigation infrastructure in compliance with the subsection (2) of this Law.

Acquisition of Land.

148. (1) A Water User Association may acquire land deemed necessary for the rehabilitation, development, or management of the irrigation infrastructure pursuant to regulation made by the Ministry of Infrastructure and Public Utilities.
- (2) The Water User Association concerned shall pay compensation for any land acquired pursuant to (1) above in accordance with the Land Use Law of Ekiti State, 2012.

PART XVI

WATER, SANITATION AND HYGIENE COMMITTEES (WASHCOMs).

Establishment of Water, Sanitation and Hygiene Committees (WASHCOMs).

149. (1) There shall be for each rural community in the Local Government Area, a rural water supply, sanitation and hygiene committee (referred to as 'the WASHCOM')
- (2) The Committee shall comprise of -
- (a) a Chairman elected among the committee members;
 - (b) a Secretary;
 - (c) a Treasurer;
 - (d) three other members, two of whom shall be women.
- (3) Members of the Committee shall be -
- (a) residents of such a community.
 - (b) in employment or self-supporting.

Duties of the WASHCOM.

150. The Committee shall -
- (a) Report to LGA WASH Department for coordination and supervision;
 - (b) Cooperate with the Environmental Health Services Department on rural water, sanitation, and hygiene programmes for the community;
 - (c) ensure that all necessary and relevant community sanitation and hygiene education activities are conducted by the Committee and Hygiene promoters;
 - (d) encourage the development of skills to promote community participation with the active involvement of women;
 - (e) support the adaptation of training materials to the social and cultural situation of the community;
 - (f) lead in the community planning, design, and management of safe rural water and sanitary facilities;
 - (g) support the building of latrines at public places by Government and household levels by the individual household;

- (h) support the immunization of children in the community through the design of campaigns;
- (i) encourage the eradication of the water-borne disease in the community.
- (j) support the community to take an active part in the maintenance of rural water, sanitation, and hygiene facilities;
- (k) mobilize the community to contribute at least 5% of the capital cost in cash or kind to new rural water supply project;
- (l) mobilize the community to take ownership and fully maintain the existing rural water schemes; and
- (m) Carry along environmental health officers and their community on every activity of the community to be on the same page at all the time

PART XVII

WATER, SANITATION AND HYGIENE (WASH) SERVICES PROVIDERS.

Establishment of WASH Service Providers.

- 151.** (1) The government may support the establishment of the Water, Sanitation, and Hygiene (WASH) Services Providers to complement the services of other established water and sanitation services providers, as provided in this Law.
- (2) The Water, Sanitation and Hygiene (WASH) Services Providers established shall adhere strictly to the standard practices and operations as provided in this Law.
- (3) Water, Sanitation and Hygiene (WASH) Services Providers shall be -
- (a) private individuals or companies with cognate experience in water services delivery.
 - (b) knowledgeable in the activities of the Ekiti State Water, Sanitation, and Hygiene sector; and
 - (c) qualified for contractual association with the Ekiti Water and Sewerage Company Limited, Ekiti State Small Towns, Rural Water Supply and Sanitation Agency, Water Consumers Association, Water Sanitation and Hygiene Committees (WASHCOM) to operate their water systems.
- (4) Water, Sanitation, and Hygiene (WASH) Services Providers shall be remunerated in line with the contractual terms and shall be accountable to its contracting authority, and the water consumers.

Operation of the Water, Sanitation and Hygiene (WASH) Services Providers.

- 152.** (1) A WASH Services Provider may operate as a single individual who maintains a rural borehole.
- (2) Other operators could be large national or international water companies running major systems, any other arrangement to procure water supply services operations, and maintenance functions.

- (3) This Law does not confer special preference on any Service Provider as the criteria for appointing a Provider shall be based on pricing, expertise, and quality of service delivery.
- (4) All Water, Sanitation, and Hygiene (WASH) Services Providers shall employ women to satisfy gender inclusion as women employees shall be tools for interactions with female consumers in the sector.
- (5) All Water, Sanitation, and Hygiene (WASH) Services Providers shall obtain a license, permit, or approval from the WASRA.
- (6) All Water, Sanitation, and Hygiene (WASH) Services Providers shall undertake sanitation, health and hygiene promotions awareness campaigns as part of their corporate social responsibility.
- (7) Private borehole operators shall be eligible to serve as Water, Sanitation, and Hygiene (WASH) Services Providers as they may sell water directly to consumers.
- (8) Private borehole operators may also enter Public Private Partnership arrangement with the government.

Terms of services for Water, Sanitation and Hygiene (WASH) Services Providers and WUAs.

153. (1) The WASRA shall applying the applicable laws and regulations in this Law, set the terms and conditions for water services.
- (2) The conditions to be set according to subsection (1) of this Section shall -
- (a) be in writing, accessible to the public, and available free of charge to any consumer.
 - (b) accord with applicable National and State Water Laws and Policies.
 - (c) accord with conditions for the provision of water services contained in this law and all regulations made according to this law.
 - (d) accord with every applicable Water Services Development Plan adopted under this law; and
 - (e) provide for:-
 - (i) the technical conditions of existing or proposed extensions or upgrading of water supply schemes.
 - (ii) the determination and structure of tariffs, as the Ekiti State Water and Sanitation Regulatory Agency (EK-WASRA) may approve.
 - (iii) the conditions for payment of tariffs.
 - (iv) the circumstances under which the water services may be limited or discontinued.
 - (v) procedures for limiting or discontinuing water services; and
 - (vi) measures to promote water conservation and demand management.
- (3) Procedures for the limitation or discontinuation of water services shall:-

- (a) be fair and equitable; and
- (b) provide for the required notice of intention to limit or discontinue water services and for an opportunity to make representations unless:-
 - (i) these would prejudice other consumers.
 - (ii) there is an emergency; or
 - (iii) the consumer has interfered with a limited or discontinued service.
- (4) Every consumer of services the WASH Services Provider procures shall do so, subject to any applicable conditions the Water Supply Regulation Agency shall set.
- (5) A water supply arrangement between two Water, Sanitation, and Hygiene (WASH) Services Providers shall subsist until the water buyer provider receives a 15-day written notice of limited service on the ground of payment default.
- (6) In case of discontinuance of service, the buyer provider shall receive similar notice that shall have a span of 30 days.
- (7) The Water, Sanitation, and Hygiene Regulatory Agency shall receive both types of notice for its information.

Duties of Water, Sanitation and Hygiene (WASH) Services Providers.

154. (1) Every WASH Services Provider shall ensure efficient, affordable, economical, and sustainable access to water services to all consumers in its area of jurisdiction, under the terms of its WASH Services Provider permit.
- (2) The duty in subsection (1) of this section shall be subject to:-
- (a) the terms of the WASH Services Provider permit.
 - (b) the need to regulate access to water services equitably.
 - (c) the duty of consumers to pay reasonable charges that shall accord with the set tariff for water services.
 - (d) the duty to conserve water resources.
 - (e) nature, topography, geological formation, zoning, and situation of the land in question.
 - (f) the right of the relevant WASH Services Provider to limit or discontinue the water services, following the failure to comply with conditions the consumer has set for the provision of such services.
- (3) A WASH Services Provider shall not, without cogent reasons, refuse or fail to provide access to water services to a consumer, potential consumer, in its area of jurisdiction.
- (4) A WASH Services Provider shall, in emergencies, take all reasonable steps to provide basic water supply to any person within its area of jurisdiction, and may do so at a cost to Government, under the standards the Water, Sanitation, and Hygiene Regulatory Agency has set.

- (5) A WASH Services Provider may impose, from time to time, reasonable limitations on water services under the WASRA's approval.
- (6) A WASH Services Provider shall:-
 - (a) comply with the provisions of its WASH Services Provider terms of the permit and laid-down regulation, general codes, and other requirements the Ekiti State Water and Sanitation Regulatory Agency (EK-WASRA) shall issue unless a court of competent jurisdiction direct otherwise. This is without prejudice to any intended litigation the WASH Services Provider may intend.
 - (b) provide the water services under all applicable State and Federal Laws.
 - (c) prepare and submit to the Ekiti State Water and Sanitation Regulatory Agency (EK-WASRA) each year such accounting information, as may be required, unless the Water, Sanitation and Hygiene Regulatory Agency exempts such water services provide.
 - (d) provide to the Water, Sanitation and Hygiene Regulatory Agency complete and regular information in the form and substance, as this Regulatory Agency shall prescribe; and
 - (e) ensure compliance with the approved tariff, and with other obligations of the WASH Services Provider provided under this Law or terms of its permit, and to enable the Ekiti State Water, and Sanitation Regulatory Agency (EK-WASRA) to monitor and implement the Water Service Development Plan.
- (7) Every WASH Services Provider shall establish procedures for dealing with complaints from its consumers.
- (8) No provisions of this Section shall be interpreted as expanding the obligation of a WASH Services Provider under a Water Supply Services Agreement under the provisions of this law and/or pre-existing laws

Powers of Water, Sanitation and Hygiene (WASH) Services Providers.

155. The WASH Services Provider may -

- (a) construct, operate, alter or repair any water services work under the terms of its WASH Service Provider and where applicable, any Water Supply Services Agreement and with the permission of the relevant State Government Authorities.
- (b) charge tariffs for water services it provides using different rates of tariffs chargeable on consumers stratified along with economic and social status like the poor and vulnerable group, people living with HIV/AIDS and the tariff structure the Ekiti State Water and Sanitation Regulatory Agency (EK-WASRA) shall set.
- (c) introduce metering system or develop an acceptable alternative revenue collection that has the visible label of accountability and transparency; and

- (d) apply for, enter into an agreement for, and perform all obligations related to grants or loans under a Water Sector Program Commitment.

PART XVIII WATER WELL DRILLERS.

Licensing of Water Well Drillers.

156. As from the commencement of this Law, all water well drillers must be registered and licensed by the Ekiti State Water, and Sanitation Regulatory Agency (WASRA) before drilling any household, commercial, or industrial boreholes in Ekiti State.

Specifications of Water Well Drilling.

157. Drilling of boreholes in Ekiti State shall conform with the Nigerian Industrial Standard (NIS) Code of Conduct for water well construction, approved by Standards Organization of Nigeria, and any other enactment of the National Assembly or the State House of Assembly as it relates to water use and license.

Reporting Tool for Water Well Drilling.

158. (1) Water Well drillers shall use the reporting tool developed by WASRA for all household, commercial, and industrial, groundwater abstraction.
- (2) Water well drillers must mandatorily inform WASRA of every water well drilling; and shall ensure a filled format of the 'Water well reporting form' is deposited with WASRA, not more than 14 days after a household, commercial, or industrial borehole is drilled.

PART XIX SEWAGE AND WASTEWATER DISLOGING.

Registration of Wastewater facility.

159. (1) As from the commencement of this Law:-
- (a) any person, organization, or government agency that operates a dislodging outfit shall be registered with the Ekiti State Water and Sewerage Corporation.
- (b) all public housing estates; medical and educational institutions, and high-rise buildings shall establish and register their wastewater facilities with the Ekiti State Water and Sewerage Corporation.
- (2) An application for registration shall be made to the Corporation in such manner as may be prescribed by the WASSRA.

Wastewater Clearance.

160. (1) Any person, organization, or government agency who intends to develop an estate, hotel, eateries, high rise, bus terminals, abattoirs and lairage, animal

husbandry, industrial laundry, and industrial car wash, petrol stations, medical institutions, educational institutions, or any structure that will accommodate a population of fifty (50) and above shall obtain a wastewater clearance in a manner approved by the Corporation and WASSRA or connect to the sewerage system in the catchment area.

- (2) Any person, organization, or government agency who intends to develop a high-rise building that is higher than three (3) floors shall obtain a wastewater clearance in a manner approved by the corporation and WASSRA or connect to the sewerage system in the catchment area.

PART XX OFFENCES AND PENALTIES.

Construction of Public Sewerage Systems.

161. A person who constructs, alters, discontinue or close up any public sewerage system or sanitary facilities without obtaining, in respect of those works, a clearance certificate or approval from the WASRA, commits an offence and is liable on conviction to a fine not exceeding Fifty Thousand Naira (₦50,000.00).

Damage to Public Sewer, etc.

162. Any person who -
- (a) causes any damage to any public sewer or any sewer or drain-line connecting with a public sewer; or
 - (b) does any act which renders any public or private sewer to be dangerous or injurious to health or to cause a nuisance, commits an offence and is liable on conviction to a fine not exceeding One Hundred Thousand Naira (₦100,000.00) or to imprisonment for a term not exceeding One (1) month or both.

Dislodgment of Raw sewage.

163. (1) No Sewage and Wastewater Dislodge, Tenements, or an individual shall discharge raw sewage, wastewater, or effluent from sanitary convenience into water bodies, sewers, drains, or channels, either earth or concrete without the permission of the WASRA.
- (2) Any person who contravenes the provisions of subsection (1) of this Section commits an offence and is liable on conviction to:-
- (a) a fine of not less than Twenty Thousand Naira (₦20,000.00) only, or a term of imprisonment for one month for an individual.
 - (b) a fine of not less than Fifty Thousand Naira (₦50,000.00) only, or a term of imprisonment for one month or both for a tenement.
 - (c) a fine of not less than One Hundred Thousand Naira (₦100,000.00) only, or a term of imprisonment for one month for Sewage Truck Dislodgers.
 - (d) a fine of not less than One hundred Naira (₦100,000.00) only, or a term of imprisonment for six (6) months for an Organization.

- (e) a fine of not less than One hundred thousand Naira (₦100,000.00) only, or a term of imprisonment for one (1) year and revocation of permit of the Sewage Truck Dislodger, until remedial, corrective and preventive measures are put in place.

Registration of Sewage Dislodgers

164. Any person who operates a sewage dislodging outfit without registration with Ekiti State Water and Sewerage Corporation commits an offence and is liable on conviction to a fine of not less than Fifty Thousand Naira (₦50,000.00).

Registration of Water well drillers.

165. Any person or water well driller who drills a household, commercial, or industrial borehole without registration with WASRA commits an offence and is liable on conviction to a fine of not less than Fifty Thousand Naira (₦50,000.00) only.

Specifications of Water Well Drilling.

166. Any person or water well Driller who drills a household, commercial, or industrial borehole not in conformity with the Nigerian Industrial Standard (NIS) Code of Conduct for water well construction, 2010, approved by Standards Organization of Nigeria, commits an offence and is liable on conviction to a fine of not less than One Hundred Thousand Naira (₦100,000.00).

Reporting Tool for Water Well Drilling.

167. As from the commencement of this law, any person or water Well drillers who drills a household, commercial, or industrial borehole without using the reporting tool developed by WASRA, and fails to submit the reporting form to WASSRA within 14 days after a household, commercial, or industrial borehole is drilled, commits an offence and is liable on conviction to a fine of not less than Fifty Thousand Naira (₦50,000.00) only.

Offences against Open defecation.

168. (1) Any household or premises in the State without adequate and improved toilet and appropriate hand washing facilities commits an offence and is liable on conviction to a fine of not less than Twenty Thousand Naira (₦20,000.00) only.
- (2) Any business premises in the State, employing, housing, or accommodating more than twenty persons, without adequate and improved toilet and appropriate hand washing facilities commits an offence and is liable on conviction to a fine of not less than One hundred Thousand Naira (₦100,000.00).

- (3) Any person who defecates in the open within the State, commits an offence and is liable on conviction to imprisonment for a term of three months or a fine of Twenty Thousand Naira (₦20 000.00), or both.

PART XXI INTERPRETATION.

Interpretation.

169. In this Law unless the context otherwise requires:

“Appropriate hand washing” means a Hand washing facility (with water, Soap, or alcohol-based hand rubs) in households and public places.

“Assessed value” about tenement means the capital annual or unimproved value at which tenement is for the time being assessed under the provisions of the Ekiti State Tenement Rate Law.

“Abstraction” means removal or pumping of water from a river, spring, surface water, or underground water or other sources for human, industrial, or other uses.

“Access” means having adequate potable water supply and sanitation facilities by all households.

“Affordable” means availability of potable water for consumption and other uses to support life and personal hygiene and or construct, own, operate and maintain sanitation facilities, without a major disruption in expenditure pattern, whereby sanitation facility does not consume more than 3% of the household income.

“Agency” means Ekiti State Agency for Small Towns, Rural Water Supply, Sanitation and Hygiene.

‘Area of Operation’ means the defined land area that is served by a Water User Association;

“Basic Water Supply” means the prescribed minimum standard of water supply services necessary for the reliable supply of a sufficient quantity and equality of water to households, including informal households, to support life and personal hygiene, as specified from time to time by the Regulatory Agency.

“Board” means Board of Directors of the Corporation.

“Catchment area” means an area of land or water from which water contributes to the supply of waterworks.

“Chairman” means the Chairman of the board of Directors.

“Commissioner” means the State Commissioner of the Ministry of Infrastructure and Public Utilities or Commissioner saddled with the supervisory role of the WASH sector.

“Constitution” means the 1999 Constitution of the Federal Republic of Nigeria (as amended).

“Consumer” means any actual or potential end user who receives prescribed water services from a WASH Services Provider and does not deliver or resell the service

to others including an end-user in an informal settlement or any person who otherwise use water and liable for the payment of water rates or charges;

"Company" means Ekiti Water and Sewerage Company Limited

"Constitution" means the Constitution of a Water User Association;

"Corporation" means Ekiti State Water Corporation

"Coverage area" means an area served by a water scheme or other water services and includes an area represented by a registered WASH Service Provider (WSP), Water Consumer Association (WCA), or Water Sanitation and Hygiene Committee (WASHCOM).

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

"Excess Consumption" means:

- (a) in the case of tenement in respect of which general water rate is payable, the quantity of water ascertained by tenement over such monthly allowances may be prescribed; and
- (b) In the case of the tenement in respect of which general water rate is not payable, the quantity of water ascertained by meter as having been consumed in the tenement.

"Federal Government" means the Government of the Federal Republic of Nigeria.

"Financial year" means a period of twelve months commencing on 1st January.

"Gazette" means the Official Gazette of Ekiti State.

"General Water Rate" means the amount to be paid to the corporation by the owner to any tenement or other property determined by the Board of the corporation.

"Governor" means the Governor of Ekiti State.

"Government" means any authority in which the Executive authority of the State is duly exercised.

"Household" means the number of persons catered for by the household head at a time. The average household size in Nigeria is Seven (7) persons, and the national policy provides for a household latrine to be used by at most Ten (10) persons living in the same compound.

"Hygiene" means the concept which relates to personal and behavioral practices that reduce or prevent the incidence of spreading diseases. Such practice includes handwashing with soap.

"Industrial Wastewater" means waste in liquid form resulting from any process of industry, trade, and business, regardless of volume or pollutant content. Waste in a liquid form consisting of a toilet flush, urinal, kitchen, bathroom, laundry, and soak away leachate is not considered industrial wastewater.

"Illegal connection" means any connection to a water pipe without the explicit authorization of the relevant agency or association charge with the responsibility.

"Improved Toilet" means a safe sanitary facility of at least a Ventilated Improved Pit (VIP) latrine that can last for at least five years in rural areas; and Pour flush toilet, Sanplat toilet, or Septic tank/Water closet system with functional water supply in urban areas.

'Internal Audit Committee' means the Internal Audit Committee of a Water User Association as specified in Section 130;

'General Assembly' means the General Assembly of a Water User Association;

'Group Representative' means a Water User Association member who is elected by the members of a Water User Group to represent the that group at meetings of the General Assembly;

'Irrigation Infrastructure' includes canals, pipes or other structures that can be used to convey water to a defined land area including any associated weir, dam or diversion structure, storage reservoir or pond as well as any gates, pumps, land, buildings, equipment, access roads and structures which are necessary to operate, maintain or repair the system together with any wells or boreholes and associated drainage canals;

'Management Committee' means the Management Committee of a Water User Association;

"Commissioner" means the Commissioner responsible for irrigation and Ministry means .

"Prescribed" means prescribed in regulations adopted pursuant to this Law;

"Law" means Law enacted wholly or in part for water supply and sanitation services regulation.

"Leakage" means the loss of water from any crack or hole in the piping system or loss of water in the production or distribution system or from parts of service pipes.

"LGA" means the Local Government Authority or Area Council having jurisdiction over a specific area or third tier of Government responsible for administration at the local level of government in Ekiti State and each case, pre-exist this law.

"Medical Wastewater" means wastewater from Hospitals, Clinics, Mobile Hospitals, Medical Laboratories, Pharmaceuticals, and Mortuaries.

"Meter" includes any appliance used for measuring and ascertaining the quantity of water taken or used or passes from any waterworks through any service.

"Metered supply" means the supply of water through a service where the water supply is measured by a meter.

"Mobile toilet" means a sanitary convenience which is not part of a sewerage system, including a sanitary convenience which is mobile or in a conveyance.

"Ministry" means the Ministry of Infrastructure and Public Utilities or the ministry saddled with the supervisory role of the WASH sector.

"National Water Laws" means all applicable Federal Water Acts and regulations and guidelines prescribed by the Federal Government.

"National Water Policy or NWP" means:

- (i) the National Water Supply and Sanitation Policy (First Edition, 2000) (as amended),
- (ii) the National Water Resources Management Policy (2nd draft, 2003), and other national water policies promulgated from time to time.

"Owner" includes:

- (i) The person for the time being receiving the rent of the tenement whether for his/her account or an agent or trustee or any other person, or who would receive the rent of such tenement where it was let to a tenant; and
- (ii) The holder of tenement from the state whether under a certificate of occupancy, lease, license, or otherwise.

"Occupier" means the person in occupation tenement or any part thereof but does not include a lodger.

"Permit" means the certificate of approval issued or given by the Ekiti State Water, and Sanitation Regulatory Agency (EK-WASRA) stating the information that may be required as the Ekiti State Water, and Sanitation Regulatory Agency (EK-WASRA) shall determine but does not include the payment of annual charges.

"Person" means an individual, corporate entity, limited liability Company, partnership duly registered under the Companies and Allied Matters Act, 2004.

"Pollution" means a man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water or to make water impure or unclean, or cause harm by introducing chemicals, waste products, or similarly damaging or poisonous substances to water.

"Potable Water" means water that meets the Nigerian standard for drinking water for human consumption

"Privately Owned Treatment Works (POTW)" means any device or system used in the treatment (including recycle and reclamation) of municipal wastewater or industrial wastes of a liquid nature which is owned by a Public or Private entity. A POTW includes any sewers, pipes, or other conveyances including wastewater haulage trucks that convey wastewater to a POTW providing treatment.

"Pre-treatment" means the reduction of the number of pollutants, the elimination of pollutants, or the alteration of the nature of the pollutant properties in municipal, industrial, commercial and medical wastewater before or in place of discharging into Public or Privately Owned Treatment Works (POTW) or public sewer drainage;

"Private Sewer" means any sewer other than a Public Sewer.

"Public Sewer" means any Sewer vested in the State.

"Premises" means Land with buildings or a distinct or separate holding or tenancy or any wharf or pier, or any tract of land used for any purpose. It includes residential homes, mobile homes, markets, schools, health institutions, petrol stations, military and paramilitary formations, Police formation, bus terminals, other locations and public places, hotels, eateries, markets, buildings, lands, tenements, easements high rise buildings, housing estates, hospitals, industries, abattoir, livestock farm, public toilet, mobile toilet and hereditaments of any nature whether

open or enclosed, built or not, public or private, and whether maintained under statutory authority or not;

'PPP' means a public-private partnership, specifically in the development and management of water and sanitation infrastructure

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

"Private supply" means a supply through service to any tenement to supply water to be used solely within the area of such tenement.

"Public supply" means a supply through any fountain, standpipe, hydrant, tap, or other appliance for supplying water to the public other than a meter, by or through which water flows or is intended to flow from waterworks.

"Public device" means a fountain, standpipe, valve, hydrant, tap of any appliance natural or constructed from water discharges.

"Project agreement" means an agreement between the water provider or the State Government and a private Sector participant selected by either of them through competitive bidding procedures to carry out private sector participation that sets the terms and conditions of such participation, including without limiting the generality of the foregoing, concessions, leases, management contracts, BOT Agreements, technical assistance contracts, consulting services contracts, franchise, bulk water supply, and purchase agreements and regulatory agreements;

"Property" includes buildings and appurtenances, accessories, stores, materials, investments, funds, loans, and accounts receivable claims.

"PSP Agreement" means a service agreement, management agreement, or any agreement entered into by or on behalf of the State and a Private Sector Person selected by the State through a competitive bidding process (i) to provide prescribed Water supply or sanitation Services or (ii) to improve, rehabilitate or expand the network of Prescribed Water Services capabilities within the state.

"Relevant Authority" means any Governmental Ministry, Department or agency or any other body, which is competent to address matters within its power.

"Sanitation" means basic sanitation which is defined as the management of human urine and faeces at the household level and maintenance of hygienic conditions.

"Sanitary appliances" include wash hand basins, bathtubs, showers, sinks, urinals, toilet bowls, and other water-related appliances in all premises.

"Sanitary facilities" include bathrooms, toilets, facilities for washing, wastewater treatment plants, septic tanks, soak away pit, cesspool in all premises, whether above or below the ground, which connect directly or otherwise to a private or public sewerage system.

"Sewerage system" means a system of sewers, pumping stations, sewage treatment plants, and treatment work for the collection, treatment, and disposal of sewage, recycle and recovery of by-products. Sewerage system includes any system that is maintained, acquired, constructed, and managed by or on behalf of a Local

Government, State Government, Federal Government, and Private Sector property or any private property.

"Service" means all pipes, valves, cisterns, corks, fittings, and other appliances (except any meter as herein defined) by or through which water flows or is intended to flow from any waterworks or which are or may be used to supply any tenement from any waterworks, and is the property of the owner or occupier or such tenement.

"Sewage" means wastewater and excrement conveyed in sewers.

"Sewer" means a large underground pipe that carries wastewater and human waste away from buildings to a place where they can be safely got rid of.

"Stakeholders" means all the citizens of or inhabitants or people living in Ekiti State.

"State" means the Ekiti State.

"State Government" means the Government of Ekiti State.

"State Water Laws and Policies" means all applicable State Water Laws, regulations, and policies including order and guidelines issued by the Regulatory agency or otherwise according to this law.

"Sustainable" means the ability of a water supply or sanitation delivery facility or system to continuously ensure users' satisfaction at all times without jeopardizing the ability of future use.

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

"Tariffs" means the charges for prescribed water supply or sanitation services set under this law, the prescribed regulation of the Regulatory Agency, and the conditions for service of the applicable WASH Services Provider.

"Tenement" means any land (including an island, cave, lake, or other surfaces) with or without buildings which is held or occupied, as a distinct or separate holding or tenancy, or any wharf, pier, or jetty similarly held or occupied.

"Term" means a fixed period for the implementation of the state's current water policy or target period set to accomplish certain activities in the Water, Sanitation, and Hygiene sector. It is divided into - short, medium, and long terms.

"Waterworks" means a scheme, plant, or system by which water is supplied to a community or people including boreholes, wells or any other subterranean water sources which are used with any dams, tank, stem, tunnel, filter beds, conduits, aqueducts, mains pipe, fountains, sluices, valve, pump engine, treatment plant or other structure or appliances constructed or used for the production, storage, distribution, measurement or regulation of water.

"WASH Service Provider" means the body responsible for water supply production, transmission, distribution, and supply within a specific jurisdiction together with or without the responsibility to collect any tariffs that may be due and includes a Water Services Intermediary.

“Wastewater” means spent water including all faecal matter from a toilet flush, urinal, kitchen, bathroom, laundry wastewater and soak away leachates from all premises both Public and Private.

“Wastewater Dislodger” means a person or organization/company duly registered by the Office who in the course of business collects, transports, or disposes domestic, commercial, and pretreated medical and industrial wastewater to a designated discharge point and operates a vehicle or any mobile equipment or contraption of whatever form that is duly registered/permissible for all or any of those purposes;

“Wastewater Facility” means a wastewater treatment plant.

“WASRA” means Ekiti State Water and Sanitation Regulatory Agency (EK-WASRA). Agency of government responsible for the regulation of water resource sector

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

‘Water User Association’ means a Water User Association established pursuant to this Law;

‘Water User Group’ means land holders who hold land in the same hydraulic sub-unit as identified pursuant to Section 110 and who elect one or more Group Representatives to attend meetings of the General Assembly on their behalf.

PART XXII REPEALED LAWS.


Repealed Laws.

170. As from the commencement of this Law, the following Laws are hereby repealed.
- (a) Ekiti State Water Corporation law, Cap E36, Laws of Ekiti State, 2012.
 - (b) Ekiti State Water Corporation (Amendment) Law, 2012.
 - (c) Ekiti State Rural Water Supply and Sanitation Agency Law No. 11, 2010.
 - (d) Ekiti State Water Supply and Sanitation Law, 2013.
 - (e) Ekiti State Water Supply, Sanitation and Hygiene Sector Law No 2 Of 2021.

Citation.

171. This Law may be cited as Ekiti Water Resources, Sanitation and Hygiene Sector Law, 2025.

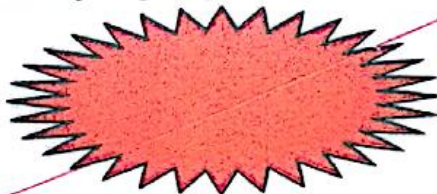
This printed impression has been carefully compared by me with the Bill, which has been passed by the Ekiti State House of Assembly and found by me to be a true copy of the said Bill.


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MRS. TITILOPE AGBEDE
Clerk of the House of Assembly


.....
RT. HON. ADEOYE STEPHEN ARIBASOYE
Speaker of the House

Governor's Assent
I hereby signify my assent to this Bill



MR. BIODUN ABAYOMI OYEBANJI
Governor of Ekiti State.

MADE AT ADO EKITI THIS 2nd DAY OF APRIL 2025