

1. This Law may be cited as the State of Osun Water Sector Law, 2015.

Citation.

2. (1) There is hereby established the State of Osun Water Corporation (referred to in this Law as "the Corporation").

Establishment.

(2) The Corporation shall:

(a) be a body corporate with perpetual succession and a common seal;

(b) have power to sue and be sued in its corporate name; and

(c) be capable of holding, purchasing, acquiring and disposing of property, movable and immovable.

(3) All existing and new State-owned water infrastructures in the urban areas are hereby vested in the Corporation.

3. (1) The Corporation shall have a Governing Board which shall comprise the following;

Composition.

(a) The Chairman who shall be a person with a professional qualification in either Engineering, Law, Accountancy, Business Administration or other relevant discipline and must have held a senior management position for a minimum of ten years in a public or private organization;

(b) Chief Executive Officer/General Manager of the Corporation and

(c) A Director each from;

(i) Ministry of Water Resources,
Rural Development and
Community Affairs

- (ii) Ministry of Environment & Sanitation;
 - (iii) Ministry of Works; and
 - (iv) Ministry of Justice
- (d) A representative each from the Manufacturers Association of Nigeria and Consumer representative (domestic) or Non-Governmental Organizations.
- (2) At least two of the members of the Board shall be women and may represent any of the above bodies.
- (3) The Chairman and other members of the Board, other than the ex-officio members, shall be appointed by the Governor.
- (4) The Board shall meet to conduct the business of the Board once in a

month and at such other times as the Chairman may determine.

- (5) The provisions contained in the Schedule to this Law shall have effect with respect to the proceedings of the Board and the other matters mentioned therein.

4. There shall be paid to the members of the Board such allowances as the Governor shall determine subject to the prevailing government policy on such matters.

Allowances.

5. (1) (a) The Chairman and members of the Board shall hold office for a term of four years and may be reappointed for another term of four years and no more;

*Tenure and
Condition
of Service.*

(b) The terms and conditions of service shall be as may be stipulated in the letters of appointment.

(2) All members of the Board except the Chief Executive Officer/ General Manager shall be appointed to serve as part-time members.

6. The duties of the Board shall include but not limited to the following:

*Duties of
the Board.*

(a) making strategic decisions on the activities and mandate of the Corporation;

(b) reviewing and approving the Corporation's business plans, budget and performance;

(c) approving pre-qualified PSP Operators;

- (d) monitoring the implementation of the State WASH Policy as it affects the Urban Water and Sanitation Sector of the State;
- (e) ensuring compliance with regulations and standards set by the OSWRC;
- (f) ensuring that the Corporation remains a socially responsible corporate citizen;
- (g) approving and monitoring the implementation of the Corporation's water services development plan;
- (h) approving the tariff methodology for determining water rates and other charges in furtherance of the State's Water and Sanitation Principles;
- (i) taking all steps to ensure that in the discharge of their duties, the Board

does not engage in activities which prejudice, unduly influence, coerce or subvert the normal legal, commercial and financial activities of the board; and;

- (i) undertaking any other business which may be considered necessary by the Board in pursuance of the Corporation's functions as provided in this Law.

7. (a) The quorum for a meeting of the Board shall be four members, the Chairman inclusive.

Quorum.

- (b) The Chairman shall preside at meetings of the Board and in his absence, the members present at the meeting shall elect one of the members present to preside.

8. (1) Notwithstanding the provisions of Section 5 of this Law, a member shall vacate his office:

*Vacation of
office*

(a) one month after the date upon which he gives notice in writing to the Governor of his intention to resign; or

(b) upon conviction for a crime;

(c) when he attains the age of 65 years; or

(d) if he attends fewer than 75% of the Board's meetings in any one year period; or

(e) in the case of members who have professional qualifications, if the member is barred or suspended from his professional body; or

(f) If he becomes bankrupt; or

(g) if he becomes of unsound mind or incapable of carrying out his duties; or

(h) if he is guilty of serious misconduct with relation to his duties as a member of the Board; and

(i) if the Governor decides to remove him from office.

9. The objectives of the Corporation shall be to:

*Objectives
of the
Corporation.*

(a) provide safe, adequate and affordable water supply services to the residents of the urban and semi-urban areas of the State;

(b) collaborate with the Ministry responsible for water resources to secure efficient use of water

resources for conservation and protection in urban areas including the preparation of development plans for the areas served by the Corporation for input into the State WASH sector development plans;

- (c) create an investment fund for capital investments in water infrastructure assets and to implement investment plans for the purpose of expanding access to water and sanitation services for the citizens in the areas served within the shortest possible time;
- (d) Implement cost recovery and commercial orientation in service provision and maintain customer focus for service sustainability and efficiency; and

- (e) Ensure that water service provision for domestic use takes precedence over supply for any other use.

10. (1) The Corporation shall publish the terms and conditions for provision of water services to consumers.

*Conditions
for
Provision
of Water
Services.*

(2) These conditions must:

(a) be accessible to the public; and

(b) accord with the Regulations issued by the OSWRC with respect to the following:

- (i) the technical conditions of existing or proposed extensions of supply;
- (ii) the determination and structure of tariffs;
- (iii) the conditions for payment;
- (iv) the circumstances under

- which 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) Procedure for limitation or discontinuation of water services must:

- (a) be fair and equitable;
- (b) provide for reasonable notice of intention to, limit or discontinue water services and for an opportunity to make representations unless-
 - (i) other consumers would be prejudiced; and
 - (ii) there is an emergency situation; or

(iii) the consumer has interfered with a limited or discontinued service; and

(c) not result in essential services being denied access to water services for non-payment, where that essential service proves, to the satisfaction of the OSWRC and the Corporation that such essential consumer is unable to pay for basic services and may make arrangement with such service and the government for the payment of such outstanding.

11. (1) The functions of the Corporation shall be to:

(a) control and manage all water schemes vested in the Corporation;

*Functions
of the
Corporation.*

(b) establish, control, operate and maintain, extend and develop new water works as the Corporation may consider necessary for the purpose of providing:

(i) wholesome, potable water for consumption of the public; and for

(ii) domestic, trade, commercial, industrial, scientific and other uses;

(b) establish, control, operate
(c) ensure that adequate wholesome water is supplied to its consumers in line with National Drinking Water Quality Standards (NDWQS) for water quality;

(d) propose water rates and charges in accordance with Board approved methodology;

- (e) conduct research and training with respect to water supply, and water development and matters connected therewith and submit the results of such research to the Commissioner responsible for Water Resources Management for formulation of policy;
- (f) develop, maintain and beneficially exploit water resources, both natural and artificial;
- (g) enter into and monitor compliance with terms of agreements with the Private Sector, for the performance of any of the functions that the Corporation may by Law perform, subject to obtaining the approval of the

Governor, in the case of management contracts and concessions;

- (h) prepare plans for the development and maintenance of water supply services assets and new water services assets in the urban areas (referred to as the "Water and Sanitation Services Development Plans"), pursuant to consultation with the relevant authorities, stakeholders, and consumer groups;
- (i) identify and implement projects for the provision of water services which may be undertaken with private sector participation, pursuant to consultation with the relevant authorities and subject to

the approval of the Governor, in order to fulfill the water service obligations of the Corporation;

- (j) establish, manage and implement an Investment fund to rehabilitate and renew assets and to develop new assets pursuant to the water services development Plans and the Corporation's investment Plans;
- (k) establish and implement proper accounting procedures for all of the assets and liabilities of the Corporation;
- l. authorize any officer or employee of the Corporation to act as agent of the Corporation for any functions, services or facilities

which may be exercised,
performed or provided by the
Corporation under this Law;

(m) specify the terms and conditions
of supply of water to consumers
for the approval of the OSWRC
in accordance with Section 10 of
this Law;

(n) recommend Regulations to the
OSWRC for the protection and
preservation of the water
services assets and water supply
facilities of the Corporation;

(o) promote the rational use of water
resources and portable water
supplied by the Corporation and
develop regulations to prevent
wastage; until metered service is
available;

- (p) take steps to protect the water resources and other assets and facilities of the Corporation from trespass, pollution and other nuisance by any member of the public;
- (q) do anything for the purpose of advancing the skill of persons employed by the Corporation or the efficiency of the equipment of the Corporation or the manner in which the equipment is operated including the provision of facilities for training, education and research;
- (r) collect rates and charges for water supplied, distributed, or sold in bulk by the Corporation, and;

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

12. (1) The Corporation shall, subject to the provisions of this Law, have power for the purpose of carrying out its functions to:

*Powers of
the
Corporation.*

- (a) own all water services assets and construct new water services assets within the areas designated as urban and semi-urban areas;
- (b) fix rates and charges payable by customers for water supplied by the Corporation and determine all other fees, subject to the approval of the OSWRC;

- of
ion.
- (c) acquire, purchase, lease, hold, construct, manufacture, maintain or insure any property forming part of the water services assets or new water services assets, whether movable or immovable, required for or in connection with the performance of its functions and sell, lease, concede, dispose of, or otherwise deal with such property or any part thereof subject to the approval of the Governor in instances of sale;
 - (d) procure water abstraction rights from the relevant authorities and may assign such rights to private participants and communities;
 - (e) carry any water pipe through across, or under any street or any

place laid out or intended as a street and after giving reasonable notice in writing to the owner or occupier thereof, and making good any damage done;

- (f) examine from time to time any surface or underground water forming part of the water resources of the State for the purpose of determining what pollution, if any, exists and its causes and to do likewise in respect of other water bodies by arrangement with the appropriate authority under and in accordance with the provisions of any existing Law in that behalf;

- (g) subject to the issuance of reasonable notice to the occupier

thereof, at any time between the hours of six o'clock in the morning and six o'clock in the evening, or in case of urgency at any other time, to enter into premises or place upon which any service has been laid or into which any water supply services is supplied so as to:

- (i) inspect and repair any service and to ascertain whether there is any wastage, leakage, obstruction, illegal connection or damage to any service or meter therein and anything in connection therewith;
- (ii) ascertain the amount of water taken or used or;

- (iii) disconnect the supply of water to any premises;
- (h) diminish, withhold, or suspend, stop, turn off or divert the supply of water through or by means of any service or public fountain either wholly or in part whenever the Corporation deems necessary;
- (i) accept or acquire and hold any security of any kind in any form, whatsoever;
- (j) surrender, transfer or re-convey any security held by the Corporation whether upon exchange for other security or upon discharge;
- (k) make, draw, accept, or endorse, negotiable instruments;

a Public or Private Organization,

for a minimum of ten years;

(b) be appointed by a Performance based Contract for a term of 5 years and not for the time being required for its immediate need, discretion of the Governor in stocks, shares, debentures or other securities whatsoever and to sell such stocks, shares, debentures or other securities;

) write off bad debts; years except on grounds of gross misconduct or upon conviction of a crime in Nigeria or elsewhere;

) raise financing or borrow money by issuing debenture or any other securities or in any other manner (c) be removed/or vacate his office in connection with the exercise of its functions subject to verification by the Ministry of Finance, Economic Planning and Budget; and

14. (1) There shall be a Secretary and Legal Adviser (referred to in this Law as "the granting exemptions from any water rate or charge of any premises or class of premises to any person or class of persons.

(2) The Sub-sections (1), (i) to (n) above are however subject to express approval of the Governor.

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

(2) The Sub-sections (1), (i) to (n) above are however subject to express approval of the Governor.

13. (1) There shall be appointed by the Governor an officer of the Corporation to be known as the Chief Executive Officer/ General Manager who shall, subject to the general direction of the Board;

*The Chief
Executive
Officer/
General
Manager*

Secretary") to the Corporation who shall be responsible to the board and shall assist the chairman and the CEO/GM in the discharge of their functions under this Law.

- (2) The Secretary shall be a Legal Practitioner with a minimum of ten (10) years post-call experience.
- (3) The terms and conditions of service of the secretary shall be as may be determined by the Corporation and in accordance with Sections 16 and 17 of this Law.

5. The Secretary shall perform the following functions:

- (a) organize and take minutes of meetings of the Corporation and Senior Management meetings;

*The
Functions
of the
Secretary.*

- (b) be the custodian of the company seal and records of the Corporation and conduct correspondence of the Corporation ;
- (c) arrange for payment of fees and allowances of meetings and all other matters affecting members of the Board;
- (d) perform all duties as the Board or the CEO may from time to time direct;
- (e) communicate policy decisions at Board meetings to affected Departments;
- (f) render necessary advice on compliance with Laws, rules and regulations affecting the Corporation; matters affecting member Board;
- (d) perform all duties as the Board or the CEO may from time to time

- (g) establish and maintain the Register and minutes books as may be deemed necessary for the purposes of the Corporation ;
- (h) keep custody of copies of asset register and financial and annual reports of the Corporation ;
- (i) prepare, vet and review all contracts; and
- (j) represent the Corporation in court in matters to which it is a party.

16. (1) The Corporation shall have power to appoint directly from the private sector, or from any Public service of the State, Local Government, Federation, or otherwise, any number of staff and other employees as it may

*Staff.
Pension.*

from time to time deem necessary to assist the Corporation in the discharge of its functions under this Law.

(2) The terms and conditions of Service shall be as may be determined by the Corporation but subject to the Civil Service rules for Public Officer.

(3) It is hereby declared;

(a) that Service in the Corporation shall be approved Service under the provision of the Pension Law and accordingly, staff and employees of the Corporation shall be entitled to Pension, gratuities and other retirement Benefits as prescribed under the Pension Law;

(b) without prejudice to the provisions of subsection (a) of this section, nothing

in this Law shall prevent the appointment of any person to any office on terms which preclude the grant of pension, gratuity or other retirement benefits with respect to that office.

17. The Corporation may, subject to the provisions of this Law, determine generally the conditions of service of the staff of the Corporation and without prejudice to the generality of the foregoing, the Corporation may determine,

*Conditions
of Service.*

(a) the conditions for the appointment, promotion, termination and dismissal of staff and employees of the Corporation; and until such conditions of service are made, any instrument relating to the conditions of service in the Public Service of the State shall

be applicable, with such modifications as may be necessary, to Staff and employees of the Corporation; and

- (b) procedure for Appeals by such employees against dismissal or termination or other disciplinary measures.

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

19. (1) The funds and resources of the Corporation shall consist of:

- (a) all sums, investments or other property vested in the Corporation

by virtue of the provisions of this Law;

- (b) such sums or other advances by way of loans, or grants to the Corporation by the State Government;
- (c) such sums or other properties as may from time to time be advanced by way of loans subject to the approval of the Governor or grants to the Corporation by any Federal, State, or Local Government or any agency or institution of any such Government, any international Organisation, and private foundation or any person whatsoever;

- (d) any investments or other property whatsoever acquired by the Corporation ;
- (e) money earned or arising from any investments or other properties acquired by or vested in the Corporation ; and
- (f) all other sums (whether as water rates, water services charges, or otherwise) or other property whatsoever which may in any manner become payable to or vested in the Corporation in respect of its powers and duties or of any other incidental matter under this Law or by virtue of the provisions of any other Law.
- (g) Any money allocated to the Corporation under the State

Government budgetary allocation or such other money as may from time to time accrue to the Corporation.

- (2) The Corporation shall ensure that its funds and resources are adequate to meet the operating expenses, depreciation charges, debt servicing requirements and such percentage of its annual capital expenditure requirements as may be determined by the Governor and any shortfall may be provided as a loan by the State Government to the Board upon terms as the Governor may determine to ensure that the Corporation continue to provide water supply services to the consumers.

20. The Corporation shall operate Bank accounts for its funds with a reputable Bank or Banks and the signatories to the accounts shall be either the CEO or in his absence his designated representatives as the case may be, and the Head of Accounts, or in his absence his designated representative or any person duly authorized by the Board in that behalf.

21. The following charges shall be defrayed out of the revenue of the Corporation for any financial year: and

(a) the remuneration and allowances of the members of the governing body and those of any committees of the Corporation ;

(b) the salaries, remuneration, fees, allowances, pensions and gratuities of

the staff, agents, technical and other advisers or consultants of the Corporation ;

(c) all expenses of the operation and management of the Corporation and its waterworks and other properties including proper provision for depreciation, wear and tear or renewal of assets;

*Application
of the
Corporation's
Revenue.*

(d) such minor works of a capital nature as the Corporation may deem necessary from time to time;

(e) such sums including compensation that may be payable by the Corporation to any person or authority by virtue of the provisions of this Law or any other enactment;

- (f) taxes, rates and other levies payable by the Corporation under any Law;
- (g) interest or loans raised by and on behalf of the Corporation;
- (h) sums required to be transferred to any sinking fund or otherwise set aside for the purpose of making provision for the capital investments, redemption of investments in the Corporation or other securities or the repayment of other loans; and
- (i) such other sums as the Board may approve for payment out of the revenue account of the Corporation in respect of any Financial year.

22. (1) The Corporation may, with the approval of the Governor, establish

*General
Reserve
Funds.*

and maintain a General Reserve Fund in a separate Account into which account shall be paid the following:

(a) balance of the revenue of the Corporation for any financial year; and

(b) such money as the Governor may from time to time direct from any source;

(2) (i) The General Reserve Funds shall be used for emergency and urgent needs of the Corporation relating to the rendering of urgent and essential services as the Corporation may from time to time authorize subject to the approval of the Governor.;

(ii) Where the fund is used to meet State or National emergencies,

the Governor shall make arrangements to replace such amount upon application by the Corporation.

23. (1) The State of Osun Government (hereinafter referred to as the "Government") may make to the Corporation the following:

*Grants
from the
Government.*

- (a) grants of any sums of money or property deemed necessary; and
- (b) loans upon such terms as to repayment, of interest or otherwise as the Government may determine.

(2) The Government may, if it deems it expedient so to do, waive in favour of the Corporation any right or liability to the Government in respect of any

functions, principles and objective of the Corporation.

27. (1) The Corporation may from time to time, subject to verification of the Ministry of Finance, Economic Planning and Budget and with the approval of the Governor, borrow from any person, government or multilateral financial institution, money by overdraft from commercial Banks, or in any other manner for and in connection with the exercise of its functions under this Law as the Corporation may deem necessary.

*Power to
Borrow
Money.*

- (2) An approval given for the purposes of this section shall be limited to a particular borrowing.

28. The Corporation may, subject to the Provisions of this Law, and the conditions of any trust created in respect of any property, invest some of its funds in any security prescribed by the Investments and Securities Act or in such other securities as may from time to time be approved by the Governor.

Investments.

29. The Corporation shall be exempted from the payment of income tax on any income accruing from investments made by the Corporation.

Exemption from Tax.

30. The Corporation may with the approval of the Governor raise capital for the implementation of its developmental plans and programmes through the capital market or by issuing Bonds or other instruments,

Power to raise Capital on the Stock Exchange.

by satisfying all the necessary requirements of the Stock Exchange in that regard subject to the approval of the Governor.

31. (1) The Government may guarantee by an undertaking of the State Commissioner for Finance in such manner and on such condition as the Governor may think fit, the payment of the principal and interest of any sum or sums borrowed or Bonds issued by the Corporation with the approval of the Governor.

*Guarantee
on Loans or
other
Instruments.*

- (2) Such sums as may be required by the State Accountant-General for the purpose of making good the obligations of the Government under the guarantee shall be charged on the

Consolidated Revenue Fund of the
State Government.

32. In any action for the recovery of any rate or other moneys (other than fines and penalties) payable or recoverable under and by virtue of the provisions of this Law, a certificate under the hand of the Corporation in that behalf, that any sum of money is due, and that the defendant is the person liable to pay the same shall, be evidence of such debt and of non-payment thereof, and of the fact that the defendant is the person liable to pay the same. Such defendant shall have the burden of proving otherwise.

*Proof of
Money Due.*

33. In the absence of a Board of the Corporation and until such time as such Board is constituted pursuant to this Law,

*Delegation
of
Responsibility
by
Governor.*

the Governor or any person to whom he has delegated the responsibility of the Corporation shall execute any document, exercise or perform any of the Corporation's Powers.

34. (1) The Corporation has a duty to all consumers or potential consumers in the urban areas to progressively ensure efficient, affordable, economical and sustainable access to water services.

*Corporation's
Responsibility
to
Consumers
for
Continuous
Supply of
Water.*

- (2) This duty is subject to:
- (a) the availability of resources;
 - (b) the need for an equitable allocation of resources to all consumers and potential consumers within the Corporation's area of jurisdiction;

- (c) the need to monitor and ensure access to water services in an equitable way;
- (d) the duty of consumers to pay reasonable charges, which must be in accordance with the prescribed norms and standards for tariffs for water services issued by the OSWRC;
- (e) the duty to conserve water resources;
- (f) the nature, topography, zoning and situation of the area in question;
- (g) the right of the Corporation 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) the need to carry out inspections, tests, or repairs and for the making of new connections; and

(i) the need to effect alterations and modifications to its pipelines and other facilities or general maintenance of the water works subject to Notice as may be determined by Regulations of the OSWRC

(3) The Corporation shall in no case be under any obligation to pay damages or compensation for loss, damages or inconveniences caused to any consumer through any suspension, failure, discontinuance or a total or

partial interruption of the supply of water howsoever caused in furtherance of sub-section (2) above except in the case of negligence on the part of any employee or Agent of the Corporation.

35. (1) The Corporation shall from time to time fix rates and scales of charges payable for water supply and other services within the designated urban areas in accordance with a methodology for tariff setting earlier approved by the OSWRC which allows for the fixing of economic rates for water supply and other services in order to meet its financial objectives in accordance with the provisions of this Law.

Rate
Scale
Charges

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

36. (1) The Corporation may supply water to a tenement upon application of the owner/occupier thereof which service shall be by contract between the parties pursuant to Rules and Regulations issued by the OSWRC.

*Application
for Water
Supply.*

- (2) The Corporation may refuse to supply water to any particular premises otherwise than by a meter installed and kept in repair by the Corporation provided that the Corporation may not disconnect any user or fail to connect a potential consumer for the failure of the Corporation to provide the said meter.

37. Subject to the provisions of this Law, the Corporation 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.

*Purchase
Resale or
Distribution
of Water
the
Corporation*

38. As from the commencement of this Law, it shall be unlawful for any person to resell water supplied by the Corporation except pursuant to a License or other Agreement with the Corporation for that purpose:

*Prohibition
of Sale of
Water
Supplied
the
Corporation*

No authority shall be required for the sale of any manufactured goods or other commodities in which water supplied by the Corporation is included, such water having been legally procured from the Corporation in the first place.

*Payment
for Water
rates and
charges.*

39. (1) The owner or occupier of any tenement to which water is supplied by the Corporation shall pay to the Corporation such rates and charges for water supply or other service as may from time to time be determined by the Corporation and approved by the OSWRC.
- (2) Where any person fails to pay water rates or charges within one month or any other period after notice of the default as may be approved by the OSWRC, the Corporation may recover such rates or charges in accordance with regulations issued by the OSWRC for that purpose including by application brought before the High Court of the State of OSUN or any other special court created for that purpose.

40. The Corporation shall have power to collect from Local Government Authority such fees in respect of services in common provided for the inhabitants of the respective Local Government Area as may be payable as determined by the Corporation.

*Power to
levy
general
water rate
in respect
of Local
Government*

41. The Corporation shall not by virtue of making any inspection or test of a consumer's pipes, fittings, appliances and apparatus in accordance with this Law, or any regulations made there-under, whether during the progress of the work of installation at the consumer's premises or after its completion, be deemed to be responsible for the efficiency or safety of the consumer's pipes, fittings, appliances and apparatus so inspected or tested or arising out of the use or misuse of

*Corporation
not
responsible
for
installation
works or
for
damage.*

apparatus by the consumer or any other person other than an employee of the Corporation.

42. (1) Subject to the provisions of this section, it shall be the duty of the Corporation to keep and update annually, printed and electronic records of the location of:

*Maps of
Waterworks.*

- (a) every resource Main, water Main or discharge pipe which is for the time being vested in the Corporation ; and
- (b) any other underground works, other than a service pipe, which are for the time being vested in the Corporation .

- (2) The Corporation shall ensure that the contents of any records for the time

being kept by it under this section are available, at all reasonable times, for inspection by the public free of charge at an office of the Corporation upon prior application in writing to the Corporation.

- (3) Any information which is required under this section to be made available by the Corporation for inspection by the public shall be also made available in the form of a map.
- (4) For the purpose of determining whether any failure to make a modification of any records kept under this section constitutes a breach of the duty imposed by subsection (1) that duty shall be taken to require any modification of the records to be made as soon as reasonably

practicable after the completion of the works which make the modification necessary; and, where records kept under this section are modified, the date of the modification and of the completion of the works making the modification necessary shall be incorporated in the records.

43. (1) There shall be established for the Corporation, a Complaints Centre (referred to in this Law as "the Centre") which shall be established within the Corporation's Headquarters.

*Complaints
Centre.*

- (2) The Corporation may establish complaints centers in its Area Offices as it may deem necessary with a view to bringing its services closer to the consumers.

44. The functions of the Complaints Centre shall be:

*Functions
of the
Complaints
Centre.*

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

- (a) Quality of water;
- (b) Water leakages;
- (c) Damage to properties of the Water Corporation;
- (d) Water connection charges;
- (e) Standards of service; and
- (f) other related matters;

(2) to settle disputes and protect the interests of all consumers.

(3) to monitor all matters appearing to affect the interests of customers or potential customers;

(4) to consult with any operator about matters which affect the interest of

customers or potential customers to that operator;

- (5) to make representations where appropriate on behalf of a customer or complainant to any Private Sector Operator;
- (6) to receive and pursue complaints from Environmental Agencies and Government bodies on pollution matters; and
- (7) to forward complaints to the relevant authorities where applicable.

No suit shall be commenced against the Corporation, the CEO or any other officer or employee of the Corporation before the expiration of a period of one month after written notice of intention to commence the

*Pre-action
Notice.*

suit shall have been served on the Corporation by the intending plaintiff or his agent; and the notice shall clearly and explicitly state:

- (a) the cause of action;
- (b) the participants of claim;
- (c) the name and place of abode of the intending plaintiff; and
- (c) the relief which he claims.

46. The notice referred to in section 45 of this Law, and any summons, notice or other document required or authorized to be served upon the Corporation under the provisions of this Law or any other enactment or Law may be served by delivering the same to the CEO or by sending it by registered post and addressed to the CEO at the Principal office of the Corporation.

47. Every member of the Corporation, agent, auditor or officer or employee of the Corporation shall be indemnified out of the assets of the Corporation against any liability incurred by him in defending any proceeding, whether civil or criminal if any such proceeding is brought against him in his capacity as such member, agent, auditor or officer or employee as aforesaid.

Indemnification.

48. The Governor may give to the Corporation or the CEO such directives of a general nature or relating generally to matters of policy with regard to the exercise by the Corporation of its functions under this Law and it shall be the duty of the Corporation to comply with the directives or cause them to be complied with.

Certain provisions relating to defaulters, etc.

49. (1) Where any person contravenes any of the provisions of this Law, the Corporation may, without prejudice to the rights of the Corporation to commence proceedings against any defaulter-

(a) serve a notice in writing on the defaulting occupier or consumer; and

(b) authorize or cause an officer or employee of the Corporation to

49. (1) Where any person enters and alter, disconnect, stop or remove any water fittings belonging to or used by such defaulting occupier or consumer.

(2) Upon the occupier or the consumer remedying the default or contravention referred to in subsection (1) of this section, the Corporation may cause

repairs, replacement and re-connection of the water fittings and the Corporation shall recover the cost or expenses reasonably incurred to effect the repairs or replacement or re-connection as the case may be from such defaulter.

50. (1) Wherever it appears to the Corporation that any land in the urban areas of the State is required for the purpose of any waterworks, the Corporation shall, subject to the Land Use Act, LFN, 2004 apply to the Governor for approval for its officers or agents to enter upon the land and-
- (a) survey and take levels of the land;
 - (b) dig or bore hole under the subsoil;
- and

*Land use
and Survey.*

(c) do such other things as are necessary to ascertain whether the land is adapted for such purposes including the conduct of Environmental impact assessments.

(2) No such officer, agent, servant or workman of the Corporation shall enter any building or any enclosed court or garden attached to a dwelling house (except with the consent of the occupier) except at least seven days notice of intention to enter shall have been given to such occupier.

(3) Where any entry made under subsection (1) of this section occasions any damages requiring the payment of compensation, the Corporation shall pay reasonable compensation, as it thinks fit in the circumstances.