

Assented to by me.....this day of.....2011

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SENATOR ABIOLA ISIAQ AJIMOBİ
HIS EXCELLENCY, THE EXECUTIVE GOVERNOR

Crest
Oyo State of Nigeria

No.29

A LAW TO PROVIDE FOR THE ESTABLISHMENT OF THE MINISTRY OF WATER RESOURCES AS A CORPORATE SOLE, FOR THE FUNCTIONS OF THE MINISTRY AND OTHER MATTERS CONNECTED THEREWITH.

Date of Commencement

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Enactment

ENACTED by Oyo State House of Assembly as follows:

Short title

1. This Law may be cited as the Ministry of Water Resources Law, 2011.

Interpretation

2. In this Law, unless the context otherwise requires:

Commissioner means the Commissioner of the government charged with the responsibility for Water Resources;

Department means a section of a greater whole in the Ministry;

Director means the person in charge of a department in the Ministry;

Government means the government of Oyo State of Nigeria;

Ministry means the Ministry of Water Resources, established in Section 3 of this Law;

Permanent Secretary means Permanent Secretary having supervision over the department of government, responsible for the administration of which is assigned to the Ministry;

Staff means all the workers employed in the Ministry.

Establishment

3.(1) There is hereby established the Ministry of Water Resources (hereinafter called "the Ministry").

(2) The Ministry shall be a body corporate with perpetual succession and common seal and shall have power in its corporate name to sue and to be sued in contract or by virtue of any written law enabling in that behalf for any act or omission by or on behalf of the Ministry in the course of the discharge of its functions under and in accordance with this law.

Function of the Ministry

4. Subject to the provisions of this Law, the Ministry shall perform the following functions:

(a) to control and manage all water resources facilities vested under the provisions of this Law in the Ministry;

(b) to establish, control, manage, extend and develop such new water resources facilities and to extend and develop such existing ones as the Ministry may consider necessary for the purpose of providing water services in order to meet the requirements of the general public, agriculture, trade and industry in various parts of the state;

(c) to ensure that water or wastewater is supplied to or conveyed from the consumer thereof at reasonable charge and in potable quality and adequate quantity where applicable;

(d) to organize the conduct comprehensive research studies and development for the purposes of the

Ministry from time to time on matters relating to its functions under this Law and to submit on request the result of such research to the Government for the utilization of the same by him in the formulation of policy relating to the supply and usage of water in the state;

(e) establish and take measure to ensure effective water resource structures in the state for flood control and liquid wastes collection and disposal, and water pollution eradication;

(f) prepare master plan for drainage, channelization for flood water and liquid wastes and general aesthetics for development of water resources technology and ensure the implementation of such plans;

(g) monitor sources of toxic pollution in water and offer necessary advice to industrial establishments;

(h) initiate measures to ensure pollution free water throughout the state and take steps to obviate, mitigate, or eliminate water discomfort to individuals or groups or danger to lives and properties;

(i) with the approval of the Commissioner, to make arrangements and enter into agreements with any person, department or office of the government or other body or institution, or to delegate authority to any of its members, officers, employees, servant or agent as agent for the Ministry, of any of the functions, services or facilities which may be exercised, performed or provided by the Ministry under this Law.

Powers of
the Ministry

5. Subject to the provisions of this Law the Ministry shall have and exercise powers to:

(a) formulate perspective plan, basin or sub-basin aimed at harnessing water resources in a manner of need;

(b) plan augmentations, conservation, protection and regulation of water resources, keeping in view, the existence and future water demand scenario;

(c) promote environmental awareness and water quality consciousness;

(d) foster co-operation to promote scientific exchange and acquisitions of useful technology including the use of renewable sources of energy for pumping water and assistance in other developing countries;

(e) periodically assess the state water resources potentials and publish the report of the status of same;

(f) monitor and guide water development to promote sustainable management on principles of ecology, economic, efficiency and equity;

(g) develop, define and disseminate on its own as well as in coordinating with other agencies, specific technologies for suitable water development;

(h) locate, design, operate and maintain devices for recycle and re-use of waste waters and solutions to other problems of urban areas;

(i) establish a state information system in collaboration with the federal government and other relevant agencies, to collect, store, process and disseminate water or wastewater data and reports when situation arises;

(j) forecast manpower, equipments, energy and formulate requirement for the water sector on context of demand protection;

(k) adopt with or without amendments such master plans for the maintenance and development of its undertakings as it officers may prepare and submit from time to time;

(l) construct, reconstruct, maintain and operate water resources facility and other stations, buildings and works, necessary for the discharge of its functions under this Law;

(m) carry any drainage, channelization, water pipe and sewers 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, into through or under any lands whatsoever without paying any compensation, but making good any damage done;

(n) allow after obtaining permit the obstruction of water from any lake, river, stream, or other natural source forming part of state waters, and to do likewise in respect of other waters by arrangements with the appropriate authority under and in accordance with the provisions of any Law in that behalf;

(o) examine, from time to time, any surface or underground waters forming part of state waters for the purpose of determining if water pollution exists and the causes thereof and to do likewise in respect of other waters by arrangement with the appropriate authority under and in accordance with the provisions of any Law in that behalf;

(p) enter upon any land at anytime for the purpose of examining, repairing or removing any water facility property of the Ministry;

(q) at anytime between the hours of six o'clock in the morning and six o'clock in the afternoon, or in cases of urgency at any other time, to enter into or upon any tenement into or upon which any service has been paid or into or upon which water from any water resources facilities is supplied or flows, so as:

(i) to inspect any service and to ascertain whether there is any waste, leakage, obstruction or damage to any service or

meter therein and anything in connection therewith;

(ii) to ascertain the amount of water taken or used; or

(iii) to disconnect the supply of water to any tenement, or to diminish, withhold, or divert the supply of water to any tenement through or by means of any service, either wholly or in part;

(r) wastewater through or by means of any service either wholly or in part whenever the Ministry shall think necessary or proper and without prejudice to any liability to pay any water rate, meter rent or other sums due or to become due under this Law;

(s) enter into such contracts as may be necessary, advantageous or expedient for the performance of its functions under this Law, including contracts for the construction or extension of water resources facilities or the bulk supply of materials, provided that:

(i) no contract for such construction, extension or bulk supply of materials shall be awarded except by open competitive tenders;

(ii) any such contract of a value not exceeding one hundred thousand naira shall be awarded by a departmental tenders board, comprising the Permanent Secretary of the Ministry and such other officers of the Ministry as the Ministry may determine;

(iii) no person shall be awarded any contract for the construction or extension of any water resources facilities or the bulk supply of materials unless his name is included in a register of contractors to be prepared and kept by the Ministry with the approval of the Commissioner from time to time;

(t) acquire, purchase, lease, hold, construct, manufacture or maintain any property whatsoever whether movable or immovable, required for or in connection with the performance of its functions and

sell, dispose of, or otherwise deal with such property or any part thereof;

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

(v) do anything for the purpose of advancing the skill of persons employed by the Ministry or the efficiency of the equipment of the Ministry or the manner in which the equipment is operated, including the provision of facilities for training, education and research;

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

(x) surrender, re-transfer or re-convey any security held by the Ministry whether upon exchange for another security or upon discharge;

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

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

(aa) invest money standing to its credit, and not for the time being required for its purpose under this Law, in stocks, shares, commission, and with the approval of the commissioner, to sell such stocks, shares, debentures or other securities, to write off bad debts.

Appointment
of Commissioner

6. (1) There shall be appointed for the Ministry a Commissioner who shall be the over-all head and Chief Executive of the Ministry.

(2) The Commissioner shall be appointed by the Governor of the State subject to the confirmation of the House of Assembly.

(3) The tenure of office of the Commissioner shall be determined by the Governor that appoints him.

Office of the
Permanent
Secretary

7. (1) There shall be a Permanent Secretary for the Ministry who shall be appointed from the Civil Service on the approval of the Governor in accordance with the Civil Service Regulations
- (2) The Permanent Secretary shall be the administrative head and accounting officer of the Ministry.

8. (1) There is hereby created in the Ministry the following departments:

- (a) water supply department;
- (b) Dams, hydro-electricity department;
- (c) Irrigation and drainage department;
- (d) Quality control and sanitation department
- (e) Finance and Administration Department
- (f) Planning, Research and Statistics Department.

(2) Each of the departments shall be headed by a Director, who shall be under the supervision of the Permanent Secretary.

Staff of
the Ministry

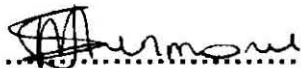
9. For the purpose of efficient performance of its functions under this law, there shall be deployed to or employed by the Ministry or by the appropriate authorities officers of various grades and cadres.


10. The following shall be under the supervision of the Ministry whose chairmen shall report to the Commissioner:

- (a) Water Corporation of Oyo State;
- (b) Water and Sanitation Agency.

- Organogram of the Ministry **11.** The organizational structure of the Ministry shall be in accordance with the organogram in the schedule to this Law.
- Power to make regulation. **12.** The Commissioner shall have power to make Regulations, providing for any matter which appears to him to be necessary for the purpose of giving effect to the provisions of this Law.

The printed impression has been carefully compared with the Bill which was passed by the Oyo State House of Assembly and it is hereby certified to be a true and correct printed copy of the Bill.


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Rt. Hon. (Alhaja) M. J. Sunmonu
Speaker, House of Assembly


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Paul Ishola Bankole
Permanent Secretary/Clerk
House of Assembly

ORGANOGRAM (MINISTRY OF WATER RESOURCES)

