



# **Bauchi State of Nigeria Gazette**

Published by Authority

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**No. 1**

**BAUCHI - 16th APRIL 2014**

**Vol. 39**

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*Bauchi State Notice No. 1*

The following is published as Supplement to this Gazette -  
BA.S.L.N. No. 1 of 2014 - A Law to Provide for the Development and Regulation of the  
Bauchi State Urban Water Sector, the Establishment of the Bauchi State Water and Sewerage  
Corporation; and other matters connected therewith.

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Published by the Bauchi Publishing and Printing Company, Bauchi - BPPC /WT037/2012/500

Annual Subscriptions: Nigeria, N12,000.00 Overseas, N25,000, post free present issue (including supplement) N3000.00 per copy.  
Application for the purchase of Gazette should be submitted to the Bauchi Publishing and Printing Company, Bauchi. Remittances  
should be in money or postal orders, crossed and made payable to the Bauchi Publishing and Printing Company,  
P. M. B. 01534, Tel: (077)542264, 542803, Bauchi.

BA.S.L. No.11 of 2012.

A LAW TO PROVIDE FOR THE DEVELOPMENT AND  
REGULATION OF THE BAUCHI STATE URBAN WATER SECTOR,  
THE ESTABLISHMENT OF THE BAUCHI STATE WATER AND  
SEWERAGE CORPORATION; AND OTHER MATTERS  
CONNECTED THEREWITH.

ENACTED by the House of Assembly of Bauchi State of Nigeria as follows: *Enactment*

This Law may be cited as the Bauchi State Urban Water Sector Law, 2014  
and shall come into operation the 2014 *Citation and  
Commence-  
ment*

*PART I*

1. (1) There is hereby established the Bauchi State Urban Water and Sewerage Corporation, (hereinafter referred to as “the Corporation”). *Establishment  
of the Bauchi  
State Urban  
Water and  
Sewerage  
Corporation*
- (2) There is hereby established for the Corporation a Board to be known as the Governing Board of the Bauchi State Urban Water and Sewerage Corporation (hereinafter referred to as “the Board”)
- (3) 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.
- (4) All existing and new State-owned water supply and sewerage infrastructure in the Areas mentioned in Schedule 1 hereto (“Service areas”) are hereby vested in the Corporation.
2. 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 Service Areas in accordance with this Law;
- (b) provide sewage and wastewater management Services, whether by the provision of sewers or otherwise, for the collection, treatment, and disposal of sewage and wastewater generated by Consumers within its area of operation, and other Services incidental thereto.

(c) collaborate with the Ministry responsible for Water Resources to secure efficient use, conservation and protection of water resources;

(d) In accordance with the State tariff Policy and regulations issued by the Ministry, operate on sound commercial practice and maintain Customer focus for service sustainability and efficiency while ensuring that its revenues are sufficient to provide for;

(i) All depreciation, amortization and interest costs

(ii) All operation and maintenance costs; and

(iii) A reasonable return on investment.

composition  
the  
governing  
board

3.

(1) There is hereby established for the Corporation, a Governing Board (hereinafter referred to in this Law as the "Board") which shall consist of:

(a) A Chairman;

(b) Managing Director of the Corporation

(c) A representative of the Ministry responsible for Water Resources;

(d) A representative of each of the following bodies who by proven ability and experience in the field related to the functions of the Board are capable of making valuable contributions to the work of the Board:

(i) Bauchi State Chamber of Commerce Industry, Mines and Agriculture;

(ii) Consumers Protection Council or other Consumer advocacy groups operating in the State;

(e) A representative of the Local Government Chairmen;

(f) One other person who by reason of their ability, experience or specialized knowledge of water supply or of business are capable of making useful contributions to the work of the Board.

(2) The Chairman and other members of the Board other than ex-officio members shall be appointed by the Governor and shall serve as part-time members of the Board.

- (3) A member shall not be made personally liable for any act, or omission to do any act, or any default of the Board so long as such act, omission, or default is done in good faith and in the course of the operations of the Board.
- (4) The appointment of the Board shall be made in such a manner as to recognize the diversity of the people of the state.
- (5) In the appointment of members, the Governor shall take into consideration gender representation.
- (6) A person to be appointed into the Board shall have qualification in; either Engineering, Law, Accountancy, Business Administration, Physical and Environmental Sciences or other relevant discipline.
- (7) The Board shall meet to conduct its business quarterly and at such other times as may be expedient for the urgent dispatch of the affairs of the Board.
4. There shall be paid to the members of the Board such remuneration, allowances as the Governor may from time to time determine. *Remuneration of members*
5. Subject to any other terms and conditions as may be stipulated in their letters of appointment, the Chairman and members of the Board other than the Managing Director shall hold office for a term of four years and may be reappointed for another term of four years. *Tenure of office of Members*
6. *Quorum*
- a. The quorum for a meeting of the Board shall be five members.
- b. The Chairman shall preside at meetings of the Board and in his absence; the members present shall elect any of the members present to preside.
7. (1) Notwithstanding the provisions of Section 5 of this Law, a member shall vacate his office and his office shall become vacant if: *Vacation of office*
- (a) he gives one month notice in writing to the Governor of his intention to resign;
- (b) he is convicted of any crime involving security of the state, dishonesty or fraud or any other offence by a court of competent jurisdiction; and has not been granted pardon;
- (c) he attends fewer than 75% of the Board's meetings in a year;

*Functions of the  
Governing Board*

- (d) he is barred from practicing his profession by any professional body to which he belongs;
- (e) he becomes bankrupt;
- (f) he becomes of unsound mind or incapable of carrying out his duties; or
- (g) he is guilty of serious misconduct with relation to his duties as a member of the Board.
- (h) he has been found by a competent Authority to be incompetent to hold public office or that while being a public officer he acquired assets unlawfully or defrauded the State or misused or abused his office or had acted in a manner prejudicial to the interest of the State, and such findings have not been set aside on appeal.

8.

The functions of the Board are as follows:

- (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 Contractors, including revenue mobilization Agents, in accordance with this Law and any other applicable Law;
- (d) monitoring the implementation of the State WASH Policy as it affects water supply and sanitation in its areas of operation.;
- (e) ensuring compliance with regulations and standards set by the Ministry;
- (f) approving and monitoring the implementation of the Corporation's Water Services Development Plan;
- (g) proposing urban water tariffs for the approval of the Ministry;
- (h) 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 Corporation; 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;

9. The Board shall conduct its business in accordance with the provision in Schedule 1 of this Law

*Proceedings  
of the Board.*

10. The functions of the Corporation shall be to: -

- (a) control and manage all water schemes and sewerage infrastructure vested in the Corporation under S.1 (4);
- (b) develop new water supply infrastructure as the Board may consider necessary for the purpose of providing wholesome, potable water for domestic consumption of the public, and water for commercial, industrial, scientific and other uses;
- (c) develop new wastewater/sewerage infrastructure as the Board may consider necessary for the purpose of providing effective and efficient collection, treatment, and disposal Services for domestic, industrial, commercial, scientific and other water-related waste.
- (d) ensure that adequate wholesome water is supplied to its Consumers in line with National Drinking Water Quality Standards (NDWQS);
- (e) determine rates and scales of charges for water and sewerage management Services subject to approval by the Ministry;
- (f) conduct or organize research and training with respect to water supply and sewerage Services;
- (g) develop, maintain and beneficially exploit water resources, both natural and artificial.
- (h) provide data on water supply, sanitation, and hygiene related matters for formulation of policy;
- (i) prepare plans for the development and maintenance of water supply and wastewater Services infrastructure in its areas of operation (referred to as the "Water and sanitation Services Development Plans"), in consultation with the relevant authorities, stakeholders, and consumer groups;
- (j) identify and implement projects for the provision of water and/or sewerage Services which may be undertaken with Private Sector Participation, after consultation with the

*Functions of  
the Corpora-  
tion*

relevant authorities and subject to the approval of the Governor in cases involving Divestiture or sale of assets;

- (k) enter into any commitments, agreements, joint ventures, performance Contracts, Public-Private Partnership agreements or other arrangements in respect of the provision, distribution, supply or sale of water and sewerage management Services;
- (l) provide consultancy and project management Services
- (m) establish and implement proper accounting procedures for all assets and liabilities of the Corporation;
- (n) specify the terms and conditions of supply of water and sewerage Services to the Consumers in accordance with regulations issued by the Ministry and in accordance with this Law;
- (o) recommend Regulations to the Ministry for the protection and preservation of the assets of the Corporation and water resources of the State;
- (p) promote the rational use of water resources and potable water;
- (q) conduct training and retraining of staff for skills development;
- (r) collect rates and charges for water supply and sewerage Services in accordance with regulations issued by the Ministry; and
- (s) Carry out any other activities that are expedient or necessary for the effective and efficient performance of its functions under this Law.

*Powers of the Corporation*

- 11.** (1) The Corporation shall, subject to the provisions of this Law, have power for the purpose of carrying out its functions to:
- (a) own all water Services assets and construct new water Services assets within its areas of operation as described in Schedule 1 hereto;
  - (b) own all sewerage networks, sewerage management and waste water infrastructure and assets and construct all such assets

within its areas of operation as described in Schedule 1 hereto;

- (c) Determine and collect all rates and charges payable by Customers for water supply and sewerage management Services provided by the Corporation and determine all other fees, subject to the approval of the Ministry;
- (d) acquire, purchase, lease, hold, construct, manufacture, maintain or insure any property forming part of the water and sewerage management Services infrastructure of the Corporation, whether movable or immovable, required for or in connection with the performance of its functions and may 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;
- (e) lay any water pipe or sewers through, across, or under any street or any place laid out or intended as a street and thereafter give reasonable notice in writing to the owner or occupier thereof, and make 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 disposal of sewerage, 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 or of any sewer 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 subject to Regulations of the Ministry on same;
  - (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;
  - (l) invest money standing to its credit and not for the time being required for its immediate need, in accordance with the provisions of this Law and the Bauchi State Fiscal responsibility Law;
  - (m) write off bad debts with the approval of the Governor;
  - (n) grant exemptions from any water rate or charge of any premises or class of premises to any person or class of persons;
  - (o) make regulations for the better carrying out of its functions under this Law.
- (2) The Corporation shall have power for the purpose of carrying out its functions to do all such acts as appear to it to be expedient, advantageous, or convenient and may carry on any activities in that behalf either alone or in association with others
- Area offices of the Corporation* **12.** (1) There shall be established in each Local Government Headquarters, area office of the Corporation.
- (2) An area office of the Corporation shall be provided with such officers as the Board shall determine.
- (3) An Area office of the Corporation shall perform such functions of the Corporation as the Board may direct.
- Performance Contract* **13.** (1) There shall be a Performance Contract between the State Government represented by the State Ministry responsible

for water resources, the Ministry of Finance and the Corporation.

- (2) Such contract shall guarantee: -
- (a) quality, accessibility and sustainability of Service;
  - (b) pro-poor considerations in service delivery;
  - (c) incentives for commercial, financial and technical efficiency of the Corporation;
  - (d) obligations of the State towards investment, subsidies and creating an enabling environment for the operation of the Corporation; and
  - (e) such other terms as the parties may deem fit.
- (3) There shall be a Performance Contract between the Corporation and the Area offices with such terms as the Corporation shall determine.
- (4) The Performance Contract shall provide for Key Performance Indicators (KPIs) and an Incentive/Penalty framework for their achievement or non-achievement.

14. (1) There shall be a Performance Contract Monitoring and Review Committee (referred to in this Law as "the PCRC") constituted in accordance with this Law under the Ministry of Water Resources.
- (2) The PCRC shall comprise the following members: -
- (a) A retired Civil Servant not below the rank of a Director as Chairman.
  - (b) The Permanent secretary, Ministry of finance.
  - (c) The Permanent Secretary Ministry of Local Government.
  - (d) The Permanent Secretary Ministry of Water Resources.
  - (e) A representative of the civil society.
  - (f) A representative of the Board of the Corporation.
- (3) Any of the members may nominate a representative subject to such nomination being ratified by other members at a meeting of the Committee.

*Performance  
Contract, Monitoring and Review Committee*

- (4) The committee shall meet at least once in six months and at any other time as may be requested by either party to the Performance contract.
- (5) The PCRC may engage the Services of person(s) to assist them in the discharge of their duties.
- (6) It shall be the responsibility of the PCRC to monitor compliance of the parties with the contract and to make recommendations as deemed necessary.

*The Managing  
Director*

**15.**

- (1) The Governor shall on the recommendation of the Board, appoint an officer of the Corporation to be known as the Managing Director who shall be subject to the general direction of the Board and shall: -
  - (a) be the Chief Executive and Accounting Officer of the Corporation (referred to in this Law as "the MD");
  - (b) be responsible for the implementation of the decisions and policies of the Board of the Corporation as well as the general administration of the Corporation;
  - (c) perform such other duties as the Board of the Corporation may from time to time direct.
- (2) The MD shall: -
  - (a) be appointed out of two applicants selected through a competitive and transparent recruitment process carried out by the Board either by themselves, through the Central Recruitment Agency or a Consultant pursuant to an advertisement for such vacancy.
  - (b) be a person with a Professional qualification in either Engineering, Accountancy, Business Administration, Physical and Environmental Sciences or other relevant discipline and having relevant experience in running a public utility or a public or private organization and shall have held a senior management position for a minimum of ten years; and
  - (c) be appointed pursuant to a Performance Based Employment Contract for a term of 5 years on a full time basis which may be renewable upon considerations of the improved financial, managerial, operational, and other relevant indicators as contained in 'such Contract.

- (3) A report shall be submitted by the MD to the Board on a quarterly basis as an assessment of the performance of the MD which shall also include a proposed action plan to be forwarded by the Board to the Governor.
16. (1) There shall be a Secretary and Legal Adviser (referred to in this Law as "the Secretary") to the Board who shall be responsible to the MD and shall assist the Board and the Corporation in the discharge of their functions under this Law. *The Secretary/  
Legal Adviser*
- (2) the Secretary shall be appointed by the Board under such terms and conditions as may be specified in his letter of appointment.
- (3) The Secretary shall be a Legal Practitioner with a minimum of 10 year's post-call experience and shall be the head of the Corporation's Legal unit.
17. The Secretary shall perform the following functions: - *The functions of  
the Secretary*
- (a) organize and take minutes of the Meetings of the Board;
- (b) keep the seal and records of the Corporation and conduct correspondence of the Board;
- (c) arrange for payment of fees and allowances of Meetings and all other matters affecting Members of the Board;
- (d) communicate policy decisions at Board Meetings to affected Departments;
- (e) render necessary advice on compliance with Laws, rules and regulations affecting the Corporation;
- (f) keep custody of copies of Asset Register, Financial and Annual Reports of the Corporation; and
- (g) perform all other duties as the Board or the MD may from time to time direct.
18. (1) The Corporation shall have the power to recruit such number of staff and other employees as it may from time to time require either directly from the private sector or by way of deployment from the State Public Service to assist in the discharge of its functions under this Law. *Staff of the  
Corporation*
- (2) The Corporation shall determine generally the terms and Conditions of Service of the staff and other employees which shall include: -
- (a) conditions for the appointment, promotion, termination and dismissal of staff and other employees; and.

- (b) procedures for Appeals by employees against dismissal or termination or other disciplinary measures:

PROVIDED that 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.

- (3) The Corporation shall determine the salaries and emoluments of the staff and other employees of the Corporation.
- (4) Staff and other employees of the Corporation shall be entitled to pensions, gratuities and other retirement benefits as prescribed under the Pension Law of the State.
- (5) Without prejudice to the provisions of subsection (4) 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.

#### *FINANCIAL PROVISIONS*

*Funds and Resources of the Corporation* 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 property as may from time to time be advanced by way of loans or grants to the Corporation by any Federal, State, or Local Government, any International Organisation, and private foundation or any person whatsoever;
- (c) any investments or other property whatsoever acquired by the Corporation;
- (d) all other sums such as water and sewerage management Services charges and rates, or other property whatsoever which may become payable to or vested in the Corporation under this Law or any other Law and;
- (e) 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 continues to provide water supply and sewerage management Services to the Consumers.
20. The Corporation shall operate Bank Accounts with reputable Banks approved by the Board for its funds and the signatories to the accounts shall be the MD and the Head of Accounts, or in their absence any other persons authorised by the Board. *Bank Account*
21. (1) The following charges shall be defrayed out of the funds of the Corporation for any financial year: - *Application of the Corporation's Funds*
- (a) the remuneration and allowances of the Members of the Board of the Corporation;
  - (b) the salaries, remuneration, fees, allowances, pensions and gratuities of the staff, employees, 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 provision for depreciation, wear and tear or renewal of assets;
  - (d) such 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 law;
  - (f) interest on loans raised by and on behalf of the Corporation;
  - (g) sums required to be transferred to any special 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
  - (h) such other sums as the Board may approve for payment out of the funds of the Corporation in respect of any Financial year.

B3997  
*General Reserve  
Fund*

**22.** (1)

PROVIDED that the income and property of the Corporation shall not be rated for taxation under the relevant Laws of the State.  
Without prejudice to the provisions of the Bauchi State Fiscal Responsibility Law, the Corporation shall with the approval of the Governor establish and maintain a Special Reserve Fund in a separate Account into which shall be paid the following: -

(a) not more than 3% of the revenue of the Corporation as may be determined by the Board for any financial year;

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

(2) The General Reserve Fund shall be used for: -

(i) emergency and urgent needs of the Corporation relating to the rendering of urgent and essential Services as the Board may from time to time authorize subject to the approval of the Governor;

(ii) making good the loss or deficiency which may occur in any of the transactions of the Corporation.

Provided that where the fund is used to meet State or National water related emergencies, the Government shall make arrangements to replace such amount upon application by the Corporation.

*Loans and grants  
by the State Gov-  
ernment*

**23.** (1)

The State Government may make to the Corporation the following: -

(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 waive in favour of the Corporation any right or liability to the Government arising from any transaction made pursuant to subsection (1) of this section.

*Annual Budgets,  
Accounts and Au-  
dit*

**24.**

The provisions contained in Bauchi State Fiscal Responsibility Law as regards Budgetary Planning of Corporations and other Related

Statutory Bodies shall have effect in relation to the Corporation as regards annual budgets, accounts and audits.

25. The Corporation shall prepare and submit to the Governor not later than six months after the end of each year, a report on the activities of the Corporation during the immediate preceding year, and shall include in such report a copy of the audited accounts of the Corporation for that year and the auditors' report on the accounts. *Annual Reports*
26. (1) The Corporation shall have an Internal Auditor who shall be appointed by the Board under such terms and conditions as may be specified in his letter of appointment. *Internal Audit*
- (2) Subject to the provision of this law, the Internal Auditor shall be responsible to the Board for the performance of his function.
- (3) As part of his functions under this Law, the Internal Auditor shall at intervals of three months prepare a report on the internal audit work carried out by him during the period immediately preceding the preparation of the report, and submit the report to the Board for discussion.
- (4) The Internal Auditor's report shall cover the financial transactions of the Corporation.
- (5) Without prejudice to the general effect of sub-section (3) of this section, the Internal Auditor shall make in each report such observations as appear to him necessary as to the conduct of the financial affairs of the Corporation during the period to which the report relates.
- (6) The Board shall transmit such report to the supervising Ministry who shall forward same to the Governor.
27. (1) The Corporation may accept gifts of land money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift. *Power to accept gifts*
- (2) The Corporation shall not accept gifts if the conditions attached by the person or organization offering the gifts are inconsistent with the functions of the Corporation or against the interests of the State.
28. (1) The Corporation may with the consent of the Governor



*Power to  
borrow  
money*

borrow whether by way of mortgage or otherwise on such terms and conditions as the Board may determine, any such sum of money as may be required in the execution of the function conferred on the Corporation by this Law.

- (2) An approval given for the purpose of this section may be either general or limited to a particular borrowing and any specified conditions.

*Investments  
in stocks, etc*

29. Subject to the approval of the Board, the Corporation may; Invest money standing to the credit and not for the time being required for the purpose of the Corporation functions in stocks, shares, debentures or any other securities; and Sell dispose of or otherwise deal with all or any of such securities on recommendation of the Board and subject to Governor's approval.

*Power to  
raise capital  
on stock ex-  
change*

30. The Corporation may with the approval of the Governor raise capital for the implementation of its developmental plans and programs through the capital market or by issuing Bonds or other instruments, subject to satisfying the requirements of the Stock Exchange.

*Guarantee  
on loans or  
other  
instruments  
of the  
Corporation  
by the State  
Government*

31. (1) Subject to the provisions of the relevant Law, the Government may guarantee by an undertaking, the payment of the principal and interest of any sum or sums borrowed or Bonds issued by the Corporation.
- (2) Any sum required by the Commissioner for Finance 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 subject to the provisions of the BAUCHI State Fiscal Responsibility Law.

*Bad debts*

32. The Corporation may, subject to approval by the Governor write off bad debts of the Corporation.

*Proof of  
moneys due*

33. In any action for the recovery of any rate or other moneys (other than fines and penalties) payable or recoverable under this Law, a certificate under the hand of the Corporation 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.
34. (1) The Corporation shall ensure efficient, affordable, economical and sustainable access to water Services to all

Consumers within its area of operation subject to the:-

*Corporation's  
responsibility  
to Consumers  
for continuous  
supply of  
water*

- (a) availability of resources;
  - (b) need for an equitable allocation of resources to all Consumers within the Corporation's area of operation;
  - (c) need to monitor and ensure access to water Services in an equitable manner;
  - (d) duty of Consumers to pay approved tariff, which must be in accordance with the State Tariff Policy and regulations issued by the Ministry;
  - (e) duty to conserve water resources;
  - (f) nature, topography, zoning and situation of the area in question;
  - (g) 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) 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 water works subject to Notice as may be determined by Regulations of the Ministry.
- (2) The Corporation shall not be under any obligation to pay 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 (1) of this section except in the case of negligence on the part of any employee or agent of the Corporation.
- (3) The Corporation shall take reasonable steps to notify the public ahead of time of any proposed interruption in the

provision of water Services subject to any regulations by the Ministry with respect to same.

*Rates and  
scales of  
charges*

- 35.** (1) The Corporation shall fix rates and scales of charges payable for water supply and other Services within its areas of operation in accordance with a methodology for tariff setting approved by the Ministry.
- (2) The water rates and charges may be fixed at different rates for different locations and different users as shall be approved by the Ministry.
- (3) In fixing the rates and charges for water supply and other Services, the Corporation shall consult with the Consumers to whom such rates shall be applied to determine their willingness to pay for specified service levels and Service delivery methodology as well as tariff impact assessment for planning purposes.
- (4) Subject to sub-section 1 of this section, the Corporation shall review the tariff annually to reflect inflation, changes in cost of inputs and other social considerations.

*Application for  
water supply*

- 36.** (1) The Corporation may supply water to a premises upon application of the owner or occupier pursuant to any Rules and Regulations issued by the Ministry.
- (2) The Corporation may refuse to supply water to any particular premises except by a meter installed and maintained by the Corporation.

PROVIDED that the Corporation shall not disconnect any user or fail to connect a potential consumer for the failure of the Corporation to provide such meter in accordance with service regulations issued by the Ministry.

*Prohibition of  
sale of water  
supplied by the  
Corporation*

- 37.** (1) As from the commencement of this Law, no person shall resell water supplied by the Corporation except pursuant to a Contract or other Agreement with the Corporation for that purpose:

PROVIDED that 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 from the Corporation in the first place.

- (2) A person who contravenes the provision of subsection (1) of this Section shall be guilty of an offence punishable under S.56 of this Law.

38. (1) The owner or occupier of any premises 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 Ministry.

*Payment for  
Water Rates and  
Charges*

- (2) Where any person fails to pay water rates or charges within one month or any other period after the delivery to such person of a notice of default, the Corporation may discontinue Service to such premises and take steps to recover such rates or charges in accordance with regulations issued by the Ministry for that purpose or by an action brought before a court of competent jurisdiction.

39. The Corporation shall not be liable for the malfunctioning or safety of any installation or appurtenances in a Customer's premises, only by reason of the connection of such installation to the Corporation's supply network unless such damage is due to the negligence of the agent, servant or employee of the Corporation.

*Corporation  
shall not be  
liable for  
damaged  
installation  
works*

40. (1) The Corporation 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 Corporation; and

(b) any other underground pipes, other than a service pipe, which are vested in the Corporation.

*Maps of  
waterworks*

- (2) Any modification of the records by the Corporation pursuant 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 Corporation 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 office of the Corporation upon application in writing to the Corporation.

PROVIDED that where copies of such information are required, the Corporation, may charge a reasonable fee for the provision of such copies thereof.

(4) Any information which is required under this section for inspection by the public shall be made available in the form of a map.

41. There shall be established by each service provider a customer care complaints unit in accordance with regulations to be issued by the Ministry.

*Establishment  
of the Customer  
Care Centre*

*Limitation of  
suits against the  
Corporation,  
Pre-action  
Notice, etc*

42. (1) No suit shall be instituted in any court against the Corporation, a Member of the Board Corporation in his capacity as member, the MD, or any staff, or other employees of the Corporation for any act done in pursuance or execution of this Law, or public duties or in respect of any alleged neglect or default in the execution of this Law, duties or Authority, unless: -

(a) it is commenced within six months immediately following the act, neglect or default complained; or

(b) in the case of continuation of damage or injury, within six months next after the ceasing thereof.

(2) No suit shall be commenced against the Corporation, the MD or any staff, or other employees of the Corporation before the expiration of a period of one month after written notice of intention to commence the suit shall have been served on the Corporation by the intending plaintiff or his agent; and the notice shall clearly and explicitly State the following: -

(a) cause of action;

(b) particulars of claim

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

(d) relief which he claims

43. Service of Documents The notice referred to in subsection (2) of Section 46 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 may be served by delivering the same to the MD or by sending it by registered post and addressed to the MD at the principal office of the Corporation.
44. In any action or suit against the Corporation, no execution or attachment of property in the nature thereof shall be issued against the Corporation's waterworks, treatment plants or other infrastructure of the Corporation.
45. No Member of the Governing Board, agent, officer or other employee of the Corporation, or Member of any committee appointed by the governing Board under this Law shall be personally liable for an act of default of the Corporation, done or omitted to be done in good faith and without negligence in the course of the operations of the Corporation.
46. Every Member of the Corporation, agent, 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, if any such proceeding is brought against him in his capacity as such Member, agent, officer or employee of the Corporation.
47. The Governor may give written directives to the Corporation of general or specific nature relating to matters of Policy with regard to the performance 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.

*Restriction on execution against the Corporation's property*

*Personal Immunity of Members, agent, etc.*

*Indemnity of officers of the Corporation*

*Directives by the Governor*

PROVIDED that the cost of implementing such directives shall be borne by the State Government.

48. (1) The use of the common seal of the Corporation shall be authenticated by two signatures as follows: -
- (a) The signature of the MD of the Corporation or some other Members of the Board authorized by the Chairman to authenticate the application of the seal; and
- (b) the signature of the Corporation Secretary or some other officers of the Corporation authorized by the Chairman to act in the Secretary's place for that purpose.
- (2) The Corporation may by instrument in writing under its common seal, empower any person either generally or in respect of any specified matters, as the Attorney, to execute Deeds on its behalf in any place not situated in the State

*Authentication of Documents*

and every Deed signed by such Attorney on behalf of the Corporation and under her Seal, shall be binding on the Corporation and have the same effect as if it were under the common seal of the Corporation.

- (3) Any instrument or contract which, if executed or entered into by a person other than a body corporate, would not require to be under Seal may be executed or entered into on behalf of the Corporation by any Member of the Board if such person has previously been authorized by a resolution of the Governing Board to execute or enter into the particular instrument or contract.
- (4) The Corporation if it thinks fit, may, by writing under its common seal, appoint any person outside the State as Agent to execute an instrument or enter into a contract and the instrument or contract if executed or entered into on behalf of the Corporation shall have effect as if it had been duly executed or entered into by the Corporation for the purpose of this sub-section.
- (5) Every Document purporting to be an Instrument executed or issued by or on behalf of the corporation and purporting to be: -
  - (a) sealed with the common seal of the corporation authenticated in the manner provided by sub-section (1) of the section; or
  - (b) signed by and under the seal of a person appointed as Attorney under subsection (2) of this section; or
  - (c) signed by a Member of the Governing Board or other person authorized in accordance with sub-section (3) of this section to act for that purpose shall be deemed to be so executed or issued until the contrary is shown.

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

*Certain provisions relating to Defaulters, etc*

- (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 enter and alter, disconnect, stop or remove any water fittings or appurtenance, belonging to or used by such defaulting occupier or consumer.

- (2) Where an occupier or consumer fails to remedy 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, Cap L5, Laws of the Federation of Nigeria, 2004 apply to the Governor for allocation of such land including an application for approval for its officers or agents to enter upon the land and: -

*Provisions  
relating to  
Acquisition of  
Land*

- (a) survey and take levels of the land
- (b) dig or bore hole under the subsoil; and
- (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.

PROVIDED that no such officer, agent, servant or employee 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.

- (2) Where any entry made under subsection (1) of this section occasions any damage requiring the payment of compensation, the Corporation shall pay reasonable compensation in the circumstances.

51. (1) Any fire Authority may abstract water free of charge from any public fountain, service or waterworks of the Corporation for the purpose of prevention or control of fire subject to prescribed conditions by the Corporation.

*Abstraction by  
Fire Authorities*

Provided that water shall not be abstracted by any fire Authority for the purpose of testing any fire fighting appliance except with the consent of the Corporation and such consent should not be unreasonably withheld.

- (2) Any main, pipe, valve, hydrant, service or other waterworks required within the area of operation of the Corporation by any fire Authority in the discharge of its functions to prevent and control fire shall be provided by the Corporation upon payment by the fire Authority



of the requisite costs as the Corporation may determine provided that such main, pipe, valve, hydrant, service or other waterworks shall vest in the Corporation and shall be maintained by the Corporation.

*PART II  
OFFENCES AND PENALTIES*

*Mobile Court* **52.** (1) There is hereby established a Mobile Court for the Corporation (hereinafter referred to as "the Court")

*Powers of the Court* **53.** (1) The court shall have power to;

- (a) recover all surcharges, fines and penalties levied in furtherance of this Law.
- (b) determine all matters relating to offences and penalties created under this Law
- (c) impose fines prescribed under this Law
- (d) effect the arrest of offenders of any of the provisions of this Law or regulations made hereto.
- (e) issue an order of general or specific nature as it may deem fit in accordance with the provisions of this Law.

(2) The Court shall be presided over by a Magistrate.

(3) The proceedings of the court shall be in accordance with the provisions of the Criminal Procedure Code Law of Bauchi State.

*Illegal construction of water works* **54.** (1) No person shall construct any waterworks in the State without obtaining a license from the Ministry and an authorisation from the State Ministry responsible for water resources.

(2) No person shall construct any structure within the waterworks premises.

(3) Any person who contravenes the provisions of this section commits an offence and shall be liable on conviction to a fine of N 200,000 or to imprisonment for a term not exceeding 6 months or to both fine and imprisonment.

(4) The provisions of subsections (1) and (2) of this section shall not apply to a person who constructs a well having a diameter exceeding 0.3 meters and depth not exceeding 61 meters within his premises for his domestic use.

55. (1) No person shall construct or put any structure close to any water-works vested in the Corporation within such distance as may be specified in any code or regulation made in relation thereto. *Trespass to waterworks*
- (2) Any person who contravenes sub-section (1) of this section shall be liable on conviction to a fine of N200,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.
56. Any person who: - *Offences relating to water diversion, pollution, etc*
- (a) wilfully damages any water works, public fountain or service; or
- (b) unlawfully draws, diverts or takes water from any source or from any stream by which any waterworks is supplied, or
- (c) makes an unauthorized opening or closes any valve, sluice or manhole of any waterworks; or
- (d) pollutes any water or water source; or
- (e) allows or causes any foul liquid or gas or other noxious or toxic or injurious substance or matter to be discharged into any water source or any facility of any State owned or private water facilities commits an offence and shall be liable on conviction to a fine not less than the sum of N250,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment and to a further penalty of N10,000 for each day that the act or omission that constitutes the offence continues.
57. Any person who alters, causes or permits to be altered any pipeline, fittings or fountains of any waterworks leading to wastage of treated water without the consent of the Corporation, commits an offence and shall be liable on conviction to a fine of N250,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment. *Offences relating to wastage*
58. Any person who alters, causes or permits to be altered, any pipeline, fittings, meters of any waterworks with the intent to: - *Offences relating to fraudulent measurements*
- (a) avoid the accurate measurement or register of water by means of any meter
- (b) obtain a greater supply of water than he is entitled, or to avoid payment for such supply; or
- (c) willfully or negligently damage, alter, cause or permit to be damaged or altered any meter, commits an offence and

shall be liable on conviction to a fine of N200,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

*Offences relating to nuisance*

59. (1) Any person who puts, allows to be put or to remain, or to accumulate on any tenement owned or occupied by him or his servant or agent, any foul material or substance in such manner or place that it causes nuisance or may fall or be washed or be carried into or obstructs any water works of the Corporation, commits an offence and shall be liable on conviction to a fine of N200,000 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment to a further penalty of N10,000 for each day that the act or omission that constitutes the offence continues.

(2) Any person who allows any material or substance or any nuisance to remain after notice for the clean up or removal or remediation has been served on him by the Corporation, the supervising ministry or any other relevant State Agency shall, in addition to the penalty specified in subsection (1) of this section, be liable to a further penalty of N10,000 for each day that the act or omission that constitutes the offence continues.

*Obstruction of the Staff of the Corporation*

60. Any person who obstructs or assaults any Staff, officer or employee of the Corporation or any other person authorized by the Corporation in the course of carrying into effect any of the provisions of this Law commits an offence and shall be liable on conviction to a fine of N300,000 or imprisonment for a term not exceeding 3 years or to both such fine or imprisonment.

*Offences of impersonation*

61. Any person, including Staff of the Corporation, who, not being lawfully authorized to carry out any function under this Law and who under any guise or cover holds out himself as having been authorized to enforce any part of this Law commits an offence and shall be liable on conviction to a fine N200,000 or to imprisonment for a term not exceeding 12 months or both such fine and imprisonment.

*Conspiracy*

62. Any person who conspires with, procures, instigates, aids, or facilitates another person to do anything or act prohibited under any of the provisions of this Law, commits an offence and shall be liable under the relevant provisions of this Law relating to such offence and shall be punished as if he committed the offence himself.

*Unauthorised activities in relation to water supply facilities.*

63. (1) No person shall:

(a) Bathe in any part of any reservoir; or

(b) Wash or throw clothes, materials or things into any reservoir; or

- (c) Wash or cause any horse, dog, goat, pig or any other animal to enter any reservoir; or
  - (d) Wrongfully open or close any lock, valve sluice or manhole belonging to or installed by the Corporation.
  - (e) engage in fishing activities in any reservoir or dam without licence from the supervising ministry on the recommendation of the Corporation.
- (2) A person who contravenes any of the provisions of subsection (1) of this section commits an offence and is liable on conviction to a fine of N20,000 or to imprisonment for 3 months or to both the fine and imprisonment.

*PART III*  
*MISCELLANEOUS AND TRANSITIONAL PROVISIONS*

64. (1) The Bauchi State Edict NO.1 of 1977, Bauchi State Water Board Law 1989 and the Water Board Edict 1998 are hereby repealed.
- (2) The statutory functions, rights, obligations and liabilities of the Water Board as they relate to the supply of water in the State existing before the commencement of this Law, under any contract or instrument, whether in Law or In equity, shall by virtue of this Law and without further assurance, is hereby vested in the Corporation.
- (3) Any such contract or instrument mentioned in subsection (2) of this section, shall be of the same force and effect against or in favour of the Corporation and shall be enforceable by the Corporation as if it existed before the commencement of this Law and the Corporation shall be subject to all obligations and liabilities to which the Water Board existing before the commencement of this Law was subject, and all persons shall have the same rights, powers and remedies against the Corporation as they had against the previous Water Board.
- (4) Any proceedings or cause of action pending or existing immediately before the commencement of this Law, by or against the water Board in respect of any right, interest, obligation or liability may be continued or as the case may be, commenced by or against the Corporation and any determination of a court, tribunal or other Authority or person may be enforced by or against the Corporation to the same extent that such proceedings or cause of action or determination might have been continued, commenced or enforced against the water Board.
- (5) Any person: -
- (a) who immediately before the coming into force of this Law was the holder of any office in the Water Board or was a Staff in the water Board before the commencement of this Law shall, on the commencement of this Law and without further assurance, continue in office and be deemed to have been appointed to his office by the Corporation established under this Law;
  - (b) whose services are not required by the Corporation upon the

*Repeals*  
*Savings etc.*

conduct of a staff needs assessment for the effective performance of its functions in accordance with this Law shall be redeployed to the State Civil Service.

*Interpretation*

65. In this Law, unless the context otherwise requires: -

**“Abstraction”** in relation to water contained in any source’ of supply, means the doing of anything whereby any of that water is removed from that source of supply, whether temporarily or permanently, including anything whereby the water is so removed for the purpose of being transferred to another source of supply and “abstraction” shall be construed accordingly.

**“Appropriate Local Government”** means any Local Government Council having jurisdiction over a specific area for the purpose of this Law.

**“Area office”** means office of the Corporation in any of the Local Government Headquarters in the State.

**“Authorised officer”** means any Member of Staff of the Corporation duly authorised in writing to act on its behalf.

**“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 hygiene, as specified from time to time by the Ministry.

**“Board”** means the Governing Board of the Corporation.

**“Central Recruitment Agency”** means the Bauchi State Central Recruitment Agency.

**“Chairman”** means the Chairman of the Governing Board.

**“Consumer”** means any person who is supplied with water and includes any person who applied to be supplied with water from any waterworks or any person who otherwise uses water and is liable for the payment of water rates, rents or charges but does not deliver or resell the service to others including an end user in an informal settlement.

**“Contravention”** means failure to comply.

**“Corporation”** means the Bauchi State Urban Water Supply and Sewerage Corporation.

**“Distribution System”** means any operator’s networks or mains, pipes, pumping stations and service reservoirs through which water is conveyed to Customers.

**“Domestic supply”** means water from any waterworks used in any household for drinking, washing, cooking, or for baths or any other purpose of domestic life.

**“Essential service”** includes hospitals, fire Services, orphanages, public schools and other Consumers as may be prescribed by the Ministry.

**“Emergency Situation”** means any situation declared as such by the Governor or the Ministry.

**“Financial year”** means the period prescribed as such in the financial Regulations and Laws of the State.

**“Fire Authority”** means any Authority or body of firemen duly constituted, organized or established under any enactment or Law by the Federal, State or local Government.

**“Functions”** includes objectives and duties.

**“Gazette”** means the official gazette of the BAUCHI State Government.

**“Governor”** means the Governor of BAUCHI State of Nigeria.

**“Ground water”** means water from underground sources.

**“Information”** includes anything contained in any record, estimate or returns.

**“Leakage”** means the loss of water from the water service Provider distribution system or from parts of service pipes for which Customers are responsible.

**“License/permit”** Shall mean the certificate to be issued by the Ministry or the Corporation stating the information that may be required as the Ministry or the Corporation shall determine.

**“Manhole”** means any chamber constructed on a closed drain so as to provide access thereto for inspection and cleaning.

**“Meter”** includes any appliance used for measuring or ascertaining or regulating the volume of water taken, used, or discharged from any waterworks by means of any service.

**“Metered supply”** means the supply of water by means of a service where the water supply is measured by meter.

**“Member”** means a Member of the Governing Board of the Corporation and shall include the Chairman.

**“Ministry”** means the Ministry responsible for Water Resources.

**“Occupier”** in relation to premises means the person in occupation of the whole or of any part of such premises, but does not include a lodger or squatter.

**“Owner”** includes the person for the time being receiving the rent of the tenement in respect of which the water is used whether on his own account or as agent or trustee of any other person or who would receive the rent if such tenement were to be let to a tenant and includes the holder of a tenement from the Governor whether under lease, license or otherwise.

**“Person”** means an individual, corporate entity, limited liability company, partnership duly registered under the Companies and Allied Matters Act, or a natural person as defined under the Interpretation Act.

**“Pollution”** means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

**“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.

**“Prescribed”** means prescribed by this Law or any Regulation made hereto.

**“Private Sector Participant (PSP)”** means a corporate entity, limited liability company, partnership or individual that provides any service or undertakes any activity in Bauchi State urban water and sewerage Services sector either by agreement or Licence, who has not been prohibited from undertaking such activity by Regulations prescribed by the Ministry.

**“Records”** include computer records and other records kept otherwise than in a document.

**“Relevant State Ministry”** means the relevant Ministry of the State including the Water Resources Ministry, Ministry of Health, or the Ministry of Environment, or other ministry as applicable.

**“Services Provider”** means the Corporation and any other Person who provides water and sewerage services to Consumers or other Water Services Providers with or without the responsibility to collect any Tariffs that may be due.

**“State”** means the Bauchi State of Nigeria.

**“State Government”** means the Government of Bauchi State of Nigeria.

**“State Ministry”** means the ministry established by the Bauchi State Government of Nigeria.

**“State Water Laws and Policies”** means this Law, all other relevant Laws, all Regulations including Orders and Guidelines issued by the Ministry pursuant to this Law, and all WSS Policies in the State.

**“Tariffs”** means the charges for Water supply Services and/or water-related sanitation or wastewater Services set in accordance with this Law.

**“Treated water”** means water treated for domestic purposes.

**“WASH”** means Water, Sanitation and Hygiene.

**“Water Services”** means the abstraction, conveyance, treatment and distribution of potable water; water intended to be converted to potable water or water for commercial use, where such water is provided to Consumers or other Water Services Providers, wastewater collection, treatment and disposal, and sanitation Services.

**“Water Quality Standards”** means the health, environment, and sanitation standards relating to the quality of drinking water consistent with the National Drinking Water Quality Standards developed by the Federal Ministry of Health and the Standards organisation of Nigeria as may be amended from time to time.

**“Water-Works”** means a reservoir, dam, well, pump house, borehole, pumping installation, purification work, sewerage treatment plant, sewers, access road, dedicated electric power supply, pipeline, meter, fitting or apparatus built, installed or used by a Water Services Provider to provide Water Services.

**“Water Services Provider Licenses”** means the licence issued pursuant to this Law granting a Person rights to provide Water Services within a jurisdiction i.e., the geographic areas specified therein and shall include a license/permit in accordance with Regulations or Guidelines issued by the Ministry.

66.

#### *SCHEDULE 1*

##### *Description of Areas of operation of the Corporation*

- (1) All local government headquarters
  - (2) All towns with population above 20,000
-





member, or if for any reason the private interests of a member come into conflict with his functions as a member, the member shall forthwith disclose the fact to the Board.

- (2) A member referred to in subsection (1) shall take no part in the consideration or discussion of, or vote on, any question before the Board which relates to any contract, right, immovable property or interest referred to in that subsection.
- (3) Any member who contravenes subsection (1) & (2) of this section commits an offence and is liable to fine of N100,000 or two years imprisonment or to both.
- (4) If a member referred to in this section takes part in the consideration of a matter in which his private interests are in conflict with his function as a member, the other members may subsequently ratify any such decision or action.

Assented to this 16th day of April, 2014

**(MALAM (DR.) ISA YUGUDA)**  
*EXECUTIVE GOVERNOR*  
*BAUCHI STATE*

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