

RIVER BASINS DEVELOPMENT AUTHORITIES ACT

ARRANGEMENT OF SECTIONS

Establishment, etc., of River Basins Development Authorities

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An Act to repeal the River Basins Development Authorities Act 1979 and establish the River Basins Development Authorities listed under the First Schedule to the Act.

[1987 No. 35.]

[*1st October, 1986*]

[Commencement.]

Establishment, etc., of River Basins Development Authorities

1. Establishment of River Basins Development Authorities

(1) There are hereby established eleven authorities to be known by the names specified in column I of the First Schedule to this Act which shall have such powers and exercise such functions as are specified in this Act.

[First Schedule.]

(2) Each Authority shall operate within the area specified in column 2 of the First Schedule to this Act and have its headquarters in the location specified in column 3 of the said schedule.

[First Schedule.]

(3) Each Authority shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

2. Membership of each Authority

(1) The Membership of each Authority shall consist of a chairman and seven other persons to be appointed by the President, consisting of-

- (a) a representative of the Federal Ministry of Water Resources;
- (b) the general manager of the Authority; and
- (c) five persons to be nominated by the Minister,

all of whom shall possess a detailed knowledge of the area of operation of the appropriate Authority.

(2) The provisions of the Second Schedule to this Act shall have effect with respect to the proceedings of each Authority and the other matters therein mentioned.

[Second Schedule.]

3. Tenure of office of members of each Authority

(1) A member shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment for one further term of three years and thereafter he shall no longer be eligible for re-appointment.

(2) A member may resign his appointment by a letter addressed to the Minister.

Functions

4. Functions of each Authority

(1) The functions of each Authority shall be-

- (a) to undertake comprehensive development of both surface and underground water resources for multipurpose use with particular emphasis on the provision of irrigation infrastructure and the control of floods and erosion and for watershed management;
- (b) to construct, operate and maintain dams, dykes, polders, wells, boreholes, irrigation and drainage systems, and other works necessary for the achievement of

the Authority's functions and hand over all lands to be cultivated under the irrigation scheme to the farmers;

- (c) to supply water from the Authority's completed storage schemes to all users for a fee to be determined by the Authority concerned, with the approval of the Minister;
- (d) to construct, operate and maintain infrastructural services such as roads and bridges linking project sites; provided that such infrastructural services are included and form an integral part of the list of approved projects;
- (e) to develop and keep up-to-date a comprehensive water resources master plan identifying all water resources requirements in the Authority's area of operation, through adequate collection and collation of water resources, water use, socio-economic and environmental data of the River Basin.

(2) Projects within the limits of the functions enumerated in subsection (1) of this section shall be executed with the approval of the Minister responsible for matters relating to water resources.

5. Restriction on acquisition of land, etc.

(1) No Authority may acquire or lease land or take over any existing project without the knowledge and consent of the State Governments in its area of operation.

(2) Subject to the Land Use Act, the control of land development for irrigation by each Authority shall be as provided under sections 2 and 6 of the said Act.

[Cap. L5.]

(3) No Authority may borrow or lend money without the general or special approval by the President.

(4) Each Authority may make bye-laws for the management of irrigation schemes and regulating the use of water with respect to the functions specified in section 4 of this Act, but no bye-law made in pursuance of this section shall come into force unless it is confirmed by the President.

Staff of each Authority

6. Appointment of general manager and other staff' of Authority

(1) For each Authority there shall be a general manager who shall be the chief executive and who shall be appointed by the President.

(2) Without prejudice to the generality of subsection (1) of this section, each Authority shall have power-

- (a) to appoint such other staff as it may determine;
- (b) to pay its staff such remuneration and allowances as are payable to persons of equivalent grades in the civil service of the Federation;
- (c) as regards any staff in whose case it may determine so to do, to pay such pensions and gratuities as are payable under the Pensions Act; and

[Cap. P4.J]

- (d) to give loans to its staff for purposes approved by the Authority.

Miscellaneous

7. Power of Minister to give directions

The Minister may give to any of the Authorities directions of a general character or relating generally to particular matters with regards to the exercise of the functions of the Authority concerned and it shall be the duty of that Authority to comply with such directions.

8. Fund of each Authority

(1) Each Authority shall maintain a fund from which shall be defrayed all expenditure incurred by the Authority.

(2) There shall be paid or credited to the fund-

- (a) such sums of money as may be provided by the Federal Government or by the government of any State in the Federation for the purposes of this Act either

by way of loans or grants; and

- (b) such other sums of money as may, from time to time, accrue to the Authority.

9. Annual estimates, accounts and audit

(1) Each Authority shall submit to the minister not later than 30th June of each year an estimate of its expenditure and income during the next succeeding year.

(2) Each Authority shall keep proper accounts in respect of each financial year, and proper records in relation to those accounts and shall cause the accounts to be audited within six months after the end of the financial year to which the accounts relate by auditors appointed by the Authority from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

10. Annual reports

(I) Each Authority shall prepare and submit to the Minister, once every year, a report in such form as the Minister may direct on the activities of the Authority during the last preceding financial year and shall include in the report a copy of the audited accounts of the Authority for that year and of the auditor's report thereon.

(2) The Minister shall cause a copy of each report made to him under this section to be submitted to the President and shall also send a copy to the Governors of the States in the area of operation of the Authority concerned.

11. Repeals

Subject to section 6 of the Interpretation Act, the River Basins Development Authorities Act 1979 is hereby repealed and the assets and liabilities of any Authority established under the said Act are hereby transferred respectively to the Authority exercising functions under this Act in the area of operation of that Authority.

[Cap. 123. 1979 No. 87.]

12. Interpretation

In this Act, unless the context otherwise requires -

"Authorities" means the Authorities established by section 1 of this Act and when used in the singular means any of those Authorities;

“functions” includes powers and duties;

“member” means any member of each Authority and includes the chairman;

“Minister” means the Minister charged with responsibility for matters relating to water resources.

13. Short title

This Act may be cited as the River Basins Development Authorities Act.

SCHEDULES

FIRST SCHEDULE

[Section 1 (1).]

List of River Basins Development Authorities

<i>Column 1</i> <i>Name of Authority</i>	<i>Column 2</i> <i>Area of Operation</i>	<i>Column 3</i> <i>Head-quarters</i>
1. Anambra-Imo River Basin Development Authority.	The whole of Anambra and Imo States.	Owerri.
2. Benin-Owena River Basin Development Authority.	The whole of Bendel and Ondo States excluding those parts of Bendel State drained by the Benin, Escravos, Forcados and Ramos Rivers creek systems.	Benin.
3. Chad Basin Development Authority.	The whole of Borno State excluding those parts drained by the Jama'are and Misau Rivers systems but including those parts of Gongola State drained by the Yedseram and Goma Rivers systems.	Maiduguri.
4. Cross River Basin Development Authority.	The whole of Cross River State.	Calabar.
5. Hadejia-Jama'are River Basin Development Authority.	The whole of Kano State and those parts of Bauchi and Borno States drained by the Jama'are and Misau Rivers systems.	Kano.
6. Lower Benue River Basin Development Authority.	The whole of Benue and Plateau State.	Makurdi.
7. Niger Delta Basin Development Authority.	The whole of Rivers State and those parts of Bendel State drained by Benin, Escravos, Forcados and Ramos Rivers creek systems.	Port Harcourt.
8. Niger River Basin Development Authority.	The whole of Kwara and Niger States; the Federal Capital Territory; whole of Kaduna State excluding Katsina State.	Minna.
9. Ogun-Oshun River Basin Development Authority.	The whole of Oyo, Ogun and Lagos States.	Abeokuta.

FIRST SCHEDULE—(continued)

<i>Column 1</i> <i>Name of Authority</i>	<i>Column 2</i> <i>Area of Operation</i>	<i>Column 3</i> <i>Head-quarters</i>
10. Upper Benue River Basin Development Authority.	Those parts of Bauchi State drained by the Gongola River system; the whole of Gongola State excluding those parts drained by the Yedseram River system.	Yola.
11. Sokoto-Rima River Basin Development Authority.	The whole of Sokoto State and Katsina State.	Sokoto.

SECOND SCHEDULE
[Section 2 (2).]

Proceedings of the Authorities

1. Subject to the provisions of section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the person presiding to have a casting vote) each Authority may make standing orders regulating the proceedings of the Authority or any committee thereof.

[Cap. I23.]

2. At any meeting of the Authority the chairman shall preside but if the chairman is absent, the members present shall appoint one of their number to preside at the meeting.

3. Where any Authority desires to obtain the advice of any person on a particular matter, the Authority may co-opt that person as a member for such period as the Authority may deem fit; but a person who is a member of the Authority by virtue of this paragraph shall not be entitled to vote at any meeting of the Authority and shall not count towards a quorum.

4. The quorum for meetings of each Authority shall be the chairman and three other members and the quorum for any meeting of a committee of the Authority shall be determined by the Authority.

5. Each Authority shall meet not less than two times in each year and on such other occasions as the Authority may consider necessary.

6. Any member of the Authority or any committee thereof having a personal interest in any contract or arrangement entered into or proposed to be entered into by the Authority or any committee thereof shall forthwith declare his interest to the Authority or committee and shall not vote on any question relating to the contract or arrangement.

Advisory Committee and other Committees

7. (1) Each Authority shall establish an Advisory Committee which shall consist of—

- (a) the general manager of the Authority who shall be chairman;
- (b) the Zonal Officer of the Federal Department of Water Resources;
- (c) the heads of the following Divisions of the Ministry of Agriculture and Natural Resources of each State in the area of operation of the Authority—

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[Cap. 123.]

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3. Where any Authority desires to obtain the advice of any person on a particular matter, the Authority may co-opt that person as a member for such period as the Authority may deem fit; but a person who is a member of the Authority by virtue of this paragraph shall not be entitled to vote at any meeting of the Authority and shall not count towards a quorum.

4. The quorum for meetings of each Authority shall be the chairman and three other members and the quorum for any meeting of a committee of the Authority shall be determined by the Authority.

5. Each Authority shall meet not less than two times in each year and on such other occasions as the Authority may consider necessary.

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Advisory Committee and other Committees

7. (1) Each Authority shall establish an Advisory Committee which shall consist of-

- (a) the general manager of the Authority who shall be chairman;
- (b) the Zonal Officer of the Federal Department of Water Resources;
- (c) the heads of the following Divisions of the Ministry of Agriculture and Natural Resources of each State in the area of operation of the Authority-
 - (i) Agriculture;
 - (ii) Irrigation;
 - (iii) Fisheries;
 - (iv) Forestry;
 - (v) Veterinary Services and Livestock;
- (d) the directors of research institutes conducting research relevant to the work of the Authority, or their representatives;
- (e) the general managers of State Water Boards or Corporations; and
- (f) the district manager or the National Electric Power Authority.

(2) Each Authority may, notwithstanding the foregoing provisions, appoint other persons in addition as it thinks fit to be members of the Advisory Committee.

3. It shall be the function of the Advisory Committee to advise the Authority with respect to-

- (a) the matters mentioned in section 4 of this Act generally;
- (b) the technical soundness of specific projects and programmes;
- (c) the co-ordination of the activities of the Authority and the Ministry of Agriculture and Natural Resources of the State in the area of operation of the Authority; and

(d) such other matters as the Authority may from time to time determine.

(4) Each Authority may also establish such other standing, steering and *ad-hoc* committees to carry out on behalf of the Authority such of its functions as the Authority may determine.

Miscellaneous

8. The fixing of the seal of each Authority shall be authenticated by the signature of the chairman and of a member of the Authority authorised in that behalf by the Authority.

9. Any contract or instrument which if made or executed by a person not being a body corporate would not be required to be under seal may be made or executed on behalf of the Authority by any person generally or specially authorised by the Authority to act for that purpose.

10. Any document purporting to be a document executed under the seal of the Authority and authenticated as aforesaid shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

11. The validity of any proceeding of the Authority shall not be affected by any vacancy in the membership of the Authority or by any defect in the appointment of a member of the Authority or by reason that any person not entitled to do so took part in the proceedings of the Authority.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation