

ACT

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SCHEDULES

SIGNED this *3rd day of August, 2017.*

DR. ERNEST BAI KOROMA,
President.



No. 4



2017

Sierra Leone

The Sierra Leone Water Company Act, 2017

Short title.

Being an Act to provide for the continuance in existence of the Sierra Leone Water Company, to provide for a more efficient and effective management of community and rural water supply systems in specified areas, to provide for the facilitation of water related sanitation and delivery in Sierra Leone and to provide for other related matters.

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I – PRELIMINARY

Interpretation. **1.** In this Act, unless the context otherwise requires–

“Board” means the Board of Directors appointed under section 3;

“catchment area” means any area of land or water from which water contributes to the supply of any waterworks and the demarcation of which has been agreed between the Company and the relevant local authority;

“Company” means the Sierra Leone Water Company;

“Chairman” means the Chairman of the Board;

“community” means a group of households who refer to their settlement by the same name;

“community management” means the management by one or more communities or sections of these communities of their safe water supply and related sanitation facilities including the ownership, planning, operation, maintenance and collection of revenue to pay recurrent costs;

“financial year” means a period of 12 months corresponding with the government’s financial year;

“fire authority” means the National Fire Force established by the National Fire Force Act, (Act No. 8 of 1980) 1980;

“hygiene” means conditions necessary for maintaining personal health as they may affect water use;

“local authority” means a public body created under the Local Government Act, 2004, exercising authority within a specified area or space;

“mains” means a pipe transferred to or laid by the Company for the purpose of giving a general supply of water as distinct from a supply to individual consumers and includes any apparatus used in connection with such a pipe;

“Managing-Director” means the person appointed under section 29;

“Minister” means the minister responsible for water resources and “ministry” shall be construed accordingly;

“occupier” includes the person in occupation of a part of or the whole premises but does not include a lodger;

“owner” includes the holder of any premises whether under licence or otherwise, or the immediate landlord of any premises;

“premises” includes messuages, buildings, lands, easements and hereditaments of any tenure, whether open or enclosed, and whether public or private;

“public fountain” means any fountain, tap, standpipe, valve or any apparatus used or intended to be used for or in connection with the supply of water to the public from any waterworks;

“rural community” means a community with a population of less than 5000 people or any other figure as the Minister may by statutory instrument prescribe;

“sanitation” means waste management education and disposal of faecal matter as they affect water use;

“service pipe” means any pipe, valve, cistern or other apparatus used for supplying water from a main to any premises, subject to water pressure from that main or would be so but for the closing of some tap, or part of any such pipe, and includes stopcocks and other necessary fittings;

“small town” means a community that is not rural but is a small urban community that has adopted community management of its water supply system;

“specified area” includes Bo City, Kenema City, Koidu Town (New Sembehun), Makeni City, Yengema Town and Lungi; more particularly described in the First Schedule and any other area as the Minister may by statutory instrument prescribe;

“special reserve fund” means the fund referred to under section 42;

“street” includes a highway, public bridge, road, land, pedestrian walk-way, alley, passage or other thoroughfare or open space over which the public have a right of passage and whether or not there are houses in the street;

“water-related sanitation” includes issues related to control of stagnant pools around water facilities, seepage of faecal matter into groundwater, construction of septage, cesspools and septic tanks as they affect water supply;

“water tariffs and charges” means the water tariffs and charges which the Company with the approval of the Electricity and Water Regulatory Commission is authorised to demand and collect for the supply of water;

“waterworks” includes reservoirs, dams, tanks, cisterns, tunnels, treatment plants, conduits, aqueducts, mains, pipes, fountains, valves, pumps, engines and all structures or appliances used or constructed for the storage, conveyance, supply, measurement or regulation of water, which are vested in the Company or which are acquired, used or constructed by or on behalf of the Company;

PART II- CONTINUATION OF THE SIERRA LEONE WATER COMPANY

2. (1) There shall continue in existence the body known as the Sierra Leone Water Company.

Continuation of Sierra Leone Water Company.

(2) The Company shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of any property, whether movable or immovable, of entering into contracts and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Company shall have a common seal, the use of which shall be authenticated by the signatures of—

- (a) the Chairman or other member of the Board authorised either generally or specially by the Board in that behalf;
- (b) the Managing-Director or some other person authorised by the Board in that behalf; or
- (c) any two of its other members authorised by resolution of the Board to act in that behalf.

3. (1) The governing body of the company shall be a Board in which shall be vested subject to this Act, the control and supervision of the company.

Board of Directors.

(2) The Board shall consist of a Chairman who shall have considerable knowledge and proven experience in matters relating to the functions of the Company and the following other members;

- (a) the Permanent Secretary of the Ministry responsible for water resources or his representative not below the rank of a Director;
- (b) the Permanent Secretary of the Ministry responsible for health and sanitation or his representative not below the rank of a Director;
- (c) the Financial Secretary of the Ministry responsible for finance or his representative not below the rank of a Director;
- (d) the President, Association of Local Councils;
- (e) three persons from the private sector one of whom shall be a woman with proven competence, knowledge and experience in finance, business administration, law or public utilities management nominated by the Minister; and
- (f) one representative from civil society dealing with water supply issues, nominated by that organisation;
- (g) the Managing Director
- (h) a representative from the Sierra Leone Institution of Engineers

(3) The Chairman and members referred to in paragraph (e) of subsection (2) shall be appointed by the President subject to the approval of Parliament.

Functions of Board.

4. (1) Subject to this Act, the Board shall have the control and supervision of the Company, including-

- (a) overseeing the sound and proper financial management of the Company;
- (b) supervising and monitoring the Company in the performance of its functions;
- (c) formulating administrative policies for the smooth and efficient management of the Company;

- (d) determining a scheme of service for the staff of the Company; and
- (e) performing any other functions incidental to the objects of the Company.

5. (1) The Chairman and other members of the Board referred to in paragraphs (e and f) of subsection (2) of section 3 shall hold office for a period of 3 years and shall be eligible for re-appointment for another term of 3 years only. Tenure of members.

(2) The Chairman and any member referred to in paragraph (e) of subsection (2) of section 3 may at any time, resign his office by notice in writing to the Minister.

(3) A person shall cease to be a member of the Board on any of the following grounds-

- (a) for his inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted and sentenced for an offence involving fraud or dishonesty;
- (e) if he fails to attend 3 consecutive meetings of the Board without reasonable cause;
- (f) if he is employed by the Company;
- (g) on the expiration of his term of office; or
- (h) if he resigns his office by notice in writing addressed to the Minister.

6. (1) The Board shall meet for the dispatch of its business at least once every 3 months at such times and places as the Chairman may determine. Meetings of Board.