

## BILL

*Supplement to the Sierra Leone Gazette Vol. CXLVIII, No. 6*  
*dated 2nd February, 2017*

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SCHEDULES

No.



2017

**Sierra Leone**

**A BILL ENTITLED**

**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.

(2) The Chairman shall preside at every meeting of the Board, and in his absence, the members present shall appoint one of their number to preside.

(3) A minimum of 3 members of the Board may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Board for such purposes as may be stated in the notice.

(4) The Chairman or, in his absence, the member appointed to act in his behalf shall summon a special meeting within five days of his receipt of the notice referred to in subsection (3).

(5) The quorum for any meeting of the Board shall be 5.

(6) The Chairman or other person presiding shall have a casting vote where there is an equality of votes.

(7) Any proposal circulated among all members and agreed to in writing by a two thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board.

Provided that, if a member requires that such proposal be placed before a meeting of the Board, this subsection shall not apply to such proposal.

(8) The Board may co-opt any person to attend and participate in its deliberations on any matter but such person shall not vote on any issue for the decision by the Board.

(9) Subject to this Act, the Board shall regulate its own procedure.

Disclosure of interest.

7. (1) A member of the Board who has any interest, whether direct or indirect in any matter being considered or to be considered by the Board, shall disclose the nature of his interest to the Board and the disclosure shall be recorded in the minutes of the Board and such member shall not take part in any deliberation or decision of the Board relating to that matter.

(2) A member of the Board who contravenes subsection (1) shall be guilty of misconduct and shall be liable to be removed from the Board.

8. (1) No action or other proceedings shall lie or be instituted against any member of the Board or member of a committee of the Board for or in respect of any act or thing done or omitted to be done in good faith in the exercise of his functions under this Act. Immunity of members of Board.

(2) No member of the Board shall be personally liable for any debt or obligation of the Company.

9. (1) The Board may, for the discharge of its functions, appoint one or more committees to perform such functions as the Board may determine. Committees of Board.

(2) A committee shall consist of members of the Board or non-members or both as the Board may decide.

(3) Without prejudice to the generality of subsection (1), the Board shall appoint an audit committee consisting of such members of the Board, excluding the Managing-Director, and performing such functions as the Board may determine.

(4) A committee shall submit a report of its proceedings to the Board at such time as the Board may determine.

10. The Chairman, other members of the Board and any person co-opted by the Board under subsection (8) of section 6 shall be paid such remuneration, fees and allowances as may be approved by the Minister and shall be reimbursed by the Company for expenses incurred in connection with the discharge of their functions as the Board may approve. Remuneration of members.

11. (1) Where the Chairman or a member of the Board dies, resigns, is removed from office or is absent for a continuous period exceeding 3 months or is by reason of illness unable to perform the functions of his office for a continuous period of 3 months- Filling of vacancies.

(a) in the case of the Chairman, the members of the Board shall elect one of their number to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and

- (b) in the case of a member, the Chairman shall arrange, subject to this Act, to have another person appointed to the Board.

(2) Where a person is appointed as Chairman or appointed as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member, as the case may be, and shall, subject to this Act, be eligible for re-appointment.

### PART III – FUNCTIONS OF THE COMPANY

Functions of  
Company.

12. (1) The Object for which the Company is established shall be to-

- (a) develop and operate satisfactory water supply services at reasonable cost and on self-supporting basis in every specified area stipulated in the 1st Schedule; and
- (b) facilitate the provision of safe water and related sanitation services in rural communities and small towns.

(2) Without prejudice to the generality of subsection (1), and subject to the general technical guidelines and directions as approved by the ministry, the Company shall-

- (a) be responsible for the control, development and management of water supply services in the specified areas stipulated in the 1st Schedule;
- (b) be responsible for the development, control, and management of all existing waterworks that may be vested in the Company in such manner as it may consider necessary so as to meet the needs of consumers;
- (c) ensure that water supplied to consumers is in compliance with prescribed quality standards;

- (d) provide technical support to District Councils in the design, planning, construction, back-up services and community management of projects related to safe water supply and related sanitation services;

- (e) encourage private sector participation in the provision of safe water supply and related sanitation services in the districts;

- (f) assist and co-ordinate with NGOs, the private sector and other relevant providers, in the development and provision of water supply and related sanitation services in the country;

- (g) provide technical standards and guidelines for the operation and maintenance of safe water supply in rural and small towns and support District Councils to ensure compliance by water supply service providers.

- (h) charge fees for the technical services provided under this Act, as may be approved by the Minister responsible for Finance and;

- (i) do all other acts necessarily required for the performance of its functions including the prudent and sustainable management of the assets of the Company.

(3) The Company shall perform its functions in the specified areas as stipulated in the 1st Schedule on sound commercial practice with a view to ensure that its revenues are sufficient to provide for-

- (a) all depreciation, amortisation and interest costs;

- (b) all operation and maintenance costs; and

- (c) a reasonable return on investment.

## PART IV- SUPPLY OF WATER

Specified area of supply.

13. (1) Upon the commencement of this Act, the specified area for the supply of water by the Company shall be known as “Specified Area” as set out in the First Schedule.

(2) The Minister upon recommendations made to him by the Company, and with the prior approval of other relevant ministries, may from time to time by Gazette notification, vary the specified area of supply of the Company stipulated in the First Schedule, and such variation shall contain such incidental, consequential and supplementary provisions necessarily required or expedient.

Service to premises.

14. (1) The Company may, subject to this Act, supply water in the specified area stipulated in the First Schedule through any service pipe to any premises on application made by the owner or occupier of such premises.

(2) The Company shall develop and publish procedures for application for supply of water to premises and the charges to be paid by applicants.

Quality and sufficiency of supply.

15. The Company shall provide in its mains, a supply of sufficient water for the domestic purposes of its consumers in the specified area stipulated in the 1st Schedule and in compliance with such water quality standards as may be prescribed by the Standards Bureau.

Provided that notwithstanding anything to the contrary in this Act, the Company shall not be subject to any liability for failure to provide constant supply of water if such failure arises from unusual drought or other unavoidable cause or accident.

Continuity of service.

16. (1) The Company shall, except for reasons of impracticability, maintain a continuous supply of water and at a reasonable pressure in all pipes which are used for supplying water in the specified area stipulated in the First Schedule.

(2) Notwithstanding subsection (1), the Company may suspend or divert the supply of water for such periods as may be necessary for carrying out inspections, tests, repairs and for making new connections, provided always that in such circumstances the company may make alternative supply arrangements for the affected consumers.

(3) The Company may, subject to the procedures and regulations of the Electricity and Water Regulatory Commission on connections and disconnections of consumers, suspend or discontinue the supply of water to any premises in the specified area stipulated in the First Schedule where there is default in the payment of any water charges in respect of those premises or where the payment of the charges is in arrears.

(4) Without prejudice to the right of consumers, the Company shall not be liable to pay damages or compensation for any loss, damage or inconvenience occasioned to any consumer by reason of any suspension, diversion, discontinuance, failure, total or partial interruption of the supply of water reasonably caused.

17. The Company may supply water in bulk to persons, including communities, on such terms and conditions provided that those terms and conditions are not inconsistent with the tariff setting guidelines and regulations of the Electricity and Water Regulatory Commission. Bulk supply of water.

18. (1) Subject to subsection (2), nothing in this Act shall preclude any fire authority from using water for the purpose of the prevention or control of fire, from any pipe, public fountain or waterworks. Water for fire-fighting.

(2) Without prejudice to subsection (1), no fire authority shall use water for the purpose of testing fire-fighting equipment or for any other purpose except with the consent in writing of the Company, which consent shall not be unreasonably withheld.

(3) No charge shall be made for water used for the purpose of the prevention or control of fire under subsections (1) and (2).



Water for sewers and other purposes. 19. The Company may supply water for cleaning sewers and drains, cleaning and watering of streets, and any public pump, bath or washhouse upon such terms and conditions as may be agreed between the Company and the person or body supplied.

New supplies. 20. The Company may lay and install any necessary main pipes, public standpipes and tanks for the purpose of extending water supply to any area within the specified areas stipulated in the 1st Schedule, if-

- (a) the company and the local authority for the area or the community concerned agree; or;
- (b) the local authority of the community concerned undertake either-
  - (i) to pay the whole or part of the cost of extending the supply to the area; or
  - (ii) to make good to the Company the difference between the total revenue payable in respect of water supply for the area for a period of 5 years and the cost of extending the supply, if the estimated revenue after the commencement of the supply is less than the total cost of extending the supply.

**PART V – POWERS OF THE COMPANY**

Powers of Company. 21. (1) The Company may, for the purpose of carrying out its functions under this Act in the specified areas stipulated in the 1st Schedule, either directly or through a public-private partnership-

- (a) construct, reconstruct, rehabilitate, repair, and maintain waterworks, buildings and structures vested in the Company;
- (b) construct public fountains in any street or other public place in the specified area stipulated in the 1st Schedule;

- (c) enter into contracts including contracts for-
  - (i) the design, construction, extension or modification of vested waterworks;
  - (ii) the design, construction, manufacture, supply, maintenance or repair of any of its properties;
  - (iii) the supply of materials required by the Company for its operations; and
  - (iv) operation and maintenance of vested waterworks in the specified area stipulated in the 1st Schedule ;
- (d) provide training and research facilities for its employees; and
- (e) perform all other acts necessarily required for the prudent and sustainable management of the assets of the Company.

(2) The Company may, for the purpose of exercising its powers under this section obtain, divert, impound, convey and use water from a river, stream, underground reservoir or watercourse subject to the requirement of obtaining approval, licences and permits under the National Water Resources Management Agency the Environment Protection Agency Act, 2008 or any other law,.

(3) The Company, its assigns and agents may, after giving fourteen days’ notice in writing to the owner or occupier of any premises, carry any water pipe through, across, over or under any lands and may, at any time upon giving such reasonable notice as circumstances permit (or in case of emergency without giving notice) enter upon any land, with workers, materials and equipment as may be required for the purpose of constructing, repairing, maintaining, renewing, altering, inspecting, attending to or testing any water pipe, and shall make good or pay reasonable compensation for any damage occasioned by such operations:

Provided that where the owner or occupier cannot be found after reasonable enquiries the Company may give notice by posting the same on a conspicuous place on the land.

Water tariffs  
strategy.

22. (1) The Company may from time to time, after public consultation, develop and publish in the Gazette water tariff strategy within the framework of government policy and the Electricity and Water Regulatory Commission.

(2) The water tariff strategy referred to in subsection (1) may contain a strategy for funding development and use of waterworks in the specified area stipulated in the 1st Schedule, including-

- (a) the cost of planning, design and construction;
- (b) the cost of operation and maintenance of waterworks;
- (c) the cost of water resource protection;
- (d) returns on assets; and
- (e) the cost of water distribution.

(3) The tariff strategy may-

- (a) differentiate on an equitable basis between-
  - (i) different types of geographical areas;
  - (ii) different categories of water consumers; and
  - (iii) different types of water uses.
- (b) provide the basis of proposed water tariffs; and
- (c) provide on an equitable basis for some elements of tariff waivers in respect of specific consumers for specified periods.

(4) Without prejudice to subsection (1), the Company may enter into a special arrangement with any consumer for the supply of water in the specified area stipulated in the 1st Schedule, on such terms as may be agreed provided such terms are not inconsistent with the guidelines and regulations prescribed by the Electricity and Water Regulatory Commission.

(5) Notwithstanding any provision to the contrary in this Act, the water tariffs in force before the commencement of this Act shall remain in force until otherwise revised or replaced by tariffs approved by the Electricity and Water Regulatory Commission.

(6) The water tariffs referred to in this section shall not be applicable to rural and community managed water system.

23. (1) Where a consumer fails to pay any water tariff for which he is liable under this Act, the Company may, within twenty-eight days or such period as may be prescribed by the Electricity and Water Regulatory Commission, after the charges are due and payable, recover from that person such charges together with costs and expenses. Recovery of water charges.

(2) Subject to the regulations of the Electricity and Water Regulatory Commission, any person who disputes the amount due in respect of water charges or his liability to pay the claimed charges, shall notify the Company in writing of such dispute within seven days of service of the first demand of such charges, in default of which the demand shall, in the absence of evidence to the contrary, be conclusive as to the amount payable.

24. (1) The Company may, within and outside the specified area stipulated in the 1st Schedule- Power to lay mains.

- (a) lay a main or service pipe-
  - (i) subject to the provision of sections 25 and 26 in any street; and
  - (ii) with the consent of every owner or lessee of any land not forming part of a street, in, on or over that land; and

- (b) from time to time inspect, repair, alter or renew any main or service pipe laid down by it;

Provided that consent required for the purposes of subparagraph (i) of paragraph (a) of subsection (1) shall not be unreasonably withheld and any question as to whether such consent is, or is not unreasonably withheld shall be determined by a court of competent jurisdiction.

(2) For the purpose of exercising the powers referred to under subsection (1), the Company, may, subject to the provisions in section 25, break open any roadway or other public ways of any street and of any bridge carrying a street or any sewer, drain or tunnel in or under any such roadway or public way and may remove and use the soil or other materials in or under any such roadway or public way:

Provided that the Company shall, in exercise of the powers of this subsection, cause as little inconvenience and do little damage to other fixtures or apparatus in the street as may be and for any damage done, shall pay compensation to be determined by the Professional Head of the Ministry of Works, Housing and Infrastructure in the case of dispute, where the fixtures or apparatus is owned by a Government department or agency and in any other case, to be determined by a court of competent jurisdiction.

(3) Where the Company in exercise of its powers under this section lays a main or service pipe in, on or over any land not forming part of a street and in the case of a service pipe not in the same ownership as the premises to which the service pipe is being laid, or inspect, repair, alter, renew, or remove a main or service pipe laid in, or over any such land, it shall from time to time pay compensation to every persons interested in that land for any damage done to, or injurious affection of that land by reason of the inspection, laying, repair, alteration, renewal or removal of the main or service pipe.

25. (1) For the purposes of exercising the powers under section 21, the Company may, subject to section 23 break open the roadway and other public ways of any street and of any bridge carrying a street or any sewer, drain or tunnel in or under any such roadway or public way and may remove and use the soil or other materials in or under any such roadway or public way. <sup>Power to break open street.</sup>

(2) The Company shall, in exercise of its powers under subsection (1), cause as little inconvenience and do little damage as may be and for any damage done to other fixtures or apparatus in the street shall pay compensation to be determined in the case of dispute, by the Professional head of the Ministry of Works, Housing and Infrastructure where the fixtures or apparatus is owned by a Government department or agency and in any other case, to be determined by a court of competent jurisdiction.

(3) The Company may erect and maintain in any street, notices indicating the position of underground water fittings used for controlling the flow of water to its mains and may affix such notice to any house or other building, wall or fence except that the Company shall not erect any such notice in a street without first obtaining the consent of the relevant authority having control or management of streets.

(4) Where the Company in the exercise of its powers under this section,-

- (a) lays a main or service pipe in, on or over any land not forming part of a street and in the case of a service pipe not in the same ownership as the premises to which the service pipe is being laid; or
- (b) inspects, repairs, alters, renews, or removes a main or service pipe laid in, or over any such land,

it shall from time to time pay compensation to every person interested in that land for any damage done to, or injurious affection of, that land by reason of the inspection, laying, repair, alteration, renewal or removal of the main or service pipe.

Notice to be given before breaking street.

26. (1) Before commencing to break open any street or any sewer, drain or tunnel, the Company shall, give-

- (a) fourteen days prior notice together with a plan of the work, where the act relates to a main; and
- (b) seventy hours prior notice where the work relates to a service pipe, of its intention, and of the time when it proposes to commence the work,

to the person or authority having such control or management of the street, sewer, drain or tunnel:

Provided that in case of an emergency, notice shall be given to the person or authority having such control or management as soon as possible after the necessity of such work becomes known to the Company.

(2) Upon receipt of a notice pursuant to subsection (1), the person or authority having the control of the street, sewer, drain or tunnel, if it is maintained at the expense of the State, shall as soon as practicable send a copy of such notice to any person having in or near the street, sewer, drain or tunnel, which will or may be affected by the proposed works and shall consult with such persons as to any measures necessary.

(3) The Company shall not, except in a case of emergency, break open any street, sewer, drain or tunnel, for the purpose of laying, inspecting, repairing, altering, renewing or removing any main, except in accordance with plans approved by the person or authority having the control or management of such street, sewer, drain or tunnel and it shall afford to such person or authority in or near the street, sewer, drain or tunnel, which will or may be affected, reasonable facilities for supervising the work:

Provided that if any difference arises in connection with the plans or sections submitted for approval, that difference shall be referred to arbitration, and in cases where a sewer or drain is to be broken open, the arbitrator may direct the Company to execute such work as he may deem necessary for preventing any temporary

interruption of drainage through the sewer or drain, and the Company shall comply with any direction given.

(4) If the person or authority having the control or management of a street, sewer, drain or tunnel, after having received notice of the Company's intentions has any questions about the sufficiency or propriety of the plans submitted to them, fail within fourteen days to submit any alternative plans to the Company or fail at the time specified in the notice to attend and exercise supervision over the work, the Company may proceed to carry out the work.

27. (1) When the Company breaks open any street, sewer, drain, or tunnel under this Act, it shall with all convenient speed and to the reasonable satisfaction of the person or authority having the control or management thereof, complete the work, fill in and consolidate the ground, reinstate and make good the street, sewer, drain or tunnel, as the case may be and remove all rubbish resulting from the work:

Reinstating broken streets and drains.

Provided that before breaking open any street maintainable, the Company may by notice in writing to the street authority concerned, require such authority to carry out either the whole work of reinstatement of the street and the removal of all rubbish from the street and the expenses reasonably incurred by the street authority in complying with any notice shall be reimbursed by the Company and may be recovered from the Company as a civil debt.

(2) The Company shall, so long as any street remains broken open or obstructed, make adequate arrangements for the control of traffic and shall cause the roadway or pedestrian walkways to be properly fenced and guarded at all times and sufficiently lighted:

Provided that the responsibility for such arrangements shall transfer to the street authority concerned in respect of any section of the street, the reinstatement of which has been commenced by that street authority pursuant to a notice given.

28. The Company may, by its employees in the specified area described in the 1st Schedule, enter any premises at any time between the hours of 6 o'clock in the morning and 6 o'clock in the evening or in case of an emergency, at any time, for the purposes of-

Power to enter premises.

- (a) installing, examining, repairing or removing any water pipe being the property of the Company;
- (b) inspecting and examining meters in order to ascertain the quantity of water consumed;
- (c) ascertaining whether there is any waste or misuse of water supplied by the Company to those premises;
- (d) ascertaining whether circumstances exist which would or do warrant the Company to take any action or execute any work under this Act;
- (e) disconnecting, suspending, diverting, withholding or stopping the supply of water to premises in accordance with this Act and without prejudice to any liability of the owner or occupier, to pay any water charges under this Act; or
- (f) ascertaining whether there is or has been on or in connection with any premises, any contravention of this Act or any regulations made under this Act.

#### PART VI – ADMINISTRATIVE PROVISIONS

Appointment of Managing-Director.

29. (1) The Company shall have a Managing-Director who shall be the administrative head of the company appointed by the President subject to the approval of Parliament.

(2) No person shall be appointed a Managing-Director unless he has considerable knowledge and proven experience in the management of sustainable supply of water for public and private purposes.

Functions of Managing-Director.

30. The Managing-Director shall be responsible to-

- (a) formulate and implement the operational policies, programmes and plans of the Company as may be approved by the Board;
- (b) provide appropriate technical and other support to the Company;
- (c) ensure regular training and development of the staff of the Company based on such personnel or manpower guidelines as may be approved by the Board;
- (d) provide overall leadership in the conduct and management of the day-to-day activities of the Company; and
- (e) carry out such other functions as may be assigned by the Board or necessary for the purposes of the Company.

31. (1) The Company shall have in addition to the Managing Director, a Company Secretary, Finance Officer, Administrative Officer and such other additional technical and administrative staff, as may be required for the efficient performance of the functions of the Company. Other staff of Authority.

(2) The Company Secretary and the other staff of the Company shall be appointed by the Board subject to such terms and conditions as the Board shall determine.

(3) The Board may delegate to the Managing Director-

- (a) the power for the appointment of such grade or categories of staff as the Board may require;
- (b) the power to enter into an agreement with an independent body or agency for the purpose of carrying out the functions of the company for and on behalf of the company.

Secondment  
of public  
officers.

32. Public officers may at the instance of the Company, be seconded or otherwise render assistance to the Company but the Company may request the withdrawal of any such seconded staff who is unable to carry out assigned functions in a manner satisfactory to the Company.

Protection  
of officers,  
etc.

33. No officer or employee of the Company or any person acting on the directions of an officer or employee of the Company shall be liable in respect of any matter or thing done by him in good faith under this Act.

Experts and  
consultants.

34. Subject to the approval of the Board, the Company may from time to time engage the services of such consultants and experts as it may consider necessary.

Departments  
of Company.

35. (1) The Company shall establish departments as it deems necessary for the performance of its functions.

(2) Without prejudice to the generality of subsection (1), the Company shall establish the following departments-

- (a) Water supply;
- (b) Commercial;
- (c) Planning, Research and Information Technology;
- (d) Finance and Administration; and
- (e) Rural and Community Water and Sanitation.

Directors of  
Departments.

36. (1) Each department referred to in subsection (2) of section 35 shall be headed by a Director who shall be appointed by the Board on such terms and conditions as the Board may determine.

(2) A Director shall have the professional qualification and proven experience required to perform his duties in the department.

Regional  
offices of  
Company.

37. (1) The Company shall establish regional offices in each provincial capital as the Board may determine.

(2) A regional office established under subsection (1) shall perform the following functions-

- (a) provide subject to the directions of the Ministry technical support to District Councils in the provision of sustainable safe water supply and related sanitation services in the district including the establishment and maintenance of District Water and Sanitation Committees;
- (b) promote the active involvement of the communities, especially women, in the design, planning, construction and community management of water supply projects;
- (c) advise the District Councils on the development of operation and maintenance models for water supply and related sanitation services projects;
- (d) promote co-ordination between the District Councils and NGOs in the development of water supply services and water sanitation and hygiene education; and
- (e) assist the District Councils to develop, prescribe and ensure compliance with standards and guidelines for safe water supply and related sanitation services.

#### PART VII – FINANCIAL PROVISIONS

38. (1) The activities of the Company shall be financed by funds consisting of –

- (a) moneys appropriated from time to time by Parliament for the purposes of the Company;
- (b) charges and fees payable to the Company in accordance with this Act;

Funds of  
Company.

- (c) all moneys given to the Company by way of gifts, endowments, bequests, grants or other contributions by persons and organisations for the purposes of the Company;
- (d) all returns on investment, if any;
- (e) foreign aid and assistance from donor agencies; and
- (f) all other moneys which may, from time to time, accrue to the Company.

(2) The funds of the Company shall be applied only for the purposes of the approved budget of the Company.

Accounts and  
audit of  
Company.

39. (1) The Company shall keep proper books of account and other records in relation to the activities, property and finances of the Company in a form approved by the Auditor-General, and shall prepare in respect of each financial year a financial statement which shall include -

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) source and application of funds;

(2) The accounts of the Company kept under subsection (1) shall, not later than 2 months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

(3) For the purposes of subsection (2), the Auditor-General or the auditor appointed by him shall be entitled to have access to all books of account, and other financial records of the Company and to require such information and explanation thereon as he may think fit.

(4) The Company shall provide the Auditor-General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the Company.

(5) The Auditor-General or the auditor appointed by him shall submit to the Company a report on the audited accounts and the financial statements referred to in subsection (1) and shall, in his report draw attention to -

- (a) any irregularities in the accounts;
- (b) any matters that are likely to adversely affect the operations of the Company; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Company.

40. The financial year of the Company shall be the same as the financial year of the Government.

Financial year  
of Company.

41. (1) The Company shall, within four months after the end of the financial year, submit to the Minister a report on the performance of its functions during that year and on its policy and programmes.

Annual  
report.

(2) The annual report shall include the accounts and annual financial statement prepared under section 39 and the report of the audit thereon.

(3) The Minister shall lay copies of the annual report before Parliament within two months after he has received the report.

(4) The Company shall make copies of the report available to all stakeholders once it has been laid before Parliament.

42. (1) The revenue of the Company for any financial year shall be applied in defraying the following charges-

Application  
of revenue.

- (a) operating expenses and expenditure on management of the Company, its waterworks and other property, including provision for depreciation of assets;

- (b) provision of technical services to the District Councils in the provision of rural and community water and sanitation services;
- (c) the salaries, remuneration, fees, allowances, pensions, gratuities and other benefits of the employees and technical or other advisers of the Board;
- (d) the remuneration, fees and allowances of the members of the Board;
- (e) repayment of the principal sums borrowed and sums required to be transferred to a special reserve fund or otherwise set aside for the purpose of making provision for the redemption of stock or other securities or the repayment of other borrowed monies;
- (f) interest on any loan raised by the Company;
- (g) such sums as may be payable by the Company to any person or authority under the provisions of this Act or any other law;
- (h) rates, taxes and other levies, payable by the Company under any law; and
- (i) any other expenditure authorised by the Company and property chargeable to revenue account.

(2) The balance of the revenue of the Company for any financial year may be applied to the creation of general or specific reserve funds to be used for maintaining and improving the overall financial position of the Company and for financing its activities.

Financial estimates.

43. (1) The Managing-Director shall not later than 3 months before the end of each financial year, prepare and submit to the Board for approval, estimates of income and expenditure of the Company for the ensuing financial year and may, at any time before the end of the financial year, prepare and submit to the Board for approval, supplementary estimates of the current year.

(2) No expenditure shall be made out of the funds of the Company unless the expenditure is part of the expenditure approved by the Board under the estimates for the financial year in which that expenditure is to be made or in estimates supplementary to those estimates.

Investments.

44. (1) All funds of the Company not immediately required to be applied in defraying any of the charges under section 42 may be invested to the best advantage of the Company.

(2) Without prejudice to the generality of subsection (1), the Company may apply moneys determined by the Board for-

- (a) development of water and sanitation facilities in rural and small town communities;
- (b) education of the general public on sound water and sanitation practices;
- (c) conduct of research, studies and investigations relating to water supply and sanitation services;
- (d) promotion of sustainable and efficient management of water supply and related sanitation projects;
- (e) monitoring and collection of relevant data on water related sanitation issues; and
- (f) such other purposes necessarily required for the proper management of water related sanitation services.

Borrowing powers of Company.

45. (1) The Company may, for the purpose of performing its functions and meeting its obligations under this Act, borrow money or raise capital in any currency and from any source with the approval of the Minister responsible for Finance .

(2) The Company may charge its assets, undertakings and revenues for the repayment of any money borrowed together with interest thereon, and may issue bonds or other securities in order to secure repayment of any money so borrowed.



Dividends.

46. (1) The Board may at a general meeting declare dividends payable to the Government as justified by the profits of the Company.

(2) No dividend shall be paid under subsection (1), otherwise than out of the profits of the Company.

PART VIII — OFFENCES

Injury, diversion or pollution.

47. (1) No person shall-

- (a) wilfully or negligently cause damage to any waterworks or the environment in the catchment area;
- (b) unlawfully divert or take water from any waterworks or from a catchment area;
- (c) pollute or cause risk of pollution to any water in any waterworks or catchment area.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding 10,000,000.00 Leones or to a term of imprisonment not exceeding 3 years or to both the fine and imprisonment.

Misuse or wastage of water.

48. Any person who wilfully or negligently misuses or wastes any water passing into, through or near any premises from any waterworks within the limits of supply commits an offence and shall be liable on conviction to a fine not exceeding 5,000,000.00 Leones or to a term of imprisonment not exceeding 1 year or to both the fine and imprisonment.

Alteration of pipes or fittings.

49. Any person who, without the consent of the Company or contrary to any Regulation made under this Act, alters or causes to be altered any pipe or apparatus through which water is supplied by the Company to any premises within the limits of supply commits an offence and is liable on conviction to a fine not exceeding 5,000,000.00 Leones or to a term of imprisonment not exceeding one 1 or to both the fine and imprisonment.

Fraudulent measurements.

50. (1) Any person who-

- (a) with intent to avoid the accurate measurement or registration of water by means of any meter;
- (b) with intent to obtain a greater supply of water than he is entitled to avoids payment for it;
- (c) with intent to avoid any payment for the supply of water, interferes or causes to be interfered with, any pipe,

commits an offence and is liable on conviction to a fine not exceeding 5,000,000.00 Leones or to a term of imprisonment not exceeding 1 year or to both the fine and imprisonment.

(2) Any pipe altered or meter interfered with in the commission of an offence under subsection (1), may be repaired or replaced by the Company and the cost so incurred may be recovered against the person convicted in respect of such alteration or interference upon an order of the Court in which the conviction was made as though such cost were a fine imposed by that Court.

Use of water

51. (1) No person shall put water to use for purposes other than those for which water is supplied by the Company.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding 3,000,000.00 Leones or to a term of imprisonment not exceeding 3 months or to both the fine and imprisonment.

Trespass.

52. (1) Any person who trespasses on a catchment area or on any enclosed land appropriated or used for waterworks commits an offence and is liable on conviction to a fine not exceeding 3,000,000.00 Leones or to a term of imprisonment not exceeding 3 months or to both the fine and imprisonment.

(2) No person shall, without the consent of the Company fasten any animal to any structure or apparatus of the Company.

(3) No person having custody or control of any animal shall allow any animal to wander on any pipe track or waterworks.

(4) Any person who contravenes subsection (2) or (3) commits an offence and shall be liable on conviction to a fine not exceeding 3,000,000.00 Leones or to a term of imprisonment not exceeding 3 months or to both the fine and imprisonment.

Bathing or washing in water works

53. Any person who-

- (a) bathes in any part of a waterworks or catchment area;
- (b) washes, throws or causes to enter into any part of a waterworks or catchment area, any clothing or other matter or substance; or
- (c) interferes with any lock, stop-cock, valve, sluice or manhole being part of a waterworks,

commits an offence and is liable on conviction to a fine not exceeding 3,000,000.00 Leones or a term of imprisonment not exceeding 3 months or to both the such fine and imprisonment.

#### PART IX — MISCELLANEOUS PROVISIONS

Compensation for damages.

54. (1) The Company shall be liable for making good any loss or damage to consumers' pipes, fittings, appliances and other damages resulting from the negligence of an employee or agent of the Company and shall pay reasonable compensation for such damage or loss.

(2) Where there is a dispute as to the amount of compensation payable, it shall be determined by a court within the locality where the damage or loss occurred.

55. (1) The Company shall prepare a rolling medium-term plan of 5 years or at such duration as the Board may determine which shall specify the objectives and the strategies to be adopted for their implementation together with a forecast of its effect on the key aspects of the performance of the Company.

Operational plans and budget.

(2) The medium-term plan shall be elaborated into detailed operational annual plans supported by annual income and expenditure budgets

(3) An annual plan of activities prepared and finalised by the Managing-Director shall be submitted not later than 3 months before the beginning of the financial year of the Company for the approval of the Board.

56. At the beginning of every financial year or within any other period as the Minister may determine, the Company shall enter into a performance agreement with the Ministry providing for among other things performance targets in areas such as consumer and system expansion, revenue collection, reduction in illegal connection and unaccountable revenue in the specified area stipulated in the First Schedule.

Performance agreements.

57. (1) The Company may, by private agreement or any other lawful manner, acquire land for the purpose of this Act

Acquisition of land.

(2) Without prejudice to the generality of subsection (1), the Company may acquire land-

- (a) for the purpose of protecting against pollution, any water, whether on the surface or underground, which belongs to the Company or which it is for the time being authorised to take;
- (b) for the purpose of erecting houses and other buildings for the use of persons employed by it; and
- (c) for use as recreation grounds for persons so employed by it.

Compulsory acquisition of land.

58. (1) Where the Company has taken all reasonable steps to acquire land on reasonable terms by private agreement with the owner of any land within the limits of supply required for the purposes of this Act and has been unable to acquire such land, the Company shall inform the Minister responsible for lands of this fact.

(2) The Minister for lands may by order published in the Gazette, compulsorily acquire the leasehold interest or any other interest in the land, for use by the Company on such terms and conditions as he may deem fair and reasonable.

(3) The owner or any person having an interest in or rights over land required by the Minister responsible for lands shall be paid compensation as shall be determined by the Minister responsible for lands.

Notice of action.

59. (1) Where it is intended to institute legal proceedings against the Company, a written notice of that intention shall be served by the intending plaintiff or his agent upon the Company at least thirty days prior to the commencement of such proceedings.

(2) The notice shall state the cause of action, the name and address of the intending plaintiff and the relief which he intends to claim.

(3) In any suit pending before a Court, the Company may be represented at any stage of the proceedings by any of its employees or agents duly authorised in writing in that behalf, by the Company.

Service of documents.

60. Any notice, summons or other document required to be served on the Company in connection with any suit by or against the Company shall be served by delivering it to or sending it by registered post addressed to the Managing-Director.

Restriction on execution.

61. Where there is a judgment, decision or order against the Company no execution, attachment or process shall be issued against the Company until after 3 months from the date of such judgment, decision or order as the case may be.

Technical services.

62. (1) The Company may provide technical services relating to water supplies to any institution or department of Government on such terms and conditions as the Company may determine.

(2) Notwithstanding the generality of subsection (1), the Rural and Small Town Water and Sanitation Department of the Company shall provide technical support to the District Councils for water and related sanitation delivery.

Water works exempted from rates.

63. No waterworks vested in the Company or any property of the Company shall be regarded as hereditament or tenements to be valued for rating purposes under any law.

Regulations.

64. The Minister may in consultation with the Board and where necessary the Ministry of Local Government, the Ministry of Health and Sanitation and other relevant agencies, make such regulations as are necessary for the implementation of this Act, and in particular make regulations with respect to any of the following matters-

- (a) the amount payable for water meters;
- (b) the method and manner in which water may be drawn from public fountains in the specified area stipulated in the First Schedule;
- (c) the administrative charges to be paid for all pipes or fittings supplied, constructed or laid by the Company and the time and place for the payment of the charges;
- (d) the construction, laying, fitting, and readjustment of pipes and other fittings and the nature, quality, size and pattern of meters;
- (e) the control of boating on or fishing in any waterworks;
- (f) the prevention of the commission of any offence or nuisance in or about any of the stations, works, plants, buildings or premises of the Company;

(g) regulating the operation and maintenance of the waterworks; and

(h) prescribing detailed technical standards and acceptable code of practice to be adhered to by operators in the rural and community water sector.

Repeal and savings.

65. (1) The Sierra Leone Water Company (Act No. 6) of 2001 is hereby repealed.

(2) Notwithstanding subsection (1) any orders, regulations or other instruments made under the repealed Act shall remain in force and be deemed to have been made under the corresponding provisions of this Act until such time as the orders regulations or other instruments are amended, revoked, or replaced by orders, regulations or instruments made under this Act.

### FIRST SCHEDULE

#### MAP OF SPECIFIED WATER SUPPLY AREA

#### SALWACO OPERATIONAL AREAS

No.	Town/City	Province	Points	Description	Zone	Easting	Northing
1.	Songo	Northern	1	Songo-Rotifunk Rd	28 P	726725.00 mE	926567.00 mN
	Songo	Northern	2	Road to Jama Town	28P	727257.00 mE	925047.00 mN
	Songo	Northern	3	~ Makeson	28P	730058.00 m E	921414.00 m N
	Songo	Northern	4	Songo-Rotifunk Rd( ~Mabang)	28P	736310.00 m E	
	Lungi	Northern	1	Main Motor Road,	28P	693627.00 m E	958032.00 m N
2.	Lungi	Northern	2	Overcraft Landing			

No.	Town/City	Province	Points	Description	Zone	Easting	Northing
				Site	28P	696678.00 m E	953089.00 m N
	Lungi	Northern	3	Rotifunk Fishing beach	28P	698033.00 m E	949406.00 m N
	Lungi	Northern	4	Airport-Ferry Rd, Sumb	28P	702361.00 m E	947780.00 m N
	Lungi	Northern	5	Gbanko, Off P/Loko Rd	28P	702330.00 m E	952032.00 m N
	Lungi	Northern	6	Kirima, P/Loko Rd	28P	699073.00 m E	956327.00 m N
3.	Port Loko	Northern	1	Lungi-P/Loko Rd, near Magbeni	28P	742267.00 m E	971298.00 m N
	Port Loko	Northern	2	Laikiba	28P	747357.00 m E	974924.00 m N
	Port Loko	Northern	3	Rogbere Rd, Magbali	28P	747619.00 m E	967638.00 m N
	Port Loko	Northern	4	Robis Rd	28P	742399.00 m E	966361.00 m N
4.	Lunsar	Northern	1	Masiaka-Lunsar Hwy( Rogbere)	28P	768176.00 m E	961611.00 m N
	Lunsar	Northern	2	Road to Konta	28P	769013.00 m E	962358.00 m N
	Lunsar	Northern	3	Lunsar-Makeni (Foredugu)	28P	772828.00 m E	963300.00 m N
	Lunsar	Northern	4	Road to Maforki	28P	773591.00 m E	962151.00 m N
	Lunsar	Northern	5	~ Road to Mines	28P	771643.00 m E	959040.00 m N
5.	Mambolo	Northern	1	~ Stream	28P	714926.00 m E	986928.00 m N
	Mambolo	Northern	2	Road to Rokel	28P	714755.00 m E	984095.00 m N
	Mambolo	Northern	3	Road to Mahela	28P	718264.00 m E	982284.00 m N
	Mambolo	Northern	4	Road to Fokaw	28P	719624.00 m E	987477.00 m N

No.	Town/City	Province	Points	Description	Zone	Easting	Northing
6.	Kassirie	Northern	1	Road to Kiampuri	28P	708111.00 m E	989806.00 m N
	Kassirie	Northern	2	~ Stream	28P	706613.00 m E	988720.00 m N
	Kassirie	Northern	3	~ Stream, Kasarai	28P	707166.00 m E	988184.00 m N
	Kassirie	Northern	4	~ Stream, Kasarai	28P	707784.00 m E	988047.00 m N
7.	Kychom	Northern	1	Road to Bambaia	28P	703854.00 m E	989473.00 m N
	Kychom	Northern	2	~ Stream, West	28P	703710.00 m E	987448.00 m N
	Kychom	Northern	3	jetty	28P	704743.00 m E	987193.00 m N
	Kychom	Northern	4	~ Kiampudi	28P	705176.00 m E	990565.00 m N
	Kychom	Northern	5	~ Stream, South	28P	704262.00 m E	987056.00 m N
8.	Rokupr	Northern	1	Road to Robot	28P	724732.00 m E	998380.00 m N
	Rokupr	Northern	2	Rd Jnx to Sindugu- Funkunya	28P	726482.00 m E	998639.00 m N
	Rokupr	Northern	3	Road to Berika	28P	727501.00 m E	995095.00 m N
	Rokupr	Northern	4	Road to Bumbe	28P	725138.00 m E	994676.00 m N
	Rokupr	Northern	5	~ Stream (Rokon)	28P	724346.00 m E	996729.00 m N
	9.	Kambia	Northern	1	Conakry Hwy (Maiafa)	28P	729540.00 m E
Kambia		Northern	2	~ River	28P	726393.00 m E	1007426.00 m N
Kambia		Northern	3	Bridge to Pamlap	28P	727393.00 m E	1008591.00 m N
Kambia		Northern	4	Water Works	28P	728845.00 m E	1011087.00 m N
Kambia		Northern	5	Rd to Makasa	28P	731664.00 m E	1009891.00 m N
10.	Kukuna	Northern	1	Rd to Masuntu	28P	755116.00 m E	1012432.00 m N
	Kukuna	Northern	2	~ River Bank, East	28P	757450.00 m E	1011584.00 m N
	Kukuna	Northern	3	~ River Bank, (Makot)	28P	755674.00 m E	1009666.00 m N

No.	Town/City	Province	Points	Description	Zone	Easting	Northing
	Kukuna	Northern	4	Rd to Pulun	28P	750018.00 m E	1011746.00 m N
	Kukuna	Northern	5	Rd to Kupr	28P	750120.00 m E	1013656.00 m N
11.	Gbinti	Northern	1	Rd to Petifu	28P	772153.00 m E	989202.00 m N
	Gbinti	Northern	2	Rd to Metas	28P	771832.00 m E	987177.00 m N
	Gbinti	Northern	3	Rd to Mahera	28P	772826.00 m E	986543.00 m N
	Gbinti	Northern	4	Rd to Manbui	28P	774657.00 m E	987667.00 m N
12.	BertKanu	Northern	1	P/Loko-Bombali Rd(~ Wari)	28P	783308.00 m E	1004135.00 m N
	BertKanu	Northern	2	Rd to Maketahi	28P	784243.00 m E	1003346.00 m N
	BertKanu	Northern	3	Rd to Malama	28P	784325.00 m E	1004613.00 m N
	BertKanu	Northern	4	~ River (North-West)	28P	783520.00 m E	1004611.00 m N
	BertKanu	Northern	5	P/Loko-Bombali Rd (~ Malama)	28P	785034.00 m E	1003890.00 m N
13.	Mateboi	Northern	1	Masampa Rd	28P	789885.00 m E	1008161.00 m N
	Mateboi	Northern	2	P/Loko-Bombali Rd (~ Mamasu)	28P	790703.00 m E	1007761.00 m N
	Mateboi	Northern	3	Rd to Stream	28P	790554.00 m E	1006979.00 m N
	Mateboi	Northern	4	P/Loko-Bombali Rd (~ Malama)	28P	789500.00 m E	1007182.00 m N
14.	Kamakwei	Northern	1	Rd to Maha	28P	803001.00 m E	1053778.00 m N
	Kamakwei	Northern	2	Digigi Rd	28P	800649.00 m E	1052070.00 m N
	Kamakwei	Northern	3	Rd to Bombo	28P	801240.00 m E	1049196.00 m N
	Kamakwei	Northern	4	Kamakwei-Bombali Hwy( ~Bankabi)	28P	802733.00 m E	1049109.00 m N
	Kamakwei	Northern	5	Rd to Mange	28P	806490.00 m E	1050978.00 m N

No.	Town/City	Province	Points	Description	Zone	Easting	Northing
15.	Kalangba	Northern	1	Kamakwei-Bombali			
				Hwy(~Makonko)	28P	810920.00 m E	1000745.00 m N
	Kalangba	Northern	2	Rd to Maketi	28P	809537.00 m E	998857.00 m N
	Kalangba	Northern	3	Kamakwei-Bombali			
Hwy(~Mafure)				28P	812897.00 m E	998659.00 m N	
Kalangba	Northern	4	Rd to Suniya	28P	815015.00 m E	1001119.00 m N	
16.	Makeni	Northern	1	Magburaka Rd			
				(~Mabole)	28P	824338.00 m E	977106.00 m N
	Makeni	Northern	2	Lunsar-Makeni			
				(Makari)	28P	815561.00 m E	980226.00 m N
	Makeni	Northern	3	Kamakwei-Bombali			
				Hwy(Kunshu)	28P	821351.00 m E	990890.00 m N
Makeni	Northern	4	Kabala Hwy				
			(Binkolo)	28P	173002.00 m E	992246.00 m N	
Makeni	Northern	5	Rd to Bumbe	28P	171266.00 m E	982596.00 m N	
Makeni	Northern	6	Petbana- Baka Rd	28P	829477.00 m E	978337.00 m N	
17.	Mile 91- Yoni	Northern	1	Masiaka-Yonibana			
				Hwy(~Mafunde)	28P	802941.00 m E	937268.00 m N
	Mile 91- Yoni	Northern	2	Makasi-Komrabai Rd			
				(Makasi)	28P	802748.00 m E	933471.00 m N
Mile 91- Yoni	Northern	3	Rd to Moyamba Jnx				
			( ~Masetle)	28P	808881.00 m E	935273.00 m N	

No.	Town/City	Province	Points	Description	Zone	Easting	Northing
18.	Mile 91- Yoni	Northern	4	Yonibana-			
				Magburaka Rd			
	Mile 91- Yoni	Northern	5	( ~Kenima)	28P	809214.00 m E	937205.00 m N
				Rd to Makong	28P	808404.00 m E	938838.00 m N
19.	Magburaka	Northern	1	Magburaka Rd			
				(~Tene)	29P	172799.00 m E	969528.00 m N
	Magburaka	Northern	2	Rd to Masingbi	29P	177015.00 m E	969560.00 m N
				Maguraka-Magbonto			
	Magburaka	Northern	3	Rd(~Matura)	29P	179555.00 m E	966674.00 m N
Maguraka-Magbonto							
Rd(~Robou Jnx)				29P	178124.00 m E	963369.00 m N	
Magburaka	Northern	4	Rd to Mamanki	29P	172934.00 m E	963040.00 m N	
			Kabala	Northern	1	Kabala Hwy	
Kabala	Northern	2				(~Makakura)	29P
			Kabala	Northern	3	Rd to Yakala	29P
Kabala	Northern	3				Rd to Dankakuma	
			Kabala	Northern	4	(Dakankuma)	29P
Kabala	Northern	4				Rd to Malaforia	29P
			Kabala	Northern	5	Rd to Yisimaia	29P
20.	Yele	Northern				1	Rd to Makump
			Yele	Northern	2		Rd to Matope
	Yele	Northern				3	Rd to Maruko
			Yele	Northern	4		Rd to Magbanonko

No.	Town/City	Province	Points	Description	Zone	Easting	Northing
21.	Punduru	Eastern	1	Rd to Njaiama-	29P	248752.00 m E	939763.00 m N
				Sewafe			
	Punduru	Eastern	2	Rd to Majundo	29P	247928.00 m E	937054.00 m N
	Punduru	Eastern	3	Rd to Kogbwen-	29P	246113.00 m E	936238.00 m N
dehun							
Punduru	Eastern	4	Rd to River	29P	245285.00 m E	937405.00 m N	
(~Bambakalema)							
22.	Boajibu	Eastern	1	Rd to Peninga	29P	241623.00 m E	907621.00 m N
	Boajibu	Eastern	2	Rd to Bangeima	29P	243821.00 m E	904958.00 m N
	Boajibu	Eastern	3	Rd to Niahun	29P	242680.00 m E	904058.00 m N
	Boajibu	Eastern	4	Rd to Ngogbebu	29P	241420.00 m E	903563.00 m N
23.	Blama	Eastern	1	Bo-Kenema Hwy	29N	240178.00 m E	872547.00 m N
				(~Waima)			
	Blama	Eastern	2	Rd to Bandajuma	29N	240533.00 m E	870234.00 m N
	Blama	Eastern	3	Rd to Palima	29N	242216.00 m E	869567.00 m N
	Blama	Eastern	4	Bo-Kenema Hwy	29N	243791.00 m E	871289.00 m N
(~Serabu)							
Blama	Eastern	5	Rd to Lime	29N	241692.00 m E	872907.00 m N	
24.	Kenema	Eastern	1	Bo-Kenema Hwy	29N	253625.00 m E	868222.00 m N
				(~Serabu)			
	Kenema	Eastern	2	Bo-Kenema Hwy	29N	259589.00 m E	865601.00 m N
				(~Gofor)			
	Kenema	Eastern	3	Rd to Shegwema	29N	263575.00 m E	872451.00 m N
(~Pava)							
Kenema	Eastern	4	Rd to Panguma				

No.	Town/City	Province	Points	Description	Zone	Easting	Northing	
25.	Kenema	Eastern	5	(~ Hanga)	29N	262897.00 m E	876684.00 m N	
				Edge of Forest.	29N	258372.00 m E	874591.00 m N	
	Shegwema	Eastern	1	Rd to Masahun	29N	284126.00 m E	888029.00 m N	
				2	Rd to Gbatema	29N	286343.00 m E	886723.00 m N
					3	Shegwema-Daru Rd	29N	287908.00 m E
Shegwema	Eastern	4	Rd to pendembu	29N	286026.00 m E	882615.00 m N		
			5	Rd to Fola	29N	283189.00 m E	883414.00 m N	
26.	Daru	Eastern	1	Rd to Baiima	29N	300805.00 m E	885357.00 m N	
				Daru	Eastern	2	Rd to Nyandehun	29N
	Daru	Eastern	3				Shegwema-Daru Rd	29N
				(~Dambu)				
				4	Rd to Morfindo	29N	294164.00 m E	
Daru	Eastern	5	Rd to Gbeke	29N	296298.00 m E	885448.00 m N		
			27.	Pendembu	Eastern	1	Rd to Manoworo	29N
2	Rd to Walima	29N					311614.00 m E	895157.00 m N
	3	Rd to Blama					29N	313776.00 m E
4		Rd to Palima					29N	315434.00 m E
	28.	Kailahun					Eastern	1
2			Rd to Kpendema	29N	324461.00 m E	915356.00 m N		
			3	Rd to Mafindo	29N	326387.00 m E		
4				Rd to Dandu	29N	328674.00 m E		
			5	Koindu Rd	29N	329280.00 m E		
(~Dambara)								
Kailahun	Eastern	6	Rd to Bobobu	29N	328986.00 m E	913841.00 m N		

No.	Town/City	Province	Points	Description	Zone	Easting	Northing
29.	Koindu	Eastern	1	Koindu Rd			
	Koindu			(~Konjo)	29N	351252.00 m E	933423.00 m N
	Koindu	Eastern	2	Rd to Gbingban-			
				gordu	29N	355337.00 m E	936099.00 m N
	Koindu	Eastern	3	Rd to Yenga	29N	353244.00 m E	936525.00 m N
	Koindu	Eastern	4	Rd to Yenga	29N	351543.00 m E	936992.00 m N
30.	Koindu	Eastern	5	Rd to Bandama	29N	351019.00 m E	935243.00 m N
	Buedu	Eastern	1	Rd to Dodo			
				(~Guabu)	29N	347251.00 m E	915351.00 m N
	Buedu	Eastern	2	Rd to Guadu	29N	348969.00 m E	918106.00 m N
	Buedu	Eastern	3	Rd to Komadu	29N	350954.00 m E	916403.00 m N
31.	Buedu	Eastern	4	Rd to Gbarama	29N	348971.00 m E	914321.00 m N
	Gorahun	Southern	1	Rd to Folima	29N	252425.00 m E	827045.00 m N
	Gorahun	Southern	2	Rd to Taninnahun	29N	256153.00 m E	827919.00 m N
	Gorahun	Southern	3	Rd to Jimmy			
			(~Nemahugoima)	29N	253398.00 m E	823486.00 m N	
Gorahun	Southern	4	Rd to Bongoma	29N	251861.00 m E	825137.00 m N	
32.	Potoru	Southern	1	Rd to Gbonge	29N	224261.00 m E	831627.00 m N
	Potoru	Southern	2	Potoru-Tiwai Rd			
				(~Kondowahun)	29N	227276.00 m E	830934.00 m N
	Potoru	Southern	3	Rd to Busu	29N	226890.00 m E	829377.00 m N
Potoru	Southern	4	Rd to Yuabu	29N	225759.00 m E	829507.00 m N	
33.	Pujehun	Southern	1	Rd to Jimmy	29N	198493.00 m E	816698.00 m N
	Pujehun	Southern	2	Rd to Benga	29N	197768.00 m E	814243.00 m N
	Pujehun	Southern	3	~ Stream	29N	199918.00 m E	810604.00 m N

No.	Town/City	Province	Points	Description	Zone	Easting	Northing
	Pujehun	Southern	4	Rd to Mayepema	29N	204099.00 m E	814697.00 m N
	Pujehun	Southern	5	Rd to Bandajuma	29N	200500.00 m E	816308.00 m N
34.	Jimmy	Southern	1	Rd to Mondoko	29N	188058.00 m E	841421.00 m N
	Jimmy	Southern	2	Sahn Malen Rd	29N	190228.00 m E	840826.00 m N
	Jimmy	Southern	3	Koribondo Rd	29N	189886.00 m E	842629.00 m N
	Jimmy	Southern	4	Rd to Senehun	29N	187681.00 m E	842132.00 m N
35.	Sumbuya	Southern	1	Crossing Point	29N	172183.00 m E	847071.00 m N
	Sumbuya	Southern	2	Rd to Mamajo	29N	173788.00 m E	845823.00 m N
	Sumbuya	Southern	3	Rd to Yambama	29N	176551.00 m E	847596.00 m N
	Sumbuya	Southern	4	~ River( Opp.			
				Yengemawo)	29N	174418.00 m E	848210.00 m N
Sumbuya	Southern	5	~ River (Opp. Peje)	29N	172245.00 m E	847966.00 m N	
36.	Bo	Southern	1	Bo-Kenema Hwy			
				(Griema)	29N	204098.00 m E	879153.00 m N
	Bo	Southern	2	Rd to Kpatema	29N	202434.00 m E	884091.00 m N
	Bo	Southern	3	Dambara Rd	29N	199024.00 m E	885278.00 m N
	Bo	Southern	4	Bo-Kenema Hwy			
				(Bandewa)	29N	194626.00 m E	885173.00 m N
	Bo	Southern	5	Rd to Tanganema	29N	191233.00 m E	879966.00 m N
37.	Bo	Southern	6	Rd to Tikonko	29N	193757.00 m E	875444.00 m N
	Bo	Southern	7	Gelehun	29N	201248.00 m E	869127.00 m N
	Gbang-						
	batok	Southern	1	Rd to Bengelo	28N	788135.00 m E	864423.00 m N
	Gbang-						



No.	Town/City	Province	Points	Description	Zone	Easting	Northing
	batok	Southern	2	Rd to Lago	28N	791726.00 m E	865316.00 m N
	Gbang-						
	batok	Southern	3	Rd to Gondama (~ Lago)	28N	792071.00 m E	863964.00 m N
	Gbang-						
	batok	Southern	4	Rd to Gbangbaia	28N	791336.00 m E	862929.00 m N
	Gbang-						
	batok	Southern	5	~ River(Opp. Sembehunwo)	28N	787683.00 m E	863149.00 m N
38.	Matru	Southern	1	~ River	28N	811144.00 m E	840780.00 m N
	Matru	Southern	2		28N	813325.00 m E	840844.00 m N
	Matru	Southern	3	Rd to Luawa	28N	813529.00 m E	841908.00 m N
	Matru	Southern	4	Rd from Timbo - Bisawo	28N	811471.00 m E	843420.00 m N
	Matru	Southern	5	Ferry Landing ( Opp. Senehun)	28N	810697.00 m E	842322.00 m N
39.	Bonthe	Southern	1	Hedde Street ( New Jetty)	28N	775885.00 m E	832411.00 m N
	Bonthe	Southern	2	Victor Rd (Ext. end)	28N	775603.00 m E	832030.00 m N
	Bonthe	Southern	3	Mission Rd (Ext. end)	28N	775015.00 m E	832072.00 m N
	Bonthe	Southern	4	Medina St (Ext. end)	28N	774095.00 m E	832817.00 m N
	Bonthe	Southern	5	North Rd (Ext. end)	28N	774947.00 m E	833845.00 m N
	Bonthe	Southern	6	Victoria Rd (Ext. end)	28N	775409.00 m E	833671.00 m N
40.	Mano	Southern	1	Rd to Kowama	28P	819520.00 m E	889917.00 m N
	Mano	Southern	2	Road to Periwahun	28P	821495.00 m E	890409.00 m N
	Mano	Southern	3	Old Railway Line Trail	28P	820757.00 m E	888797.00 m N
	Mano	Southern	4	Rd to Jayahun	28P	820226.00 m E	888506.00 m N

No.	Town/City	Province	Points	Description	Zone	Easting	Northing
41.	Njala Uni.						
	Com	Southern	1	Road to Periwahun	28P	824309.00 m E	896862.00 m N
	Njala Uni.						
	Com	Southern	2	Ext. East of Community	28P	825258.00 m E	897707.00 m N
	Njala Uni.						
	Com	Southern	3	Rd to Bonganema	28P	824340.00 m E	899190.00 m N
	Njala Uni.						
	Com	Southern	4	~ River (Opp. Bonjema)	28P	821843.00 m E	898611.00 m N
	Njala Uni.						
	Com	Southern	5	~ River (Opp. Bonjema)	28P	821553.00 m E	897077.00 m N
42.	Taiama	Southern	1	Bo-Kenema Hwy (~Moyamba)	28P	822935.00 m E	8908698.00 m N
	Taiama	Southern	2	Rd to Waima	28P	824485.00 m E	8908718.00 m N
	Taiama	Southern	3	Bo-Kenema Hwy (~Senehun)	28P	826800.00 m E	8907042.00 m N
	Taiama	Southern	4	Rd to Njala Campus	28P	824526.00 m E	8905240.00 m N
43.	Moyamba	Southern	1	Rd to Yoyema	28P	780563.00 m E	8903333.00 m N
	Moyamba	Southern	2	Rd to Mayogba	28P	781849.00 m E	8900431.00 m N
	Moyamba	Southern	3	Rd to Levum	28P	784872.00 m E	8901815.00 m N
	Moyamba	Southern	4	Rd to Guala	28P	785197.00 m E	8905118.00 m N
44.	Rotifunk	Southern	1	Songo-Rotifunk Rd (~Taua)	28P	755029.00 m E	8912702.00 m N
	Rotifunk	Southern	2	Rd to Malankono	28P	754312.00 m E	8909865.00 m N
	Rotifunk	Southern	3	Rd to Bandasuma	28P	754950.00 m E	8908328.00 m N
	Rotifunk	Southern	4	Rd to Bumpetok	28P	756861.00 m E	8909292.00 m N
	Rotifunk	Southern	5	Rd to Petema	28P	757556.00 m E	8910570.00 m N

### MEMORANDUM OF OBJECTS AND REASONS

The Bill entitled “The Sierra Leone Water Company Act 2017” seeks 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 sanitation and delivery in Sierra Leone and to provide for other related matters.

The Bill is divided into nine parts.

**Part 1-** is the interpretation part. It defines words and expressions used throughout the Bill.

**Part 11-** makes provisions in clause 2 for the continuation in existence of the Sierra Leone Water Company. Clause 3 provides for a Board of Directors consisting of-

- (a) the Chairman of the Board who shall have considerable knowledge and proven experience in matters relating to the functions of the company;
- (b) the Permanent Secretary of the Ministry responsible for water resources;
- (c) the Permanent Secretary of the Ministry responsible for health and sanitation;
- (d) the Financial Secretary of the Ministry responsible for finance;
- (e) the President, Association of Local Councils;
- (f) three persons from the private sector with proven competence, knowledge and experience in financial and business administration, law and public utilities management nominated by the minister; and
- (g) the Managing Director of the Company.

**Part 111-** provides the functions and powers of the Company. Clause 12 stipulates that the object for which the Company is established shall be to-

- (a) develop and operate satisfactory water supply services at reasonable cost and on self-supporting basis in every specified area stipulated in the First Schedule; and
- (b) facilitate the provision of safe water and related sanitation services in rural communities and small towns.

It further provides that the Company shall perform its functions in the specified areas as stipulated in the First Schedule on sound commercial practice with a view to ensure that its revenues are sufficient to provide for-

- (a) all depreciation, amortisation and interest costs;
- (b) all operation and maintenance costs; and
- (c) a reasonable return on investment.

**Part IV** -carries provisions on supply of water. Clause 13 provides that the specified area of supply of water by the Company shall be known as “Specified Area” as set out in the First Schedule. It provides further that the Minister upon recommendation made to him by the Company, and the prior approval of other relevant ministries, may from time to time by Gazette notification vary the specified area of supply of the Company stipulated in the First Schedule and such variation shall contain such incidental, consequential and supplementary provisions necessarily required or expedient. Clause 15 stipulates that the Company should provide in its mains supply of sufficient water for the domestic purposes of its consumers in the specified areas stipulated in the First Schedule and in compliance with such water quality standards as may be prescribed by the Standards Bureau. It further provides that the Company should not be subject to any liability for failure to provide constant supply of water if such failure arises from unusual drought or other unavoidable cause or accident. Clause 16 provides that the Company shall maintain a continuous supply of water and at a reasonable pressure

in all pipes which are used for supplying water in the specified areas stipulated in the First Schedule. This clause further provides that the Company may suspend or divert the supply of water for such periods as may be necessary for carrying out inspections, tests, repairs and for making new connections provided always that in such circumstances the Company may make alternative supply arrangements for the affected consumers. Clause 17 provides that the Company may supply water in bulk to persons including communities on such terms and conditions not inconsistent with the tariff setting guidelines and regulations of the Electricity and Water Regulatory Commission. Clause 18 also provides for use of water for fire fighting.

**Part V** - Clause 21 provides for the powers of the Company and that for the purpose of carrying out its functions in the specified areas stipulated in the First Schedule either directly or through a public-private partnership-

- (a) construct, reconstruct, rehabilitate, repair and maintain the employees; waterworks, buildings and structures vested in Company;
- (b) construct public fountains in any street or other public place in the specified areas stipulated in the First Schedule;
- (c) enter into contracts including contracts for-
  - (i) the design, construction, extension or modification of vested waterworks;
  - (ii) the design, construction, manufacture, supply, maintenance or repair of any of its properties;
  - (iii) the supply of materials required by the Company for its operations; and
  - (iv) operation and maintenance of vested waterworks in the specified areas stipulated in the First Schedule.
- (d) provide training and research facilities for its and

- (e) perform all other acts necessarily required for the prudent and sustainable management of the assets of the Company.

This clause also addresses water tariff strategy, recovery of water charges, power to lay mains, power to break open streets, reinstating broken streets and drains and entry to premises.

**Part VI**- deals with administrative provisions. Clause 29 provides for a Managing Director who shall be appointed by the President upon such terms and conditions as shall be stated in his letter of appointment, subject to the approval of Parliament. Clause 31 provides for other staff of the Company, that the Company shall have a Company Secretary, Finance Officer, Administrative Officer and such other additional technical and administrative staff all of whom shall be appointed by the Board as may be required for the efficient performance of the functions of the Company. Clause 35 provides that the Company establish the following departments for the performance of its functions

- (a) Water supply;
- (b) Commercial;
- (c) Planning, Research and Information Technology;
- (d) Finance and Administration; and
- (e) Rural and Community Water Sanitation.

Part VII- deals with financial provisions. Clause 38 provides that the activities of the Company shall be financed by funds consisting of-

- (a) moneys appropriated from time to time by Parliament for the purposes of the Company;
- (b) charges and fees payable to the Company in accordance with this Act;

- (c) all moneys given to the Company by way of gifts, endowments, bequests, grants or other contributions by persons and organisations for the purposes of the Company;
- (d) all returns on investment, if any;
- (e) foreign aid and assistance from donor agencies; and to
- (f) all other moneys which may, from time to time, accrue the Company.

Part VIII- deals with offences.

Part IX - deals with miscellaneous provisions covering compensation for damages, performance agreements and operational plans and budget. Clause 58 provides that the Company may acquire land by private agreement or any other lawful manner for the purpose of this Act. It further provides that the Company may acquire land-

- (a) for the purposes of protecting against pollution of any water, whether on the surface or underground, which belongs to the Company or which it is for the time being authorised to take;
- (b) for the purpose of erecting houses and other buildings for the use of persons employed by it; and
- (c) for use as recreation grounds for persons so employed by it.

Clause 59 stipulates that where the Company has taken all reasonable steps to acquire on reasonable terms by private agreement with the owner of any land

within the limits of supply required for the purposes of this Act and has been unable to acquire such land, the Company shall inform the Minister responsible for lands of this fact.

Clause 66 repeals the Sierra Leone Water Company Act (Act No.6 of 2001) and saves instruments made and other rights and obligations under the repealed Act until expressly revoked.

MADE this            day of            2017

MOMODU E. MALIGI III,  
*Minister of Water Resource.*

FREETOWN,  
SIERRA LEONE  
JANUARY, 2017.