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PART I – PRELIMINARY

Interpretation.

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

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

“bulk supply of water” means a supply of water for distribution by bulk to consumers or persons taking the supply and includes a supply of water under section 16;

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

“Company” means the Guma Valley Water Company;

“commercial water supply and use” means a water supply system, including any source, intake, treatment, storage, transmission or distribution, that is intended to provide the public with potable piped water;

“Commission” means the National Commission for Privatization established under section 3 of the NCP Act, 2002 (Act No 12 of 2002);

“consumer” means a person supplied with water by the Company;

“Council” means the Freetown City Council established under the Local Government Act, (Act No. 1 of 2004);

“domestic water supply and use” means a supply of water for drinking, washing, cooking and sanitary purpose, and includes a supply for the purposes of

a profession carried on in any premises, the greater part whereof is used as a dwelling and where the water is drawn from a tap inside a house and no hosepipe or similar apparatus is used, a supply for watering a garden and for washing vehicles kept for private use and domestic water use shall be construed accordingly;

“Electricity and Water Regulatory Commission” means the Commission established under the Electricity and Water Regulatory Commission Act, 2012;

“fire authority” means the Sierra Leone Fire Force;

“Guma land” means the land described in Part I of the First Schedule and the construction thereon described in Part II of that Schedule;

“Guma works” means the work carried out and the land described in Part III of the First Schedule;

“limits of supply” means the area of supply as provided in section 13 as may be varied from time to time by the Commission;

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

“Managing-Director” means the Managing-Director of the Company appointed under section 25;

“main” 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;

“meter” includes any appliance used to measure or ascertain amounts of water, but does not include a gauge;

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

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

“Secretary” means the secretary of the Company appointed under section 27;

“service pipe” means any pipe 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;

“Special Reserve Fund” means the fund established and maintained under section 42;

“street” includes a highway, a public bridge, land, pedestrian way, square, court, alley or 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 fittings” includes pipes (other than mains), taps, cocks, valves, ferrules, meters, cisterns, baths, water closets and similar apparatus used in connection with the supply and use of water;

“water tariffs and charges” means the tariffs and charges which the Company is from time to time authorised to demand and collect for supply of water and other services;

PART II—CONTINUATION OF THE GUMA VALLEY WATER COMPANY

Continuation of the Guma Valley Water Company.

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

(2) The Company shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of 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 two other members 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 2 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) an Ex-officio member appointed by the President on the recommendation of the Commission;
- (b) a representative of the Freetown City Council;

- (c) a chartered accountant and an experienced administrator or legal practitioner nominated by the Commission;
- (d) the “head or Senior Representative” Institution of Engineers.
- (e) the Managing-Director.

(3) The Chairman and members of the Board referred to in paragraphs (c) and (d) of subsection (2) shall be appointed by the President subject to the approval of Parliament.

Functions of the Board. 4. 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.

Tenure of members. 5. (1) The Chairman and members of the Board referred to in paragraphs (c) and (d) 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.

(2) The Chairman and any member referred to in paragraphs (c) and (d) of subsection (2) of section (3) may at any time resign his office by notice in writing to the President.

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

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

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

(2) The Chairman shall preside at every meeting of the Board, and in his absence, the members present shall elect 1 of their number to preside.

(3) A minimum of 4 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 elected to act in his behalf shall summon a special meeting within 5 days of his receipt of the notice referred to in subsection (3).

(5) The quorum for any meeting of the Board shall be 4.

(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 proceedings.

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 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 the 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 the Board.

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

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

10. (1) The Chairman and other members of the Board shall be paid such remuneration; fees and allowances approved by the Commission and shall be reimbursed by the company for expenses incurred in connection with the discharge of their functions.

Remuneration of members, etc.

(2) Co-opted members of the Board under sub-section (8) of Section 6 shall be paid such remuneration; fees and allowances approved by the Commission and shall be reimbursed by the Company for expenses incurred in connection with the discharge of their functions as the Board may approve.

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, subject to this Act, 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 and shall, subject to this Act, be eligible for re-appointment.

PART III—FUNCTIONS OF THE COMPANY

Functions of
the
Company.

12. (1) The object for which the Company is established shall be to produce, distribute and conserve water within the limits of supply and other areas as may be determined by the Commission.

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

- (a) exercise responsibility for the control, development and management of Guma works and water supply services within the limits of supply;
- (b) develop and expand on existing waterworks as it may consider necessary to meet the needs of consumers within the limits of supply;
- (c) manage and maintain the waterworks in good working order;
- (d) ensure that water is supplied to customers in accordance with quality standards as prescribed by law or by the Sierra Leone Standards Bureau;

- (e) conduct research relating to water supply, sanitation, and connected subjects;
- (f) develop engineering surveys and plans;
- (g) encourage private sector participation in the provision of safe water supply, including production and distribution of water as well as billing and collection of revenue;
- (h) construct, reconstruct, rehabilitate, repair and maintain waterworks, buildings and other infrastructure of the Company;
- (i) lay main and service pipes in any street or other public place within the limits of supply;
- (j) provide training and research facilities for its employees;
- (k) at the beginning of every financial year or within any other period as the Commission may determine, enter into a performance agreement with the Commission providing 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;
- (l) provide technical services relating to water supplies to any institution or department of Government on such terms and conditions as the Company may determine; and
- (m) 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 with a view to-
- (a) providing its services efficiently and economically;
 - (b) exercising its powers in accordance with-
 - (i) any national plan adopted under any national policy on water and sanitation; and
 - (ii) the economic, social and developmental policies of Government.

PART IV- SUPPLY OF WATER

Limits of supply.

13. (1) The limits of supply by the Company shall be the area delineated as the "Limits of supply of the Guma Valley Water Company" and set out in the Third Schedule.

(2) The Commission may by statutory instrument, upon recommendations made to him by the Company, vary the limits of supply of the Company and such variation shall contain such incidental, consequential and supplementary provisions necessarily required or expedient.

Company to ensure constant supply and pressure.

14. The Company shall, except when prevented by unavoidable circumstance or other unavoidable cause or the execution of necessary work, cause the water in all mains and service pipes which are used for supply, otherwise than in bulk, to be laid on constantly and at reasonable pressure provided that-

- (a) the Company shall not be required to deliver water at a height greater than that to which it will flow by gravitation through its mains from the service reservoir or tank from which the supply is provided; and

- (b) the Company may in its discretion determine the service reservoir or tank from which any supply is to be made.

15. (1) The Company shall provide, in its mains, a supply of sufficient water for the domestic purposes of its consumers and in compliance with the water quality standards prescribed by the Sierra Leone Standards Bureau. Sufficiency of supply.

(2) Notwithstanding anything to the contrary in this Act, the Company shall not be subject to any liability for failure to provide constant supply if such failure arises from unusual drought or other unavoidable cause or accident or the execution of necessary work.

16. 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.

17. The Company may provide a supply of water for cleansing sewers and drains, for cleansing and watering streets, and for supplying public pumps, baths or washhouses upon such terms and conditions as may be agreed between the Company and the person or body supplied. Supply of water for cleansing sewers, etc.

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 any other purpose except with the written consent of the Company, which consent shall not be unreasonably withheld.

(3) No charge shall be made for water supplied by the Company under subsection (1).

PART V—POWERS OF THE COMPANY

Exclusive
right to
supply water.

19. (1) The Company shall, for the purpose of carrying out its functions under this Act and within the limits of supply have the exclusive right to supply water within the limits of supply.

(2) Without prejudice to subsection (1), the Company may enter into a special arrangement with any consumer for the supply of water within or outside the limits of supply on such terms as may be agreed provided such terms are not inconsistent with the broad tariff setting guidelines and regulations of the Electricity and Water Regulatory Commission.

(3) For the purpose of subsection (1), the Company may after seeking the approval of the Board and the Commission either directly or through a public private partnership undertake—

- (a) the operation and maintenance of waterworks within the limits of supply; and
- (b) the design, construction, extension or modification of waterworks within the limits of supply.

Power to
enter
premises.

20. (1) Subject to this section, any officer of the Company shall, on proof of his authority and identity, have a right to enter any premises between sunrise and sunset or, in the case of emergency, at any time, for the purpose of—

- (a) inspecting and examining meters used by the Company for measuring the water supplied by them and of ascertaining the quantity of water consumed;
- (b) ascertaining whether there is, or has been, on or in connection with the premises any contravention of the provisions of this Act or Regulations made under this Act;

- (c) ascertaining whether circumstances exist which would authorise the Company to take any action or execute any work under this Act;
- (d) ascertaining whether there is any waste or misuse of water supplied to those premises by the Company; and
- (e) taking any action or executing any work, authorised or required to be taken or executed by the Company under this Act or any Regulations made under this Act.

(2) Notwithstanding subsection (1), admission to any premises shall not be demanded as of right unless 24 hours' notice of the intended entry has been given to the occupier.

(3) The Court may, by warrant, authorise the Company to enter the premises on which notice of an intended entry under subsection (2) has been issued, if need be by force, if it is shown to the satisfaction of a court that—

- (a) admission to the premises has been refused;
- (b) the premises are unoccupied or that the occupier is temporarily absent;
- (c) the case is one of urgency; or
- (d) an application for admission would defeat the purpose of the entry.

21. The Company may either within or outside the limits of supply, lay a main or service pipe in or on—

- (a) any street; or

Power to lay
mains.

(b) land not forming part of a street,

with the consent of the owner or lessee, and may from time to time inspect, repair, alter, renew or may at any time remove, any main or service pipe laid down by it, whether by virtue of this section or any Regulation or order made under this Act.

Power to
break open
street.

22. (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.

(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 Director of Public Works, 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 in 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, 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 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.

23. (1) Before commencing to break open any street or any sewer, drain or tunnel, the Company shall, save in an emergency or where otherwise agreed with the person or authority having control or management of the street, sewer, drain or tunnel in question give-

Notice to be
given before
breaking
street, etc.

(a) 14 days prior notice together with a plan of the proposed work, where the act relates to a main; and

(b) 72 hours prior notice where the works relate 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.

(2) Notwithstanding subsection (1), in the case of 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.

(3) Upon receipt of a notice pursuant to subsection (1), the person or authority having the control of the street, sewer, drain or tunnel, shall as soon as practicable send a copy of such notice to any person having apparatus 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 for the protection of such apparatus.

(4) The Company shall not, break open any street or any sewer, drain or tunnel, for the purpose of laying, inspecting, repairing, altering, renewing or removing any main, except in the case of emergency or 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 and to the owners of any other apparatus in or near the street, sewer, drain or tunnel, which will or may be affected, reasonable facilities for supervising the proposed work.

(5) Where any difference arises in connection with the plans submitted for approval under subsection (4), 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 so given.

Reinstating
broken streets
and drains.

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

(2) Notwithstanding subsection (1), before breaking open any street maintainable at the public expense, the Company may by notice in writing to the street authority concerned, require such street authority to carry out the whole work of reinstatement of the street and the removal of all rubbish from the street.

(3) 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.

(4) 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 efficiently lighted, but 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 under subsection (2).

PART VI—ADMINISTRATIVE PROVISIONS

25. (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.

Appointment
of Managing -
Director.

(2) The Managing Director shall be a person with-

- (a) formal qualification in any profession relevant or appropriate to the functions of the company; and
- (b) proven ability in public administration, business or financial management

(3) The Managing Director of the Company appointed under Sub-Section (1) shall hold office for a term of 5 years on such terms and conditions as shall be specified in his letter of appointment and shall be eligible for re-appointment for another term of 3 years only.

26. The Managing-Director shall be responsible to -

Functions of
Managing-
Director.

- (a) provide overall leadership in the conduct and management of the day-to-day business or activities of the Company;
- (b) monitor and supervise the preparation of the annual budgets and reports of the Company for the review and approval of the Board;
- (c) oversee the work and discipline of other employees of the Company;
- (d) ensure the regular training and development of employees 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.

Other Staff of company. 27. (1) There shall be a company secretary who shall be secretary to the Board appointed by the Board on such terms and conditions as the Board shall determine.

(2) There shall be appointed by the Board such other employees on such terms and conditions as the Board may determine for the effective discharge of the functions of the company.

Secondment of public officers. 28. 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. 29. 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. 30. 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 for the performance of its functions.

Departments of Company. 31. (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 such departments as the Board may from time to time determine including-

- (a) Water and Technical Services;
- (b) Commercial;
- (c) Corporate Services; and
- (d) Finance and Administration

Directors of Departments. 32. (1) Each department referred to in subsection (2) of section 31 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.

PART VII—FINANCIAL PROVISIONS

33. (1) The activities of the Company shall be financed by funds consisting of- Funds of company.

- (a) monies 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) loans and grants for the improvement of water supply services within the limits of supply;
- (d) all investments made by the Company and the income accruing from them or other properties, acquired by the Company; and
- (e) all other monies and property to which the Company may become entitled.

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

34. (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- Accounts and audit of company.

- (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.

Financial
year of the
Company.

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

36. (1) The Company shall, within 4 months after the end of the financial year, submit to the Commission 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 34 and the report of the audit thereon.

(3) The Commission shall lay copies of the annual report before Parliament within 2 months after he has received the report.

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

37. 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) the salaries, remuneration, fees, allowances, pensions, gratuities and other benefits of the employees and contractors of the Company including the fees and allowances of members of the Board;
- (c) repayment of the principal sums borrowed and sums required to be transferred to a special reserve fund set aside for the purpose of making provision for the redemption of stock or other securities
- (d) interest on any loan raised by the Company;

- (e) rates, taxes and other levies, payable by the Company under any law; and
- (f) dividends to the Government as justified by the profits of the Company.

Financial Estimates.

38. (1) The Managing-Director –
- (a) 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
 - (b) 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 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.

39. All funds of the Company not immediately required to be applied in defraying any of the charges under section 37 may be invested to the best advantage of the Company after seeking the approval of the Board.

Borrowing powers of Company.

40. (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 on the recommendation of the Board and subject to 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.

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

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

42. (1) The Company shall continue to maintain a Special Reserve Fund comprising monies set aside from revenue, in each financial year, as the Board shall determine. Special Reserve Fund.

(2) The Special Reserve Fund shall be applicable-

- (a) to cater for any emergencies or deficiencies in the income of the company;
- (b) to meet any extraordinary claim or demand in respect of the undertakings of the Company; or
- (c) for the payment of the cost of expansion, improvement or renewal of the waterworks.

(3) The Board shall cause all monies appropriated to the Special Reserve Fund to be deposited in an interest bearing account.

PART VIII — OFFENCES

43. (1) Any person who - Damage to water works.

- (a) wilfully or negligently causes damage to any waterworks or the environment in the catchment area;
- (b) unlawfully diverts or takes water from any waterworks or from a catchment area;

- (c) pollutes or causes risk of pollution to any water in any waterworks or catchment area commits an offence and shall be liable on conviction to a fine not exceeding Le. 10,000,000.00 or to a term of imprisonment not exceeding 3 years or to both the fine and imprisonment.

Misuse or wastage of water.

44. 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 Le 3,000,000.00 or to a term of imprisonment not exceeding 6 months or to both the fine and imprisonment.

Alteration of pipes or fittings.

45. 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 shall be liable on conviction to a fine not exceeding Le 5,000,000.00 or to a term of imprisonment not exceeding 1 year or to both the fine and imprisonment.

Fraudulent measurements.

46. (1) Any person who –

- (a) alters or causes, to be altered any pipe with intent to –
- (i) avoid the accurate measurement or registration of water by means of any meter; or
- (ii) obtain a greater supply of water than he is entitled to; or
- (b) interferes or causes to be interfered with, any pipe, with intent to avoid any payment for the supply of water, commits an offence and

shall be liable on conviction to a fine not exceeding Le 5,000,000.00 or to a term of imprisonment not exceeding 1 year or to both the fine and imprisonment.

(2) Any pipe altered or pipe 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.

47. (1) Any person who trespasses on a catchment area or on any enclosed land appropriated or used for waterworks commits an offence and shall be liable on conviction to a fine not exceeding Le 50,000,000.00 or to a term of imprisonment not exceeding 5 years or to both the fine and imprisonment. ^{Trespass.}

(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 an 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 Le 3,000,000.00 or to a term of imprisonment not exceeding 6 months or to both the fine and imprisonment.

48. (1) No person shall put water to use for purposes other than those for which water is supplied by the Company. ^{Use of water}

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding Le. 3,000,000.00 or to a term of imprisonment not exceeding 6 months or to both the fine and imprisonment.

Bathing or washing in water works.

49. Any person who-

- (a) bathes in any part of a waterworks or catchment area;
- (b) washes or 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 shall be liable on conviction to a fine not exceeding 3,000,000.00 Leones or a term of imprisonment not exceeding 6 months or to both the such fine and imprisonment.

PART IX-MISCELLANEOUS PROVISIONS

Operational plans and budget.

50. (1) The Company shall prepare a rolling medium-term plan of five 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.

(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.

51. At the beginning of every financial year or within any other period as the Commission 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.

52. 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.

Technical Services.

53. (1) Subject to section 46 of the Electricity and Water Regulatory Commission Act, 2011, the Company may from time to time, after public consultation, develop and publish in the Gazette, water tariff strategy containing proposals for funding development and use of waterworks within the limits of supply.

Water tariff strategy.

(2) A tariff strategy referred to under subsection (1) may-

(a) differentiate, on an equitable basis, between-

- (i) different types of geographical areas;
- (ii) different categories of water consumers; and
- (iii) different type of water uses.

- (b) provide for 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.

Compensation for damages. 54. The Company shall be liable for making good any loss or damage to consumers' pipes, fittings, appliances and other damaged apparatus resulting from the misuse of such apparatus by an employee or agent of the Company and shall pay reasonable compensation for such damage or loss.

Acquisition of land. 55. (1) The Company may, by private agreement or any other lawful manner, acquire land for the purpose of this Act

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

- (a) for the purpose 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.

Compulsory acquisition of land. 56. (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.

57. (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. Notice of action.

(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.

58. 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. Service of documents.

59. 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. Restriction on execution.

Water works
exempted
from rates.

60. 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.

61. The Board may by statutory instrument, 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 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.

62. (1) The Guma Valley Water Company (Act, Act No. 3 of 1961) is hereby repealed. ^{Repeal and Savings.}

(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

GUMA VALLEY WATER COMPANY LANDS

GUMA LANDS AND GUMA WORKS

PART I- GUMA LANDS

The three pieces or parcels of land hereinafter described, all of which are delineated on the plan entitled "Guma Lands", numbered 73/60-61, registered in the office of the Registrar-General.

A. ALL THAT PIECE OF PARCEL OF LAND marked "A" on the plan situated and lying between the junction of two streams west of the Peninsular Circular Road and the Colony Forest Reserve Boundary lying east of the aforementioned Peninsular Circular Road at its junction with the main Access Road to Guma Valley at Guma in the Colony of Sierra Leone the boundary whereof commencing at a point marked R on the plan which point is situated at the junction of the aforesaid two streams runs thence along the southern bank of the northern stream in a north-easterly direction for approximately 1,021m to a point marked S situated on the Colony Forest Reserve Boundary and thence following the Colony Forest Reserve Boundary in a south-easterly direction for approximately 411.5m to a point marked T and thence on a south-westerly direction following the northern bank of the southern stream for approximately 1,234m to the said point marked R, the point of commencement, thus enclosing an area of 44.0 acres be the same several dimensions little more or less as the same premises are more particularly delineated and shown edged GREEN on the said plan.

B. ALL THAT PIECE OR PARCEL OF LAND marked "B" on the said plan situated and lying within the Colony Forest Reserve at Guma in the Colony of Sierra Leone the Boundary whereof commencing at a point in the Colony Forest Reserve at Guma in the Colony of Sierra Leone the boundary whereof commencing at a point in the Colony Forest Boundary which is approximately 76.2m distant on a north-westerly direction from the center of the Main Access Road to Guma Valley runs in a general easterly direction parallel to and approximately 76.2m distance from the centre of the Main Access Road for an approximate distance of 1,387m to a point marked A on the plan, the Colony Co-ordinates for this point being 18,597m east and 188,643m north, and thence on an approximate true bearing of 1880 30' for approximately 152.4m to a point marked Q on the plan, the Colony Coordinates for this point being 18,521m east and 188,491m north, and thence in a general westerly

direction parallel to and approximately 76.2m distance from the centre of the said main Access Road for an approximate distance of 1,387m to the Colony Forest Reserve Boundary and thence following the Colony Forest Boundary in a north-westerly direction for an approximate distance of 152.4m to the point of commencement thus enclosing an area of 53.88 acres.

C. ALL THAT PIECE OR PARCEL OF LAND marked "C" on the said plan. Situated and lying within The Colony Forest Reserve at Guma in the Colony of Sierra Leone the boundary whereof commencing at the said point marked "A" on the plan runs on an approximate true bearing of 1150 30' for 167,7m to a point marked "B" and thence on a bearing of 680 00' for 411.5m to a point marked "C" and thence on a bearing of 3530 00' for 625m to a point marked "D" and thence on a bearing of 900 00' for 685.9m to a point marked "E" and thence on a bearing of 3600 00' for 381m to a point marked "F" and thence on a bearing of 900 00' for 381m to a point marked "G" and thence on a bearing of 1560 00' for 411.5m to a point marked "H" and thence on a bearing of 1670 30' for 792.7m to a point marked "I" and thence on a bearing of 900 00' for 304.8m to a point marked "J" and thence on a bearing of 1800 00' for 762m to a point marked "K" and thence on a bearing of 2240 30' for 442m to a point marked "L" and thence on a bearing of 270000' for 914.6m to a point marked "M" and thence on a bearing of 3310 00' for 609,7m to a point marked "N" and thence on a bearing of 297 00' for 350.6m to a point marked "O" and thence on a bearing of 2590 00' for 381m the said point marked "P" and thence on a bearing of 3600 00' for 381m to the said point marked "Q" and thence on bearing of 080 30' for 152m to the said point marked "A" which is the point of commencement thus enclosing an area of 733.08 acres.

PART II- PRELIMINARY WORKS ON GUMA LANDS

With the boundaries of the Guma lands all works whether permanent or temporary including excavation, filling, boring, grouting. Construction in any material and all camps, offices, stores and other buildings, access road quarries, borrow pits, gauging weirs and rain gauges.

PART III-GUMA WORKS

1. The Trunk Main, of diameters 450mm and 550mm, from the boundary of the Guma Lands with the Peninsular Road to the Wilberforce Reservoir, together with the lands appertaining to it (so far as such lands do not form part of any street maintainable at the public expense).

2. The Wilberforce Reservoir together with lands appertaining to it and all ancillary works.
3. The Main, of diameter 550mm. from the Wilberforce Reservoir to the Tower Hill Reservoir, together with the lands appertaining to it (so far as such lands do not form part of any street Maintainable at the public expense).
4. The Main, of diameter 550 mm, from the Tower Hill Reservoir to the Reservoir No. R I.
5. The Reservoir No R I together with lands appertaining to it and all ancillary works.
6. The Mains of diameters 300 mm and 400 mm from the Reservoir No. R I to the Reservoir No R2.
7. The Reservoir No. R 2 together with the lands appertaining to it and all ancillary works.
8. The Main, of diameter. 300 mm, in Kissy Road between Dan Street and Ross Road and in Upper Dan Street.
9. The Main of diameter 200 mm. in Ross Road.
10. The Main of diameter 200 mm. in College Road.
11. The Mains of diameters 300 mm and 375 mm, in Fourah Bay Road
12. The Mains. of diameter 80 mm, in Wilkinson Road and the roads to the south-west of Wilkinson Road and Brookfields, Main Road.
13. The mains of diameter 700 mm starting from Congo Town to Maxwell Street, Wellington.
14. The mains of diameter 300 mm in Upper Mountain Cut from Baharm Road to Will Street.
15. The Break Pressure Tank on Tower Hill together with the lands appertaining to it and all ancillary works.
16. The Maxwell Street reservoir, Wellington reservoir with the lands and all ancillary works appertaining to it.
17. The Wellington Extension Scheme, comprising the stream intake on the Blue River, the treatment works and the mains of diameters 150mm and 300mm in the Wellington area, together with the lands appertaining to it and all ancillary works.
18. The Tower Hill Reservoir together with lands appertaining to it and all ancillary works.
19. The main of diameter 550 mm from Tower Hill Reservoir to break pressure tank at Tower Hill.

20. Break pressure tank at Tower Hill together with land appertaining to its and all ancillary works.
21. The main of diameter 200 mm in the Central Business District.
22. The main of diameter 300 mm between Dan Street and Maxwell Street Wellington.
23. The Africanus Road Reservoir together with land appertaining to it and all ancillary works.
24. The main of 200 mm from Kongo Dam to Babadori , Regent.
25. The Allen Town Reservoir together with lands appertaining to it and all ancillary works.

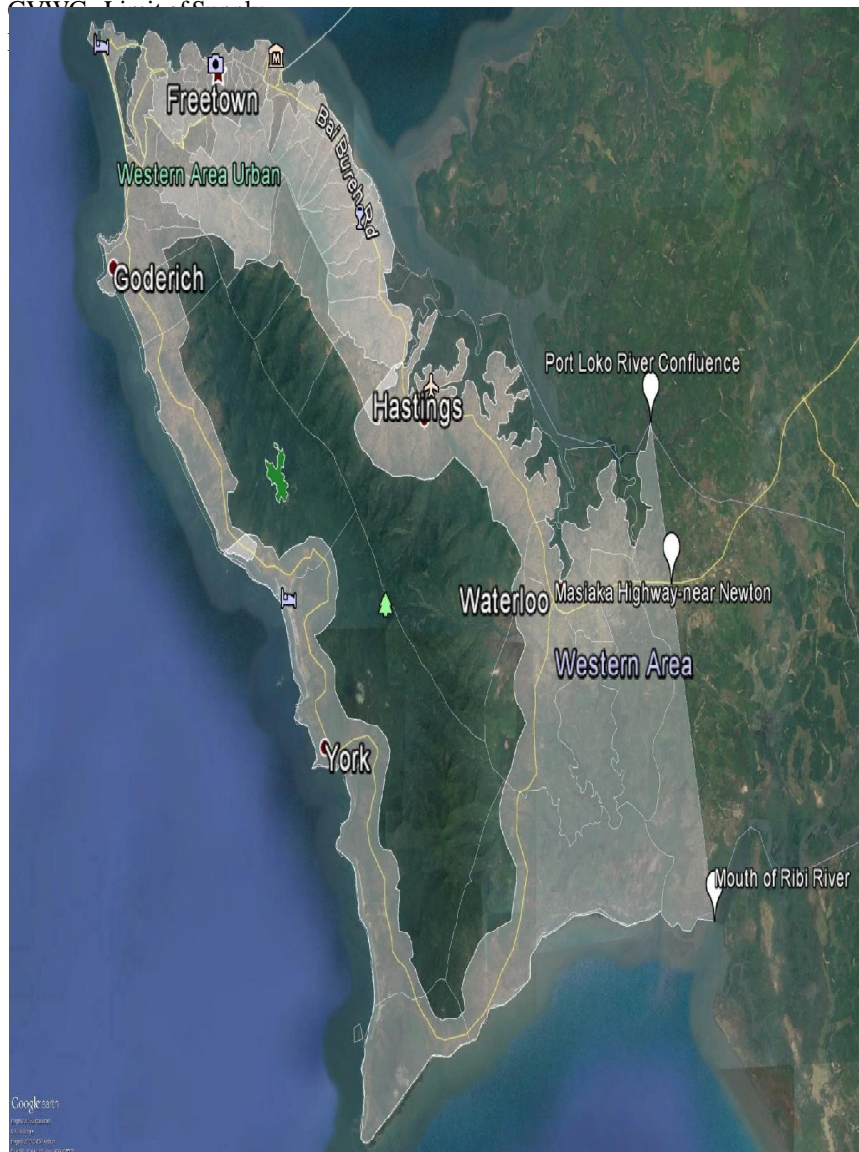
SECONDSCHEDULE

WORKS OF COMPANY

Guma Facilities

No.	Facilities	Coordinates	
1.	Concrete Weir, Botanical Garden	8.474726	-13.222287
2.	Concrete Weir, Blue Water	8.444997	-13.179501
3.	Concrete Weir, Thunder Hill	8.450950	-13.195320
4.	60m ³ Braithwaite Tank, Thunder Hill	8.456803	-13.192405
5.	200m ³ Braithwaite Tank, Thunder Hill	8.451390	-13.194633
6.	Concrete Tank, Fadika Drive, Hill Station	8.445345	-13.233347
7.	2 Concrete Tanks, Higgins Drive, Hill Station	(a) 8.447617 (b) 8.446708	-13.225414 -13.224537
8.	Chlorination Treatment Facility, Baharm Road	8.478176	-13.226016
9.	Chlorination Treatment Facility, Maxwell Street	8.446566	-13.172297
10.	Spring Box with Chlorination Treatment Facility, Sumaila Town		
11.	Babadori Reservoir	8.436000	-13.22434
12.	Kongo Dam	8.416753	-13.2055005
13.	Charlotte	8.427231	-13.199006

**THIRDSCHEDULE
LIMITS OF SUPPLY**



The Limit of supply includes all settlements in the Western Area Pennisular located west of the following landmarks:

Port Loko River Confluence

Latitude: 8.382364°

Longitude: -13.022685°

**Masiaka Highway (Near
Newton Village**

Latitude: 8.335079°

Longitude: -13.012583°

Mouth of Ribbi River

Latitude: 8.236458°

Longitude: -12.991521°

MEMORANDUM OF OBJECTS AND REASONS

The Bill entitled “The Guma Valley Water Company Act 2017” seeks to provide for the sustainable supply of water by the Company for public and private purposes and to provide for other related matters.

The Bill is divided into nine parts.

Part I -which is the interpretation part, defines words and expressions used throughout the Bill

Part II- contains provisions on the continuation of the Company. Clause 2 stipulates that the Guma Valley Water Company should continue to be in existence. Clause 3 provides that the Company should have a Board of Directors consisting of the following members-

- (a) an Ex-officio member appointed by the President on the recommendation of the Commission;
- (b) a representative of the Freetown City Council;
- (c) a chartered accountant and an experienced administrator or legal practitioner nominated by the Commission;
- (d) the “head or Senior Representative” Institution of Engineers.
- (e) the Managing-Director.

Part III- deals with the functions and powers of the Company. Clause 12 stipulates that the object for which the Company is established is to produce, distribute and conserve water supply within the limits of supply and other areas as may be determined by the Minister. It also provides that the Company may for the purposes of carrying out its functions within the limits of supply 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 within the limits of supply.

Part IV- deals with provisions on supply of water. Clause 13 provides that the limits of supply of the Company are the areas delineated on the map set out in the Third Schedule of the Bill. It further provides that the Minister upon recommendation made to him by the Company, and with the prior approval of other relevant ministries, may from time to time by notice in the Gazette vary the limits of supply of the Company and such variation should contain such incidental, consequential and supplementary provisions necessarily required or expedient. Clause 15 stipulates that the Company should provide in its mains a supply of sufficient water for the domestic purposes of its consumers and in compliance with the prescribed national water quality standards. It further provides that the Company should not be subject to any liability for failure to provide constant supply if such failure arises from unusual drought or other unavoidable cause or accident or the execution of necessary work. Clause 16 provides that 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.

Part V- Clause 19 stipulates that the Company should have the exclusive right to supply water within the limits of supply. It further stipulates that the Company may collaborate with other agencies for the production and distribution of water and providing technical services to governmental and non-governmental agencies providing water services within the limits of supply.

Part VI- deals with administrative provisions. Clause 25 provides for a Managing-Director who shall be appointed by the Board after consultation with the Minister. Clause 32 provides that the Company should have directors appointed by the Board who would head the following departments respectively-

- (a) water and technical services department;
- (b) commercial department;
- (c) corporate services department;
- (d) finance and administration department.

Part VII- deals with financial provisions. Clause 33 provides that the activities of the Company should 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;
- (c) loans and grants for the improvement of water supply services within the limits of supply;
- (d) monies or properties advanced by way of loan or grant to the Company for water supply;
- (e) investments made by the Company and the income accruing from them or other properties acquired by the Company;

- (f) all other monies and property to which the Company may become entitled.

Part VIII- deals with offences.

Part IX- deals with miscellaneous provisions. Clause 54 stipulates that the Company may from time to time after public consultation, develop and publish in the Gazette water tariff strategy within the framework of existing relevant government policy and laws. It further provides that the water tariff strategy may contain a strategy for funding development and use of waterworks within the limits of supply including –

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

Clause 56 provides that the Company may acquire land by private agreement or any other lawful manner. It further provides that the Company may acquire land-

- (a) for the purpose 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 57 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 63 repeals the Guma Valley Water Company Act 1961 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.