

**ACT**

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SIGNED this 3rd day of August, 2017

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DR. ERNEST BAI KOROMA,
President.

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No. 6



Sierra Leone

2017

THE GUMA VALLEY WATER COMPANY ACT, 2017.

Short title.

Being an Act to provide for the continuance in existence of the Guma Valley Water Company, to provide for the sustainable supply of water for public and private purposes 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

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.