

**A LAW TO IMPROVE ELECTRICITY SUPPLY, POWER GENERATION
AND DISTRIBUTION THROUGH AN EMBEDDED POWER SCHEME IN
LAGOS STATE AND THE ENFORCEMENT OF CONSUMER RIGHTS
AND OBLIGATIONS AND FOR CONNECTED PURPOSES.**



Printed by the Lagos State Printing Corporation, Obafemi Awolowo Way, Ikeja
LSPC 47/22018/30

MR AKINWUNMI AMBODE
Governor of Lagos State

LAW No. 8

2018



Lagos State of Nigeria

**A LAW TO IMPROVE ELECTRICITY SUPPLY, POWER GENERATION
AND DISTRIBUTION THROUGH AN EMBEDDED POWER SCHEME
IN LAGOS STATE AND THE ENFORCEMENT OF CONSUMER RIGHTS
AND OBLIGATIONS AND FOR CONNECTED PURPOSES.**

Commencement (8th February, 2018)

THE LAGOS STATE HOUSE OF ASSEMBLY enacts as follows:

1. In this Law, unless the context otherwise requires- Interpretation.

“Act” means the Electric Power Sector Reform Act, Cap E7
Laws of the Federation of Nigeria 2004;

“Agencies” means Agencies of the Federal Government of
Nigeria or Agencies of the Lagos State Government as may be
applicable;

“Auditor – General” means the Auditor-General of Lagos State;

“Board” means the Lagos State Electricity Board;

“Criminal Law” means the Criminal Law of Lagos State, Ch.
C17, Laws of Lagos State of Nigeria 2015;

“Chairman” means the Chairman of the Lagos State
Electricity Board or the Chairman of the Lagos State Power
Council as may be applicable;

“Commissioner” means the Commissioner for Energy and
Mineral Resources or a member of the State Executive Council
for the time being charged with the responsibility for the
management of Energy and Mineral Resources in the State;

“Complaints” includes a written statement in which a person raises an issue about a matter in respect of which the Board is empowered to act upon by this Law;

“Council” means the Lagos State Electricity Power Council;

“Debt Management Office” means the Lagos State Debt Management Office established under the Lagos State Debt Management Office (Establishment) Law Ch. L21, Laws of Lagos State 2015;

“Distribution Companies” means the distribution companies licenced by NERC to operate within Lagos State;

“Dwelling House” means any premises used wholly or mainly for the purposes of private dwelling, with or without any garage, out-house, garden, compound, yard, court, forecourt or other attachments connected to it or usually enjoyed with it;

“Electrical Materials” has the meaning given to it in the Grid Distribution and Metering Codes;

“Embedded Power Scheme” means the Lagos State initiative for the improvement of electricity supply through the provision of adequate feedstock, improving transmission and distribution infrastructure, as well as supporting efficient tariff mechanism geared towards embedded generation of power supply within the State;

“Embedded Power Provider (EPP)” means a company licenced by NERC to generate and sell power to the distribution companies within the State;

“Evacuation Infrastructure” means the use of transmission and distribution infrastructure for the discharge or transfer of electric power from a generating facility to the Grid for distribution;

“Federal Agencies’ means NERC, NEMSA and other Federal regulatory organisations set up by the Federal Government of Nigeria;

“Federal Government” means the Federal Government of Nigeria;

“Feedstock” means Natural Gas, Liquefied Natural Gas (LNG), Liquefied Petroleum Gas (LPG), Compressed Natural Gas (CNG), Coal, Biomass, Waste and such other Feedstock options as may be utilized under the Embedded Power Scheme;

“Feedstock Merchants” means the duly licenced entities appointed by the Lagos State Government to procure aggregate Feedstock and execute Feedstock Supply Agreements with the EPPs and Feedstock Suppliers;

“Feedstock Supply Agreement” means the agreement between the Feedstock Merchants and the Feedstock Suppliers on the one hand and the agreement between the Feedstock Merchants and the EPPs for the supply of Feedstock on the other hand;

“Feedstock Suppliers” means the Feedstock Suppliers who shall execute Feedstock Supply Agreements with the Feedstock Merchants;

“Financial Year” means a period of twelve (12) months commencing from the 1st day of January and terminating on the 31st day of December;

“House” means the Lagos State House of Assembly;

“Indemnities” means financial indemnities which may be provided by the Lagos State Government to the EPPs and the feedstock suppliers;

“Law” means Lagos State Electricity Power Sector Law;

“Local Government Area” includes Local Council Development Area;

“Member” means a member of the Lagos State Electricity Board or a member of the Lagos State Power Council as may be applicable;

“Ministry” means the Lagos State Ministry of Energy and Mineral Resources;

“NEMSA” means Nigerian Electricity Management Services Agency;

“NERC” means the Nigerian Electricity Regulatory Commission established pursuant to the Electric Power Sector Reform Act, Cap E7, Laws of the Federation of Nigeria 2004;

“Nigeria” means the Federal Republic of Nigeria;

“Occupier” in relation to a household means the person in occupation of the whole or any part of such tenement, but does not include a lodger;

“Owner” in relation to a household includes the holder of a premises direct from the State whether under a lease, licence, or otherwise;

“Public Supply” means any installation used or intended to be used for or in connection with the supply of electricity to the public from any power station and vested in or erected by the Board and which is the Board’s property;

“Power Purchase Agreement” means the agreement executed between the Embedded Power Providers (EPPs), the Lagos State Government and the Distribution Companies for the supply of electricity;

“Power Stations” means all generating sets and engines and all other structures or appliances used or constructed for the storage, conveyance, supply, measurement or regulation of electricity;

“Rural Areas” means communities designated as rural areas by the Governor under this Law;

“State” means Lagos State of Nigeria;

“State Electricity” means electricity from sources in the State other than such source as may be declared by any Federal Law to be sources affecting more than the State;

“Special Purpose Vehicle” means any Special Purpose Vehicle incorporated under the Nigerian Companies and Allied Matters Act (CAMA) Cap C20, Laws of the Federation of Nigeria, 2004, with respect to the Embedded Power Scheme or such other initiatives developed to actualise the purpose of this Law; and

“Technical Code” means the Grid Code, Distribution Code, Metering Code, Health and Safety Code and other

codes approved by NERC for the technical regulation of the Electricity Supply Industry in Nigeria.

- Objectives of the Law.
2. The objectives of this Law are to –
- (a) provide for the development and management of sustainable power supply in the State;
 - (b) facilitate the development and management of electricity infrastructure and facilities within the State;
 - (c) promote and support the provision of an efficient and effective power generation and evacuation infrastructure in the State;
 - (d) ensure the availability of a cost-effective electric power supply;
 - (e) collaborate with Federal and State energy and electric power related Agencies to promote and support investment in electric power projects within the State;
 - (f) ensure that the State has constant electric power generation and distribution;
 - (g) develop and facilitate an enabling environment for embedded power sector investment in the State;
 - (h) provide support in the collection of tariffs and revenue from embedded power end users; and
 - (i) ensure the protection of electric power generation, evacuation infrastructure and prescribe appropriate sanctions.
- Responsibility of the Ministry.
3. (1) The Ministry shall be responsible for the overall co-ordination of the energy sector and all Agencies, Boards, Departments and Units under it.
- (2) The Agencies, Boards, Departments and Units under the Ministry shall include, but not limited to the following-
- (a) IBILE Oil and Gas Corporation; and
 - (b) Lagos State Electricity Board.
- Powers of the Ministry.
4. The Ministry shall –
- (a) be responsible for the initiation, formulation and Coordination of the power sector reform policies and programmes of the State;
 - (b) formulate and evaluate policies relating to energy in the State;
 - (c) formulate policies in accordance with the Mineral Resources Act;

- (d) supervise, monitor and evaluate the implementation of all power policies and programmes in the State;
 - (e) create an enabling environment for private investment in the power sector;
 - (f) issue licence to feedstock merchants under the Embedded Power Scheme;
 - (g) collaborate and consult to the maximum extent practicable with any Federal Agency, other States, Local Government Areas, statutory bodies and research agencies on matters relating to the power sector;
 - (h) coordinate and supervise Independent Power Projects in the State;
 - (i) initiate the incorporation of Special Purpose Vehicles for the purpose of implementing the Embedded Power Scheme;
 - (j) appoint licenced entities to procure aggregate feedstock for utilization under the Embedded Power Scheme;
 - (k) oversee the general activities of any Special Purpose Vehicle (SPV) or incorporated companies; and
 - (l) perform any other function as may be assigned to it by the Governor.
5. (1) There is established a Board to be known as the Lagos State Electricity Board (referred to in this Law as “the Board”).
- (2) The Board shall –
- (a) be a body corporate with perpetual succession and a common seal;
 - (b) have power to sue and be sued in its corporate name; and
 - (c) be capable of purchasing, acquiring, holding and disposing of movable and immovable property.
6. (1) The Board shall consist of –
- (a) a Chairman, with at least fifteen (15) years cognate experience in energy matters;
 - (b) four (4) other persons with relevant professional qualifications and cognate experience;
 - (c) the Permanent Secretary Ministry of Energy and Mineral Resources or a representative not below Grade Level 16; and

Establishment of the Lagos State Electricity Board.

Composition of the Board.

(d) the General Manager of the Board.

(2) The Chairman and other members of the Board excluding the ex-officio members shall be persons of proven integrity and ability and shall be appointed by the Governor on the recommendation of the Commissioner subject to the confirmation of the House.

Tenure of Office of Members of the Board.

7. The Members of the Board, other than the ex-officio members shall hold office on part-time basis for a period of four (4) years and may be re-appointed for one (1) further term of four (4) years only.

Remuneration and Allowances.

8. Members of the Board, other than the ex-officio members shall be paid such remuneration and allowances as the Governor may approve in line with extant financial policies of the State.

Cessation of Office of Members of the Board.

9. (1) A member may –
- (a) be removed from office by the Governor for inability to discharge the functions of the office, whether arising from infirmity of mind or body or for any act of misconduct; or
 - (b) resign by giving one (1) month's notice in writing addressed to the Governor and that member shall cease to be a member on the date of acceptance of the resignation by the Governor.
- (2) A member may also be removed from office if that member has, in terms of the Laws in any country –
- (i) been adjudged or otherwise declared insolvent or bankrupt and has not been rehabilitated or discharged;
 - (ii) made an assignment, arrangement or composition with creditors which has not been rescinded or set aside;
 - (iii) been adjudged by a court of competent jurisdiction, to be of unsound mind;
 - (iv) been banned from professional practice; or
 - (v) been convicted of an offence and sentenced to a term of imprisonment imposed with or without the option of a fine, whether or not any portion of the term has been suspended.

- (3) Notwithstanding the provisions of subsections (1) and (2) of this Section, the Governor may remove any member of the Board if satisfied that it is in the public interest to do so.
10. (1) The Board shall meet at least four (4) times in a year. Meetings.
- (2) The Chairman shall preside at every meeting of the Board and can also summon an emergency meeting of the Board
- (3) The Chairman shall preside at every meeting of the Board and in the Chairman's absence, one of the members except the General Manager shall be appointed to preside.
11. Any question for decision before the Board shall be decided by the majority of votes of members present and voting and where there is an equality of votes, the Chairman presiding shall have a deliberative and casting vote. Voting.
12. The quorum for any meeting of the Board shall be four(4) members including the Chairman. Quorum.
13. The Board may make standing orders regulating proceedings at any meeting of the Board. Proceedings of the Board.
14. Where the Board desires to obtain the advice of any person on a matter, the Board may co-opt the person as a member for such period as it thinks fit: Provided that a person co-opted shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum. Power to Co-opt.
15. (1) The common seal of the Board shall be authenticated by the signature of the General Manager and the Secretary or some other person(s) authorised by the Board for that purpose. Common Seal of the Board.
- (2) A document duly executed under the common seal of the Board shall be admissible in court and unless the contrary is proved, be deemed to be so executed.
16. On the death or vacation of office of the Chairman or any member of the Board, the Governor shall nominate a candidate to fill that vacancy and shall submit that nomination to the House for confirmation. Filling of Vacancy.
17. (1) The functions of the Board shall be to – Functions of the Board.
- (a) ensure efficient and uninterrupted electricity generation, distribution and supply to promote economic growth.

- (b) liaise with relevant Federal Agencies, Ministries, Departments, Regulators and the Distribution Companies with respect to the development of electric power generation and distribution in the State;
- (c) collaborate and engage with Federal and State Agencies to protect the interests of consumers with respect to the reliability and quality of electric power supply services in the State;
- (d) collaborate with relevant Federal Agencies to ensure compliance with federal environmental standards and ensure that energy service providers (including renewable energy project developers) conform to environmentally sound operations and sustainability in line with international best practices;
- (e) subject to relevant Laws and in collaboration with NERC, promote competitive, fair and efficient market practice within the electric power sector in the State;
- (f) liaise and cooperate with NERC and other relevant Ministries or Agencies for the speedy disposition of the projects under the Embedded Power Scheme;
- (g) subject to the approval of NERC, ensure the implementation of cost reflective tariffs for all projects under the Embedded Power Scheme which will be structured in line with the methodology approved by NERC;
- (h) collaborate with NERC to ensure compliance with Technical Codes by Distribution Companies, Embedded Power Providers (EPPs) and Independent Electricity Distribution Network Operators;
- (i) collaborate with NERC and other relevant government Agencies on all matters regarding compliance and enforcement of any meter tampering, electricity theft regulations, or any other related infractions;
- (j) collaborate with the Nigerian Electricity Management Service Agency (NEMSA), Standard Organisation of Nigeria (SON) and other relevant Federal and State government agencies to ensure that all major electrical materials and equipment used in electricity projects within the State are of standard quality;

- (k) promote and create an enabling environment and framework to support embedded and rural electricity projects within the State;
- (l) promote training and manpower development in electricity matters;
- (m) liaise with relevant government agencies to facilitate the acquisition of land, right of way and other land related matters associated with or in connection to the Embedded Power Scheme;
- (n) facilitate the identification and designation of areas of the State for deployment of power generated by the Embedded Power Providers;
- (o) collaborate with the Embedded Power Providers for the implementation of the Embedded Power Scheme;
- (p) provide such support as the Board deems fit to aid the Embedded Power Providers in obtaining all the necessary licences, permits and approvals as may be needed to perform its objectives;
- (q) collaborate with Distribution Companies to pre-qualify Embedded Power Providers under the Embedded Power Scheme;
- (r) consult when the need arises with such persons or organisations as may be qualified to advise on professional or technical issues;
- (s) establish electric power stations in areas not covered by the Embedded Power Scheme in the State;
- (t) generate, transmit and distribute electricity to areas not covered by the national grid system within the State;
- (u) control and manage any electrical installation vested in the Board under the provisions of this Law;
- (v) establish, control, manage, extend and develop such new electrical network, extend and develop such existing ones as the Board may consider necessary for the purpose of providing electricity supply to meet the requirement of the general public, agriculture, trade and industry, in all parts of the State;

- (w) enumerate, register and keep records of all power plants that generate one (1) megawatt of electricity and above in the State; and
 - (x) carry out such other functions as it deems fit for the purpose of implementing the Embedded Power Scheme and any other initiatives.
- (2) The Board shall, in addition to the provisions of subsection (1) of this Section –
- (a) provide assistance where necessary, to the Distribution Companies and such other entities as may be created by the State pursuant to the provisions of this Law, for proper customer/end- user enumeration and classification to ensure that a cost reflective tariff regime can be sustained;
 - (b) facilitate regular engagements with NERC to procure the approval of cost reflective tariffs which adequately reflects exchange rates, inflation, interest rates and feedstock prices;
 - (c) make provision for proper cross subsidisation of the tariffs for low income end-users;
 - (d) advocate for the adoption of adequate mechanisms to support the collection of tariffs; and
 - (e) promote a fair electricity pricing regime.

Powers of the Board.

18. (1) The Board shall have powers to –
- (a) set general policy guidelines for the management of the Board;
 - (b) appoint, promote and discipline the staff of the Board;
 - (c) make recommendations to the Governor on the terms and conditions of employment and remuneration of staff of the Board;
 - (d) set the administrative guidelines for the conditions and welfare of staff of the Board;
 - (e) enter into Public Private Partnership agreements in accordance with the provisions of the Lagos State Public Private Partnership Law 2015;

Public Private Partnership Law 2015.

- (f) construct, reconstruct, maintain and operate electrical works, buildings and other works necessary for the discharge of its functions;
 - (g) carry any electrical conductor through, across, over or under any street or any place laid out or intended as a street after giving reasonable notice in writing to the owner or occupier, and make good any damage done;
 - (h) make collaborative arrangements with the appropriate authority in accordance with the provisions of any Law in force;
 - (i) examine any electricity undertaking in any part of the State for the purpose of determining if any damage exists and its causes, and to do likewise in respect of other installation by arrangement with the appropriate authority in accordance with the provisions of any other Law in force;
 - (j) enter any land at any time after giving reasonable notice in writing to the owner or occupier for the purpose of electrical installations, examining, repairing or removing any conductor which is the property of the Board; and
 - (k) construct public lighting or power points in any street or other public place.
- (2) The Board shall be the implementing authority for the decisions of the Lagos State Power Council, established under Section 29 of this Law.
- (3) Subject to the provisions of subsection (1) of this Section, the Board shall have power to carry out activities which are necessary, advantageous or incidental to the purpose of carrying out its functions under this Law.
19. (1) There shall be for the Board, a General Manager who shall be appointed by the Governor, subject to the confirmation of the House. The General Manager of the Board.
- (2) The General Manager shall be –
- (a) a person of proven ability and integrity with relevant professional qualifications and cognate experience;

- (b) the Accounting Officer of the Board and Lagos State Power Council as established under Section 29 of this Law; and
- (c) responsible for the execution of the policies and day to day administration of the affairs of the Board in accordance with the provisions of this Law.
- (3) The terms and conditions of appointment of the General Manager shall be as specified in the letter of appointment.
- Secretary to the Board. 20. (1) There shall be a Secretary to be appointed by the Board with at least ten (10) years cognate experience.
- (2) The Secretary shall be responsible to the General Manager in the performance of the functions of the office and shall in particular be responsible for the following matters-
- (a) arranging meetings of the Board;
- (b) preparing agenda and minutes of meetings;
- (c) conveying decisions of the meetings to members of the Board;
- (d) arranging for the payment of allowances to members of the Board and other related matters; and
- (e) generally performing all other duties affecting the Board as may be assigned by the General Manager.
- Legal Adviser and other Staff of the Board. 21. (1) There shall be a Legal Adviser to be appointed by the Board with at least ten (10) years post call experience.
- (2) The Legal Adviser shall be responsible to the General Manager in the performance of the functions of the office.
- (3) The Legal Adviser shall be responsible for the following matters-
- (a) provide legal advice with respect to the duties of the Board;
- (b) the day to day legal issues affecting the Board; and
- (c) generally performing all other duties affecting the Board as may be assigned by the General Manager.
- (4) The Board may, subject to the approval of the Governor engage such other officers as may be necessary for proper execution of its functions under this Law and pay to such persons so employed remuneration in accordance with the State Public Service Remuneration Scheme.

22. (1) The Pensions Law 2015 shall, in its application to an office created under this Law, have effect as if the office were in the Public Service of the State. Application of the Pensions Law.
- (2) Nothing in this Section shall prevent the appointment of a person to any office on terms which precludes the grant of a pension in respect of service in that office.
23. (1) For the purpose of the Embedded Power Scheme, the Ministry may provide indemnities to the Embedded Power Providers and Feedstock Merchants subject to the approval of the House. Indemnities.
- (2) Notwithstanding the provisions of subsection (1) of this Section the indemnities referred to shall be issued through the Lagos State Ministry of Finance and Debt Management Office, subject to the Governor's approval.
24. (1) The Board shall maintain a deliberate policy to foster electricity development and promote modalities for rural electrification projects within the State. Rural Electrification.
- (2) Subject to the provisions of subsection (1) of this Section, the Board shall collaborate with relevant Agencies to engender development, investments and compliance in the process of electrification by all stakeholders.
- (3) The Governor shall on the recommendation of the Board, designate communities in the State to be known as Rural Areas for the purpose of this Law.
25. (1) Subject to the provisions of Section 17(1) (o) of this Law, the Embedded Power Providers shall develop the requisite standard agreements with Distribution Companies, Feedstock Merchants and Embedded Power Generation Companies, setting out the commercial and technical responsibilities of the parties. Embedded Power Providers.
- (2) The Embedded Power Providers shall give quarterly report of their activities to the Commissioner through the Board.
26. (1) Subject to the provision of Section 17(1)(r) of this Law, the Ministry may select qualified entities as Feedstock Merchants for the implementation of the Embedded Power Scheme. Feedstock Merchants.
- (2) No entity shall qualify as a Feedstock Merchant under the Embedded Power Scheme, unless such entity has been duly licenced by the Ministry.

- (3) The Feedstock Merchants shall develop the requisite standard agreements with Embedded Power Providers, Feedstock Suppliers and Special Purpose Vehicles for Embedded Generation setting out the commercial and technical responsibilities of the parties.
- (4) The Feedstock Merchants shall give quarterly reports of their activities to the Commissioner.
- Establishment of the Embedded Power Stabilisation Fund.
27. (1) As from the commencement of this Law a sum not exceeding two percent (2%), subject to the approval of NERC shall be added to the tariff payable by all customers of the Embedded Power Scheme based on kilowatts of power consumed.
- (2) The applicable sum may be varied on the recommendation of the Power Council established under this Law to the Governor, subject to the approval of the House.
- (3) The applicable sum shall be paid into a designated bank account to be managed by the Fund Manager appointed by the Board.
- (4) The accumulated proceeds of the fund shall be utilised for the following-
- (a) to meet administrative expenses of carrying out the Embedded Power Programme;
 - (b) to defray unrecoverable technical and commercial losses that occur from generation and distribution activities;
 - (c) to write off bad and unrecoverable debts by consumers of power; and
 - (d) to moderate the effects of shocks arising from unanticipated volatility in foreign exchange rate, feedstock prices and other variables related to the Power Sector Tariff Modem pending when the shocks can be remedied.
- (5) The rate referred to in subsection(1) above may be varied every five (5) years subject to the approval of the Governor.
- Establishment of the Power Fund Management Company.
28. (1) There is established the Power Fund Management Company to manage the Power Stabilisation Fund established under Section 27 of this Law.

- (2) Notwithstanding the provisions of any other Law, the Power Fund Management Company shall be subject to the oversight of the House.
29. There is established the Lagos State Embedded Power Council (referred to in this Law as “the Council”).
30. (1) The Council shall consist of –
- (a) a Chairman;
 - (b) one (1) representative each from the Distribution Companies licenced to operate within the State;
 - (c) one (1) representative each of the following-
 - (i) Nigerian Labour Congress (Lagos State Chapter);
 - (ii) Trade Union Congress (Lagos State Chapter);
 - (iii) Nigerian Employers Consultative Association;
 - (iv) Lagos Chamber of Commerce and Industry;
 - (v) Lagos State Consumer Protection Agency;
 - (vi) Manufacturers Association of Nigeria;
 - (vii) Community Development Council (CDC);
 - (viii) Small and Medium Enterprises Development Agency of Nigeria;
 - (ix) Lagos State Electricity Consumers’ Association;
 - (d) one (1) representative not below Grade Level 15 or its equivalent, from the following Ministries, Departments and Agencies (MDAs)-
 - (i) Justice;
 - (ii) Energy and Mineral Resources;
 - (iii) Finance;
 - (iv) IBILE Oil and Gas Corporation;
 - (v) Lagos State Electricity Board;
 - (e) one (1) representative of all the Local Government Areas;
- Establishment of the Lagos State Embedded Power Council.
- Composition of Members of the Council.

- (f) one (1) representative each of the following-
 - (i) Special Purpose Vehicle;
 - (ii) all the Feedstock Suppliers; and
 - (iii) all the Feedstock Merchants;
 - (g) two (2) representatives of all the Embedded Power Providers;
 - (h) five (5) eminent persons representing each division of the State; and
 - (i) the General Manager, Lagos State Electricity Board who shall be the Secretary.
- (2) The Chairman and other members of the Board shall be persons of integrity and good standing in the Society to be appointed by the Governor on the recommendation of the Commissioner.

Duties of the Council.

31. The duties of the Council shall be to –
- (a) gather and disseminate information relating to the State policy in the field of electric power;
 - (b) liaise with all stakeholders in the State on issues relating to electric power;
 - (c) address consumer complaints in the State subject to the NERC Forum Regulations;
 - (d) advise the State Government on questions relating to any aspect of electric power as the State may refer to it;
 - (e) provide input in the determination of end-user tariffs to ensure cost reflective tariffs for embedded power;
 - (f) ensure that consumers benefit from competition and efficiency;
 - (g) constitute ad-hoc committees as deemed necessary to assist in the performance of its duties under this Law; and
 - (h) carry out such other activities as are conducive to the discharge of its duties under this Law.

Tenure of Office of Members of the Council.

32. The Members of the Council shall hold office on part-time basis for a period of four (4) years and may be re-appointed for one (1) further term of four (4) years only.

- | | |
|--|---|
| <p>33. (1) A member of the Council shall cease to hold office if –</p> <p>(a) that member resigns by a letter addressed to the Chairman of the Council;</p> <p>(b) the Governor is satisfied that it is not in the interest of the Council for the person to continue as a member, in which case, the Chairman shall notify the member to that effect; or</p> <p>(c) such member is removed by two thirds majority of the Council and the decision is communicated to the Governor through the Commissioner.</p> <p>(2) Where a person ceases to be a member under the provisions of subsection (1) of this Section, the organisation or entity which such member represents shall immediately re-appoint another person to take the place of the former member.</p> | <p>Cessation of Office of the Members of the Council.</p> |
| <p>34. The Chairman and members of the Council shall be entitled to remuneration and sitting allowances as may be approved by the Governor.</p> | <p>Remuneration and Allowances.</p> |
| <p>35. (1) The Council shall meet at least four (4) times in a year and at other times when required for the due performance of its duties under this Law.</p> <p>(2) Where no fewer than fifteen (15) members by notice in writing signed by them, stating the matters to be discussed, request the Chairman to convene a meeting of the Council, the Chairman shall, not later than twenty-one (21) days from the receipt of the notice, convene the meeting.</p> <p>(3) At any meeting of the Council, the Chairman shall preside, but in the Chairman’s absence, the members present at the meeting shall appoint one of them to preside.</p> | <p>Meetings.</p> |
| <p>36. The quorum for meetings of the Council shall be fifteen (15) members.</p> | <p>Quorum.</p> |
| <p>37. Any question for decision before the Council shall be decided by the majority of votes of members present and voting and where there is an equality of votes, the Chairman presiding shall have a deliberative and casting vote.</p> | <p>Voting.</p> |
| <p>38. The Council may make standing orders regulating its proceedings or any Committee set up by the Council.</p> | <p>Proceedings.</p> |

- Common Seal of the Council.
39. (1) The common seal of the Council shall be authenticated by the signatures of the Chairman and the Secretary or some other person (s) authorised by the Council for that purpose.
- (2) A document duly executed under the common seal of the Council shall be admissible in court and unless the contrary is proved, be deemed to be so executed.
- Validity of Proceedings of the Council.
40. The validity of any proceedings of the Council shall not be affected by any vacancy in the membership of the Council or by reason that a person not entitled to do so took part in the proceedings.
- Power to Co-opt.
41. Where the Council desires to obtain the advice of any person on a matter, the Council may co-opt that person as a member for such period as it thinks fit: Provided that a person co-opted shall not be entitled to vote at any meeting of the Council and shall not count towards the quorum.
- Quarterly Report of the Council.
42. The Council shall give quarterly reports of its activities to the Governor through the Commissioner.
- Ad-hoc Committees of the Council.
43. (1) The Council may set up ad-hoc committees to assist it in carrying out its duties under this Law.
- (2) The Council shall have power to regulate the proceedings of any ad-hoc committee it sets up and the quorum of any such ad-hoc committee shall be as determined by the Council.
- (3) A decision of any ad- hoc committee set up by the Council shall be of no effect until it is confirmed by the Council.
- Alternative Dispute Resolution.
44. Any dispute arising from any agreement made pursuant to the provisions of this Law shall be submitted to an independent arbitrator agreed to by the parties to the dispute.
- Procedure for Cause of Action against the Board.
45. (1) A suit shall not be commenced against the Board before the expiration of a period of thirty (30) days after written notice of intention to commence the suit shall have been served upon the Board by the intending Claimant or Claimant's agent, and the notice shall clearly and explicitly state –
- (a) the cause of action;
- (b) the particulars of the claim;
- (c) the name and place of abode of the intending Claimant; and
- (d) the reliefs which are claimed.

- (2) The notice referred to in subsection (1) of this Section and any summons or other document required or authorised to be served on the Board, may be served by delivering same to the Chairman or Legal Adviser of the Board .
46. A liability shall not be attached to the Board, any of its employee or member for any loss or damage sustained by any person done in good faith in exercise or performance of any function conferred or imposed on the Board or the members under the provisions of this Law. Exemption from Liability.
47. (1) There is established the Power Task Force which shall be responsible for the enforcement of the provisions of this Law. Establishment of the Power Task Force.
- (2) The power to arrest under this Law shall be vested in the Power Task Force established by this Law, and any other Law Enforcement Unit/Agency in the State.
48. (1) A duly authorised officer of the Power Task Force shall have power to-
- (a) enter any household into which any service has been provided or into which electricity from any electrical works is supplied or flows, at any time between the hours of 6.00 a.m and 6.00 p.m or in cases of emergency, at any other time, so as to –
- (i) inspect any service to ascertain whether there is any obstruction or damage to any service or meter and anything in connection with it;
- (ii) ascertain the amount of electricity taken or used;
- (iii) disconnect the supply of electricity to any occupier, or to diminish, withhold, or divert the supply of electricity to any household through or by means of any service, either wholly or in part for the purpose of carrying out maintenance or where the consumer defaults to pay the electricity consumed;
- (b) diminish, withhold, suspend, stop, turn off or divert the supply of electricity by means of any service either wholly or in part whenever the Power Task Force deems it necessary or proper and without prejudice to any liability of the consumer to pay any rate due before the Task Force’s action under this Law.

- (2) (a) A duly authorised officer may also-
- (i) enter, inspect and search any place or premises in which such officer has reason to believe that electricity has been, is being, or is likely to be used unlawfully: Provided that such inspection or search shall be limited only to the meter and related surroundings and devices;
 - (ii) search, seize and remove all such devices, instruments, wires and any other facilitator or article which has been, is being, or is likely to be used for unlawful use of electricity;
 - (iii) examine or seize any books of account or documents which in the officer's opinion shall be useful for or relevant to, any proceedings in respect of the offence under Section 52(1) (a) and (b) and allow the person from whose custody such books of account or documents are seized to make copies or take extracts in the presence of the occupier.

(b) The occupier of the place of search or any person acting on the occupier's behalf shall remain present during the search and a list of all things seized in the course of such search shall be prepared and delivered to such occupant or person who shall sign the list:

Provided that an inspection, search and seizure of any domestic place or premises shall be carried out between the hours specified in subsection (1) above, in the presence of an adult occupying such premises.

(c) In determining and assessing the financial gain on account of the theft as provided for in Section 52 (1) (d) of this law if on an inspection of any place or premises or after inspection of the equipment, gadgets, machines or devices found connected or used, or after inspection of records maintained by any person, the assessing officer(s) comes to the conclusion that such a person is indulging in unauthorised use of electricity, such officer shall assess to the best of judgment, the electricity charges payable by such a person or by any other person who benefited from such use.

(d) The result or order of the assessment shall be served on the person in occupation, possession or in charge of the place or premises either personally or by pasting same on the premises, and this shall be deemed good service.

- (e) If the assessing officer(s) reaches the conclusion that unauthorised use of electricity has taken place, it shall be presumed that the unauthorised use of electricity was continuing for a period of three (3) months immediately preceding the date of inspection in the case of residential premises and six (6) months for all other categories of services, unless the onus is rebutted by the person, occupier or possessor of such premises or place.
 - (f) A customer who wants service reconnected to the location shall be required to –
 - (i) provide evidence of property ownership, and/or occupation before reconnection, pay the actual cost to repair the licensee’s equipment and facilities in the location and all fees and deposits as approved by the Board, including all charges due to the utility for previous unauthorised use; or
 - (ii) provide a signed lease agreement that will indicate the identity of the tenant responsible for the previous unauthorised use.
 - (g) If the customer could not provide the documentation and does not pay the charges for previous unauthorised use, the licensee could still reconnect service if the customer agrees to pay and pays additional fee for reconnecting service as approved by the Board.
- (3) (a) An officer or agent of the Board may enter any land for the purposes of any electrical installation to-
- (i) survey and take levels of the land;
 - (ii) dig or bore under the subsoil; and
 - (iii) do all other acts necessary to ascertain whether the land is suitable for such purposes.
- (b) As soon as may be convenient after any entry made under paragraph (a) of this Section, the Board shall pay compensation for all damages arising out of the exercise.
- (4) The provisions of Part 11 of the Administration of Criminal Justice (Repeal and Re-enactment) Law, Ch. A3, Laws of Lagos State of Nigeria, 2015 shall apply with respect to searches and seizures under this Law.
49. (1) The provisions of the Special Offences Court Law shall have Jurisdiction.
effect to try any person for any offence specified in this Law.
- (2) In case of dispute as to the amount of any compensation payable under this Law in respect of any Land, the amount may

be determined by the High Court having jurisdiction in respect of the place where the land is situated.

Duty of Care of a Distribution Company.

50. As from the commencement of this Law a distribution company shall not make a wrong connection, leave electricity cables dangling, abandoned or keep conductors and electricity poles in such a manner as to cause public nuisance or threat to public safety.

Power Plant Operators.

51. (1) As from the commencement of this Law, a person or company shall not operate a power plant without the approval of the Board.

(2) All underground cables used by such operators must be properly marked with visible signs of the ownership and all professional drawings relating to the plant shall be submitted to the Board for approval.

Offences and Penalties.

52. (1) As from the commencement of this Law,

- (a) A person who willfully and unlawfully –
- (i) taps, makes or causes to be made any connection with overhead, underground or under water lines or cables, or service wires, or service facilities of a licensee;
 - (ii) tampers with a meter, installs or uses a tampered meter, current reversing transformer, shorting or shunting wire, loop connection, receives electricity supply by by-passing a meter, or uses any other device or method which interferes with accurate or proper registration, calibration or metering of electric current or otherwise results in diversion in a manner where electricity is stolen or wasted; or
 - (iii) damages or destroys an electric meter, apparatus, equipment, wire or conduit or causes or allows any of them to be so damaged or destroyed as to interfere with the proper or accurate metering of electricity, so as to abstract or consume electricity; commits an offence and is liable on conviction to a term of ten (10) years imprisonment.
- (b) A person who knowingly uses or receives the direct benefit of electric service through any of the acts mentioned in paragraph (a) above or uses electricity for a purpose other than that for which the usage of electricity was authorised, so as to abstract or consume or use electricity; commits an offence and liable on conviction to at least ten (10) years imprisonment.

Provided that where the load abstracted, consumed or used or attempted abstraction or consumption or use –

- (i) does not exceed 0.1 kilowatts, the fine imposed on first conviction shall not be less than five (5) times the financial gain on account of such theft of electricity, in the event of second or subsequent conviction the fines shall not be less than ten (10) times of the financial gain on account of such theft of electricity or Thirty(30) days of community service or Ninety (90) days imprisonment.;
- (ii) exceeds 0.1 kilowatts, the fine imposed on first conviction shall not be less than three (3) times the financial gain on account of such theft of electricity and in the event of second or subsequent conviction, the sentence shall be imprisonment for a term not less than six (6) months but which may extend to five (5) years and with fine not less than six (6) times the financial gain on account of such theft of electricity;
- (iii) in the event of second and subsequent conviction of a person where the load abstracted, consumed, or used or attempted abstraction or consumption or use exceeds 10 kilowatts, such person shall also be barred from getting any supply of electricity for a period which shall not be less than three (3) months, but may extend to two (2) years and shall also be barred from getting supply of electricity for that period from any other licensee:

Provided further that if it is proved that any artificial means or means not authorised by the NERC or licensee exist for the abstraction, consumption or use of electricity by the consumer, it shall be presumed, until the contrary is proved, that any such abstraction, consumption or use of electricity has been wilfully and unlawfully caused by such consumer.

- (c) Without prejudice to the provisions of the Criminal Law, the Act or any other NERC Regulations, the licensee, may, upon detection of such theft of electricity, immediately disconnect the supply of electricity:

Provided that a duly authorised officer of the licensee shall disconnect the supply line of electricity and shall lodge a complaint in writing of such offence to the police station having jurisdiction in the locality where the offence was committed within twenty-four (24) hours from the time of such disconnection and to the Board within forty-eight (48) hours.

(d) The licensee on deposit or payment of the assessed amount or electricity charges as well as meeting other conditions in accordance with the provisions of this Law, shall, without prejudice to the obligation to lodge the complaint as referred to in paragraph (c), restore the supply of electricity within forty-eight (48) hours of meeting such conditions.

(e) A distribution licensee may deny service to a location with a history of unauthorised use, if service has been disconnected in compliance with the provisions of the NERC Disconnection Regulation in the location at least twice in the past two (2) years, notwithstanding any other administrative rules or statute if it is determined that denying service at the location would prevent the reoccurrence of the unauthorised use.

- (2) (a) A person who willfully and unlawfully-
- (i) cuts or separates, slits, severs, smelts, removes or takes away or transfers any electric line, material or meter from any tower, pole, or from any other installation or place of installation or any other place or site where it may be rightfully or lawfully stored, deposited, kept, stocked, situated or located including during transportation whether or not the act is done for profit;
 - (ii) stores, possesses or otherwise keeps in that person's premises, custody or control, any electric line, material or meter whether or not the act is committed for profit; or
 - (iii) loads, carries away or moves from one place to another with or without the use of a motor vehicle or other means of conveyance, any electric line, material or meter from a tower, pole, any other installation or place of installation or any place or site where it may be rightfully or lawfully stored, deposited, kept, stocked, situated or located whether or not the act is done for profit;
commits an offence of theft of electric lines or materials and shall be liable on conviction to imprisonment as provided under Section 340 of the Criminal Law.
- (b) If a person having been convicted of an offence punishable under subsection (2) (a) of this section is subsequently convicted for the same offence, that person shall be liable for the second or subsequent offence to a fine of not less than Five Hundred Thousand Naira (₦500, 000.00) or to a minimum of five (5) years or not more than seven (7) years imprisonment.

- (3) (a) A person who willfully and/ or unlawfully –
- (i) destroys, damages or removes any electricity infrastructure;
 - (ii) prevents or obstructs the delivery of electricity by means of the infrastructure; commits an offence under Section 351 of the Criminal Law and shall be liable on conviction to a fine of three times the value of any such infrastructure as may have been destroyed or a term of imprisonment provided under the Criminal Law or both;
- (4) (a) A person who willfully or unlawfully –
- (i) destroys, damages or removes any electricity transmission or distribution line; or
 - (ii) prevents or obstructs the transmission or distribution of electricity, commits an offence and on conviction is liable to a term of imprisonment of three (3) years and/or a fine of not less than Five Hundred Thousand Naira (₦500,000.00) and in case of a continuing event, a daily fine of up to Twenty Thousand Naira (₦20,000.00).
- (b) In the case of –
- (i) damage or obstruction of a transmission line, an option of a fine not less than One Million Naira (₦1,000,000.00) or to imprisonment for a term of not more than seven (7) years or both;
 - (ii) damage or obstruction of a distribution line, an option of a fine not less than Five Hundred Thousand Naira (₦500,000.00) or imprisonment for a term of not more than three (3) years or both.
- (5) A person who willfully and unlawfully obstructs, restrains, prevents, harasses or injures any person lawfully carrying on duties of generation, transmission or distribution of electricity commits an offence and on conviction is liable to a fine of not less than One Million Naira (₦1,000,000.00) or to a term of imprisonment of not more than five (5) years or both.
- (6) A person who impersonates or falsely presents or parades as an employee of a Licensee commits an offence and on conviction is liable to a fine of Two Hundred and Fifty Thousand Naira (₦250,000.00) or a term of imprisonment for six (6) months or both.

- (7) A person who –
- (a) willfully or negligently damages any electrical installations, meter or appliance or unlawfully taps off, diverts or takes electricity from them or other sources by which electrical powers are interfered with, commits an offence and shall on conviction be liable to a fine of Five Hundred Thousand Naira (₦500,000.00) or to a term of imprisonment for twelve (12) months and a penalty of Ten Thousand Naira (₦10,000.00) for each day the offence continues.
 - (b) alters or causes or permits to be altered, any service without the consent of the Board or contrary to any regulations made under this Law commits an offence and shall on conviction be liable to a fine of Two Hundred and Fifty Thousand Naira (₦250,000.00) or to a term of imprisonment for six (6) months or both.
 - (c) alters, causes, or permits to be altered, any service with intent to avoid the accurate measurement or register of electricity by means of any meter, or to avoid payment, or willfully or negligently damages any meter, commits an offence and is liable on conviction to a fine of Five Hundred Thousand Naira (₦500,000.00) or to a term of imprisonment for twelve (12) months or both, and any service so altered or meter so damaged will be replaced or repaired by the Board at the expense of such person, and the cost of replacing or repairing any such service or meter may be recovered on the order of a court of competent jurisdiction in the same manner as any penalty may be recovered on conviction.
 - (d) puts, or allows to be put, or to remain, or to accumulate on any household owned by that person or that person's servants, or fails to remove or to cause to be removed, or to take such steps as may be necessary to prevent upon notice in writing from the Board, any foul obstructive matter, or trees, or erected installations in such manner or place that it may fall into or damage any electrical installation or its components, commits an offence and is liable on conviction to a fine of Two Hundred and Fifty Thousand Naira (₦250,000.00) or to a term of imprisonment for six (6) months; and in respect of any period during which such matter, earth, or excavated materials is allowed to remain after notice in writing from the Board requiring the same to be removed, a penalty of Five Thousand Naira (₦5,000.00) for each day the offence continues.

- (8) A person who –
- (a) tampers with any part of any electrical equipment; or
 - (b) wrongfully taps or closes any control gear, switches, transformers or feeder pillars belonging to the Board, commits an offence and is liable on conviction to a fine of Two Hundred and Fifty Thousand Naira (₦250,000.00) or to a term of imprisonment for six (6) months.
- (9) If any person contravenes or fails to comply with the provisions of any regulation made under the provisions of this Law, the Board may cut off the electricity supply and in addition or in the alternative may, after giving notice in writing, enter and cause electricity connections belonging to or used by that person which are not in accordance with the requirements of the regulations of NERC, to be altered, repaired, replaced or removed and may recover the expenses reasonably incurred by it in so doing from the person in default in the manner provided for the recovery of electricity rates.
53. For the purposes of this Law, a fair market value ascertained by a Valuer recognised by the Board shall be conclusive evidence as to the cost of the removed or destroyed electricity distribution or transmission line or anything connected to it. Ascertainment of Cost of Damage Under this Law.
54. (a) A person who – Aiding and Abetting.
- (i) aids, counsels, abets or procures any person to commit an offence under this Law; or
 - (ii) conspires with any person to commit an offence under this Law, whether or not such person is present when the offence is committed, commits an offence as a principal offender and is liable on conviction to a fine of not less than One Million Naira (₦1,000,000.00) or to a term of imprisonment of not more than five (5) years or both.
- (b) Without prejudice to any penalty or fine which may be imposed or prosecution which may be initiated under this Law or any other Law, if any employee of a licensee enters into or acquiesces in any agreement to do, abstain from doing, permit, conceal or connive to do any act or thing where any theft of electricity lines, infrastructure or destruction is committed, such officer commits an offence and is liable on conviction to a fine of Five Hundred Thousand Naira (₦500,000.00) or to a term of imprisonment of not less than three (3) years or both.

- | | |
|---|---|
| Receiving Stolen Property. | 55. A person who receives any electric lines or materials, installations, equipment or infrastructure in parts or in whole knowing or having reasons to believe the same to be stolen property, commits an offence under Section 328 of the Criminal Law and this Law and shall be liable upon conviction to a term of imprisonment as provided under Section 328 of the Criminal Law. |
| Unauthorised Supply of Electric Power by Non-Licensed Entities. | 56. Where a non-licensed entity supplies electric power, such entity commits an offence and is liable on conviction to a fine not exceeding Five Million Naira (₦5,000,000.00) and a daily fine of up to Five Hundred Thousand Naira (₦500,000.00) for continuing contravention. Provided the electricity generated is in conformity with the provisions of the Act and NERC Regulations. |
| Illegal/ Unauthorised Dealing with Licensee's Network Equipment and Infrastructure. | 57. Anyone who willfully and unlawfully deals with a Licensees' unauthorised network, equipment and/or infrastructure commits an offence and on conviction is liable to a fine not exceeding Five Hundred Thousand Naira (₦500,000.00) or to a term of imprisonment not exceeding three (3) months or both. |
| Interference with Meters or Works of Licensee. | 58. (a) Anyone who willfully and unlawfully – <ul style="list-style-type: none"> (i) connects any meter, indicator or apparatus with any electric line through which electricity is supplied by a licensee or disconnects the same from any such electric line; (ii) reconnects any meter, indicator or apparatus with any electric line or other works being the property of a licensee when the said electric line or other works has or have been cut or disconnected; (iii) lays or causes to be laid or connects any works for the purpose of connection with any other works belonging to a licensee; or (iv) damages any meter, indicator or apparatus belonging to a licensee or fraudulently alters the index of any such meter, indicator or apparatus or prevents any such meter, indicator or apparatus from accurately registering the information that it ordinarily should register, commits an offence and is liable on conviction to a fine not exceeding One Million Naira (₦1,000,000.00) or a term of imprisonment not exceeding six (6) years or both. |
| Penalties not to Affect other Liabilities. | 59. The penalties imposed under this Law shall be in addition to any liability in respect of payment of compensation. |

- | | |
|---|--|
| <p>60. The provisions of this Law shall apply when the acts or offences made punishable are committed by officers or staff of the licensee.</p> | <p>Penalty where Offence is Committed by the Licensee.</p> |
| <p>61. (1) Where an offence under this Law has been committed by a legal entity or other vehicle, company, firm, corporation or association, every person who was in charge at the time of the commission of the offence as well as the entity shall be deemed to have committed the offence and shall be liable to be proceeded against and punished accordingly:</p> <p style="padding-left: 20px;">Provided that nothing contained in this Section shall render any such person liable to any punishment if that person can prove that the offence was committed without knowledge or that the person had exercised all due diligence to prevent the commission of such offence.</p> <p>(2) Notwithstanding anything contained in subsection (1), where an offence under this Law has been committed by a Vehicle and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary, partners or other officer of the Vehicle, such director, manager, secretary or other officer shall be liable to be proceeded against and punished accordingly.</p> | <p>Offences by Incorporated Entities.</p> |
| <p>62. (1) Notwithstanding the provisions of the Criminal Law, or any Law, the court may direct any person who has committed an offence of theft of electricity to pay a sum of money to the affected licensee or legal entity.</p> <p>(2) On payment of the sum of money in accordance with subsection (1), any person in custody in connection with that offence shall be set free and no proceedings shall be instituted or continued against such consumer or person in court.</p> <p>(3) The acceptance of the sum of money in accordance with subsection (1) by the Board or an officer authorised in this behalf shall be deemed to amount to an acquittal within the meaning of Section 173 of the Administration of Criminal Justice Law Ch. A3, Laws of Lagos State, 2015.</p> <p>(4) The provisions under subsections(1)- (3) shall apply only to a first time offender.</p> | <p>Compounding of Offences.</p> |

Prima Facie Evidence of Illegal use of Electricity and Theft of Electricity Lines, Materials or Infrastructure.

63. (1) Any of the following circumstances shall constitute prima facie evidence of illegal use of electricity the -
- (a) presence of a drilled hole on the glass cover of the electric meter, or at the back or any other part of the said meter;
 - (b) presence inside the electric meter of any element that could result in the inaccurate registration of the meter's internal parts to prevent its accurate registration of consumption of electricity;
 - (c) existence of any wiring connection which affects the normal operation or registration of the electric meter;
 - (d) presence of a tampered, broken, or fake seal on the meter, or mutilated, altered, or tampered meter recording chart or graph, or computerised chart, graph or log;
 - (e) presence in any part of the building or its premises which is subject to the control of the consumer or on the electric meter, of a current reversing transformer, jumper, shorting and/or shunting wire, and/or loop connection or any other similar device;
 - (f) mutilation, alteration, reconnection, disconnection, by-passing or tampering of instruments, transformers, and accessories;
 - (g) destruction of, or attempt to destroy, any integral accessory of the metering device box which encases an electric meter, or its metering accessories; and
 - (h) acceptance of valuable consideration in any form whatsoever by any officer or employee of the licensed owner or the making of such an offer of valuable consideration to any such officer or employee for not reporting the presence of any of the circumstances enumerated in paragraphs (a), (b), (c), (d), (e), (f), or (g):
- Provided however, that the discovery of any of the foregoing circumstances, in order to constitute prima facie evidence, must be attested by a law enforcement agent or a duly authorised staff, inspector or agent of the Board.
- (2) Where it is found that a customer is involved in any or all the circumstances that constitute a *prima facie* evidence of illegal use of electricity, that customer shall be subjected to immediate

disconnection of supply of power in accordance with the NERC Connection and Disconnection Procedures and reporting the incident to the Police for investigation or forwarding a request to the Attorney-General of the State for the filing of information in court upon establishing the veracity of the complaint made by the Distribution Company.

- (3) The unlawful possession, control, or custody of electric power transmission or distribution line or material by any person, shall be *prima facie* evidence of the offence of theft of electricity lines which shall be confiscated.
- (4) An incident shall constitute *prima facie* evidence only if it is admitted by the consumer concerned, or attested by a volunteer, a law enforcement officer or a duly authorised representative of the Board.
64. An Incentive Scheme by way of monetary reward of a minimum of Ten Thousand Naira (₦10,000.00) or as may be fixed by the licensee, shall be given to any person who reports to the licensee or the Nigerian Police or other law enforcement authorities any act which constitutes a violation of this Law. Incentive Scheme.
65. A distribution licensee may disconnect the electricity supply of a customer without prior notice or order of a court or the Board, and deny restoration of same if the owner or occupier of the premises or someone acting on the person's behalf commits any of the acts specified in subsection (1) of Section 63. Disconnection of Electric Service.
- Provided that –
- (a) a written notice of warning was issued upon the first discovery; and
- (b) electric service shall be immediately restored upon the deposit of the amount representing the differential billing by the person denied the service, with the consent of the licensee.
66. (1) Where a court acquits an accused person, the amount deposited shall be credited against future billings, with legal interest chargeable against the licensee, and this shall be without prejudice to any criminal, civil or administrative action that such person may be entitled to under existing laws, rules or regulations. Liability of Licensee.
- (2) Where the offence is committed by, with the knowledge or consent of, or in connivance with an officer or employee of the licensee concerned, such officer or employee shall be prosecuted.

- (3) Where a licenced owner knowingly permits, or has knowledge of the commission of an offence stipulated in this Law, but fails to prevent same, such owner is negligently liable and shall be made to pay a fine not exceeding three (3) times the amount of the differential billing.
- (4) Where the violation is committed by a government owned or controlled corporation, the penalty shall be imposed on the Chief Executive Officer, or Manager of the Government owned or controlled corporation who shall be deemed to have knowingly permitted, failed to prevent or was otherwise responsible for the commission of the offence.
- Power of the Commissioner to give Directives.
67. The Commissioner may give the Board such general directives as to the discharge of its functions under this Law as may appear to be necessary to ensure conformity by the Board with the policy of the Government, in respect of the supply and distribution of electricity in the State and the Board shall give effect to such directives.
- Transfer of Electric Installations.
68. (1) All existing electric installations which were the property of the State immediately before the enactment of this Law and any future electric installations and assets owned by the State shall by virtue of this Law, vest in the Board.
- (2) All liabilities and obligations of the State in respect of any transferred Electrical Installation failing to be discharged on or after the appointed day, shall from that date, become the liabilities and obligations of the Board.
- (3) Every deed, bond, agreement, instrument and working arrangement in which the State was party for the construction of any transferred Electrical Installation shall, subject to the provisions of this Section, and unless the circumstances otherwise requires, have effect from the appointed day as if –
- (a) the Board had been a party to it;
- (b) for any reference to the State in the contract document was substituted after the appointed day for the Board.
- Funds of the Board.
69. (1) The Board shall establish and maintain a fund from which there shall be defrayed all expenditure incurred by the Board.
- (2) There shall be paid or credited to the fund –
- (a) such sums as may be appropriated, to the Board by the State Government;

-
- (b) all monies paid to the Board by way of grants, subsidies, donations, gifts, charges, fees, subscriptions, interests and royalties;
- (c) money raised by loan under the powers to borrow vested in the Board by this Law;
- (d) all monies which may vest in the Board under any enactment or Law; and
- (e) all other sums or property which may in any manner become payable to or vested in the Board in respect of any matter incidental to its powers or duties under this Law.
70. (1) The Board may with the approval of the House borrow such sum of money for and in connection with the exercise of its powers under this Law. Power of the Board to Borrow Money.
- (2) An approval given for the purpose of this Section may be either general or limited to a particular borrowing or otherwise and may be given subject to conditions.
71. (1) The Board shall prepare and submit to the Governor through the Commissioner not later than the 30th October of every year, an estimate of their expenditure and income for the next succeeding financial year. Accounts and Audit.
- (2) The Board shall keep proper accounts in respect of each financial year and proper records in relation to these accounts, and will cause their accounts to be audited at the end of each financial year by a firm of auditors, selected from a list of auditors approved by the State Auditor-General in accordance with the State Audit Law.
72. The Board shall prepare and submit to the Governor through the Auditor-General of the State not later than 31st July of every year a report in such form as the Auditor-General may direct on the activities of the Board during the last preceding financial year, with the State Auditor-General's comments on the accounts. Annual Reports.
73. The Board shall prepare and submit to the Governor through the Commissioner – Annual Estimates.
- (a) not later than 31st of March in each year, a report of its activities and operations of the preceding year with a

- certified copy of its audited accounts and auditor's report for that period;
- (b) its proposed annual estimates of revenue and expenditure for the period commencing from the 1st of January and ending on 31st December of the year, not later than three (3) months to the expiration of the current year.
- Quarterly Reports of Special Purpose Vehicle(s)
74. (1) The Special Purpose Vehicle(s) or Incorporated Company (ies) established to give effect to the provisions of this Law shall submit to the House quarterly reports of its activities.
- (2) The Special Purpose Vehicle(s) or Incorporated Company (ies) shall be subject to the general oversight by the House.
- Restriction of Execution on Board's Installation.
75. An execution or attachment of process shall not be issued against any electrical installation vested in or being the property of the Board.
- Exemption from Stamp Duty.
76. Electricity shall be deemed to be goods, wares or merchandise for the purpose of the exemption provisions contained under Section 1 of the Stamp Duties Law.
- Power to make Regulations.
77. (1) The Board may, subject to the approval of the Commissioner, make regulations generally in accordance with the Regulations Approval Law 2015 for carrying into effect the provisions of this Law.
- (2) The application of any regulation made under this Section may be general or may be limited as to area or time or otherwise.
- Repeal.
78. The Lagos State Electricity Board Law, Ch. L25, Laws of Lagos State 2015 is repealed.
- Citation and Commencement.
79. This Law may be cited as the Lagos State Electric Power Sector Reform Law and shall come into effect on the 8th day of February, 2018.

This printed impression has been compared by me with the Bill which has been passed by the Lagos State House of Assembly and found by me to be a true and correctly printed copy of the said Bill.

MR. AZEEZA. SANNI
Clerk of the House of Assembly