

CHAPTER 140
RURAL ELECTRIFICATION LAW

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CHAPTER 140

RURAL ELECTRIFICATION LAW

A Law to make provisions for rural electrification in Enugu State and for connected matters

[27th August 1991]

PART—1. PRELIMINARY

1. This Law may be cited as the Rural Electrification Law.
2. In this Law —
“Board means Enugu State Rural Electrification Board established by this Law;

ANSL
Cap 122

Short title

Interpretation

“bulk supply” means supply of electricity to be used for distribution;

“Chairman” means Chairman of the Board;

"Commissioner" means State Commissioner charged with responsibility for matters relating to works and housing;

"Executive Committee" means Executive Committee of the Board established by this Law:

"electric line" means a wire or wires, conductor or other means used to conveying, transmitting or distributing electricity with or without any casing, coating, covering, lube, pipe or insulator enclosing, surrounding or supporting the same, or any part thereof, or any apparatus connected therewith for conveying, transmitting or distributing electricity. "Executive Council” means State Executive Council;

"General Manager" means General Manager appointed under section 8;

“generating Station” means any station for generating electricity and any building or plant used or intended to be used for the purpose, and the site thereof but does not include any station for transforming, converting or distributing electricity;

"Government" means Government of the State;

"Government” means Governor of State,

"member”- means member of the Board.

“State" means Enugu State of Nigeria;

“works” includes electric lines, buildings machinery, engines, works, matters or things of whatever description required to supply electricity and to carry into effect the object of the Board under this Law.

PART II—ESTABLISHMENT, FUNCTIONS AND POWER OF BOARD

Establishment
of Board.

3. (1) There is hereby established for the State a body to be known as the Rural Electrification Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal and with power to sue and be sued in its corporate name and to acquire, hold and, subject to the provisions of this Law, dispose of movable and immovable property;

Membership of
Board.

4. The Board shall consist of a Chairman and not more than four other members all of whom shall be appointed by the Governor upon such terms and conditions as he thinks fit.

Tenure of
office.

5. Subject to this Law, a member of the Board other than an *ex officio* member shall, unless he previously vacates office, hold office for three years on such terms as may be specified in the letter or instrument appointing him but may be eligible for reappointment.

6. Notwithstanding anything contained in the instrument or letter by which he is appointed a member, other than *ex officio* member, may resign his appointment by written notice under his

hand addressed to the Governor and upon receipt of such notice by the Governor the appointment of such member shall forthwith determine.

7. The members of the Board other than *ex officio* members shall be paid out of moneys at the disposal of the Board such remuneration or allowances as the Governor may from time to time determine.

8. (1) Subject to this Law, the functions of the Board shall be—

- (a) to provide and distribute electricity for public, domestic or industrial use in any part of the State (hereinafter referred to as "area of supply") where the National Electric Power Authority does not for the time being maintain any electricity undertakings or installations;
- (b) to establish, manage, maintain and work such electricity undertakings as the Board may deem expedient to establish for the purpose of its function under paragraph (a),
- (c) to take over any electricity undertaking or installations of the Government in an area of supply;
- (d) to manufacture, provide, sell, let or hire, connect, maintain, repair, or remove any electric lines, fittings, apparatus or appliances for lighting, heating or for any other purpose for which electricity can or may be used.
- (e) to maintain shops and showrooms for the display, sale and hire of electrical equipment of all kinds;
- (f) to carry out the advertisement of such electrical equipment whether by way of demonstration, exhibition or otherwise, and
- (g) to perform such other functions as may from time to time be assigned in it by the Commissioner.

(2) For the discharge of its functions under subsection (1), the Board shall have power, subject to this Law —

- (a) to generate; transmit, transform, distribute and sell electricity either in bulk or to individual consumers in an area of supply;
- (b) to construct, reconstruct, maintain and operate electric generating stations, transmission and distribution lines, transformer stations and all other stations, buildings and works necessary for carrying out its duties under this Law and may, by arrangement with the authorities responsible for water supply in the State, abstract water from any lake, river, stream or other natural water sources and do all such acts as may be necessary for utilizing and returning the water so abstracted but not consumed, so however, that all water not consumed shall be returned in a condition not less than when it was abstracted;

- (c) at any time between the hours of six o'clock in the morning and six o'clock in the evening, or in a case of emergency, at any other time to enter into or upon any building or premises supplied by the Board or through, upon, over or under which any line, installation, fitting, appliance or other service has been laid or made by the Board in order—
 - (i) to carry out any inspection, repair or maintenance; or
 - (ii) to disconnect the supply of electricity from such building or premises;
- (d) to enter into such contracts as may be necessary or advantageous expedient for the performance of its functions under this Law including contracts for the bulk supply or purchase of material;
- (e) to acquire, purchase, lease, hold, construct, manufacture or maintain any property whatsoever (whether movable or immovable property) required for or in connection with the performance of its functions, and to sell, dispose or otherwise deal with such property or any part thereof;
- (f) to enter into any agreement with any person for the supply, manufacture, construction, maintenance or repair by that person of any property, whether moveable or immovable, which is necessary or appropriate for the purposes of the Board;
- (g) to do such things for advancing the skill of persons employed by the Board, including the provision of facilities for training, education and research, or for securing the efficient running of the service and equipment of the Board, or for improving the manner in which the same are operated;
- (h) to invest money standing to its credit and not for the time being required for its purpose under this Law, in buildings, housing estates, shares, debentures or other securities whatsoever approved by the Commissioner and with like approval to sell such buildings, stocks, shares, debentures or other securities.
 - (i) to insure its property against all forms of risk; and
 - (j) to do other things which its opinion are requisite, advantageous or convenient for the carrying on of its functions under this Law.

(3) Notwithstanding any provisions of this Law to the contrary, the Board shall make bulk purchases of electricity from the National Electric Power Authority or from any other authorized undertaking for its own supply in an area of supply and shall exercise the power to generate electricity conferred by subsection (2) only when the Board cannot make such bulk purchases or where the quantity purchased is not sufficient for the Board's purposes under this Law.

(4) Equipment manufactured or purchased by the Board for carrying out its functions shall be of the same specifications and standards as those of the National Electric Power Authority.

(5) All electric lines, fittings, apparatus and appliances provided on hire or otherwise by the Board on a consumer's premises shall be deemed to form part of the undertakings of the Board.

9. Subject to the provisions of this Law, the Board may make standing orders regulating the proceedings of the Board or any committee thereof. and in particular as regards-

- (a) the holding of meetings;
- (b) notice to be given of such meetings and proceedings thereat;
- (c) the keeping of minutes and the custody, production and inspection of such minutes, and
- (d) the opening, keeping, closing and auditing of accounts.

Chairman to
preside at
meetings.

10. Every meeting of the Board shall be presided over by the Chairman, or, if the Chairman is absent from any meeting, any other member appointed by the members present at the meeting to act as Chairman for that meeting.

11. The quorum at a meeting of the Board shall be two members, including the Chairman, and where the Chairman is absent, then any three members shall be or constitute the quorum.

Quorum.

12. Where the standing orders made under section 9 provide for the Board to co-opt persons such persons may advise the Board on any matter referred to them by it but shall not be members and shall not be entitled to vote at any meeting of the Board.

Co-opted
members.

13. The validity of any proceedings of the Board shall not be affected by—

- (a) any vacancy in the membership of the Board; or
- (b) any defect in the appointment of a member of the Board; or
- (c) the fact that a person not entitled to do so took part in the proceedings of the Board.

Validity of
proceedings.

14. A member of the Board who has any interest in any company or concern with which the Board proposes to make any contract or arrangement or any interest in such contract or arrangement shall disclose to the Board the fact of such interest and the nature thereof, and such member shall not participate in any deliberation or decision of the Board relating to such contract

Disclosure
of interests.

or at
Director of the
commissioner

15. The Commissioner may give to the Board directions of a general character relating generally to particular matters (but not relating to any individual or case) with regard to the exercise by the Board of its functions under this Law, and it shall be the duty of the Board to comply with such directions.

Contracts
etc.

16. Any contract or instrument which, if made or executed by any persons not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Board by any person generally or specially authorized to act for that purpose by the Board.

17. The affixing of the seal of the Board shall be authenticated by the signatures of the Chairman or some other member of the Board authorized, either generally or specifically, by it to act for that purpose. and by the Secretary or some other person authorized either generally or specifically, by the Board to act for that purpose; and every document purporting to be issued by the Board and to be sealed with the seal of the Board authenticated in the manner provided by this paragraph, or to be signed by the Secretary, shall be received in evidence and shall be

Seal of the
Board.

General
Manager.

deemed to be so issued, sealed or signed, as the case may be without further proof, unless the contrary is shown.

18. (1) The Board shall with the approval of the Governor appoint a professionally qualified person to be the General Manager of the Board.

(2) The General Manager shall-

- (a) be responsible for carrying out the policy decisions of the Board and for the co-ordination and direction of all the functions of the departments of the Board;
- (b) be responsible for the proper organization and management of all the services provided by the board under this Law, upkeep and preservation of all the properties of the Board, as well as the overall supervision of staff matters;
- (c) deploy the material and human resources available to the Board in such manner as to attain the objectives of this Law.

(3) The Board may delegate to the General Manager such of its functions as may be more conveniently dealt with by the General Manager.

(4) The General Manager shall set up a Management Committee which shall consist of the Board's heads of divisions or departments which shall advise him on the discharge of his duties.

(5) The General Manager shall be the Chairman of the Management Committee

19 Officers and staff of the Board.) this Law, the Board may—

appoint such persons as officers and servants of the Board as it may consider necessary from time to time, and determine their salaries, emoluments and conditions of service;

- (b) grant or guarantee loans to its officers and servants for such purposes as it may approve.
- (c) subject to the approval of the Governor grant pensions, gratuities or retiring allowances to its officers and servants or require them to contribute to any pension or provident fund scheme and where it does so, the provisions of section 35 of this Law shall not apply.

(2) The Board shall appoint a fit and suitable person to be its secretary, and it shall be the duty of the secretary, to conduct the correspondence and keep the records of the Board and perform such other duties including general administrative duties under the supervision of the General Manager as the Board may from time to time direct.

PART III - SUPPLY OF ELECTRICITY

20. In the exercise of its functions under this Law, the Board shall direct its policy towards ensuring that reasonable electricity charges shall as far as possible be levied in respect of electricity actually supplied by the Board.

Policy with
respect to
electricity
supply.

21. (1) The Board may make charges for electricity supplied by it at such rate and scale as it may with the approval of the Commissioner determine.

Rates and scales of charges for electricity.

(2) Subject to subsection (I), the rates and scales of charges fixed by the Board for electricity sold in bulk or direct to consumers, and for services rendered by the Board, shall be such as to ensure that the revenue derived every year from such sales and services, together with revenue for that year from other sources will be sufficient as nearly as may be to meet—

- (a) all salaries, working expenses and other outgoing of the Board properly chargeable to income in that year;
- (b) payments falling to be made in that year by the Board in respect of interest on or repayment of the principal of any money borrowed by the Board; and
- (c) any sums that the Board may deem proper to set aside in that year for a reserve fund, extensions, renewals, depreciations, loans and other like purposes.

(3) Charges for electricity or services may, if the Board thinks fit, be fixed at different rates and scales for different units or localities.

Suspension of supply.

22.(1) The Board shall have the rights to suspend the supply of electricity for such periods as may be necessary for earning out inspection, tests, or repairs and for the making of new connections.

(2) The Board shall in no case be under any obligation to pay damages or compensation for loss, damage or inconvenience caused to any consumer through any suspension, failure, discontinuance or for whole or partial interruption of the supply of electricity howsoever caused.

Prevention of preferential treatment.

23. Except in so far as is otherwise provided by this Law, where a supply of electricity is provided by the Board in any part of an area of supply for private purposes, every person within that part of the area of supply for private purposes, shall upon application to the Board, be entitled to a supply on the same terms on which any other person in that part of the area is entitled under similar circumstances to a corresponding supply.

Board not responsible for the safety of consumer's wires, etc.

24. (1) The Board shall not, by virtue of making any inspection or test of consumer's wires, fittings, appliances and apparatus in accordance with this Law whether during the progress of the work of installation at the consumer's premises or after completion, be deemed responsible for the efficiency or safety of the consumer's wires, fittings, appliances or apparatus by the consumer or any person other than an officer or servant of the Board.

(2) The Board shall, except on the first occasion of inspection or testing be entitled to prescribe a reasonable fee or fees for inspections or tests of consumer's wires, fittings, appliances and apparatus.

Expenses of certain necessary alterations.

25.(1) Where in the exercise by any person, authority, or department of the Government, of any function conferred by any Law in respect of any alteration in any part of the transmission or distribution system, the Board shall, upon reasonable notice given to it by that person, authority, or department, of the exercise of that function necessary to make such alteration from such persons, authority or department.

(2) If there is any dispute as to the amount of the expenses of any alteration carried out under subsection (I) of this section, the same may be referred by the person, authority or department to an arbitrator appointed in accordance with the provisions of the Arbitration Law in force in the State.

26.(I) Subject to the provisions of subsections (4) and (5), the Board may by its officers or agents with all necessary workmen and other servants enter from time to time on any land for all or any of the following purposes—

Power to enter
land for
certain
purposes.

- a) the survey and taking of levels;
- b) the construction, placing, maintenance, examination, repair, alteration, or removal of any electrical or main transmission line;
- c) the cutting and removal, near or on each side of any proposed or existing electric or main transmission line, of all such tree and underwood as may interfere or be likely to interfere with the construction or proper working of any such line;
- d) attaching to any wall, house or other building, any bracket or other suitable fixture required for the carrying or support of an electric or main transmission line or any other electrical apparatus;
- e) the execution of any other work connected with and necessary for the supply of electricity.

(2) Save as is otherwise specifically provided by section 27, the Board shall whenever practicable give notice to the occupier, of its intention to enter any land.

(3) For all or any of the purposes mentioned in subsection (I), the officers, agents, workmen or other servants of the Board may remain on any such land for such reasonable time and execute and do all such work and things as may be necessary.

(4) The Board shall not construct, place, maintain, examine, repair, alter or remove any electric or main transmission line under, in, upon, over, along or across any land, road, building or embankment under the control of a department of the Government or other public authority without the approval of such department or authority, which approval shall not be unreasonably withheld.

(5) Any electric or main transmission line placed across or over any road shall be placed so as not to interfere with passage along such road, and the Board shall make good any road opened or broken up for the purposes referred to in subsection (1).

27. (I) Before constructing a new electric or main transmission line across any land or attaching any fixture to any building, the Board shall whenever practicable serve on the occupier of such land or building such notice as is referred to in subsection (2) of section 26 which shall be in writing giving a description of the nature of the line or fixture and the manner in which it is intended to be constructed or attached.

(2) If within thirty days after the service of such notice the occupier fails to lodge an objection with the Board in writing in respect of the work specified in the notice, the Board may proceed with that work.

(3) If within thirty days after the service of such notice the occupier lodges an objection with the Board in writing in respect of the work specified in the notice, such work shall not be undertaken

by the Board unless and until the Board had obtained the approval of the Commissioner.

(4) If the owner of any land or building across or on or over which an electric or main transmission line or fixture has been constructed or attached requires the position of such electric or main transmission line to be altered, the Board may alter the position subject to such conditions as it may deem fit.

28. (1) In the exercise of powers conferred by section 26, the Board, its officers, servants and agents shall do as little damage as may be, and the Board shall pay compensation for any damage done to any building, crops or economic trees.

(2) The Board shall pay compensation in respect of water abstracted in the exercise of the power conferred by section 8 (2) (b) to any person injuriously affected by the exercise of such power.

(3) In the case of dispute as to the amount of compensation payable, the same shall be determined by a court of competent jurisdiction.

PART IV - FINANCIAL PROVISIONS

29. The funds and resources of the Board shall consist of-

- (a) all sums, investments or other property whatsoever as may from time to time be made available to the Board by way of loan or grant by the Government;
- (b) such sums or other property whatsoever as may from time to time be made available to the Board by way of loan or grant by a Local Government, or by a statutory corporation in the State, any Government of the Federation of Nigeria or of another State, any international organization or body, a private foundation or any person whatsoever.
- (c) any investment or other property whatsoever acquired by or vested in the Board and money earned or arising from such investment or property;
- (d) all other sums (including electricity charges) or other property whatsoever which may in any way become payable to or vested in the Board in respect of its functions or of any matter incidental thereto, under this Law or by virtue of any other Law;
- (e) any other moneys lawfully derived by, or made available to, the Board from any other source whatsoever for the purposes of the Board under this Law.

30. The Board may with the written approval of the Governor borrow money required for meeting any of its obligations or discharging of its functions and may with like approval charge, mortgage or otherwise deal with any or all of its assets for the purpose of securing money borrowed by it.

Power to borrow.

31. The Government may guarantee in such manner and upon such conditions as it may think fit the repayment of the principal and interest of any money borrowed by the Board under section 30.

Guarantee by Government.

32. The Board shall keep proper accounts of its transactions and such accounts shall be audited annually by the State Auditor General.

Accounts and audits.

33. (1) As soon as may be after the end of each financial year the Board shall forward to the Commissioner a full report of its operations during the preceding year together with a certified copy of the audited account of the Board for that year.

Notice of intention to enter land to construct new electric or main line.

Funds of the Board.

(2) The accounts of the Board together with the auditor's report thereon shall be laid before the Public Accounts Committee.

Annual reports and estimates.

(3) The Board shall in each financial year prepare and submit to the Commissioner for approval its estimates of revenue and expenditure in respect of the next financial year.

(4) The Board may with the written approval of the Commissioner write off bad debts or bad or lost assets.

PART V - MISCELLANEOUS PROVISIONS

Rules of public access to authority's premises

34. (1) The Board may with the approval of the Commissioner, make rules—

- (a) prohibiting or restricting the access of members of the public to any premises occupied by or under the control of the Board.
- (b) regulating the hours during which, the means whereby, the purpose for which, and the conditions subject to which members of the public or any class may have access to or egress from any such premises or portion thereof;
- (c) for ensuring the maintenance of good order and discipline amongst members of the public at any time when upon any such premises.

(2) Rules made upon subsection (1) may provide for a penalty not exceeding N10 for the contravention of any of them or in default of payment thereof imprisonment for a term not exceeding 7 days.

Board deemed to be scheduled.

35. Service under the Board shall be deemed to be qualifying and pensional service under any Pensions Law in force in the State.

Limitation of actions against the Board.

36. No suit against the Board or any servant of the Board for any act done in pursuance or execution of any Law, or of any public duty or authority, or in respect of any alleged neglect or default in the execution of such Law, duty or authority, shall be instituted in any court unless it is commenced within 12 months next after the act, neglect or default complained of or, in the case of continuance of damage or injury, within 12 months next after the ceasing thereof.

Notice of suit by intending plaintiff.

37. No suit shall be commenced against the Board, until one month at least after written notice of intention to commence the same shall have been served on the Board by the intending plaintiff or his agent; and such notice shall clearly and explicitly state the cause of action, the particulars of the claims, the place of abode of the intending plaintiff and the relief which he claims.

Services of notice.

38. The notice referred to in the last preceding section and any other notice or summons or other documents which may be served upon the Board under this Law or any other Law may, unless in any case there is express provision to the contrary, be served by delivering the same to the General Manager or by sending it by registered post addressed to the General Manager at the principal office of the Board.

39. In any suit by or against the Board, the Board may be represented in Court at any stage or the proceedings by—

Representation in court.

- (a) a legal practitioner or a Law officer, or
- (b) a servant of the Board authorized in writing in that behalf by the General Manager.

Offenses for interference with installations.

40. Any person who without any lawful excuse—

(a) Interferes with electricity installation, electric lines, fittings apparatus or appliances or electrical equipment of the Board; or

(b) obstructs any person on the exercise of any right conferred by this Law;

shall be guilty of an offence and shall be liable on conviction to a fine of N200 or to imprisonment for 6 months.

41. Any person who, without lawful authority, wilfully breaks, defaces, removes, damages or destroys or in any other way interferes with any electricity installation or electric cables, fitting, appliances, electrical equipment including beacons, pillars or posts installed or erected by the Board pursuant to this Law shall be guilty of an offence and shall be liable on conviction to a fine of N200 or to imprisonment for 6 months.

Offences for
wilful
damage.

42. Notwithstanding section 34, the Commissioner may make regulations providing for all or any of the following matters—

Regulations by
the
commissioner.

(a) the general conditions under which electricity shall be supplied to or withdrawn from consumers;

(b) the general conditions of sale or letting or hire of electrical equipment of all kinds;

(c) the form of and conditions to be contained in and the method of service of any notice required or authorized under this Law; and

any fee or anything which is to be prescribed generally and for the better carrying out of the provisions of this Law.