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GENERAL NOTE: The expression "National Electric Power Authority" is substituted with the expression "Power Holding Company of Nigeria" wherever it appears in this Law, by Law No. 4 of 2006.

KWARA STATE RURAL ELECTRICITY BOARD LAW

A Law to establish the Kwara State Rural Electricity Board.

[No. 7 of 1992, No. 4 of 2006.]

[Date of commencement: 23rd December, 1992]

PART I

1. Short title

This Law may be cited as the Kwara State Rural Electricity Board Law, 1992.

2. Interpretation

In this Law, unless where the context otherwise requires—

"**Board**" means the Kwara State Rural Electricity Board established under this Law;

"**Chairman**" means the chairman of the Board;

"**Commissioner**" means the State Commissioner for Rural Development;

[No. 4 of 2006.]

"**electricity lines**" means any wire, conductor or other means for conveying, transmitting or distributing electricity and includes any earth, conductor, insulator, casting, tubing, standard pole, post or other support of the electric line and anything connected therewith;

"**Government**" means the Government of the State;

"**Governor**" means the Governor of the State;

"**land**" includes a street, any square, highway or any place over which the public have a right of way;

"main transmission lines" means all high voltage cables, overhead lines transmitting electricity from a generating station to another generating station or substation with any transformers and switchgear necessary for the control of such cables, overhead lines, and the buildings or such part of it as may be required to accommodate such transformers and switchgear;

[No. 4 of 2006.]

"member" means a member of the Board including the Chairman; **"State"** means the Kwara State of Nigeria; and

"property" includes building with its appurtenances, funds, loans, etc.

PART II

Establishment, Composition and Functions of the Board

3. Establishment of the Board

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

(2) The Board established above shall be a body corporate with perpetual succession, and shall have power to sue or be sued in its corporate name and have a common seal.

4. Composition of the Board

(1) The Board shall consist of the following—

- (i) a Part-time Chairman;
- (ii) the General Manager of the Board;
- (iii) one representative of the Ministry of Rural Development;
- (iv) one Representative of the Ministry of Finance and Economic Development;
- (v) one Representative of the Governor's Office;

- (vi) one Representative of the Nigerian Society of Engineers;
- (vii) one Representative of the Power Holding Company of Nigeria; and
- (viii) three other part-time members.

[No. 4 of 2006.]

(2) The Assistant General Manager, Personnel, Finance and Administration of the Board shall be the Secretary of the Board.

[No. 4 of 2006.]

5. Appointment

The Chairman and the other members and the Secretary shall be appointed by the Governor.

[No. 4 of 2006.]

6. Proceedings of the Board

No act or other proceedings of the Board shall become invalid by reason of any vacancy among its members or any defect in the appointment of same.

7. Remuneration

Each member, other than the public officers, shall be paid such allowance or remuneration as the Governor may determine.

8. Limitation of action

No member or staff of the Board shall be personally liable for any act, omission or default done in good faith in the performance of his duties under this Law.

9. Proceedings of Board; Schedule

The constitution and proceedings of the Board shall be as provided for in the Schedule hereto.

10. Aims and objectives of the Board

The aims and objectives of the Board shall be—

- (a) to establish, manage and maintain electricity undertakings and installations vested in the Board by the Government;
- (b) to construct and manage all new electricity undertakings and installations for the State where the National Electric Power Authority of Nigeria does not maintain any electricity undertakings or installations and supply same;
- (c) where possible, to purchase some of the National Electric Power Authority electricity undertakings and installations in the State to manage and control the same for the purpose of distribution and sale to consumers in the State;
- (d) to ensure a high standard of electrification in the State through survey and design of phased electrification schemes for the State;
- (e) to advise the Governor through the Commissioner on all matters relating to the functions of the Board; and
- (f) to perform such other functions as may from time to time be assigned to it by the Governor.

11. Functions of the Board

The Board may carry on any of the following functions—

- (a) the manufacture, provision, sale, letting on hire, connection, maintenance, repair, or the removal of any electric lines, fittings or appliances for which electricity can or may be used;
- (b) the maintenance of shops and showrooms for the display, sale and

hire of electrical equipment of all kinds;

- (c) the advertisement of such electrical equipment whether by way of demonstration, exhibition or otherwise;
- (d) engaging in consultancy services; and
- (e) fabrication or manufacturing of electric poles, appliances and accessories for use by the Board and for sale.

12. Powers of the Board

For the most effective performance of its functions and the realization of the aims and objectives of the Board under this Law, it shall have power to—

- (a) carry out such investigation as are necessary for the formulation of proposals for the purpose of this Law;
- (b) acquire, purchase, lease, mortgage, sell, hold, construct or maintain any property whatsoever whether movable or immovable required for or in connection with the performance of its functions;
- (c) enter into such contracts that are necessary, advantageous or expedient for the of its functions under this Law;
- (d) do anything for the purpose of attaining maximum efficiency of its equipments and operations;
- (e) write off bad debts with the approval of the Governor;
- (f) suspend the supply of electricity for such periods as may be necessary for carrying out of routine inspection, test, repairs or making of new connections;
- (g) suspend or discontinue any supply of electricity where payments of any rates, dues or charges are in arrears; and
- (h) charge rates and fees for it services.

13. Formulation of proposals

(1) The Board may formulate proposals for the purpose of effecting its objects or formulate any other proposals within the functions of the Board, or which may be specified by the Governor.

(2) The proposals formulated above shall be submitted to the Governor through the Commissioner.

14. Appointment of Committees

(1) The Board may appoint committees to advise or take any action on any project or matter relating to the functions of the Board.

(2) The power to make rules and regulations and to borrow money shall not be delegated to any committee by the Board.

PART III

Financial Provisions, Assets and Liabilities of the Board

15. Transfer of undertakings to the Board

(1) The Governor may from time to time transfer any electricity undertakings and installations to the Board which shall include all lands, works and any other obligations, proprietary rights and liabilities held or enjoyed in connection therewith.

(2) Every deed, bond, agreement, instrument and working arrangements to which the government was a party for the construction or otherwise in respect of any transferred electricity undertakings shall have effect on the due date, subject to the provision of this Law as if the Board had been a party thereto.

(3) Where, by the operations of any of the foregoing provisions of this section, any electricity undertakings or installations are vested in the Board, the Board shall have the same rights, powers and remedies for ascertaining, protecting or endorsing such undertakings and any legal proceedings by or against the Government pending in respect of same shall be continued by or against the Board.

16. Funds and resources of the Board

The funds and resources of the Board shall consists of—

- (a) all sums, investments or other property whatsoever vested in the Board;
- (b) such sums or other properties advanced by way of loan or grant to the Board by the Government of the State, any Local Government Authority, Statutory Corporation, agency, institute in the State or any other Government, any international organisation, any private institution or any person whatsoever;
- (c) money earned or arising from any rates, charges, dues investments or other property whatsoever acquired by or vested in the Board in exercise of its functions under this Law;
- (d) any other sums (whether as electricity rates or charges or otherwise) or other property whatsoever received by the Board for any of it's functions.

17. Power to borrow money

- (1) The Board may borrow such sums required by it for meeting any obligations or discharging any of its functions under this Law.
- (2) The power of the Board to borrow shall be exercisable only with the approval of the Governor.
- (3) The Board may invest any of its surplus funds in such securities as may be permitted by Law.

PART IV

Administrative Organization of the Board

18. General Manager of the Board

- (1) The Chief Executive of the Board is its General Manager who shall be the

accounting officer, and be an Electrical Engineer registered with the Council of Registered Engineers of Nigeria.

(2) He shall have the ultimate responsibility for the carrying out of the policies and decisions of the Board in accordance with the provisions of this Law.

19. Appointment, etc., of the General Manager

Power to appoint and exercise disciplinary control over the General Manager of the Board and to determine his terms and conditions of service as to remuneration or otherwise, shall be vested in the Governor.

20. Creation of Departments

(1) There shall exist in the Board such number of departments as the functions of the Board will permit.

(2) Each of the departments mentioned in subsection (1) above shall be headed by an Assistant General Manager and they may include the following—

(a) Assistant General Manager (Administration);

(b) Assistant General Manager (Electrical Services);

(c) Assistant General Manager (Mechanical Services);

(3) The Assistant General Managers shall be responsible to the General Manager.

[No. 4 of 2006.]

21. Other Staff of the Board

(1) The Board shall have power to appoint and exercise disciplinary control over all of its other officers and to determine their terms and conditions of service.

(2) The exercise of the powers vested in subsection (1) of this section shall be subject to the provisions of section 22 of this Law.

[No. 4 of 2006.]

(3) The retirement and pensions scheme in the State shall apply to all the Staff of the

Board.

22. Power to make Regulations

The Board may, subject to the approval of the Governor and subject to the provisions of this Law, make regulations for any of the following purposes—

- (a) prescribing the general conditions under which electricity shall be supplied or discontinued to consumers;
- (b) prescribing the general conditions of sale or letting on hire of electrical equipment of all kinds;
- (c) prescribing the form of and the conditions to be contained in and the method of service of any notice required or authorised under this law;
- (d) prescribing any fees, charges or anything which is to be prescribed generally and for the better carrying out of the purposes and provisions of this law;
- (e) prescribing, with respect to the appointment, promotion, transfer, dismissal, pension and retirement of its employees—
 - (i) the qualification to be required for appointments;
 - (ii) the method of appointment (including probation and confirmation);
 - (iii) the form of any agreement to be entered into between the Board and its employees;
 - (iv) the terms and conditions of service (including, without prejudice to the generality of that expression, the salaries and allowances, the grant of advances, the provisions of quarters, leaves and medical and dental treatment);
 - (v) the procedure and requirements for promotion;
 - (vi) the maintenance of discipline (including surcharging, dismissal and the termination of appointments);

- (vii) the transfer of employees between the Board and the Government of the State, any other State, Local authority or Local Government Authority, or any statutory corporation;
- (viii) such other matters relating to departmental procedure and duties and responsibilities of employees as the Board considers can be best provided for by regulations; and
- (f) prescribing fees or charges as may be determined by the Board for its services.

[No. 4 of 2006.]

PART V

General

23. Continuity of supply of electricity

(1) The Board shall as far as possible maintain the continuity of supply of electricity as required by the Electricity Act, and any regulations made thereunder save for circumstances and periods provided for in subsection (2) of this section.

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

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

(1) The Board shall not by virtue of making any inspection or test of a consumer's wires, fittings, appliances and apparatus, whether during the progress of the work of installation at the consumer's premises or after completion, be made responsible for the efficiency of the apparatus so inspected or tested, or for the proper execution of the work of installation, or for any damage or loss arising out of the use or misuse of such consumer's wires, fittings, appliance and apparatus by the consumer or any other person.

25. Power to enter land for certain purpose

(1) Subject to the provisions of section 27 of this Law, the Board may by its officers or agents enter from time to time on any lands for any of the following purposes—

- (a) the survey and taking of levels;
- (b) the construction, placing, maintenance, examination, repair, alteration or removal of any electric or main transmission line;
- (c) the cutting and removal underneath or near or on each side of any existing electric or main transmission line of all such trees 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) any other work connected with the supply of electricity.

(2) For any of the purposes aforesaid, such officers or agents may remain on any such land for such reasonable time as may be necessary for the execution of such work.

26. Approval for construction, etc., of transmission line

(1) 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 embarkment under the control of a department of Government or other public authority without the prior approval of the head of the department concerned or of such public authority.

(2) 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) above.

27. Notice of intention to enter land

(1) Before entering any land for constructing a new electric or main transmission line across any land or attaching any fixture to any building the Board shall when practicable serve on the occupier of such land notice 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 thereto.

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

[No. 4 of 2006.]

(3) If within thirty days after the service of such notice the occupier lodges an objection with the Board in writing to the work specified in the notice, such work shall not be undertaken by the Board until the Board has obtained the approval in writing of the Governor.

PART VI

Accounts and Reports of the Board

28. Accounts and records of the Board

(1) The Board shall—

- (a) cause to be kept proper accounts in respect of its functions under this Law and other records in relation thereto; and
- (b) prepare, in respect of each financial year, a statement of accounts in such form as may be approved by the Commissioner.

(2) The said annual statement of accounts shall be a fair and accurate statement of the financial position, and of the results of the operations of the Board for the financial year to which it relates.

(3) The said annual statement of accounts shall be audited by an Auditor to be appointed annually by the Board after consultation with the Auditor-General of the State, and the remuneration to be paid to the Auditor so appointed shall be approved by the Board.

(4) As soon as the said annual statement of accounts has been audited as

aforesaid the Board shall forward to the Commissioner and the Auditor-General a copy each of the report made by the auditor.

(5) Before the commencement of each financial year the Board shall prepare an estimate of its revenue and expenditure for that financial year and submit the same to the Governor through the Commissioner for approval, and the Governor shall have power to disallow or reduce the provision under any item in the estimate as he may consider necessary.

29. Annual reports

(1) The Board shall, within three months after the end of each financial year, submit to the Commissioner a report, in such form and containing such particulars as he may from time to time demand, dealing with activities of the Board during that financial year.

(2) Every annual report made by the Board under subsection (1) shall contain particulars of all directions given by the Governor to the Board during each financial year.

PART VII

Miscellaneous

30. Connection of Board's facilities without approval

Any person who constructs an electricity network with the intent of connecting to the Power Holding Company of Nigeria grid through the Board's facilities without the approval of the Board in writing, commits an offence under this Law and shall be liable on conviction to a fine of five thousand Naira or to a term of imprisonment which may extend up to two years or both.

[No. 4 of 2006.]

31. Altering of service without Board's approval

Any person who—

(a) alters or causes or permits to be altered any service without the

approval of the Board or in contravention of any regulations made pursuant to this Law; or

(b) 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 therefore; shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand naira or to a term of imprisonment not exceeding six months.

[No. 4 of 2006.]

32. Wilful damage to Board's facilities

(1) Any person who wilfully causes any damage to any electricity line, fitting or accessories belonging to the Board shall be guilty of an offence and shall be liable on conviction to a fine of five thousand naira or two years imprisonment or to both such fine and imprisonment.

[No. 4 of 2006.]

(2) Any person convicted for an offence under subsection (1) hereof shall in addition to the aforementioned sentence be liable for the cost of repair or replacement of such a damage so caused.

33. Failure to pay rate

Where any person fails to pay the rate, charge or rent payable by him for electricity supplied to him by the Board, the Board may cut off such electricity supply.

34. Inciting non-payment of rate

Any person who—

(a) incites any person to refuse to pay any rate or charge payable by him by virtue of the provisions of this Law or any regulations thereunder; or

(b) incites or assists any person to misrepresent in any way his rateable capacity or any information which is material to the assessment of or rating upon any tenement of

which he is owner or occupier,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand naira or a term of imprisonment not exceeding one year or to both such fine and imprisonment.

[No. 4 of 2006.]

35. Use of Contractor

A contractor shall not be involved in an electricity construction job with the Board unless he is registered with the Board of Power and Steel under the relevant category.

[No. 4 of 2006.]

36. Repeals

(1) The Kwara State Rural Electricity Board Law No. 15 of 1975 is hereby repealed.

(2) The State Utility Board Law No. 22 of 1984 is hereby repealed.

SCHEDULE

Constitution and Proceedings of the Board

1. Tenure of office of members

(1) Every member of the Board shall hold office, subject to the provisions of this Law, for a term of four years from the date of his appointment, but shall be eligible for re-appointment for another term.

(2) If the Governor is satisfied that a member of the Board—

- (a) has been absent for three consecutive meetings of the Board without the permission of the Commissioner in the case of the Chairman, or of the Chairman in the case of any other member;

- (b) has become bankrupt or made an arrangement with his creditors;
- (c) has been convicted of an offence involving or necessarily implying fraud or dishonesty or has undergone a sentence of imprisonment;
- (d) is incapacitated by physical or mental illness from performing his functions as a member;
- (e) has such financial or other interest in the operations of the Board or otherwise as in the opinion of the Governor is likely to affect prejudicially the discharge by him of his functions as a member; or
- (f) is otherwise unable or unfit to discharge the functions of a member, the Governor may revoke the appointment of such a member.

[No. 4 of 2006.]

(3) A member may resign his office by notice in writing to the Governor and upon receipt of such resignation by the Governor such appointment ceases.

(4) Notwithstanding the provisions of subparagraph (1) of this paragraph, the Governor may at any time remove any member from office without giving any reason.

[No. 4 of 2006.]

2. Temporary membership

Where any member of the Board is temporarily incapacitated by illness from performing the functions of his office or is temporarily absent from Nigeria, the Governor may appoint any person to temporarily hold the office held by such incapacitated or absent member during the period of such incapacity or absent and all the function of such a member under this Law shall devolve upon the person so temporarily appointed.

3. Co-option of persons

Where upon any special occasion the Board desires to obtain the advice of any person on any particular matter, the Board may co-opt such a person to be a member for

such meetings as may be required and such a person whilst so co-opted shall have all the rights and privileges of a member save the right to vote on any question.

[No. 4 of 2006.]

4. Meetings and procedure

(1) The Board shall hold such meetings as may be necessary for the due fulfilment of its functions, provided that it shall hold at least four meetings in every year.

(2) At a meeting of the Board—

(a) the Chairman shall, if present, be Chairman of the meeting;

(b) if and so long as the Chairman is not present or if the office of Chairman is vacant, the members of the Board who are present shall choose one of their numbers to be the Chairman of the meeting.

[No. 4 of 2006.]

(3) Every question at a meeting of the Board shall be determined by a majority of votes of the members present and voting on the question, and in the case of any equal division of votes, the Chairman of the meeting shall have a second or casting vote.

(4) Any six members of the Board may by notice in writing signed by them request the Chairman to call a special meeting of the Board for the purpose set out in such notice and the Chairman shall there upon call a special meeting.

(5) Quorum.—Five members (at least two of whom shall be ex officio members) shall form a quorum at any meeting of the Board.

5. Common Seal

(1) The Board shall as soon as may be after its establishment provide itself with a common seal.

(2) The common seal of the Board shall be authenticated by the signature of the Chairman or other member authorised by the Board to act in that behalf and the signature

of the Secretary of the Board.

(3) Judicial notice shall be taken of the common seal of the Board and every document purporting to be an instrument made by the Board and to be sealed with the common seal of the Board shall be received in evidence and be deemed to be such instrument without further proof unless the contrary is shown.

6. Standing Orders

Subject to the provisions of this Law, the Board may make standing orders for the purpose of regulating its own proceedings.

CHAPTER K47

KWARA STATE RURAL ELECTRICITY BOARD LAW

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
