



NEMSA'S 2ND STAKEHOLDERS FORUM



NEMSA's Mandate and Enforcement Powers

2nd Stakeholders
FORUM

On
*Enforcement Of Technical Standards
And Regulations, Safety And
Certification In Nigeria*

by

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**Electricity is a Good Servant;
But a Bad Master**

**Note:
Accidents don't just happen;
They are caused!**

**Safety of use and safety of lives and property are
of paramount importance and mandatory**

***Operators of the Power Sector to note that the target
for Electrocutions nationwide is ZERO tolerance.***

Important Notes

- Electricity is key to the economic growth and development of any state or nation. In other words, there is no vibrant economy without electricity power supply.
- Destructive Effect: the use of electricity is associated with highly destructive hazards/risks if not properly planned, executed, maintained and utilised.
- Non-adherence to technical standards and specifications in design, construction, operations, maintenance and use of electrical installations, electrical materials/equipment, power systems and networks result in poor and unstable power supply, and constitute risks/danger to lives and property.

Important Notes

- Enforcement of Technical Standards and Regulations, Inspection, Testing and Certification is critical and a very important aspect of managing the growth of the electricity industry of any nation, Nigeria inclusive.
- Professional Requirement: These enforcement mandate and functions require the services of professional engineers, technologists and technicians with specialized technical skills and expertise to deal with the technical aspect of extant regulations and codes with the ultimate aim of ensuring safety, stability, uniformity and reliability of power systems and networks, and improved power supply nationwide



NEMSA Mandate



Mandate:

- The Nigerian Electricity Management Services Agency (NEMSA) is established by NEMSA ACT 2015 to carry out the Functions of Enforcement of Technical Standards and Regulations, Technical Inspection, Testing and Certification of All Categories of Electrical Installations, Electricity Meters, and Instruments, to ensure the Efficient Production and Delivery of Safe, Reliable and Sustainable Electricity Power Supply and Guarantee Safety of Lives and Property in the Nigerian Electricity Supply Industry, and other allied industries/workplaces.
- NEMSA is the only statutory body empowered and authorised to carry out these enforcement of technical standards and regulations, technical inspection, testing and certification of all categories of electrical installations in Nigeria. It is never a shared responsibility.

- **NEMSA Mandate: Critical Elements of the Mandate include:**

- 1. Ensuring that:-**

- i. electrical materials/equipment/instruments used in NESI and other workplaces in Nigeria are of the right type, quality, standard and specifications;
- ii. the power systems and networks put in place have been properly planned, designed and executed before use to ensure that such systems/networks are capable of delivering safe, reliable and regular electricity supply to the consumers nationwide;
- iii. electrical installations in homes, offices, commercial and industrial premises, etc, have been properly constructed and executed to ensure reliability and safety of use;
- iv. safety of lives and property within the grid and off-grid networks is assured;

Mandate:

Mandate:

- v. electricity energy meters and instruments are of the right type, quality, class and accuracy for proper accountability of energy produced, delivered, supplied and utilized by the consumers.
 - vi. all electricity energy meters and instruments are duly tested and certified fit before deployment and use in the NESI, other allied industries and workplaces.
2. **Certification** of all Electrical Installations Contractors/Practitioners/All other technical personnel engaged in the practice of electrical installations works along the value chain and utilisation in NESI and allied industries.
 3. **Take over the functions of statutory electrical inspection**, testing and certification of all categories of electrical installations hitherto carried out by the Director of Electrical Inspectorate Services and the Electrical Inspectorate Services Division of the Federal Ministry of Power.

Legal Backing:

NEMSA's functions, roles and responsibilities are guided by extant rules, codes and regulations. These Legal Instruments for the enforcement functions of inspection, testing and certification include the NEMSA Act - 2015 and the following extant rules, regulations and codes:

- **Nigerian Electricity Management Services Agency (NEMSA) Act - 2015**
- **Nigerian Electricity Regulatory Commission's (NERC) Regulations and Codes, namely:**
 - i. Nigerian Electricity Supply and Installation Standards (NESIS)
 - ii. The Grid Code for the Nigeria Electricity Transmission System;
 - iii. The Distribution Code for the Nigeria Electricity Distribution System;
 - i. The Nigerian Metering Code (NMC);
 - ii. The Nigerian Electricity Health and Safety Code.



Legal Instruments, Extant Rules and Regulations



**Legal
Backing
*cont'd:***

**SON Codes of Practice
IEC Standards & Specifications
IEE Regulations
National Building Code**

NEMSA

Enforcement Powers

Under Part 2 section 6 and Part 5 sections 11 – 15 of the
Nigerian Electricity Management Services Act 2015

a Enforcement Powers

The enforcement powers of NEMSA under Part 2 Section 6 and Part 5 Sections 11 – 15 of the NEMSA Act 2015 includes:

- enforce all statutory technical electrical standards and regulations as published by NERC and all other relevant statutory agencies;
- enforce compliance with technical standards for all electrical installations, electrical plants, including power plants and auxiliary systems, electric networks and connectivity to the grid;
- enforce compliance with safety requirements for construction, operation and maintenance of electrical power plants, transmission system, distribution networks and electric installations;

b Enforcement Powers (*cont'd*)

- investigate Electrical Accidents/Electrocutions to find out the causes, make recommendations for remedial actions and how to prevent future occurrences.
- enforce the conditions for installation of meters for transmission systems, distribution networks and supply of electricity;
- advise the Minister and other agencies on all technical matters relating to generation, transmission and distribution of electricity;

C Enforcement Powers (*cont'd*)

➤ ACCESS TO PREMISES AND OTHER ENFORCEMENT POWERS:

Section 11 (1) of the NEMSA Act 2015 states -

For the purpose of executing the functions of the Agency, the Chief Executive Officer or any other officer of the Agency, authorized in that behalf shall –

- a) have a right of access to all premises and the technical records of any institution or establishment engaged in electricity material supply and installation; and

d Enforcement Powers (*cont'd*)

b) by notice in writing served on a person in charge of any institution or authority mentioned in subsection (1)(a) of section 11, require that person or establishment to furnish information on such matters as may be specified by the notice

- In furtherance to section 11 of the Act, NEMSA is empowered to serve a notice on any person in charge of any premises, institutions or establishments under subsection 11(2) to furnish it with information that may be necessary for its functions.
- **Compliance to Notice of Info Request:** In line with part 5 subsection 11(2), a person or establishment required to furnish the Agency with any information shall do so within the specified period of time as specified in the issued notice

e Enforcement Powers (*cont'd*)

- **Breach of electrical or technical standards & regulations and or any other requirements:** In line with Subsection 11(4), where the Agency notices a breach or violation of statutory requirements or of any interest it is mandated to protect, the Agency may publish a notice in such a manner as it considers appropriate to draw attention of other persons affected or likely to be affected by the breach or the threatened contravention. Such Public Notice shall:
 - a) specify the actual or potential contravention;
 - b) direct the person or establishment concerned to do or not to do such things as may be specified;

f Enforcement Powers (*cont'd*)

c) specify the remedy and the timescale for compliance; and

d) notify the person or establishment concerned of its intention to issue an enforcement order.

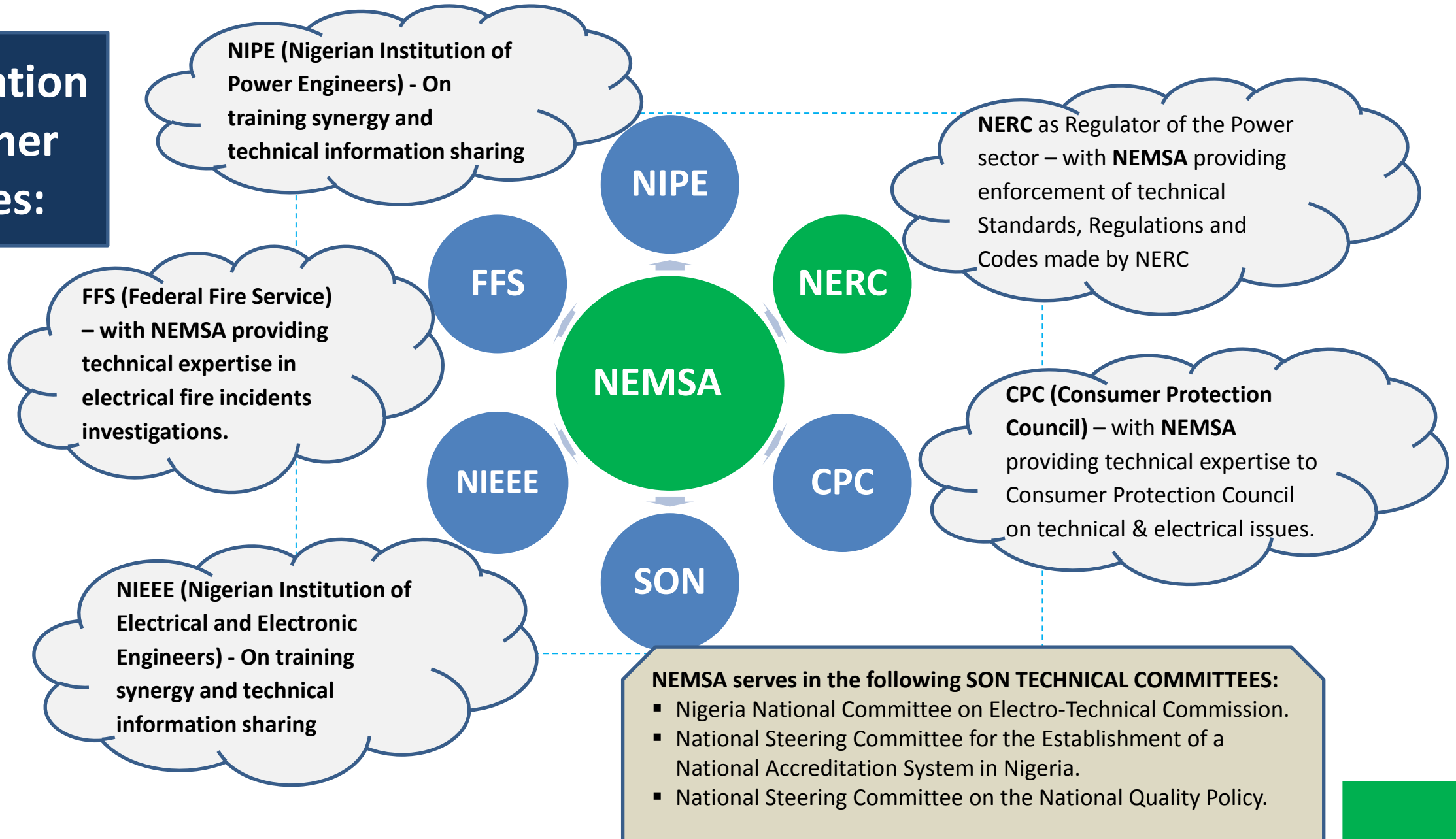
- **Representation against or in support of enforcement notice:** In line with subsection 11(5), the establishment or person affected by the notice specified in subsection 11(4) is entitled to make representation against or in support of the enforcement notice by a date specified in the notice.
- **Issuance of Enforcement Order:** An enforcement order may be issued for failure to comply with notice issued/served pursuant to subsection 11(4).

Sanctions

- The NEMSA Act 2015 empowers the Agency to enforce sanctions, which range from isolation of a section of the network or systems that constitutes risk and danger to the general public interest to outright disconnection and prosecution for continual violation and failure to carry out remedial actions as specified in the enforcement orders.
- In accordance with NEMSA Act 2015, a person who fails to comply with an enforcement order commits an offence and is liable on conviction to:
 - a term of 3 months' imprisonment;
 - or a fine of N500,000.00,
 - or both

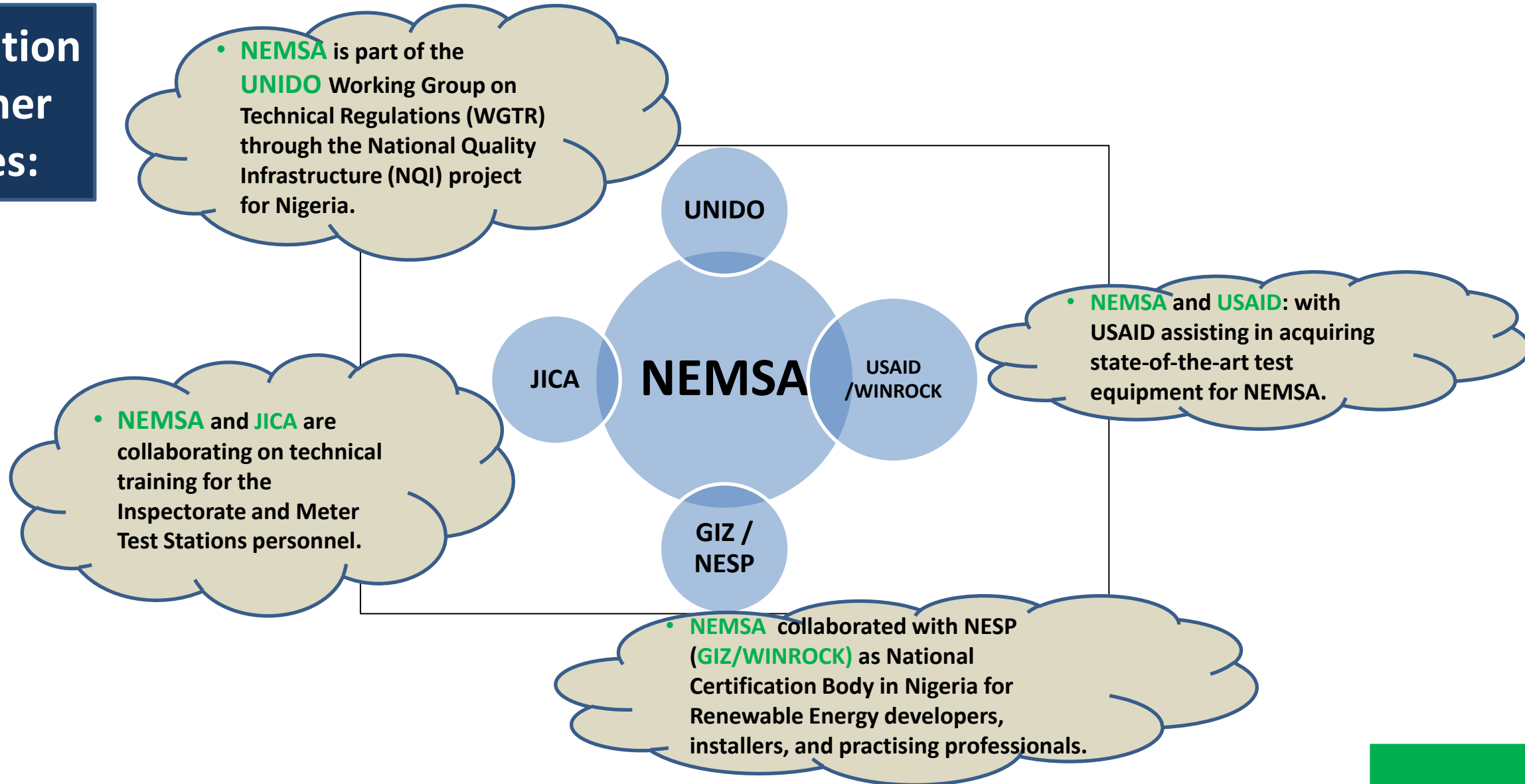
Collaboration with National Agencies

Collaboration with other agencies:



Collaboration with International Agencies

Collaboration with other agencies:



Conclusion:

- Enforcement of technical standards and regulations, inspection, testing and certification is an important aspect of managing the growth of the electricity industry of any nation, and therefore, there is an urgent need for all industry players and stakeholders to regularly ensure compliance at all times.
- In line with statutory and extant regulations and codes:
 - i. Any electrical installation planned, executed and put into use without NEMSA's electrical inspectors test and certification/ confirmation of fitness is not safe and it is illegal. The safety of such installation, safety of lives and property within such premise/facility cannot be guaranteed.

Conclusion

Conclusion:

- ii. No electrical installations shall be put into use or interconnected with public supply systems/networks in Nigeria unless it has been duly tested, inspected and certified fit/safe for use by the Chief Electrical Inspector of the Federation and/or an electrical inspector of NEMSA.
- iii. No electricity meter or instrument shall be deployed in NESI unless it has been statutorily type and routine-tested, recalibrated/certified fit/safe for use by NEMSA National Meter Testing Station (NMTS) testing Engineers and Technical Officers.
- iv. No electrical contractor or technician is allowed or permitted to carry out any electrical installation works along the value chain of the NESI and other allied industries/workplaces without having been issued a competence certificate by NEMSA, through the Central Zonal Electrical Contractor Certification Panels/Board.

