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**NIGERIAN ELECTRICITY MANAGEMENT SERVICES
AGENCY ACT, 2015**



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**NIGERIAN ELECTRICITY MANAGEMENT SERVICES
AGENCY ACT, 2015**

ACT No. 6

AN ACT TO ESTABLISH THE NIGERIAN ELECTRICITY MANAGEMENT SERVICES AGENCY, 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 FOR RELATED MATTERS.

[26th Day of May, 2015]

Commence-
ment.

ENACTED by the National Assembly of the Federal Republic of Nigeria—

PART I—ESTABLISHMENT OF THE NIGERIAN ELECTRICITY MANAGEMENT SERVICES AGENCY, IT'S GOVERNING BOARD AND MANAGEMENT TEAM

1.—(1) There is established the Nigerian Electricity Management Services Agency, (in this Act referred to as “the Agency”).

Establishment
of Nigerian
Electricity
Management
Services
Agency.

(2) The Agency—

(a) shall be a body corporate with perpetual succession and a common seal ;

(b) may sue and be sued in its corporate name ; and

(c) subject to this Act, perform all acts that bodies corporate may, by law, perform.

(3) The headquarters of the Agency shall be in Abuja.

(4) The Electricity Management Services Plc. incorporated in 2007 shall be taken over by the Agency for the purposes of this Act.

(5) The personnel thereof shall be deemed to have been appointed under this Act and they shall continue to hold office on the same terms and conditions on which they were appointed in Electricity Management Services Plc.

2.—(1) There is established for the Agency a Governing Board (in this Act referred to as “the Board”).

Establishment
and
Membership
of the
Governing
Board.

(2) The Board shall consist of—

(a) a Chairperson who shall—

(i) be appointed by the President of the Federal Republic of Nigeria on the recommendation of the Minister,

(ii) be a highly respected person of impeccable character and have experience in the electricity industry ;

(b) one person from each of the Six (6) geopolitical Zones of the Country, appointed by the President of the Federal Republic of Nigeria on the recommendation of the Minister ;

(c) the Managing Director and Chief Executive Officer of the Agency ;

(d) the representative of Federal Ministry of Power ; and

(e) the representative of Federal Ministry of Finance.

(3) The General Manager, Legal of the Agency shall be the Secretary of the Board.

(4) In choosing the appointed 6 members of the Board under subsection (2) (b) of this section, the Minister shall consider each proposed member's character, competence, professional and practical experience in the Nigerian electricity supply industry.

(5) No member of the Board shall have any share or interest, whether in his own name or otherwise, in any company or other body corporate or an association of persons (whether incorporated or not), or a firm engaged in the business of generation, transmission and distribution and trading of electricity or fuel for the generation thereof or in the manufacture of electrical equipment.

Tenure of
Office.

3.—(1) A member of the Board appointed otherwise than by virtue of his office shall hold such office for a period of 3 years and may be eligible for re-appointment for only one further period of 3 years, which shall be on a part time basis.

(2) The office of a member of the Board shall become vacant if—

(a) he resigns as a member of the Board by notice in writing under his hand addressed to the Minister ; or

(b) the Minister is satisfied that it is not in the interest of the Board for the member to continue in office and, upon the approval of the President, notifies the member in writing to that effect.

Schedule.

(3) The supplementary provisions as set out in the Schedule to this Act shall have effect to the proceedings of the Board and other matters contained therein.

Powers of
the Board.

4. The Board has the power to—

(a) oversee the affairs of the Agency ;

(b) provide guidelines for the Agency in the discharge of its functions in line with the policy thrust of government ;

(c) approve the payment to the staff of the Agency such remuneration and allowances as are approved by the National Salaries, Incomes and Wages Commission ;

(d) approve the appointment, promotion and discipline of management staff from the rank of Assistant General Manager and above other than the management team of the Agency ; and

(e) do such other things as are necessary and expedient for the efficient performance of the functions of the Agency.

5.—(1) The Management Team of the Agency shall consist of—

Management
Team.

(a) the Managing Director and Chief Executive Officer ;

(b) the 3 Executive Directors of the Agency ; and

(c) the 6 most senior General Managers in the Agency.

(2) The General Manager, Legal of the Agency shall be the Secretary of the Management Team.

PART 2—FUNCTIONS, POWERS AND RESPONSIBILITIES OF THE
NIGERIAN ELECTRICITY MANAGEMENT SERVICES AGENCY

6. Subject to this Act, the Agency shall—

Objectives
and
Functions of
the Agency.

(a) carry out electrical inspectorate services for the Nigerian electricity supply industry ;

(b) enforce all statutory technical electrical standards and regulations as published by Nigerian Electricity Regulatory Commission and all other relevant statutory bodies ;

(c) collaborate with Standards Organisation of Nigeria and other relevant Government Agencies to ensure that all major electrical materials and equipment used in Nigeria are of the right quality and standards ;

(d) ensure that the power systems and networks put in place have been properly executed before use, to ensure that such systems are capable of delivering safe, reliable and sustainable electricity supply to consumers nationwide ;

(e) enforce compliance with technical standards for all electrical installations, electrical plants, including power plants and auxiliary systems, electric networks and connectivity to the grid ;

(f) enforce compliance with safety requirements for construction, operation and maintenance of electrical power plants, transmission system, distribution networks and electric installations ;

(g) enforce the conditions for installation of meters for transmission systems, distribution networks and supply of electricity ;

(h) carry out the duties of inspecting engineers for inspection, testing and certification of all categories of electrical installation in the Nigerian electricity supply industry ;

(i) provide comprehensive technical support services that will guarantee the efficient production and delivery of safe and reliable power supply and enhance efficient service delivery industry-wide ;

(j) provide sustained technical inspection, testing and certification of all electrical materials, (including transformer oil and chemicals) or equipment, power systems, networks (generation, transmission and distribution), or electrical installations to be used in the power sector, to ensure a stable system to deliver safe, reliable, regular power supply, guarantee safety of lives and property, and avert loss of lives and property in the Nigerian electricity supply industry ;

(k) test, calibrate and certify every brand of electricity meters and instruments whether locally manufactured or imported before use in the Nigerian electricity supply industry; and to periodically carry out sample test of such meters and instruments deployed in the Nigerian electricity supply industry ;

(l) test and certify electrical installations in hazardous locations such as in filling stations, prospecting oil companies, off and onshore flow stations or wells, Floating Production Storage and Offloading vessels ;

(m) process and issue competency certificates to qualified electrical personnel working in the Nigerian electricity supply industry ;

(n) regularly carry out periodic inspection, monitoring and assessment of existing power plants or stations, installations, Extra High Voltage (EHV) and High Voltage (HV) transmission lines and associated transmitting or switching stations and distribution networks to ensure that they are in regular fitness to generate, transmit, distribute and deliver reliable and safe power supply to the electricity consumers nationwide ;

(o) regularly monitor the compliance level of the technical regulations, standards and specifications used in the Nigerian electricity supply industry ;

(p) carry out or cause to be carried out investigation of electrical accidents and electrocutions (outright deaths) in connection with generation, transmission, distribution, supply or use of electricity with a view to finding out the causes, and enforce remedial measures and proffer or suggest ways of preventing future occurrence ;

(q) promote research on matters affecting the generation, transmission, distribution and utilization of electricity ;

(r) publish from time to time information beneficial to the growth of the electricity industry including reports and investigations ;

(s) advise the Minister and other relevant agencies on all technical matters relating to generation, transmission and distribution of electricity ;

(t) take over the functions of statutory electrical inspection, testing and certification of all electrical installation hitherto carried out by the Director of Electrical Inspectorate Services and the Electrical Inspectorate Services Division of the Federal Ministry of Power ;

(u) provide non-core and ancillary services for commercial opportunities and drive in the Nigerian electricity supply industry ; (including research and development, electricity information management systems, renewable energy services, specialized medical and health care services, project management and consultancy, electricity workshop service, project unit service for specialized projects in the Nigerian electricity supply industry, logistics, warehousing, and printing technology ;

(v) partner and to be a joint and major player with other related services in the Nigerian Electricity Supply Industry ; for technical and commercial services and to perform and provide all other related services in the Nigerian Electricity Supply Industry; as may be approved by the Minister ;

(w) collaborate with other stakeholders in the electricity power sector on standards and specifications of all major electrical equipment and materials manufactured or imported for use in Nigeria, to ensure uniformity and ensure that all electrical equipment and materials comply with approved standards ; and

(x) discharge such other functions as may be provided under this Act or conferred by the Minister's directives.

PART 3—STAFF OF THE AGENCY

7.—(1) There is appointed for the Agency by the President on the recommendation of the Minister, a Managing Director and Chief Executive Officer.

(2) The Chief Executive Officer shall be an electrical engineer, registered with Council for the Regulation of Engineering in Nigeria (COREN) and have not less than 20 years professional and practical experience in the core operational areas of the Agency or the Nigerian electricity supply industry.

Appointment
of the
Managing
Director and
Chief
Executive
and other
staff of the
Agency.

(3) The Chief Executive Officer shall hold office for a term of 4 years, and may be eligible for re-appointment for only one further term of 4 years.

(4) The Chief Executive Officer shall be the head of the management and chief accounting officer of the Agency.

(5) The Chief Executive Officer shall be the Chief Electrical Inspector of the Federation with powers to carry out the functions of enforcement of technical standards and regulations, through technical inspection, testing and certification of all categories of electrical equipment and installations, electricity meters, instruments and other related matters in the Nigerian electricity supply industry.

(6) The Chief Executive Officer shall be responsible for the day-to-day administration of the Agency, keep the books and records of the Agency and be subject to the supervision and control of the Board.

(7) The Minister shall also appoint 3 Executive Directors who shall hold the office for a term of 4 years and may be eligible for re-appointment for only one further term of 4 years.

(8) The Executive Directors shall administer under the direction of the Managing Director the following Directorates—

- (a) Technical Services ;
- (b) Commercial Services ; and
- (c) Corporate Services.

(9) The Agency may appoint such other officers and employees as it considers necessary for the performance of its functions under this Act and on such terms as to salary remuneration, fee, allowance, pension, leave and gratuity as the Agency may determine in consultation with the National Salaries, Incomes and Wages Commission.

(10) The staff of the Agency shall be public officers as defined in the Constitution of the Federal Republic of Nigeria 1999.

Pension.

Act No. 4.
2014.

8.—(1) Service in the Agency shall be approved service for the purpose of the Pensions Reform Act, officers and other persons employed in the Agency shall be entitled to pensions, gratuities and other benefits as are prescribed thereunder.

(2) Notwithstanding subsection (1) of this section, the Agency may appoint a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefits in respect of that office.

(3) For the purpose of the application of the provisions of the Pensions Reform Act, any power exercisable thereunder by a Minister or other agency of the Government of the Federation, other than the power to make regulations under section 13 thereof is vested in and shall be exercisable by the agency and not by any other person or agency.

Act No. 4,
2014.

PART 4—FINANCIAL PROVISIONS

9.—(1) The Agency shall establish and maintain a Fund from which shall be defrayed all expenditure incurred by the Agency and into which shall be paid and credited—

Funds of the
Agency.

(a) fees, charges, and any other income accruing to the Agency from certifications and other things done by it under this Act, excluding fines or penalties recovered under this Act ;

(b) grants of money or other property, upon such terms and conditions as may be specified by the person or organization making the grants, provided that such terms and conditions are consistent with the objectives and functions of the Agency under this Act ;

(c) funds allocated to the Agency by the National Assembly, pursuant to a request by the Agency for additional funds required to meet its reasonable expenditures ; and

(d) such other moneys as may vest in or accrue to the Agency, whether in the course of its operations or otherwise.

(2) There shall be paid into the Fund established under subsection (1) of this section such payments as may be made to the Agency by the Federal Government for the running expenses of the Agency and all other assets accruing, from time to time, to the Agency.

(3) The Agency may, from time to time, apply the proceeds of the Fund established under this section to—

(a) the cost of administration of the Agency ;

(b) reimburse members of the Board or of any committee set up by the Board for such expenses as may be expressly authorised by the Board in accordance with the rates as provided by extant rules and regulations ;

(c) the payment of salaries, fees or other remuneration, allowances, pensions and gratuities payable ;

(d) the maintenance of any property vested in the Agency ;

(e) any other expenditure in connection with the functions of the Agency ; and

(f) remuneration and allowances of the Board members in line with existing Government regulations.

(4) The Chief Executive Officer shall perform all duties as may be stipulated by Government Financial Regulations.

(5) The Agency shall prepare and submit through its Board to the Minister on or before 31st October of each year a budget showing the expenditures which the Agency proposes to incur in respect of the next financial year in order to carry out the functions of the Agency.

PART 5—MISCELLANEOUS

Annual
Report.

10. The Chief Executive Officer shall prepare and submit to the Board for onward transmission to the President through the Minister, not later than 30th June of each year, a report on the activities of the Agency during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Agency for that year and the auditor's report thereon.

Access to
premises and
other
Enforcement
powers.

11.—(1) For the purpose of carrying out the functions of the Agency, the Chief Executive Officer or any other officer of the Agency, authorised 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

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

(2) A person or establishment required to furnish information under subsection (1) of this section shall comply with the notice within the period of time specified in the notice.

(3) The Agency may obtain a court warrant to enter and search any property in the exercise of its functions.

(4) Where it appears to the Agency that a breach of electrical technical standard, regulation or of any interest the Agency is mandated to protect is taking place, the Agency may publish a notice in such manner as it considers appropriate to draw attention of other person affected or likely to be affected by the contravention or threatened contravention—

(a) specifying the actual or potential contravention ;

(b) directing the person or establishment concerned to do or not to do such things as they may be specified ;

(c) specifying the remedy and the timescale for compliance ; and

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

(5) A person or establishment affected by the notice specified in subsection (4) of this section is entitled to make representations against or in support of the enforcement notice by a date specified in the notice.

(6) A person or establishment concerned fails to comply with a notice served pursuant to subsection 4 of this section, the Agency may issue an enforcement order.

(7) 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 ₦500,000.00 or both.

(8) the Agency shall not issue an enforcement order if—

(a) a person or establishment concerned is able to demonstrate to the satisfaction of the Agency that it is not in breach of any standard, or regulation ; and

(b) the breach was not intentional and it has been remedied.

(9) Where a person or establishment concerned fails to comply with an enforcement order, the Agency may institute legal proceedings against them in any court to compel compliance.

12. The Minister may give directives of a general or special character to the Agency relating to the performance by the Agency of any or all of its functions under this Act, and the Agency shall comply and give effect to the directives.

Power of
Minister to
give
directives.

13. The Agency may submit its input to the Nigerian Electricity Regulatory Commission in the making of further technical regulations for the purpose of carrying out its functions under this Act.

Regulations.

14.— (1) The Agency's certification of any electrical equipment, material or installation used in the Nigerian electricity supply industry shall not be sufficient defence for negligence or damage suffered from the effect or application of the certified electrical equipment, material, or installation or power plant networks by the manufacturer, installer or user.

General.

(2) When an electrical material or installation is found defective after it has been brought into use, the licensee shall be required to rectify all anomalies that may be observed by an inspecting engineer.

(3) In addition to inspecting engineers who are permanent staff of the Agency, the Agency may, from time to time, appoint, on a temporary basis, special inspecting engineers for specified assignments or tasks.

(4) No inspecting engineer in the service of the Agency or the Agency is liable for acts carried out in the service of the Agency.

(5) In resolving disputes, including intra-organisation conflict and external conflicts involving any person or establishment, the Agency shall, as first line of action, apply amicable settlement processes such as negotiation, mediation and conciliation before resorting to the court.

(6) No court action shall be instituted against the Agency without a prior notice of 30 days in writing before such action is initiated.

(7) Any court action against the Agency shall be commenced within 1 year of the occurrence of the cause of action.

Interpretation.

15. In this Act—

“agency” means the Nigerian Electricity Management Services Agency, (established under Section 1 of this Act ;

“functions” includes duties, roles, responsibilities and powers ;

“inspecting engineer” means a qualified person holding that office under the Agency including his deputy and his assistants ;

“minister” means the Minister charged with responsibility for matters relating to electricity ;

“inspectorate services” means technical services provided in the Nigerian electricity supply industry to ensure safety of use and reliability of supply and ensuring compliance with technical standards and regulations ;

“technical support services” means specialised technical services provided in the Nigerian electricity supply industry by Agency ;

“persons” includes an individual, company, partnership or any association of individuals, whether corporate or not ;

“qualified person” means a skilled electrical person certified by relevant statutory body and authorised to handle electrical installation works in the Nigerian electricity supply industry.

Citation.

16. This Act may be cited as the Nigerian Electricity Management Services Agency Act, 2015.

SCHEDULE

Section 3 (3)

SUPPLEMENTARY PROVISION RELATING TO THE BOARD ETC.

Procedure of the Board

1.—(1) Subject to this Act and Section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its Committees.

(2) Every meeting shall be presided over by the Chairperson and if the Chairperson is unable to attend a particular meeting the members present at the meeting shall elect one of the member to preside at the meeting.

(3) The quorum of the Board shall be the Chairperson or the person presiding at the meeting and 6 other members of the Board.

(4) Upon any special occasion, the Board may co-opt any person to be a member for as many meetings as may be necessary, and that person so co-opted shall have all the rights and privileges of a member, except that he shall not be entitled to vote or count towards a quorum.

(5) Subject to its standing orders, the Board may appoint such number of standing and *ad-hoc* committees, as it thinks fit, to consider and report on any matter with which the Agency is concerned.

(6) Every Committee appointed under the provisions of sub-paragraph (5) of this paragraph shall be presided over by a member of the Board and shall be made up of such number of persons, not necessarily members of the Board, as the Board may determine in each case.

(7) The decision of a Committee shall be of no effect until it is confirmed by the Board.

Miscellaneous

2.—(1) The fixing of the Seal of the Agency shall be authenticated by the signature of the Chief Executive Officer of the Agency.

(2) A contract or instrument which if made by a person not being a body corporate, would not be required to be under Seal, may be made or executed on behalf of the Agency by the Chief Executive Officer of the Agency.

(3) A document purporting to be a contract or instrument or other document signed or sealed on behalf of the Agency shall be received in evidence and, unless the contrary is proved, be presumed, without further proof, to have been so signed or sealed.

(4) The validity of a proceeding of the Board or a Committee shall not be adversely affected by—

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

I certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

SALISU ABUBAKAR MAIKASUWA, OON, mni
Clerk to the National Assembly
25th Day of May, 2015.

EXPLANATORY MEMORANDUM

This Act establishes the Nigerian Electricity Management Services Agency, to take over the Electricity Management Services Plc. and 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.

SCHEDULE TO NIGERIAN ELECTRICITY MANAGEMENT SERVICES AGENCY BILL, 2015

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by the Senate</i>	(5) <i>Date Passed by the House of Representatives</i>
Nigerian Electricity Management Services Agency Bill, 2015.	An Act to establish the Nigerian Electricity Management Services Agency 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 for related matters.	This Bill establishes the Nigerian Electricity Management Services Agency to take over the Electricity Management Services Plc and 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.	13th May, 2015.	13th May, 2015.

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

I ASSISTANT



SALISU ABUBAKAR MAIKASUWA, OON, mni
Clerk to the National Assembly
 25th Day of May, 2015.

DR. GOODLUCK EBELIJE JONATHAN, GCPR
President of the Federal Republic of Nigeria
 26th Day of May, 2015.