

CHAPTER 52

EBONYI STATE ELECTRICITY BOARD LAW

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CHAPTER 52

EBONYI STATE ELECTRICITY BOARD LAW.

A LAW TO ESTABLISH EBONYI STATE ELECTRICITY BOARD

ISN
EDICT NO. 26
of 1985

{21st November, 1984}

Commencement.

PART I-PRELIMINARY

1. This Law may be cited as the Ebonyi State Electricity Board Law. Citation
2. In this Law Interpretation
 - "areas of supply" means those parts of the State where the National Electricity Power Authority does not for the time being maintain any electricity undertakings or installations; or the areas where the Board supplies electricity or maintains installations concurrently with National Electric Power Authority;
 - "the Board" means the Ebonyi State Electricity Board established by section 3 of this Law;
 - "Chairman" means the Chairman of the Board appointed under section 4 (a) of this Law;
 - "General Manager" means the administrative head of the Board;
 - "Commissioner" means the Commissioner charged with the responsibility for electricity;
 - "functions" include powers and duties;
 - "Government" means the Government of Ebonyi State of Nigeria;
 - "Governor" means the Governor of Ebonyi State of Nigeria;
 - "State" means Ebonyi State of Nigeria.
 - "National Electricity Power Authority" includes Power Holding Company of Nigeria or any other body or authority exercising the powers of National Electricity Power Authority whatever name it is called.

PART II-ESTABLISHMENT, FUNCTIONS AND POWERS OF THE BOARD

3. (1) There is hereby established a body known as the Ebonyi State Electricity Board. Establishment of the Board.
- (2) The Board shall be a body corporate with perpetual succession and a common seal, and may sue or be sued in its corporate name.

- (3) The Board shall have power to acquire, hold and, subject to the provisions of this Law, dispose of, mortgage or otherwise deal with movable or immovable property.
- Composition of the Board. 4. The composition of the Board shall be as follows:
- (i) a Chairman (who shall not be the Commissioner) to be appointed by the Governor;
 - (ii) three (3) members, one each from the three zones of the State, to be appointed by the Governor;
 - (iii) two (2) members, representing special interests, to be appointed by the Governor;
 - (iv) the Permanent Secretary, Ministry of Works and Transport or his representative;
 - (v) the General Manager of Ebonyi State Electricity Board.
- Functions of the Board 5. The functions of the Board shall be to
- (a) provide and distribute electricity for public, domestic, industrial and commercial use in areas of supply;
 - (b) establish, manage, maintain and work such electricity undertakings as the Board may deem expedient for the purpose of its functions;
 - (c) manufacture, provide, sell, let, hire, connect, maintain, repair or remove any electric lines, fittings, apparatus or appliances for lighting, heating or power, or for any other purpose for which electricity can or may be used;
 - (d) maintain shops and showrooms for the display, sale and hire of electrical equipment of all kinds;
 - (e) carry out the advertisement of such electrical equipment whether by way of demonstration, exhibition or otherwise; and
 - (f) perform such other functions as may from time to time be assigned to it by the Government.
- Powers of the Board. 6. (1) For the efficient discharge of its functions under this Law, the Board shall have power to
- (a) generate, transmit, transform, distribute and sell electricity either in bulk or to consumers in the areas of supply;
 - (b) 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, including the abstraction of water from any lake, river, stream or other natural source, and the doing of all such acts that may be necessary for utilizing and returning the water so abstracted, so however that all water not consumed shall be returned in a condition not less pure than when it was abstracted;

- (c) enter at any time between the hours of 6 a.m. and 6 p.m. or, in case of emergency, at any other time into or upon any building, premises or land upon, over, under or through which any line, installation, fitting, appliance or other service has been laid or made by the Board in order to
 - (i) carry out any inspection, repair or maintenance, or
 - (ii) disconnect the supply of electricity from such building or premises;
- (d) enter into such contracts as may be necessary or advantageous or expedient for the performance of its functions under this Law, including contracts for the bulk supply of materials;
- (e) acquire, purchase, lease, hold, construct, manufacture or maintain any property whatsoever required for or in connection with the performance of its functions and, subject to the provisions of section 24 of this Law, sell, dispose of, or otherwise deal with such property or any part thereof;
- (f) enter into any agreement with any person for the supply, manufacture, construction, maintenance or repair by that person of any property which is necessary or appropriate for the purposes of the Board;
- (g) do anything for the purpose of advancing the skill of persons employed by the Board, including the provisions of facilities for training, education, 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) invest money not for the time being required for its purposes under this Law, in lands, buildings, housing estates, shares, debentures, or other securities approved by the Governor in writing and with the like approval, to sell such lands, buildings, stocks, debentures or other securities;
- (i) insure its property against all forms of risks; and

- (j) do anything which in its opinion is requisite, advantageous or convenient for the carrying on of its functions under this Law.
- (2) The Board may co-operate with or enter into such agreements with the Power Holding Company of Nigeria or any other Authority to ensure the efficient and satisfactory performance of its functions under this Law.
- Equipment to be same specification and standards
7. The equipment manufactured or purchased by the Board for carrying out its functions shall be of the same specifications and standards as those of the Power Holding Company of Nigeria.
- Electrical apparatus, etc. to form property of the Board.
8. All electric lines, fittings, apparatus and appliances provided or let on hire by the Board on a consumer's premises shall be deemed to form part of the property of the Board.
- The General Manager of the Board.
9. (1) The Governor shall appoint a fit and proper person as the General Manager of the Board who shall hold office on such terms and conditions as may be specified in his letter of appointment.
- (2) The General Manager as the Chief Executive of the Board shall
- (a) be responsible for carrying out the policy and decisions of the Board; and
- (b) manage all the business and keep and preserve the property of the Board.
- (3) The Board may delegate to the General Manager of the Board such of its functions and powers under this Law as the Board thinks may be more conveniently or expeditiously dealt with by him so as to enhance the efficient conduct of the affairs of the Board.
- Secretary and other officers of the Board.
10. (1) The Board shall appoint a fit and proper person to be the Secretary to the Board. The Secretary who shall not be a member of the Board shall be responsible for the conduct of the correspondence and keep records of such correspondence, take and keep minutes of the proceedings of the Board and perform such other duties as may be assigned to him by the Board or the General Manager from time to time.

- (2) Subject to the provisions of this Law, the Board may
- (a) from time to time appoint such persons as officers and servants of the Board as it may consider necessary and determine their salaries, emoluments and conditions of service;
 - (b) grant or guarantee loans to employees on terms and conditions as it may approve;
 - (c) make standing regulations for the guidance of the Board in matters relating to conditions of service, disciplinary control of staff, etc., so however that until such new regulations are made, the Civil Service Rules or Regulations for the time being in force in the State shall apply to the staff of the Board.

11. (1) A member of the Board otherwise than as an ex-officio member shall hold office for three years on such terms and conditions as to remuneration and allowances as may be specified in the letter or instrument appointing him, and may be eligible for reappointment for another term.
- (2) Notwithstanding anything contained in the instrument of letter by which he is appointed, a member of the Board appointed pursuant to section 4 (i), (ii) and (iii) of this Law may resign his appointment by a letter signed by him and addressed to the Governor.
- (3) Notwithstanding the provisions of the foregoing subsections, the Governor may remove a member if he is satisfied that the member is incapable of discharging the functions of his office or for gross misconduct.

Tenure of
office and
remuneration
of
members
of the
Board.

PART III SUPPLY OF ELECTRICITY

12. 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.
13. (1) The Board may fix charges for electricity supplied by it at such rate and scale as, it considers reasonable.

Board to fix
scales of
charges.

- (2) Subject to the provisions of subsection (1) of this section, the rates and scales of charges fixed by the Board for electricity sold in bulk or direct to consumers, and services rendered by the Board, shall be such as to ensure that the Board makes profit therefrom together with other revenue accruing to the Board shall be sufficient as nearly as possible to
 - (a) meet payments failing to be made in that year by the Board in respect of interests on, or repayment of the principal of any money borrowed by the Board; and
 - (b) ensure that any sum the Board may deem proper to set aside in that year as reserve fund, extensions, renewals, depreciation, loans and other like purposes, is derived from the profits of the Board.
- (3) Charges for electricity or services may, if the Board thinks fit, be fixed at different rates and scales for different localities for the efficiency or safety of the consumer's wire, fittings, appliances and apparatus so inspected, tested or installed or for any damage or loss arising out of the use or misuse of such consumer's wire, fittings, appliances and apparatus by the consumer or any other person other than the employee of the Board.
- (4) The Board shall, except on the first inspection or testing, be entitled to prescribe a reasonable fee or fees for inspection or tests of consumer's wires, fittings, appliances or apparatus.

Board not
responsible for
safety of
consumer's
wires, etc.
Cap. 57.

- 14. The Board shall not, by virtue of making any inspection or test of consumer's wires, fittings, appliances and apparatus in accordance with the provisions of this Law or any regulations made under the Electricity Act, whether during the progress of the work of installation at the consumer's premises or after completion, be responsible for the efficiency or safety of the consumer's wires, fittings, appliances and apparatus so inspected, tested or installed or for any damage or loss arising out of the use or misuse of such consumer's wires, fittings, appliances and apparatus by the consumer or any other person other than the employee of the Board.

15. If any person or department of Government does anything which such person or department is authorized by law to do and which necessitates an alteration in any part of the transmission or distribution system vested in or which is the property of the Board, the Board shall, by reasonable notice being given to it in writing, make such alteration and the expenses incurred shall be borne by such person or department.

Power to enter land for certain purposes.

16. (1) Subject to the provisions of subsections (4) and (5) of this section, the Board may, through its officers or agents with all necessary workmen and other servants, enter from time to time on any lands for all or 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 near or on each side of any proposed or 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) Save as is otherwise specifically provided by section 17 of this Law, the Board shall, when practicable, give notice to the occupier of any land on which it intends to enter.
- (3) For all or any of the purposes mentioned in subsection (1) of this section, such officers, agents, workmen or other servants of the Board may remain on any such land for the period necessary for carrying out the assignment.
- (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 Government or public authority without the approval of such department of Government or public authority, which approval shall not be unreasonably withheld.

Power to enter land for certain purpose.

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

Board to
give notice
of intention
to enter
land.

17. (1) Before 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 or building such notice as is referred to in subsection (2) of section 16 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 to the work specified in the notice, the Board may proceed with that work.
- (3) (a) 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 unless and until the Board has obtained the approval in writing of the Governor.
- (b) The Governor may delegate his power of approval under this subsection to the Commissioner charged with the responsibility for State electrification.
- (4) If the owner of any land or building across or on 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, having regard to the safety regulations of the Electricity Act, alter the position, subject to such conditions as it may deem fit.

Compensation
for damages,
etc.

18. (1) In the exercise of the powers conferred by section 16 of this Law, 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 buildings, crops or economic trees.

- (2) The Board shall pay compensation in respect of water abstracted in the exercise of the power conferred by section 6 (1) (b) of this Law 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 an appropriate Magistrate's Court exercising jurisdiction in the place where the land is situate; if the Magistrate's Court has no jurisdiction in respect of the subject matter of the compensation, then the matter shall be referred to the High Court having jurisdiction in the area.

PART IV.-FINANCIAL PROVISIONS

- 19. The funds of the Board shall consist of:
 - (a) all sums, investments or other property whatsoever as may from time to time be given 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 given to the Board by way of loan or grant by a Local Government Council or by any statutory corporation in the State, the Government of Federal Republic of Nigeria, or of another State, or any international organization or body, or a private foundation or any person whatsoever;
 - (c) any investment or other property whatsoever acquired by or vested in the Board and any money earned or arising from such investment or property;
 - (d) all other sums (including electricity charges and other fees) 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 the provisions of any other law.
- 20. The Board shall keep proper account of its transactions, and such accounts shall be audited annually by the Director of Audit in accordance with the provisions of section 117 of the Constitution of the Federal Republic of Nigeria.

Funds of the Board.

Accounts and auditing.

Annual report
and estimates.

21. (1) As soon as may be after the end of each financial year, the Board shall forward to the Governor a full report of its operations during the preceding year together with a certified copy of the audited accounts of the Board.
- (2) The accounts of the Board together with the Director of Audit's report thereon shall be laid before the Public Accounts Committee.
- (3) The Board shall, in each financial year, prepare and submit to the Governor 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 Governor, write off bad debts or lost assets.

Power to borrow
money.

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

Guarantee by the
Government

23. The Government of Ebonyi State may guarantee in such manner and upon such conditions as it may think fit, the payment of the principal and interest of any money borrowed by the Board under the provisions of section 22 of this Law.

Acquisition
of land.

24. (1) Whenever there is any hindrance in obtaining land required for the purposes of the Board under this Law, the Board shall make representation to the Governor who may, pursuant to the provisions of the Land Use Act make land available to the Board.
- (2) A plan of any land referred to in subsection (1) of this section containing measurements of the boundaries of the land showing the relationship of the land to any sufficient identifying mark and signed by the Surveyor General of Ebonyi State shall be a sufficient description of the land for the purpose of any application under that subsection.
- (3) The Board shall not, without the approval in writing of the Governor, alienate, mortgage, charge or demise any immovable property, which has been vested in the Board under any provision of this Law.

PART V.-ACQUISITION OF LAND

25. (1) The Board may, with the approval of the Governor, make rules
- (a) prohibiting or restricting the access of members of the public or of any class of people to any premises occupied by or under the control of the Board;
 - (b) regulating the hours during which the means whereby the purposes for which, and the conditions subject to which members of the public or any class of members of the public 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 and when upon any such premises.
- (2) Rules made under subsection (1) of this section
- (a) shall not come into force until they have been approved by the Governor, and published in the State's Official Gazette;
 - (b) may provide for a penalty not exceeding Two Thousand Naira, for the contravention of any such rules or, in default of payment thereof, imprisonment for a term not exceeding two weeks.

Rules prohibiting public access to Board's premises.

PART VI.-MEETINGS OF THE BOARD

26. Subject to the provisions of this Law, the Board may make Standing Orders regulating its proceedings or any of its committee, especially as regards
- (a) the holding of meetings;
 - (b) notice to be given on 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.
27. (1) The Board shall hold meetings as and when the need arises: Provided that the Board holds meetings at least once a month.
- (2) Every meeting of the Board shall be presided over by the Chairman or, if the Chairman is unable to attend any particular meeting, by another member elected by the members present at the meeting to act as Chairman for that particular meeting.

Power of the Board to regulate its proceedings

Meetings of the Board.

(3) All meetings of the Board shall be summoned by the Chairman:

Provided that where

- (a) the Chairman neglects or fails to summon a meeting within three months from the date of last meeting; or
- (b) the Chairman is abroad for a period of three months or more; or
- (c) the Chairman is ill or incapacitated or for any reasons is unable to discharge the functions of a Chairman, any two members of the Board may, after they have requested the Chairman to do so, summon a meeting and give reasons for their doing so.

Quorum

28. At a meeting of the Board, five members present', shall form the quorum.

Co-optation of person.

29. Where Standing Orders made under section 26 of this Law provide for the Board to co-opt persons who are not members of the Board, such persons when co-opted may advise the Board on any matter referred to them by the Board but shall not count for a quorum nor be entitled to vote at a meeting of the Board.

Regulations

30. The Board may make regulations for all or any of the following purposes

- (a) prescribe the general conditions under which electricity shall be supplied or discontinued to consumers;
- (b) prescribe the general conditions for sale or letting on hire of electrical equipment of all kinds;
- (c) prescribe the form of and conditions to be contained in and the method of service of any notice required or authorized under this Law;
- (d) prescribe any fee or anything which is to be prescribed generally for the efficient carrying out of the purposes and provisions of this Law.

PART VII-MISCELLANEOUS PROVISIONS

31. (1) The affixing of the seal of the Board shall be authenticated by the signatures of the Chairman or some other members of the Board authorized, either generally or specifically by the Board to act for that purpose, and by the General Manager or some other person authorized, either generally or specifically by the Board to act for that purpose.
- (2) Any document purporting to be a document duly executed under the common seal of the Board or signed by the Secretary shall be received in evidence and be deemed to be so executed or signed without further proof, unless the contrary is proved.
32. Any contract or instrument which, if made or executed by any person 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 specifically authorized to act for that purpose by the Board.
33. The validity of any proceedings of the Board shall not be affected by
- (a) any vacancy in its membership; or
- (b) any defect in the appointment of a member; or
- (c) the fact that a person not entitled to do so took part in the proceedings of the Board.
34. 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 disclosure shall be recorded in the minutes of the Board, and such member shall not take part in any deliberation or decision of the Board relating to such contract or arrangement.
35. The Board may grant pensions, gratuities and other retiring benefits to its employees or to the estates or to the dependants of deceased employees of Board in accordance with the Civil service pensions schemes as provided in the pensions Act, and the regulations made thereunder and for the time being in force.

Seal of the Board.

Contracts etc.

Validity of proceedings

Disclosure

Pensions gratuities, etc.

NO. 102 of 1979.

State may be
zoned.

36. The Board may, by order, subject to the approval of the Commissioner, divide the State into zones for the purpose of distribution and management of electricity in the various zones.

Recruitment of
staff,
conditions of
service etc.

37. (1) The Board shall have power to
- (a) appoint and promote such staff as it may determine;
 - (b) transfer dismiss or otherwise exercise disciplinary control over all persons in the employment of the Board
 - (c) prescribe the conditions of service for its staff and pay such remuneration as the Board may determine
- (2) until any new regulations are made for the disciplinary control of staff, such control shall be exercised in accordance with the provisions of the Civil Service Rules or Regulations for the time being in force in the state
- mencement of this Law shall be deemed to be civil servant in the public service of the state on secondment to the Board.
- Provided that no such person shall suffer any loss of rank or retirement benefit as a result of the secondment to the Board.

Legal proceedings

38. (1) No suit against the Board or against any member, officer or employee of the Board in respect of any act, neglect or default done or committed or omitted to be done in his capacity as such member, officer or employee shall lie or be instituted in any Court unless it is commenced within three months from the date of the occurrence of the act, neglect or default, or in the case of a continuance of damage or injury, within three months immediately after cessation.
- (2) No suit shall be commenced against the Board or any member, officer or employee of the Board in respect of any act, neglect or default done or committed or omitted to be done by him as such member, officer, or employee of the Board until at least one month after the service on the Board, member, officer or employee of a written notice by or on behalf of the intending plaintiff of his intention to commence the suit, stating

- (i) the cause of action;
 - (ii) the particulars of claim;
 - (iii) the name and place of abode of the intending plaintiff; and
 - (iv) the relief claimed.
- (3) The notice referred to in subsection (2) of this section and any summons, notice or other document required or authorized to be served on the Board or on the member, officer or employee of the Board may, except where there is express provision to the contrary, be served-
 - (i) on the Board by delivering it to the Chairman or sending it by registered post addressed to the Chairman at the principal office of the Board;
 - (ii) on the member, officer or employee.
- (4) In any suit by or against the Board, the Board may, without prejudice to any other form of representation, be represented at any stage of the proceedings by any member, officer or employee of the Board duly authorized in writing by the Board in that behalf.