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by

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COMMISSIONERS FOR THE REVISION OF THE LAWS OF KEBBI
STATE OF NIGERIA

IN FOUR VOLUMES

VOLUME 4

CONTAINING KEBBI STATE LAWS, CHAPTERS 115-153

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CHAPTER 129

RURAL ELECTRICITY BOARD

AN EDICT TO PROVIDE ELECTRICITY FOR RURAL AREAS

SS 4 of
1984.[1 January, 1984] Date of
Commence-
ment.

PART I.—PRELIMINARY

1. This Edict may be cited as the Rural Electricity Board Edict, Short title
1984. and Commence-
ment.
2. In this Edict unless the context otherwise requires— Interpretation.
 "Board" means the Rural Electricity Board established under section 3;
 "Chairman" means the Chairman of the Board;
 "Commissioner" means the Commissioner for Works;
 "Electricity lines" means any wire, conductor or guard, instrument, insulator, casing, tubing, or standard pole, post or other support of any electric line or anything connected therewith;
 "main transmission lines" means all extra high pressure cables and overhead lines being an essential part of the Board's distribution system, transmitting electricity from a generating station to any other generating station or to a sub-station, together with any step-up or step-down transformers and switchgear necessary to and used for, the control of such cables or overhead lines, and the building of such part thereof as may be required;
 "Governor" means the Governor of the State;
 "Member" means member of the Board and includes the Chairman;
 "State" means the Sokoto State of Nigeria;

"Street or Road" includes any square, court, highway, road thoroughfare or public passage or place over which the public have a right of way.

PART II.—ESTABLISHMENT OF BOARD

Establishment of the Board.

3. There is hereby established a body called the Rural Electricity Board which shall be a body corporate with perpetual succession and a common seal and which shall have power to sue or be sued in its corporate name.

Constitution of the Board.

4.—(1) The Board shall be composed of the following members to be appointed by the Governor:—

- (i) Chairman;
- (ii) the General Manager of the Board;
- (iii) the Permanent Secretary, Ministry of Works and Transport;
- (iv) the Permanent Secretary, Economic Planning in the Ministry of Finance and Economic Planning; and
- (v) not more than three other persons of proven integrity.

(2) The Chairman, and other members, other than *ex-officio* members shall hold office for a period of three years from the date of their appointment and shall be eligible for re-appointment.

(3) Any member other than *ex-officio* member, may by notice to the Governor resign his appointment.

(4) Any vacancy occurring in the membership of the Board shall be filled by the appointment of a successor who shall represent the same interest as his predecessor.

Remuneration.

5. There shall be paid to members other than *ex-officio* members such remuneration and allowances as the Governor may from time to time, determine.

Vacation of office.

6. The seat of a member shall become vacant on the occurrence of any of the following events:—

- (a) his death;

- (b) his inability, resulting from any cause, to discharge the function of his office;
- (c) his conviction for a criminal offence involving fraud, dishonesty or moral turpitude;
- (d) his resignation;
- (e) the dissolution of the Board; or
- (f) his removal by the Governor for misbehaviour or other cause.

7.—(1) It shall be the duty of the Board to:—

Duties of the Board.

- (a) establish and manage electricity undertakings in those parts of the State where the National Electric Power Authority does not, at present maintain any electricity undertakings or installations;
- (b) take over all electricity within the State which are the property of the State Government;
- (c) secure the supply of electricity at reasonable prices;
- (d) advise the Governor on all matters relating to the generation, transmission, distribution and use of electricity; and
- (e) perform such other functions as may from time to time be assigned to it by the State Government.

(2) For the purposes of sub-section (1) the Board may generate, transmit, transform, distribute and sell electricity either in bulk or to individual consumers in the rural areas of the State;

- (a) construct, reconstruct, maintain and operate electric power generating stations, transmission lines, distribution lines, transformer stations and all other stations, buildings and works necessary for carrying out their duties under this Edict, including the abstraction of water from any lake, river, stream or other natural source and the doing of all such acts as may be necessary for the purposes of utilising and returning the water as abstracted, provided that all water not consumed shall be returned in a condition not less pure than when it was abstracted; and
- (b) carry on all such activities as may appear to them requisite, advantageous or convenient for or in connection with the discharge of their duties under sub-section (1).

Particular
functions of
the Board.

8. In addition to the powers conferred by section 7 the Board may carry on all or any of the following particular functions.

- (a) the manufacture, provision, sale, letting on hire, connection, maintenance, repair, or removal of any electric lines, fittings, apparatus or appliance for lighting or power or any other purpose 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, and
- (c) the advertisement of such electrical equipment whether by way of demonstration, exhibitions or other methods which are deemed advantageous.

Appoint-
ment of
Staff salaries
and pen-
sions.

9. The Board shall have power in the discharge of its functions, under the provisions of this Edict:-

- (a) to appoint from time to time and upon such salaries, terms and conditions as it may think fit, such officers and employees as may be necessary for the proper and efficient conduct of the business of the Board;
- (b) to grant pensions, gratuities, or other service benefits to any officer or employee; and it may require officers and employees to contribute to any scheme for end of service benefits;
- (c) to grant loans to any officer or employee for such purpose and upon such conditions as the Board may decide.

Funds and
resources of
the Board.

10. The funds and resources of the Board shall consist of:-

- (a) such sums as may be provided by the Government of the State;
- (b) all sums collected or received by the Board in performing its functions under this Edict; and
- (c) all other sums or property which may in any manner become payable to or vested in the Board.

Disposal of
surplus
funds.

11. The Governor may issue such direction to the Board as he thinks necessary for the disposal of any surplus funds of the Board, and subject to any direction the Board may invest its funds, and maintain a general reserve.

12. Subject to the approval of the Governor the Board may from time to time borrow, whether by way of mortgage or otherwise such sums of money for the purpose of carrying out any of its functions under this Edict as the Board may deem necessary.

Power to
borrow
money.

13. For the purpose of its functions under this Edict, the Board may acquire and hold, manage and dispose of any property, whether real or personal and whether by way of investment or otherwise, and may enter into any contract.

Power to
acquire and
dispose of
property.

14. The Board may, with the approval of the Governor, from time to time make standing orders regulating the proceedings of the Board or any committee thereof, for proper conduct of its business, and in particular for:-

Standing
Orders to
regulate
proceedings.

- (a) the custody and use of the common seal;
- (b) the method of entering into agreement;
- (c) the signing of cheques and other instruments; and
- (d) such other matters as the Governor may direct.

15.—(1) Subject to the provisions of section 14, the Board shall meet at least once a quarter and at such other times as may be expedient for the transaction of business and such meetings shall be held at such places and times as the Board may determine.

Procedure at
meetings.

(2) The Chairman may at any time call special meetings of the Board and shall do so on being requested in writing by at least three members of the Board.

(3) The Chairman shall preside at all meetings of the Board at which he is present and if he is absent, the members present at the meetings shall select one of them to preside.

(4) The Chairman, or in his absence the member presiding at a meeting of the Board shall have an original and a casting vote.

(5) Four members of the Board, shall constitute a quorum.

(6) The validity of any proceedings of the Board shall not be affected by any vacancy among the members or any defect in the appointment of a member.

(7) The Board shall observe the provisions of the Schedule of this Edict.

Liability of members.

16. No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.

Expenditure.

17. The Board may incur expenditure necessary for, and incidental to, the carrying out of any function conferred upon it by this Edict.

Annual estimates.

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

Keeping accounts.

19. The Board shall keep proper account in a form which shall conform with satisfactory commercial standards of its receipts, payments, credits and liabilities and shall submit annually the same, with vouchers and all necessary documents to be audited.

Annual Report.

20. The Board shall at the end of each financial year, submit to the Commissioner a report dealing with the activities of the Board during that financial year.

Electricity Act and liability for failure to supply.

21.—(1) The Board shall maintain the continuity of supply of electricity as required by the Electricity Act and any regulations made thereunder.

Provided that the Board shall have the right to suspend the supply of electricity for such period as may be necessary for carrying out inspection, tests, repairs, and for the laying of new connections.

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

PART III.—ADMINISTRATIVE ORGANIZATION OF THE BOARD

22.—(1) The Chief Executive Officer of the Board shall be its General Manager who shall be:—

- (i) an experienced administrative officer; or
- (ii) a professionally qualified engineer with sound experience in electricity supply management,

who shall have ultimate responsibility for the carrying out of the policies and decisions of the Board in accordance with the provision of this Edict.

(2) In the discharge of his functions, the General Manager shall be assisted by an officer of the Board to be known as Assistant General Manager who shall be a professionally qualified engineer with sound experience in electricity supply management and shall be responsible for the co-ordination of the functions and the General Supervision of all the major departments of the Board, subject to the ultimate administrative direction and control of the General Manager.

(3) There shall be a Secretary to the Board, who shall subject to the provisions of this Edict have such functions of an administrative nature as the General Manager or the Board may from time to time assign to him.

(4) Power to appoint and exercise disciplinary control over the General Manager, Assistant General Manager, and Secretary, and to determine their terms and conditions of service as to remuneration or otherwise, shall be vested in the Governor, and shall also be subject to the provisions of any regulations or rules that may be made by the Board. Subject to the provisions of this section, the Board shall have power to appoint and exercise disciplinary control over such other officers, servants and agents as it may think necessary for the discharge of its functions under this Edict to determine their terms and conditions of service as to remuneration.

23. The Board may with the approval of the Governor and subject to the provisions of this Edict, make regulations with respect to the appointment, promotion, transfer and dismissal of, and exercise of disciplinary control over its employees, and

General Manager, Assistant General Manager and Secretary.

Regulations and control of staff.

without prejudice to the generality of the foregoing provisions, make regulations for any of the following matters:—

- (a) The qualification to be required for appointments;
- (b) The method of appointment (including probation and confirmation);
- (c) The form of any agreement to be entered into between the Board and its employees;
- (d) The terms and conditions of service (including without prejudice to generality of allowances, the grant of advances, the provisions of quarters, leave, medical and dental treatment);
- (e) The procedure and requirement for promotion;
- (f) The maintenance of discipline;
- (g) The transfer of employees between the Board and the State or Federal Government, township authority or local government authority or any statutory corporation;
- (h) Such other matters relating to departmental procedure and duties and responsibilities of employees as the Board considers.

Pensions,
gratuities
and retire-
ment
benefits.

24. The Board may, with the approval of the Governor make rules, with respect to its employees, for:—

- (a) the pensions, gratuities and retirement allowances to be granted to pensionable employees of the Board and their dependants;
- (b) the gratuities and retirement allowances to be granted to pensionable employees of the Board and their dependants;
- (c) all matters ancillary to the matters mentioned in paragraphs (a) and (b).

Power to
enter land
for certain
purposes.

PART IV.—POWER AND PROCEDURE IN RESPECT OF ELECTRICITY SUPPLY

25.—(1) Subject to the provisions of sub-section (4) the Board may by 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 on each side of any electric or main transmission line;
- (c) The cutting and removal 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 well, house or other building any bracket or other suitable fixture required for the carrying or support of any electric or main transmission line or any other electrical apparatus.

(2) Save as is otherwise specifically provided by this section the Board shall when practicable give to the occupier of any land notice on which it is intended to enter.

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

(4) 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 sub-section (1).

26.—(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 sub-section (2) of section 22, which shall be in writing giving a description of nature of the line or fixture and the manner in which it is intended to be constructed or attached.

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

(2) Any objection by an occupier shall be in writing and shall be lodged with the Board within thirty days of the service of the notice thereafter it shall be of no effect.

(3) If an owner or occupier 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 alter the position subject to such condition as it may impose.

(4) Any person not satisfied by a decision of the Board may refer the matter for determination to the court having jurisdiction in the place where the land or building is situated.

Compensation for damage, etc.

27.—(1) In the exercise of powers conferred by section 21 the Board, its officers and servants shall do as little damage as may be possible 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 exercise of the power conferred by paragraph (a) of sub-section (2) of section 7 to any person injuriously affected.

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

Power to make regulations.

28. The Board, subject to the approval of the Governor, may make regulations for all or any of the following purposes:—

- (a) prescribing the general condition 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 condition to be contained in and the method of service of any notice required or authorised under this Edict;
- (d) prescribing any fee or anything which is to be prescribed generally and for the better carrying out of the purposes and provisions of this Edict.

Power of the Governor to give direction.

29. Notwithstanding, anything contained in this Edict the Governor may give to the Board general or special direction as to the exercise by the Board of its power under this Edict and the Board shall give effect to any such direction.

Service to tenements and payment for consumption of Electricity.

30.—(1) The Board may, subject to the provision of any regulations made under this Edict supply electricity through any service to any tenements on application being made by the owner or occupier thereof who shall pay to the Board any charges the Board may require for the laying of a service to such tenement.

(2) The Board may refuse to supply electricity to any particular tenement otherwise than through a meter which shall be supplied, installed and maintained by the Board.

(5) If any person fails to pay the amount due from him for electricity supplied the Board may recover the same with costs, together with the expense of disconnecting the service to the tenement in any court of competent jurisdiction.

31. The Board shall not by virtue of making any inspection or test of a consumer's electrical lines, fittings, appliances and apparatus in accordance with this Edict or any regulations made thereunder, whether during the progress of the work or installation at the consumer's premises or after its completion, be deemed to be responsible for the efficiency or safety of the consumer's electricity line fittings, appliances and 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 apparatus by the consumer or any other person other than an employee of the Board.

Board not responsible for safety of consumer's electrical lines, fittings and appliances.

32. Except in so far as is otherwise provided by this edict where a supply of Electricity is provided by the Board in any part of an area for private purposes, every person within that part of the area shall, upon application to the Board, be entitled to a supply on the same terms on which other persons in such part of the area are entitled under similar circumstances to a corresponding supply, provided that in the cases of a fresh connection adequate Electricity supply can be made available without detriment to existing supplies to persons or institutions in the area.

Entitlement to supply and preclusion of preferential treatment.

33.—(1) If any person or any department of the Government or any other authority does any matter or thing which such person, department or authority is by or under law authorised to do and which necessitates an alteration in any part of any power station or of any distribution system vested in any property of the Board, the Board shall on reasonable notice being given to it by such person, department or authority make such alterations, and the expenses incurred thereby shall be borne by such person, department or authority.

Liability for cost of requested alterations.

(2) In the event of any dispute arising as to the amount of such expenses the same may be referred by either the person, depart-

ment or authority as aforesaid or the Board to an arbitrator to be appointed by the Commissioner.

PART VII.—ACCOUNTS AND REPORTS OF THE BOARD

34.—(1) The Board shall:—

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

(2) The said annual statement of accounts shall be 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.

Audit.

35.—(1) The said annual statement of accounts shall be audited by the State Director of Audit or by an auditor or auditors appointed by him, and the remuneration to be paid by the Board to the Auditor or auditors so appointed shall be fixed by him.

(2) As soon as the said annual statement of accounts has been audited, the Board shall within a period of 6 months after the end of the last financial year, forward to the Commissioner a copy of the said statement of accounts together with a copy of the report made by the auditors.

Annual report.

36.—(1) The Board shall, within six months after the end of the last financial year, make to the Commissioner a report, in such form and containing such particulars as he may from time to time direct dealing with the activities of the Board during that financial year.

(2) Every annual report made by the Board under sub-section (1) shall contain particulars of all directions given under this Edict by the Governor to the Board during the financial year.

Fraudulent measurement and damage to meters.

37. Any person who alters, causes, or permits to be altered, any service with intent to avoid the accurate measurement of register of electricity by means of any meter or to obtain greater supply of electricity than he is entitled to or to avoid payment therefore, or

causes or wilfully or negligently damages, alters or causes or permits to be damaged or alters any meter, shall be guilty of an offence and shall be liable on conviction to a fine of one hundred naira or to four months imprisonment or both and any service so altered or any meter so damaged or altered shall be replaced or repaired by the Board at the expense of the person convicted and the cost of replacing or repairing any such service or meter may be recovered upon the order of a court in the same manner as any penalty may be recovered upon conviction.

38. Any person who without lawful justification or excuse, the proof of which shall lie on the person charged, refuses or fails to pay any rate or charge payable by virtue of this edict by the date on which it is payable, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred naira or to imprisonment for a term not exceeding six months.

Penalty for refusing or failing to pay rates or charges.

PART VII.—MISCELLANEOUS AND GENERAL

39.—(1) In any action for the recovery of any rate, charge or other moneys, other than fines and penalties, due payable or recoverable under this Edict, a certificate from the Board, or of any person appointed by the Board in that behalf that any sum of money is due and that the defendant is the person liable to pay the same, shall, in the absence of any evidence to the contrary, be conclusive evidence of such debt and of the non-payment thereof and that the defendant is the person liable to pay the same.

Proof of moneys due.

(2) Every such action shall be instituted by the Board or by any person authorised by the Board to institute such action on its behalf.

40.—(1) Where, upon considering any audit report or accounts or in any other case, the Commissioner is satisfied that in respect of the functions of the Board under this Edict:—

Power of the Commissioner to surcharge persons.

(a) any sum due to the Board has not been duly brought to account by any person by whom such ought to have been brought it into account; or

(b) any sum due to the Board has not been duly brought to

account by any person by whom such ought to have been brought it into account; or

- (c) any loss of or deficiency in the moneys, or destruction of any other property of the Board that has occurred by reason of the negligence, breach of official duty or other misconduct of any person, the Commissioner may surcharge the amount of such sum, loss or deficiency or of the value of the property lost or destroyed, upon the person aforesaid whether he be a member of the Board or an officer or other employee or agent of the Board.

(2) Before exercising any of his powers under sub-section (1), the Commissioner may by writing under his hand authorise any person to conduct any inquiry for the purpose of this section and to summons and take evidence and examine witnesses upon oath or affirmation and require all such persons as he deem fit to appear before him at a time and place to be stated in such summons to produce all such books, records, accounts, and other documents and materials as he may consider necessary for the purpose of the inquiry.

(3) If the Commissioner decides to surcharge any amount upon any person under sub-section (1) he shall cause a notice to be served upon him, or on his legal representatives in the event of his death, requiring him or such representatives to pay the amount surcharged within such period from the date of the service of the notice as may be specified therein.

(4) Notwithstanding any of the provisions of sub-section (3), no liability to surcharge shall be incurred by any officer, other employee or agent of the Board, who can prove to the satisfaction of the Commissioner that he acted in pursuance of and in accordance with the terms of a resolution of the Board or of any Committee duly appointed under this Edict or on the written instructions of any officer, other employee or agent of the Board to whose order, in relation to the matter in question, he was subject:

Provided that nothing in this subsection shall exempt any person from liability to surcharge in accordance with the provisions of this section where that person knew or ought reasonably to have known that the terms of any resolution or any written instructions as aforesaid were not in accordance with the pro-

visions of this Edict or any regulations or rules made or directions given thereunder.

41. Any amount notified as a surcharge in accordance with the provisions of sub-section (3) of section 39 shall be a debt due to the Board, and may be sued for and recovered in any court of competent jurisdiction at the suit of the Commissioner. Recovery of debts.

42.—(1) Any person who is aggrieved by any decision of the Commissioner to surcharge any amount upon him may, if the decision relates to an amount exceeding four hundred naira, within thirty days of such decision, appeal to the Chief Magistrate Court. Appeals against surcharge.

(2) The Chief Magistrate on such appeal shall have power to confirm, vary or quash the decision of the Commissioner and to give such directions as the Court may deem fit in the matter.

43.—(1) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Board by any person generally authorised by the Board for that purpose. Execution or issue of legal instruments.

(2) Any document purporting to be a document duly executed or issued under the seal of the Board or on behalf of the Board shall, unless the contrary is proved, be deemed to be a document so executed or issued as the case may be.

44. Service upon the Board of any notice order or other document may be effected by delivering the same or by sending it by registered post addressed to the Secretary of the Board. Service of notice, etc.

45. No execution or attachment or process in the nature thereof shall be issued against any transformer or power stations vested in or the property of the Board, but any sums of money which may be the subject to any directions given by the court, where notice of any appeal has been given by the Board in respect of the said judgment, be paid by the Board from its funds. Restriction on execution against Board's power stations.

Power
Stations
excluded
from rates.

46. Power or transformer stations vested in or the property of the Board shall not be regarded as hereditaments or tenements to be valued for rating purposes under any Edict or Law.

Transitional
provisions
and savings,
and valida-
tions.

47.—(1) Nothing in this Edict shall affect any order, rule, regulation, appointment, resolution, agreement made, directions given, proceedings taken, instruments issued or things done under the provision of the defunct Sokoto State Ministry of Water and Electricity supply, until revoked or replaced under the provisions of this Edict, and accordingly references to any Electricity Authority or prescribed authority, or to any other person, shall be construed with such necessary modification, amendment, and adaptations as references to the Board.

SCHEDULE

CONSTITUTION AND PROCEEDINGS

1. A member of the Board who is in any way directly or indirectly interested in a transaction or project of the Board shall disclose the nature of his interest at a meeting of the Board, and the disclosure shall be recorded in the minutes of the Board, and the member shall not at the deliberation or decision with respect to that transaction or project, vote. Members to disclose interest in transaction.

2. 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 hold temporarily the office held by such incapacitated or absent member during the period of such incapacity or absence and all the functions of such member under this Edict, shall devolve upon the person temporarily appointed. Temporary member.

3. 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 person to be a member for such meeting or meetings as may be required, and such person whilst so co-opted shall have all the rights and privileges of a member save that he shall not be entitled to vote on any question. Co-opted member.

4.—(1) The Board shall soon after its establishment provide itself with a common seal. Common Seal.

(2) The common seal of the Board shall be authenticated with the signature of the Chairman of the Board or some other member thereof 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 (purporting to be authenticated in accordance with this paragraph) of the Board shall be received in evidence and be deemed to be such instrument without further proof unless the contrary is shown.