

A BILL

FOR

AN ACT TO AMEND THE ENERGY COMMISSION OF NIGERIA ACT NO. 62, 1979, TO PROVIDE FOR THE ESTABLISHMENT OF SOLAR ENERGY DEVELOPMENT AND UTILIZATION FUND AND FOR OTHER RELATED MATTERS

Sponsored by Hon. Uzoma Nkem-Abonta

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria:

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1. The Energy Commission of Nigeria Act, No. 62, 1979 (in this Act referred to as the Principal Act) is amended as set under this Act.

Amendment of the Energy Commission of Nigeria Act, 1979

2. Section 2 (a) (vii) of the Principal Act by substituting for the words "External Affairs" with the words "Foreign Affairs".

Amendment of section 2 (a) (vii)

3. Section 3 (2) of the Principal Act by substituting for paragraph (r) the words "National Electric Power Authority" with the words "Power Holding Company of Nigeria"; and insert a new paragraph (s) as follows:

Amendment of section 3 (2)

“(s) the Secretary of the Commission.”

4. Section 5 of the Principal Act is amended by inserting paragraphs (l)-(o) as follows:

Amendment of section 5

“(l) to charge such sums as is reasonable for the building of Solar Energy facilities in any community or state that requested;

(m) to promote and encourage the manufacturer's of solar energy equipment and systems;

(n) to gather and disseminate information relating to the technology, supply, demand, National Policies, Programmes in the field of solar energy and to link such activities with the National Energy Bank of the Commission;

(o) To advise the Government of either the Federal or State as to

1 grants and other financial disbursements"

Amendment of
section 7

2 5. Section 7 of the Principal Act is amended by substituting the
3 existing section 7 as follows:

4 "7.-(1) There shall be appointed for the Commission, a Director-
5 General subject to the confirmation of the Senate.

6 (2) The Director-General appointed pursuant to subsection (1) above
7 shall:

8 (a) be the Chief Executive Officer of the Commission;

9 (b) organize and manage the affairs of the Commission;

10 (c) enforce the provisions of this Act, and in particular, direct the
11 activities of the professionals, officers, and staff of the commission;

12 (d) exercise disciplinary control over the officers and staff of the
13 Commission; and

14 (e) manage the funds allocated to the Commission from time to time
15 in accordance with the provisions of this Act or any other law, financial
16 regulation or rule in force in the Federal Republic of Nigeria;

17 (f) be paid such salaries allowances as may be specified in his letter of
18 appointment;

19 (g) be free to manage the affairs and operations of the Commission as
20 he thinks fit in accordance with the provisions of this Act, and in this regard
21 other members of the management of the Commission shall not interfere with
22 his methods or with the manner in which he deploys the material and human
23 resources of the Commission in order to obtain results; and

24 (h) resign his office by writing under his hand addressed to the
25 president, Commander-in-chief of the Federal Republic of Nigeria.

26 (3) There shall be for the Commission a Secretary who shall be
27 appointed the President, Commander-in-Chief of the Federal Republic of
28 Nigeria:

29 (a) the Secretary shall be a qualified engineer knowledgeable in
30 energy matters and shall be the Secretary of the Technical Advisory Committee

1 as provided for in section 3 of the Commission's Act;

2 (b) the Secretary shall report and take directives from the Director-
3 General of the Commission;

4 (c) the Secretary shall keep the secretariat of the Technical
5 Advisory Committee of the Commission and report same to the Director-
6 General of the Commission; and

7 (d) carrying out any directives of the Technical Advisory
8 Committee targeted at improving the mandate of the Commission.

9 6. Section 8 (2) of the Principal Act is amended by substituting the
10 existing subsection (2) and re-number accordingly:

Amendment of
section 8 (2)

11 "8.-(2) (a) 2% of the profit on the income accruing to the
12 Federation Account from the energy sector.

13 (a) Such monies as shall be collected by the Commission from Oil,
14 Gas, Coal, Bitumen and Electricity Companies operating in Nigeria not
15 exceeding 0.25% of the profit after tax of each such company;

16 (b) Such sums as may be raised from time to time by the
17 Commission by way of contributions or donations from any person
18 (whether corporate or incorporate);

19 (c) Monies earned or realized from any property or investment
20 acquired by or vested in the Commission pursuant to this Act; and

21 (d) Such sums as may be contributed by International
22 Organizations."

23 7. Insert a new section 9 and renumber accordingly as follows:

Insertion of new
section 9

24 "9. The Commission shall be exempted from the payment of
25 income tax or any income accruing from investment of the Commission, the
26 provision of any enactment relating to the taxation of companies shall not
27 apply to the Commission".

Exemption from
tax

28 8. Insert a new section 10 and renumber accordingly as follows:

Insertion of new
section 10

29 "10. The Commission shall prepare and submit to the President,
30 Commander-in-Chief and the National Assembly, not later than 3 months

Annual report

1 after the end of each year a report during the preceding year containing:

2 (a) an account of its operations and transactions throughout that
3 preceding year;

4 (b) a statement of accounts of the Commission for that preceding year
5 audited”.

Insertion of new
section 11

6 9. Insert a new section 11 and renumber accordingly as follows:

Regulations

7 “11. The Commission may with approval of the President,
8 Commander-in-Chief of the Federal Republic of Nigeria make regulations for
9 carrying out into effect the provisions of the Commission's Act”.

Interpretation

10 10. In this Act unless the context otherwise requires:

11 "Secretary" means the Secretary of the Commission appointed for the
12 Commission by the President of the Federal Republic of Nigeria.

Citation

13 11. This Act may be cited as the Energy Commission Act
14 (Amendment) Bill, 2015.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Energy Commission of Nigeria Act No. 62. 1979 to provide for the development and utilization of Alternative Energy Sources through public/private participation.