

NATIONAL ENERGY REFORM BILL, 2016

ARRANGEMENT OF SECTIONS

Section:

PART I - INTERPRETATION AND OBJECTS

1. Objects of Act

PART II - ENERGY SUPPLY, OPTIMISATION AND UTILISATION

2. Provision of data and access to data sources
3. Safety, health and environment
4. Energy access by households

PART III - INTEGRATED ENERGY PLANNING

5. Integrated energy planning

PART IV - NATIONAL ENERGY DEVELOPMENT INSTITUTE

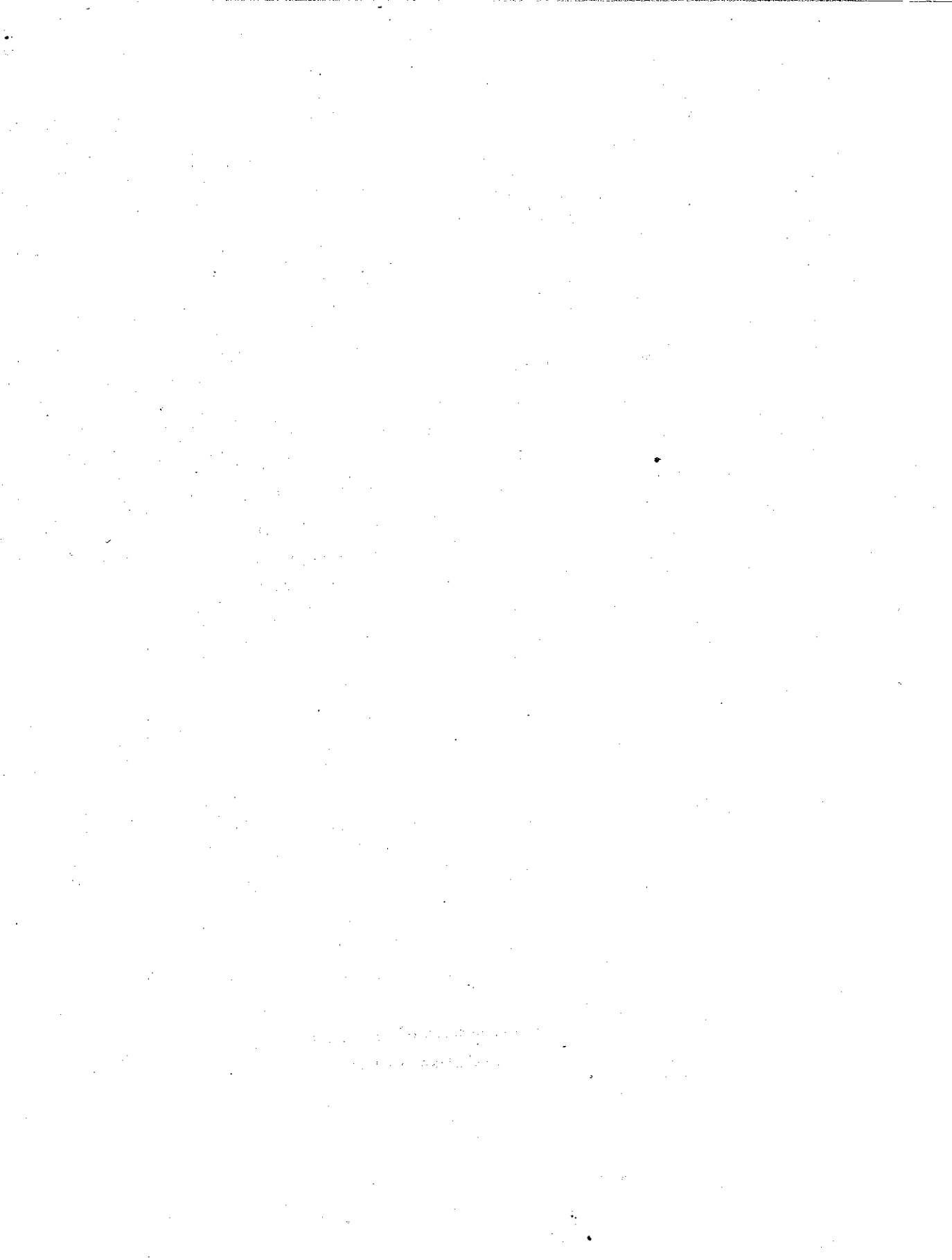
6. Establishment of the National Energy Development Institute
7. Constitution of the National Energy Development Institute
8. The National Energy Development Institute sub-committees for specific purposes
9. Meetings of Board of the National Energy Development Institute
10. Chief Executive Officer of the National Energy Development Institute
11. National Energy Development Institute employees and conditions of service
12. Transitional provisions
13. Funding of the National Energy Development Institute
14. Accounting and auditing at National Energy Development Institute
15. Discoveries, inventions and improvements

PART V - SECURITY OF SUPPLY

16. Acquisition and maintenance of National Strategic energy feed stocks and carriers
17. Investment in and maintenance of energy infrastructure

PART VI - GENERAL PROVISIONS

18. Regulations
19. Offences and penalties
20. Interpretation
21. Short Title



A BILL

FOR

AN ACT TO ENSURE THAT DIVERSE ENERGY RESOURCES ARE AVAILABLE IN SUSTAINABLE QUANTITIES AND AT AFFORDABLE PRICES IN SUPPORT OF ECONOMIC GROWTH AND POVERTY ALLEVIATION, TAKING INTO ACCOUNT ENVIRONMENTAL MANAGEMENT REQUIREMENTS AND INTERACTIONS AMONGST ECONOMIC SECTORS TO PROVIDE FOR ENERGY PLANNING INCREASED GENERATION AND CONSUMPTION OF RENEWABLE ENERGIES, CONTINGENCY ENERGY SUPPLY AND FOR RELATED MATTERS

Sponsored by Hon. Victor Nwokoli

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria, as follows:

- 1 PART I - INTERPRETATIONS AND OBJECTS
- 2 1. The objects of this Act are to: Objects of Act
- 3 (a) ensure uninterrupted supply of energy;
- 4 (b) promote diversity of supply of energy and its sources;
- 5 (c) facilitate effective management of energy demand and its
- 6 conservation;
- 7 (d) promote energy research;
- 8 (e) promote appropriate standards and specifications for the
- 9 equipment, systems and processes used for producing, supplying and
- 10 consuming energy;
- 11 (f) ensure collection of data and information relating to energy
- 12 supply, transportation and demand;
- 13 (g) provide for optimal supply, transformation, transportation,
- 14 storage and demand of energy that are planned, organised and implemented
- 15 in accordance with a balanced consideration of security of supply,
- 16 economics, consumer protection and a sustainable development;

1 (h) provide for certain safety, health and environment matters that
2 pertain to energy;

3 (i) facilitate energy access for improvement of the quality of life of the
4 people;

5 (j) commercialize energy related technologies;

6 (k) ensure effective planning for energy supply, transportation and
7 consumption; and

8 (l) contribute to sustainable development of Nigeria's economy.

9 PART 11- ENERGY SUPPLY, OPTIMISATION AND UTILISATION

Provision of data
and access to data
sources.

10 2.-(1) The Minister must establish mechanisms to ensure:

11 (a) provision of any data and information reasonably required for the
12 purposes of conducting analysis required for energy planning from any person
13 and the time period for the provision of such data and information, where such
14 data is not already made available to any other public institution; and

15 (b) connection to any data and information management system, or
16 any other system within the public administration, for the acquisition of energy
17 data and information where such data or information is collected by that public
18 institution.

19 (2) The Minister may, for the purpose of ensuring optimal collection
20 of data, subject to observation of confidentiality of information in the
21 possession of a particular entity, permit sharing of information with any other
22 entity within and outside of the boundaries of Nigeria.

23 (3) The Minister must establish mechanisms to:

24 (a) collect, collate and analyse energy data and information;

25 (b) manage energy data and information; and

26 (c) avail, in a manner prescribed, energy statistics and energy
27 information to the public.

28 (4) The Minister must annually publish an analysis:

29 (a) reviewing energy demand and supply for previous year;

1 (b) forecasting energy supply and demand for no less than 20 years;

2 and

3 (c) of plausible energy scenarios of how the future energy demand
4 and supply landscape could look like under different demand and supply
5 assumptions.

6 (5) The Minister must publish:

7 (a) models used for data and information analysis;

8 (b) all the assumptions that are underpinning the models
9 contemplated in subsection (a); and

10 (c) a list of categories of information or data that have been
11 classified as confidential and the reasons thereof.

12 3. The Minister may, after consultation with the Minister of Trade
13 and Investment, the Minister of Labour, Employment and Productivity and
14 the Minister of Environment to minimise the negative safety, health and
15 environmental impacts of energy carriers.

Safety, health
and environment

16 4.-(1) The Minister must adopt measures that provide for the
17 universal access to appropriate forms of energy or energy services for all at
18 affordable prices.

Energy access
by households

19 (2) The measures contemplated in subsection (1) must take into
20 account:

21 (a) the safety, health and environmental suitability of such energy;

22 (b) the availability of energy resources;

23 (c) the optimisation of existing energy infrastructure;

24 (d) the need for new infrastructure;

25 (e) the provision of information and training regarding energy and
26 its optimal utilisation;

27 (f) the sustainability of the energy provision;

28 (g) affordability;

29 (h) cost effectiveness;

30 (i) the commitment to provide free basic electricity to poor

- 1 households; and
2 (j) appropriate governance procedures for government sponsored
3 programmes.

4 PART III - INTEGRATED ENERGY PLANNING

Integrated
energy planning

5 5.-(1) The Minister must develop and, on an annual basis, review and
6 publish the Integrated Energy Plan in the Gazette.

7 (2) The Integrated Energy Plan must deal with issues relating to the
8 supply, transformation, transport, storage and demand of energy in a way that
9 accounts for-

- 10 (a) security of supply;
11 (b) economically available energy resources;
12 (c) affordability;
13 (d) universal accessibility and free basic electricity;
14 (e) social equity;
15 (f) employment;
16 (g) the environment;
17 (h) international commitments;
18 (i) consumer protection; and
19 (j) contribution of energy supply to socio-economic development.

20 (3) The Integrated Energy Plan must-

21 (a) take account of plans relating to transport, electricity, petroleum,
22 water, trade, macro-economy energy infrastructure development, housing, air
23 quality management, greenhouse gas mitigation within the energy sector and
24 integrated development plans of local and State authorities;

25 (b) inform and be informed by plans from all supply, production and
26 demand sectors whose plans impact on or are impacted by the Integrated
27 Energy Plan; and

28 (c) be based on the results of the energy analysis envisaged in sections
29 3(4)(a) and 3(5).

1 (4) The development of the Integrated Energy Plan must take into
2 account:

- 3 (a) sustainable development;
4 (b) optimal use of indigenous and regional energy resources;
5 (c) balance between supply and demand;
6 (d) economic viability;
7 (e) environmental, health, safety and socio-economic impacts; and
8 (f) developmental requirements of the Southern African region.

9 (5) The Integrated Energy Plan must have a planning horizon of no
10 less than 20 years.

11 (6) The Integrated Energy Plan must:

- 12 (a) serve as a guide for energy infrastructure investments;
13 (b) take into account all viable energy supply options; and
14 (c) guide the selection of the appropriate technology to meet
15 energy demand.

16 (7) Before finalising the Integrated Energy Plan, the Minister
17 must-

- 18 (a) invite public comments; and
19 (b) duly consider such comments.

20 PART IV - THE NATIONAL ENERGY DEVELOPMENT INSTITUTE

21 6.-(1) The National Energy Development Institute is here by
22 established.

Establishment of
the National Energy
Development
Institute

23 (2) The functions of the National Energy Development Institute are
24 to, in respect of-

- 25 (a) energy efficiency:
26 (i) undertake energy efficiency measures as directed by the
27 Minister;
28 (ii) increase energy efficiency throughout the economy;
29 (iii) increase the gross domestic product per unit of energy
30 consumed; and

- 1 (iv) optimise the utilisation of finite energy resources;
- 2 (b) energy research and development-
- 3 (i) direct, monitor, conduct and implement energy research and
- 4 technology development in all fields of energy, other than nuclear energy; and
- 5 (ii) promote energy research and technology innovation;
- 6 (iii) provide for:
- 7 (aa) training and development in the field of energy research and
- 8 technology development;
- 9 (bb) establishment and expansion of industries in the field of energy;
- 10 and
- 11 (cc) commercialisation of energy technologies resulting from energy
- 12 research and development programmes;
- 13 (iv) register patents and intellectual property in its name resulting
- 14 from its activities;
- 15 (v) issue licenses to other persons for the use of its patents and
- 16 intellectual property;
- 17 (vi) publish information concerning its objects and functions;
- 18 (vii) establish facilities for the collection and dissemination of
- 19 information in connection with research, development and innovation;
- 20 (viii) undertake any other energy technology development related
- 21 activity as directed by the Minister, with the concurrence of the Minister of
- 22 Science and Technology;
- 23 (ix) promote relevant energy research through cooperation with any
- 24 other institution or person equipped with the relevant skills and expertise
- 25 within and outside Nigeria;
- 26 (x) make grants to educational and scientific institutions in aid of
- 27 research by their staff or for the establishment of facilities for such research;
- 28 (xi) promote the training of research workers by granting bursaries
- 29 or grants-in-aid for research;
- 30 (xii) undertake the investigations or research that the Minister, after

1 consultation with the Minister of Science and Technology, may assign to it;
2 and

3 (xiii) advise the Minister and the Minister of Science and
4 Technology on research in the field of energy technology.

5 7.-(1) Subject to this Act, the National Energy Development
6 Institute is managed and controlled by a Board, which:

Constitution of
the National Energy
Development
Institute

7 (a) must determine National Energy Development Institute's
8 policies and procedures;

9 (b) must exercise control over the performance of the National
10 Energy Development Institute's functions; and

11 (c) has the same powers and authority as are conferred upon the
12 National Energy Development Institute in terms of this Act.

13 (2) The Minister must, after consultation with the Minister of
14 Science and Technology, appoint as members of the Board:

15 (a) a Chairperson;

16 (b) a Deputy Chairperson;

17 (c) representatives from the Departments of Petroleum, Power,
18 Trade and Investment, Science and Technology, Environment and
19 Transport; and

20 (d) two other suitably qualified persons.

21 (3) A member of the Board must vacate his or her office if he or she:

22 (a) becomes of unsound mind;

23 (b) resigns by written notification to the Minister of at least one
24 month;

25 (c) in the case of members appointed in terms of subsection (2)(c),
26 resigns from his or her respective department; or

27 (d) materially fails to perform any duty imposed on him or her in
28 terms of this Act.

29 (4) The members of the Board, with the exclusion of those
30 members who are in then full-time employment of an organ of the state,

1 must be appointed on such conditions, including conditions relating to the
2 payment of remuneration and allowances, as the Minister may, with the
3 concurrence of the Ministers of Finance and Science and Technology,
4 determine.

5 (5) The members of the Board must be persons who have relevant
6 qualifications and experience or who have special knowledge or experience in
7 relation to one or other aspect of the National Energy Development Institute's
8 functions.

9 (6) Upon appointment, every member of the Board must disclose to
10 the Minister and to the Board:

11 (a) his or her pecuniary interest in any person, firm, association or
12 company engaged in any of the functions of the National Energy Development
13 Institute; and

14 (b) if his or her spouse, life partner, parent or child is in the employ of,
15 or acts as a consultant to, or has any relationship with, any person, firm,
16 association or company engaged in any of the functions of the National Energy
17 Development Institute.

18 (7) If a member of the Board acquires an interest contemplated in
19 subsection 10 (a) or (b), such member must immediately, in writing, declare
20 that fact to the Minister and Board.

21 (8) The Minister may, from time to time, reserve any matter provided
22 for in this Act, as a matter in respect of which a decision of the Board will be
23 subject to the consent of the Minister and the Minister of Science and
24 Technology.

25 (9) The Minister and the Minister of Finance may jointly from time to
26 time reserve any financial matter provided for in this Act, as a matter in respect
27 of which a decision of the Board shall be subject to the consent of the Minister
28 with the concurrence of the Minister of Finance.

29 8.-(1) The Board may establish sub-committees and may appoint any
30 of its members to join one or more of such sub-committees, which must,

1 subject to the instructions of the Board, perform those functions of the Board
2 as the Board may determine.

3 (2) (a) A sub-committee contemplated in subsection (1) consists of
4 such number of persons, including at least one Board member and any
5 employees of the National Energy Development Institute, as the Board
6 deems necessary;

7 (b) The Board may at any time dissolve or reconstitute a sub-
8 committee.

9 (3) If a sub-committee referred to in subsection (1) consists of more
10 than one member, the Board must designate one member as a Chairperson.

11 (4) The National Energy Development Institute may pay the
12 members of a sub-committee referred to in subsection (1) who are:

13 (a) not in the full-time service of the Government;

14 (b) not employees of the National Energy Development Institute;

15 and

16 (c) not members of the Board, the remuneration and allowances
17 determined by the Minister, with the concurrence of the Minister of Finance.

18 (5) The Board shall not be discharged from their responsibility
19 from any function performed in terms of this section by any sub-committee
20 of the Board.

21 9.-(1) The meetings of the Board must be held at such times and
22 places as determined by the Chairperson of the Board.

23 (2) The Chairperson, or in his or her absence the Deputy
24 Chairperson, may at any time call a special meeting of the Board, which
25 must be held at such time and place as the Chairperson or the Deputy
26 Chairperson, as the case may be, may direct.

27 (3) The quorum for a meeting of the Board is the majority of its
28 members.

29 (4) A decision of the Board is taken by resolution of the majority of
30 the members present at any meeting of the Board and, in the event of an

Meetings of the
Board of the
National Energy
Development
Institute

1 equality of votes on any matter, the person presiding at the meeting in question
2 shall have a casting vote in addition to his or her deliberative vote as a member
3 of the Board.

4 (5) No decision taken by or act performed under the authority of the
5 Board shall be invalid by reason only of:

6 (a) a vacancy on the Board; or

7 (b) the fact that a person who was not entitled to sit as a member of the
8 Board, sat as a member at the time when the decision was taken or the act was
9 authorised, if the decision was taken or the act was authorised by the requisite
10 majority of the members of the Board who were present at the time and entitled
11 to sit as members.

Chief Executive
Officer of
National Energy
Development
Institute

12 **10.-(1)** The Board appoints the Chief Executive Officer of the
13 National Energy Development Institute.

14 (2) The Chief Executive Officer:

15 (a) is responsible for and exercises control over the performance of
16 the functions of the National Energy Development Institute; and

17 (b) must report on the affairs of the National Energy Development
18 Institute to the Board as may be required of him or her by the Board.

19 (3) If the Chief Executive Officer is absent or unable to carry out his or
20 her duties or in the event of a vacancy, the Board may appoint an employee of
21 the National Energy Development Institute to act as Chief Executive Officer,
22 and that employee shall, while so acting, have all the powers and perform all
23 the duties of the Chief Executive Officer.

24 (4) The Chief Executive Officer is appointed for a period of not more
25 than five years, but may be reappointed on the conditions, including conditions
26 relating to the payment of remuneration and allowances, which the Board may
27 determine in accordance with a system approved, from time to time, by the
28 Minister, with the concurrence of the Ministers of Finance and Science and
29 Technology.

30 (5) The Chief Executive Officer must enter into an annual

1 performance contract with the Board and the Board must assess his or her
2 performance annually.

3 11.-(1) The Chief Executive Officer of the National Energy
4 Development Institute may, on the conditions which must be determined by
5 the Board, appoint the employees of the National Energy Development
6 Institute whom it deems necessary to assist the National Energy
7 Development Institute in the performance of its functions.

National Energy
Development
Institute employees
and condition of
service

8 (2) The National Energy Development Institute must pay its
9 employees such remuneration, allowances, subsidies and other benefits, as
10 the Board may determine, in accordance with a system approved from time
11 to time by the Minister, with the concurrence of the Minister of Finance.

12 (3) The National Energy Development Institute may, in addition to
13 employees referred to in subsection (1), be assisted in the performance of its
14 functions by officers and employees in the public service who have been
15 placed at the disposal of the National Energy Development Institute.

16 (4) The Board may, on such conditions as it may deem fit and for a
17 fixed period of time, second an employee of the National Energy
18 Development Institute to perform a particular service for the government of
19 any other country or territory, provided that:

20 (a) such an employee's rights, privileges and benefits by virtue of
21 his conditions of service as an employee of the National Energy
22 Development Institute are not adversely affected by such secondment; and

23 (b) such employee consents thereto.

24 12.-(1) The funds of the National Energy Development Institute
25 consist of:

Funding of the
National Energy
Development
Institute

26 (a) money appropriated by the National Assembly;

27 (b) donations or contributions which the National Energy
28 Development Institute may receive from any person, body, government or
29 administration; and

30 (c) money received from any other appropriate source.

1 (2) The National Energy Development Institute must utilise its funds
2 for defraying expenses in connection with the performance of its functions.

3 (3) The National Energy Development Institute must utilise its money
4 in accordance with the Statement of its estimated income and expenditure
5 contemplated in subsection (4), as approved by the Minister.

6 (4) The Board must in each financial year submit a statement of the
7 National Energy Development Institute's estimated income and expenditure
8 during the following financial year to the National Assembly for his or her
9 approval.

10 (5) The Board may create surplus funds as envisaged by subsection
11 (5) and deposit such funds as the Minister, acting with the concurrence of the
12 Minister of Finance, may approve.

Accounting and
auditing at the
National Energy
Development
Institute

13 13.-(1) The Chief Executive Officer is the accounting officer charged
14 with the responsibility of accounting for all money received and payments
15 made by the South African National Energy Development Institute.

16 (2) The accounting officer must cause such records of account to be
17 kept as are necessary to represent fairly the state of affairs and business of the
18 National Energy Development Institute and to explain the transactions and
19 financial position of the business of the National Energy Development
20 Institute.

21 (3) The accounting and compilation of annual financial statements of
22 the National Energy Development Institute must be done in accordance with
23 the provisions of the Public Finance Management Act.

Discoveries,
inventions and
improvements

24 14.-(1) Subject to subsections (5) and (6), the rights in all discoveries
25 and inventions and in all improvements in respect of processes, apparatus and
26 machines made by:

27 (a) employees of the National Energy Development Institute or
28 officers and employees in the public service who have been placed at the
29 disposal of the Energy Research and Development Division of the National
30 Energy Development Institute in terms of section 12 (3);

1 (b) persons assisting the National Energy Development Institute
2 with any investigation or research; or

3 (c) persons to whom contracts, including bursaries or grants-in-aid
4 have been engrafted by the National Energy Development Institute, vests in
5 the National Energy Development Institute.

6 (2) The National Energy Development Institute may make the
7 discoveries, inventions and improvements referred to in subsection (1)
8 available for use in the public interest subject to the conditions and the
9 payment of fees or royalties that the National Energy Development Institute
10 may determine.

11 (3) In respect of the rights in any discovery, invention or
12 improvement that are contemplated in subsection (1), the National Energy
13 Development Institute may award to the person responsible for the
14 discovery, invention or improvement such bonus as it deems fit, or make
15 provision for financial participation by him or her in the profit derived from
16 such discovery, invention or improvement to such extent as the Minister
17 may determine with the concurrence of the Minister of Finance.

18 (4) National Energy Development Institute may apply for a patent
19 in respect of any discovery, invention or improvement contemplated in
20 subsection (1), and shall for the purposes of the Patents Act, be regarded as
21 the assignee of the discoverer or inventor in question.

22 (5) Unless it is otherwise agreed, the rights in a discovery,
23 invention or improvement made by the National Energy Development
24 Institute in the course of an investigation for or on behalf of another person,
25 government or administration shall vest with the National Energy
26 Development Institute.

27 (6) The provisions of this section shall not apply in respect of a
28 discovery or an invention or improvement referred to in subsection (1)
29 which, in the opinion of the Minister, was made by the person concerned
30 otherwise than:

1 (a) in the course of his employment as an employee of the National
2 Energy Development Institute;

3 (b) during the performance of functions in respect of which he or she
4 has been placed at the disposal of the National Energy Development Institute in
5 terms of section 12 (3);

6 (c) in the course of any investigation or research while assisting the
7 National Energy Development Institute; or

8 (d) in the course of any research in respect of which he or she receives
9 a bursary or grant-in-aid from the National Energy Development Institute,
10 which is not connected with such employment, functions, investigation or
11 research

12 PART V - SECURITY OF SUPPLY

Acquisition and
maintenance of
national strategic
energy feed stocks
and carriers

13 **15.-(1)** The Minister may, in a prescribed manner, for the purposes of
14 ensuring security of supply, direct any state-owned entity to acquire, maintain,
15 monitor and manage national strategic energy feed stocks and carriers.

16 (2) The nominated federal body must perform the functions
17 contemplated in subsection (1) in accordance with the relevant published
18 security of supply strategies or policies.

19 (3) The strategies or policies contemplated in subsection (2) may
20 contain but not be limited to:

21 (a) the minimum level of energy carrier or energy feedstock for the
22 production of an energy carrier;

23 (b) the conditions under which:

24 (i) the strategic energy feed stocks and carriers may be built; and

25 (ii) withdrawals may be made from such strategic energy feed stocks
26 and carriers;

27 (c) cost and benefit analysis;

28 (d) funding mechanism for such energy feedstock or carrier; and

29 (e) obligations to be imposed, on producers of energy feed stocks, to
30 supply to the nominated federal body the requisite energy feedstock, in a

1 manner prescribed by regulation.

2 (4) Before finalising the strategy or policy, the Minister must:

3 (a) invite public comments on such strategy or policy; and

4 (b) duly consider such comments.

5 16. The Minister may, for the purposes of ensuring security of
6 supply, direct any federal body, in a prescribed manner, to:

Investment in
and maintenance
of Energy
Infrastructure

7 (a) undertake security of supply measures;

8 (b) provide for adequate investment in energy infrastructure;

9 (c) invest in critical energy infrastructure; and

10 (d) ensure upkeep of all critical energy infrastructure.

11 PART VI - GENERAL PROVISIONS

12 17.-(1) The Minister may, after consultation with Ministers whose
13 areas of responsibility will be affected by the proposed regulations, without
14 derogating from his or her general regulatory powers, by notice in the
15 Gazette make regulations regarding:

Regulations

16 (a) the publication of energy statistics or information;

17 (b) the type, manner and form of energy data and information that
18 must be provided by any person;

19 (c) the form and manner of the link between the energy database
20 and information system to any other system within the public
21 administration;

22 (d) minimum contributions to national energy supply from
23 renewable energy sources;

24 (e) the nature of the sources that may be used for renewable energy
25 contributions to the national energy supply;

26 (f) measures and incentives designed to promote the production,
27 consumption, investment, research and development of renewable energy;

28 (g) minimum levels of energy efficiency in each sector of the
29 economy;

30 (h) steps and procedures necessary for the application of energy

- 1 efficiency technologies and procedures;
- 2 (i) labelling for energy efficiency purposes of household appliances,
3 devices and motor vehicles;
- 4 (j) prohibition of the manufacture, or importation or sale of electrical
5 and electronic products and fuel burning appliances for reasons of poor energy
6 efficiency;
- 7 (k) standards and specifications for energy carriers;
- 8 (l) energy efficiency standards for specific technologies, processes,
9 appliances, devices, motor vehicles and buildings;
- 10 (m) holding of strategic energy feedstock's and carriers, including
11 financing mechanisms for such stocks;
- 12 (n) energy conservation measures to be used during energy shortage,
13 which may include but not limited to the amount of energy to be saved, the
14 duration from such measures and penalties associated with non-compliance to
15 such measures;
- 16 (o) measures to ensure adequate provision of energy-related
17 infrastructure;
- 18 (p) measures to ensure operating reliability of all key energy
19 infrastructure, to the minimum standards as may be determined by the
20 Minister;
- 21 (q) measures to promote security of supply through access to common
22 infrastructure by any party, where not provided for under any other enactment
23 or law;
- 24 (r) the prohibition of disposal methods of certain fuels or post-
25 combustion residues;
- 26 (s) the safe, healthy and sustainable use of energy, standards and
27 specifications, not elsewhere legislated or regulated, for:
- 28 (i) the composition, colouring, labelling and form of energy carriers;
29 (ii) low-smoke fuels;
30 (iii) the prohibition of the sale or combustion of polluting fuels;

1 (iv) cooking, heating, lighting and other energy consuming
2 household appliances;

3 (v) transport of energy carriers;

4 (vi) the storage and packaging of energy carriers; and

5 (vii) any other energy-consuming appliance in all sectors of the
6 economy.

7 (t) any other matter that mayor has to be prescribed, determined or
8 provided for by regulation in terms of this Act.

9 (2) Before promulgating regulations, the Minister must:

10 (a) invite public comments on such regulations; and

11 (b) duly consider such comments.

12 18.-(1) A person who contravenes or fails to comply with any
13 provision of this Act, shall be guilty of an offence and be liable on conviction
14 to:

Offences and
penalties

15 (a) a fine not exceeding five million Naira

16 (b) imprisonment for a period not exceeding five years; or

17 (c) both such fine and such imprisonment.

18 (2) The Minister may, by a notice in the Gazette, amend the amount
19 referred to in subsection (1) in order to counter the effect of inflation.

20 19. In this Act, unless the context otherwise requires:

Interpretations

21 "Board" means the Board of the National Energy Development Institute
22 contemplated in section 8;

23 "energy carrier" means a substance or system that moves or carries energy in
24 a usable form from one place to another;

25 "energy data" means energy related statistics, facts, figures, information and
26 records of the energy industry and all other economic sectors;

27 "energy efficiency" means economical and efficient production and
28 utilisation of an energy carrier or resource;

29 "energy feed stocks" means any substance used or that can be used as a raw
30 material in an industrial process producing energy;

- 1 "energy infrastructure" means public and privately owned physical structures
2 which are used for the production, transformation, conversion, transportation
3 or distribution of energy carriers;
- 4 "energy related sectors" means all sectors which are impacted by or have an
5 impact on the energy sector;
- 6 "energy resource" means non-value added material or mineral that can be used
7 to produce energy or be converted to an energy carrier;
- 8 "free basic electricity" means a limited free amount of electricity supply
9 deemed necessary to support basic energy services of a typical poor household
10 as determined from time to time;
- 11 "greenhouse gases" mean gases present in the atmosphere, which reduce the
12 loss of heat into space and thereby contributing to an increase in global
13 temperatures through a process known as the greenhouse effect;
- 14 "Integrated Energy Plan" means the national energy plan contemplated in
15 section 6, approved by the Federal Executive Council and published in the
16 Gazette by the Minister;
- 17 "Minister" means the Minister of Power;
- 18 "prescribed" means prescribed by regulation;
- 19 "regulation" means any regulation made in terms of this Act;
- 20 "renewable energy" means energy generated from natural non-depleting
21 resources including solar energy, wind energy, biomass energy, biological
22 waste energy, hydro energy, geothermal energy and ocean and tidal energy; and
23 "this Act" includes regulations made in terms of this Act.

Short Title

24 20.-(1) This Bill may be cited as the National Energy Bill, 2016.

EXPLANATORY MEMORANDUM

This Bill seeks to ensure that diverse energy resources are available in sustainable quantities and at affordable prices to the economy in support of economic growth and poverty alleviation, taking into account environmental management requirements and interactions amongst economic sectors; to provide for energy planning, increased generation and consumption of renewable energies, contingency energy supply, holding of strategic energy feed stocks and carriers, adequate investment in appropriate upkeep and access to energy infrastructure to provide measures for the furnishing of certain data and information regarding energy demand, supply and generation; to establish an institution to be responsible for promotion of efficient generation and consumption of energy and energy research.

