

# A BILL

## FOR

AN ACT TO PROVIDE FOR THE PROHIBITION AND PREVENTION OF ELECTRICITY THEFT, THE VANDALISATION OF PUBLIC POWER INFRASTRUCTURE AND PROTECTION OF POWER COMPANY PERSONNEL, AND OTHER RELATED MATTERS

*Sponsored by Senator Yahaya A. Abdullahi*

[ ] Commencement

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

### PART I - OBJECTIVES AND APPLICATION

1. The objectives of this Act are to:

Objectives

(a) Curb and deter illegal and unauthorized use of public electricity.

(b) Protect public power generation, storage, transmission, and distribution infrastructure;

(c) Punish any person found, on prosecution and conviction, to have engaged in wilful and criminal damage to public power infrastructure, installation, equipment and facilities;

(d) Protect and deter acts of hostile and violent attacks against power company personnel, by consumers, and or their privies.

### PART II - APPLICATION

2. The provisions, as contained in this Act, shall apply throughout the Federal Republic of Nigeria.

Application

### PART III - PROTECTION OF PUBLIC POWER PERSONNEL AND INFRASTRUCTURE

3.-(1) The minister responsible for power, shall, on the recommendation of the National Council on Power, constitute a "Power Theft Prevention and Infrastructure Protection Team."

1 (2) Membership of the team so constituted by the Minister, shall  
2 comprise:

3 (a) Member of the Nigeria Police Force, not below the rank of Deputy  
4 Commissioner of Police, as chairman;

5 (b) Representative of the State Security Services, not below the rank  
6 of Assistant Commissioner of Police, as member;

7 (c) Member of the Nigerian Security and Civil Defence Corps, of a  
8 rank similar to that, in section (2) subsection (b);

9 (d) A representative, not below the rank of Assistant Director from  
10 each of the following:

11 (i) Federal Ministry responsible for power, works and housing

12 (ii) Federal Ministry of Justice.

13 4. The team shall work in liaison with commissioners of police to  
14 form state and local government task forces, to undertake similar duties, which  
15 shall include;

16 (a) Protecting and ensuring the safety of public power generation,  
17 transmission and distribution installations and all such facilities, throughout  
18 Nigeria;

19 (b) Carry out regular and comprehensive inspection of the said  
20 installations and facilities, and submit monthly reports to the minister  
21 responsible for power, who shall transmit same to the relevant security and  
22 judicial authorities for further investigation and possible criminal prosecution;

23 (c) Assume and coordinate any other action, as could have been  
24 contemplated in section (4) subsections (a), (b), and (c), pursuant to the  
25 objectives of this Act.

Powers of the  
Members

26 5. The team or any of its members shall have powers to:

27 (a) Enter, inspect, and search any place, or premises in which there  
28 were reasonable grounds to believe that electricity has been, is being, or is  
29 likely to be used unlawfully, provided that such inspection, or search shall be  
30 limited to only to the meter and the related surroundings;

1 (b) Search, seize and remove all such devices used for the theft;

2 (c) Examine, or seize any books of account, or documents, which  
3 bear clear and direct evidence that shall be useful for, or relevant to any  
4 proceedings in respect of any of the offences as stipulated in this Act;

5 6. The occupant of the place of search, or any person on his behalf,  
6 shall remain present during the search, and a list of all things seized in the  
7 course of such search, shall be prepared, who shall sign the list.

8 7. Funding for the operations of the Team at Federal and State Fund  
9 levels, shall be provided for, by the ministry responsible for power, in its  
10 annual budgetary estimates, that shall be laid before the National Assembly  
11 for due legislation.

12 PART IV - OFFENCES AND PENALTIES

13 8. In this Act:

14 (1) It shall be punishable offence for any person to knowingly,  
15 willfully and without any authority;

16 (a) Tamper, cut by any means, or cause any other person to disrupt  
17 the supply of public electric power, and shall, upon prosecution and  
18 conviction, be sentenced to an imprisonment term of not less than five, (5)  
19 years, or a fine of N500,000, or both;

20 (b) Connect or disconnect electric wire to, either the electricity  
21 meter or to the public power supply lines, and utilities, or use a tampered  
22 meter, current reversing transformer, shorting or shunting wire, loop  
23 connection, by-passing a meter, or deploy any other device or method to use  
24 public electricity, either for household consumption, or for the processing  
25 and production of economic goods and services, and shall be guilty, and  
26 liable, on conviction to a term of seven, (7) years imprisonment, or a fine of  
27 Two Million Naira (N2,000,000), or both;

28 (c) Conspire, counsel, or accept to procure, or to hold in custody or  
29 convey by any means, stolen parts, components, or pieces of a public power  
30 equipment, including electric cable, transformer, high tension wire, power

1 console, electrical insulators, etc., and shall, on conviction, be sentenced to ten,  
2 (10) years imprisonment term, without option of fine.

3 (2) Any person who:

4 (a) Taps, makes or causes to be made any connection with overhead,  
5 underground, or under water lines or cables, or service wires, or service  
6 facilities, is guilty of an offence, and shall, on prosecution and conviction, be  
7 liable to three (3) years imprisonment term, or a fine of N 250,000; or both;

8 (b) Obstructs, confronts, fights, assaults or causes bodily injury to  
9 power company personnel, who legally enters into, either a private place of  
10 abode, business premises, or any building or structure, to inspect, examine, or  
11 work on public power facility or equipment, or to relay company information,  
12 is guilty of an offence, and shall, on prosecution and conviction, be liable to  
13 five, (5) years imprisonment term, or a fine of N500,000, or both;

14 (c) Knowingly builds, constructs or places physical barriers on the  
15 right of way of public power transmission, or supply lines, or erects, or causes  
16 to obstruct, in any manner whatsoever, the supply of public power to  
17 consumers, is guilty of an offence, and on prosecution and conviction, shall be  
18 sentenced to a term of two, (2) years imprisonment, or a fine of N 200,000, or  
19 both;

20 (d) Abets, aids or causes any other person to commit an offence, or  
21 attempts to commit, or acts in the capacity of an accessory to the offender, or,  
22 induces, or incites any other person to commit an offence, as contained in this  
23 Act, is liable, on conviction, to same punishment as prescribed for the first  
24 offender.

25 (3) (a) Where the offence committed under the provisions of this Act,  
26 results in fire outbreak and, or loss of human life, the offender shall, upon  
27 conviction be liable to life imprisonment. Any person, by abetting, or aiding an  
28 offender to evade the legal consequences of the act so committed, contrary to  
29 the provisions of this Act, commits an offence, and is liable to same  
30 punishment, as prescribed in this Act, for the first offender.

1                   9.-(1) Where an offence under this Act has been committed by an  
2 incorporated entity (company, partnership, firm, corporation, association,  
3 etc), and government-owned or -controlled organisations, the person who,  
4 at the time the offence was committed, was responsible for the act, or the  
5 offence, shall be deemed to be guilty of having committed the offence, and  
6 shall be punished accordingly:

Offences of  
corporate entities

7                   Provided that nothing contained in this sub-section shall render  
8 any such person liable to any punishment, if he proves that the offence was  
9 committed without his knowledge or that he had exercised all due diligence  
10 to prevent the commission of such offence.

11                   (2) Notwithstanding anything contained in the provisions of this  
12 Act, where an offence under this Act has been committed by an incorporated  
13 entity and it is proved that the offence has been committed with the consent  
14 or connivance of, or is attributable to any neglect on the part of any director,  
15 manager, secretary or other officer of the entity, such director, manager,  
16 secretary or other officer shall be liable to be proceeded against and  
17 punished accordingly.

18                   10.-(1) Notwithstanding the provisions of the Criminal Code,  
19 Penal Code, CPA (Criminal Procedure Act) and CPC (Criminal Procedure  
20 Code), or any extant laws, where an offender offers to pay full cost of losses  
21 suffered by the service provider, the service provider shall accept the  
22 compensation and not to proceed with the prosecution of the offender. The  
23 value of compensation shall be determined and agreed by the parties.

Payment of  
compensation  
by offenders

24                   (2) On payment of the compensation, in accordance with sub-  
25 section (1), any person in custody in connection with that offence shall be set  
26 free and no proceedings shall be instituted or continued against such  
27 consumer or person in court.

28                   11.-(1) Any of the following circumstances shall constitute prima  
29 facie evidence of illegal use of electricity:

Prima facie  
evidence of illegal  
use of electricity  
and theft of  
electricity, lines  
and materials and  
infrastructure

30                   (a) The presence of a drilled hole on the glass cover of the electric

1 meter, or at the back, or any other part of the said meter;

2 (b) The presence inside the electricity meter of any element that could  
3 result in the inaccurate registration of the meter's internal parts to prevent its  
4 accurate calibration, or registration of consumption of electricity;

5 (c) The existence of any wiring connection which affects the normal  
6 operation or registration of the electric meter;

7 (d) The presence of a tampered, broken, or fake seal on the meter, or  
8 mutilated, altered, or tampered meter recording chart or graph, or  
9 computerized chart, graph or log;

10 (e) The presence in any part of the building or its premises which is  
11 subject to the control of the consumer, or on the electric meter, of a current  
12 reversing transformer, jumper, shorting and/or shunting wire, and/or loop  
13 connection or any other similar device;

14 (f) The mutilation, alteration, reconnection, disconnection, by-  
15 passing, or tampering of instruments, transformers, and accessories;

16 (g) The destruction of, or attempt to destroy, any integral accessory of  
17 the metering device box which encases an electric meter, or its metering  
18 accessories;

19 (2) Where it is found that a customer is involved in any or all the  
20 circumstances that constitute a prima facie evidence of illegal use of electricity,  
21 the person shall be subjected to the following:

22 (a) The immediate disconnection by the service provider of supply of  
23 power to such person and reporting the incident to the police for investigation  
24 within 24 hours;

25 (b) The unlawful possession, control, or custody of electric power  
26 transmission or distribution line/material by any person, shall be prima facie  
27 evidence of the offence of theft of electricity lines and the person shall be  
28 subjected to immediate seizure or confiscation of such line/material from the  
29 person in possession, control or custody thereof, and reporting same to the  
30 police for investigation.

- 1                           **12.** In this Act, unless it is so explained otherwise;                            Interpretation
- 2           "DISCOs" means Power Distribution Companies;
- 3           "Electricity theft" means unauthorized use of electricity, and without paying
- 4           for it;
- 5           "Electric meter" means meter for measuring electric power consumption;
- 6           "Electric wire" means wire that carries electric currents;
- 7           "GENCOS" means Power Generation Companies;
- 8           "Judicial authority" means the authority of the Nigerian judiciary;
- 9           "NERC" means Nigerian Electricity Regulatory Commission;
- 10          "Minister" means minister responsible for power;
- 11          "Power company personnel" means persons working in a power company;
- 12          "Power lines" means facilities and installations for transmission and
- 13          distribution of electricity;
- 14          "Public power infrastructure" means power lines, including feeder pillars,
- 15          transformers, pylons, etc.
- 16          "Right of way" means right to build and operate public power facilities;
- 17          "TCN" means Transmission Company of Nigeria;
- 18          "TEAM" means Power Theft Prevention and Infrastructure Protection
- 19          Team;
- 20          "Vandalisation" means willful damage to power lines and installations.
- 21                           **13.** This Bill may be cited as the Prohibition and Prevention of                            Citation t
- 22          electricity theft, power infrastructure vandalism and power company
- 23          personnel protection Bill, 2018.

#### EXPLANATORY MEMORANDUM

This Bill seeks to provide for the prohibition and prevention of electricity theft, the vandalism of public power infrastructure and protection of power company personnel.

