



NIGER STATE ELECTRICITY BILL, 2026

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NIGER STATE ELECTRICITY BILL, 2026

A Bill

For

A Law to repeal the Niger State Power Sector Law 2024, and enact the Niger State Electricity Law 2026, to establish a comprehensive legal, regulatory and institutional framework for the Niger State Electricity Market with respect to generation, transmission, system operation, distribution, supply and trading of electricity within Niger State, and attract private capital for the development of the State Electricity Market, and for connected purposes.

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Be it enacted by the House of Assembly of Niger State and by the Authority of same in this present State Assembly as follows: Enactment

PART I – PRELIMINARY PROVISIONS

1. (1) This Bill may be cited as the Niger State Electricity Bill, 2026, and shall come into force on the date it is assented to by the Governor of Niger State. Citation,
Commencement
and Application.
- (2) This Bill shall apply to the generation, transmission, system operation, distribution, supply, trading and other regulated electricity activities carried out within Niger State, in accordance with the Constitution of the Federal Republic of Nigeria and the Electricity Act, 2023.

- (3) The application of this Bill shall be limited to intrastate electricity activities, and nothing in this law shall be construed as conferring authority on any person or institution to regulate:
 - (a) the National Grid;
 - (b) interstate electricity transmission or trading; or
 - (c) any matter reserved to the Federal Government under the Electricity Act, 2023.
- (4) This Bill shall be implemented in a manner that ensures coordination, consistency and interoperability between the Niger State Electricity Market and the Nigerian Electricity Supply Industry, in accordance with the Electricity Act, 2023.
- (5) The Commission shall, in the exercise of its powers under this Bill, cooperate and coordinate with the Nigerian Electricity Regulatory Commission, the Nigerian Independent System Operator and any other relevant federal or state institution for the purpose of ensuring efficient system operation, market integration, grid security and regulatory consistency.
- (6) The provisions of this Law shall apply subject to transitional arrangements prescribed under this Law for pre-existing licensees, contracts and market operations transitioning from federal to State regulatory oversight.
- (7) Where any electricity undertaking, system or transaction involves both intrastate and interstate elements, the intrastate component shall, to the extent applicable, be regulated in accordance with this Bill, while the interstate component shall be regulated in accordance with the Electricity Act, 2023.
- (8) Nothing in this Bill shall prevent the State Government from entering into cooperation agreements, memoranda of understanding or other arrangements with the Federal Government or any State Government in relation to electricity development, regulation or market operations
- (9) In the event of any inconsistency between the provisions of this Bill and the Electricity Act, 2023 in respect of intrastate electricity activities, the provisions of this Bill shall prevail to the extent of such inconsistency.

2. In this Law, unless the context otherwise requires

Interpretation

“Act”	means the Electricity Act, 2023 enacted by the National Assembly of the Federal Republic of Nigeria, and any amendment thereto;
“Agency”	means the Niger State Electricity Agency established under this Law;
“Ancillary Services”	means services necessary to support the secure and reliable operation of an electricity system, including frequency regulation, voltage control, operating reserves, black start capability, balancing and congestion management, as prescribed by the Commission;
“Applicant”	means any person applying for a licence, permit, approval or authorisation under this Law;
“Bulk Consumer”	means a person who purchases electricity directly from a generation or trading licensee for its own use in quantities above the threshold prescribed by the Commission;
“Business Rules”	means rules issued by the Commission governing its internal proceedings and administration;
“Captive Generation”	means electricity generation undertaken solely for consumption by the generator and not supplied to a third party;
“Commission”	means the Niger State Electricity Regulatory Commission established under this Law;

“Commissioner”	means the Commissioner of the Niger State Government responsible for power and energy;
“Consumer”	means an end-user of electricity supplied by a distribution licensee, franchisee, mini-grid operator or other authorised supplier within the State;
“Contracted Capacity”	means the capacity of electricity agreed between parties under a contract approved by the Commission;
“Cost-Reflective Tariff”	means a tariff that allows a licensee to recover prudently incurred costs, including capital costs, operating costs, and a reasonable return on investment, as determined by the Commission;
“Court”	means the High Court of Niger State and, where required by the Constitution, the Federal High Court;
“Distribution Franchise”	means a contractual arrangement approved by the Commission under which a distribution licensee authorises a third party to provide electricity distribution or supply services within a defined area;
“Distribution Licensee”	means a person licensed by the Commission to own, operate or maintain a distribution system within the State;
“Distribution System”	means an electricity network operating at voltages below 132 kilovolts used for the conveyance of electricity to consumers within the State;
“Electricity Market” or “Niger State	

Electricity Market	means all intrastate activities relating to electricity generation, system operation, distribution, supply and trading within Niger State, subject to the Electricity Act 2023;
“Electrification Fund”	means the Niger State Electricity Fund established under this Law;
“Electrification Plan”	means the State Electricity Access and Electrification Plan prepared under this Law;
“Eligible Customer”	has the meaning assigned under the Electricity Act 2023;
“Embedded Generation”	means electricity generation facilities connected directly to a distribution system rather than a transmission system;
“Franchisee”	means a person authorised under a Distribution Franchise to provide distribution or supply services;
“Generation”	means the production of electricity from any primary energy source for supply within the State;
“Generation Licensee”	means a person licensed by the Commission to generate electricity within the State;
“Government Support”	means any grant, subsidy, guarantee, indemnity, or other financial or fiscal support provided by the State Government in relation to electricity projects;
“Grandfathered Rights”	means the rights and obligations of Pre-existing Licensees and contracts recognised and preserved under this Law during the Transition Period;
“Governor”	means the Governor of Niger State;

“Independent System Operator” or “ISO”	means the Niger State Independent System Operator licensed under this Law to perform system operation and market administration functions;
“Intra-State Electricity Market”	means electricity activities conducted wholly within the territorial boundaries of Niger State;
“Licence”	means a licence, permit or authorisation issued by the Commission under this Law;
“Market Participant”	means any person licensed or authorised to participate in any segment of the Niger State Electricity Market;
“Market Rules”	means the rules governing market operations in the Niger State Electricity Market, developed by the ISO and approved by the Commission;
“Ministry”	means the Ministry of the Niger State Government responsible for power and energy;
“Mini-Grid”	means a small-scale electricity system supplying electricity to a limited number of consumers, operating either in isolation from or interconnected with a distribution system, as regulated by the Commission;
“National Grid”	means the national electricity transmission system regulated under the Electricity Act 2023;
“NERC”	means the Nigerian Electricity Regulatory Commission;

“Pre-existing Licensee”	means any person licensed by NERC or any federal authority prior to the commencement of this Law and operating within Niger State;
“Public Interest”	means the promotion of reliable, affordable and sustainable electricity supply, consumer protection, financial viability of licensees, and the long-term development of the Niger State Electricity Market;
“Regulated Activity”	means any electricity activity requiring a licence or authorisation under this Law;
“Renewable Energy”	means energy derived from renewable non-fossil sources including solar, wind, hydro, biomass and geothermal;
“State Grid”	means any intrastate transmission or distribution infrastructure licensed by the Commission and operating wholly within Niger State, excluding assets forming part of the National Grid;
“Subsidy”	means any financial contribution by the State Government to reduce the price of electricity paid by consumers;
“System Operation”	means the coordination, control and dispatch of electricity generation, transmission and distribution within the Niger State Electricity Market to ensure reliability, safety and efficiency;
“Tariff Methodology”	means the framework approved by the Commission for determining tariffs;
“Tariff Order”	means a binding order issued by the Commission approving tariffs or tariff adjustments;

“Transition Period”	means the period prescribed by the Commission during which Pre-existing Licensees and contracts are transitioned from federal to State regulatory oversight;
“Transmission”	means the conveyance of electricity at voltages below 132 kilovolts within Niger State where such facilities do not form part of the National Grid;
“Universal Service Obligation”	means the obligation of licensees to ensure reasonable access to electricity across the State as determined by the Commission;
“Wheeling”	means the conveyance of electricity through a transmission or distribution system owned by a licensee for the benefit of another person upon payment of approved charges.

- 3. (1)** The objectives of this Bill are to:
- (a) promote the development of a safe, reliable, efficient and sustainable electricity sector in Niger State;
 - (b) establish a transparent, predictable and competitive Niger State Electricity Market that attracts private sector investment;
 - (c) provide a coherent legal and institutional framework for the regulation of intrastate electricity activities in the State;
 - (d) ensure affordable and equitable access to electricity for residents of the State, including unserved and underserved communities;
 - (e) encourage the diversification of electricity sources with particular emphasis on renewable energy and off-grid solutions;
 - (f) protect the rights and interests of electricity consumers; and
 - (g) support the economic growth and industrial development of Niger State.
- Objectives and Guiding Principles of the Bill.

- (2) In giving effect to this Bill, all persons and institutions exercising powers or performing functions under this Bill shall be guided by the following principles:
 - (a) regulatory independence, transparency and accountability;
 - (b) non-discriminatory access to electricity infrastructure and markets;
 - (c) cost reflectivity and economic efficiency in tariff setting, subject to targeted consumer protection measures;
 - (d) promotion of competition where feasible and regulation of natural monopolies where necessary;
 - (e) protection of legitimate investments and contractual rights;
 - (f) environmental sustainability and climate-responsive energy development; and
 - (g) consultation and stakeholder participation in regulatory and policy processes.
 - (3) This Bill shall be interpreted and applied in a manner that gives effect to the objectives and guiding principles set out in this section.
- 4. (1)** The Ministry responsible for power and energy (in this Bill referred to as “the Ministry”) shall be the principal policy authority of the State Government in respect of the electricity sector and shall:
- Roles of the Ministry and The Commissioner
- (a) formulate, review and coordinate State electricity policies, strategies and plans, including policies relating to renewable energy, energy efficiency and demand-side management;
 - (b) provide general policy direction for the orderly development of a reliable, affordable and sustainable electricity sector within the State;
 - (c) lead the preparation and periodic review of the Niger State Electricity Policy and Strategic Implementation Plan, in consultation with the Commission and other relevant stakeholders;
 - (d) coordinate electricity-related matters among Ministries, Departments and Agencies of the State Government;

- (e) represent the State Government in inter-governmental engagements with the Federal Government and other States on electricity sector matters; and
 - (f) perform such other policy-related functions as may be assigned to it by the Governor, consistent with this Bill.
- (2) In the performance of its functions under this Bill, the Ministry shall not:
 - (a) exercise licensing, tariff-setting, enforcement, dispute resolution or adjudicatory powers in respect of the Niger State Electricity Market;
 - (b) issue directions, instructions or approvals relating to any specific licence, tariff determination, enforcement action, regulatory investigation or market dispute; or
 - (c) directly undertake electricity generation, transmission, distribution, supply or trading activities, except through entities lawfully established for that purpose under State law and duly licensed by the Commission.
- (3) The Commissioner responsible for power and energy shall:
 - (a) provide political leadership and strategic oversight for the development of the State electricity sector;
 - (b) advise the Governor and the State Executive Council on electricity-sector policy matters;
 - (c) oversee the performance of the Ministry in the discharge of its policy responsibilities under this Bill; and
 - (d) facilitate coordination between the State Government, the Commission and other relevant institutions on matters of electricity policy.
- (4) The Commissioner may, after consultation with the Commission, issue written policy directives of a general nature to the Commission on matters of State electricity policy.
- (5) Any policy directive issued under subsection (4) shall:
 - (a) be consistent with the provisions of this Bill and the Electricity Act, 2023;
 - (b) not relate to any specific licence, tariff determination, enforcement action, investigation, dispute or adjudicatory matter;

- (c) not require the Commission to act in a manner that compromises its statutory duties, independence or impartiality; and
 - (d) be published by the Commission on its official website within a reasonable period.
- (6) In giving effect to any policy directive under this section, the Commission shall exercise its regulatory powers independently and impartially and shall not be subject to the direction or control of any person or authority except as expressly provided under this Bill.
- (7) Nothing in this section shall be construed as permitting the Ministry or the Commissioner to interfere with the day-to-day operations, regulatory decisions, or enforcement actions of the Commission.

PART II – ESTABLISHMENT OF THE NIGER STATE ELECTRICITY REGULATORY COMMISSION

5. (1) There is established for Niger State a body to be known as the Niger State Electricity Regulatory Commission (in this Bill referred to as “the Commission”). Establishment of the Commission
- (2) The Commission shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name.
- (3) The Commission shall, in furtherance of its functions under this Bill, have power to
- (a) acquire, own, hold, develop, mortgage, lease, dispose of or otherwise deal with movable and immovable property;
 - (b) enter into contracts, agreements and other legal instruments;
 - (c) appoint officers, employees, advisers and consultants in accordance with this Bill; and
 - (d) do all such other lawful acts as are necessary or expedient for the proper performance of its functions under this Bill.
- (4) The headquarters of the Commission shall be in Minna, and the Commission may establish such zonal or local offices within the State as it considers necessary for the effective discharge of its functions.

- (5) The Commission shall be responsible for the regulation of electricity generation, transmission, system operation, distribution, supply, trading and other regulated activities carried out wholly within Niger State, in accordance with this Bill and the Electricity Act, 2023.
 - (6) In the exercise of its mandate, the Commission shall act in a manner that ensures coordination and consistency between the Niger State Electricity Market and the Nigerian Electricity Supply Industry.
 - (7) Except as expressly provided under this Bill, the Commission shall be independent and autonomous in the performance of its functions and the exercise of its powers and shall not be subject to the direction or control of any person or authority.
 - (8) The Commission shall exercise its regulatory functions impartially, transparently and professionally.
 - (9) The day-to-day business and administration of the Commission shall be carried out through such departments, units and organizational structures as the Commission may determine for the effective and efficient discharge of its functions.
 - (10) The existence of any vacancy in the Commission or any defect in the appointment of a member shall not invalidate any act or decision of the Commission.
- 6. (1)** The objectives of the Commission shall be to regulate the Niger State Electricity Market in a transparent, independent, and efficient manner, in order to promote reliable electricity supply, protect consumer interests, and support sustainable private sector investment. Objectives of the Commission
- (2) Without prejudice to the generality of subsection (1), the objectives of the Commission shall be to:
 - (a) regulate and supervise the conduct of regulated electricity activities within Niger State in accordance with this Bill and the Electricity Act, 2023;
 - (b) establish and maintain a fair, orderly, and competitive electricity market, and prevent the abuse or misuse of market power;
 - (c) ensure that electricity services are provided to consumers in a manner that is safe, reliable, affordable, and of acceptable quality;

- (d) promote cost-reflective tariffs and commercially viable market structures that ensure the financial sustainability of licensees while safeguarding consumers;
- (e) protect the rights and interests of electricity consumers, including through transparent tariff setting, service standards, and effective complaint resolution;
- (f) establish, monitor, and enforce technical, safety, reliability and performance standards applicable to the Niger State Electricity Market;
- (g) ensure regulatory transparency, predictability, and consistency, including through stakeholder consultation and publication of regulatory decisions;
- (h) facilitate the efficient utilization of electricity resources within the State, including renewable energy and energy-efficient technologies, where consistent with regulatory functions under this Bill; and
- (i) perform such other regulatory objectives as are incidental or necessary for the effective discharge of its mandate under this Bill.

7. (1) For the purpose of achieving its objectives under this Bill, the Commission shall perform the following regulatory functions: Functions of the Commission

- (a) regulate, supervise, and monitor the conduct of all regulated electricity activities within the Niger State Electricity Market;
- (b) grant, renew, modify, suspend or revoke licences, permits and authorisations for regulated activities in accordance with this Bill and the Electricity Act, 2023;
- (c) establish, monitor and enforce technical, safety, reliability, service quality and performance standards applicable to licensees and other market participants;
- (d) approve, review and enforce tariffs, charges and tariff methodologies applicable to regulated electricity activities;
- (e) monitor market conduct and prevent abuse of market power, anti-competitive practices and discriminatory behaviour within the Niger State Electricity Market;
- (f) protect the interests of electricity consumers, including by:

- (i) setting and enforcing consumer service standards;
 - (ii) establishing complaint-handling and dispute-resolution procedures; and
 - (iii) ensuring transparency in billing, metering and service delivery;
- (g) resolve disputes and complaints between licensees, market participants and consumers in accordance with procedures prescribed by regulations and subject to the right of appeal under this Bill;
- (h) develop, issue and enforce regulations, codes, guidelines and orders necessary for the effective implementation of this Bill;
- (i) collect, analyse and maintain electricity sector data for regulatory purposes, and publish such information as may be required for transparency, subject to confidentiality and data-protection safeguards;
- (j) approve and oversee the implementation of Market Rules and other market governance instruments;
- (k) advise the Ministry and other relevant State institutions on the regulatory implications of electricity sector policies, plans and programmes;
- (l) cooperate and exchange information with the Nigerian Electricity Regulatory Commission, other State electricity regulators and relevant federal and State agencies for the purpose of coordination, harmonisation of standards and avoidance of jurisdictional conflicts, in accordance with the Electricity Act, 2023;
- (m) conduct inspections, audits, investigations and inquiries into the activities of licensees and market participants, in accordance with due process and procedures prescribed by regulations;
- (n) issue compliance directives and apply administrative sanctions or corrective measures for breach of this Bill, licence conditions or regulatory instruments, subject to procedural fairness and the right of appeal;
- (o) undertake or facilitate training, research and capacity-building activities necessary for the effective performance of its regulatory functions; and

- (p) perform such other functions as are incidental or necessary to give effect to the provisions of this Bill.
- (2) The Commission shall be the sole authority responsible for economic and technical regulation of intrastate electricity activities within Niger State, and no Ministry, Department or Agency of the State shall exercise any regulatory power in respect of such activities except as expressly provided under this Law.
- 8. (1) The Commission shall have the power to do all such acts and things as are necessary or expedient for the proper and effective performance of its functions under this Bill, subject to the principles of legality, proportionality, transparency and due process. Powers of the Commission
- (2) Without prejudice to the generality of subsection (1), the Commission shall have power to:
 - (a) make regulations, rules, codes, guidelines and orders for the effective implementation of this Bill, following stakeholder consultation and publication as required under this Bill;
 - (b) prescribe, monitor and enforce technical, safety, reliability, service quality and performance standards applicable to regulated electricity activities within the State;
 - (c) issue, renew, amend, suspend or revoke licences, permits and authorisations in accordance with this Bill
 - (d) approve, review and enforce tariffs, charges and tariff methodologies for regulated electricity activities;
 - (e) conduct inspections, audits, investigations and inquiries into the activities of licensees and market participants, and for that purpose require the production of information, records and data reasonably necessary for regulatory purposes;
 - (f) enter premises, facilities or installations of licensees at reasonable times, upon prior notice, except in cases of emergency affecting public safety or system security;
 - (g) require licensees and market participants to submit periodic reports and information in such form and manner as may be prescribed by regulations, subject to confidentiality protections;

- (h) issue compliance directives, remedial orders and corrective measures to address contraventions of this Bill, licence conditions, regulations or orders of the Commission;
 - (i) impose administrative sanctions or penalties that are proportionate to the nature and gravity of the contravention, and in accordance with procedures prescribed by regulations;
 - (j) where necessary to protect consumers or system integrity, order temporary measures to ensure continuity of electricity supply, provided that such measures are proportionate and time-bound;
- (3) The Commission shall not suspend or revoke a licence unless:
 - (a) the licensee has been given written notice of the alleged contravention;
 - (b) the licensee has been afforded a reasonable opportunity to be heard;
 - (c) the decision is reasoned and in writing; and
 - (d) the action is proportionate to the contravention.
- (4) In exercising its powers under subsection (3), the Commission shall have regard to
 - (a) the impact on consumers and electricity supply
 - (b) the financial viability of the licensee; and
 - (c) the stability of the Niger State Electricity Market.
- (5) In cases of immediate threat to public safety, system security or continuity of electricity supply, the Commission may take temporary emergency measures without prior hearing, provided that:
 - (a) such measures are strictly necessary and proportionate;
 - (b) the affected licensee is notified as soon as practicable; and
 - (c) the licensee is afforded a right to make representations within a reasonable time after the action is taken.
- (6) Any person aggrieved by a decision, order or directive of the Commission under this section shall have the right of appeal in accordance with the appeal and dispute-resolution provisions of this Bill.

9. (1) The Commission may, for the purpose of giving effect to the provisions of this Bill, make regulations of general application relating to matters within its regulatory jurisdiction. Power to make Regulations
- (2) Regulations made under this section shall be:
- (a) consistent with this Bill and the Electricity Act, 2023;
 - (b) limited to intrastate electricity activities within Niger State; and
 - (c) made in accordance with the procedures set out in this Bill.
- (3) Without limiting the generality of subsection (1), regulations made under this section may provide for:
- (a) procedures, criteria and documentation for applications, grant, renewal, modification, suspension and revocation of licences, permits and authorisations;
 - (b) technical, safety, reliability, service quality and performance standards applicable to regulated electricity activities within the State;
 - (c) tariff methodologies, tariff structures, charges and related commercial frameworks, in accordance with this Bill;
 - (d) duties, rights and obligations of licensees, market participants and electricity consumers;
 - (e) standards of performance and service obligations applicable to licensees;
 - (f) procedures for inspections, audits, investigations and compliance monitoring, limited to matters within the Commission's jurisdiction;
 - (g) market conduct, competition monitoring and mitigation of market power abuses, in coordination with relevant competition authorities;
 - (h) consumer protection matters, including billing, metering, complaint handling, connection and disconnection procedures;
 - (i) information and reporting requirements, including the form, frequency and manner of submission of data to the Commission, subject to confidentiality protections;

- (j) certification or qualification frameworks for energy service providers, to the extent not reserved to federal authorities;
 - (k) procedures for stakeholder consultations, hearings, and dispute resolution under this Bill;
 - (l) the administration, governance and internal procedures of the Commission; and
 - (m) any other matter necessary or incidental to the effective implementation of this Bill.
- (4) Prior to making any regulation under this section, the Commission shall:
 - (a) publish the proposed regulation in such manner as it considers appropriate, including on its official website;
 - (b) invite written representations from licensees, market participants, consumer groups, relevant Ministries, Departments and Agencies and other stakeholders; and
 - (c) consider all representations received within the period specified by the Commission.
- (5) Notwithstanding subsection (4), the Commission may issue an interim regulation without prior consultation where:
 - (a) there is an urgent need to protect public safety, system security or consumer interests; and
 - (b) delay would materially prejudice the effective functioning of the Niger State Electricity Market.
Provided that such interim regulation shall be subjected to stakeholder consultation within a reasonable period after its issuance.
- (6) All regulations made under this section shall:
 - (a) be published in the Niger State Gazette; and
 - (b) take effect on the date specified in the regulation or, where no date is specified, on the date of publication.
- (7) Regulations made under this section may prescribe fees, charges or levies payable by licensees or market participants, provided that:

- (a) such levies shall not exceed one and one-half per cent (1.5%) of the annual income of the relevant licensee;
 - (b) the basis for calculation of any levy shall be clearly specified; and
 - (c) proceeds of such levies shall be applied solely for purposes authorised under this Bill.
- (8) Administrative penalties prescribed under regulations shall be
 - (a) proportionate to the nature and gravity of the contravention;
 - (b) subject to procedural fairness and the right of appeal; and
 - (c) imposed in accordance with clear and published criteria.
- 10. (1) The Commission shall be accountable for the performance of its functions under this Bill through statutory reporting, financial accountability and legislative oversight, and not through executive direction in respect of regulatory decisions. Accountability And Reporting of the Commission
- (2) The Commission shall, not later than six months after the end of each financial year, submit to the Governor and the House of Assembly:
 - (a) an annual report on its activities and performance; and
 - (b) its audited financial statements.
- (3) The House of Assembly may, for the purpose of accountability and transparency, conduct oversight hearings in respect of the administration and financial management of the Commission.
- (4) Nothing in this section shall be construed as permitting the Governor, the State Executive Council, the Ministry or any other authority to:
 - (a) direct or influence the Commission in respect of tariffs, licensing, enforcement, investigations or dispute resolution; or
 - (b) interfere with the independent exercise of the Commission's regulatory powers under this Bill.
- 11. (1) The Commission shall consist of: Composition of the Commission
 - (a) a Chairperson, who shall be a person of proven integrity and relevant professional experience; and

- (b) not fewer than four (4) and not more than six (6) other Commissioners, with relevant qualifications and experience in electricity regulation, law, engineering, economics, finance, energy policy or related disciplines.
 - (c) a Vice-Chairperson appointed from among the Commissioners.
 - (2) The Chairperson and other Commissioners shall be appointed by the Governor subject to confirmation by the House of Assembly.
 - (3) Such number of Commissioners as may be prescribed shall serve on a full-time basis, while the remaining Commissioners shall serve on a part-time, non-executive basis.
- 12.**(1) A Commissioner shall hold office for a single term of five (5) years, renewable once only. Tenure of the Commissioners
- (2) Appointments to the Commission shall, as far as practicable, be staggered to ensure continuity and institutional stability.
- 13.** (1) A person shall not qualify for appointment as a Commissioner if that person: Qualification for Appointment of Commissioners
- (a) is not a Nigerian citizen;
 - (b) is above sixty-five (65) years of age at the time of appointment;
 - (c) is incapacitated by reason of ill health; or
 - (d) has been convicted of an offence involving financial misconduct by a court of competent jurisdiction.
 - (e) has a financial interest in any business connected with generation, transmission, system operation, distribution, supply or trading of electricity in Niger State, or is engaged in any activity (whether for remuneration or otherwise) connected with any such service or system, or is a relative of a person who has such an interest or is engaged in such as activity, unless the Governor is satisfied that the interest or activity is in effect passive and will not interfere with the impartial discharge of his duties as a Commissioner, or unless the financial interest is terminated prior to the appointment taking effect.
- (2) A person shall not be appointed as a Commissioner if that person has any direct or indirect interest in a licensee or market participant regulated by the Commission.

- (3) A Commissioner shall, upon appointment and annually thereafter, declare his or her assets and interests, in accordance with applicable laws.
 - (4) A person who holds office as a Commissioner, and for a period of two (2) years after ceasing to be a Commissioner for any reason whatsoever, shall not acquire, hold or maintain, directly or indirectly, any interest, office, employment or consultancy arrangement, whether for remuneration or otherwise, connected with the generation, transmission, system operation, distribution, supply or trading of electricity in Niger State, or any activity connected with any such service or system.
 - (5) Where a person to whom subsection (4) applies acquires any such interest involuntarily or by way of succession or testamentary disposition, that person shall divest himself or herself of such interest within three (3) months of the interest being acquired.
- 14.** A Commissioner may be removed from office by the Governor only for proven misconduct, incapacity or inability to perform the functions of office, and subject to confirmation by the House of Assembly. Removal of Commissioner
- 15. (1)** The office of a Commissioner shall become vacant if the Commissioner: Vacancies in the Commission
- (a) resigns his or her appointment by one months notice in writing addressed to the Governor;
 - (b) ceases to hold office by reason of removal under this Bill;
 - (c) becomes disqualified for appointment under subsection (2) of this section;
 - (d) is unable to perform the functions of office by reason of physical or mental incapacity;
 - (e) is absent from three consecutive meetings of the Commission without a reasonable excuse approved by the Commission; or
 - (f) dies.
- 16. (1)** Where a vacancy occurs in the office of a Commissioner before the expiration of the term of office, the Governor shall, within three (3) months, appoint a replacement Commissioner, subject to confirmation by the House of Assembly, in accordance with the provisions of this Bill. Filling of Vacancies in the Commission

- (2) A person appointed under subsection (1) shall hold office only for the unexpired portion of the term of the Commissioner whose office has become vacant.
 - (3) Where the office of the Chairperson becomes vacant, the Governor shall appoint an Acting Chairperson from among the Commissioners for a period not exceeding three (3) months, pending the appointment of a substantive Chairperson.
 - (4) The Vice-Chairman shall perform the Chairman's functions whenever the Chairman is absent or for any reason or unable to perform them.
 - (5) An Acting Chairperson appointed under subsection (3) shall:
 - (a) perform only such functions as are necessary for the continuity of the Commission's operations; and
 - (b) not take any decision that materially alters the policy, structure or long-term regulatory position of the Commission, except where urgent and unavoidable.
 - (6) The filling of a vacancy under this section shall not affect:
 - (a) the validity of any prior act , proceeding or decision of the Commission, provided that the quorum requirements under this Bill are satisfied
 - (b) the continuity of the Commission's regulatory functions.
 - (7) Nothing in this section shall be construed as permitting the extension of the maximum tenure of any person as Commissioner or Chairperson beyond the limits prescribed under this Bill.
- 17. (1)** The remuneration, allowances and other benefits of the Chairman, Commissioners and staff of the Commission shall be determined by the Commission and included in its annual budget for approval by the House of Assembly, consistent with the fiscal policy and financial regulations of the State. Remuneration and Allowances of Commissioners
- (2) The remuneration and allowances payable to the Commissioner under subsection (1) shall:
 - (a) reflect the full-time or part-time status of the Commissioner;
 - (b) be sufficient to attract and retain persons of competence and integrity; and

- (c) not be altered to the disadvantage of a Commissioner during the tenure of office, except as part of a general variation applicable to all comparable public offices in the State.
 - (3) A Commissioner shall be entitled to such sitting allowances, duty tour allowances and reimbursement of reasonable expenses as may be prescribed, incurred in the performance of official duties.
 - (4) The remuneration and allowances payable to Commissioners and staff of the Commission shall be charged on the funds of the Commission and included in its approved annual budget.
 - (5) The Commission shall ensure that payments made under this section are transparent, auditable and compliant with applicable public finance and fiscal responsibility laws of Niger State.
- 18. (1)** The Commissioners are under obligation to disclose the following facts to the Commission in the course of discharging their functions, if -
- Disclosure of certain connections and interests
- (a) he or she acquires or holds a direct or indirect pecuniary interest in any matter that is under consideration by the Commission;
 - (b) he or she owns any property or has a right in property or a direct or indirect pecuniary interest in a company or association of persons which results in the Commissioner's private interests coming or appearing to come into conflict with his functions as Commissioner;
 - (c) he or she knows or has reason to believe that his or her relative has acquired or holds a direct or indirect pecuniary interest in any matter that is under consideration by the Commission;
 - (d) his or her relative owns any property or has a right in property or a direct or indirect pecuniary interest in a company or association of persons which results in the Commissioner's private interests coming or appearing to come into conflict with his functions as Commissioner; or
 - (e) for any reason, his private interests conflict with his functions as Commissioner.
- (2) Any disclosure made pursuant to subsection (1) of this section shall be made formally in writing and shall be recorded and entered into the official records of the Commission in such manner as may be prescribed.
 - (3) A Commissioner who has disclosed a conflicting interest under this section shall recuse himself or herself from any deliberation,

consideration, or decision-making of the Commission relating to the relevant matter.

- 19.** (1) The Commission shall meet for the conduct of business as often as is necessary or expedient and, subject to this section, may adjourn, close and otherwise regulate its meetings and procedure as it deems fit. Meetings and procedures of the Commission
- (2) All decisions of the Commission shall be on the basis of majority of the members present and voting.
- (3) The quorum for meetings of the Commission shall be a majority of its members.
- (4) Decisions of the Commission shall be taken by majority vote, and in the event of an equality of votes, the Chairperson shall have a casting vote.
- (5) For a meeting of the Commission to review any previous decision or order taken by the Commission, the quorum shall not be less than the Commissioners present when the decision was taken or order was made.
- (6) Without derogation from subsection (1), the Commission may conduct its business by means of written resolutions signed by all the Commissioners, provided that, if any Commissioner requires that a matter be placed before all the Commissioners for discussion, this subsection shall not apply to such matter.
- 20.** (1) A decision or act of the Commission or act done under the direction of the Commission shall not be invalid on the ground that: No invalidity of decisions and acts of the Commission
- (a) there existed a vacancy or vacancies among the Commissioners; or
- (b) there existed any defect in the appointment of a Commissioner at the time the decision was taken.
- (2) Where a Commissioner referred to in section 18 of this Law participates in the consideration of a matter in which his or her private interest conflicts with the proper discharge of his or her functions as a Commissioner, any decision or action taken in respect of that matter may be subsequently ratified by the remaining Commissioners who are not so conflicted, and the conflicted Commissioner shall not participate in such ratification.
- 21.** (1) The Commission shall have power to hold hearings on matters relating to- Hearings of the Commission
- (a) issuance of licence;

- (b) any term or condition of a licence issued, or a refusal to specify a term or condition of a licence;
 - (c) refusal to issue a licence;
 - (d) any amendment of a license or refusal by the Commission to amend a licence;
 - (e) the revocation of a licence;
 - (f) the grant or refusal by the Commission to grant any approval or authority in line with this Law;
 - (g) the outcome of any decision made by the Commission between parties;
 - (h) a decision or review of the Commission with respect to prices or tariffs;
 - (i) any other matter arising out of the decision of the Commission under this Law.
- (2) Where the Commission is required to, or otherwise decides to hold a hearing, all persons having an interest in such matter shall as far as reasonably practicable, be notified of the questions at issue and given opportunity for making representations provided that such representations are intended to enrich the decision-making process of the Commission and afford the interested parties fair hearing in the matter.
- (3) The Commission shall have power to hold hearing or appeal on any matter under this Law or regulation made pursuant to it, which the Commission may consider to be of significant interest to the public.
- 22.** Subject to the Provisions of the Bill, The Commission may regulate its proceedings with respect to holding of meetings, giving of notices, keeping of minutes and custody or the production for inspection of minutes of meetings Commission. Proceedings of the Commission
- 23. (1)** The Commission shall, prior to issuing any proposed regulation, rule, guideline or amendment, consult with licensees, electricity consumers, market participants, `stakeholders and other persons or groups that the Commission may consider appropriate having regard to the matters being addressed. Consultations with Stakeholders

- (2) The Commission shall publish the proposed regulations, rules, guidelines or amendments and relevant background materials or other information on its website and take steps to promote participation in the consultation process, including by providing for electronic access for participants or other means not requiring physical attendance.
 - (3) Regulations made under this Law shall be laid before the House of Assembly for information and shall take effect in accordance with Section 9 of this Law.
- 24.** (1) Any decision, directive or order arising from the hearing or appeal of the Commission shall
- (a) be in writing.
 - (b) contain the basis and reasons for the decision, directive or order; and
 - (c) be accessible to the public.
- (2) The decision, directives or orders given by the Commission, shall be under the seal of the Commission and signed by the Chief Executive Officer of the Commission.
- (3) All decisions, directives or orders made by the Commission in accordance with the provisions of this Law shall, unless the contrary is shown, be deemed to be made by the Commission and may be proved by the production of a signed copy.
- 25.** (1) A person aggrieved by the decision of the hearing of the Commission may appeal to the Commission for the review of such decision, wholly or in part.
- (2) The Commission may reconsider, vary or rescind its decision in accordance with such procedures as the Commission may prescribe.
- (3) Appeals against the decisions, directives, or orders of the Commission shall lie to the High Court.
- 26.** (1) Where a question of law arises from or in connection with any order, decision or directive of the Commission, the Commission or any person aggrieved by such order, decision or directive may apply to a court of competent jurisdiction for the determination of that question.
- (2) An application under subsection (1) shall be made to
- Decisions,
Directives and
Orders of the
Commission.
- Appeal on the
Review of the
Commission's
Decision,
Directive or Order.
- Reference of
Questions of Law
and Judicial
Determination
Court

- (a) the High Court of Niger State, in respect of matters arising from intrastate electricity activities within Niger State; or
 - (b) the Federal High Court, where the question relates to or arises from any matter within the jurisdiction of the Federal High Court under the Constitution or any Act of the National Assembly.
- (3) The Commission may, where it considers it expedient, state a special case on a question of law arising from its proceedings and refer the same to the appropriate court for determination.
- 27.** The Commission shall develop and issue a comprehensive Code of Ethics which shall apply to all Commissioners and staff of the Commission. Code of Ethics for the Commission
- 28. (1)** The Commission shall appoint a Secretary who shall be a legal practitioner qualified to practice Law in Nigeria with at least ten (10) years post-call experience, by way of direct employment or transfer of service or secondment from the public service of the State or Federation. Appointment of Secretary of the Commission
- (2) The Secretary of the Commission shall
 - (a) act as the legal adviser to the Commission;
 - (b) arrange and attend meetings of the Commission and keep minutes, records and the common seal of the Commission;
 - (c) convey decisions of the Commission to other members of the Commission; and
 - (d) discharge such other administrative and other secretarial duties as the Commission may assign.
- 29. (1)** The Commission may appoint such other persons as its staff or its officers for the better performance of its functions, by way of direct employment or by transfer of service or secondment in consultation with the Civil Service Commission or Head of Service of the State, as the case may be. Staff of the Commission
- (2) The terms and conditions of service, including remuneration, allowances and pension benefits, of the staff of the Commission shall be as determined by the Commission and included in its annual budget approved by the House of Assembly, consistent with the State's fiscal policy and appropriation laws.
 - (3) The Commission may assign to its staff such functions of the Commission as the Commission may deem fit.

- (4) Any assignment of functions under subsection (3) may be made either generally or specifically and subject to such reservations, restrictions and exceptions as the Commission may determine, and may be revoked by the Commission at any time.
 - (5) The provisions of the Pension Reform Law of Niger State shall be applicable to the officers, staff or employees of the Commission.
 - (6) Notwithstanding subsection (5), the Commission may appoint a person on contract or fixed-term basis on terms that preclude the grant of pension or other retirement benefits in respect of that appointment.
- 30.** (1) Where any matter arises which involves the consideration of a professional, technical or specialised question, the Commission may engage or consult such persons or bodies as it considers suitably qualified to advise on the matter. Commission to consult experts on technical questions
- (2) Any person engaged or consulted under this section shall
 - (a) possess relevant qualifications and experience; and
 - (b) disclose any direct or indirect interest in the matter.
 - (3) Advice provided under this section shall be advisory only and shall not relieve the Commission of responsibility for any decision taken.
 - (4) Engagements under this section shall be conducted in accordance with applicable procurement, financial and accountability laws of Niger State.
- 31.** (1) The Commission shall establish, maintain and control a fund to be known as the Fund of the Commission (in this Law referred to as “the Fund”), from which all expenditures of the Commission shall be defrayed. Funds of the Commission
- (2) There shall be paid and credited into the Fund:
 - (a) such sums as may be provided to the Commission by the Niger State Government by way of initial take-off grant or other budgetary allocations;
 - (b) all fees, levies, and charges payable to the Commission in respect of licences, permits, authorisations, and other regulatory services rendered by the Commission under this Law;
 - (c) all sums accruing to the Commission by way of grants-in-aid, gifts, endowments or contributions, whether within or outside Nigeria, provided that the conditions attached to such funds are not

inconsistent with the objectives and functions of the Commission under this Law;

- (d) such administrative charges as may be prescribed by regulations of the Commission in respect of regulatory processes; and
- (e) all other monies that may, from time to time, accrue to the Commission in the course of the performance of its functions.

(3) All fines and penalties imposed and collected pursuant to this Law or regulations made under it shall be paid into the Niger State Electrification Fund and shall not form part of the Fund of the Commission.

(4) The Fund shall be applied by the Commission solely towards the discharge of its functions under this Law.

(5) The Commission shall manage and apply the Fund in accordance with applicable public finance, audit and fiscal responsibility laws of Niger State.

(6) The Commission shall keep proper books of account in respect of the Fund and shall cause its accounts to be audited annually by the Auditor-General of Niger State or an auditor appointed in accordance with applicable law.

32. (1) The Commission shall apply the Fund:

- (a) to meet the administrative and operating expenses of the Commission;
- (b) for the payment of salaries, fees, remuneration, allowances, pensions and other retirement benefits payable to the members and staff of the Commission;
- (c) for the purchase, acquisition, maintenance and replacement of property, equipment and other capital assets of the Commission; and
- (d) for or in connection with the performance of any of the functions of the Commission under this Law or regulations made pursuant to this Law.

Application of the funds of the Commission

(2) Any surplus of the Fund disclosed in the audited accounts of the Commission at the end of a financial year shall be paid into the Consolidated Revenue Fund of Niger State.

- (3) Nothing in this section shall preclude the Commission from making statutory contributions to the Niger State Electrification Fund from sources expressly provided under this Law.
- 33.** (1) The Commission shall, not later than 30th September in each financial year, prepare and submit to the Governor for transmission to the House of Assembly, an annual budget showing the estimated revenue and expenditure of the Commission for the following financial year, consistent with the State's fiscal policy and appropriation laws. Budget of the Commission
- (2) The Commission may, in any financial year, prepare and submit to the Governor for transmission to the House of Assembly, a supplementary or adjusted budget where necessary.
- (3) A supplementary budget shall be deemed to form part of the annual budget of the Commission for the financial year to which it relates upon approval by the House of Assembly.
- (4) The Commission shall not vary any approved budget except in accordance with a supplementary or adjusted budget approved by the House of Assembly.
- 34.** The financial year of the Commission shall be a period of twelve (12) months commencing on 1st January and ending on 31st December in each year, or such other period as may be prescribed by applicable public finance laws of Niger State. Financial year of the Commission
- 35.** (1) The Commission shall keep, or cause to be kept, proper books of account and records in respect of its income, liabilities, expenditure, assets, funds, activities, contracts, and other business, in such form as may be prescribed in accordance with the applicable financial policies, regulations, and guidelines of Niger State. Accounts of the Commission
- (2) The books of accounts prepared pursuant to subsection (1), shall not later than three months after the end of the financial year, be submitted to the Auditor General of the State and the State House of Assembly.
- (3) The Auditor-General shall audit the financial statements of the Commission and submit the audited accounts to the Commission, the Governor, and the House of Assembly.
- (4) The Commission shall, upon receipt of the audited accounts, publish the audited financial statements in such manner as may be prescribed, including on its official website.

- 36.** (1) Without prejudice to the powers of the Auditor-General of Niger State under any law, the accounts of the Commission may be audited by an external auditor appointed by the Commission in accordance with the guidelines issued by the Auditor-General of Niger State. Auditors of the Records of the Commission
- (2) An auditor appointed under subsection (1) shall be entitled, at all reasonable times, to have access to all books of account, records, documents and other information relating to the accounts of the Commission, and to require from any Commissioner, staff or agent of the Commission such information and explanations as may be necessary for the purposes of the audit
- (3) The Commission shall, within one month of receiving the audited financial statements, publish the audited accounts and auditor's report on its official website
- 37.** (1) The Commission shall, not later than one hundred and twenty (120) days after the end of each financial year, prepare and submit to the Governor and the House of Assembly an annual report on its activities and performance during the preceding financial year. Report of the Commission
- (2) The annual report shall include
- (a) a summary of the Commission's regulatory activities and achievements;
 - (b) challenges encountered and measures taken; and
 - (c) the audited financial statements of the Commission together with the auditor's report.
- (3) The Commission may, at its discretion or at the request of the Governor or the House of Assembly, submit special reports on matters relating to the general administration and performance of the Commission.
- (4) Nothing in this section shall be construed as authorising any person or authority to require reports from the Commission in a manner that interferes with the independent exercise of its regulatory powers and functions.
- 38.** (1) The Commission shall monitor all significant matters relating to the performance of licensees and other market participants in the Niger State Electricity Market and shall, not later than 30th April of each year, publish a report titled "The Niger State Electricity Market Report" in respect of the preceding financial year. Niger State Electricity Market Report
- (2) The Niger State Electricity Market Report shall include information on:

- (a) the operation and administration of this Law and any regulations made pursuant to it;
 - (b) the efficiency and quality of services provided by licensees and other market participants to electricity consumers in the State
 - (c) the implementation of the State Renewable Energy, Energy Efficiency and Demand Side Management Strategy and Action Plan;
 - (d) any deficiencies in the scope, effectiveness or operation of this Law and its regulations;
 - (e) the extent to which the Niger State Electricity Market has operated or developed in accordance with the Niger State Electricity Policy and Strategic Implementation Plan;
 - (f) electricity market operations, performance monitoring, key performance indicator surveillance data and conclusions arising therefrom; and
 - (g) such other relevant matters as the Commission may, in its discretion, consider necessary or desirable.
- (3) In performing its functions under this section, the Commission shall have regard to such electricity industry performance indicators, benchmarks and reporting guidelines as may be established for the Niger State Electricity Market under this Law or any regulations made pursuant to it.
- (4) In preparing the Niger State Electricity Market Report, all licensees and other market participants shall be obliged to deliver to the Commission all data and information required to be kept under this Law, regulations made pursuant to it, or as may be reasonably required by the Commission for the purposes of the Report.
- (5) Any licensee or market participant who fails, refuses or neglects to provide data or information required under subsection (4) within the time specified by the Commission commits a breach of this Law and shall be liable to
- (a) an administrative penalty as may be prescribed by regulations made by the Commission;
 - (b) the issuance of compliance directives by the Commission; and

- (c) where persistent or material non-compliance occurs, suspension, variation or other regulatory action in respect of the relevant licence, without prejudice to any other sanction provided under this Law
- (6) The Commission shall treat all commercially sensitive data and information with strict confidentiality.
- (7) Where a licensee or market participant considers that any data or information supplied would, if published, adversely affect its commercial interests, such data or information shall be submitted separately and clearly marked "Commercially Sensitive", together with reasons for such designation.
- (8) The Commission shall determine, acting reasonably and in good faith, whether any data or information is commercially sensitive for the purposes of publication
- (9) The Commission shall publish the Niger State Electricity Market Report on its official website and may take such further steps as it considers appropriate to ensure public access to the Report.
- 39. Any Agreement, contract or instrument approved by the Commission may be entered into or executed on behalf of the Commission by any persons generally or specially authorised by the Commission for that purpose.

Execution of contracts and instruments by the Commission

PART III – THE NIGER STATE ELECTRICITY MARKET

- 40. (1) The State Government, through the Ministry responsible for power and energy, shall, within six (6) months from the commencement of this Bill, initiate the preparation and publication in the Niger State Government Gazette of a document to be known as the Niger State Electricity Policy and Strategic Implementation Plan (in this Bill referred to as "*the State Electricity Plan*"), in consultation with the Commission, the Niger ISO, relevant authorities and other stakeholders.
- (2) The State Electricity Plan shall provide policy guidance for the orderly establishment, development and long-term sustainability of the Niger State Electricity Market.
- (3) Without prejudice to the generality of subsection (2), the State Electricity Plan shall address
 - (a) the structure and evolution of the Niger State Electricity Market;
 - (b) development of the Market based on the optimal utilisation of available energy resources, including renewable energy and other lawful generation resources;

Niger State Electricity Policy and Strategic Implementation Plan

- (c) prioritisation of resources available within the State, while accommodating out-of-State and national grid-based resources where optimal;
 - (d) supply-side and demand-side resources, their deployment options, constraints, and financial, economic and environmental impacts;
 - (e) arrangements, including public-private partnerships, to ensure security, reliability and affordability of electricity supply;
 - (f) promotion of decarbonisation, renewable energy and sustainable energy solutions;
 - (g) measures relating to energy efficiency and demand-side management;
 - (h) deployment of innovative and emerging technologies;
 - (i) coordinated development of generation, transmission, distribution and supply infrastructure to ensure reliability of supply and minimise losses; and
 - (j) such other matters as may be necessary to ensure a viable, efficient and sustainable electricity system for the State.
- (4) The State Electricity Plan shall be reviewed at intervals not exceeding five (5) years or at such shorter intervals as the State Government may determine.
- (5) The State Electricity Plan and any review thereof shall be approved by the State Executive Council.
- (6) Nothing in this section shall be construed as conferring on the State Electricity Plan the force of law or as permitting interference with the independent regulatory powers of the Commission under this Bill.
- 41. (1)** The Niger State Electricity Policy and Strategic Implementation Plan approved by the State Executive Council under section 40 of this Bill shall be reviewed or revised as may be required and shall in any event be subject to a comprehensive review at intervals not exceeding five (5) years after the publication of the first edition.
- Periodic review of the Niger State Electricity Policy and Strategic Implementation Plan
- (2) Any review or revision of the State Electricity Plan shall be initiated by the Ministry responsible for power and energy, in consultation with the

Commission, the Niger ISO and other relevant stakeholders, and shall be submitted to the State Executive Council for approval.

- (3) The State Electricity Plan and any revision thereof shall, upon approval by the State Executive Council, be published in the Niger State Government Gazette and on the official websites of the Ministry, the Commission and the Niger ISO.
 - (4) Nothing in this section shall be construed as conferring on the State Electricity Plan or any revision thereof the force of law or as authorising interference with the independent regulatory powers of the Commission under this Bill.
- 42.**(1) The Ministry responsible for power and energy shall be responsible for the policy coordination, administration and monitoring of the implementation of the Niger State Electricity Policy and Strategic Implementation Plan. Implementation and Monitoring of the Niger State Electricity Policy and Strategic Implementation Plan.
- (2) In performing its functions under this section, the Ministry shall act in accordance with the policy functions assigned to it under section 4 of this Bill and shall not exercise any regulatory or operational powers vested in the Commission or other institutions under this Bill.
- (3) The Ministry shall, not later than one hundred and twenty (120) days after the end of each financial year, submit to the Governor an annual report setting out:
- (a) the steps taken to implement the State Electricity Plan;
 - (b) progress made and challenges encountered; and
 - (c) such other policy-related matters as the Ministry considers appropriate.
- 43.** (1) There shall be established for the purposes of system operation and market administration in the Niger State Electricity Market, an independent entity to be known as the Niger State Independent System Operator (in this Bill referred to as "*the Niger State ISO*"). Establishment of Niger ISO
- 44.** (1) The Niger State Independent System Operator shall be incorporated as a company limited by guarantee within eighteen (18) months from the commencement of this Bill. Formation and Structure of the Niger ISO.
- (2) The incorporation of the Niger State ISO shall be undertaken by the Ministry responsible for power and energy in consultation with the Commission and relevant stakeholders.

- (3) Upon incorporation, the Commission shall grant a system operation licence to the Niger State ISO in accordance with this Bill and licensing regulations made by the Commission.
 - (4) The Commission, after consultation with the Ministry and relevant stakeholders, shall issue regulations or guidelines prescribing
 - (a) the governance structure of the Niger State ISO
 - (b) eligibility criteria for membership;
 - (c) procedures for nomination and appointment of members of its governing body; and
 - (d) funding and financial arrangements of the Niger State ISO.
 - (5) In the event of any inconsistency between the constitutional documents of the Niger State ISO and this Bill or any regulations, rules or guidelines issued by the Commission, this Bill and such regulations, rules or guidelines shall prevail.
 - (6) Pending the incorporation and commencement of operations of the Niger State ISO, the Commission shall make interim arrangements for the performance of system operation functions, including the establishment of a temporary unit within the Commission for that purpose.
 - (7) The Niger State ISO shall be structured and operated such that
 - (a) it is a not-for-profit entity;
 - (b) no member or class of members has controlling interest or dominant influence;
 - (c) any surplus is applied solely to the furtherance of its objects; and
 - (d) it is independent in the performance of its functions
- 45. (1)** Subject to the terms and conditions of its system operation licence and the provisions of this Bill and regulations made under it, the Niger State ISO shall perform system operation and wholesale market administration functions for the Niger State Electricity Market with the objective of ensuring the safe, reliable, efficient and non-discriminatory operation of the State grid. Function of The Niger ISO
- (2) Without prejudice to the generality of subsection (1), the Niger State ISO shall:

- (a) undertake generation scheduling, commitment and dispatch;
- (b) undertake transmission scheduling and coordination;
- (c) coordinate generation outages;
- (d) manage congestion on the State transmission system and, where necessary for system security, coordinate with distribution licensees;
- (e) provide real-time operational monitoring and support for the State grid;
- (f) undertake local resource scheduling for distributed generation and flexible loads in accordance with Market Rules;
- (g) procure and schedule ancillary services in accordance with Market Rules;
- (h) administer the wholesale electricity market in the State, including trading and settlement systems;
- (i) support the implementation of relevant aspects of the Niger State Electricity Policy and Strategic Implementation Plan;
- (j) manage, subject to the approval of the Commission, the operational interface between the State grid and the national grid or the electricity system of any other State;
- (k) commence system operation activities in accordance with timelines and directions approved by the Commission;
- (l) perform such other activities as may be necessary for the reliable and efficient operation of the State grid; and
- (m) perform any other functions prescribed under Market Rules, this Bill or regulations made by the Commission.

46. (1) The Niger State ISO shall be responsible for the development and modification of Market Rules for the safe, reliable, efficient and non-discriminatory operation of the State electricity system, governing the activities of and relationships between licensees and market participants, and for the establishment and governance of markets related to electricity and ancillary services. *Market Rules*

- (2) In developing or modifying Market Rules, the Niger State ISO shall:
 - (a) ensure consistency with this Bill and any regulations made by the Commission; and
 - (b) undertake stakeholder consultation in such manner as may be prescribed.
 - (3) The Niger State ISO shall publish proposed Market Rules or modifications in such manner as will ensure adequate publicity, including on its official website.
 - (4) Market Rules developed or modified by the Niger State ISO shall be submitted to the Commission for prior review and approval, and shall not take effect unless approved by the Commission.
 - (5) Market Rules approved by the Commission and any modification thereof shall have the effect of a contract between the Niger State ISO and each licensee or market participant, pursuant to which each party agrees to perform and observe the terms and conditions of the Market Rules.
- 47.** (1) Operations in the Niger State Electricity Market shall be conducted on the basis of binding and enforceable written contracts, and every person licensed under any category of electricity activity in the State shall enter into such contracts as may be required with other licensees or market participants for the sale, purchase, transmission, system operation or provision of electricity services. *Market contracts*
- (2) Every contract entered into pursuant to this section shall be in writing and filed with the Commission within such period and in such manner as may be prescribed by regulations.
 - (3) Subject to subsection (4), the Commission shall not interfere with or vary the commercial terms of any contract duly negotiated and concluded in accordance with this Bill.
 - (4) Nothing in this section shall prevent the Commission from taking such regulatory actions as may be necessary to:
 - (a) enforce compliance with this Bill, regulations, Market Rules or licence conditions;
 - (b) protect consumers or public safety; or
 - (c) prevent anti-competitive or abusive conduct.

- (5) Contracts filed with the Commission shall be treated as confidential, except to the extent that disclosure is required by law or for regulatory or judicial purposes.

- 48. (1)** Subject to the provisions of the Federal Competition and Consumer Protection Act and in coordination with the Federal Competition and Consumer Protection Commission, the Commission shall, in respect of services provided in competitive segments of the Niger State Electricity Market, have responsibility to consider and address the prevention or mitigation of abuse of market power in its regulatory decisions and orders relating to:
- (a) licence applications and grants;
- (b) licence terms and conditions;
- (c) tariff methodologies and tariff setting; and
- (d) market participation arrangements within the Niger State Electricity Market
- Competition and Market Power

PART IV – LICENSING

- 49. (1)** The Commission shall be the sole authority responsible for the licensing of intrastate electricity operators and regulated electricity activities within the Niger State Electricity Market, in accordance with this Bill and the Electricity Act, 2023.
- Commission Solely Responsible for Licensing
- (2) The Commission may, by regulations, make provision for all licensing matters, including—
- (a) application procedures;
- (b) grant, duration and renewal of licences;
- (c) geographical scope and service areas;
- (d) amendment, transfer, assignment or cession of licences;
- (e) suspension, cancellation, withdrawal or refusal of licences; and
- (f) licence terms and conditions.
- (3) Regulations made under this section shall be designed to ensure that licensing processes are transparent, objective, non-discriminatory and proportionate, and shall, as far as practicable, impose minimal administrative and compliance burdens on applicants and licensees.

- (4) In discharging its responsibilities under this section, the Commission may:
 - (a) require information from licensees and market participants;
 - (b) undertake market inquiries and studies; and
 - (c) establish or engage independent persons or entities to provide monitoring or analytical services.
 - (5) Where the Commission determines, following due process, that there is an abuse of market power within the Niger State Electricity Market, it may;
 - (a) issue cease and desist orders or compliance directives; and
 - (b) impose administrative penalties in accordance with this Bill and regulations made by the Commission.
 - (6) Nothing in this section shall be construed as conferring on the Commission the power to approve or reject mergers, acquisitions or business combinations, which shall remain subject to the Federal Competition and Consumer Protection Act, provided that the Commission may make representations or provide sector-specific input to the Federal Competition and Consumer Protection Commission.
- 50. (1)** No person shall, within Niger State, engage in any intrastate regulated electricity activity or construct, own or operate any electricity undertaking, except in accordance with a licence granted by the Commission pursuant to this Bill or regulations made under it, or where exempted under this Bill. Electricity Market Operators to be licensed
- (2) Any person carrying on a regulated electricity activity in Niger State immediately before the commencement of this Bill shall apply to the Commission for the appropriate licence within three (3) months of commencement of this Bill.
 - (3) A person who is uncertain whether an activity requires a licence under this Bill may apply to the Commission for written clarification.
 - (4) Notwithstanding subsection (1), a person may, without a licence
 - (a) construct, own or operate an electricity generation undertaking with an aggregate capacity not exceeding 100 kw at a site; or
 - (b) construct, own or operate an electricity distribution undertaking with an aggregate capacity not exceeding 50 kw at a site,
 or such other thresholds as the Commission may prescribe by regulation.

- (5) Where any condition of an exemption is breached, the Commission may revoke the exemption and require the person to apply for the appropriate licence.
- (6) In carrying out its functions under this section, the Commission may—
- (a) inquire into whether a person is engaging or is about to engage in an activity requiring a licence;
 - (b) direct any person contravening this section to cease operations; and
 - (c) apply to a court of competent jurisdiction for an order—
 - (i) sealing or suspension of the undertaking or facility;
 - (ii) disconnection of the facilities of the contravening person;
 - (iii) directing the contravening person to apply for the relevant licence; or
 - (iv) directing the taking of such other steps as may be necessary to prevent continuation or recurrence of the contravention.
- (7) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding Ten Million Naira (~~₦~~10,000,000) and, in the case of a continuing offence, a further fine not exceeding Fifty Thousand Naira (~~₦~~50,000) for each day the offence continues.
- 51.(1)** Subject to the provisions of this Bill, regulations made under it and the terms and conditions of the licence, a generation licence may authorise the holder to
- Generation License
- (a) construct, own, operate and maintain a generating station for the purpose of carrying out intrastate electricity generation within Niger State;
 - (b) sell electricity and, where applicable, provide ancillary services in accordance with Market Rules and directions of the Niger State ISO; and
 - (c) connect to a transmission system, distribution system or any other electricity system within the State for the purpose of dispatch, subject to applicable codes, Market Rules and licence conditions, notwithstanding that such system may be owned or operated by a person licensed by another regulatory authority.

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| <p>52. (1) A person who owns or operates a captive electricity generation facility in Niger State with an installed capacity exceeding 500 kilowatts (500 kW) shall obtain a captive generation permit from the Commission.</p> <p>(2) The Commission may, by regulations, prescribe:</p> <ul style="list-style-type: none"> (a) the procedures, form, and conditions for the grant, renewal, suspension or revocation of a captive generation permit; (b) technical, safety, environmental and grid-interface standards applicable to captive generation facilities. (c) reporting and data submission obligations of permit holders. (d) conditions under which surplus electricity, if any, may be evacuated, injected into a distribution system or otherwise utilised, subject to Market Rules and directions of the Niger State ISO; and (e) such other matters as may be necessary for the effective regulation of captive generation in the Niger State Electricity Market. <p>(3) The Commission may, by regulations, review and adjust the capacity threshold specified in subsection (1).</p> | <p>Captive
Generation</p> | <p>Power</p> |
| <p>53.(1) Subject to this Bill, regulations made under it and the terms and conditions of the licence, an embedded generation licence shall authorise the holder to construct, own, operate and maintain facilities for the purpose of intrastate embedded generation of electricity for supply to customers located within Niger State or a specified part thereof.</p> <p>(2) An embedded generator and a distribution licensee shall enter into such commercial and technical agreements as may be required under this Bill, regulations, Market Rules and applicable codes.</p> <p>(3) Charges and security arrangements under any agreement between an embedded generator and a distribution licensee shall be consistent with tariff methodologies and regulatory frameworks approved by the Commission.</p> <p>(4) A distribution licensee shall be responsible for distribution planning, including</p> <ul style="list-style-type: none"> (a) forecasting future demand on its distribution system; (b) analysing the impact of connection of new facilities; | <p>Embedded
Generation
License</p> | |

- (c) planning expansion of the distribution system;
 - (d) identifying and correcting quality of supply and system loss problems; and
 - (e) undertaking distribution system studies.
- (5) A distribution licensee shall provide embedded generators with such information as may be reasonably required regarding—
- (a) network capacity;
 - (b) suitable connection points; and
 - (c) technical constraints,
to ensure system reliability and efficient operation

- 54. (1)** Subject to this Bill, regulations made under it and the terms and conditions of the licence, a transmission licence may authorise the holder to Transmission Licence
- (a) construct, own, operate and maintain an intrastate transmission system within Niger State; and
 - (b) connect its intrastate transmission system to another transmission system, a distribution system or any other electricity system within the State, and, with the approval of the Commission and in coordination with relevant federal authorities and the Niger State ISO, to the national grid or the electricity system of any other State, as specified in the licence.
- (2) The grant of a transmission licence shall not limit the power of the Commission to grant another transmission licence for a similar purpose.
- (3) Notwithstanding subsection (2), the Commission may grant an exclusive transmission licence for a specific purpose, geographical area or period, where the Commission determines that such exclusivity is necessary to promote efficient investment, reliability of supply or other public-interest objectives.
- 55.(1)** Subject to this Bill, regulations made under it and the terms and conditions of the licence, a distribution licence may authorise the holder to Distribution Licence
- (a) construct, own, operate and maintain an intrastate distribution system within Niger State;

- (b) connect its distribution system to a transmission system, another distribution system or any other electricity system within the State, subject to applicable codes and Market Rules;
 - (c) undertake metering, meter installation, maintenance and reading, billing and collection, in accordance with regulations and licence conditions;
 - (d) expand the distribution network within its licensed area; and
 - (e) perform such other distribution services as may be prescribed.
- (2) A distribution licensee may also be authorised, under the terms of its licence, to supply electricity to customers within its licensed area.
- (3) The grant of a distribution licence shall not limit the power of the Commission to grant another distribution licence for a similar purpose:

Provided that the Commission may grant an exclusive distribution licence for a specific purpose, geographical area or period where the Commission determines that such exclusivity is necessary to promote efficient investment, reliability of supply or other public-interest objectives.

- (4) The Commission may, in accordance with a framework prescribed by regulations, grant
- (a) an Independent Electricity Distribution Network (IEDN) licence to construct, own and maintain a distribution network; and
 - (b) an Independent Electricity Distribution Network Operator (IEDNO) licence to operate and maintain an Independent Electricity Distribution Network, within an area without an existing distribution system or where existing infrastructure is unable to meet demand.
- (5) The Commission may approve distribution or supply franchising arrangements or other commercial arrangements between distribution or supply licensees and third parties, in accordance with approved franchising frameworks, tariffs and models.
- (6) A franchisee shall not be deemed to hold a distribution or supply licence but shall operate under the relevant distribution or supply licence, and the distribution or supply licensee shall remain ultimately responsible for compliance with this Bill and quality of service within its licensed area

- 56.** (1) Subject to this Bill, regulations made under it and the terms and conditions of the licence, a trading licence may authorise the holder to engage in intrastate electricity trading, including the bulk purchase of electricity from
- (a) a generation licensee licensed by the Commission; or
 - (b) a lawfully licensed generator authorised by another regulatory authority, and to resell such electricity to
 - (i) a distribution licensee; or
 - (ii) a bulk or eligible customer designated in accordance with this Bill and regulations made by the Commission.
- (2) All contracts for the purchase of electricity and ancillary services by a trading licensee shall be awarded in an open, transparent and competitive manner, in accordance with procedures prescribed by the Commission and, where applicable, Market Rules, unless the Commission determines that exceptional circumstances justify an alternative procurement method.
- 57.** Subject to this Bill, regulations made under it and the terms and conditions of the licence, an integrated utility licence may authorise the holder to construct, own, operate and maintain facilities for the intrastate generation, distribution and supply of electricity to customers located within Niger State or a specified part thereof.
- Integrated Utility Licence
- Provided that an integrated utility licence shall not authorise transmission or system operation activities.
- 58.** (1) A mini-grid may be an isolated mini-grid or an interconnected mini-grid.
- Mini-Grids
- (2) The Commission may, upon application by a mini-grid developer, grant a mini-grid permit to construct, own, operate and maintain an isolated mini-grid for the purpose of intrastate electricity supply in a designated unserved area.
 - (3) The Commission may, upon application by a mini-grid developer, approve the appropriate contractual arrangements between the mini-grid developer, the connected community and the distribution licensee for the construction, operation and maintenance of an interconnected mini-grid in an underserved area.
 - (4) An applicant for a mini-grid permit shall submit to the Commission an accurate description of the proposed generation and distribution system, including its geographical location.
 - (5) The Commission may grant a permit for an isolated mini-grid where

- (a) an application has been received for the intended area;
 - (b) based on distribution expansion plans approved by the Commission, the proposed mini-grid will not unreasonably interfere with planned network expansion;
 - (c) the distribution licensee for the area has been notified of the proposed mini-grid and given reasonable opportunity to make representations;
 - (d) the intended geographic location is an unserved area not assigned to an IEDNO or another mini-grid developer;
 - (e) an executed agreement between the community and the mini-grid developer has been submitted for approval;
 - (f) necessary land rights and permits have been obtained; and
 - (g) such other conditions as the Commission may prescribe by regulation.
- (6) For an interconnected mini-grid, the connected community, the mini-grid developer and the distribution licensee shall enter into a Tripartite Contract, which shall become binding upon approval by the Commission.
- (7) The Commission may approve a Tripartite Contract where
- (a) an application has been received for the intended area;
 - (b) the proposed retail tariff is calculated in accordance with a tariff methodology approved by the Commission;
 - (c) the Tripartite Contract provides, at a minimum, for
 - (i) usage rights over existing distribution infrastructure;
 - (ii) construction and ownership of additional infrastructure (if applicable);
 - (iii) tariff for electricity injected into the distribution network (if applicable);
 - (iv) tariff for electricity purchased from the distribution network (if applicable); and
 - (v) the agreement of the connected community to purchase electricity at the approved tariffs.

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| 59. | <p>(1) An application for a licence shall be made to the Commission in such form and manner and shall contain or be accompanied by such information, documents and fees as may be prescribed by regulations made by the Commission.</p> <p>(2) Subject to subsection (3), the Commission may grant the appropriate licence where, upon consideration of an application, it is satisfied that</p> <ul style="list-style-type: none">(a) the applicant satisfies the requirements prescribed in regulations made by the Commission;(b) the applicant is capable of complying with this Bill and all applicable regulations, guidelines, orders, codes, standards and licence conditions; and(c) the grant of the licence is consistent with the objectives of this Bill, including reliability of supply, safety, efficiency, affordability, sustainability and the promotion of competition. <p>(3) Where the Commission is not satisfied as to the matters referred to in subsection (2), it may refuse to grant the licence, provided that before refusing, the Commission shall</p> <ul style="list-style-type: none">(a) notify the applicant in writing of its intention to refuse;(b) state the reasons for the proposed refusal;(c) afford the applicant reasonable opportunity to make representations;(d) consider any representations made; and(e) where practicable, give the applicant opportunity to remedy identified deficiencies. <p>(4) The Commission shall acknowledge receipt of an application and notify the applicant when the application is complete.</p> <p>(5) The Commission shall, within four (4) months from the date an application is notified as complete, inform the applicant of its decision or proposed decision.</p> <p>(6) Where the Commission is unable to conclude consideration of an application within the period specified in subsection (5) due to the complexity of the application, it shall notify the applicant in writing of the reasons and the additional time required.</p> | <p>Application
Licence
Decision
Procedure</p> <p>For
And</p> |
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- (7) All licensing decisions shall be taken in a transparent, objective and non-discriminatory manner.
- 60.** (1) A licence granted by the Commission shall be subject to such reasonable terms and conditions as the Commission may determine. Terms and Conditions of a Licence
- (2) Unless expressly stated in a licence
- (a) the grant of a licence to any person shall not limit the power of the Commission to grant another licence for a similar purpose; and
- (b) no licensee shall be entitled to claim any monopoly or exclusivity in respect of any regulated electricity activity.
- (3) The Commission may grant licences to two or more persons to carry on the same regulated electricity activity or undertaking within the same area, subject to such additional requirements relating to capital adequacy, technical capability, creditworthiness or codes of conduct as the Commission may prescribe by regulations.
- (4) Notwithstanding subsections (2) and (3), the Commission may, as an exceptional measure, grant exclusivity in respect of a licensed activity for a specific purpose, geographical area, period, or combination thereof, where the Commission determines that such exclusivity is necessary to promote efficient investment, reliability of supply or other objectives of this Bill.
- (5) An exclusivity period granted under subsection (4) shall not exceed five (5) years from the date of grant.
- (6) Exclusivity shall be granted only
- (a) following public consultation in such manner as may be prescribed by the Commission; and
- (b) where the applicant demonstrates to the satisfaction of the Commission that the exclusivity sought is consistent with the objectives of this Bill.
- (7) Any renewal of exclusivity shall be subject to a further public consultation and a fresh determination by the Commission.
- 61.** (1) Without derogating from the powers conferred on the Commission pursuant to this Bill, where the Commission is satisfied that a licensee or any market participant is contravening, or is likely to contravene or has contravened any Enforcement of a Licence
- (a) term or condition of its licence;

- (b) code, rule, performance standard, manual, guideline or other standard applicable to the licensee;
- (c) direction issued by the Commission to or applicable to the licensee;
or
- (d) provision of this Bill or regulation made hereunder,

the Commission may serve upon the licensee an order to do one or more of the things set out in subsection (2) of this section.

(2) Pursuant to subsection (1), the Commission may by order

- (a) direct the licensee to do or not do such things as are specified in such order and stipulate the period for compliance;
- (b) require the licensee to provide any form of security on such terms and conditions as the Commission may determine;
- (c) require the licensee to implement any measures as are specified in such order and stipulate the period for the implementation; or
- (d) specify a penalty for each day that the licensee is in default of compliance with the order.

(3) Before serving an order on the licensee under subsection (1), the Commission shall serve a notice on the licensee concerned –

- (a) specifying the grounds upon which the order is to be issued and what the Commission considers reasonably necessary for the purpose of rectifying or avoiding any contravention or threatened contravention of any condition of the licence;
- (b) stipulating the maximum period that the Commission considers reasonable for the implementation of any requirement it proposes to order; and
- (c) allowing the licensee, to make representations to the Commission within such period from the date of service of the notice as it shall specify.

- (4) After considering any representations made and measures implemented under subsection (3), the Commission may serve, refrain from, defer serving the proposed order, or serve an order on different terms.
- (5) An order served under subsection (1) may specify a penalty for each day that the licensee subjected to the order serving an order is in default of compliance with the order, not to exceed Ten Million Naira (N10,000,000.00) for each day.
- (6) For the purpose of performing its functions under this Bill, the Commission shall have powers to cause an investigation into whether any person has breached any provisions of this Bill or applicable regulations.
- (7) If the Commission is satisfied that such a person has committed any punishable offence under this Bill or any regulations, the Commission shall forward a report of the investigation to the Office of Attorney General for possible prosecution.
- (8) The Commission shall, on its own initiative or upon a complaint from any consumer, eligible customers, consumer associations, shareholder in a licensee company or a licensee, inquire into the conduct of any licensee in carrying out its obligations under its licence and the provisions of this Bill.

PART V – TARIFFS

- 62.** (1) Activities licensed by the Commission pursuant to this Bill or any regulation, shall be subject to one or more tariff methodologies and for such period as may be adopted by the Commission in accordance with this Bill. General tariff regulation
- (2) Notwithstanding subsection (1) of this section, the Commission may, subject to compliance with such terms and conditions as may be prescribed by the Commission and in accordance with a relevant tariff methodology established by the Commission, approve
- (a) any negotiated transactions (including the tariffs and charges agreed pursuant to that arrangement) between a licensee and a class or classes of electricity consumers; and
 - (b) tariffs and charges that reflect the terms of any contract between licensees.

63. Any tariff methodology adopted by the Commission pursuant to this Part of this Bill shall be based on the following principles –

Principles Guiding
Tariff
Methodologies

- (a) encouragement of competition in the Niger State Electricity Market and ensure that regulated activities prices are, to the extent possible, set through competition rather than price caps, rate of return regulation, or similar mechanisms prescribed by the Commission;
- (b) fairness and avoidance of undue discrimination between electricity consumers, so that price differentials are objectively justified by differences in cost of supply or other undertaking;
- (c) where feasible, avoiding cross-subsidies among different categories of electricity consumers, whilst providing for lifeline tariffs and measures to protect and empower the most vulnerable customers, subject in all such cases to safeguards such as caps on load capacity and consumption;
- (d) ensure open, transparent and competitive generation procurement processes;
- (e) ensure a consistent and apolitical response to macroeconomic signals;
- (f) allow an efficient licensee to recover the full and reasonable costs incurred in conducting its business activities and a reasonable return on the capital invested in the business;
- (g) promote continued investments by licensees;
- (h) ensure the efficiency of the business and discourage wasteful expenditure;
- (i) ensure the continued improvement of the quality of service;
- (j) encourage negotiated transactions in every segment of the Niger State Electricity Market;
- (k) provide clear and accurate information to electricity consumers in relation to the costs that their consumption imposes on the licensee's business and encourage efficient electricity consumption;
- (l) promote innovation and the adoption of clean and modern technology; and

- (m) promote the use of the cleanest available electricity generation sources.

- 64.** (1) The Commission shall, prior to adopting a tariff methodology or amending an existing tariff methodology, consult with licensees, electricity consumers, market participants, stakeholders and other persons or groups that the Commission may consider appropriate considering the subject matter of the proposed tariff methodology. Procedure for adoption of tariff methodology
- (2) Prior to holding the consultation process pursuant to subsection (1) of this section, the Commission shall, as may be applicable, publish in at least two (2) newspapers with wide coverage in the State and on its website, notice of –
- (a) the consultation process and invitation to participate in the consultation;
 - (b) the venue and period during which the consultation is to be held, provided that the notice period for the commencement of the consultation process shall not be less than 21 (twenty-one) days;
 - (c) the nature of the matter to which the consultation relates; and
 - (d) the matters upon which the Commission would require submissions, the form in which submissions are to take and the address to which the submissions may be sent.
- (3) The Commission shall take steps to promote participation in the consultation process, including by publishing any relevant background materials or other information on its website and providing for electronic access for participants or other means not requiring physical attendance.
- (4) The Commission may, in adopting a tariff methodology or any amendment, take into consideration the results of and any submissions made during the consultation process pursuant to subsection (1) of this section.
- (5) The Commission shall fix the date on which the adopted tariff methodology or any amendment shall come into effect and shall cause notice of the effective date to be published in at least two (2) newspapers with wide coverage in the State and on its website.

65. (1) Every licensee or market participant under obligation to set tariffs and charges shall be bound by the tariff methodology and any amendment thereto, adopted by the Commission. Tariffs and charges by licensees

(2) The Commission shall by regulation set out the process for approving tariffs and charges proposed by licensees.

(3) Save in the case of negotiated transactions in which the relevant consumer or consumer group consents in writing to a higher tariff in return for improvement of supply or performance, any licensee who exceeds the tariff rates approved by the Commission or imposes unapproved tariffs and charges for the provision of any of its services commits an offence under this Bill.

(4) For the purpose of subsection (3) above, a consumer group shall be deemed to have consented to a negotiated transaction if a minimum of seventy-five percent (75%) of the members of the consumer group that are present and voting at a meeting of the consumer group at which no less than twenty-one (21) days' written notice has been given, signify their assent to the negotiated transaction.

(5) The Commission shall by regulations prescribe appropriate sanctions, including the imposition of financial penalties upon any licensee who commits an offence pursuant to this section.

66. (1) The Commission shall publish adopted tariff methodology on its website. Publication of tariff methodology,

(2) All licensees shall publish all tariff and charges applicable to their respective services and any amendment or modification on their website. tariffs and charges

PART VI – MARKET REGULATIONS, INDUSTRY STANDARDS AND CODES, AND CONSUMER AFFAIRS

67. (1) The Commission shall have the ongoing responsibility of monitoring the state of the Niger State Electricity Market and market behaviour of licensees and other market participants. Market regulation

(2) Without limiting the generality of the provisions of subsection (1) of this section, the Commission shall in particular have the responsibility to:

(a) ensure the development and maintenance of a commercially sensible and economically efficient market;

(b) prevent and address any discriminatory conduct in the market or practices inimical to the efficient functioning of the market;

- (c) establish rules, codes, and practices for the safe and reliable operation of the Market by its licensees and for upholding the rights of electricity customers in the State; and
 - (d) remove and address any arrangements that stifle competition in the Market.
- (3) In the performance of its responsibilities pursuant to subsection (1) of this section, the Commission shall be entitled to:
 - (a) require and compel the disclosure of information and provision of documents by licensees and other market participants;
 - (b) undertake such inquiries and investigations as it may consider necessary;
 - (c) retain an independent entity to provide market monitoring and surveillance services; and
 - (d) take such actions as may be necessary for the effective discharge of the responsibilities of the Commission.
- (4) Where the Commission determines that there is or may be any circumstance which distorts the efficiency of the Niger State Electricity Market or adversely impacts its operations, the Commission may –
 - (a) issue cease orders as may be required;
 - (b) levy fines as may be prescribed by regulations issued by the Commission; and
 - (c) give directions to such persons as the Commission considers appropriate.
- (5) The Commission shall consider the responsibilities imposed on it under subsection (1) of this section in its decisions, orders and determinations regarding matters such as, but not limited to, licence applications, grant of licence, licence terms and conditions, and tariff methodology.
- (6) The Commission may issue guidelines in order to provide certainty in relation to any one or more of the provisions in this section, and may consult with such person as it considers appropriate for the purpose of preparing such guidelines under this subsection.

- (7) Parties to any agreement, arrangement, practice or conduct may apply in writing to the Commission for guidance as to whether or not the agreement, arrangement, practice or conduct is likely to infringe subsections (1) and (4) of this section, or any guidelines published by the Commission pursuant to subsection (6) of this section, and the Commission shall for this purpose publish such guidance provided, on its website.

68. (1) The Commission shall, in consultation with licensees, market participants and such other stakeholders or interested parties that the Commission may consider appropriate, make and issue standards, codes and manuals in relation to: Industry standards and codes

- (a) the administration and operation of the Niger State Electricity Market;
- (b) the activities of licensees and market participants;
- (c) the safe, reliable and efficient operation of the electricity system in the State;
- (d) the provision of electricity equipment, facilities and instruments, including requirements for qualified providers and installers;
- (e) the promotion of energy efficiency and demand side management practices by licences and electricity consumers;
- (f) quality of service, service standards and performance standards;
- (g) the safe, reliable and efficient interconnection of the Niger State Electricity Market with the national electricity market; and
- (h) such other matters as the Commission may consider appropriate as is necessary or expedient to achieve or promote the objectives of this Bill.

- (2) The standards, codes and manuals issued by the Commission pursuant to subsection (1) of this section shall be published by the Commission on its website.

69. (1) The Commission shall issue regulations and any amendments setting out standards, practices and procedures for the protection of electricity consumers in the State, including but not limited to the following matters: Consumer protection standards, practices and procedures

- (a) service standards, including the establishment of special services

for disadvantaged consumers;

- (b) complaint handling standards and resolution procedures;
 - (c) procedures for applying for and withdrawal of electricity services;
 - (d) consumer charging, billing, collection and credit practices;
 - (e) non-payment of bills, disconnections and re-connections;
 - (f) compensating electricity consumers who do not enjoy the contracted electricity services;
 - (g) the establishment of a forum at which electricity consumers are able to express their views and raise concerns and procedures for addressing those concerns;
 - (h) fault repairs and response to emergencies;
 - (i) the rights and duties of electricity consumers and available remedies;
 - (j) the protection of consumer data; and
 - (k) the provision and dissemination of information.
- (2) The consumer service standards, practices and procedures developed by the Commission and any amendments shall be published on the website of the Commission.
- (3) Without prejudice to the provisions of subsection (1) of this section, the Commission may require licensees to prepare, review or amend individual consumer standards, practices or procedures in relation to specific matters for their respective consumers and such standards, practices or procedures shall be subject to the prior approval of and ratification by the Commission and published by the licensee on its website.
- (4) The Commission shall collaborate with the Agency of the State responsible for consumer protection, in connection with the matters set out in this section.

PART VII – RENEWABLE ENERGY AND ENERGY EFFICIENCY

- 70. (1)** The Commission shall support the development and utilisation of renewable energy and for this purpose, take measures stipulated under this section to increase the contribution of renewable energy to the State's energy mix
- Promotion of the development and utilisation of renewable energy
- (a) stipulate in its licensing and fees schedule, simplified licensing and fees regime for issuance of licenses to renewable energy service companies for the provision of electricity to consumers and from renewable energy sources specified under this Act;
 - (b) issue commercial and technical regulations for connectivity to the grid and distribution network for sale of electricity generated from renewable energy sources to distribution and trading licensees, eligible customers and consumers;
 - (c) issue technical standards and certification procedures for technical personnel participating in renewable energy projects taking into cognisance the need to promote local skills and local requirements for renewable energy projects.
 - (d) provision of standards for power purchase agreements with specific requirements and terms for marketing and trading renewable energy;
 - (e) provide regulations specifying the role of all licensees in the electricity value chain of the State, in the integration of renewable energy into the state grid and distribution network;
 - (f) monitor and enforce compliance with renewable purchase obligations and generation purchase obligations as may be prescribed by the Commission;
 - (g) provision of embedded renewable energy generation regulations including review of extant standards for solar PV, wind turbines and regulation for biomass electricity;
 - (h) provision of mini-grid regulations on renewable energy to cater for installation, metering, billing and other requirements, for renewable energy mini-grid systems;
 - (i) make regulations for renewable energy local content requirements that encourage local skills acquisition, local production and assembly of solar PV components, deep cycle batteries, electro-mechanical components of SHP technology, wind power, boilers

and turbines or other components as may be specified by the Commission for local content requirements;

- (j) ensure stable and long-term favourable pricing mechanism for renewable energy and facilitate unhindered access to the state grid and distribution network through the prescribed measures;
- (k) stipulation of duty on the Commission and system operator to promote generation and consumption of electricity from renewable energy sources;
- (l) introduction of feed-in tariffs for all small hydro schemes, all biomass co-generation power plants, solar and wind-based plants irrespective of their sizes within the terms of the tariffs to be up to up to 20 years to guarantee buyers under standard power purchase agreements and provide return on investments;
- (m) award of licence of mini-grid concessions to renewable energy companies to exclusively serve a specific geographical location indicating aggregate electricity to be generated and distributed from a site with obligation to serve customers to request service;
- (n) provide standards and sitting guidelines for solar home systems, stand-alone solar PV, micro hydro and wind power;
- (o) ensure clarity in the market rules and offer incentives and support to independent power producers for investments in generation of electricity from renewable sources specified under this Bill;
- (p) provide support to the Agency established under this Bill towards efficient supply of electricity to unserved and underserved areas of the State using renewable energy sources specified under this Bill;
- (q) provide technical specifications and codes for stand-alone PV, micro-hydro and wind plant;
- (r) issuance of renewable energy standards on installation, decommissioning and disposal of renewable energy accessories and monitor compliance in conjunction with other relevant MDAs with mandates on product safety and standards;
- (s) issue necessary regulatory instrument on net-billing for roof-top solar PV systems and small wind power in accordance with the provisions of this Bill regarding the procedure for adoption of guidelines or other regulatory documents by the Commission; and

- (t) in consultation with the relevant MDAs provide regulation on energy storage to promote energy efficiency.
- (2) The Commission shall for the purpose of the implementation of this Bill, approve
 - (a) rates chargeable for the purchase of electricity from renewable energy sources by public utilities;
 - (b) charges for mini-grid and grid connection; and
 - (c) rates chargeable for wheeling of electricity from renewable energy sources.
- 71. (1) For the purposes of this Part, commercial activities in the renewable energy industry include
 - (a) generation of electricity from renewable energy sources;
 - (b) transmission, distribution and supply of electricity generated from renewable energy sources;
 - (c) trading and sale of electricity generated from renewable energy sources;
 - (d) installation, operation and maintenance of renewable energy systems and associated infrastructure; and
 - (e) energy storage and ancillary services related to renewable energy.

Commercial activities for renewable energy
- (2) The Commission may, by regulations or other regulatory instruments, expand, limit or otherwise modify the scope of activities specified in subsection (1).
- 72.(1) Where the Commission establishes a renewable energy purchase obligation for any class of licensees or bulk or eligible customers, the Commission shall, in determining the applicable obligation, have regard to:
 - (a) the technologies used to generate electricity from renewable energy sources;
 - (b) the financial viability and sustainability of affected licensees or public utilities;
 - (c) the net impact of renewable energy costs on end-user tariffs;

Consideration for renewable purchase obligation

- (d) prevailing market conditions; and
 - (e) the overall objectives of this Bill relating to affordability, reliability and sustainability.
- (2) The Commission may, by regulations, prescribe:
- (a) the classes of licensees or customers to which renewable energy purchase obligations apply;
 - (b) the percentage or quantum of electricity to be sourced from renewable energy;
 - (c) compliance timelines and reporting requirements; and
 - (d) mechanisms for monitoring and enforcement.
- (3) A bulk or eligible customer subject to a renewable energy purchase obligation shall
- (a) procure the prescribed percentage or quantum of its electricity from renewable energy sources; or
 - (b) pay a renewable energy compliance charge or premium in such amount and manner as may be determined by the Commission by regulations.
- (4) Funds realised from any compliance charge or premium under subsection (3)(b) shall be applied towards programmes or initiatives approved by the Commission for the promotion and development of renewable energy in the State.
- 73** (1) A distribution licensee or other public utility shall not enter into or negotiate a power purchase agreement for electricity generated from renewable energy sources except in accordance with guidelines and tariff methodologies issued or approved by the Commission.
- (2) The Commission shall issue guidelines and, where applicable, establish feed-in tariff frameworks specifying the principles and parameters for rates applicable to electricity generated from renewable energy sources.
- (3) In developing guidelines or feed-in tariff frameworks under this section, the Commission shall have regard to
- (a) the technology used to generate the electricity;
 - (b) the location of the generation facility;

- (c) operating norms and technical characteristics of the technology;
 - (d) capital costs, financing costs, and costs of construction, commissioning, operation and maintenance;
 - (e) a reasonable rate of return on efficient investment; and
 - (f) the need to balance the interests of consumers and investors.
- (4) A feed-in tariff rate fixed for electricity generated from renewable energy sources shall apply for such period as may be determined by the Commission in the relevant tariff methodology or regulatory instrument.
- (5) In establishing tariff mechanisms applicable to the regulated electricity market, the Commission shall take into account any price differential between electricity generated from renewable energy sources and electricity generated from other sources, in accordance with adopted tariff methodologies.
- 74.** (1) No public utility or distribution licensee shall demand, apply or receive a feed-in tariff in respect of electricity generated from renewable energy sources unless such feed-in tariff has been approved by the Commission in accordance with this Bill and applicable tariff methodologies. Approval of feed-in tariff rates
- (2) A public utility or distribution licensee shall not, directly or indirectly, demand or receive a feed-in tariff higher than the feed-in tariff approved by the Commission.
- (3) Notwithstanding subsection (2), the Commission may approve a negotiated feed-in tariff higher than an approved feed-in tariff where
- (a) the higher tariff is agreed between the distribution licensee and the relevant generator or consumer, as applicable; and
 - (b) the Commission is satisfied that the negotiated tariff is justified by demonstrable improvements in supply, performance or other public benefits and is consistent with adopted tariff methodologies.
- 75.** Feed-in tariff rates approved by the Commission for electricity generated from renewable energy sources shall be published on the Commission's website. Publication of feed-in tariff rates
- 76.** (1) A transmission licensee or distribution licensee shall, subject to applicable technical codes, Market Rules and capacity constraints, connect a generator of electricity from renewable energy sources located within its Connection to transmission and

coverage area where such generator so requests, and such request shall not be unreasonably withheld. distribution system

- (2) A transmission licensee or distribution licensee shall, where technically and economically reasonable, undertake necessary upgrades to its system to enable the evacuation and injection of electricity generated from renewable energy sources.
 - (3) The Commission shall, by regulations or guidelines, prescribe the principles for allocation and recovery of costs associated with system upgrades required for the connection of renewable energy generators.
 - (4) Unless otherwise determined by the Commission, the costs associated with facilities required to connect a renewable energy generator to the relevant metering point shall be borne by the generator.
 - (5) For the purposes of this section, the transmission licensee or distribution licensee and the renewable energy generator shall enter into a connection agreement in such form and containing such minimum terms as may be prescribed by the Commission.
 - (6) A licensee, contractor, subcontractor or other entity carrying out renewable energy activities shall comply with local content requirements prescribed by the Commission or any other relevant authority.
- 77.** (1) The Commission shall, in consultation with relevant environmental authorities and stakeholders, make regulations prescribing environmental, emissions and fuel-quality standards applicable to electricity generation and other regulated activities in the Niger State Electricity Market. Emissions standards permit fee
- (2) Without prejudice to subsection (1), the Commission may, by regulations:
 - (a) prescribe emission limits and progressively tighten such limits over time;
 - (b) require electricity generating plants, or any specified class thereof, that utilise distillates or other high-emission fuels to transition to cleaner fuels, including natural gas or renewable energy sources, within a transition period determined by the Commission;
 - (c) require electricity generating plants whose emissions exceed prescribed limits to obtain an environmental compliance permit from the Commission, subject to such terms and conditions as may be specified;

- (d) impose an emissions levy or environmental charge on electricity generating plants in such manner and at such rates as may be prescribed, with proceeds to be paid into the Electrification Fund or such other fund as may be established under this Bill;
- (e) prescribe the method for calculating, assessing and collecting any emissions levy or environmental charge; and
- (f) introduce incentives and disincentives to promote the utilisation of the cleanest available fuels and technologies for electricity generation.

- 78. (1)** The Ministry shall, consistent with the Niger State Electricity Policy and Strategic Implementation Plan, take steps to
- (a) support and promote the deployment of off-grid and decentralised electricity solutions in the State by introducing policy measures, strategies, incentives, schemes and programmes; and
 - (b) facilitate cooperation and collaboration with the Federal Government, other States, development partners, and any other relevant body or international organisation in furtherance of the objectives of this Bill.
- (2) The Ministry shall serve as the policy coordinating body for incentives, strategies, schemes and programmes introduced by the State under subsection (1):
 Provided that where any such incentive, strategy, scheme or programme has regulatory, licensing or market implications, the Ministry shall consult the Commission.
- (3) The Governor may designate any other ministry, department, agency or entity as the coordinating body in relation to any specific incentive, strategy, scheme or programme.
- 79. (1)** The Ministry shall, in consultation with the Commission, the Agency and other relevant stakeholders
- (a) establish and publish criteria for identifying unserved and underserved areas, communities and clusters in the State within six (6) months of the commencement of this Bill;
 - (b) develop an Off-Grid Electrification Strategy and Action Plan for the State within six (6) months of the commencement of this Bill or such extended period as may be approved by the State Executive Council; and

General responsibility of Government in connection with off-grid solutions

The Off-Grid Electrification Strategy and Action Plan

- (c) review and, where necessary, revise the Off-Grid Electrification Strategy and Action Plan at least once every three (3) years.
- (2) The Off-Grid Electrification Strategy and Action Plan, and any revision thereto, shall be approved by the State Executive Council and published on the websites of the Ministry, the Commission and the Agency.
- (3) The Off-Grid Electrification Strategy and Action Plan shall provide for
 - (a) recognition of off-grid solutions as a core component of the Niger State Electricity Policy and Strategic Implementation Plan;
 - (b) short-, medium- and long-term targets for off-grid electrification;
 - (c) mapping of cost-effective off-grid solutions suitable for each unserved or underserved area, community or cluster, and applicable incentives;
 - (d) the role of the State in enabling private-sector investment and fostering an off-grid ecosystem;
 - (e) education, research, sensitisation, consumer protection and capacity-building programmes relating to off-grid solutions;
 - (f) regulatory principles applicable to off-grid solutions and e-waste management;
 - (g) strategies to promote gender and social inclusion in electricity access;
 - (h) priority programmes, projects and activities for off-grid deployment; and
 - (i) a monitoring and evaluation framework, including annual reviews and reporting.
- (4) The implementation of the Off-Grid Electrification Strategy and Action Plan shall be carried out by the Agency in accordance with this Bill and applicable regulations, and subject to oversight by the Commission in respect of regulatory and licensing matters.

PART VIII – NIGER STATE ELECTRICITY AGENCY AND NIGER STATE ELECTRICITY FUND

- 80. (1)** There is established the Niger State Electrification Agency (referred to in this Law as “the Agency”).
- Establishment of
Niger State
Electricity Agency

- (2) The Agency shall be a body corporate with perpetual succession and a common seal and shall in its corporate name be capable of:
- (a) suing and being sued;
 - (b) acquiring, owning, holding, mortgaging, developing, disposing and otherwise dealing howsoever with property, whether movable or immovable, subject to the extant policies of the State;
 - (c) entering into contracts, subject to the extant policies of the State; and
 - (d) doing or performing all other things or acts for the furtherance of its functions and duties under this Law which may be lawfully done or performed by a body corporate.

81. (1) The Agency shall:

Functions of the Agency

- (a) control and manage any electricity installation vested in the Agency under the provisions of this Law or any other Law;
 - (b) construct, reconstruct, maintain and operate public lighting or power points in any street or other public place;
 - (c) construct, reconstruct, maintain and operate electricity installations, works, buildings, infrastructure and other works necessary for the discharge of its functions;
 - (d) carry any electricity installation through, across, over or under any street or any place laid out or intended as a street after giving reasonable notice in writing to the affected owner or occupier, and make good any damage done;
 - (e) enter any land at any time between the hours of 6.00am and 6.00pm after giving reasonable notice in writing to the affected owner or occupier for the purpose of electricity installations, examining, repairing or removing any electricity installation which is the property of the Agency; and
 - (f) perform such other functions and exercise such powers that are necessary and incidental to the above.
- (2) In addition to subsection (1) of this section, the Agency shall also carry out the following functions:
- (a) promote the deployment of environmentally friendly and climate-efficient electricity solutions in the underserved and unserved areas of the State;

- (b) increase access to electricity services for underserved and unserved areas of the State, including through engaging with and facilitating entities wishing to supply such services;
- (c) be responsible for executing and implementing the Off-Grid Electrification Strategy and Action Plan;
- (d) manage and supervise the Electrification Fund in accordance with the provisions of this Law and any approved operational guidelines, procedures, criteria and/or modalities;
- (e) collaborate generally with relevant ministries, departments and agencies of the State and Federal Government to facilitate the electrification of underserved and unserved areas of the State and the general provision of off-grid solutions;
- (f) promote capacity building in relation to the provision of off-grid solutions;
- (g) create public awareness through seminars, workshops, studies and make available information (both online and offline) regarding off-grid solutions and electrification of underserved and unserved areas of the State;
- (h) be responsible for public lighting or power points in any street or other public place; and

perform such other functions and exercise such powers that are necessary and incidental to the above.

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|----------------|---|--|
| 82. | In discharging its functions under this Law, the Agency shall consult such persons, groups or associations who may be affected by its activities, programmes or projects. | Consultation by the Agency |
| 83. | Nothing in this Law shall be construed as conferring the Agency with powers to exercise regulatory functions over any aspect of the Niger State Electricity Market, or interfere with the functions, duties and powers of the Commission: | Relationship with the Commission |
| | <p>Provided that the Commission shall consult the Agency in the making of any regulations in relation to the functions and powers of the Agency under this Law.</p> | |
| 84. (1) | There is established for the Agency a governing board (referred to in this Law as “the Board of the Agency”) which shall perform the functions of the Agency as stipulated under this Part. | Establishment and Composition of the Board of the Agency |

- (2) The Board of the Agency shall consist of five (5) Directors, made up of:
 - (a) a Non-Executive Chairperson;
 - (b) the Managing Director of the Agency;
 - (c) a representative of the Ministry nominated by The Commissioner responsible for power and energy, who shall be a Non-Executive Director; and
 - (d) two (2) part-time Non-Executive Directors.
- (3) A Director shall stand in a fiduciary relationship towards the Agency and shall observe utmost good faith towards the Agency in the exercise of his powers and discharge of his functions.
- (4) The Agency shall however not be incapacitated from carrying out its functions and exercising its powers by virtue of any vacancy in the composition of the Board of the Agency or defect in the appointment of any Director.

85. (1) The Board of the Agency shall:

- (a) provide general guidance for the carrying out of the functions of the Agency;
- (b) review and approve the annual budget, operating, business and strategic plans of the Agency;
- (c) be responsible for devising means of generating independent revenue through contributions, grants, donations and gifts for the Electrification Fund as it may deem fit in accordance with this Law;
- (d) supervise and ensure accountability in relation to the Electrification Fund established under this Law;
- (e) develop relevant operational guidelines, procedures, criteria and/or modalities for the allocation, management and utilization of the Electrification Fund;
- (f) prepare the annual plan setting out the proposed activities, programmes and projects with their cost implications to be funded with the sums of money accruing to the Electrification Fund;
- (g) structure the Agency into such number of departments as it deems fit for the effective discharge of the functions of the Agency, subject

Powers of the
Board of the
Agency

to the approval of the Commissioner responsible for power and energy; and

- (h) exercise such other powers as may be necessary for the efficient and effective administration of the Agency under this Law.

- (2) The Commissioner responsible for power and energy may give the Board of the Agency such general directives in relation to the discharge of its functions and the exercise of its powers under this Law as may appear to be necessary to ensure conformity by the Board of the Agency with the policy of the Government, and the Board of the Agency shall give effect to such directives.

- 86.** (1) The Chairperson and other Non-Executive Directors of the Board of the Agency excluding the ex-officio member shall be persons of proven integrity and ability and shall be appointed by the Governor on the recommendation of the Commissioner responsible for power and energy
- Appointment of the Chairperson and the Non Executive Directors

- (2) The Chairperson and other Non-Executive Directors of the Board of the Agency excluding the ex-officio member shall be persons with relevant professional qualifications and cognate experience in the fields of energy, procurement, engineering, law or other relevant disciplines and must have senior management experience either in the public or private sector.

- (3) The Chairperson and the Non-Executive Directors shall hold office on part-time basis for a period of four (4) years and shall be eligible for reappointment for one (1) further term of four (4) years only.

- 87.**(1) The Managing Director shall be appointed by the Governor on the recommendation of the Commissioner.
- Managing Director of the Agency

- (2) A person shall be qualified for appointment as the Managing Director if such person:

- (a) is a holder of a university degree recognized in Nigeria in the fields of law, accountancy, economics, finance, administration, energy or engineering;

- (b) has not less than fifteen (15) years working experience in the relevant field, seven (7) of which is at a senior management level; and

- (c) has extensive managerial, technical or professional knowledge of and experience in connection with the power sector.

- (3) The Managing Director shall be:

- (a) appointed for an initial term of four (4) years and shall be eligible, subject to satisfactory performance, for reappointment for one (1) further term of four (4) years only;
 - (b) the Chief Executive and Accounting Officer of the Agency; and
 - (c) responsible to the Board of the Agency for the day-to-day administration of the Agency.
- (4) Except as provided in this Law, the terms and conditions of appointment of the Managing Director shall be as specified in his letter of appointment.
- (5) The Managing Director shall devote his full time to the service of the Agency and while holding office shall not hold any other office or employment except where appointed by virtue of his office into the membership of any board, agency or authority of the government of the State or any organization to which the Agency is a member or an affiliate.
- 88.(1)** The Board of the Agency shall appoint a secretary and legal adviser (referred to in this Law as “the Secretary of the Agency”) who shall be a legal practitioner qualified to practice in Nigeria, with at least ten (10) years post-call experience. Secretary of the Agency
- (2) The Secretary of the Agency shall:
 - (a) be the head of the Legal Department;
 - (b) act as the Legal Adviser to the Agency;
 - (c) arrange and attend meetings of the Board of the Agency and keep minutes, corporate records and the common seal of the Agency; and

discharge such other administrative and other secretarial duties as the Managing Director or the Board of the Agency may assign.
- 89.(1)** The Agency may employ such other staff as it may deem necessary to assist the Agency in the performance of its functions under this Law. Other Staff of the Agency
- (2) The terms and conditions of service, including remuneration, allowances and other benefits of the staff of the Agency and the periodic review of the same, shall be as determined by the Board of the Agency having regard to the extant financial policies and guidelines of the State.

- (3) The Agency may, subject to the provisions of this Law, make staff regulations, rules and policies relating generally to the conditions of service of the staff of the Agency.
- (4) The Agency may assign to its staff such functions of the Agency as the Agency deems fit.
- (5) The provisions of the Pension Reform Law shall be applicable to the officers, staff or employees of the Agency.
- (6) Nothing in subsection (5) of this section shall prevent the Agency from appointing a person to an office on terms that preclude the grant of pension or other retirement benefits in respect of that office.

- 90. (1)** A member of the Board shall cease to hold office if he or she
- (a) resigns by notice in writing addressed to the Governor;
 - (b) is adjudged bankrupt or insolvent, convicted of an offence involving fraud or dishonesty, or certified to be of unsound mind by a registered medical practitioner;
 - (c) is absent from three (3) consecutive meetings of the Board without reasonable cause and without the approval of the Chairperson;
 - (d) is guilty of gross misconduct or serious breach of the provisions of this Law or any regulations made thereunder; or
 - (e) on the expiration of his or her term of office.
- Cessation of
Office of Members
of the Board of the
Agency
- (2) A member shall not be removed from office under subsection (1)(d) unless:
 - (a) the Governor has given to the member a written notice of the reasons for the proposed removal; and
 - (b) the member has been given an opportunity to make written representations within fourteen (14) days.
 - (3) Where a member is removed from office, the notice of removal and the reasons therefor shall be published in the Niger State Gazette.
 - (4) The Governor may, on the recommendation of the Board, appoint an acting member to fill any vacancy pending the appointment of a substantive member in accordance with this Law.

- (5) For the avoidance of doubt, no member shall be removed from office solely on the ground of a change in Government or policy direction.
- 91.** (1) The Non-Executive Directors, other than the ex officio member, shall be paid such remuneration, allowances and other benefits as the Governor may approve. Cessation of Office of Members of the Board Remuneration and Allowances
- (2) The remuneration, allowances and other benefits of the Managing Director shall be as specified in his letter of appointment as approved by the Governor.
- (3) The remuneration, allowances and other benefits of the Directors referred to in subsections (1) and (2) shall be paid from the funds of the Agency subject to the extant financial policies and guidelines of the State.
- 92 .** The Board of the Agency shall develop and issue a comprehensive code of ethics that applies to all Directors and staff of the Agency Code of Ethics for the Agency
- 93.** (1) Subject to the provisions of this Law and the Interpretation Act, the Board may make standing orders regulating its proceedings and those of any committee of the Board. Proceedings of the Board of the Agency
- (2) The Board shall meet for the conduct of its business at least once every quarter and may hold extraordinary meetings at such times as the Chairperson may determine.
- (3) The Chairperson may summon an emergency meeting of the Board of the Agency, but shall at any time call an emergency meeting upon a written request by a majority of the members of the Board of the Agency.
- (4) The Chairperson shall preside at every meeting of the Board of the Agency, and in the absence of the Chairperson, one of the members, except the Managing Director, shall be appointed to preside.
- (5) The quorum for a meeting of the Board shall be a simple majority of the total number of members of the Board, provided that at least one non-executive member is present.
- (6) Decisions of the Board shall be taken by a simple majority of the members present and voting, and where there is an equality of votes, the person presiding shall have a casting vote.

- (7) The Board may co-opt any person whose technical, financial, legal or professional expertise is required for the performance of its functions, provided that such person shall not have the right to vote.
 - (8) The Board may establish one or more committees to assist it in the discharge of its functions and may delegate to any such committee such powers as it considers appropriate, except the power to approve budgets, appoint or remove senior management, or make regulations.
 - (9) Where the Board of the Agency desires to obtain the advice of any person on a matter, the Board of the Agency may co-opt the person as a member for such period as it thinks fit, provided that a person co-opted shall not be entitled to vote at any meeting of the Board of the Agency and shall not count towards a quorum.
 - (10) The validity of any proceedings of the Board or of any committee thereof shall not be affected by any vacancy in the membership of the Board or committee, or any defect in the appointment of a member.
 - (11) The Board shall ensure that proper records and minutes of its meetings are kept and maintained in accordance with applicable public-sector governance standards.
 - (12) Subject to this Law, the Board may regulate its own procedure and that of its committees as it considers appropriate for the efficient discharge of its functions.
- 94.** The common seal of the Agency shall be determined by the Board of the Agency, and the affixing of the common seal shall be authenticated by the signatures of the Managing Director and the Secretary, or any other member authorised by the Board of the Agency to act for that purpose. Common Seal of the Agency
- 95. (1)** The Agency shall establish and maintain a fund (referred to in this Law as “the Fund of the Agency”), which shall be used to defray all expenses of the Agency. Fund of the Agency
- (2) There shall be paid and credited into the Fund of the Agency:
 - (a) such sums of money as may be appropriated to the Agency in annual budgetary allocations by the State House of Assembly;
 - (b) all fees earned by the Agency for any service provided by the Agency in the exercise of its functions under this Law;
 - (c) grants, donations, endowments or contributions from the State Government, Federal Government, development partners, donor agencies or any other lawful source;

- (d) all sums of money accruing to the Agency by way of grants-in-aids, gifts, testamentary dispositions, endowments, and contributions from any other source, provided that the condition for such grants is not inconsistent with the objectives, functions, duties and responsibilities of the Agency under this Law;
- (e) any other fund that may be created from time to time by a Law of the House; and
- (f) all other monetary assets that may from time to time accrue to the Agency, and
- (g) shall manage its funds in accordance with the extant financial policies and guidelines of the State.

- 96.** The Board of the Agency may, through the Commissioner, with the approval of the Governor and the House, borrow such sums of money for and in connection with the performance of its functions under this Law. Power of the Agency to Borrow
- 97. (1)** The funds of the Agency shall be applied solely towards: Application of Funds
- (a) the cost of administration and operations of the Agency;
 - (b) the implementation of off-grid electrification programmes, projects and initiatives in the State;
 - (c) the provision of capital expenditure required for the performance of the functions of the Agency;
 - (d) payments in respect of contracts, obligations and liabilities lawfully incurred by the Agency;
 - (e) capacity-building, research, data collection, monitoring and evaluation activities related to rural and off-grid electrification; and
 - (f) any other expenditure incidental or necessary for the proper performance of the functions of the Agency under this Law.
- 98. (1)** The Agency shall prepare and submit to the Board, not later than three (3) months before the end of each financial year, a budget of its estimated revenue and expenditure for the next financial year. Upon approval by the Board, the budget shall be transmitted to the Ministry for consolidation and onward submission to the House of Assembly in accordance with the State's public finance framework. Budget of the Agency
- (2)** Subject to legislative appropriation and oversight, the Agency shall:

- (a) operate and maintain its own bank accounts;
- (b) retain and apply revenues accruing to it for the purposes of this Law;
and
- (c) manage its finances in a transparent, accountable and commercially prudent manner.

- 99.** (1) There is established the Niger State Electrification Fund (referred to in this Bill as the “Electrification Fund”) and it shall be controlled, operated and managed by the Agency in the manner specified in this Part. Establishment of the Niger State Electrification Fund
- (2) The Electrification Fund shall comprise funds derived from but not limited to the following sources:
- (a) such sums of money as may be appropriated to the Electrification Fund in the Government’s annual budgetary allocation;
 - (b) a percentage as approved by the Governor of any excess of the Commission’s revenue of any year over the approved expenditure for that year;
 - (c) all fines and penalties imposed and collected by the Commission in enforcing any provisions of this Bill or regulations made by the Commission, which shall be paid directly into the Electrification Fund within fifteen (15) days of collection;
 - (d) any electricity levy introduced by the Commission pursuant to this Bill;
 - (e) donations, contributions, gifts, loans, grants, aids and such other assets that may from time to time specifically accrue to the Electrification Fund;
 - (f) earnings, interest and other income accruing from the investments made and project funded with the monies accruing to the Electrification Fund and the principal sum invested upon maturation;
and
 - (g) any special intervention fund as may be provided by the State.
- (3) The Board of the Agency shall ensure that the Electrification Fund is at all times transparently managed and operated and totally separated from the Fund of the Agency.

- (4) The Commission shall ensure that all monies payable by the Commission into the Electrification Fund are paid promptly and directly into the Electrification Fund.
- (5) Any monies, grants, donations, contributions or the like given to the Electrification Fund in any foreign currency shall be held by the Agency as part of the Electrification Fund but until they are to be utilized, such funds shall be held in the currency in which they were given to the Electrification Fund and be accounted for accordingly.
- (6) The assets and monies in the Electrification Fund shall not be used in any manner whatsoever to defray or undertake the recurrent or capital expenditure of the Agency.

- 100.** (1) The Board of the Agency shall, at the beginning of every financial year and not later than thirty (30) days thereafter, prepare and approve an annual Electrification Fund Utilisation Plan setting out the proposed programmes, projects and activities to be financed from the Electrification Fund, together with their cost implications. Utilisation of the
Electrification
Fund
- (2) The Electrification Fund shall only be utilized for the following purposes, to:
- (a) implement the Off-Grid Electrification Strategy and Action Plan;
 - (b) promote, support and provide electricity access and services to underserved and unserved areas of the State;
 - (c) promote and support the expansion of the State grid, and the development, deployment and utilisation of off-grid solutions in the State;
 - (d) subject to the Financial Regulations of the State, make investments as may be approved by the State House of Assembly provided that such investments shall not undermine the ability of the Agency to meet its obligations; and
 - (e) pay for the costs and expenses in relation to the administration and operation of the Electrification Fund, provided such costs and expenses do not exceed in any financial year zero-point seventy-five percent (0.75%) of the amounts standing to the credit of the Electrification Fund at the end of the previous financial year.
- (3) The Agency shall, in consultation with the Commissioner responsible for power and energy and other stakeholders –

- (a) develop and establish objective and transparent guidelines, criteria and/or modalities for the management, allocation and utilisation of monies from the Electrification Fund; and
 - (b) develop and establish open, competitive and transparent procedures for screening and selecting eligible activities, programmes and projects to receive disbursements from the Electrification Fund.
- (4) In developing the guidelines under subsection (3a), the Agency shall have due regard to applicable State electricity policies and may consult relevant ministries, departments and agencies, provided that such consultation shall not prejudice the operational independence of the Agency.
- 101.** (1) The Board of the Agency may, subject to the prior approval of the Governor, execute Agreements with development partners setting up Special Purpose Funds for the provision of off-grid solutions in any part of the State.
- (2) The Agreements made pursuant to subsection (1), may set out separate financing arrangements in respect of the management and utilisation of the Special Purpose Funds and clearly establish the modalities for administering such funds, provided that in the absence of such defined financing arrangement or administrative modalities, the rules, procedures and guidelines applicable to the Electrification Fund established under this Bill shall apply to such Special Purpose Funds.
- 102.** All sources of money paid into the Niger State Electrification Fund shall be exempt from income tax. Exemption from income tax
- 103.** (1) No execution or attachment order shall be issued by any court of law against any money standing to the credit of the Electrification Fund or accruing to the Electrification Fund. Restriction on the execution of suits against the Electrification Fund and property of the Agency
- (2) No execution or attachment order shall be issued by any court of law against the property of the Agency without the consent of the Attorney General of the State.
- 104.** The Agency shall, in respect of each year, keep proper accounts and other records relating to such accounts in respect of all of the Agency's activities, operations, transactions, funds (including the Electrification Fund), properties and such other accounts and records as the Commissioner responsible for power and energy may require. Maintaining proper accounts and records by the Agency

- 105.** (1) The Agency shall ensure that its accounts and other records kept shall be audited within three (3) months from the end of each financial year by auditors provided that such auditors are on the list of auditors approved from time to time by the Auditor-General of the State. Audit of the accounts and records of the Agency
- (2) The auditor shall be entitled to require to be produced, all accounts and other records relating to each account which are kept by the Agency or its Directors, members, staff, agents, consultants or service providers and to require from any Director, member, staff, agent, consultant or service provider of the Agency such information as in the auditor's opinion are necessary for the purposes of the audit.
- 106.** (1) The Agency shall prepare and submit to the Governor through the Commissioner responsible for power and energy and to the House of Assembly not later than four (4) months after the end of its financial year, an annual report on the activities and operations of the Agency for the preceding financial year and shall include the Agency's audited accounts for the year under review together with the auditor's report. Reports of the Agency
- (2) The Report of the Agency under subsection (1) of this section shall include a progress report with details of the implementation of the Off-Grid Electrification Strategy and Action Plan by the Agency and the utilisation of the Electrification Fund.
- (3) The Agency shall publish the report submitted, on its website or other Government approved website or other means of publication approved by Government.

PART IX – POWER ENFORCEMENT UNIT AND CRIMINAL PROVISIONS

- 107.** (1) The Attorney-General and Commissioner for Justice of Niger State shall, within six (6) months from the commencement of this Bill, establish an inter-agency Power Enforcement Unit in consultation with the Commission. The Power Enforcement Unit shall consist of : Establishment of the Power Enforcement Unit
- (a) a Chairperson who shall be a legal practitioner of not less than ten (10) years post-call experience, appointed by the Attorney-General and Commissioner for Justice;
- (b) such officers of the Commission as may be designated by the Chief Executive Officer of the Commission;
- (c) such law enforcement officers as may be deployed to the Unit from recognised law enforcement agencies in the State;

- (d) such number of legal officers from the Ministry of Justice as the Attorney-General may assign;
 - (e) technical representatives of licensees who may be invited by the Unit solely for technical assistance and evidence-gathering, provided that such representatives shall not exercise enforcement or investigative powers; and
 - (f) such other persons with relevant technical or professional expertise as the Attorney-General may approve for specific assignments.
- (2) The power of arrest shall be vested in the Power Enforcement Unit and any other law enforcement agents or Unit in the State.

- 108.** The functions of the Power Enforcement Unit shall include the following :
- Functions of the
Power
Enforcement Unit
- (a) coordinating with the Attorney-General and Commissioner for Justice in the investigation and prosecution of offences created under this Bill or any regulations made pursuant to it;
 - (b) consulting with the Commission, licensees, market participants and other stakeholders in relation to electricity theft, vandalism of electricity installations, theft of electricity infrastructure and other related offences;
 - (c) collaborating with the Commission in the administration and operation of the whistle-blowing scheme established pursuant to this Bill;
 - (d) organising regular sensitisation and public awareness programmes on the economic, commercial and legal consequences of electricity theft and other electricity offences;
 - (e) preparing and submitting to the Governor and the Commission, not later than 31st March of each year, an annual report on prosecutions and enforcement activities carried out under this Bill;
 - (f) receiving and referring reports of suspected offences to the appropriate law enforcement agencies and the Commission;
 - (g) supporting the protection of whistleblowers in accordance with the provisions of this Bill; and

- (h) carrying out such other lawful activities as may be necessary to prevent, detect and deter offences under this Bill or any regulations made pursuant to it.

- 109.** (1) A duly authorised officer of the Power Enforcement Unit may, for the purpose of preventing, detecting or investigating offences under this Bill or any regulations made pursuant to it, and subject to the provisions of this section and the Administration of Criminal Justice Law of Niger State :
- Powers of the Power Enforcement Unit
- (a) upon the authority of a warrant issued by a court of competent jurisdiction, enter any premises where an activity is carried out without a licence or where an offence under this Bill or any applicable regulations is reasonably suspected to have been committed;
 - (b) inspect and test any process, installation, works or operation found on such premises which is reasonably suspected to be connected with the commission of an offence;
 - (c) search such premises and seize any device, instrument, wire, meter, apparatus or article reasonably believed to have been used or intended to be used in the commission of an offence under this Bill;
 - (d) examine and seize books, records or documents reasonably required as evidence of an offence, and permit the person from whose custody such materials are seized to make copies or take extracts in the presence of the officer;
 - (e) inspect any electricity service, meter or installation to ascertain whether electricity is being used unlawfully or in a dangerous manner; and
 - (f) where an installation or connection poses an immediate danger to life, property or the electricity system, direct the temporary disconnection of such installation or connection, pending further investigation or remedial action.
- (2) Notwithstanding subsection (1), a duly authorised officer may, without a warrant, enter any premises in a case of emergency where there is reasonable cause to believe that immediate entry is necessary to prevent loss of life, serious injury or substantial damage to property.

- (3) All searches, seizures and entries under this section shall be conducted in accordance with the Administration of Criminal Justice Law of Niger State.
- (4) Nothing in this section shall be construed as conferring authority on the Power Enforcement Unit to disconnect electricity supply for non-payment of bills or other commercial reasons.

110. (1) A person who, without lawful authority :

Electricity theft

- (a) wilfully taps, makes or causes to be made any connection with any overhead, underground or underwater line, cable, service wire or service facility of a licensee;
- (b) abstracts, branches off, diverts or causes to be abstracted, branched off or diverted any electrical energy, or consumes or uses any electrical energy so abstracted, branched off or diverted;
- (c) disconnects or permits the disconnection of any conductor or apparatus from any electric supply line belonging to a licensee without the consent of the licensee;
- (d) makes or permits to be made any alteration to an installation or permanent connection without the prior approval of the licensee;
- (e) tampers with a meter or installs or uses a tampered meter, current reversing transformer, loop connection or any device or method which interferes with the accurate registration, calibration or metering of electrical energy;
- (f) uses, in a case where supply is not metered, any apparatus or device other than that contracted for, or uses electricity at a time or in a manner not authorised under the applicable contract;
- (g) uses or receives direct benefit from electricity obtained through any of the acts specified in paragraphs (a) to (f); or
- (h) uses electricity for a purpose other than that for which supply was authorised,

commits an offence under this Bill.

- (2) A person convicted of an offence under subsection (1) is liable –

- (a) in the case of an individual, to a fine of not less than five (5) times the value of the electricity used, misused or stolen or to imprisonment for a term not exceeding three (3) years or to both;
 - (b) in the case of a continuing offence, to a daily fine of not less than Twenty Thousand Naira (~~₦~~20,000.00); and
 - (c) in the case of a body corporate, to a fine of not less than seven (7) times the value of the electricity used, misused or stolen and, in the case of a continuing offence, to a daily fine of not less than Fifty Thousand Naira (~~₦~~50,000.00).
 - (3) Where the offender is an electricity consumer, the licensee may, upon the direction of the Commission, discontinue or refuse to resume supply to the premises of that consumer until such time as the Commission may determine, notwithstanding any contract previously entered into between the parties.
 - (4) The existence of artificial or unlawful means for making connection, disconnection, alteration or facilitating use or supply of electricity, where the meter, indicator or apparatus are under the custody or control of the electricity consumer, shall constitute prima facie evidence, unless the contrary is proved, that such act was fraudulently, knowingly and wilfully caused or permitted by the electricity consumer.
- 111. (1)** A person who, without the consent or authorisation of a licensee, franchisee or permit holder –
- Restoration of electricity supply without consent or authorisation
- (a) connects or disconnects any meter, indicator or apparatus to or from any electric line through which electricity is supplied; or
 - (b) reconnects any meter, indicator or apparatus after such electric line has been cut or disconnected, commits an offence under this Bill.
- (2)** A person convicted of an offence under subsection (1) is liable –
- (a) in the case of an individual, to a fine of not less than three (3) times the value of the electricity used, misused or stolen or to imprisonment for a term not exceeding two (2) years or to both;
 - (b) in the case of a continuing offence, to a daily fine of not less than Ten Thousand Naira (~~₦~~10,000.00); and
 - (c) in the case of a body corporate, to a fine of not less than seven (7) times the value of the electricity used, misused or stolen and, in the

case of a continuing offence, to a daily fine of not less than Twenty-Five Thousand Naira (₦25,000.00).

- 112.** (1) A person who, without the consent of the licensee or owner, and whether for profit or not –
- Theft of electric lines and materials
- (a) wilfully cuts, removes, dismantles or transfers any electric line, cable, conductor, material, equipment or meter from any tower, pole, substation, installation site or place where it is lawfully installed or stored;
 - (b) stores, possesses or keeps in the person's premises, custody or control any electric line, cable, conductor, material, equipment or meter reasonably suspected to have been unlawfully removed; or
 - (c) loads, conveys, carries or transports from one place to another any electric line, cable, conductor, material, equipment or meter without lawful authority,
- commits an offence under this Bill.
- (2) A person convicted of an offence under subsection (1) is liable –
- (a) in the case of an individual, to a fine of not less than five (5) times the value of the item or items concerned or to imprisonment for a term not exceeding three (3) years or to both;
 - (b) in the case of a continuing offence, to a daily fine of not less than Twenty Thousand Naira (₦20,000.00); and
 - (c) in the case of a body corporate, to a fine of not less than seven (7) times the value of the item or items concerned and, in the case of a continuing offence, to a daily fine of not less than Fifty Thousand Naira (₦50,000.00).
- (3) The possession, custody or control of any electric line, cable, conductor, material, equipment or meter by a person who is not a licensee, contractor, manufacturer or a person lawfully engaged in electricity works shall constitute prima facie evidence, unless the contrary is proved, that the item was unlawfully obtained.
- 113.** The illegal possession, control or custody of transmission or distribution lines or materials by any person, natural or legal entity, not engaged in the generation, transmission or distribution of electricity, or in the manufacture of such transmission or distribution lines or materials shall be sufficient proof of theft, and such lines or materials may be confiscated from the person in possession, control or custody of the same.
- Theft transmission and distribution lines and materials

- 114. (1)** A person who, wilfully and unlawfully –
- (a) destroys, damages, removes or otherwise interferes with any material, installation, equipment or infrastructure connected with the generation, transmission, distribution or supply of electricity; or
- (b) destroys, damages or removes any electricity transmission or distribution line,
commits an offence under this Bill.
- (2)** A person convicted of an offence under subsection (1) is liable –
- (a) in the case of an individual, to a fine of not less than five (5) times the cost of repair or replacement of the affected infrastructure, material, installation, equipment or line or to imprisonment for a term not exceeding three (3) years or to both;
- (b) in the case of a continuing offence, to a daily fine of not less than Twenty Thousand Naira (~~₦~~20,000.00); and
- (c) in the case of a body corporate, to a fine of not less than seven (7) times the cost of repair or replacement of the affected infrastructure, material, installation, equipment or line and, in the case of a continuing offence, to a daily fine of not less than Fifty Thousand Naira (~~₦~~50,000.00).
- 115. (1)** A person who –
- (a) wilfully and unlawfully obstructs, restrains, prevents, harasses, injures or otherwise interferes with any person lawfully engaged in the generation, transmission, system operation, distribution, trading or supply of electricity;
- (b) hinders, obstructs or interferes with the lawful exercise of the powers of a licensee or a duly authorised agent in laying, connecting, repairing, inspecting or removing any electric supply line or installation; or
- (c) impersonates, falsely represents or parades as an employee, officer or agent of a licensee or of the Commission,
commits an offence under this Bill.
- (2)** A person convicted of an offence under subsection (1) is liable –
- (a) in the case of an individual, to a fine not exceeding One Million Naira (~~₦~~1,000,000.00) or to imprisonment for a term not exceeding six (6) months or to both; and
- (b) in the case of a body corporate, to a fine not exceeding Five Million Naira (~~₦~~5,000,000.00).

Damage to
electric
infrastructure

Hindering,
interfering,
obstructing and
impersonation

- 116.** (1) The existence of any of the following circumstances shall constitute prima facie evidence, unless the contrary is proved, of illegal use of electricity by the beneficiary of such use –
- (a) the presence of a drilled hole on any part of a meter;
 - (b) the presence of any foreign element inside a meter which could result in inaccurate reading or registration of electricity consumption;
 - (c) the existence of any connection which affects the normal operation or registration of a meter;
 - (d) the presence of a tampered, broken or fake seal on a meter or mutilated, altered or tampered meter recording or electronic data log;
 - (e) destruction of or attempt to destroy any integral accessory of a metering device box or metering accessories;
 - (f) the presence of a current reversing transformer, jumper, shorting or shunting wire, loop connection or any similar device in any part of a building or its premises under the control of the consumer or on the meter; or
 - (g) mutilation, alteration, reconnection, disconnection, bypassing or tampering with instruments, transformers or accessories.
- (2) Any officer, employee or agent of a licensee or of the Commission who solicits, accepts or receives any money or other valuable consideration, or any person who offers or gives any such consideration, for the purpose of concealing, failing to report or overlooking any of the circumstances listed in subsection (1), commits an offence.
- (3) A person convicted of an offence under subsection (2) is liable –
- (a) in the case of an individual, to a fine not exceeding Two Million Naira (₦2,000,000.00) or to imprisonment for a term not exceeding two (2) years or to both; and
 - (b) in the case of a body corporate, to a fine not exceeding Ten Million Naira (₦10,000,000.00).
- (4) Where illegal use of electricity is established pursuant to subsection (1), the offender shall be liable to the penalties prescribed under section 109 of this Bill.

- 117. (1)** Where an offence under this Bill or any regulations made pursuant to it is committed by a body corporate, company, firm, corporation or association, and it is proved that the offence was committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary, chief executive officer or other similar officer of the body corporate, or any person purporting to act in such capacity, that person shall be deemed to have committed the offence and shall be liable to be proceeded against and punished accordingly.
- (2)** A person referred to in subsection (1) may be charged and tried jointly with the body corporate or separately.
- (3)** Nothing in this section shall render a person liable to punishment if the person proves that the offence was committed without the person's knowledge, consent or connivance and that the person exercised all due diligence to prevent the commission of the offence.
- 118. (1)** Where no specific penalty is prescribed for an offence or any breach under this Bill or any regulations made pursuant to it, a person who commits such offence or breach is liable on conviction :
- (a)** in the case of a first conviction –
- (i)** where the offender is an individual, to a fine of not less than Five Hundred Thousand Naira (~~₦~~500,000.00) or to imprisonment for a term not exceeding six (6) months or to both; and
- (ii)** where the offender is a body corporate, to a fine of not less than One Million Naira (~~₦~~1,000,000.00); and
- (b)** in the case of a subsequent conviction
- (i)** where the offender is an individual, to a fine of not less than One Million Naira (~~₦~~1,000,000.00) or to imprisonment for a term not exceeding three (3) years or to both; and
- (ii)** where the offender is a body corporate, to a fine of not less than Five Million Naira (~~₦~~5,000,000.00).
- 119. (1)** A person shall have the right to report or disclose to the Commission, in good faith and in the public interest, whether orally or in writing, any suspected violation of any provision of this Bill or any regulations made pursuant to it.
- (2)** A qualifying disclosure under this section means any disclosure made in good faith and in the public interest by a person who has reasonable cause to believe that

Offences by
incorporated
entities

General
contraventions
and penalties

Whistleblowing
provisions

- (a) an offence under this Bill or any applicable regulations has occurred, is occurring or is likely to occur;
 - (b) a person has failed, is failing or is likely to fail to comply with any legal obligation under this Bill or any applicable regulations;
 - (c) any activity relating to electricity poses or is likely to pose a risk to public health or safety; or
 - (d) there has been damage to, or concealment of, electricity infrastructure or property.
- (3) Upon receipt of a disclosure, the Commission shall take reasonable steps to assess and investigate the matter and, where appropriate, refer the matter to the Power Enforcement Unit, relevant law enforcement agencies and the Attorney-General and Commissioner for Justice for further investigation or prosecution.
 - (4) The Commission shall keep confidential all information disclosed under this section and shall not disclose the identity of a whistleblower except as required by law or with the consent of the whistleblower.
 - (5) A person shall not subject a whistleblower to any form of retaliation, harassment, intimidation, discrimination or disadvantage for making a qualifying disclosure under this section.
 - (6) The Commission shall take reasonable measures to protect the life, property, reputation and fundamental rights of a whistleblower.
 - (7) The Commission may, by regulations, establish an incentive scheme providing for the payment of a monetary reward of not less than One Hundred Thousand Naira (~~₦~~100,000.00), or such higher amount as the Commission may determine, to any person who makes a valid disclosure that results in the establishment of an offence or attempted offence under this Bill.

PART X - HOST COMMUNITIES' DEVELOPMENT TRUST FUND

- 120.** (1) There is established a fund to be known as the Host Community Development Trust Fund (in this Law referred to as "the Community Trust Fund") for the benefit of host communities of electricity generation facilities in the State. Establishment of Host Communities Trust Fund
- (2) There shall be set aside two percent (2%) of the annual operating expenditure for the preceding financial year by Power Generating

Companies licensed by the Commission for the development of the respective host communities in the State.

- (3) The contribution under subsection (2) shall be without prejudice to any other rights, benefits or obligations accruing to host communities under this Law, any other enactment or any agreement.
- (4) Each host community shall nominate one representative of good standing to represent its interests in relation to the Community Trust Fund, subject to the approval of the Commission.
- (5) The Community Trust Fund shall be held, managed and administered by a reputable trustee to be jointly appointed by the generation licensee(s) concerned and the host community representatives, upon the recommendation and approval of the Commission.
- (6) The trustee shall be appointed for a term of four (4) years and may be reappointed for one further term only.
- (7) The trustee may be removed upon the joint resolution of the generation licensee(s) and host community representatives, with the approval of the Commission, on grounds of misappropriation, misconduct, incapacity, conflict of interest or breach of the trust deed.
- (8) The Community Trust Fund shall be applied solely towards social and infrastructural development projects within the host communities, as may be identified by the host communities and approved in accordance with guidelines issued by the Commission.
- (9) The trustee shall keep proper accounts and records of the Community Trust Fund and shall submit annual audited accounts to the Commission, the generation licensee(s) and the host community representatives.
- (10) Where a dispute arises in relation to the administration or utilisation of the Community Trust Fund, the parties shall refer the dispute to the Commission for resolution and where the dispute is not resolved, to arbitration or a court of competent jurisdiction.
- (11) For the purposes of this section, "host community" means any community in whose land, territory or immediate environs an electricity generation facility is located and which is directly impacted by the operations of such facility.

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| <p>121. (1) The Trustee of the Community Trust Fund shall maintain one or more bank accounts for the Community Trust Fund with reputable commercial banks approved by the Commission.</p> <p>(2) The signatories to the bank account of the Community Trust Fund shall be</p> <p style="padding-left: 20px;">(a) the Trustee; and</p> <p style="padding-left: 20px;">(b) one accredited representative of the host communities, as approved by the Commission.</p> <p>(3) The Trustee shall keep proper books of account and records in respect of all transactions of the Community Trust Fund in accordance with generally accepted accounting standards.</p> <p>(4) The Trustee shall cause –</p> <p style="padding-left: 20px;">(a) an estimate of income and expenditure of the Community Trust Fund for the following financial year to be prepared not later than 30th September of each year;</p> <p style="padding-left: 20px;">(b) the accounts of the Community Trust Fund to be audited annually by external auditors appointed by the Commission from a list of auditors approved by the Auditor-General of the State; and</p> <p style="padding-left: 20px;">(c) copies of the following documents to be submitted to the Commission</p> <p style="padding-left: 40px;">(i) the audited accounts of the Community Trust Fund;</p> <p style="padding-left: 40px;">(ii) the auditor's report; and</p> <p style="padding-left: 40px;">(iii) a detailed report on the activities and financial position of the Community Trust Fund for the year under review.</p> <p>(5) The Commission shall compile and submit to the Commissioner responsible for power and energy an annual report on the activities and performance of the Community Trust Fund.</p> <p>(6) The annual report shall include the audited accounts of the Community Trust Fund and the auditor's report for that financial year.</p> | <p>Account, Audit and Annual Report of the Host Communities Trust Fund</p> |
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PART XI – TRANSITION TO NIGER STATE ELECTRICITY MARKET

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| <p>122. (1) From the commencement of this Bill</p> <p style="padding-left: 20px;">(a) any licence, permit, authorisation, approval, consent, direction, permission or certificate held by any pre-existing licensee for the provision of such activities or services relating to electricity or electricity installations and which had effect immediately before the</p> | <p>General transitional provisions</p> |
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commencement date shall continue to have effect for the remainder of its period of validity and be deemed to have been issued by the Commission under the relevant provisions of this Bill, with such modifications as deemed necessary to ensure the attainment of the objectives of the electricity policy of the State and this Bill, provided that the Commission may –

- (i) require a pre-existing licensee to make necessary registration with the Commission as may be provided for in any regulations made pursuant to this Bill;
 - (ii) if it deems it necessary in the public interest to do so, issue an interim licence to a pre-existing licensee for a specified period in connection with any transitional arrangements; or
 - (iii) if requested by a pre-existing licensee, grant a new licence, permit, authorisation, approval, consent, direction, permission or certificate on terms and conditions consistent with the provisions of this Bill and any applicable regulation.
 - (b) any regulation, guideline, order, rule, notice, code, directive, standard, bye-law or other subsidiary instrument applicable to the licence, permit, authorisation, approval, consent, direction, permission or certificate referred to in paragraph (a) of this subsection to the pre-existing licensee, which were in force immediately before the commencement date shall continue to be in force as if they had been made by the Commission pursuant to the relevant provisions of this Law, and may be enforced by the Commission in line with its powers under this Bill.
- (2) The regulation, guideline, order, rule, notice, code, directive, standard, bye-law or other subsidiary instrument referred to in subsection (1) of this section and deemed to be made by the Commission pursuant to the relevant provisions of this Law may be amended, varied, modified, replaced or repealed by the Commission in accordance with the provisions of this Bill.
 - (3) Within at least six (6) months prior to the expiration of a license, the relevant pre-existing licensee, shall promptly apply to the Commission for a renewal or extension in accordance with the requirements of the Commission and this Bill.
 - (4) Any tariff, price or levy which, immediately before the commencement date, was chargeable within any area in respect of the provision of

electricity to electricity consumers or to any particular electricity consumer shall, on and after the commencement date and until alternative provision is made by the Commission pursuant to this Bill, continue to be chargeable in respect of the provision of electricity, to those or similar electricity consumers by a licensee who provides electricity within the area concerned.

- (5) From the commencement date of this Bill, the Commissioner responsible for power and energy and the Commission shall engage with NERC, NEMSA, any other Federal Government entity and/or pre-existing licensees with a view to reaching an arrangement to facilitate an orderly transition to the Commission of the regulation of the pre-existing licensees.
- (6) The Commission may make any further transitional and savings provisions that are necessary or desirable (including agreeing to any transitional arrangement and execution of relevant agreements with NERC, NEMSA and/or the pre-existing Licensees) for the proper implementation of this Bill, provided that such provisions, arrangements or agreements are not inconsistent with the provisions of this Bill.
- (7) Transitional period for the transmission of the Niger Electricity Market to more competitive trading arrangements shall be as determined by the Commission.
- (8) Upon the issuance of a licence by the Commission to a pre-existing licensee in accordance with subsection (1) of this section, the pre-existing licensee shall become subject to regulation by the Commission from the date it is issued, in accordance with the terms and conditions of the said licence issued.

PART XII – GENERAL PROVISIONS

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| 123. | (1) Notwithstanding anything to the contrary in any other law, a company granted a license for the generation, transmission, or distribution of electricity shall not engage in any other business or vocation. | Special Provisions
Relating to
Generation ,
Transmission and
Distribution
Companies |
| (2) | A company granted a license for the generation, transmission, or distribution of electricity shall submit its audited financial statements to the Commission annually. | |
| 124. | The Commission shall take steps to facilitate the amicable and expeditious resolution of disputes in the Niger State Electricity Market, including through collaboration with the Niger State Multi-Door Courthouse. | Alternative
Dispute
Resolution |

- 125.**(1) A suit against the Commission or the Agency or member, officer or employee of the Commission or the Agency for any act done, attempted to be done or omitted to be done in pursuance or execution of this Law, any other laws, applicable regulations, or of any public duty or authority shall not lie or be instituted in any court unless it is commenced within twelve (12) months after the act, neglect or default complained of or in case of continuance of damage or injury within twelve (12) months after the complaint has been made. Procedure for Cause of Action
- (2) A suit shall not be commenced against the Commission or the Agency or any Commission member, officer or employee of the Commission or the Agency before the expiration of a period of thirty (30) days after written notice of intention to commence the suit shall have been served upon the Commission or the Agency by the intending Claimant or Claimant's agent.
- (3) The notice referred to in subsection (1) of this section shall clearly and explicitly state
- (a) the cause of action;
 - (b) the particulars of the claim;
 - (c) the name and place of abode of the intending Claimant; and
 - (d) the reliefs which are claimed.
- (4) The notice referred to in subsection (1) of this section and any summons or other documents required or authorised to be served on the Commission or the Agency, may be served by delivering the same to the office of the Chairman, Director General or Secretary of the Commission/Agency.
- 126.** (1) All existing electrical installations which were the property of the State or the Niger State Electricity Agency immediately before the enactment of this Bill and any future electrical installations and assets owned by the State, shall by virtue of this Bill vest in the Agency. Transitional Provisions Applicable to the Agency
- (2) All undischarged liabilities and obligations of the State or the Niger State Electricity Agency in respect of any transferred electrical installation, shall from the commencement date of this Bill become the liabilities and obligations of the Agency.
- (3) Every contract, instrument or arrangement in which the State or the Niger State Electricity Agency was a party to for the construction of any transferred electrical installation shall, unless the circumstances

otherwise require, have the effect from the commencement of this Bill as if the Agency had been a party to it and any reference to the State or the Niger State Electricity Agency in the contract or instrument shall be deemed to be a reference to the Agency.

- (4) From the commencement of this Bill, employees of the Niger State Electricity Agency shall be employees of the Agency on terms no less favourable to those in effect immediately prior to the transfer, and all years of service with the Niger State Electricity Agency shall be deemed to be years of service with the Agency.

127. The Niger State Power Sector Law 2024 is hereby repealed. Repeal
This printed impression has been carefully compared by me with the Law which has been passed by the Niger State House of Assembly and found by me to be true correctly printed copy of the Law and is in accordance with the provisions of the Authentication Act Cap. A 2, Laws of the Federation of Nigeria 2004.

{NAME}

Clerk,

Niger State House of Assembly.

I assent this _____ day of _____ 2026

Signature

Name

Governor,

Niger State of Nigeria.

Repassed by Two - Thirds Majority

This.....day of.....2026

Signature

Name

Speaker,

Niger State House of Assembly

The Executive Governor
of Niger State,
Government House,
Yakubu Lane Road, Minna

FORWARDING OF NIGER STATE ELECTRICITY LAW FOR ASSENT

Following the Presentation of the Niger State Electricity Law 2026, the House after a careful consideration of same passed the Law as follows:

SCHEDULE TO THE LAW

SHORT TITLE OF THE LAW	LONG TITLE OF THE LAW	SUMMARY OF THE CONTENTS OF THE LAW	DATE PASSED
Niger State Electricity Law 2026.	A Law to Establish the Niger State Electricity Law and for Related Matters.	A Law to repeal the Niger State Power Sector Law 2024, and enact the Niger State Electricity Law 2026, to establish a comprehensive legal, regulatory and institutional framework for the Niger State Electricity Market with respect to generation, transmission, system operation, distribution, supply and trading of electricity within Niger State, and attract private capital for the development of the State Electricity Market, and for	D/M/2026

		connected purposes.	
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2. In accordance with Section 100 (3) of the 1999 Constitution
(As Amended), I forward to you the Law as Passed for your assent.

Signature

Name
Speaker.