

A BILL

FOR

AN ACT TO AMEND THE ELECTRIC POWER SECTOR REFORMS ACT, 2005 TO PROHIBIT AND CRIMINALISE ESTIMATED BILLING BY ELECTRIC DISTRIBUTION COMPANIES AND PROVIDE FOR COMPULSORY INSTALLATION OF PRE-PAID METERS TO ALL POWER CONSUMERS IN NIGERIA; AND FOR RELATED MATTERS, 2019.

Sponsored by Hon. Femi Gbajabamila

[] Commencement

1 ENACTED by the National Assembly of the Federal Republic of
2 Nigeria-

3 1. The Electric Power Sector Reform Act (herein referred to as
4 "the Principal Act") is hereby amended as set out hereunder. Amendment of
the Principal Act

5 *Terms of office and conditions of service of Commissioners*

6 2. Section 35 (2) of the Principal Act is amended by inserting Amendment of
Section 35
7 immediately after the word "term" the phrase "except reappointed under
8 subsection 4 of this section.

9 *Distribution licences.*

10 3. Section 67 (1) of the Principal Act is amended by deleting the Amendment of
Section 67
11 entire paragraph (b) and replacing same with a new paragraph (b) as follows:
12 "the installations, maintenance and checking of pre-paid meters, tariff
13 methodology and proscription of estimated billings".

14 4. The Principal Act is amended by creating new sections 68 to 71 Insertion of new
section 68 - 71
15 as follows:

16 "68. (1) Estimated billing methodology is hereby prohibited in
17 Nigeria.

18 (2) Every electricity consumer in Nigeria shall apply to the
19 Electricity Distribution Company carrying out business within his
20 jurisdiction for a pre-paid meter and such consumer shall pay the regulated

1 fee for pre-paid meter to be installed in his premises and the Electricity
2 Distribution Company shall within 30 days of receiving the application and
3 payment install the pre-paid meter applied for in the premises of the consumer.

4 (3) Customers who elect to buy their pre-paid meters through Credit
5 Advancement Metering Implementation must state it in their applications and
6 such customers must be metered within 30 days of the receipt of their
7 applications.

8 (4) All electricity charges or billings to the premises of every
9 consumer shall be based strictly on pre-paid metering and no consumer shall be
10 made to pay any bill without a pre-paid meter first being installed at the
11 premises of the consumer.

12 (5) Notwithstanding the provisions of subsection (1) and (4) above,
13 an unmetered Customer may be issued with estimated bill for a stipulated
14 period:

15 Provided that the estimated bill has been issued through the
16 Commission's approved centralized automated system that reflects the
17 Commission's approved estimated billing methodology.

18 (6) If a customer is not metered within 30 days after application has
19 been duly made, the relevant electricity distribution company is prohibited
20 from refusing to connect the customer or disconnect the customer in the event
21 that the customer has been connected.

22 69. Upon connection, the Electricity Distribution Company serving
23 the Consumer must inform the customer in writing on the nature of the meter
24 installed, tariff methodology and all other services available to the customer.

25 70. In giving effect to the provisions of this Bill, the Nigerian
26 Electricity Regulatory Commission as the Regulatory body must ensure that all
27 licensed Distribution Companies comply with the provisions of this Bill.

28 71. All cases of illegal disconnection, refusal of the relevant
29 Distribution Company to connect a customer after application, un-metering
30 within 30 (thirty) days of a customer applying for a pre-paid meter and

1 estimated billing shall attract both civil and criminal liability and any officer
2 found guilty shall be liable to a fine of N500,000 (Five Hundred Thousand
3 Naira) or imprisonment for a term of 6 months or to both such fine and
4 imprisonment as the Court may deem fit.

5 *Offences*

6 5. Section 94 of the Principal Act is amended by creating a new Amendment of
7 sub-section (4) as follows: Section 94

8 "(4) any person who performs any act or does anything or refuses,
9 fails and/or neglected to carry out his lawful duties with intention to
10 contravene or frustrate the implementation of sections 68 and 71 of this Bill
11 is said to have committed an offence; and upon conviction shall be liable to
12 six (6) months imprisonment or a minimum fine of N1,000,000 (One
13 Million Naira) or both such fine and imprisonment without prejudice to the
14 right of the Commission to cancel or suspend any license under this Bill".

15 6. Section 100 of the Principal Act is amended by inserting the Amendment of
16 following definition: Section 100

17 "Un-metered Customer" means either an electricity Consumer who has
18 applied for a pre-paid meter in accordance with the provisions of section 68

19 (2) and is yet to be issued with a meter by the Electricity
20 Distribution Company or an electricity consumer who has reported a faulty
21 pre-paid meter and is awaiting replacement or repair.

22 7. This Bill may be cited as the Electric Power Sector Reform Act Citation
23 (Amendment) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Electric Power Sector Reform Act to prohibit
and criminalize estimated billings by distribution Licensee and other related
matters.

