



THE SENATE
FEDERAL REPUBLIC OF NIGERIA
COMMITTEE ON POWER, STEEL DEVELOPMENT & METALLURGY

REPORT

ON

***"A BILL FOR AN ACT TO AMEND THE ELECTRIC POWER
SECTOR REFORM ACT No 6, 2005 TO PROHIBIT THEFT OF
ELECTRICITY, THEFT AND DESTRUCTION OF ELECTRICITY
SUPPLY INFRASTRUCTURE AND PRESCRIBE
APPROPRIATE PENALTIES FOR VIOLATIONS; AND FOR
RELATED MATTERS, 2019 (SB. 496)"***

APRIL 2019

REPORT OF THE SENATE COMMITTEE ON POWER, STEEL DEVELOPMENT & METALLURGY ON "A BILL FOR AN ACT TO AMEND THE ELECTRIC POWER SECTOR REFORM ACT No 6, 2005 TO PROHIBIT THEFT OF ELECTRICITY, THEFT AND DESTRUCTION OF ELECTRICITY SUPPLY INFRASTRUCTURE AND PRESCRIBE APPROPRIATE PENALTIES FOR VIOLATIONS; AND FOR RELATED MATTERS, 2019 (SB. 496)"

1.0 INTRODUCTION

The Senate at its sitting on Wednesday 31st January 2018 read "Electricity Theft, Vandalization of Public Power Infrastructure (Establishment, etc) Bill 2018 (SB. 496)" sponsored by Distinguish Senator (Dr.) Yahaya Abdullahi and referred it to the Committee on Power, Steel Development & Metallurgy.

Following the receipt of the referral letter, the Committee engaged key stakeholders in the Electricity sector and held several town hall engagements across the Country regarding the proposed Bill.

2.0 MEMBERSHIP

2.1 Committee on Power, Steel Development and Metallurgy.

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|----|------------------------------|---|------------|
| 1. | Senator Enyinnaya Abaribe | - | Chairman |
| 2. | Senator Babba Kaita | - | V/Chairman |
| 3. | Senator James Manager | - | Member |
| 4. | Senator Tanimu Philip Aduda | - | " |
| 5. | Senator Adamu Aliero | - | " |
| 6. | Senator Suleiman Hunkuyi | - | " |
| 7. | Senator Abdullahi Aliyu Sabi | - | " |
| 8. | Senator Mao A. Ohuabunwa | - | " |

- | | | | |
|-----|-------------------------------|---|---|
| 9. | Senator Olanrewaju A. Tejuoso | - | " |
| 10. | Senator Clifford Ordia | - | " |
| 11. | Senator Kyari Abubakar | - | " |
| 12. | Senator Salau Ogembe | - | " |
| 13. | Senator Mohammed Hassan | - | " |
| 14. | Senator Duro Faseyi | - | " |

2.2 SECRETARIAT

Gideon A. Zemo	-	Committee Clerk
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3.0 BACKGROUND

The power sector in Nigeria has been reported to suffer from high energy losses of between 30-35%, largely blamed on stealing and sabotage.

Instances of some electricity consumers by-passing electric meters and the vandalism of power transformers, feeder pillars, electric cable stealing, are widespread. This situation directly contributes to the present crisis in Nigeria's power sector.

For Nigeria, taking firm measures to combat this menace, logically comes within the larger context of the Federal Government's current battle against corruption and sabotage. In addition, the issue of adequate power supply as a huge factor in the country's effort to develop, calls for timely legislative intervention in that direction.

Currently Nigeria is not doing well in that critical sector of its economy; and the statistics is humbling. For example, the country can barely generate a mere 4,043 megawatts from its 23 grid-connected generating facilities, meaning that the country has one of the lowest power consumption per capita in the world. It must be noted that power lines vandalisation and electricity theft are implicated in this, and therefore, taking timely and tough action to curb it is urgently important. If we fail to act decisively in correcting the ills of the power sector, including public power leakages, the opportunity for the country to recover could be lost.

4.0 METHODOLOGY

At its inaugural meeting the Committee agreed on the following goals, objectives and activities, for conducting the investigation, which includes:-

- a) Request for inputs and documents from identified major interests and stakeholders;
- b) Consult widely with critical stakeholders
- c) Conduct interactive and town hall sessions

5.0 GOALS AND OBJECTIVES OF THE BILL.

The objectives of this Bill are as follows:

- (1) Curb and deter illegal and unauthorized use of Public Electricity
- (2) Protect Public Power Generation, Storage, Transmission and Distribution Infrastructure

- (3) Punish any person (on conviction) who have engaged in willful and criminal damage to Public Power Infrastructure, Installation, Equipment and Facilities
- (4) Protect and deter acts of hostile and violent attacks against Power Company personnel by consumers

The Committee seeks to achieve the above listed objectives by replacing the existing Section 94 of the Electric Power Sector Reform Act No 6, 2005 with a new section 94 (A) - 94 (L) which makes adequate provisions for pilferage of electricity and other related abuses in the electricity market.

6.0 OBSERVATIONS/FINDINGS

Flowing from the various interactive sessions and customer/stakeholders engagements with the Public, the Committee hereby makes the following observations/findings:

- (1) That all stakeholders are in support of the Bill
- (2) The passage of the Bill will reduce estimated losses of between 30-35% from as a result of Electricity theft and sabotage.
- (3) That it is more expedient to amend the existing section of the Electric Power Sector Reform Act, than to have a separate legislation.
- (4) That the passage of this Bill will further regulate the sector and encourage investment.

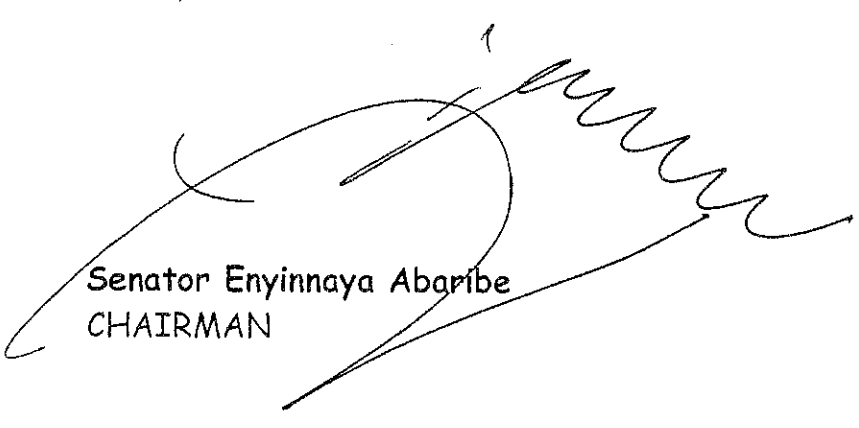
7.0 RECOMMENDATION

The Senate Committee on Power, Steel Development & Metallurgy after due consultations on the Bill recommends as follows:

"That the Senate do consider and pass the Bill for An Act to amend the Electric Power Sector Reform Act No 6, 2005 to Prohibit Theft of Electricity, Theft and Destruction of Electricity Supply Infrastructure and Prescribe Appropriate Penalties for Violations; and for related matters (SB. 496)"

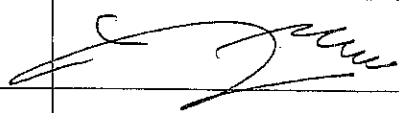
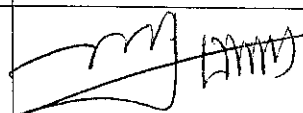
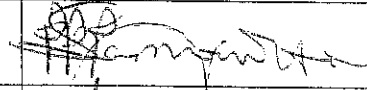
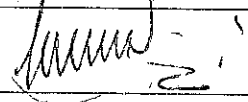
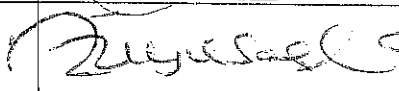
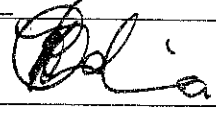
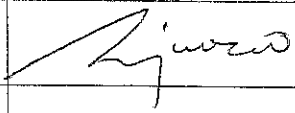
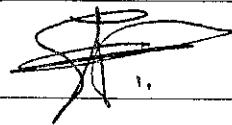
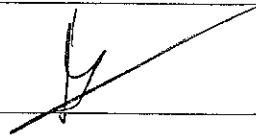
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8.0 In conclusion, I wish to use this opportunity to thank the President of the Senate and Distinguish Colleagues for the opportunity to serve in this capacity and request the Senate to pass this Bill.



Senator Enyinnaya Abaribe
CHAIRMAN

ENDORSEMENT PAGE

S/NO	NAME	STATUS	SIGNATURE
1	Senator Enyinnaya Abaribe	Chairman	
2	Senator Babba Kaita	V/Chairman	
3	Senator James E. Manager	"	
4	Senator Adamu Aliero	"	
5	Senator Philip T. Aduda	"	
6	Senator Suleiman O. Hunkuyi	"	
7	Senator Sabi Aliyu Abdullahi	"	
8	Senator Mao Ohuabunwa	"	
9	Senator Clifford Ordia	"	
10	Senator Kyari Abubakar	"	
11	Senator Tejuoso O. Adeyemi	"	
12	Senator Mohammed Hassan	"	
13	Senator Salau Ahmed Ogembe	"	
14	Senator Duro Faseyi	"	
	SECRETARIAT		
	Mr. Gideon Zemo	Committee Clerk	



THE SENATE

FEDERAL REPUBLIC OF NIGERIA
COMMITTEE ON POWER, STEEL DEVELOPMENT & METALLURGY

REPORT

ON

***“A BILL FOR AN ACT TO AMEND SECTION 94 OF THE
ELECTRIC POWER SECTOR REFORM ACT (2005) TO
PROHIBIT THEFT OF ELECTRICITY THEFT, THEFT AND
DESTRUCTION OF ELECTRICITY SUPPLY INFRASTRUCTURE
AND PENALTIES FOR SUCH THEFT AND OR DESTRUCTION
AND OTHER RELATED MATTERS, 2019 (SB. 496)”***

APRIL, 2019

REPORT OF THE SENATE COMMITTEE ON POWER, STEEL DEVELOPMENT AND METALLURGY ON

A BILL

FOR

AN ACT TO AMEND THE ELECTRICITY POWER SECTOR REFORM ACT NO. 6, 2005 TO PROHIBIT THEFT OF ELECTRICITY, THEFT AND DESTRUCTION OF ELECTRICITY SUPPLY INFRASTRUCTURE AND PRESCRIBE APPROPRIATE PENALTIES FOR VIOLATIONS; AND FOR RELATED MATTERS.

Clause	Extant Act	Provisions of the Bill	Committee's Recommendation	Remarks
Long Title	AN ACT TO PROVIDE FOR THE FORMATION OF COMPANIES TO TAKE OVER THE FUNCTIONS, ASSETS, LIABILITIES AND STAFF OF THE NATIONAL ELECTRIC POWER AUTHORITY, TO DEVELOP COMPETITIVE ELECTRICITY MARKETS, TO ESTABLISH THE NIGERIAN ELECTRICITY REGULATORY COMMISSION; TO PROVIDE FOR THE LICENSING AND REGULATION OF THE GENERATION, TRANSMISSION, DISTRIBUTION AND SUPPLY OF ELECTRICITY; TO ENFORCE SUCH MATTERS AS PERFORMANCE STANDARDS, CONSUMER RIGHTS AND OBLIGATIONS; TO PROVIDE FOR THE DETERMINATION OF TARIFFS; AND TO PROVIDE FOR RELATED MATTERS	A BILL FOR AN ACT TO PROVIDE FOR THE PROHIBITION AND PREVENTION OF ELECTRICITY THEFT, THE VANDALISATION OF PUBLIC POWER INFRASTRUCTURE AND PROTECTION OF POWER COMPANY PERSONNEL, AND OTHER RELATED MATTERS	A Bill for an Act to amend the Electricity Power Sector Reform Act No. 6, 2005 to prohibit theft of electricity, theft and destruction of electricity supply infrastructure and prescribe appropriate penalties for violations; and for related matters.	Properly drafted in lowercase
Commencement	11 th March, 2005			
	ENACTED by the National Assembly of the Federal Republic of Nigeria -	Be it Enacted by the National Assembly of the Federal Republic of Nigeria as follows:	Enacted by the National Assembly of the Federal Republic of Nigeria -	

1. Amendment of the Electricity Power Sector Reform Act, 2005.		1. The objectives of this Act are to; (a) Curb and deter illegal and unauthorized use of public electricity. (b) Protect public power generation, storage, transmission, and distribution infrastructure. (c) Punish any person found, on prosecution and conviction, to have engaged in will full and criminal damage to public power infrastructure, installation, equipment and facilities. (d) Protect and deter acts of hostile and violent attacks against power company personnel, by consumers, and or their privies.	Amendment of the Electricity Power Sector Reform Act, 2005. 1. The Electricity Power Sector Reform Act, No. 6, 2005 (in this Bill referred to as the "Principal Act" is amended as set out in this Bill.	
		Part II: Application 2. The provisions, as contained in this Act, shall apply throughout the Federal Republic of Nigeria.		
		3. (1) The minister responsible for power, shall, on the recommendation of the National Council on Power, constitute a "Power Theft Prevention and Infrastructure Protection Team." (2) Membership of the team so constituted by the minister, shall comprise; (a) Member of the Nigeria Police Force, not below the rank of Deputy Commissioner of Police, as chairman; (b) Representative of the State Security Services, not below the rank of Assistant Commissioner of Police, as member,		

		(c) Member of the Nigerian Security and Civil Defence Corps, of a rank similar to that, in section (2) subsection ((d) A representative, not below the rank of Assistant Director from each of the following: (i) Federal Ministry responsible for power, works and housing; (ii) Federal Ministry of Justice. 4. The team shall work in liaison with commissioners of police to form state and local government task forces, to undertake similar duties, which shall include: (a) Protecting and ensuring the safety of public power generation, transmission and distribution installations and all such facilities, throughout Nigeria. (b) Carry out regular and comprehensive inspection of the said installations and facilities, and submit monthly reports to the minister responsible for power, who shall transmit same to the relevant security and judicial authorities for further investigation and possible criminal prosecution. (c) Assume and coordinate any other action, as could have been contemplated in section (4) subsections (a), (b), and (c), pursuant to the objectives of this Act. 5. The team, or any of its members shall have powers to;		
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		(a) Enter, inspect, and search any place, or premises in which there were reasonable grounds to believe that electricity has been, is being, or is likely to be used unlawfully, provided that such inspection, or search shall be limited to only to the meter and the related surroundings; (b) Search, seize and remove all such devices used for the theft; (c) Examine, or seize any books of account, or documents, which bear clear and direct evidence that shall be useful for, or relevant to any proceedings in respect of any of the offences as stipulated in this Act; 6. The occupant of the place of search, or any person on his behalf, shall remain present during the search, and a list of all things seized in the course of such search, shall be prepared, who shall sign the list. 7. Funding for the operations of the Team at federal and state levels, shall be provided for, by the ministry responsible for power, in its annual budgetary estimates, that shall be laid before the National Assembly for due legislation.		
		PART IV: OFFENCES AND PENALTIES		
2. Insertion of new sections 94A – 94L	<i>Offences.</i> 94. - (1) Any person who contravenes any provision of this Act or any regulations hereunder commits an offence and is liable on conviction,	4. In this Act; (1) It shall be punishable offence for any person to knowingly, willfully and without any authority: (a) Tamper, cut by any means, or cause any	2. Insertion of new sections 94A – 94L Insert after section 94 of the Principal Act new sections “94A-94L”: 94A (1) Any person who willfully and	

	where no specific penalty is prescribed therefore: (a) as a first offender, to a fine not exceeding one hundred thousand Naira or to imprisonment for a period not exceeding one year or to both such fine and imprisonment; or (h) for subsequent convictions, to a fine not exceeding five hundred thousand Naira or to imprisonment for a period not exceeding three years or to both such fine and imprisonment. (2) Any person who; (a) fails or refuses to furnish a return or to supply information in the manner and in the time prescribed or furnishes a false or incomplete return or supplies false or incomplete information; or (b) wilfully delays or obstructs an inspector or police officer in the exercise of the powers or duties conferred or imposed upon him by or under this Act; or (c) fails or refuses, without reasonable cause, to give information to an inspector or a police officer when required to do so under section 95 or gives false or incomplete information; commits an offence and is liable on conviction to a fine not exceeding one hundred thousand Naira or to imprisonment for a period not exceeding one year or to both such fine and imprisonment.	other person to disrupt the supply of public electric power, and shall, upon prosecution and conviction, be sentenced to an imprisonment term of not less than five, (5) years, or a fine of N500,000, or both. (b) Connect or disconnect electric wire to, either the electricity meter or to the public power supply lines, and utilities, or use a tampered meter, current reversing transformer, shorting or shunting wire, loop connection, by-passing a meter, or deploy any other device or method to use public electricity, either for household consumption, or for the processing and production of economic goods and services, and shall be guilty, and liable, on conviction to a term of seven, (7) years imprisonment, or a fine of Two Million Naira (₦ 2,000,000), or both. (c) Conspire, counsel, or accept to procure, or to hold in custody or convey by any means, stolen parts, components, or pieces of a public power equipment, including electric cable, transformer, high tension wire, power console, electrical insulators, etc., and shall, on conviction, be sentenced to ten, (10) years imprisonment term, without option of fine.	unlawfully: (a) taps, makes or causes to be made any connection with overhead, underground or underwater lines or cables, or service wires, or service facilities of a licensee; (b) tampers with a meter, installs or uses a tampered meter, current reversing transformer, shorting or shunting wire, loop connection, receives electricity supply by by-passing a meter, or uses any other device or method which interferes with accurate or proper registration, calibration or metering of electric current or otherwise results in diversion in a manner whereby electricity is stolen or wasted; or (c) damages or destroys an electric meter, apparatus, equipment, wire or conduit or causes or allows any of them to be damaged or destroyed as to interfere with the proper or accurate metering of electricity, so as to abstract or consume electricity or knowingly use or receive the direct benefit of electric service through any of the acts mentioned in this section or uses electricity for the purpose other than for which the usage of electricity was authorized, commits an offence and is liable on conviction of imprisonment for a term of at least six months and not more than two years or a fine of N100,000 or both:	
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	(3) Notwithstanding anything contained in any other law, any person who wilfully destroys, injures or removes equipment or apparatus of a licensee commits an offence and is liable on conviction to imprisonment for a period of not less than five years and not more than seven years.	(2) Any person who: a. Taps, makes or causes to be made any connection with overhead, underground, or under water lines or cables, or service wires, or service facilities, is guilty of an offence, and shall, on prosecution and conviction, be liable to three (3) years imprisonment term, or a fine of ₦ 250,000; or both. b. Obstructs, confronts, fights, assaults or causes bodily injury to power company personnel, who legally enters into, either a private place of abode, business premises, or any building or structure, to inspect, examine, or work on public power facility or equipment, or to relay company information, is guilty of an offence, and shall, on prosecution and conviction, be liable to five, (5) years imprisonment term, or a fine of N 500,000, or both. c. Knowingly builds, constructs or places physical barriers on the right of way of public power transmission, or supply lines, or erects, or causes to obstruct, in any manner whatsoever, the supply of public power to consumers, is guilty of an offence, and on prosecution and conviction, shall be sentenced to a term of two, (2) years imprisonment, or a fine of N 200,000, or both. d. Abets, aids or causes any other person to commit an offence, or attempts to commit, or acts in the capacity of an accessory to the offender, or, induces, or incites any other person to commit an offence, as contained	Provided that where there is substantial loss of revenue, the licensee shall apply to the court for compensation. (2) Without prejudice to the provisions of this Act and any other regulation made by the Commission, the licensee, may, upon detection of such theft of electricity, immediately disconnect the supply of electricity and lodge a complaint in writing relating to the commission of such offence to the police station having jurisdiction in the locality the offence was committed. (3) Any police officer or staff of the licensee authorised on his behalf may: (a) enter, inspect, and search any place or premises in which he has reason to believe that electricity has been, is being, or is likely to be illegally and unlawfully used: Provided that such inspection or search shall be limited only to the meter and related surroundings and devices. (b) search, seize and remove all such devices, instruments, wires and any other facilitator or article which has been, is being, or is likely to be used for unlawful use of election and useful: (c) examine or seize any document which, in his opinion, is useful for, or relevant to, any proceeding in respect of the offence and allow the person, from	
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		in this Act, is liable, on conviction, to same punishment as prescribed for the first offender. (3) (a) Where the offence committed under the provisions of this Act, results in fire outbreak and, or loss of human life, the offender shall, upon conviction be liable to life imprisonment. (b) Any person, by abetting, or aiding an offender to evade the legal consequences of the act so committed, contrary to the provisions of this Act, commits an offence, and is liable to same punishment, as prescribed in this Act, for the first offender.	whose custody such books of account or documents are seized, to make copies thereof or take extracts there from in his presence. (4) The occupant of the place of search or any person on his behalf shall remain present during the search and a list of all things seized in the course of such search shall be prepared and delivered to such occupant or person and the officer shall jointly sign the list. (5) A distribution licensee may deny service to a customer with a history of unauthorised use in the location, for at least three months in the past two years until such a time where the matter is resolved, if service has been disconnected in compliance with the provisions of the Commission's Disconnection Regulation, notwithstanding any other administrative rule or statute, if it is determined that denying service at the location would prevent the reoccurrence of any unauthorised use. (6) A customer who wants service reconnected to the location shall be required to: (a) provide evidence of property ownership and pay the actual cost to repair the licensee's equipment and facilities in the location and all fees and deposits as approved by the Commission, including all charges due to the utility for previous unauthorised use that occurred	
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			during his or ownership; or (b) provide a signed lease agreement that indicates the identity of the tenant responsible for the previous unauthorised use. (7) If the customer could not provide the documentation and does not pay the charges for previous unauthorised use, the licensee could still reestablish service if the owner or customer agrees to pay, and pays additional fee for reestablishing service as approved by the Commission. <i>Theft and damage of electricity, distribution system (equipment and materials)</i> 94B. (1) Any person who willfully and unlawfully- (a) cuts or separates, slits, severs, smelts, removes or takes away or transfers any electric line or material or meter from any tower, pole, or from any other installation or place of installation or any other place or site where it may be rightfully or lawfully stored, deposited, kept, stocked, situated or located including during transportation whether or not the act is done for profit or gain; or (b) stores, possesses or otherwise keeps in his premises, custody or control, any stolen electric line, material or meter equipment whether or not the act is	
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			committed for profit or gain, or loads, carries away or moves from one place to another with or without the use of a motor vehicle or other means of conveyance, any stolen electric line, material or meter from a tower, pole, any other installation or place of installation, or any place or site where it may be rightfully or lawfully stored, deposited, kept, stocked, situated or located whether or not the act is done for profit or gain, is said to have committed an offence of theft of electric lines and materials is liable upon conviction to a fine of at least N5,000,000 or imprisonment for a term of at least three years or both. (2) Any person who willfully and unlawfully- (a) destroys, damages or removes any electricity distribution lines or anything connected therewith, or (b) otherwise prevents or obstructs the distribution of electricity through the distribution line, commits an offence and is liable on conviction to a fine of N5,000,000 or imprisonment for a term of at least five years or both. (3) If a person having been convicted of an offence punishable under subsection (1), commits similar offence he <i>is</i> liable for the subsequent offence to a term of	
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			imprisonment which shall be at least seven years. <i>Theft and damage to electricity transmission system (equipment and materials).</i> 94C (1) Any person who willfully and unlawfully: (a) destroys, damages or removes any electricity transmission lines or anything connected therewith; or (b) otherwise prevents or obstructs the transmission of electricity through the transmission line, commits an offence and is liable on conviction to imprisonment for a term of at least five years. (2) Where there is a loss, the Court may order for compensation in addition to the conviction. (3) Any person convicted and who fails to pay the compensation, shall be sentenced to an additional two years imprisonment. <i>Ascertainment of cost of damage under this Act.</i> 94D. For the purposes of this Bill, the certificate issued by the relevant licensee (and approved by the "Commission") stating the cost of the damaged item or lost revenue, is conclusive evidence in respect thereof.	
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			<i>Aiding and Abetting.</i> 94E. Any person who- (a) aids, counsels, abets or procures any person to commit an offence, or (b) conspires with any person to commit an offence under this subsection, commits an offence as a principal offender. <i>Punishment for receiving stolen property.</i> 94F. Any person who receives any electric line, material or infrastructure in parts or in whole, knowing or having reasons to believe the same to be stolen property, commits an offence and is liable on conviction to a fine of at least N5,000,000 or imprisonment for a term of at least five years or both. Penalties not to affect other liabilities. 94G. The penalties Imposed under this Bill does not prevent the utility from instituting a civil action for compensation of losses suffered. <i>Penalty where offences are committed by staff of Licensee.</i> 94H. This Bill is, so far as it is applicable, deemed to apply also when the acts or offences made punishable are committed by officers or staff of the licensee. <i>Offences of incorporated entities.</i> 94I (1) Where an offence under this Bill	
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			has been committed by an incorporated entity (company, partnership, firm, corporation or association), or government-owned or controlled organisations, the person who, at the time the offence was committed, was responsible for the act or offence is deemed to be guilty of having committed the offence and shall be punished accordingly: Provided that nothing contained in this subsection renders any person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in subsection (1), where an offence under this Bill has been committed by an incorporated entity and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the entity, such director, manager, secretary or other officer shall be liable to be proceeded against and punished accordingly. <i>Obstruction of inspection and supply of electricity.</i> 94J. (1). Any person who: (a) obstructs, confronts, fights, assaults or causes bodily injury to power	
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			company personnel, who legally enters into, either a private place of abode, business premises, or any building or structure, to inspect, examine, or work on public power facility or equipment, or to relay company information, commits an offence, and is, on prosecution and conviction, liable to a fine of not exceeding N500,000 or imprisonment for a term of two years or both, (b) knowingly or has reason to know, builds, constructs or places physical barriers on the right of way of public power transmission, supply lines, or erects, or causes to obstruct, in any manner whatsoever, the supply of power to consumers, commits an offence, and, on prosecution and conviction, is liable to a fine of N1,000,000 or imprisonment for a term of two years. (2) Where the offence committed under of this Bill, results in loss of human life, the offender is, on conviction, liable to manslaughter. <i>Compounding of offence and payment of compensation by offenders.</i> 94K. (1) Notwithstanding the provisions of this Act, where an offender offers to pay full cost of losses suffered by the utility, the utility may accept the compensation and shall not proceed with the prosecution of the offender and the value of compensation shall be determined and agreed by the parties.	
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			(2) On payment of the compensation in accordance with subsection (1), any person in custody in connection with that offence shall be set free and no proceedings shall be instituted or continued against such consumer or person in Court. (3) The acceptance of the compensation in accordance with subsection (1) by the utility or an officer authorised in that behalf is deemed to amount to compounding the offences. <i>Prima Facie Evidence of illegal use of electricity and theft of Electricity, lines and materials and infrastructure.</i> 94L. (1) Any of the following circumstances shall constitute prima facie evidence of illegal use of electricity: (a) the presence of a drilled hole on the glass cover of the electric meter, or at the back or any other part of said meter; (b) the presence inside the electric meter of any elements that results in the inaccurate registration of the meter's internal parts to prevent its accurate registration of consumption of electricity; (c) the existence of any wiring connection which affects the normal operation or registration of the electric meter; (d) the presence of a tampered, broken, or fake seal on the meter, or mutilated, altered, or tampered meter recording	
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			chart or graph, or computerised chart, graph or log; (e) the presence in any part of the building or its premises which is subject to the control of the consumer or on the electric meter, of a current reversing transformer, jumper, shorting or shunting wire, or loop connection or any other similar device; (f) the mutilation, alteration, reconnection, disconnection, bypassing or tampering of instruments, transformers, and accessories; (g) the destruction of, or attempt to destroy, any integral accessory of the metering device box which encases an electric meter, or its metering accessories; and (h) the acceptance of valuable consideration in any form whatsoever by any officer or employee of the licensed owner or the making of such an offer of valuable consideration to any such officer or employee for not reporting the presence of any of the circumstances enumerated in subparagraphs (g) : Provided however, that the discovery of any of the circumstances, in order to constitute prima facie evidence, shall be attested by a law enforcement agent or a duly authorised staff, inspector or agent of the Licensee."	
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		5. Offences of corporate entities (1) Where an offence under this Act has been committed by an incorporated entity (company, partnership, firm, corporation, association, etc), and government-owned or –controlled organisations ,the person who, at the time the offence was committed, was responsible for the act, or the offence, shall be deemed to be guilty of having committed the offence, and shall be punished accordingly: Provided that nothing contained in this subsection shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in the provisions of this Act, where an offence under this Act has been committed by an incorporated entity and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the entity, such director, manager, secretary or other officer shall be liable to be proceeded against and punished accordingly.		
		6. Payment of compensation by offenders (1) Notwithstanding the provisions of the Criminal Code, Penal Code, CPA (Criminal Procedure Act) and CPC (Criminal Procedure Code), or any extant laws, where an offender offers to pay full cost of losses suffered by		

		the service provider, the service provider shall accept the compensation and not to proceed with the prosecution of the offender. The value of compensation shall be determined and agreed by the parties. (2) On payment of the compensation, in accordance with sub-section (1), any person in custody in connection with that offence shall be set free and no proceedings shall be instituted or continued against such consumer or person in court.		
		7. Prima facie evidence of illegal use of electricity and theft of electricity, lines and materials and infrastructure 1. Any of the following circumstances shall constitute prima facie evidence of illegal use of electricity: (a) The presence of a drilled hole on the glass cover of the electric meter, or at the back, or any other part of the said meter; (b) The presence inside the electricity meter of any element that could result in the inaccurate registration of the meter 's internal parts to prevent its accurate calibration, or registration of consumption of electricity; (c) The existence of any wiring connection which affects the normal operation or registration of the electric meter; (d) The presence of a tampered, broken, or fake seal on the meter, or mutilated, altered, or tampered meter recording chart or graph,		

		or computerized chart, graph or log; (e) The presence in any part of the building or its premises which is subject to the control of the consumer, or on the electric meter, of a current reversing transformer, jumper, shorting and/or shunting wire, and/or loop connection or any other similar device; (f) The mutilation, alteration, reconnection, disconnection, by-passing, or tampering of instruments, transformers, and accessories; (g) The destruction of, or attempt to destroy, any integral accessory of the metering device box which encases an electric meter, or its metering accessories; 2. Where it is found that a customer is involved in any or all the circumstances that constitute a prima facie evidence of illegal use of electricity, the person shall be subjected to the following: (a) The immediate disconnection by the service provider of supply of power to such person and reporting the incident to the police for investigation within 24hours. (b) The unlawful possession, control, or custody of electric power transmission or distribution line/material by any person, shall be prima facie evidence of the offence of theft of electricity lines and the person shall be subjected to immediate seizure or confiscation of such line/material from the person in possession, control or custody		
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		thereof, and reporting same to the police for investigation.		
		Part V: Interpretation In this Act, unless it is so explained otherwise; "DISCOs" means Power Distribution Companies "Electricity theft" means unauthorized use of electricity, and without paying for it. "Electric meter" means meter for measuring electric power consumption. "Electric wire" means wire that carries electric currents. "GENCOs" means Power Generation Companies. "Judicial authority" means the authority of the Nigerian judiciary. "NERC" means Nigerian Electricity Regulatory Commission. "Minister" means minister responsible for power. "Power company personnel" means persons working in a power company. "Power lines" means facilities and installations for transmission and distribution of electricity. "Public power infrastructure" means power lines, including feeder pillars, transformers, pylons, etc. "Right of way" means right to build and operate public power facilities. "TCN" means Transmission Company of Nigeria. "TEAM" means Power Theft Prevention and Infrastructure Protection Team. "Vandalisation" means willful damage to power lines and installations.		

3. Citation.	101. This Act may be cited as the Electric Power Sector Reform Act, 2005. EXPLANATORY MEMORANDUM	8. Citation. <i>This Act may be cited as Prohibition and Prevention of Electricity Theft, Power Infrastructure Vandalisation and Power Company Personnel Protection Bill, 2017.</i>	3. Citation. <i>This Bill may be cited as the Electric Power Sector Reform Act No. 6, 2005 (Amendment) Bill, 2019.</i>	
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