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MR AKINWUNMI AMBODE
Governor of Lagos State

Law No. 5

2018



Lagos State of Nigeria

**A LAW TO ESTABLISH THE LAGOS STATE COOPERATIVE
COLLEGE AND FOR CONNECTED PURPOSES**

THE LAGOS STATE HOUSE OF ASSEMBLY enacts as follows:

1. In this Law, unless the context otherwise requires –

Interpretation.

“Academic Board” means the Academic Board established under section 20 of this Law;

“Academic staff” means the Provost, Deputy Provosts, Chief Lecturers, Principal Lecturers, Senior Lecturers, Directors, Heads of Departments, Librarians, Assistant Lecturers and such other persons in the employment of the College.

“Academic year” means a period of time which the college uses to measure quantity of study not exceeding twelve consecutive months as the Academic Board may designate;

“Administrative staff” means the Registrar, Deputy Registrar, Bursar, and such other person(s) in the employment of the College, other than the academic staff who hold administrative, professional or technical posts designated by the Council;

“Alumni Association” means the association recognized by the Council as being representative of graduated students of the College;

“College” means the Lagos State Cooperative College established under Section 2 of this Law

“Commissioner” means the Commissioner for Commerce, Industry and Cooperatives or any other member of the Executive Council for the time being charged with the responsibility for Cooperative matters in the State;

“Congregation” means the congregation of the College as established under Sections 32 of this Law;

“Convocation” means the convocation of the College as established under Section 33 of this Law;

"Regulation" means any regulation made by the Academic Board of the College and approved by the Lagos State House of Assembly;

"Special Resolution" means a resolution of which at least twenty-one (21) days notice has been given, at one meeting of the Council and confirmed at a subsequent meeting held not less than three (3) weeks or more than three (3) months after the former:

Provided that the resolution is passed at each meeting by a majority of not less than three-fourth of the members present and voting.

"State" means Lagos State of Nigeria;

"School" means any school established under Section 29 of this Law;

"Statutes" means the statutes of the College made by the Council under Section 35 of this Law;

"Student" means a person who has fulfilled the conditions for admission and has registered as a student in the College to pursue a course of study, training or research leading to the award of Diploma, Certificate and such other qualifications of the College as qualifying a person for the status of a student;

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| 2 | (1) There is established a College to be known as the Lagos State Cooperative College (referred to in this Law as "the College"). | Establishment of the Cooperative College. |
| | (2) The College shall- | |
| | (a) be a body corporate with perpetual succession and a common seal; | |
| | (b) have power to sue and be sued in its corporate name; and | |
| | (c) be capable of acquiring, holding and disposing of any property for the purposes of carrying out its functions under this Law. | |
| 3. | The objectives of the College shall be to :- | Objectives of the College. |
| | (a) improve the performance of book keepers and trustees of cooperatives societies operating in the State by providing relevant training for them; | |
| | (b) be a college with high moral values; | |
| | (c) provide high level manpower with the capacity of self-employment and job creation; and | |
| | (d) meet the specific manpower needs of the State. | |

4. The functions of the College shall be to -

Functions of
the College

- (a) provide courses of instructions leading to the award of Diplomas and Certificates in cooperative and such related studies as may be prescribed by the Council
- (b) provide special training courses in cooperative or related subjects, for such person (s) as may be prescribed taking into account at all times the requirements of both the Federal and State Cooperative Colleges;
- (c) produce adequate supply of seasoned and well trained Cooperators in accordance with the requirements of both the Federal and State Cooperative Colleges;
- (d) conduct research, with particular reference to research in the field of cooperatives;
- (e) arrange conferences, seminars, courses, study groups and like activities for the purpose of improving instructions and learning in the College;
- (f) develop and propagate a professional code and inculcate in its Fellows the ethics of Cooperative practices; and
- (g) perform such other functions as may be conferred on it by statutes.

5. The College shall have powers to -

Powers of the
College.

- (a) establish such departments, research development production centres and other units of learning, within the College;
- (b) create cadres such as director, lecturer, and any other cadre as may be required by the College and prescribe conditions of service for persons appointed to such cadres and exercise disciplinary control over them;
- (c) institute and award Honorary Fellowships and other academic titles;
- (d) award scholarships, bursaries, medals and prizes to deserving students;
- (e) prescribe the conditions under which persons shall be admitted into the College or to any particular course of study;
- (f) prescribe conditions for the award of Diplomas, Certificates and other academic qualifications;
- (g) provide such lectures and courses of instructions for persons who are not members of the College as the College may determine;
- (h) accept the examinations passed and periods of studies spent by students who have spent a period of time in any other institution of learning, who wish to continue their course of study with the College, and the College may withdraw such acceptance at any time as may be expedient in the circumstance;

- (i) create other branches or departments outside the premises of the College and second members of staff to such branches or departments;
- (j) affiliate and enter into agreement with other Institutions for the award of degrees and recognise selected members of staff of such Institutions as staff of the College and confer on such staff any of the privileges enjoyed by staff of the College;
- (k) accept attendance at courses of study in such Institutions mentioned in paragraph (j) of this section as part of course of study in the College upon such terms and conditions as may be determined by the College;
- (l) make provisions for research, development, production and advisory services and enter into any arrangement with any Institution in line with the objectives of this law;
- (m) undertake printing, publishing and book-selling;
- (n) provide for the residence, discipline, health and welfare of members of the College and its employees;
- (o) demand and receive from any student or any other person attending the College for the purpose of instruction such fees as may be prescribed by the College;
- (p) act as trustee or manager of any property, legacy, endowment, bequest, grant, or gift for purposes of Cooperative or research or otherwise in furtherance of the work and welfare of the College and to invest any fund representing such property, legacy, bequest, endowment, grant or gift, if not immediately required, on such security as the College may deem fit;
- (q) accept gifts, legacies, and donations but without obligation to accept the same for a particular purpose unless the College approves the terms and conditions attached;
- (r) enter into contracts or engage consultants as may be expedient;
- (s) erect, provide, equip, and maintain libraries, laboratories, workshops, lecture halls, hostels, refectories, sports grounds, and buildings necessary for any of the aims of the College;
- (t) invest any money accruing to the college in a manner beneficial to the college; and
- (u) borrow money in accordance with guidelines set by the State Government.

Establishment
and Composition
of the
Governing
Council.

6. (1) There is established for the College the Lagos State Cooperative College Governing Council (referred to in this Law as "the Council").

- (2) The Council shall consist of the following members
- (a) a Chairman;
 - (b) a representative of the State Ministry of Commerce, Industry and Cooperatives;
 - (c) one (1) representative of the Lagos State Ministry of Education;
 - (d) the Provost of the College;
 - (e) one (1) representative of the Lagos State University;
 - (f) the Director of Cooperative Services in Ministry of Commerce, Industry and Cooperatives.
 - (g) the President of Lagos State Cooperative Federation;
 - (h) one (1) representative of the Alumni Association of the College;
 - (i) one (1) representative of the Academic Board of the College;
 - (j) two (2) other members with relevant experience in cooperative matters; and
 - (k) the Registrar of the College, who shall be the Secretary to the Council.
7. (1) The Chairman and other members of the Council who are not ex-officio members shall be appointed by the Governor and shall hold office for a term of four (4) years which may be renewed for a further term of four (4) years only.
8. A member of the Council shall cease to be a member if the member —
- (a) resigns the appointment in writing, addressed to the Governor;
 - (b) is removed from office by the Governor;
 - (c) is unable to discharge the functions of the office either by reason of infirmity of body or mind or due to any act of misconduct;
 - (d) has been convicted by a court of law for any offence involving dishonesty or moral turpitude; or
 - (e) is an undischarged bankrupt or in obvious financial distress.
9. In a case of vacancy in membership of the Council, the Governor may appoint another person to fill such vacancy.
10. The Chairman and other members of the Council who are not ex-officio members shall be paid such remuneration and allowances as may be determined by the Governor.

Appointment/
Tenure of
Members of
the Council.

Cessation of
Office.

Vacancy.

Remunera-
tion and
Allowances
of Members.

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| Meetings and Proceedings of the Council. | 11. | (1) The Council shall meet at least four (4) times in a year.

(2) The Chairman shall preside at every meeting of the Council and in his absence, one of the members present shall be appointed to preside.

(3) The Chairman shall convene all meetings of the Council and can also summon a special meeting of the Council. |
| Voting. | 12. | (1) Every question for decision by the Council at any meeting will be decided by a majority of the votes of members present and voting

(2) The Chairman or a member presiding in the Chairman's absence will at a meeting have a deliberative vote and where there is a tie, shall have a casting vote. |
| Quorum. | 13. | The quorum at any meeting of the Council shall be four (4) members. |
| Power to Co-opt. | 14. | The Council may co-opt any person as a member of the Council where the advice or information on any matter is needed from such a person who may be given rights and privileges of a member but shall not be entitled to vote on any issue or count towards a quorum. |
| Validity of Proceedings. | 15. | (1) The Council shall have power to make standing orders regulating its proceedings at meetings.

(2) The validity of any proceedings of the Council shall not be adversely affected by –
(a) any vacancy in the membership of the Council;
(b) any defect in the appointment of a member; and
(c) the fact that any person mentioned under paragraph (b) of this subsection took part in such proceedings. |
| Disclosure of Interest by Members of the Council. | 16. | A member of the Council who is directly or indirectly interested in any matter proposed to be considered by the Council shall disclose the nature of such interest at the meeting of the Council and the member shall not take part in any deliberation or decision of the Council with respect to the matter. |
| Functions of the Council. | 17. | The functions of the Council shall be to-
(a) supervise the affairs of the College;
(b) regulate the finances, accounts, investments, properties and similar affairs of the College; |

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- (c) make arrangements for the insurance of the property and personnel of the College as may be expedient for the promotion of the work and welfare of the College;
- (d) authorize the establishment of posts of the Academic, Administrative and other Staff of the College;
- (e) make appointments into Academic and Senior Administrative posts of the College and determine the conditions of service for such posts in accordance with the existing Government Policies;
- (f) determine the conditions of service of all staff employed by the College in accordance with the existing government policies;
- (g) exercise powers of removal from office and other disciplinary control over Academic, Administrative and other Staff of the College; and
- (h) constitute into committees or other bodies from among its own members for the purpose of making recommendations to it as regards any of its functions conferred or imposed by virtue of this Law.
18. The Council shall be under the control and supervision of the Governor who may give directives to the Council on matters relating to the objectives of this Law. Supervision and Control.
19. (1) There shall be a common seal of the College. Common Seal.
- (2) The common seal of the College shall be kept in the custody of the College Registrar.
20. There is established for the College an Academic Board which shall be the supreme academic authority of the College and shall have direct overall policy control of the academic programmes of the College. Establishment of the Academic Board.
21. (1) The Academic Board shall consist of the following members – Composition of the Academic Board.
- (a) the Provost;
- (b) Deputy Provosts;
- (c) Directors of schools;
- (d) Heads of Departments;
- (e) College Librarian;
- (f) six (6) members elected from the academic staff of the College other than Heads of Departments as may be appointed by the Council; and
- (g) a representative of any affiliated Institution.

- (2) The Provost shall be the Chairman at all meetings of the Academic Board, and in his absence may appoint one of the Deputy Provosts to act. In their absence, a Director of a school, appointed by the Provost or any of the Deputy Provosts shall act as the Chairman.

Quorum of the
Academic
Board. 22.

The quorum of a meeting of the Academic Board shall be one third of its members present including the Chairman.

Secretary of
the Academic
Board. 23.

The Registrar of the College shall be the Secretary of the Academic Board.

Functions of
the Academic
Board. 24.

The functions of the Academic Board shall be to –

- (i) formulate and establish the academic policies of the College and advise the Council on the provisions of facilities to carry out such policies;
- (ii) direct and regulate the instructions, for training courses of study, research and development within the College;
- (iii) regulate all College examinations, and after considering the recommendations of the Boards of the Schools concerned, appoint internal and external examiners;
- (iv) regulate the admission of persons into the College for courses of study, and determine their continuance or discontinuance of such courses;
- (v) set conditions for the award of prizes and medals by the College;
- (vi) award Fellowships other than Honorary Fellowship, Memberships Diplomas, Certificates and other academic titles and distinctions to persons who shall have pursued in the College such courses of study as may be approved by the Academic Board and shall have passed such examinations of the College and satisfied conditions prescribed by the Academic Board;
- (vii) recommend to the Council, subject to the procedure prescribed by regulations, the names of persons for the award of Honorary Fellowships or other distinctions;
- (viii) after considering the views of the Boards of the Schools concerned, determine what examination and course of study of other places of higher learning shall be deemed equivalent to the examination and course of study in the College;
- (ix) formulate, modify or revise schemes for the examinations of the existing schools, departments and other units of learning, research development and production in the College assigned to their respective subjects of study;
- (x) regulate the status, appointment, continuance in office and the functions of officers of the College where such matters are not provided for by the provision of this Law;
- (xi) provide for the constitution, functions and procedure of the authorities and constituent bodies of the College and other matters relating to such authorities and bodies;
- (xii) provide for the procedure for the appointment and the terms and conditions of service, and the exercise of

- disciplinary control over the academic staff, the administrative staff, and other staff of the college;
- (xiii) make policies for the admission of students, their discipline, health and welfare;
 - (xiv) the conferment of Honorary Fellowship;
 - (xv) make recommendations to the Council on expediency of establishing any other schools, departments, centres and other units of learning, research and development or of abolishing, combining or sub-dividing any of them;
 - (xvi) promote research, development, production and services in the College and demand regular reports on such activities;
 - (xvii) prepare estimates of expenditure required to carry out the academic work of the College and to submit them to the Council for approval;
 - (xviii) review the duties of all members of the academic staff and make recommendations to the Council on their terms and conditions of service;
 - (xix) promote extra-mural work of the College;
 - (xx) make recommendations to the Council concerning fees to be paid to the College;
 - (xxi) recommend a student to withdraw from the College on academic or other grounds;
 - (xxii) prescribe the academic dress to be worn by the various officers or members of the College and the occasions when it shall be worn;
 - (xxiii) appoint representatives of the College to serve with other bodies except as otherwise provided;
 - (xxiv) discuss and declare an opinion on any matter referred to it by the Council;
 - (xxv) constitute committees or other bodies for the purpose of making recommendations to the Council in respect of any of the functions conferred under or by virtue of this Law;
 - (xxvi) deprive any person Fellowship, Diploma, Membership, Certificate, Scholarship, Studentship, Medal, Prize or other academic title, distinction or award conferred upon such person by the College, if upon enquiry it is satisfied that the person is liable of any fraudulent or any other dishonorable conduct in obtaining the same or in gaining admission into the College;
 - (xxvii) withdraw or direct the withdrawal of any Fellowship, Membership, Diploma, Certificate, Scholarship, or other academic award conferred on any student or other person by the College where the Academic Board is satisfied on academic or other grounds that it is necessary to do so; and

- (xxviii) perform such other functions that may be conferred on it by this Law.

25. (1) The College shall consist of the following Principal Officers-
(a) the Provost;
(b) Deputy Provost (Administration);
(c) Deputy Provost (Academic)
(d) the Registrar;
(e) the Bursar; and
(f) the College Librarian.
- (2) The duties of the Principal Officers of the College are as contained in the Schedule to this Law.
- (3) The procedures for removal of Principal Officers of the College are contained in the Schedule to this Law.
26. (1) There shall be a Senior Staff Appointments and Promotions Committee whose functions shall be to appoint, promote, transfer and confirm the appointment of all categories of senior staff.
- (2) The members of the Committee shall include –
(a) the Provost of the College who shall be the Chairman;
(b) the two (2) Deputy Provosts of the College;
(c) all Directors of the College; and
(d) two (2) Experts in the field of the candidate.
- (3) The appointment of the Deputy Provosts shall be from among the Directors of the College, on the recommendation of the Provost.
- (4) The Chairman of the Council shall be the Chairman of the Appointments and Promotions Committee for the purpose of appointing the Deputy Provosts, the Registrar and the Bursar.
- (5) The Registrar shall be the Secretary to the Council and the Committee when sitting for the appointments mentioned in subsections (3) and (4) of this section:
Provided that when the appointment of the post of Registrar is being considered the Provost shall appoint the most senior person in the Registry to act in place of the Registrar.

Principal
Officers.

Senior Staff
Appoint-
ments and
Promo-
tions
Commit-
tee.

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| Junior Staff Appointments and Promotions Committee. | 27. | (1) There shall be a Junior Staff Appointments and Promotions Committee.

(2) The Committee shall have the power to appoint, promote, transfer, and exercise disciplinary measures over junior staff of the College.

(3) The Junior Staff Appointments and Promotions Committee shall consist of the following persons-
(a) the Provost;
(b) the Registrar;
(c) the College Librarian;
(d) two (2) Heads of Departments of the Schools to be nominated by the Provost; and
(e) a senior staff in the Registry who shall be the Secretary. |
| Moderator of the College. | 28. | (1) The Governor of the State shall be the Moderator of the College.

(2) The Moderator shall visit the College in person, or direct that visits be made by such person(s) that may be appointed in that regard.

(3) The Provost shall ensure that all facilities or assistance that may be required for the visit mentioned in subsection (2) of this Section are made available. |
| Establishment of Schools in the College. | 29. | (1) There shall be established in the College schools that are specialized in the field of Cooperatives matters.

(2) The organisation and functions of the schools established shall be prescribed by the Academic Board. |
| Departments of the College. | 30. | There shall be established within each school, as many departments as may be necessary or expedient for the effective organisation and execution of the functions of the school. |
| Research Development and Production Centres. | 31. | (1) There shall be established such centres for research development and production that are deemed desirable for the organisation and execution of the work of the College.

(2) The organisation and functions of the respective centres that may be established shall be such as may be prescribed by regulations. |

32. (1) There shall be a Congregation of the College. Congregation.
- (2) The Congregation of the College shall consist of -
- (a) the Provost;
 - (b) the Deputy Provost (Administration);
 - (c) the Deputy Provost (Academic)
 - (d) the Registrar;
 - (e) all full-time members of the Academic Staff;
 - (f) the Bursar; and
 - (g) every other member of the administrative staff who holds a degree from a recognized University but not being an Honorary Degree.
- (3) The Provost shall be the Chairman at all meetings of the Congregation when present and when absent one of the Deputy Provosts and if absent any other member present at the meeting may be appointed to be the Chairman for that meeting.
- (4) The quorum for meetings of the Congregation shall be one-third of members.
- (5) The Congregation shall be entitled to express by resolution or otherwise, opinions on all matters affecting the interest and welfare of the College and shall have other functions in addition to the function of electing a member of the Council, as shall be provided by the relevant statutes or regulations.
- (6) Subject to the provisions of this Law, the Congregation shall regulate its own proceedings.
33. (1) There shall be for the College, a Convocation which shall consist of members of the Council, the Principal Officers, members of the Academic Board and all lecturers. Convocation.
- (2) A person shall be entitled to have his name registered as a member of the Convocation if he is either a graduate or has satisfied such requirements as may be prescribed for the purpose of this subsection.
- (3) The procedure to be used by the Convocation at any of its meeting shall be prescribed by the Academic Board.
- (4) The Chairman of the Council shall preside at every meeting of the Convocation and if absent, shall appoint a member to be the Chairman.

- (5) The functions of the Convocation shall be to confer on deserving persons –
- (a) Fellowships;
 - (b) Memberships;
 - (c) Diplomas; and
 - (d) Certificates.
- (6) The Quorum of the Convocation shall be one-third of the members present at any of its meeting including the Chairman.
34. There shall be an Alumni Association of the College and its constitution and functions shall be prescribed by the Association subject to the provisions of this Law. Alumni Association.
35. Statutes may be made by the Academic Board of the College to regulate any or all of the following - Statutes.
- (a) the status, appointment, continuance in office and functions of officers of the College where such matters are not provided by this Law;
 - (b) the constitution, functions and procedure of the authorities and constituent bodies of the College and other matters relating to such authorities and bodies;
 - (c) the procedure for the appointment and the terms and conditions of service, and the exercise of disciplinary control over the academic staff, administrative staff, and other staff of the college;
 - (d) the admission of students, their discipline, health and welfare;
 - (e) the conferment of Honorary Fellowship; and
 - (f) all other matters which under the provisions of this Law, may be authorized or required to be prescribed or regulated by statutes.
36. The power to make, amend or revoke Statutes shall be done by the Academic Board in consultation with the Council. Mode of Exercising Power.
37. (1) The Council of the College may make in accordance with the Regulation Approval Law, Regulations for carrying into effect the objectives of this Law and for the purposes of : Power to make Regulations.
- (a) formulating policies and administering the affairs of the College subject to the Regulations Approval Law;
 - (b) making, amending, or revoking regulations of the College in consultation with the Academic Board of the College which shall be submitted to the House of Assembly for ratification;

- (c) prescribing or regulating any matter which though relating to the financial affairs of the College are agreed by both the Council and the Academic Board to have such academic implications as to make them appropriate subjects for regulation by Ordinances;
- (d) prescribing or relating to any other matter which may be authorized or required by this Law or regulated by Ordinance; and
- (e) adding to, amending, revoking any Ordinance in force.

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| Conflict of Provisions. | 38. | Where there is inconsistency with the provisions of this Law and any statutes, ordinances or regulations, the provisions of this Law shall prevail and such statutes, ordinances or regulations will, to the extent of the inconsistency be void. |
| General power of the Council to Maintain Order and Discipline. | 39. | Subject to the provisions of this Law, Statutes, and Regulations, the Council shall have power to deal with all matters relating to the maintenance of order and good discipline in the College as the Council may deem fit whether or not such matters are referred to the Council by the Provost. |
| Procedure for the Removal of the Provost. | 40. | <ul style="list-style-type: none">(1) Where it appears to the Council that there are reasons for believing that the Provost should be removed from office on the ground of misconduct or inability to perform the functions of that office, the Council shall –<ul style="list-style-type: none">(a) give notice of such reasons to the Provost;(b) set up a committee from among members of the Council and members of the Academic Board to investigate the matter and report back to the Council; and(c) afford the Provost an opportunity of making representations in person or through a legal representative on the matter to the Council or its Committee.(2) The Council may by written notice addressed to the Provost prohibit the Provost from exercising the functions of the office pending the determination of any disciplinary proceedings instituted under this Section if it appears to it that the Provost should be interdicted.(3) Where the Provost is under interdiction, the Provost shall be paid half of the salary Provided: that if the disciplinary proceedings against him results in his acquittal, the whole of the salary withheld shall be restored when the final decision is made in the Provost's favour. |

- (4) If the Council is satisfied that the Provost should be removed, it shall obtain a written approval of the Governor and it shall remove the Provost.
- (5) The Chairman or any other officer of the Council shall cause a copy of the signed instrument of removal to be served on the Provost as soon as possible.
41. (1) Where it appears to the Council that there are reasons for believing that any senior staff other than the principal officers should be removed from office or employment on grounds of misconduct or inability to perform the functions of the office or employment, the Council shall –
- (a) give notice of such reasons to the person in question;
- (b) set up a committee from among members of the Council and members of the Academic Board to investigate the matter and report to the Council;
- (c) make reasonable arrangements for the person in question to be afforded an opportunity of appearing before and being heard by the investigating Committee in respect of the matter or to be accompanied by a representative; and
- (d) if the Council is satisfied that the person in question should be removed, the Council may remove him by a letter in writing duly signed by the Chairman or any other officer of the Council.
- (2) The Council may serve on any person mentioned in subsection (1) and of this Section a notice prohibiting him from exercising the functions of the office pending the determination of any disciplinary proceedings instituted under this Section.
- (3) Any person interdicted shall be paid half of the salary.
- (4) Any person acquitted by any disciplinary committee set up under this Section shall be paid the other half of his salary withheld during the pendency of the investigations.
42. (1) The Provost shall exercise such disciplinary functions conferred by this Law.
- (2) Where a student of the College is found guilty of misconduct, the Provost shall notwithstanding any other disciplinary power conferred by this Law or Senate or Regulations direct that –
- (a) the student must not participate in activities of the College or make use of facilities of the College during such period as may be specified;
- Procedure for Removing other Staff.
- Exercise of Disciplinary function by Provost.

- (b) the activities of the student shall during such period as may be specified in the directives, be restricted in such manner as specified;
- (c) the student be rusticated for such period as may be specified in the directive;
- (d) the student be expelled from the College;
- (e) a directive under subsection (2)(a) of this Section will be combined with a directive under subsection (2)(b) of this Section. -

- (3) Where a directive is given under subsection (1)(a), (b), (c), or (d) above in respect of any student, the student may within the prescribed period and in the prescribed manner, appeal to the Council, and the Council will after inquiring into the contents of the appeal, either confirm or set aside the directive or modify it in such manner as the Council may deem fit.
- (4) The fact that an appeal from a directive is brought in pursuance of subsection (2) of this Section, will not affect the question of the directive while the appeal is pending.
- (5) The Provost may delegate the powers under this Section to a Disciplinary Board consisting of such members of the College as the Provost may nominate.
- (6) Nothing in this Section shall be construed as preventing the restriction or determination of students' activities at the College otherwise than the ground of misconduct.

Power to
Suspend
Activities of
the College.

43.

- (1) The Council shall have power, subject to the approval of the Governor, to suspend the academic and other activities of the College, where in the opinion of the Council, good order or discipline in the College has been or is likely to be prejudiced by any act or omission on the part of students or staff.
- (2) The Governor may order the suspension or closure of the College for reasons of overriding public interest.

Funds of the
College.

44.

- (1) The College shall maintain a fund, which will consist of the following:-
 - (a) any money appropriated by the College for the purposes of this Law;

- (b) any money paid to the College by way of donations, fees, subscription, interest or money from any other source;
 - (c) all incomes derived from any property belonging to the College;
 - (d) such money raised by way of loans;
 - (e) income derived from investments.
- (2) Money shall not be withdrawn from the fund unless prior written approval of the Council has been obtained by the Provost.
- (3) The general funds shall be applied towards achieving the objectives of the College.
45. (1) The Council shall appoint a Committee to be known as the Finance and General Purposes Committee, which, subject to the directives and supervision of the Council, shall exercise control over the property and expenditure of the College and perform such other functions as the Council may from time to time direct.
- Finance and
General
Purposes
Committee.
- (2) The Constitution of the Finance and General Purposes Committee and its functions shall be such as may be prescribed by Statutes.
- (3) Subject to the provisions of this Law, the Statutes and any legislation, regulations, instructions, as well as policies on contract award for the time being in force, the Council and the Finance and General Purposes Committee may make rules for the purpose of exercising any of their respective functions or regulating their own procedure.
- (4) Rules made under subsection (3) of this Section by the Finance and General Purposes Committee shall not come into force unless approved by the Council and any rule so made by the Committee which conflict with any directive given by the Council (whether before or after the coming into force of the rules in question), the directive of the Council shall prevail.
- (5) There shall be paid by the Council to the members of the Finance and General Purposes Committee and any other committee set up by the Council, allowances in respect of travelling and other reasonable expenses at such rates as may from time to time be approved by the Council.

Bank Accounts.	46.	The Council shall arrange that all moneys received on account of the College and in the General Fund mentioned in Section 37 of this Law shall be paid into such bank or banks as may be approved by the Council to the credit of one or other accounts of the College to be opened with such bank or banks in accordance with the directives of the Council.
Financial Year.	47.	The College shall fix the financial year for the purpose of the College.
Account of the College.	48.	The accounts of the College for the preceding financial year, including an annual statement shall be prepared by the Bursar for the information of the Council.
Annual Estimates.	49.	The estimates of income and expenditure for a financial year shall be presented by the Provost to the Council, and thereafter through the Commissioner to the Governor for his approval.
Submission of Annual Report.	50.	The Council shall submit an annual report of its activities through the Commissioner to the Governor.
General fund of the College.	51.	<p>(1) There shall be a general fund of the College which shall consist of -</p> <ul style="list-style-type: none"> (a) grants; (b) fees; (c) income derived from investments; (d) gifts, legacies, endowments, donations not accepted for a particular purpose; (e) income derived from the exercise of any function conferred or imposed on the College by this Law; and (f) all other moneys belonging to the College from whatsoever source derived. <p>(2) The general fund shall be applied for the benefit of the College.</p> <p>(3) The general fund shall be disbursed through the Lagos State Tertiary Cooperation Committee.</p>
Gifts, Donations, Grants and Endowments.	52.	<p>(1) The Council may, on behalf of the College, accept by way of grants, gifts, endowments, donations, testamentary disposition or otherwise, property and moneys in aid of the finances of the College.</p> <p>(2) Registers shall be kept of all donations to the College, including the names of donors.</p>

(3) All properties, moneys or funds donated and received for any approved purpose shall be applied and administered in accordance with such purposes.

(4) All grants received by virtue of this Section shall be released quarterly through the Lagos State Tertiary Cooperation Committee.

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| 53. | The Council shall keep proper accounts of its payments, receipts, assets and liabilities and shall at the end of each financial year but not later than six (6) months, submit same for auditing by a firm of auditors appointed by the Council from the list of auditors provided by the Auditor-General of the State. | Auditing of
Accounts. |
| 54. | <p>(1) The Pension Law of the State shall have effect in its application to any officer under this Law, as if the officer were in the Civil Service of the State.</p> <p>(2) Nothing in this Section shall prevent the appointment of a person to any office on terms which preclude the grant of a pension in respect of service in that office.</p> | Application
of the
Pension Law. |
| 55. | <p>(1) Any contract or instrument entered into or executed by a person(s) or a body corporate, on behalf of the College would required to be under seal.</p> <p>(2) Any document purporting to be one duly executed or issued under the seal of the College or on behalf of the College shall unless the contrary is proved be deemed to be a document so executed or issued as the case may be.</p> | Execution
and Award of
Contracts,
Instruments,
etc. |
| 56. | Service upon the College of any notice, order or other document may be effected by delivering it at the office of the Registrar, or by sending it by registered post addressed to the Registrar of the College. | Service of
Notice. |
| 57. | (1) No suit shall be commenced against the College until at least one (1) month after written notice of intention to commence the case has been served on the College by the intending plaintiff or the agent, and such notice shall clearly state the cause of action, the particulars of the claim, the names and place of abode of the intending plaintiff and the relief claimed. | Restriction of
Suits and
Execution. |

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- (2) In any suit against the College, no execution or attachment of process shall be issued against the College but any sum of money awarded against the College by a court shall, subject to any directive given by the court, be paid by the College from its general fund.
- Power of Commissioner to give Directives. 58. The Commissioner may give to the Council directive(s) of a general or specified character relating to matters of policy with regard to the exercise of its functions under this Law and the Council shall comply with such directives.
- Vacancy or Defect of Appointment. 59. The validity of any resolution, the proceeding of any authority or other body of the College established by or in pursuance to the provisions of this Law shall not be affected merely by reasons of the existence of a vacancy in the membership of such authority or by any defect in the appointment, election, selection, nomination or co-operation of a member.
- Resignation and Re-Appointment. 60. (1) Any person who has been or is deemed to have been appointed, elected, nominated or otherwise selected to any office established by or in pursuance of any provision of this Law may resign from that office by writing and addressed to the person or authority by whom he was or is deemed to have been appointed, elected, nominated or otherwise selected.
- (2) The resignation of any person under this section shall take effect at the end of the academic session.
- (3) Any person who has resigned from office shall if not disqualified be eligible to be re-appointed, re-elected, re-nominated or otherwise re-selected.
- Leave of Absence. 61. Any member of the academic staff, administrative staff or other staff may be granted leave of absence on such terms and conditions as may be regulated by statutes or contract of appointment.
- Compulsory Acquisition L.F.N. Cap. L60. 62. (1) All land required for the purpose of the College shall be deemed to be acquired for public purpose, and upon the application of the College to the State Government shall be so declared.
- (2) Where any land has been compulsorily acquired under the provision of this Section, the State Government shall vest such land in the College by means of a certificate under the hand and seal of the appropriate authority having power under the Land Use Act.

- (3) The College shall not sell, demise, mortgage, charge or otherwise alienate any land vested in the College under the provisions of this Section without the prior approval of the Governor.
63. The stamp duties land registration fees prescribed under the provisions of the Stamp Duties Law, Land Instruments Registration Law, Registered Land Law, Registration of Titles Law respectively, shall not be payable in respect of any transfer of any property, rights or liabilities to the College. Exemption from Stamp Duties, etc.
64. Any person who, without the written approval of the Council, assures, registers, or uses for the purpose of any business a name which includes the Lagos State Cooperative College, commits an offence and shall be liable on conviction to a fine of Five Hundred Thousand Naira (N500,000:00). Penalty for Unauthorized Use of the Name of the College.
65. All Officers of the College appointed before the commencement of this Law shall be deemed to have been so appointed under this Law and shall continue to serve in that capacity. Transitional Provision.
66. This Law may be cited as the Lagos State Cooperative College Law and shall come into force on the 8th day of February 2018. Citation and Commencement.

SCHEDULE

- Provost.
1. (1) There shall be a Provost for the College, who shall be the Chief Executive and Chief Academic Officer of the College.
 - (2) The Provost shall-
 - (a) be appointed by the Governor on the recommendation of the Council on such terms and conditions as it may deem fit;
 - (b) have and exercise general authority over the staff; and
 - (c) be responsible for the maintenance of discipline in the College.
 - (3) The Provost shall be the Accounting Officer of the College.
 - (4) The Provost shall hold office for a single term of five (5) years only.
- Deputy Provosts.
2. (1) There shall be appointed by the Council two (2) Deputy - Provosts for the proper administration of the College. There shall be -
 - (a) Deputy Provost (Administration); and
 - (b) Deputy Provost (Academic).
 - (2) Each Deputy Provost shall be a Chief Lecturer and a member of the Academic Board and shall be appointed for a two (2) year term, renewable for another term of two (2) years only.
 - (3) Where a vacancy occurs for the post of a Deputy Provost, the Provost shall present a list of three (3) Chief Lecturers to the Council, one of whom shall be appointed.
 - (4) Where none of the three (3) nominees presented in accordance with the provisions of subsection (3) of this Section is accepted by the Council, the Provost shall present a list of three (3) other Chief Lecturers to the Council until one (1) is appointed to fill the vacant post.
 - (5) The Deputy Provosts shall -
 - (a) assist the Provost in the performance of the functions of the Office;
 - (b) act in place of the Provost when -
 - (i) the post of Provost is vacant;
 - (ii) the Provost is for any reason absent; or
 - (iii) unable to perform the functions of the Office as Provost;and
 - (c) perform such other functions as the Provost or the Council may assign.

3. (1) There shall be a Registrar for the College who shall be appointed by the Council. The Registrar.
- (2) The Registrar shall be responsible to the Provost for the day-to-day administrative work of the College and shall perform such other duties as the Provost or Council may assign.
- (3) The Registrar shall hold office for a single term of five (5) years only.
4. (1) There shall be appointed by the Council, a Bursar, who shall be the Chief Financial Officer of the College and be responsible to the Provost for the day-to-day financial control and administration of the College. The Bursar.
- (2) The Bursar shall hold office for a single term of five (5) years only.
5. (1) There shall be appointed by the Council, a College Librarian, who shall be the Head of the Library and shall be responsible to the Provost for the – The College Librarian.
- (a) day-to-day administration of the College Libraries; and
- (b) co-ordination of the library services in the College campuses.
- (2) The College Librarian shall hold office for the single term of five (5) years only.
6. (1) Where it appears to the Council that there are reasons for believing that the Provost should be removed on grounds of misconduct or inability to perform the functions of the office, the Council shall – Procedure for Removal of the Provost.
- (a) give notice of these reasons to the Provost;
- (b) set up a committee from among the members of the Council and members of the Academic Board to investigate the matter and to report back to the Council;
- (c) afford the Provost the opportunity of appearing before and being heard by the investigating committee with respect to the matter and if so wishes, to be accompanied by a representative;
- (d) if the Council is satisfied that the Provost should be removed, the Council may with the prior written approval of the Governor remove him by an instrument in writing signed by the Council, and
- (e) the Chairman or any authorized officer of the Council, after signing the instrument of removal shall cause a copy of the instrument to be served as soon as possible on the Provost.

- (2) The Council may by written notice addressed to the Provost prohibit him from exercising the functions of his office pending the determination of any disciplinary proceedings instituted under this section if it appears to it that the Provost should be suspended from office.
- (3) The Provost on suspension, shall be paid half salary, but if the disciplinary proceedings result in acquittal, the whole of the salary withheld shall be paid.

Procedure for
Removal of a
Principal
Officer.

7. (1) Where it appears to the Council that there are reasons for believing that any Principal Officer, should be removed from office on grounds of misconduct or inability to perform the functions of the office or employment, the Council shall –
 - (a) give notice of those reasons to the person in question;
 - (b) set up a committee from among the members of the Council and members of the Academic Board to investigate the matter

- (2) The Provost shall refer the report of the committee to the Senior Staff Appointments and Promotions Committee (SESAPCO) for consideration.
- (3) If the Senior Staff Appointments and Promotions Committee is satisfied that the person should be removed, the Senior Staff Appointments and Promotions Committee shall recommend removal to the Appointments and Promotions Committee of the Council.
- (4) If the Appointments and Promotions Committee of the Council is satisfied that the person should be removed, it shall uphold the recommendation of the Senior Staff Appointments and Promotions Committee and recommend removal to the Council.
- (5) Where the Council is satisfied that the person should be removed, the Council may remove him by an instrument in writing signed by the Provost or any authorized officer of the College.

This printed impression has been compared by me with the Bill which has been passed by the Lagos State House of Assembly and found by me to be a true and correctly printed copy of the said Bill.

MR. AZEEZ A. SANNI
Clerk of the House of Assembly

Supplement to the Lagos State of Nigeria Official Gazette Extraordinary No. 10, Vol. 51 of
20th March, 2018—Part A
ASSENTED TO AT IKEJA. THIS 8th DAY February, 2018.

MR AKINWUNMI AMBODE
Governor of Lagos State

Law No. 6

2018



Lagos State of Nigeria

**A LAW TO ESTABLISH THE LAGOS STATE CANCER
INSTITUTE, TO PROVIDE FOR THE PROMOTION, AID AND
COORDINATION OF RESEARCHES RELATING TO CANCER AND
DISEASE CONTROL AND FOR CONNECTED PURPOSES.**

The Lagos State House of Assembly enacts as follows -

1. In this Law unless the context otherwise requires-

Interpretation.

"Chairman" means Chairman of the Lagos State Cancer
Institute Governing Board;

"Commissioner" means the Commissioner for Health;

"House" means Lagos State House of Assembly;

2. (1) There is established

- (iii) a cancer survivor with integrity.
- (e) a representative of the complementary Alternative Medicine Practitioner; and
- (f) the Medical Director of the Institute.

(3) The Chairman and members of the Board are to be appointed by the Governor on the recommendation of the Commissioner subject to the confirmation of the House.

Tenure of
Office

5. The Chairman and members of the Board shall hold office for a

(1) of the members to preside at that meeting.

11. The quorum at any meeting shall be a quorum of (7) members.

Quorum.

12. The decision of the Board shall be determined by the majority of votes of the members present and voting and in the event of an equality of votes on any matter before the Board, the Chairman shall have a deliberative and casting vote.

Voting.

13. (1) There is established in each Local Government Area of the State, Cancer Registry and Screening Centre (referred to in this Law as "the Centre").

Cancer
Registry and
Screening
Centres.

(2) The Centre shall –

- (a) screen and register cancer patients;
- (b) provide primary attention to person(s) diagnosed with cancer;
- (c) transfer or refer a cancer patient(s) to a State owned tertiary health care facility in line with set down guidelines of the Institute; and
- (d) collate data of all registered cancer patients in health care facilities in all localities in the State.

14. The functions of the Institute shall be to-

Functions of
the Institute.

(c) conduct series and follow up studies

- (i) promote the education of the early detection of cancer that are treatable through early diagnosis and treatment;
- (j) provide palliative and counseling support for cancer patients;
- (k) ensure the availability and safety of chemotherapeutic drugs and their protocols;
- (l) ensure that a cancer patient(s) is fairly treated and not discriminated against in the State;
- (m) receive complaints from cancer patients or survivors who have been discriminated against;
- (n) cooperate with International, National and State owned health agencies/organisations in the prevention, control and eradication of cancer;
- (o) organise and engage in interactive sessions with Non-Governmental Organisations (NGOs) that are involved in cancer and cancer related illnesses; and
- (p) solicit for volunteers from the public to assist in the health facilities.

Subsidised
Payment of
Bills.

15. A cancer patient admitted or being treated in any State owned tertiary institution or medical centre shall have the payment for the treatment and drugs subsidised through endowment fund or grants allocated for this purpose.

Disclosure of
Confidential
Information
Concerning
Cancer etc.

16. As from the commencement of this Law every State or Local Government Area owned facility having custody of a cancer patient's case may disclose treatment status of such individuals to the Institute.

Disclosure of
Confidential
Information
for Research.

17. (1) As from the commencement of this Law all hospitals, nursing homes, clinics, special needs assisted living cancer residences and enhanced assisted living residences are to provide access to information and counseling regarding options for patients with advance life limiting conditions and illnesses for research purposes.
- (2) The identity of any person contained in a report or data collected for research studies shall not be disclosed except to government sponsored research projects for the purpose of scientific studies and research on the approval of the appropriate authority.
- (3) The recipient shall limit the use of such information obtained under subsections (1) and (2) above to the specific study or purpose for which such disclosure was made.

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| 18. | There is established the Lagos State Cancer Advisory Council (referred to in this Law as the "Council"). | Establishment of the Cancer Advisory Council. |
| 19. | <p>The Council shall consist of -</p> <ul style="list-style-type: none"> (a) the Chairman who shall be a Consultant Medical Oncologist; (b) two (2) representatives of Non-Governmental Organisations involved in cancer advocacy; (c) one (1) public relations practitioner; (d) a legal practitioner with related experience in medical field; (e) a representative of the Association of Pharmaceutical Manufacturers of Nigeria; and (f) a representative of the Medical Association of Nigeria. | Composition of the Council. |
| 20. | A member of the Council shall hold office for a term of three (3) years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. | Tenure of Office of Members of the Council. |
| 21. | <p>It shall be the duty of the Council to -</p> <ul style="list-style-type: none"> (a) monitor the implementation of Government policies on cancer and cancer related illnesses; (b) review and monitor the progress and challenges in the management of cancer in the State; (c) monitor and control the outbreak of infectious diseases; and (d) formulate policies for the Institute. | Functions of the Council. |
| 22. | Medical Officers of Registry and Screening Centres of Local Government Areas of the State shall submit monthly activity reports to the Medical Director of the Institute in the form prescribed by the Institute. | Officers to File Monthly Report. |
| 23. | <p>(1) The Institute shall ensure that each Local Government Area establish and maintain at least one Hospice in its area.</p> <p>(2) The hospital in charge of a patient may refer a patient for the required Hospice Care that suits the patient's needs.</p> | Hospice Care. |
| 24. | <p>(1) The Institute shall also facilitate access to appropriate palliative care consultation and services, including pain management consultation and services, consistent with the patients' needs and preferences.</p> <p>(2) As from the commencement of this Law all hospitals, nursing homes, clinics, special needs assisted living residences and</p> | Palliative Care. |

enhanced assisted living residences are to provide access to information and counseling regarding options for patient with advance life limiting conditions and illnesses.

Medical
Director of
the Institute.

25. (1) There shall be for the Institute a Medical Director who shall be the Chief Executive Officer to be appointed by the Governor subject to the confirmation of the House.
- (2) The Medical Director shall be a Medical Practitioner of integrity with a minimum of fifteen (15) years working experience.
- (3) The Medical Director shall be responsible for the day-to-day administration of the Institute and the execution of the policies of the Institute in accordance with the provisions of this Law.

Secretary of
the Institute.

26. (1) There shall be for the Institute a Secretary who shall be appointed by the Governor subject to the confirmation of the House.
- (2) The Secretary shall—
- (a) be the Secretary to the Board;
 - (b) communicate policy decisions at Board meetings to the members of the Board;
 - (c) prepare and send notice of meetings to members of the Board and record minutes of such meetings;
 - (d) perform such duties relating to Board meetings as the Chairman may direct; and
 - (e) perform such duties as may be directed by the Medical Director.

Staff of the
Institute.

27. (1) The Institute shall appoint such number of professionals and non-professional staff including reputable and competent consultants in the medical field and allied development services for the purpose of effectively discharging its functions under this Law.
- (2) The staff of the Institute shall be paid such remuneration as may be determined in accordance with the Civil Service Rules.

Application
of Lagos
State
Pension
Law.

28. The provisions of the Pension Law 2015 shall apply to the pension of officers and staff of the Institute.

Funds of the
Institute.

29. (1) The Board shall establish and maintain a fund from which all expenditure incurred by the Board shall be defrayed.
- (2) The fund of the Institute shall consist of —

- (a) such moneys as shall be provided by the State by way of subvention and grant;
 - (b) each Local Government Area in the State shall contribute 2% of its monthly allocation to the Institute;
 - (c) grant-in-aid by State Government, local or foreign Institutions or Organizations; and
 - (d) gifts, legacies, endowments and donations.
- (3) Any money withdrawn from the fund shall be applied for the purpose of this Law.
30.
 - (1) The Institute shall keep proper accounts of its transactions in such form as the Accountant-General of the State may direct in conformity with standard accounting practice.
 - (2) The accounts of the Institute shall be audited annually by an auditor appointed from a list of approved auditors provided by the State Auditor-General in accordance with the State Audit Law.

Annual Accounts.
31. The Institute may accept gifts on such terms and conditions which are not inconsistent with the objectives and functions of the Institute.

Power to Accept Gifts.
32.
 - (1) The Institute may with the approval of the Governor borrow money by way of mortgage or otherwise for the exercise of its functions under this Law.
 - (2) An approval given for the purpose of this Section may be either general or limited to a particular borrowing and shall be subject to the approval of the House.

Power to Borrow Money.
33. Where the Board desires to obtain the advice of any person on any matter, the Board may co-opt such person to be a member for such meeting(s) as may be necessary and the co-opted person shall not be entitled to vote on any question or count towards a quorum.

Power to Co-opt.
34. The Commissioner may make Regulations under this Law subject to the Regulations Approval Law in order to give effect to the provisions of this Law.

Power to make Regulations
Vol. 9 Ch.R4
Laws of Lagos State 2015.
35. This Law may be cited as the Lagos State Cancer Research Institute Law 2017 and shall come into force on the 8th day of February, 2018.

Citation and Commencement.

This printed impression has been compared by me with the Bill which has been passed by the Lagos State House of Assembly and found by me to be a true and correctly printed copy of the said Bill.

MR. AZEEZ A. SANNI
Clerk of the House of Assembly



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Lagos State Government Notice No. 12

The followings are published as Supplement to this Gazette

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| Law No. 8 | — | A Law to Improve Electricity Supply, Power Generation and Distribution Through an Embedded Power Scheme in Lagos State and the Enforcement of Consumer Rights and Obligations and for Connected Purposes | A 117-151 |



MR AKINWUNMI AMBODE
Governor of Lagos State

2018

Lagos State of Nigeria

**LAW TO AMEND THE LAGOS STATE CUSTOMARY COURT LAW, 2015
AND FOR CONNECTED PURPOSES.**

Commencement (8th February, 2018)

THE LAGOS STATE HOUSE OF ASSEMBLY enacts as follows:

1. The Lagos State Customary Court Law, 2015 (referred to in this Law as the "Principal Law") is amended as follows:

Amendment
to the
Principal Law.
2. Section 2 (2) of the Principal Law is deleted and replaced with a new Section 2 (2) as follows:

"A Customary Court is properly constituted with a minimum of three (3) members and a maximum of five (5) members, one of whom shall be the President.

Provided that one of the members presiding is knowledgeable in Native Law, Custom and Tradition.

Amendment
to Section 2
(2).
3. Section 5 of the Principal Law is deleted and replaced with a new Section 5 as follows:

Amendment
to Section 5.

"Qualification of 5. A person shall be qualified to hold office as the President of a Customary Court if the person is —

"Qualification of
Members of the
Customary Court"

5A. A person shall be qualified
to hold office as a member of
a Customary Court if the
person is-

(a) a holder of a degree in any

(4) The penalty which a Customary Court may impose shall not exceed one(1) month imprisonment or Six (6) weeks community service.

Substitution
of Part 2 of
First Schedule.

6. Part 2 of the First Schedule of the Principal Law is substituted for a new Schedule as follows-

PART 2

Criminal Jurisdiction of a Customary Court

1. A Customary Court shall have criminal jurisdiction in criminal causes and matters as may be conferred under any bye-law passed by a Local Government Area or Local Council Development Area in the State.
2. A Customary Court shall have jurisdiction to impose the penalty authorised by Law in respect of contempt of court committed in the face of the court notwithstanding the provisions of any Law.

Citation and
Commence-
ment.

7. This Law may be cited as the Lagos State Customary Court (Amendment) Law and shall come into force on the 8th day of February, 2018.

This printed impression has been compared by me with the Bill which has been passed by the Lagos State House of Assembly and found by me to be a true and correctly printed copy of the said Bill.

MR. AZEEZ A. SANNI
Clerk of the House of Assembly

MR AKINWUNMI AMBODE
Governor of Lagos State

LAW No. 8

2018



Lagos State of Nigeria

**A LAW TO IMPROVE ELECTRICITY SUPPLY, POWER GENERATION
AND DISTRIBUTION THROUGH AN EMBEDDED POWER SCHEME
IN LAGOS STATE AND THE ENFORCEMENT OF CONSUMER RIGHTS
AND OBLIGATIONS AND FOR CONNECTED PURPOSES.**

Commencement (8th February, 2018)

THE LAGOS STATE HOUSE OF ASSEMBLY enacts as follows:

1. In this Law, unless the context otherwise requires-

Interpretation.

"Act" means the Electric Power Sector Reform Act, Cap E7
Laws of the Federation of Nigeria 2004;

"Agencies" means Agencies of the Federal Government of
Nigeria or Agencies of the Lagos State Government as may be
applicable;

"Auditor – General" means the Auditor-General of Lagos State;

"Board" means the Lagos State Electricity Board;

"Criminal Law" means the Criminal Law of Lagos State, Ch.
C17, Laws of Lagos State of Nigeria 2015;

"Chairman" means the Chairman of the Lagos State
Electricity Board or the Chairman of the Lagos State Power
Council as may be applicable;

"Commissioner" means the Commissioner for Energy and
Mineral Resources or a member of the State Executive Council
for the time being charged with the responsibility for the
management of Energy and Mineral Resources in the State;

"Complaints" includes a written statement in which a person raises an issue about a matter in respect of which the Board is empowered to act upon by this Law;

"Council" means the Lagos State Electricity Power Council;

"Debt Management Office" means the Lagos State Debt Management Office established under the Lagos State Debt Management Office (Establishment) Law Ch. L21, Laws of Lagos State 2015;

"Distribution Companies" means the distribution companies licenced by NERC to operate within Lagos State;

"Dwelling House" means any premises used wholly or mainly for the purposes of private dwelling, with or without any garage, out-house, garden, compound, yard, court, forecourt or other attachments connected to it or usually enjoyed with it;

"Electrical Materials" has the meaning given to it in the Grid Distribution and Metering Codes;

"Embedded Power Scheme" means the Lagos State initiative for the improvement of electricity supply through the provision of adequate feedstock, improving transmission and distribution infrastructure, as well as supporting efficient tariff mechanism geared towards embedded generation of power supply within the State;

"Embedded Power Provider (EPP)" means a company licenced by NERC to generate and sell power to the distribution companies within the State;

"Evacuation Infrastructure" means the use of transmission and distribution infrastructure for the discharge or transfer of electric power from a generating facility to the Grid for distribution;

"Federal Agencies" means NERC, NEMSA and other Federal regulatory organisations set up by the Federal Government of Nigeria;

"Federal Government" means the Federal Government of Nigeria;

"Feedstock" means Natural Gas, Liquefied Natural Gas (LNG), Liquefied Petroleum Gas (LPG), Compressed Natural Gas (CNG), Coal, Biomass, Waste and such other Feedstock options as may be utilized under the Embedded Power Scheme;

"Feedstock Merchants" means the duly licenced entities appointed by the Lagos State Government to procure aggregate Feedstock and execute Feedstock Supply Agreements with the EPPs and Feedstock Suppliers;

"Feedstock Supply Agreement" means the agreement between the Feedstock Merchants and the Feedstock Suppliers on the one hand and the agreement between the Feedstock Merchants and the EPPs for the supply of Feedstock on the other hand;

"Feedstock Suppliers" means the Feedstock Suppliers who shall execute Feedstock Supply Agreements with the Feedstock Merchants;

"Financial Year" means a period of twelve (12) months commencing from the 1st day of January and terminating on the 31st day of December;

"House" means the Lagos State House of Assembly;

"Indemnities" means financial indemnities which may be provided by the Lagos State Government to the EPPs and the feedstock suppliers;

"Law" means Lagos State Electricity Power Sector Law;

"Local Government Area" includes Local Council Development Area;

"Member" means a member of the Lagos State Electricity Board or a member of the Lagos State Power Council as may be applicable;

"Ministry" means the Lagos State Ministry of Energy and Mineral Resources;

"NEMSA" means Nigerian Electricity Management Services Agency;

"NERC" means the Nigerian Electricity Regulatory Commission established pursuant to the Electric Power Sector Reform Act, Cap E7, Laws of the Federation of Nigeria 2004;

"Nigeria" means the Federal Republic of Nigeria;

"Occupier" in relation to a household means the person in occupation of the whole or any part of such tenement, but does not include a lodger;

"Owner" in relation to a household includes the holder of a premises direct from the State whether under a lease, licence, or otherwise;

"Public Supply" means any installation used or intended to be used for or in connection with the supply of electricity to the public from any power station and vested in or erected by the Board and which is the Board's property;

"Power Purchase Agreement" means the agreement executed between the Embedded Power Providers (EPPs), the Lagos State Government and the Distribution Companies for the supply of electricity;

"Power Stations" means all generating sets and engines and all other structures or appliances used or constructed for the storage, conveyance, supply, measurement or regulation of electricity;

"Rural Areas" means communities designated as rural areas by the Governor under this Law;

"State" means Lagos State of Nigeria;

"State Electricity" means electricity from sources in the State other than such source as may be declared by any Federal Law to be sources affecting more than the State;

"Special Purpose Vehicle" means any Special Purpose Vehicle incorporated under the Nigerian Companies and Allied Matters Act (CAMA) Cap C20, Laws of the Federation of Nigeria, 2004, with respect to the Embedded Power Scheme or such other initiatives developed to actualise the purpose of this Law; and

"Technical Code" means the Grid Code, Distribution Code, Metering Code, Health and Safety Code and other

codes approved by NERC for the technical regulation of the Electricity Supply Industry in Nigeria.

Objectives of the Law.

2. The objectives of this Law are to –
- (a) provide for the development and management of sustainable power supply in the State;
 - (b) facilitate the development and management of electricity infrastructure and facilities within the State;
 - (c) promote and support the provision of an efficient and effective power generation and evacuation infrastructure in the State;
 - (d) ensure the availability of a cost-effective electric power supply;
 - (e) collaborate with Federal and State energy and electric power related Agencies to promote and support investment in electric power projects within the State;
 - (f) ensure that the State has constant electric power generation and distribution;
 - (g) develop and facilitate an enabling environment for embedded power sector investment in the State;
 - (h) provide support in the collection of tariffs and revenue from embedded power end users; and
 - (i) ensure the protection of electric power generation, evacuation infrastructure and prescribe appropriate sanctions.

Responsibility of the Ministry.

3. (1) The Ministry shall be responsible for the overall co-ordination of the energy sector and all Agencies, Boards, Departments and Units under it.
- (2) The Agencies, Boards, Departments and Units under the Ministry shall include, but not limited to the following-
- (a) IBILE Oil and Gas Corporation; and
 - (b) Lagos State Electricity Board.

Powers of the Ministry.

4. The Ministry shall –
- (a) be responsible for the initiation, formulation and Coordination of the power sector reform policies and programmes of the State;
 - (b) formulate and evaluate policies relating to energy in the State;
 - (c) formulate policies in accordance with the Mineral Resources Act;

- (d) supervise, monitor and evaluate the implementation of all power policies and programmes in the State;
 - (e) create an enabling environment for private investment in the power sector;
 - (f) issue licence to feedstock merchants under the Embedded Power Scheme;
 - (g) collaborate and consult to the maximum extent practicable with any Federal Agency, other States, Local Government Areas, statutory bodies and research agencies on matters relating to the power sector;
 - (h) coordinate and supervise Independent Power Projects in the State;
 - (i) initiate the incorporation of Special Purpose Vehicles for the purpose of implementing the Embedded Power Scheme;
 - (j) appoint licenced entities to procure aggregate feedstock for utilization under the Embedded Power Scheme;
 - (k) oversee the general activities of any Special Purpose Vehicle (SPV) or incorporated companies; and
 - (l) perform any other function as may be assigned to it by the Governor.
5. (1) There is established a Board to be known as the Lagos State Electricity Board (referred to in this Law as "the Board").
- (2) The Board shall –
- (a) be a body corporate with perpetual succession and a common seal;
 - (b) have power to sue and be sued in its corporate name; and
 - (c) be capable of purchasing, acquiring, holding and disposing of movable and immovable property.
6. (1) The Board shall consist of –
- (a) a Chairman, with at least fifteen (15) years cognate experience in energy matters;
 - (b) four (4) other persons with relevant professional qualifications and cognate experience;
 - (c) the Permanent Secretary Ministry of Energy and Mineral Resources or a representative not below Grade Level 16; and

Establishment
of the Lagos
State
Electricity
Board.

Composition
of the Board.

- (3) Notwithstanding the provisions of subsections (1) and (2) of this Section, the Governor may remove any member of the Board if satisfied that it is in the public interest to do so.
10. (1) The Board shall meet at least four (4) times in a year. Meetings.
- (2) The Chairman shall preside at every meeting of the Board and can also summon an emergency meeting of the Board
- (3) The Chairman shall preside at every meeting of the Board and in the Chairman's absence, one of the members except the General Manager shall be appointed to preside.
11. Any question for decision before the Board shall be decided by the majority of votes of members present and voting and where there is an equality of votes, the Chairman presiding shall have a deliberative and casting vote. Voting.
12. The quorum for any meeting of the Board shall be four(4) members including the Chairman. Quorum.
13. The Board may make standing orders regulating proceedings at any meeting of the Board. Proceedings of the Board.
14. Where the Board desires to obtain the advice of any person on a matter, the Board 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 and shall not count towards a quorum. Power to Co-opt.
15. (1) The common seal of the Board shall be authenticated by the signature of the General Manager and the Secretary or some other person(s) authorised by the Board for that purpose. Common Seal of the Board.
- (2) A document duly executed under the common seal of the Board shall be admissible in court and unless the contrary is proved, be deemed to be so executed.
16. On the death or vacation of office of the Chairman or any member of the Board, the Governor shall nominate a candidate to fill that vacancy and shall submit that nomination to the House for confirmation. Filling of Vacancy.
17. (1) The functions of the Board shall be to – Functions of the Board.
- (a) ensure efficient and uninterrupted electricity generation, distribution and supply to promote economic growth.

(d) the General Manager of the Board.

- (2) The Chairman and other members of the Board excluding the ex-officio members shall be persons of proven integrity and ability and shall be appointed by the Governor on the recommendation of the Commissioner subject to the confirmation of the House.

Tenure of
Office of
Members of
the Board.

7. The Members of the Board, other than the ex-officio members shall hold office on part-time basis for a period of four (4) years and may be re-appointed for one (1) further term of four (4) years only.

Remuneration
and Allowances.

8. Members of the Board, other than the ex-officio members shall be paid such remuneration and allowances as the Governor may approve in line with extant financial policies of the State.

Cessation of
Office of
Members of
the Board.

9. (1) A member may –
- (a) be removed from office by the Governor for inability to discharge the functions of the office, whether arising from infirmity of mind or body or for any act of misconduct; or
 - (b) resign by giving one (1) month's notice in writing addressed to the Governor and that member shall cease to be a member on the date of acceptance of the resignation by the Governor.
- (2) A member may also be removed from office if that member has, in terms of the Laws in any country –
- (i) been adjudged or otherwise declared insolvent or bankrupt and has not been rehabilitated or discharged;
 - (ii) made an assignment, arrangement or composition with creditors which has not been rescinded or set aside;
 - (iii) been adjudged by a court of competent jurisdiction, to be of unsound mind;
 - (iv) been banned from professional practice; or
 - (v) been convicted of an offence and sentenced to a term of imprisonment imposed with or without the option of a fine, whether or not any portion of the term has been suspended.

- (b) liaise with relevant Federal Agencies, Ministries, Departments, Regulators and the Distribution Companies with respect to the development of electric power generation and distribution in the State;
- (c) collaborate and engage with Federal and State Agencies to protect the interests of consumers with respect to the reliability and quality of electric power supply services in the State;
- (d) collaborate with relevant Federal Agencies to ensure compliance with federal environmental standards and ensure that energy service providers (including renewable energy project developers) conform to environmentally sound operations and sustainability in line with international best practices;
- (e) subject to relevant Laws and in collaboration with NERC, promote competitive, fair and efficient market practice within the electric power sector in the State;
- (f) liaise and cooperate with NERC and other relevant Ministries or Agencies for the speedy disposition of the projects under the Embedded Power Scheme;
- (g) subject to the approval of NERC, ensure the implementation of cost reflective tariffs for all projects under the Embedded Power Scheme which will be structured in line with the methodology approved by NERC;
- (h) collaborate with NERC to ensure compliance with Technical Codes by Distribution Companies, Embedded Power Providers (EPPs) and Independent Electricity Distribution Network Operators;
- (i) collaborate with NERC and other relevant government Agencies on all matters regarding compliance and enforcement of any meter tampering, electricity theft regulations, or any other related infractions;
- (j) collaborate with the Nigerian Electricity Management Service Agency (NEMSA), Standard Organisation of Nigeria (SON) and other relevant Federal and State government agencies to ensure that all major electrical materials and equipment used in electricity projects within the State are of standard quality;

- (k) promote and create an enabling environment and framework to support embedded and rural electricity projects within the State;
- (l) promote training and manpower development in electricity matters;
- (m) liaise with relevant government agencies to facilitate the acquisition of land, right of way and other land related matters associated with or in connection to the Embedded Power Scheme;
- (n) facilitate the identification and designation of areas of the State for deployment of power generated by the Embedded Power Providers;
- (o) collaborate with the Embedded Power Providers for the implementation of the Embedded Power Scheme;
- (p) provide such support as the Board deems fit to aid the Embedded Power Providers in obtaining all the necessary licences, permits and approvals as may be needed to perform its objectives;
- (q) collaborate with Distribution Companies to pre-qualify Embedded Power Providers under the Embedded Power Scheme;
- (r) consult when the need arises with such persons or organisations as may be qualified to advise on professional or technical issues;
- (s) establish electric power stations in areas not covered by the Embedded Power Scheme in the State;
- (t) generate, transmit and distribute electricity to areas not covered by the national grid system within the State;
- (u) control and manage any electrical installation vested in the Board under the provisions of this Law;
- (v) establish, control, manage, extend and develop such new electrical network, extend and develop such existing ones as the Board may consider necessary for the purpose of providing electricity supply to meet the requirement of the general public, agriculture, trade and industry, in all parts of the State;

(w) enumerate, register and keep records of all power plants that generate one (1) megawatt of electricity and above in the State; and

(x) carry out such other functions as it deems fit for the purpose of implementing the Embedded Power Scheme and any other initiatives.

(2) The Board shall, in addition to the provisions of subsection (1) of this Section –

(a) provide assistance where necessary, to the Distribution Companies and such other entities as may be created by the State pursuant to the provisions of this Law, for proper customer/end- user enumeration and classification to ensure that a cost reflective tariff regime can be sustained;

(b) facilitate regular engagements with NERC to procure the approval of cost reflective tariffs which adequately reflects exchange rates, inflation, interest rates and feedstock prices;

(c) make provision for proper cross subsidisation of the tariffs for low income end-users;

(d) advocate for the adoption of adequate mechanisms to support the collection of tariffs; and

(e) promote a fair electricity pricing regime.

Powers of the Board.

18. (1) The Board shall have powers to –

(a) set general policy guidelines for the management of the Board;

(b) appoint, promote and discipline the staff of the Board;

(c) make recommendations to the Governor on the terms and conditions of employment and remuneration of staff of the Board;

(d) set the administrative guidelines for the conditions and welfare of staff of the Board;

(e) enter into Public Private Partnership agreements in accordance with the provisions of the Lagos State Public Private Partnership Law 2015:

Public Private Partnership Law 2015.

- (f) construct, reconstruct, maintain and operate electrical works, buildings and other works necessary for the discharge of its functions:
 - (g) carry any electrical conductor 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 owner or occupier, and make good any damage done;
 - (h) make collaborative arrangements with the appropriate authority in accordance with the provisions of any Law in force:
 - (i) examine any electricity undertaking in any part of the State for the purpose of determining if any damage exists and its causes, and to do likewise in respect of other installation by arrangement with the appropriate authority in accordance with the provisions of any other Law in force:
 - (j) enter any land at any time after giving reasonable notice in writing to the owner or occupier for the purpose of electrical installations, examining, repairing or removing any conductor which is the property of the Board; and
 - (k) construct public lighting or power points in any street or other public place.
- (2) The Board shall be the implementing authority for the decisions of the Lagos State Power Council, established under Section 29 of this Law.
- (3) Subject to the provisions of subsection (1) of this Section, the Board shall have power to carry out activities which are necessary, advantageous or incidental to the purpose of carrying out its functions under this Law.
19. (1) There shall be for the Board, a General Manager who shall be appointed by the Governor, subject to the confirmation of the House.
- (2) The General Manager shall be –
- (a) a person of proven ability and integrity with relevant professional qualifications and cognate experience:

The General
Manager of
the Board.

(b) the Accounting Officer of the Board and Lagos State Power Council as established under Section 29 of this Law; and

(c) responsible for the execution of the policies and day to day administration of the affairs of the Board in accordance with the provisions of this Law.

(3) The terms and conditions of appointment of the General Manager shall be as specified in the letter of appointment.

Secretary to
the Board.

20. (1) There shall be a Secretary to be appointed by the Board with at least ten (10) years cognate experience.

(2) The Secretary shall be responsible to the General Manager in the performance of the functions of the office and shall in particular be responsible for the following matters-

(a) arranging meetings of the Board;

(b) preparing agenda and minutes of meetings;

(c) conveying decisions of the meetings to members of the Board;

(d) arranging for the payment of allowances to members of the Board and other related matters; and

(e) generally performing all other duties affecting the Board as may be assigned by the General Manager.

Legal Adviser
and other
Staff of the
Board.

21. (1) There shall be a Legal Adviser to be appointed by the Board with at least ten (10) years post call experience.

(2) The Legal Adviser shall be responsible to the General Manager in the performance of the functions of the office.

(3) The Legal Adviser shall be responsible for the following matters-

(a) provide legal advice with respect to the duties of the Board;

(b) the day to day legal issues affecting the Board; and

(c) generally performing all other duties affecting the Board as may be assigned by the General Manager.

(4) The Board may, subject to the approval of the Governor engage such other officers as may be necessary for proper execution of its functions under this Law and pay to such persons so employed remuneration in accordance with the State Public Service Remuneration Scheme.

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| 22. | (1) | The Pensions Law 2015 shall, in its application to an office created under this Law, have effect as if the office were in the Public Service of the State. | Application of the Pensions Law. |
| | (2) | Nothing in this Section shall prevent the appointment of a person to any office on terms which precludes the grant of a pension in respect of service in that office. | |
| 23. | (1) | For the purpose of the Embedded Power Scheme, the Ministry may provide indemnities to the Embedded Power Providers and Feedstock Merchants subject to the approval of the House. | Indemnities. |
| | (2) | Notwithstanding the provisions of subsection (1) of this Section the indemnities referred to shall be issued through the Lagos State Ministry of Finance and Debt Management Office, subject to the Governor's approval. | |
| 24. | (1) | The Board shall maintain a deliberate policy to foster electricity development and promote modalities for rural electrification projects within the State. | Rural Electrification. |
| | (2) | Subject to the provisions of subsection (1) of this Section, the Board shall collaborate with relevant Agencies to engender development, investments and compliance in the process of electrification by all stakeholders. | |
| | (3) | The Governor shall on the recommendation of the Board, designate communities in the State to be known as Rural Areas for the purpose of this Law. | |
| 25. | (1) | Subject to the provisions of Section 17(1) (o) of this Law, the Embedded Power Providers shall develop the requisite standard agreements with Distribution Companies, Feedstock Merchants and Embedded Power Generation Companies, setting out the commercial and technical responsibilities of the parties. | Embedded Power Providers. |
| | (2) | The Embedded Power Providers shall give quarterly report of their activities to the Commissioner through the Board. | |
| 26. | (1) | Subject to the provision of Section 17(1)(r) of this Law, the Ministry may select qualified entities as Feedstock Merchants for the implementation of the Embedded Power Scheme. | Feedstock Merchants. |
| | (2) | No entity shall qualify as a Feedstock Merchant under the Embedded Power Scheme, unless such entity has been duly licenced by the Ministry. | |

(3) The Feedstock Merchants shall develop the requisite standard agreements with Embedded Power Providers, Feedstock Suppliers and Special Purpose Vehicles for Embedded Generation setting out the commercial and technical responsibilities of the parties.

(4) The Feedstock Merchants shall give quarterly reports of their activities to the Commissioner.

Establishment
of the
Embedded
Power
Stabilisation
Fund.

27. (1) As from the commencement of this Law a sum not exceeding two percent (2%), subject to the approval of NERC shall be added to the tariff payable by all customers of the Embedded Power Scheme based on kilowatts of power consumed.

(2) The applicable sum may be varied on the recommendation of the Power Council established under this Law to the Governor, subject to the approval of the House.

(3) The applicable sum shall be paid into a designated bank account to be managed by the Fund Manager appointed by the Board.

(4) The accumulated proceeds of the fund shall be utilised for the following-

(a) to meet administrative expenses of carrying out the Embedded Power Programme;

(b) to defray unrecoverable technical and commercial losses that occur from generation and distribution activities;

(c) to write off bad and unrecoverable debts by consumers of power; and

(d) to moderate the effects of shocks arising from unanticipated volatility in foreign exchange rate, feedstock prices and other variables related to the Power Sector Tariff Modem pending when the shocks can be remedied.

(5) The rate referred to in subsection (1) above may be varied every five (5) years subject to the approval of the Governor.

Establishment
of the Power
Fund
Management
Company.

28. (1) There is established the Power Fund Management Company to manage the Power Stabilisation Fund established under Section 27 of this Law.

(2) Notwithstanding the provisions of any other Law, the Power Fund Management Company shall be subject to the oversight of the House.

29. There is established the Lagos State Embedded Power Council (referred to in this Law as "the Council").

Establishment of the Lagos State Embedded Power Council.

30. (1) The Council shall consist of -

Composition of Members of the Council.

- (a) a Chairman;
- (b) one (1) representative each from the Distribution Companies licenced to operate within the State;
- (c) one (1) representative each of the following-
 - (i) Nigerian Labour Congress (Lagos State Chapter);
 - (ii) Trade Union Congress (Lagos State Chapter);
 - (iii) Nigerian Employers Consultative Association;
 - (iv) Lagos Chamber of Commerce and Industry;
 - (v) Lagos State Consumer Protection Agency;
 - (vi) Manufacturers Association of Nigeria;
 - (vii) Community Development Council (CDC);
 - (viii) Small and Medium Enterprises Development Agency of Nigeria;
 - (ix) Lagos State Electricity Consumers' Association;
- (d) one (1) representative not below Grade Level 15 or its equivalent, from the following Ministries, Departments and Agencies (MDAs)-
 - (i) Justice;
 - (ii) Energy and Mineral Resources;
 - (iii) Finance;
 - (iv) IBTLE Oil and Gas Corporation;
 - (v) Lagos State Electricity Board;
- (e) one (1) representative of all the Local Government Areas;

- (f) one (1) representative each of the following:
 - (i) Special Purpose Vehicle;
 - (ii) all the Feedstock Suppliers; and
 - (iii) all the Feedstock Merchants;
 - (g) two (2) representatives of all the Embedded Power Providers;
 - (h) five (5) eminent persons representing each division of the State; and
 - (i) the General Manager, Lagos State Electricity Board who shall be the Secretary.
- (2) The Chairman and other members of the Board shall be persons of integrity and good standing in the Society to be appointed by the Governor on the recommendation of the Commissioner.

Duties of the
Council.

31. The duties of the Council shall be to –
- (a) gather and disseminate information relating to the State policy in the field of electric power;
 - (b) liaise with all stakeholders in the State on issues relating to electric power;
 - (c) address consumer complaints in the State subject to the NERC Forum Regulations;
 - (d) advise the State Government on questions relating to any aspect of electric power as the State may refer to it;
 - (e) provide input in the determination of end-user tariffs to ensure cost reflective tariffs for embedded power;
 - (f) ensure that consumers benefit from competition and efficiency;
 - (g) constitute ad-hoc committees as deemed necessary to assist in the performance of its duties under this Law; and
 - (h) carry out such other activities as are conducive to the discharge of its duties under this Law.

Tenure of
Office of
Members of
the Council.

32. The Members of the Council shall hold office on part-time basis for a period of four (4) years and may be re-appointed for one (1) further term of four (4) years only.

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| <p>33. (1) A member of the Council shall cease to hold office if—</p> <p>(a) that member resigns by a letter addressed to the Chairman of the Council;</p> <p>(b) the Governor is satisfied that it is not in the interest of the Council for the person to continue as a member, in which case, the Chairman shall notify the member to that effect; or</p> <p>(c) such member is removed by two thirds majority of the Council and the decision is communicated to the Governor through the Commissioner.</p> <p>(2) Where a person ceases to be a member under the provisions of subsection (1) of this Section, the organisation or entity which such member represents shall immediately re-appoint another person to take the place of the former member.</p> | <p>Cessation of Office of the Members of the Council.</p> |
| <p>34. The Chairman and members of the Council shall be entitled to remuneration and sitting allowances as may be approved by the Governor.</p> | <p>Remuneration and Allowances.</p> |
| <p>35. (1) The Council shall meet at least four (4) times in a year and at other times when required for the due performance of its duties under this Law.</p> <p>(2) Where no fewer than fifteen (15) members by notice in writing signed by them, stating the matters to be discussed, request the Chairman to convene a meeting of the Council, the Chairman shall, not later than twenty-one (21) days from the receipt of the notice, convene the meeting.</p> <p>(3) At any meeting of the Council, the Chairman shall preside, but in the Chairman's absence, the members present at the meeting shall appoint one of them to preside.</p> | <p>Meetings.</p> |
| <p>36. The quorum for meetings of the Council shall be fifteen (15) members.</p> | <p>Quorum.</p> |
| <p>37. Any question for decision before the Council shall be decided by the majority of votes of members present and voting and where there is an equality of votes, the Chairman presiding shall have a deliberative and casting vote.</p> | <p>Voting.</p> |
| <p>38. The Council may make standing orders regulating its proceedings or any Committee set up by the Council.</p> | <p>Proceedings.</p> |

Common
Seal of the
Council.

39. (1) The common seal of the Council shall be authenticated by the signatures of the Chairman and the Secretary or some other person (s) authorised by the Council for that purpose.
- (2) A document duly executed under the common seal of the Council shall be admissible in court and unless the contrary is proved, be deemed to be so executed.

Validity of
Proceedings
of the
Council.

40. The validity of any proceedings of the Council shall not be affected by any vacancy in the membership of the Council or by reason that a person not entitled to do so took part in the proceedings.

Power to Co-
opt.

41. Where the Council desires to obtain the advice of any person on a matter, the Council may co-opt that 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 Council and shall not count towards the quorum.

Quarterly
Report of the
Council.

42. The Council shall give quarterly reports of its activities to the Governor through the Commissioner.

Ad-hoc
Committees
of the
Council.

43. (1) The Council may set up ad-hoc committees to assist it in carrying out its duties under this Law.
- (2) The Council shall have power to regulate the proceedings of any ad-hoc committee it sets up and the quorum of any such ad-hoc committee shall be as determined by the Council.
- (3) A decision of any ad-hoc committee set up by the Council shall be of no effect until it is confirmed by the Council.

Alternative
Dispute
Resolution.

44. Any dispute arising from any agreement made pursuant to the provisions of this Law shall be submitted to an independent arbitrator agreed to by the parties to the dispute.

Procedure for
Cause of
Action
against the
Board.

45. (1) A suit shall not be commenced against the Board 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 Board by the intending Claimant or Claimant's agent, and the notice 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.

- (2) The notice referred to in subsection (1) of this Section and any summons or other document required or authorised to be served on the Board, may be served by delivering same to the Chairman or Legal Adviser of the Board.
46. A liability shall not be attached to the Board, any of its employee or member for any loss or damage sustained by any person done in good faith in exercise or performance of any function conferred or imposed on the Board or the members under the provisions of this Law. Exemption from Liability.
47. (1) There is established the Power Task Force which shall be responsible for the enforcement of the provisions of this Law. Establishment of the Power Task Force.
- (2) The power to arrest under this Law shall be vested in the Power Task Force established by this Law, and any other Law Enforcement Unit/Agency in the State.
48. (1) A duly authorised officer of the Power Task Force shall have power to- Power to Enter, Search and Seize.
- (a) enter any household into which any service has been provided or into which electricity from any electrical works is supplied or flows, at any time between the hours of 6.00 a.m and 6.00 p.m or in cases of emergency, at any other time. so as to -
- (i) inspect any service to ascertain whether there is any obstruction or damage to any service or meter and anything in connection with it;
- (ii) ascertain the amount of electricity taken or used;
- (iii) disconnect the supply of electricity to any occupier, or to diminish, withhold, or divert the supply of electricity to any household through or by means of any service, either wholly or in part for the purpose of carrying out maintenance or where the consumer defaults to pay the electricity consumed;
- (b) diminish, withhold, suspend, stop, turn off or divert the supply of electricity by means of any service either wholly or in part whenever the Power Task Force deems it necessary or proper and without prejudice to any liability of the consumer to pay any rate due before the Task Force's action under this Law.

- (2) (a) A duly authorised officer may also-
- (i) enter, inspect and search any place or premises in which such officer has reason to believe that electricity has been, is being, or is likely to be used unlawfully; Provided that such inspection or search shall be limited only to the meter and related surroundings and devices;
 - (ii) 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 electricity;
 - (iii) examine or seize any books of account or documents which in the officer's opinion shall be useful for or relevant to, any proceedings in respect of the offence under Section 52(1) (a) and (b) and allow the person from whose custody such books of account or documents are seized to make copies or take extracts in the presence of the occupier.

(b) The occupier of the place of search or any person acting on the occupier's 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 who shall sign the list:

Provided that an inspection, search and seizure of any domestic place or premises shall be carried out between the hours specified in subsection (1) above, in the presence of an adult occupying such premises.

(c) In determining and assessing the financial gain on account of the theft as provided for in Section 52 (1) (d) of this law if on an inspection of any place or premises or after inspection of the equipment, gadgets, machines or devices found connected or used, or after inspection of records maintained by any person, the assessing officer(s) comes to the conclusion that such a person is indulging in unauthorised use of electricity, such officer shall assess to the best of judgment, the electricity charges payable by such a person or by any other person who benefited from such use.

(d) The result or order of the assessment shall be served on the person in occupation, possession or in charge of the place or premises either personally or by pasting same on the premises, and this shall be deemed good service.

- (c) If the assessing officer(s) reaches the conclusion that unauthorised use of electricity has taken place, it shall be presumed that the unauthorised use of electricity was continuing for a period of three (3) months immediately preceding the date of inspection in the case of residential premises and six (6) months for all other categories of services, unless the onus is rebutted by the person, occupier or possessor of such premises or place.
 - (f) A customer who wants service reconnected to the location shall be required to –
 - (i) provide evidence of property ownership, and/or occupation before reconnection, pay the actual cost to repair the licensee's equipment and facilities in the location and all fees and deposits as approved by the Board, including all charges due to the utility for previous unauthorised use; or
 - (ii) provide a signed lease agreement that will indicate the identity of the tenant responsible for the previous unauthorised use.
 - (g) If the customer could not provide the documentation and does not pay the charges for previous unauthorised use, the licensee could still reconnect service if the customer agrees to pay and pays additional fee for reconnecting service as approved by the Board.
 - (3)
 - (a) An officer or agent of the Board may enter any land for the purposes of any electrical installation to-
 - (i) survey and take levels of the land;
 - (ii) dig or bore under the subsoil; and
 - (iii) do all other acts necessary to ascertain whether the land is suitable for such purposes.
 - (b) As soon as may be convenient after any entry made under paragraph (a) of this Section, the Board shall pay compensation for all damages arising out of the exercise.
 - (4) The provisions of Part 11 of the Administration of Criminal Justice (Repeal and Re-enactment) Law, Ch. A3, Laws of Lagos State of Nigeria, 2015 shall apply with respect to searches and seizures under this Law.
 49.
 - (1) The provisions of the Special Offences Court Law shall have effect to try any person for any offence specified in this Law.
 - (2) In case of dispute as to the amount of any compensation payable under this Law in respect of any Land, the amount may

Jurisdiction.

be determined by the High Court having jurisdiction in respect of the place where the land is situated.

**Duty of Care
of a
Distribution
Company.**

50. As from the commencement of this Law a distribution company shall not make a wrong connection, leave electricity cables dangling, abandoned or keep conductors and electricity poles in such a manner as to cause public nuisance or threat to public safety.

**Power Plant
Operators.**

51. (1) As from the commencement of this Law, a person or company shall not operate a power plant without the approval of the Board.

(2) All underground cables used by such operators must be properly marked with visible signs of the ownership and all professional drawings relating to the plant shall be submitted to the Board for approval.

**Offences and
Penalties.**

52. (1) As from the commencement of this Law.

(a) A person who willfully and unlawfully –

(i) taps, makes or causes to be made any connection with overhead, underground or under water lines or cables, or service wires, or service facilities of a licensee;

(ii) 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 where electricity is stolen or wasted; or

(iii) damages or destroys an electric meter, apparatus, equipment, wire or conduit or causes or allows any of them to be so damaged or destroyed as to interfere with the proper or accurate metering of electricity, so as to abstract or consume electricity; commits an offence and is liable on conviction to a term of ten (10) years imprisonment.

(b) A person who knowingly uses or receives the direct benefit of electric service through any of the acts mentioned in paragraph (a) above or uses electricity for a purpose other than that for which the usage of electricity was authorised, so as to abstract or consume or use electricity; commits an offence and liable on conviction to at least ten (10) years imprisonment.

Provided that where the load abstracted, consumed or used or attempted abstraction or consumption or use –

- (i) does not exceed 0.1 kilowatts, the fine imposed on first conviction shall not be less than five (5) times the financial gain on account of such theft of electricity, in the event of second or subsequent conviction the fines shall not be less than ten (10) times of the financial gain on account of such theft of electricity or Thirty(30) days of community service or Ninety (90) days imprisonment.;
- (ii) exceeds 0.1 kilowatts, the fine imposed on first conviction shall not be less than three (3) times the financial gain on account of such theft of electricity and in the event of second or subsequent conviction, the sentence shall be imprisonment for a term not less than six (6) months but which may extend to five (5) years and with fine not less than six (6) times the financial gain on account of such theft of electricity;
- (iii) in the event of second and subsequent conviction of a person where the load abstracted, consumed, or used or attempted abstraction or consumption or use exceeds 10 kilowatts, such person shall also be barred from getting any supply of electricity for a period which shall not be less than three (3) months, but may extend to two (2) years and shall also be barred from getting supply of electricity for that period from any other licensee:

Provided further that if it is proved that any artificial means or means not authorised by the NERC or licensee exist for the abstraction, consumption or use of electricity by the consumer, it shall be presumed, until the contrary is proved, that any such abstraction, consumption or use of electricity has been wilfully and unlawfully caused by such consumer.

- (c) Without prejudice to the provisions of the Criminal Law, the Act or any other NERC Regulations, the licensee, may, upon detection of such theft of electricity, immediately disconnect the supply of electricity:

Provided that a duly authorised officer of the licensee shall disconnect the supply line of electricity and shall lodge a complaint in writing of such offence to the police station having jurisdiction in the locality where the offence was committed within twenty-four (24) hours from the time of such disconnection and to the Board within forty-eight (48) hours.

(d) The licensee on deposit or payment of the assessed amount or electricity charges as well as meeting other conditions in accordance with the provisions of this Law, shall, without prejudice to the obligation to lodge the complaint as referred to in paragraph (c), restore the supply of electricity within forty-eight (48) hours of meeting such conditions.

(e) A distribution licensee may deny service to a location with a history of unauthorised use, if service has been disconnected in compliance with the provisions of the NERC Disconnection Regulation in the location at least twice in the past two (2) years, notwithstanding any other administrative rules or statute if it is determined that denying service at the location would prevent the reoccurrence of the unauthorised use.

(2) (a) A person who willfully and unlawfully-

- (i) cuts or separates, slits, severs, smelts, removes or takes away or transfers any electric line, 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;
- (ii) stores, possesses or otherwise keeps in that person's premises, custody or control, any electric line, material or meter whether or not the act is committed for profit; or
- (iii) 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 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; commits an offence of theft of electric lines or materials and shall be liable on conviction to imprisonment as provided under Section 340 of the Criminal Law.

(b) If a person having been convicted of an offence punishable under subsection (2) (a) of this section is subsequently convicted for the same offence, that person shall be liable for the second or subsequent offence to a fine of not less than Five Hundred Thousand Naira (N500, 000.00) or to a minimum of five (5) years or not more than seven (7) years imprisonment.

- (3) (a) A person who willfully and/or unlawfully –
- (i) destroys, damages or removes any electricity infrastructure;
 - (ii) prevents or obstructs the delivery of electricity by means of the infrastructure; commits an offence under Section 351 of the Criminal Law and shall be liable on conviction to a fine of three times the value of any such infrastructure as may have been destroyed or a term of imprisonment provided under the Criminal Law or both;
- (4) (a) A person who willfully or unlawfully –
- (i) destroys, damages or removes any electricity transmission or distribution line; or
 - (ii) prevents or obstructs the transmission or distribution of electricity; commits an offence and on conviction is liable to a term of imprisonment of three (3) years and/or a fine of not less than Five Hundred Thousand Naira (₦500,000.00) and in case of a continuing event, a daily fine of up to Twenty Thousand Naira (₦20,000.00).
- (b) In the case of –
- (i) damage or obstruction of a transmission line, an option of a fine not less than One Million Naira (₦1,000,000.00) or to imprisonment for a term of not more than seven (7) years or both;
 - (ii) damage or obstruction of a distribution line, an option of a fine not less than Five Hundred Thousand Naira (₦500,000.00) or imprisonment for a term of not more than three (3) years or both.
- (5) A person who willfully and unlawfully obstructs, restrains, prevents, harasses or injures any person lawfully carrying on duties of generation, transmission or distribution of electricity commits an offence and on conviction is liable to a fine of not less than One Million Naira (₦1,000,000.00) or to a term of imprisonment of not more than five (5) years or both.
- (6) A person who impersonates or falsely presents or parades as an employee of a Licensee commits an offence and on conviction is liable to a fine of Two Hundred and Fifty Thousand Naira (₦250,000.00) or a term of imprisonment for six (6) months or both.

(7) A person who -

- (a) willfully or negligently damages any electrical installations, meter or appliance or unlawfully taps off, diverts or takes electricity from them or other sources by which electrical powers are interfered with, commits an offence and shall on conviction be liable to a fine of Five Hundred Thousand Naira (₦500,000.00) or to a term of imprisonment for twelve (12) months and a penalty of Ten Thousand Naira (₦10,000.00) for each day the offence continues.
- (b) alters or causes or permits to be altered, any service without the consent of the Board or contrary to any regulations made under this Law commits an offence and shall on conviction be liable to a fine of Two Hundred and Fifty Thousand Naira (₦250,000.00) or to a term of imprisonment for six (6) months or both.
- (c) alters, causes, or permits to be altered, any service with intent to avoid the accurate measurement or register of electricity by means of any meter, or to avoid payment, or willfully or negligently damages any meter, commits an offence and is liable on conviction to a fine of Five Hundred Thousand Naira (₦500,000.00) or to a term of imprisonment for twelve (12) months or both, and any service so altered or meter so damaged will be replaced or repaired by the Board at the expense of such person, and the cost of replacing or repairing any such service or meter may be recovered on the order of a court of competent jurisdiction in the same manner as any penalty may be recovered on conviction.
- (d) puts, or allows to be put, or to remain, or to accumulate on any household owned by that person or that person's servants, or fails to remove or to cause to be removed, or to take such steps as may be necessary to prevent upon notice in writing from the Board, any foul obstructive matter, or trees, or erected installations in such manner or place that it may fall into or damage any electrical installation or its components, commits an offence and is liable on conviction to a fine of Two Hundred and Fifty Thousand Naira (₦250,000.00) or to a term of imprisonment for six (6) months; and in respect of any period during which such matter, earth, or excavated materials is allowed to remain after notice in writing from the Board requiring the same to be removed, a penalty of Five Thousand Naira (₦5,000.00) for each day the offence continues.

- (8) A person who –
- (a) tampers with any part of any electrical equipment; or
 - (b) wrongfully taps or closes any control gear, switches, transformers or feeder pillars belonging to the Board, commits an offence and is liable on conviction to a fine of Two Hundred and Fifty Thousand Naira (₦250,000.00) or to a term of imprisonment for six (6) months.
- (9) If any person contravenes or fails to comply with the provisions of any regulation made under the provisions of this Law, the Board may cut off the electricity supply and in addition or in the alternative may, after giving notice in writing, enter and cause electricity connections belonging to or used by that person which are not in accordance with the requirements of the regulations of NERC, to be altered, repaired, replaced or removed and may recover the expenses reasonably incurred by it in so doing from the person in default in the manner provided for the recovery of electricity rates.
53. For the purposes of this Law, a fair market value ascertained by a Valuer recognised by the Board shall be conclusive evidence as to the cost of the removed or destroyed electricity distribution or transmission line or anything connected to it.
54. (a) A person who –
- (i) aids, counsels, abets or procures any person to commit an offence under this Law; or
 - (ii) conspires with any person to commit an offence under this Law, whether or not such person is present when the offence is committed, commits an offence as a principal offender and is liable on conviction to a fine of not less than One Million Naira (₦1,000,000.00) or to a term of imprisonment of not more than five (5) years or both.
- (b) Without prejudice to any penalty or fine which may be imposed or prosecution which may be initiated under this Law or any other Law, if any employee of a licensee enters into or acquiesces in any agreement to do, abstain from doing, permit, conceal or connive to do any act or thing where any theft of electricity lines, infrastructure or destruction is committed, such officer commits an offence and is liable on conviction to a fine of Five Hundred Thousand Naira (₦500,000.00) or to a term of imprisonment of not less than three (3) years or both.

Ascertainment
of Cost of
Damage
Under this
Law.

Aiding and
Abetting.

Receiving
Stolen
Property.

55. A person who receives any electric lines or materials, installations, equipment or infrastructure in parts or in whole knowing or having reasons to believe the same to be stolen property, commits an offence under Section 328 of the Criminal Law and this Law and shall be liable upon conviction to a term of imprisonment as provided under Section 328 of the Criminal Law.

Unauthorised
Supply of
Electric Power
by Non-
Licenced
Entities.

56. Where a non-licenced entity supplies electric power, such entity commits an offence and is liable on conviction to a fine not exceeding Five Million Naira (₦5,000,000.00) and a daily fine of up to Five Hundred Thousand Naira (₦500,000.00) for continuing contravention. Provided the electricity generated is in conformity with the provisions of the Act and NERC Regulations.

Illegal/
Unauthorised
Dealing with
Licensee's
Network
Equipment and
Infrastructure.

57. Anyone who willfully and unlawfully deals with a Licensees' unauthorised network, equipment and/or infrastructure commits an offence and on conviction is liable to a fine not exceeding Five Hundred Thousand Naira (₦500,000.00) or to a term of imprisonment not exceeding three (3) months or both.

Interference
with Meters or
Works of
Licensee.

58. (a) Anyone who willfully and unlawfully –
- (i) connects any meter, indicator or apparatus with any electric line through which electricity is supplied by a licensee or disconnects the same from any such electric line;
 - (ii) reconnects any meter, indicator or apparatus with any electric line or other works being the property of a licensee when the said electric line or other works has or have been cut or disconnected;
 - (iii) lays or causes to be laid or connects any works for the purpose of connection with any other works belonging to a licensee: or
 - (iv) damages any meter, indicator or apparatus belonging to a licensee or fraudulently alters the index of any such meter, indicator or apparatus or prevents any such meter, indicator or apparatus from accurately registering the information that it ordinarily should register, commits an offence and is liable on conviction to a fine not exceeding One Million Naira (₦1,000,000.00) or a term of imprisonment not exceeding six (6) years or both.

Penalties not
to Affect
other
Liabilities.

59. The penalties imposed under this Law shall be in addition to any liability in respect of payment of compensation.

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|---|--|
| <p>60. The provisions of this Law shall apply when the acts or offences made punishable are committed by officers or staff of the licensee.</p> | <p>Penalty where Offence is Committed by the Licensee.</p> |
| <p>61. (1) Where an offence under this Law has been committed by a legal entity or other vehicle, company, firm, corporation or association, every person who was in charge at the time of the commission of the offence as well as the entity shall be deemed to have committed the offence and shall be liable to be proceeded against and punished accordingly:</p> <p>Provided that nothing contained in this Section shall render any such person liable to any punishment if that person can prove that the offence was committed without knowledge or that the person had exercised all due diligence to prevent the commission of such offence.</p> <p>(2) Notwithstanding anything contained in subsection (1), where an offence under this Law has been committed by a Vehicle 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, partners or other officer of the Vehicle, such director, manager, secretary or other officer shall be liable to be proceeded against and punished accordingly.</p> | <p>Offences by Incorporated Entities.</p> |
| <p>62. (1) Notwithstanding the provisions of the Criminal Law, or any Law, the court may direct any person who has committed an offence of theft of electricity to pay a sum of money to the affected licensee or legal entity.</p> <p>(2) On payment of the sum of money 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.</p> <p>(3) The acceptance of the sum of money in accordance with subsection (1) by the Board or an officer authorised in this behalf shall be deemed to amount to an acquittal within the meaning of Section 173 of the Administration of Criminal Justice Law Ch. A3, Laws of Lagos State, 2015.</p> <p>(4) The provisions under subsections (1) - (3) shall apply only to a first time offender.</p> | <p>Compounding of Offences.</p> |

Prima Facie
Evidence of
Illegal use of
Electricity and
Theft of
Electricity Lines,
Materials or
Infrastructure.

63. (1) Any of the following circumstances shall constitute prima facie evidence of illegal use of electricity the -

- (a) 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) presence inside the electric meter of any element that could result in the inaccurate registration of the meter's internal parts to prevent its accurate registration of consumption of electricity;
- (c) existence of any wiring connection which affects the normal operation or registration of the electric meter;
- (d) presence of a tampered, broken, or fake seal on the meter, or mutilated, altered, or tampered meter recording chart or graph, or computerised chart, graph or log;
- (e) 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) mutilation, alteration, reconnection, disconnection, by-passing or tampering of instruments, transformers, and accessories;
- (g) 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) 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 paragraphs (a), (b), (c), (d), (e), (f), or (g);

Provided however, that the discovery of any of the foregoing circumstances, in order to constitute prima facie evidence, must be attested by a law enforcement agent or a duly authorised staff, inspector or agent of the Board.

- (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, that customer shall be subjected to immediate

disconnection of supply of power in accordance with the NERC Connection and Disconnection Procedures and reporting the incident to the Police for investigation or forwarding a request to the Attorney-General of the State for the filing of information in court upon establishing the veracity of the complaint made by the Distribution Company.

- (3) The unlawful possession, control, or custody of electric power transmission or distribution line or material by any person, shall be *prima facie* evidence of the offence of theft of electricity lines which shall be confiscated.
 - (4) An incident shall constitute *prima facie* evidence only if it is admitted by the consumer concerned, or attested by a volunteer, a law enforcement officer or a duly authorised representative of the Board.
64. An Incentive Scheme by way of monetary reward of a minimum of Ten Thousand Naira (N10,000.00) or as may be fixed by the licensee, shall be given to any person who reports to the licensee or the Nigerian Police or other law enforcement authorities any act which constitutes a violation of this Law. Incentive Scheme.
65. A distribution licensee may disconnect the electricity supply of a customer without prior notice or order of a court or the Board, and deny restoration of same if the owner or occupier of the premises or someone acting on the person's behalf commits any of the acts specified in subsection (1) of Section 63. Disconnection of Electric Service.
- Provided that –
- (a) a written notice of warning was issued upon the first discovery; and
 - (b) electric service shall be immediately restored upon the deposit of the amount representing the differential billing by the person denied the service, with the consent of the licensee.
66. (1) Where a court acquits an accused person, the amount deposited shall be credited against future billings, with legal interest chargeable against the licensee, and this shall be without prejudice to any criminal, civil or administrative action that such person may be entitled to under existing laws, rules or regulations. Liability of Licensee.
- (2) Where the offence is committed by, with the knowledge or consent of, or in connivance with an officer or employee of the licensee concerned, such officer or employee shall be prosecuted.

(3) Where a licenced owner knowingly permits, or has knowledge of the commission of an offence stipulated in this Law, but fails to prevent same, such owner is negligently liable and shall be made to pay a fine not exceeding three (3) times the amount of the differential billing.

(4) Where the violation is committed by a government owned or controlled corporation, the penalty shall be imposed on the Chief Executive Officer, or Manager of the Government owned or controlled corporation who shall be deemed to have knowingly permitted, failed to prevent or was otherwise responsible for the commission of the offence.

Power of the
Commissioner
to give
Directives.

67. The Commissioner may give the Board such general directives as to the discharge of its functions under this Law as may appear to be necessary to ensure conformity by the Board with the policy of the Government, in respect of the supply and distribution of electricity in the State and the Board shall give effect to such directives.

Transfer of
Electric
Installations.

68. (1) All existing electric installations which were the property of the State immediately before the enactment of this Law and any future electric installations and assets owned by the State shall by virtue of this Law, vest in the Board.

(2) All liabilities and obligations of the State in respect of any transferred Electrical Installation failing to be discharged on or after the appointed day, shall from that date, become the liabilities and obligations of the Board.

(3) Every deed, bond, agreement, instrument and working arrangement in which the State was party for the construction of any transferred Electrical Installation shall, subject to the provisions of this Section, and unless the circumstances otherwise requires, have effect from the appointed day as if –

(a) the Board had been a party to it;

(b) for any reference to the State in the contract document was substituted after the appointed day for the Board.

Funds of the
Board.

69. (1) The Board shall establish and maintain a fund from which there shall be defrayed all expenditure incurred by the Board.

(2) There shall be paid or credited to the fund –

(a) such sums as may be appropriated, to the Board by the State Government;

- (b) all monies paid to the Board by way of grants, subsidies, donations, gifts, charges, fees, subscriptions, interests and royalties;
- (c) money raised by loan under the powers to borrow vested in the Board by this Law;
- (d) all monies which may vest in the Board under any enactment or Law; and
- (e) all other sums or property which may in any manner become payable to or vested in the Board in respect of any matter incidental to its powers or duties under this Law.
70. (1) The Board may with the approval of the House borrow such sum of money for and in connection with the exercise of its powers under this Law.
- (2) An approval given for the purpose of this Section may be either general or limited to a particular borrowing or otherwise and may be given subject to conditions.
71. (1) The Board shall prepare and submit to the Governor through the Commissioner not later than the 30th October of every year, an estimate of their expenditure and income for the next succeeding financial year.
- (2) The Board shall keep proper accounts in respect of each financial year and proper records in relation to these accounts, and will cause their accounts to be audited at the end of each financial year by a firm of auditors, selected from a list of auditors approved by the State Auditor-General in accordance with the State Audit Law.
72. The Board shall prepare and submit to the Governor through the Auditor-General of the State not later than 31st July of every year a report in such form as the Auditor-General may direct on the activities of the Board during the last preceding financial year, with the State Auditor-General's comments on the accounts.
73. The Board shall prepare and submit to the Governor through the Commissioner —
- (a) not later than 31st of March in each year, a report of its activities and operations of the preceding year with a

Power of the
Board to
Borrow
Money.

Accounts and
Audit.

Annual
Reports.

Annual
Estimates.

certified copy of its audited accounts and auditor's report for that period;

- (b) its proposed annual estimates of revenue and expenditure for the period commencing from the 1st of January and ending on 31st December of the year, not later than three (3) months to the expiration of the current year.

Quarterly
Reports of
Special Purpose
Vehicle(s)

74. (1) The Special Purpose Vehicle(s) or Incorporated Company (ies) established to give effect to the provisions of this Law shall submit to the House quarterly reports of its activities.
- (2) The Special Purpose Vehicle(s) or Incorporated Company (ies) shall be subject to the general oversight by the House.

Restriction
of Execution
on Board's
Installation.

75. An execution or attachment of process shall not be issued against any electrical installation vested in or being the property of the Board.

Exemption
from Stamp
Duty.

76. Electricity shall be deemed to be goods, wares or merchandise for the purpose of the exemption provisions contained under Section 1 of the Stamp Duties Law.

Power to make
Regulations.

77. (1) The Board may, subject to the approval of the Commissioner, make regulations generally in accordance with the Regulations Approval Law 2015 for carrying into effect the provisions of this Law.
- (2) The application of any regulation made under this Section may be general or may be limited as to area or time or otherwise.

Repeal.

78. The Lagos State Electricity Board Law, Ch. L25, Laws of Lagos State 2015 is repealed.

Citation and
Commencement.

79. This Law may be cited as the Lagos State Electric Power Sector Reform Law and shall come into effect on the 8th day of February, 2018.

This printed impression has been compared by me with the Bill which has been passed by the Lagos State House of Assembly and found by me to be a true and correctly printed copy of the said Bill.

MR. AZEEZA. SANNI
Clerk of the House of Assembly