

ELECTRIC POWER SECTOR REFORM ACT

An Act to provide for the formation of companies to take over the functions, assets, liabilities and staff of the National Electric Power Authority, to develop competitive electricity markets, to establish the Nigeria Electricity Regulatory Commission; to provide for the licensing and regulation of the generation, transmission, distribution and supply of electricity; to enforce such matters as performance standards, consumer rights and obligations; to provide for the determination of tariffs; and to provide for matters connected with or incidental to the foregoing.

Section 142. General conditions as to supply to consumers

(1) The licensee shall not be compelled to commence or, subject to the provisions of regulation 145, to continue to give a supply of energy to any consumer unless they are reasonably satisfied in respect of the consumer's installation.

(2) That all conductors (including flexible conductors) and apparatus including portable apparatus) are sufficient in size and capacity for the purposes of which the supply of energy is to be used and are constructed, installed and protected so as to prevent danger so far as is reasonably practicable; and that all single-pole switches are inserted in live conductors only.

(3) That every distinct circuit is protected against excess energy by means of a suitable fusible cut-out or automatic circuit-breaker of adequate rupturing capacity suitably located and of such construction as to prevent danger from overheating, arcing or the scattering of hot metal when it comes into operation and such as permit the ready renewal of the fusible metal without danger.

(4) That every electric motor is controlled by an efficient switch or switches for starting and stopping and that the said switch or switches is or are so placed as to be readily accessible to and easily operated by the person in charge of the motor.

(5) Provided that installation shall be deemed to fulfill the requirements of this regulation if it complies with the provisions of the Regulations for Electrical Installation or where applicable, regulations governing electrical installations made under the provision of-

(a) the National Film and Video Censors Board Act; [Cap. N40.]

(b) the Minerals and Mining Act; [Cap. M12.]

(c) any other Act.

143. Supply at low voltage from more than one pair of conductors of system at medium voltage

(1) The licensee shall not commence a supply of energy at low voltage to any consumer from more than one pair of conductors of a three-wire or multi-phase system at medium voltage unless-

(a) the total rating in kilowatts of the apparatus (including electric lamps) connected or intended to be connected to the consumer's wiring exceeds 10 kilowatts; and

(b) the giving of the supply at low voltage from more than one pair of conductors of a system as aforesaid is necessary to avoid variation in excess of the limits allowed by regulation 162 (2) in the voltage declared to that consumer or to any other consumer supplied from the same distributing main.

(2) The licensee shall not in any case be compelled to commence, or, subject to the provisions of regulation 146, to continue to give a supply of energy at low voltage to any consumer from more than one pair or conductors of a system as aforesaid unless they are reasonably satisfied in respect of the consumer's installation-

(a) that the supply terminals are arranged in separate parts in such a manner that so far as is reasonably practicable there shall be no danger of shock at medium voltage;

(b) that the consumer's wiring connected to the separate pairs of supply terminals is kept separate and distinct, or a complies with the conditions applicable to a supply at ` medium voltage prescribed by regulation 144;

(c) that in the case of any room containing the different pairs of conductors, all socket outlets are connected to one and the same pair of conductors.

(3) Provided that any consumer's installation which complies with the provisions of the Regulations for Electrical Installations shall be deemed to fulfill the requirements of regulation 142 (2). [S.I. 5 of 1996.]

144. Supply at medium voltage

(1) The licensee shall not be compelled to commence or, subject to the provisions of regulation 146, to continue to give a supply of energy at medium voltage to any consumer unless they are reasonably satisfied in respect of the consumer's installation-

(a) that all metal work enclosing, supporting or associated with the consumer's installation, other than that designed to serve as a conductor is where necessary, to prevent danger connected with earth;

(b) that the consumer's wiring is either completely enclosed in metal which is electrically continuous and adequately protected against mechanical damage or alternatively, is so constructed, installed and protected as to prevent danger so far as is reasonably practicable;

(c) that the supply of energy to each motor or separate piece of apparatus is controlled by an efficient cut-out switch placed in such a position as to be readily accessible to and easily operated by the person in charge of the said motor or apparatus and so connected in circuit

that by its means all voltage can cut-off from the motor or apparatus itself and from any regulating switch, resistance or other device associated therewith.

(2) Provided that an installation shall be deemed to fulfil the requirements of this regulation if it complies with the provisions of the Regulations for Electrical Installations or where applicable, regulations governing electrical installation made under the provisions of-

- (a) the National Film and Video Censors Board Act; [Cap. N40.]
- (b) the Minerals and Mining Act; [Cap. M12.]
- (c) any other Act.

145. Supply at high voltage

(1) The licensee shall not commence a supply of energy at high voltage to any consumer unless-

(a) all conductors and apparatus intended for use at high voltage and situated on the premises of the consumer are inaccessible to the consumer, and all operations in connection with the said conductors and apparatus are carried out by the licensee by arrangement with the consumer; or

(b) the consumer gives to the licensee a guarantee in writing that every portion of the consumer's installation which is for use at high voltage will be maintained in an efficient state and if so required, to the satisfaction of the licensee that in cases where the said portion of the consumer's installation is not enclosed in a building or other structure to which access can only be obtained by means of a key or special appliance, an authorised person will be available to cut off the supply in the event of emergency; and that instructions as to the treatment of persons suffering from electric shock will be affixed on or in a premises of the consumer.

(2) The licensee shall not in any case be compelled to commence, or subject to the provisions of regulation 146, to continue to give a supply of energy at high voltage to any consumer unless they are reasonably satisfied in respect of the consumer's installation-

(a) that no metal work designed to be electrically charged at high voltage will normally be exposed so that it can be touched;

(b) that all conductors for use at high voltage (other than overhead lines) are completely enclosed in metal which is electrically continuous and adequately protected against mechanical damage;

(c) that no metal work enclosing, supporting or associated with the consumer's installation, other than that designed to serve as a conductor, is where necessary, to prevent danger connected with earth;

(d) that the supply of energy to each motor or separate piece of apparatus is controlled by an efficient cut-off switch placed in such a position as to be readily accessible to and easily operated by the person in charge of the said motor or apparatus and so connected in circuit that by its means all voltage can be cut off from the motor or apparatus itself and from any regulating switch resistance or other device associated therewith;

(e) that all windings at high voltage of motors or other apparatus within reach from any position in which a person may require to be, are efficiently protected so as to prevent danger;

(f) that where transforming apparatus is used, suitable provision is made either by connecting with earth a point of the circuit at the lower voltage or otherwise, to guard against danger by reason of the said circuit becoming accidentally charged above its normal voltage by leakage from or contact with the circuit at the higher voltage;

(g) that unless the conditions are such that the whole of the conductors and apparatus for use at high voltage may be made dead at the same time for the purpose of cleaning or for other work thereon, the said conductors and apparatus are so arranged that they may be dead in sections are so separated by dividers or screens from all adjacent metal which is live that work on any section made dead may be carried on by an authorised person without danger;

(h) that an adequate gangway or working space is provided in front of any switchboard (other than panels for controlling circuits at low voltage) and at parts of the installation where live conductors can be exposed;

(i) that adequate means are provided for preventing access by the public or any unauthorised person to any part of the consumer's installation which is designed to be electrically charged at high voltage.

(3) The licensee shall give to the factory inspector of the district concerned notice of their intention to commence supply of energy at high voltage to any premises to which the Factories Act applies.

146. Supply for luminous tube sign on outside of premises

(1) The licensee shall not knowingly commence or, subject to the provisions of these Regulations, continue to give a supply of energy to any consumer who proposes to transform or is transforming the energy to a higher voltage for the purposes of luminous tube sign or the like on the outside of any premises unless either they are satisfied with respect to consumer's installation that-

(a) efficient cut-off switches on the lower voltage side of the transforming apparatus are provided both inside and outside any premises on which the said sign is placed and in such position as to be readily accessible and easily operated without danger in any emergency and

so connected in circuit that by their means all high voltage can be cut off from the sign itself and from any regulating switch resistance or other device associated therewith;

(b) no metal work designed to be electrically charged at high voltage will normally be exposed so that it can be touched;

(c) all conductors for use at high voltage (other than overhead lines and service wires) connecting the parts in a luminous tube sign or the like are completely enclosed in metal which is electrically continuous and where necessary to prevent danger adequately protected against mechanical damage, and that the said conductors are so arranged as to give a clear space of not less than 100mm between the outside of their metallic covering and the outside covering of any other electric line not forming part of the consumer's installation or any pipe;

(d) all metal work enclosing, supporting or associated with the consumer's installation, other than that designed to serve as a conductor, is where necessary to prevent danger connected with earth;

(e) all windings at high voltage of apparatus within reach from any position in which a person may require to be efficiently protected so as to prevent danger;

(f) in respect of the transforming apparatus, suitable provision is made to guard against danger by reason of the circuit at the lower voltage becoming accidentally charged above its normal voltage by leaking from or contact with the circuit at the higher voltage;

(g) unless the conditions of supply are such that the whole of the conductors and apparatus may be made dead at the same time for the purpose of cleaning or for other work thereon, they are so arranged that they may be dead in sections, and that such sections are of electrically isolated from all adjacent metal which is live that work in any section made dead may be carried on by an authorised person without danger;

(h) adequate means are provided for preventing any unauthorised person from coming into contact with any part of the consumer's installation which is designed to be electrically charged at high voltage and that an appropriate danger notice is displayed at points of access thereto; or

(2) Where the consumer guarantees in writing that the installation has been installed and will be maintained in compliance with the provisions of the Regulations for Electrical Installations the installation shall be deemed to fulfill the requirements of this regulation save in so far as these Regulations specify any requirements not contained in the Regulations for Electrical Installation.

(3) Provided that where it can be shown that in the event of an accident involving death or injury to any person or persons, the consumer had failed to install or maintain the installation in

compliance with any written guarantee, shall be liable to prosecution under the provisions of these Regulations.

147. Disconnection of supply in certain circumstances

(1) Where a supply of energy is being afforded to a consumer and the licensee, after making such examination as the circumstances permit, have reasonable grounds for supposing that a leakage likely to cause fire hazard or endanger life exists at some part of the installation or that the said installation or any part thereof fails to fulfil any requirements of regulations 142 to 146 inclusive, the following provisions shall (subject as provided in paragraph (2) of this regulation) have effect-

(a) in any case where the licensee are prima facie satisfied that immediate action is justified as a work of emergency in the interest of the public safety or in order to avoid undue interference with the efficient supply of energy to other consumers, they may as a work of urgency forthwith discontinue the supply of energy to the consumer's installation and shall give immediate notice in writing of the discontinuance to the consumer, specifying the matter complained of;

(b) in any other case, the licensee may by notice in writing require the consumer within reasonable time after the service of the notice to permit an inspecting engineer to inspect and test the said installation at any time between the hours of 7.30 a.m. and 3.30 p.m. If the consumer does not give all due facilities for inspection and testing, or if as the result of any such inspection and testing, the inspecting engineer makes a report confirming the existence of a leakage from the consumer's installation or reports that the said installation or any part thereof fails to fulfill any requirements of regulations 142 to 146 inclusive, the licensee may forthwith by notice in writing specify the matter complained of, and if the consumer fails to show to the reasonable satisfaction of the licensee within such reasonable period as may be specified in that behalf in the notice that the said matter has been remedied, the licensee may, on the expiration of the said period but subject as hereinafter provided discontinue the supply of energy to the consumer's installation, giving immediate notice in writing of such discontinuance to the consumer;

(c) any difference which may arise between a consumer and the licensee in regard to any matter complained of or as to the period specified for remedying the same in any notice as aforesaid shall be settled in manner provided for by regulation 148;

(d) in the exercise of the powers conferred by paragraph (1) (b) of this regulation, the licensee shall not discontinue the supply of energy pending the settlement of any difference referred to in paragraph (1) (c) of this regulation, and shall in no case discontinue the supply of energy to the whole of the consumer's installation, where it is practicable to disconnect that portion in respect of which any matter is complained of: Provided that nothing in this regulation shall prevent the licensee from exercising the powers conferred by paragraph (1) (d) of this regulation in the event of development of a condition of emergency as therein provided;

(e) where in pursuance of this regulation the licensee have discontinued the supply of energy to the consumer's installation or any part thereof, the licensee shall not recommence the supply of energy until they are reasonably satisfied in respect of the consumer's installation that all requirements of regulations 142 to 146 inclusive have been fulfilled or until it has been determined or decided in the manner provided for by regulation 148 that licensee is not entitled under regulations 142 to 146 inclusive to decline to recommence the supply, and thereupon the supply of the energy shall be recommenced by the licensee.

(2) The foregoing provisions of this regulation shall extend so far as applicable and with the necessary adaptations to any electric lines and apparatus situated on the consumer's side of the supply terminals and belonging to the licensee or under their control within the meaning of regulation 140 and where the supply of energy has been discontinued in pursuance of the said provisions the licensee shall, subject to the respect to the letting on terms of hire or hire-purchase of any such electric lines and apparatus, forthwith remedy the defect in the said electric lines and apparatus and recommence the supply of energy.

148. Notices by licensee to consumers where connection is declined or it is intended to disconnect supply

(1) In any case where the licensee in pursuance of this part of these Regulations decline to connect a consumer's installation or any part thereof with their electric lines or to commence or continue to give a supply of energy thereto or decline to recommence the supply of energy after the same has been discontinued, they shall serve on the consumer a notice in writing stating their reasons for so declining.

(2) Any difference which may arise between a consumer and the licensee either with reference to any notice under paragraph (1) of this regulation or under regulation 147 or with reference to any consumer's installations to which the provisions of regulations 140 (1) and 141 (2) apply, shall be determined by an inspector nominated by the Director of Electrical Inspectorate Services or the application of the consumer or his authorised agent or of the licensee, as the case may be. The Director of Electrical Inspectorate Services shall prescribe the fee to be paid to such inspector and the inspector shall determine which of the parties shall bear the costs of (including the prescribed fee) or any portion of such costs.

(3) Provided that in the case of any consumer's installation (or any part thereof) which was connected with the electric lines of the licensee and supplied with energy prior to the prescribed date it shall not be competent for an inspector nominated under this regulation to determine that the licensee were or are entitled under regulations 142 to 146 inclusive to refuse a supply of energy thereto if the inspector is satisfied that- (a) the said installation has continued to function satisfactorily up to the material time; (b) the installation is to be or is being continued in use only within the limits of the maximum power for which it was originally intended;

and (c) there are no grounds for supposing that the installation will fail to continue to function satisfactorily for a further reasonable period without risk of danger.

(4) If the licensee or the consumer or his authorised agent are or is dissatisfied with the determination of the inspector, they or he may appeal to the Minister and thereupon the Minister shall enquire into and decide upon the matter of the appeal and his decision shall be final and binding on all parties.

(5) This regulation and regulation 146 shall be endorsed on every notice given by the licensee to a consumer under the provisions of either of the regulation, or alternatively the notice shall be accompanied by a copy each of the said regulation.