

A BILL

FOR

AN ACT TO AMEND THE ELECTRIC POWER SECTOR REFORM ACT 2004 TO AMONG OTHER THINGS HOLD A LICENSEE LEGALLY LIABLE FOR NEGLIGENCE IN CONNECTION, OPERATION AND MAINTENANCE OF ELECTRICITY INFRASTRUCTURE, TO PROVIDE FOR THE RIGHTS OF VICTIMS AND FAMILIES OF ELECTROCUTED MEMBERS OF THE PUBLIC TO MAKE CLAIMS AND SUE FOR COMPENSATION AND RELATED Matters

Sponsored by Hon. Anthony A. Adepoju

[] Commencement

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

1 **1.** The Electric Power Sector Reform Act Cap E7 Laws
2 Amendment of the Federation of Nigeria 2004 (in Bill referred to as "the
3 Principal Act") is amended as set out in this Bill. LFN 2004. Amendment of
Cap E7 LFN,
2004

4 **2.** Section 94 is hereby amended by deleting the Amendment of
5 existing section 94 (3) and replacing it as follows- Amendment of
Section 94 of the
Principal Act

6 Section 94 (3) Notwithstanding anything contained in any other
7 law, any person who wilfully, maliciously, negligently or under the
8 influence of alcohol or any intoxicant substance, destroys or removes the
9 equipment or apparatus of a licensee, commits an offence and is liable on
10 conviction to imprisonment for a period of not less than five years and not
11 more than seven years.

12 **3.** Section 94 is hereby amended by inserting new sub- section 4-
13 6, as follows-

14 **4.** Section 94(4) A licensee who negligently installs or leaves the
15 entrance to their transformers equipment open as to give any member of the
16 public access to it thereby resulting in electrocution shall be liable.

17 Section 94 (b): - A licensee shall be guilty of negligence for any

1 wrongful connection or any other act that leads to injury or death of any
2 member of the public being electrocuted in the ordinary course of walking or
3 driving on an open street or public area.

4 **5.** Section 94 (5) A licensee shall upon conviction on the offences
5 stated in sub - section 4 of this Bill-

6 (a) (i) be responsible for the medical expenses of the victim,
7 depending on the severity of the injury up to the sum of N10,000,000.00 (Ten
8 million naira only);

9 (ii) be liable in case of permanent disability and shall compensate
10 such victim with a sum not less than N20,000,000.00 (Twenty million naira
11 only).

12 (b) In the case of electrocution that leads to the death of a victim, after
13 conducting post-mortem, a licensee shall compensate the family of the
14 deceased with a sum not less than N50,000,000.00 (Fifty million naira).

15 **6.** Section 94 (6): - Without prejudice to the foregoing provisions of
16 this sections, a licensee or any person shall not be guilty of negligence if the
17 injury or electrocution is as a result of a "force majeure"

Citation

18 **7.** This Bill may be cited as the Electric Power Sector Reform Act
19 (Amendment) Bill, 2024.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Electric Power Sector Reform Act 2004, to among other things hold a licensee legally liable for negligence in connection, operation and maintenance of electricity infrastructure. It seeks to provide for the right of victims and families of electrocuted members of the public to make claims and sue for compensation.