



# ENERGY COMMISSION OF NIGERIA ACT

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## ENERGY COMMISSION OF NIGERIA ACT

An Act to establish the Energy Commission of Nigeria and to charge it with responsibility for coordinating and general surveillance over the systematic development of the various energy resources of Nigeria.

[14th September, 1979]

[Commencement.]

## 1. Establishment of the Energy Commission of Nigeria

- (1) There is hereby established a body to be known as the Energy Commission of Nigeria (in this Act referred to as "the Commission") which shall have the functions specified in this Act.
- (2) The Commission shall consist of the following departments, that is-
  - (a) Energy Information System (including Library and Computer Services);
  - (b) Energy Planning and Analysis (including Energy Efficiency Demand Management and Conservation, Rural Energy, Alternative and New and Renewable Energy Sources);
  - (c) Training and Manpower Development;
  - (d) Administration and Finance; and
  - (e) such other Departments as may be approved by the Commission on the recommendation of the DirectorGeneral.

## 2. Membership of the Commission

The Commission shall consist of the President, as chairman, and in the absence of the President, such other person as may be designated by him in that behalf to act as chairman and the following other members, that is- (a) the Ministers charged with responsibility for the following matters that, is-

- (i) power and steel;

- (ii) petroleum resources;
  - (iii) science and technology;
  - (iv) defence;
  - (v) agriculture and rural development;
  - (vi) water resources;
  - (vii) external affairs;
  - (viii) (viii) finance;
- (b) the Director-General of the Commission who shall be the Secretary of the Commission.

### 3. Membership of the Technical Advisory Committee

- (1) There shall be established a technical arm of the Commission to be known as the Technical Advisory Committee which shall consist of the Director-General of the Commission as chairman.
- (2) The other members shall be professionals representing the following Ministries, Government Agencies or professional organisations, that is to say-
  - (a) petroleum resources;
  - (b) power and steel;
  - (c) science and technology;
  - (d) agriculture and rural development;
  - (e) water resources;

- (f) finance;
  - (g) defence;
  - (h) industries;
  - (i) education;
  - (j) communication;
  - (k) environment;
  - (l) Solar Energy Society of Nigeria;
  - (m) Nigerian Mining and Geosciences Society;
  - (n) Centres for Energy Research and Development at the Ahmadu Bello University, Zaria; Obafemi Awolowo University, Ile-Ife; Usmanu Danfodio University, Sokoto, University of Nigeria, Nsukka and any new energy centres that may be established from time to time;
  - (o) Nigerian Society of Engineers;
  - (p) Nigerian Mining Corporation;
  - (q) Nigerian Coal Corporation;
  - (r) National Electric Power Authority;
  - (s) Nigerian National Petroleum Corporation.
- (3) The Committee may co-opt, when necessary, any suitable Nigerian whose contributions may be needed by the Committee.
4. Proceedings of the Commission

- (1) The Commission shall have power to regulate its own proceedings and may make standing orders for that purpose and, subject to such standing orders, may function notwithstanding any vacancy in its membership or the absence of any member.
- (2) The Commission shall meet at least two times in every year for the due performance of its functions under this Act.
- (3) Nine members shall form a quorum at any meeting of the Commission.
- (4) Where upon any special occasion the Commission desires to obtain the advice of any person on any particular matter, the Commission may co-opt that person to be a member for as many meetings as may be necessary and that person while so co-opted shall have all the privileges of a member except that he shall not be entitled to vote.

#### 5. Functions of the Commission

Subject to this Act, the Commission is hereby charged with the responsibility for the strategic planning and coordination of national policies in the field of energy in all its ramifications and, without prejudice to the generality of the foregoing, the Commission shall-

- (a) serve as a centre for gathering and dissemination of information relating to national policy in the field of energy development;
- (b) serve as a centre for solving any inter-related technical problems that may arise in the implementation of any policy relating to the field of energy;
- (c) advise the Government of the Federation or a State on questions relating to such aspects of energy as the Government of the Federation or a State may, from time to time, refer to it;
- (d) prepare, after consultation with such agencies of government whose functions relate to the field of energy development or supply as the

Commission considers appropriate, periodic master plans for the balanced and coordinated development of energy in Nigeria and such plans shall include-

- (i) recommendations for the exploitation of new sources of energy as and when considered necessary; and
  - (ii) such other recommendations to the Government of the Federation relating to its functions under this Act as the Commission may consider to be in the national interest;
- (e) lay down guidelines on the utilisation of energy types for specific purposes and in a prescribed sequence;
  - (f) inquire into and advise the Government of the Federation or of the State on the adequate funding of the energy sector including research and development, production and distribution;

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- (g) collate, analyse and publish information relating to the field of energy from all sources, where such information is relevant to the discharge of its functions under this Act;
  - (h) monitor the performance of the energy sector in the execution of government policies on energy;
  - (i) liaise with all international organisations in energy matters such as the International Atomic Energy Agency, World Energy Conference and other similar organisations;
  - (j) promote training and manpower development in the energy sector; and
  - (k) carry out such other activities as are conducive to the discharge of its functions under this Act.
6. Commission to act under direction

- (1) The President may give to the Commission directions of a general or special nature as to the manner in which the Commission is to exercise its powers and it shall be the duty of the Commission to give effect to any such directions.
- (2) No policy initiated by the Commission shall be implemented without prior reference to and approval by the President.

#### 7. Director-General and other staff of the Commission

- (1) There shall be appointed by the President, a Director-General who shall be responsible for the day-to-day running of the affairs of the Commission.
- (2) The other staff of the Commission shall be officers in the civil service of the Federation.

#### 8. Funds of the Commission, etc.

- (1) The funds of the Commission shall consist of such sums as may, from time to time, be provided by the Federal Government and the State Governments.
- (2) The Commission shall, not later than three months to the end of the financial year or so soon thereafter as the chairman may in a proper case allow, submit to the chairman for approval its estimates of revenue and expenditure in respect of the next succeeding financial year.
- (3) The Commission shall keep proper accounts in respect of each financial year, and proper records in relation to those accounts and shall submit same from time to time, but not less frequently than annually, for auditing by the Auditor-General for the Federation.

#### 9. Interpretation

In this Act, unless the context otherwise requires-

"Commission" means the Energy Commission of Nigeria established under section 1 (1) of this Act;

"Chairman" means the chairman of the Commission;

"Member" means any member of the Commission including the chairman.

10. Short title

This Act may be cited as the Energy Commission of Nigeria Act.

ENERGY COMMISSION OF NIGERIA ACT

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