

ACT

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THE NATIONAL ELECTRICITY ACT, 2011

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SIGNED this 30th day of December, 2011.

DR. ERNEST BAI KOROMA,
President.



No. 16



2011

Sierra Leone

THE NATIONAL ELECTRICITY ACT, 2011.

Short title.

Being an Act to incorporate the Electricity Generation and Transmission Company and to establish the Electricity Distribution and Supply Authority and to provide for other related matters

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART 1—PRELIMINARY

Interpretation.

1. In this Act, unless the context otherwise requires—

“Authority” means the Electricity Distribution and Supply Authority established by section 25;

“Commission” means the Sierra Leone Electricity and Water Regulatory Commission established by the Sierra Leone Electricity and Water Regulatory Commission Act;

“Company” means the Sierra Leone Electricity Generation and Transmission Company established by section 2;

“conductor” means an electrical conductor arranged to be electrically connected to a system;

“consumer” means a person who is supplied with electricity or whose premises is for the time being connected with an installation for supplying electricity;

“distribution” means the transportation of electric energy and power by means of medium to low voltage lines, facilities and associated meters, including the construction, operation, management and maintenance of such lines, facilities and metres;

“electricity” means energy fuelled by the transfer of electrons from positive and negative points within a conductor and generated from water, mineral, oil, coal, gas, solar energy, wind energy, atomic energy or any other means;

“electric supply industry” means electricity generation, transmission, distribution and supply;

“generating station” means any station for generating electricity including any building and plant used for the purpose; and the site intended to be used for a generating station, but does not include any station for transforming, converting or distributing electricity;

“hydro-electric work” means any work for or associated with the generation of electricity by means of hydro- power;

“independent power producers” means public or private entities or public and private partnership entities other than the Company, licensed by the Commission to connect to the national electricity grid for the purpose of producing and selling electricity;

“installation” means the whole of any plant or apparatus designed for any one or more of the following purposes, namely generation, supply or use of electricity and includes prime metres, with all necessary plant, buildings and land used in connection therewith, pipe lines, supply lines and consumer apparatus;

“maximum power” means the maximum amount of power expressed in kilovolt-amperes or kilowatts which the consumer requires and the Authority agrees to supply in accordance with a contract with any consumer;

“Minister” means the Minister responsible for electricity and “Ministry” shall be construed accordingly;

“occupier” includes—

- (a) the owner in the case of any land in the Western Area; and
- (b) the Chiefdom Council in relation to land in any chiefdom;

“public lamp” means an electric lamp used for the lighting of any street, wharf, dock or other public place;

“standard voltage” means the voltage at which the supply is declared to be provided by the Authority at the consumer’s supply terminals;

“street” includes any road, land, path, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way and also the roadway and footway over any public bridge;

“supply line” means a conductor or other means of conveying, transmitting or distributing electricity, together with any casing, coating, covering, tube, pipe, insulator or post enclosing, surrounding or supporting it and any apparatus connected to it;

“transmission” means the transportation of electrical energy and power by means of high-voltage lines, facilities and associated metres, including the construction, operation, management and maintenance of such lines, facilities and meters;

“West African Power Pool” means the Economic Community of West African States programme to integrate the electrical power system of member states and to enable trade of electricity among them .

PART II—ESTABLISHMENT OF ELECTRICITY GENERATION AND TRANSMISSION COMPANY

Establishment of Company. **2.** (1) There is hereby established a body to be known as Sierra Leone Electricity Generation and Transmission Company.

(2) The Company shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of any property, whether movable or immovable, of suing and being sued in its corporate name and subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Company may transact business in all respects in the same manner as a private individual .

3. (1) The Company shall have a common seal the use of which shall be authenticated by the signatures of— ^{Common seal.}

- (a) the Chairman or two members of the Board authorised by a resolution of the Board to act in that behalf; and
- (b) the Director-General.

(2) Every document purporting to be an instrument executed or issued by or on behalf of the Company and to be sealed with the common seal of the Company authenticated in the manner stated in subsection (1) shall be deemed to be so executed or issued without further proof unless the contrary is proved.

(3) In appropriate cases the seal may be affixed to documents outside Sierra Leone.

4. (1) The Company shall have a Board of Directors which shall consist of— ^{Board of Directors .}

- (a) a Chairman who shall be a person with formal qualifications, extensive knowledge and experience relevant to the functions of the Company;
- (b) the Permanent Secretary of the Ministry;
- (c) the Financial Secretary;
- (d) a representative of the ministry responsible for mineral resources;
- (e) a representative of the Sierra Leone Institution of Engineers;
- (f) a representative of the Sierra Leone Chamber of Commerce, Industry and Agriculture; and
- (g) the Director-General appointed under section 13.

(2) The Chairman and other members of the Board referred to in paragraphs (d), (e) and (f) of subsection (1) shall be appointed by the President on the recommendation of the Minister and subject to the approval of Parliament.

Term of office of members.

5. (1) The Chairman and other members of the Board referred to in paragraphs (d) (e) and (f) of subsection (1) of section 4 shall hold office for three years and shall be eligible for re-appointment for not more than one term.

(2) A person shall cease to be a member of the Board on any of the following grounds:-

- (a) inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted of an offence involving fraud or dishonesty;
- (e) if he fails to attend three consecutive meetings of the Board without reasonable cause;
- (f) if he resigns by written notice to the President; and
- (g) if he ceases to be an employee of the organisation of which he is a representative.

(3) Where a vacancy occurs in the membership of the Board, the President shall appoint a replacement who shall hold office for the remainder of the term of the person replaced and shall subject to this Act, be eligible for reappointment.

Meetings of Board .

6. (1) The Board shall meet for the dispatch of its business at least once every month at such times and places as the Chairman may determine.

(2) A special meeting of the Board shall be convened by the Chairman at the written request of not less than one third of the members of the Board to be held at such time and place as the Chairman may determine.

(3) The Chairman shall preside at meetings of the Board at which he is present and in his absence a member elected by the members present from among their number shall preside.

(4) Each member shall have one vote but where there is equality of votes, the Chairman or other member presiding shall have a casting vote.

(5) All acts, matters or things authorized or required to be done by the Board shall be decided at a meeting where a quorum is present and the decision is supported by the votes of the majority of the members.

(6) The quorum for a meeting of the Board shall be four members.

(7) The Board may co-opt any person to attend and participate in its deliberations on any matter but such person shall not vote on any matter for decision by the Board.

(8) Subject to this Act, the Board shall regulate its own procedure.

7. (1) No action or other proceedings shall lie or be instituted against any member of the Board for or in respect of any act or thing done or omitted to be done in good faith in the exercise of his functions under this Act. Immunity.

(2) No member of the Board shall be personally liable for any debt or obligation of the Board.

8. (1) A member of the Board who has any interest, whether direct or indirect in any matter being considered or to be considered by the Board, shall disclose the nature of his interest to the Board and the disclosure shall be recorded in the minutes of the Board and the member shall not take part in any deliberation or decision of the Board relating to that matter. Disclosure of interest.