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ELECTRIC POWER SECTOR REFORM ACT, 2005
NIGERIAN ELECTRICITY REGULATORY COMMISSION
(ACQUISITION OF LAND AND ACCESS RIGHTS FOR ELECTRICITY
PROJECTS) REGULATIONS, 2012



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S. I. 67 of 2012

ELECTRIC POWER SECTOR REFORM ACT, 2005**NIGERIAN ELECTRICITY REGULATORY COMMISSION
(ACQUISITION OF LAND AND ACCESS RIGHTS FOR ELECTRICITY
PROJECTS) REGULATIONS, 2012**

[7th Day of September, 2012]

Commence-
ment.

In exercise of the powers conferred by sections 77(10) and 96 (1) of the Electric Power Sector Reform Act, 2005 and all other powers enabling it in that behalf, the NIGERIAN ELECTRICITY REGULATORY COMMISSION makes the following Regulations—

PART I—OBJECTIVES AND APPLICATION

1. The objectives of these Regulations are to provide a legal and regulatory framework for— **Objectives.**

(a) the acquisition of land and access rights for electricity projects in Nigeria ;

(b) making provisions for the payment of compensation and resettlement of persons affected by the acquisition of their land for the establishment of electricity projects ; and

(c) the monitoring and evaluation of project designs of licensees to ensure compliance with environmental standards.

2. These Regulations shall apply to acquisition of land and access rights for electricity projects in Nigeria, including projects related to generation, transmission and distribution of electricity. **Application.**

PART II—GENERAL PROCEDURES FOR ACQUISITION OF LAND AND ACCESS RIGHTS

3.—(1) A Licensee shall prior to embarking on any electricity project upon any land not owned by it, notify the landowner of its intention to enter upon the land for the purpose of the electricity project and obtain 'Free Prior Informed Consent' of the landowner. **Voluntary acquisition of land.**

(2) In acquiring any land for the purpose of the electricity project, the Licensee shall comply with the provisions of applicable State or Federal laws and the provisions of these Regulations.

(3) Where voluntary acquisition is not feasible, the Commission may as far as practicable exempt a Licensee from complying with the provision of this regulation.

(4) A Licensee shall not embark or undertake an electricity project on any land unless he has entered into an agreement in writing with the owner or occupier of the land or has entered into any other agreement as may be prescribed by the Commission from time-to-time.

(5) The Licensee shall prior to acquiring land for the purpose of the electricity

project, submit a project design to the Commission for evaluation.

(6) The Commission shall review the project design submitted by a Licensee pursuant to sub-regulation (5) of this regulation to ensure that any adverse environmental impact that can result in the course of project implementation is reduced or minimized.

(7) Where the Commission perceives that the project design may entail large scale adverse social and environmental impact, the Commission may require the Licensee to explore other alternative project designs.

(8) Project Affected Persons ('PAPs') shall be consulted and participate in the planning, implementation and monitoring of the acquisition and resettlement.

Compulsory
acquisition
of land.

4.—(1) The Commission shall as far as practicable encourage acquisition of land through voluntary means.

(2) Compulsory acquisition shall be adopted and allowed where—

(a) a Licensee is a company wholly or partially-owned by a Local, State or Federal Government ;

(b) the project cannot be sited anywhere else aside from the land which is the subject of the acquisition ;

(c) the PAP has withheld or refused to give the Licensee Free Prior Informed Consent to acquire the land voluntarily ; and

(d) after the Commission has evaluated the application by the Licensee, and is convinced that the land is necessary for the project and therefore is required by the Licensee.

(3) Where the occupier or land owner fails to give consent within a reasonable period, the Licensee may apply to the Commission for a declaration that the land is required for the purposes of generation, transmission or distribution of electricity.

(4) The application for the declaration shall be in the form set out in Schedule 1 to these Regulations.

(5) A Licensee shall submit a Resettlement Action Plan ('RAP') to the Commission, which shall contain measures to improve the livelihoods and standards of living of the PAPs or at least restore them to pre-displacement levels.

(6) The RAP shall contain the following—

(a) the description of the entitlements of PAPs under the applicable laws and regulations ;

(b) the Resettlement Plan and clear evidence that it will restore the PAPs to pre-displacement levels ;

(c) the measures proposed to bridge any gap between such entitlements and the regulations ;

(d) the financial implications of the resettlement to the Licensee ; and

(e) implementation responsibilities of the Licensee and other identified persons.

(7) The Licensee shall submit a Project Impact Assessment ('PIA') Report with the application for a declaration which shall address the following—

- (a) an estimate of the number of persons expected to be affected by the proposed power project ;
- (b) a determination of those eligible for compensation ;
- (c) categories, needs and preference of PAPs ;
- (d) a determination of the cost of compensation ;
- (e) a mode of payment of the compensation ;
- (f) extract of each person's title to land ;
- (g) a description of any other form of interest in land claimed by any person ;
- (h) a comprehensive list of owners, description and number of economic trees and crops to be affected ;
- (i) a comprehensive particulars of owner of businesses to be affected ;
- (j) any other necessary information to enable the Commission take a decision on the application.

(8) A Licensee shall, in the form set out in Schedule 2 to these Regulations, notify the land owner of its application to the Commission for a declaration that the land is required for the project in addition to informing the land owner that it has the right to make representations to the Commission within thirty days of the receipt of the notification.

(9) A land owner may make representations to the Commission restating its refusal to give consent to the acquisition with reasons.

(10) The Commission may request for further information or invite and consider submissions from the Commissioner of Lands of the State where the land is situated.

(11) The Commission shall not make any declaration without considering representations made by the land owner against the declaration, and for this purpose, the Commission may hold such inquiry on the matter as considered necessary.

(12) The Commission shall issue the necessary declaration in the form set out in Schedule 3 to these Regulations where it is satisfied that—

- (a) the best efforts of the Licensee to acquire land voluntarily by negotiation with PAPs has failed ;
- (b) the Licensee has proved that the project cannot be sited on another land except the land which is the subject matter of the application ;
- (c) The Licensee has fulfilled the requirements for the issuance of a licence by the Commission ; and
- (d) The RAP and PIA Report addresses all issues relating to the resettlement of the PAPs and the impact of the project, and raises no adverse issues.

(13) A person aggrieved by the declaration of the Commission may appeal against such decision in accordance with the appeal procedure contained in section 50 of the Act.

(14) Any compulsory acquisition of land to be carried out under the provisions of this regulation shall be in accordance with the provisions of the Land Use Act.

Acquisition of access right.

5. —(1) A Licensee shall process the acquisition of access rights as stipulated by the Office of the Surveyor-General of the Federation.

(2) The Licensee shall in addition submit the following—

(a) the environmental impact clearance certificate ;

(b) the approval of the Office of the Surveyor-General for the project ;

(c) the final ROW map for the facility ;

(d) a comprehensive Statement of the Project impact with a list of qualified or eligible persons for compensation as specified and set out in Part III of these Regulation ; and

(e) any other relevant document related to the acquisition of the access rights.

PART III—APPRAISAL OF PROPERTY AND COMPENSATION

Eligibility Criteria

6. Eligibility criteria for appraisal and payment of compensation at the time of assessment of a claim include—

(a) the possession by a person of a legal, traditional or customary right in the land recognized under the laws of Nigeria ;

(b) in the absence of the rights referred to in paragraph (a) of this sub-regulation, the possession by a person of a legal claim to the land or assets recognized under Nigerian Law ; and

(c) in the absence of the rights referred to in paragraphs (a) and (b) of this sub-regulation, the establishment by the person in occupation of having a means of livelihood on the land or assets.

Enumeration.

7.—(1) The Licensee shall deliver an "Informational Notice" to the PAPs, informing them of the enumeration and appraisal process, and of their right to accompany the appraiser or appoint their representatives to do so on their behalf.

(2) The Licensee shall be responsible for the enumeration of the assets on the land, including economic trees and crops and assets in conjunction with an appraiser approved by the Commission.

(3) Prior to acquiring the land, the Licensee shall obtain an estimate of the fair market value of the land.

(4) The estimated fair market value shall be certified by an appraiser in accordance with accepted industry practice.

(5) All appraisals shall be in conformity with the requirements of these Regulations and applicable industry standards.

8.—(1) Valuation of economic trees and crops shall be based on the rates set out from time-to-time by the relevant authorities responsible for the valuation of economic trees and crops.

Valuation.

(2) The Licensee shall indicate the cut-off date in the Informational Notice in the form prescribed in Schedule 4 to these Regulations.

(3) Any land, economic tree or crop which cannot be located or is not in existence on the land by the cut-off date shall not be appraised, and shall not eligible to be taken into computation for compensation.

(4) The Appraisal Report shall be forwarded to the Commission for appropriate action.

9.—(1) A Licensee shall make an Offer of Compensation, as set out in Schedule 5 to these Regulations, accompanied by a copy of the appraisal report with a copy forward to the Commission.

Compensation.

(2) The amount indicated in the Offer shall not be less than the amount recommended in the appraisal report.

(3) Negotiations shall be conducted through personal contacts with the PAP, his next of kin or authorized representative.

(4) Where an offer is accepted, the Licensee shall make full payment of the compensation prior to commencement of civil works.

(5) The Licensee shall notify the Commission once payment is made and evidence of payment shall be filed with the Commission.

(6) Notwithstanding the provisions of sub-regulations (1), (2), (3), (4) and (5) of this regulation the Licensee shall comply with the provisions of relevant laws, Regulations, Codes, Orders and directives of the Commission.

10.—(1) The PAP shall execute a Certificate of Indemnity as set out in Schedule 6 to these Regulations for access right over land in favor of the Licensee which shall serve as evidence of acquisition of the land and access right.

Closing.

(2) The Licensee shall notify the Commission when the Certificate of indemnity is issued and file same with the Commission.

(3) The Commission shall issue a Certificate to the Licensee as evidence of the acquisition of the land and access rights over the said land in the form prescribed in Schedule 7 to these Regulations.

(4) Where the land is acquired voluntarily, the Licensee shall execute a Deed of Assignment with the land owner and furnish a certified copy of same to the Commission.

PART IV—PROTECTION OF PROPERTIES AND ANTIQUITIES

Protection of
Acquired
Property.

11.—(1) A Licensee, his agent, representative or contractor shall take all necessary steps to protect from damage, utility, sewer conduits, water conduits, lawns, shrubbery, trees, fences, structures or other property encountered in the course of execution of the electricity project and shall by no means damage or acquire any such properties otherwise than in accordance with the provisions of these Regulations.

(2) The owner of the land or building across or upon which an electric or main transmission line or fixture is to be or has been constructed or attached, may request that the position of such electric or main transmission line be altered.

(3) Where the owner of land or building referred to in sub-regulation (2) of this regulation satisfies the Commission to warrant the alteration of the position of the electric or main transmission line or fixture the Commission, may by notice in writing require the Licensee to alter the position of such line or fixture on such conditions as the Commission may deem fit.

(4) Except the Commission decides to the contrary, the cost of any alteration resulting from the decision of the Commission in pursuance of sub-regulation (3) of this regulation shall be borne by the land owner, and the Licensee shall not be compelled to carry out the alteration until the payment of the cost of the alteration has been received by the Licensee.

(5) Where the alteration is necessary due to violations or potential violations of the Deed of Assignment, any laws in force in Nigeria, or any relevant Regulation, Codes, or Orders of the Commission, the cost of alteration shall be borne by the Licensee.

Public
Utility
Locations
and
Protection.

12.—(1) A Licensee shall conduct his work in an efficient and safe manner avoiding any damage to or destruction of existing infrastructures of licensed utilities.

(2) The Licensee shall inform licensed utilities of its proposed project where this is likely to conflict with the utilities existing infrastructure.

(3) Where the location of the proposed project has the potential of conflicting with the existing utilities, the Licensee and the utility licensee shall endeavor to resolve the conflict.

(4) Where an electricity project is hindered or delayed due to conflicts, the Commission shall use its best efforts to resolve the conflict and remedy the situation.

(5) A decision of the Commission in resolving a conflict shall be in the form of an order, which shall be binding on licensees involved in the conflict.

(6) A Licensee shall be responsible for any damage done to infrastructures of licensed utilities due to the Licensees' negligence and in the event of any damage, the Licensee shall immediately contact the concerned utility and arrange for repairs or replacement of the damaged assets.

13.—(1) The Licensee shall comply with State and Federal Laws pertaining to the protection and preservation of sites or objects of archaeological, paleontological or historical interests which are encountered or unearthed in the course of executing an electricity project and in the course of operations.

Protection of Antiquities.

(2) Upon any encounter or unearthing of the objects referred to in sub-regulation (1) of this regulation, work shall immediately stop in the vicinity of such features and the objects shall be protected from damage or disturbance and a prompt report of the discovery made to the relevant authorities.

(3) Work shall not be resumed in the immediate area until the Licensee is advised by the relevant authorities to resume work.

PART V—SETTLEMENT OF DISPUTES

14.—(1) A person aggrieved by the decision of the Commission on any dispute relating to the acquisition of land and access rights, may petition the Commission in accordance with the procedures established under Section 50 of the Act.

Reviewing of Appraisal.

(2) Where a grievance pertains to the proposed amount of compensation, an aggrieved party shall in the first instance apply for review by an Appraisal Reviewer appointed by the Commission.

(3) Where the aggrieved party is dissatisfied with the review by the Appraisal Reviewer, a petition may be filed with the Commission within fourteen days of the decision of the Appraisal Reviewer.

(4) Proceedings by the Commission may require the aggrieved party to give evidence to prove the claim for higher compensation and regarding any other matter that will guide the Commission in reaching a determination within fourteen days of the filing of the petition.

15. Resort to review proceeding shall only be allowed after exhausting the administrative mechanism for dispute settlement provided in the Act and established by the Commission under these Regulations.

Judicial Review.

PART VI—RESETTLEMENT OF DISPLACED PERSONS

16.—(1) A Licensee shall ensure that the PAPs are given reasonable alternative accommodation comparable to their former dwelling.

Resettlement Option.

(2) For the purpose of this regulation, a reasonable alternative accommodation means—

- (i) a decent, safe and clean dwelling ;
- (ii) a functionally equivalent or better than their former dwelling ;
- (iii) a dwelling place adequate in size to accommodate the occupants ;
- (iv) a dwelling in an area not subject to unreasonable or adverse environmental conditions ;
- (v) accommodation in a location generally more desirable than the location

of the displaced person's dwelling with respect to public utilities, commercial and public facilities and accessibility to their place of employment ; and

(vi) a location within the financial means of the displaced person to continue to maintain and occupy.

Time of Resettlement.

17. Resettlement shall be completed prior to commencement of civil works.

Resettlement Assistance.

18. A Licensee shall be required to provide preferential employment opportunities, counseling and other activities as corporate social responsibility to ameliorate the hardship of PAPs.

PART VII—MONITORING AND EVALUATION

Internal Monitoring.

19.—(1) Internal monitoring of the resettlement and rehabilitation operation shall be undertaken by the Licensee, its agents or representatives in accordance with the schedules stated in the RAPs.

(2) Cost of monitoring will be borne by the Licensee.

External Monitoring.

20.—The Commission may on its own or through an agent or inspector, monitor the resettlement and rehabilitation operations undertaken by the Licensee.

Completion Audit.

21. (1) The Licensee shall commission an independent auditor to carry out a completion audit of the resettlement to ensure that the RAP is implemented and that the efforts to restore the living standards of the affected population have been executed as approved by the Commission.

(2) The audit shall also evaluate whether the mitigation actions prescribed in the RAPs have had the desired effect, using the baseline conditions of the affected parties prior to their relocation as a measure against their socio-economic status after the resettlement.

(3) The completion audit shall take place after all RAP activities have been completed, including development initiatives, but before the financial commitments to the programme are completed to allow for flexibility in undertaking any corrective action as may be recommend by the auditors.

Corrective Action Plan.

22.—(1) The Commission shall require every Licensee to incorporate in its RAP or Corporate Policy on Land and Access Rights Acquisition, a Corrective Action Plan to address gaps identified during the process of monitoring and evaluation.

(2) The Plan required in sub-regulation (1) of this regulation may incorporate plan on the best approach the Licensee intends to adopt to treat vulnerable persons affected by the electricity project and means of restoration of livelihood of persons whose businesses have been affected adversely by the electricity project.

PART VIII—OFFENCES AND PENALTIES

23. A Licence may be cancelled or suspended for contravening the provisions of these Regulations according to the conditions and procedure stated in the NERC Application for licences Regulations 2010 withdrawal, suspension and revocation under these Regulations.

Cancellation
or Suspension of
Licences.

24.—(1) A person who contravenes any of the provisions of these Regulations commits an offence and liable on conviction to be the punishment prescribed under Section 94(1) of the Act.

Offences.

(2) A person who under these Regulations commits any of the offences the penalties for which are prescribed in Section 94(2) and (3) of the Act is liable on conviction to the penalties as prescribed in the said subsection of the Act.

PART IX—MISCELLANEOUS

25.—(1) A Licensee, its officers or agents may enter on any land it possesses access rights, for all or any of the following purposes—

Power to
enter land for
ancillary
works.

(a) to survey and take levels ;

(b) for the reconstruction, placing, maintenance, examination, repair, alteration or removal of any electric or main transmission line ;

(c) for the cutting and removal underneath or near, or on each side of any proposed or existing electric or main transmission line of any tree and underwood interfering or likely to interfere with the construction or proper working of any transmission line ;

(d) any other work connected with the supply of electricity ; or

(e) any activity which is in compliance with any law in force in Nigeria, the terms and conditions of a Licence, and any relevant Regulations, Codes, Orders, or directives of the Commission.

(2) A Licensee shall, give notice to the occupier of any land on which it intends to enter for ancillary works, indicating the date, time, and purpose of the entry.

(3) The officers, agents, workmen or other servants of a Licensee may remain on the land for such reasonable time required to perform the stated purpose of the entry.

(4) A Licensee shall not construct, place, maintain, examine, repair or alter a distribution or transmission line under, in, upon, over, along, or across a building, embankment, dock, harbour or pier under the control of a government or other public authority, without obtaining the prior approval of the relevant government authority.

(5) Installed distribution or transmission line shall be positioned in compliance with the Electrical Installation Regulations, Electricity Supply Regulations, Electricity Power Systems Construction Standards, and Guideline for Managing

Vegetation near Electricity Facilities, and any other relevant laws, Regulations, Codes, Orders or directives of the Commission.

Cables
across road
and rivers,
etc.

26.—(1) A Licensee shall obtain all necessary approvals from the relevant government authority before placing any electric cable across any road or navigable waterway, whether such cable is placed above or below water or underground.

(2) Where the approval referred to in sub-regulation (1) is granted, the Licensee shall publish a notice in two national dailies, informing the public of the approval and declaring the delineated area to be prohibited area for anchorage where cables are placed below the water, or restricting the height of vessels which may pass through the area, where cables are placed above water.

Cessation of
power
project.

27. Where a Licensee ceases to require the land for the purposes of carrying out the licensed activity, it shall offer the land to the previous owner as provided under section 77(11) of the Act.

Fees.

28.—(1) The Commission shall determine and approve fees for the processing and issuance of approvals, declarations, certificates or any action required under these Regulations.

(2) The Commission shall determine and approve the fees required for the registration of Appraisers and Consultants to be engaged in the appraisal processes under these Regulations.

Amendment
or
revocation
of
Regulations.

29. The Commission may amend or revoke any provisions of these Regulations as considered necessary for the smooth and efficient implementation of the Act.

Interpreta-
tion.

30.—(1) In these Regulations, unless the context otherwise requires:

"*Access Right*" includes the right to pass through a piece of land or right of way over or under land for the purpose of laying, installing, mounting, building, repairing or maintaining any facility or equipment used for the purpose of generation, transmission or distribution of electricity ;

"*Act*" means Electric Power Sector Reform Act, 2005, as amended.

"*ancillary works*" means works that are generally connected with repair maintenance or inspection of electricity facilities ;

"*Applicant*" means a person who has submitted an application for a licence pursuant to section 70 of the Act ;

"*Commission*" means the Nigerian Electricity Regulatory Commission (NERC) established by the Act ;

"*compulsory acquisition of land*" means the acquisition of land by revocation of an existing right of occupancy by the government in accordance with the provisions of section 28(4) of the Land Use Act, as required by section 77 of the Act ;

"*Cut-off date*" means the date on which the Licensee conducts enumeration and appraisal on the land, to determine the number, ownership, interest of persons and value of the properties, crops and trees that would be affected by its proposed electricity project ;

"*compensation*" means payment in accordance with the Land Use Act, for deprivation of ownership or use of land for power projects or for the revocation of an existing right of occupancy.

"*displaced persons*" mean persons, who are compelled, by the impact of power project, to move out of their land, or the land they occupy or use ;

"*electric lines*" mean conductor or wire transporting electricity from one point to another.

"*fair market value or price*" means equitable current value of the land ;

"*Free Prior Informed Consent*" means consent that is willingly given by the owner or occupier of land prior to the commencement of works for a power project, and after full disclosure of all the facts that will enable the Project Affected Persons (PAPs) make a decision ;

"*households*" mean as being composed of a person or group of persons who co-reside in, or occupy, a dwelling ;

"*Land Use Act*" means Land use Act, 2004 ;

"*Large Scale Adverse Social and Environmental Impact*" means any power project that affects more than twenty households ;

"*Licence*" means a licence issued by the Commission under Part IV of the Act ;

"*Licensee*" means any person who holds a licence issued under Part IV of the Act ;

"*occupier*" includes :

(a) in the case of land registered as freehold or leasehold under the provision of the Registration of Title Act, as amended, whether in relation to its application to the former Federal Capital Territory or otherwise, the person for the time being recorded in the register as being the owner ;

(b) in relation to land or other property of a community, the chief or head of that community ; and

(c) the holder of a right of occupancy and a person or community lawfully using or occupying land in accordance with customary law ;

"*person*" is as defined in the Act ;

"*Project Affected Person or "PAP"* means any person who suffers loss of or damage to an asset or loss of access to productive resources, as a result of the carrying out of any power projects under the Act ;

"*power projects*" includes any project that is for the purpose of generation or transmission or distribution of electricity ;

"*Qualified Independent Appraiser*" means any person who has the necessary

qualification to estimate the quality and value of the property, who is not affiliated with either of the parties and must be a member of the Estate Surveyors and Valuers Registration Board of Nigeria and registered by the Commission ;

"*RAPs*" means Resettlement Action Plans as described in sub-regulations (5) and (6) of regulation 4 of these Regulations ;

"*Right-of-Way*" ("*ROW*") means a strip of land that an electric utility uses to construct, maintain, repair or replace an overhead or underground power line ;

"*transmission lines*" means high voltage cables and overhead lines transmitting electricity, in addition to transformers and switch-gear used for the control of such cables or overhead lines, and the buildings or such part thereof as may be required to accommodate such transformers and switch-gear ;

"*voluntary acquisition of land*" includes, without limitation, purchase, lease, license, acceptance of gift, dedication, or bequest, or any other lawful means of conveyance of any estate or interest in land ;

(2) Unless otherwise specified, in these Regulations—

(a) words importing any one gender includes the other gender and the singular includes the plural and vice versa ;

(b) words or expressions used in these Regulations but not defined shall have the same meanings respectively assigned to them in the Act or relevant subsidiary legislation ;

(c) any reference to a statute or statutory provision includes a reference to that provision as amended, re-enacted, or replaced and any regulations or orders made under such provisions from time to time ; and

(d) if the date on which an event is scheduled to occur by these Regulations is a day which is not a working day, then the event shall occur on the next working day.

Citation.

31. These Regulations may be cited as the Nigerian Electricity Regulatory Commission (Acquisition of Land and Access Rights) Regulations, 2012.

SCHEDULE 1

APPLICATION FOR DECLARATION THAT LAND IS REQUIRED FOR THE PURPOSE OF A POWER PROJECT PURSUANT TO THE EPSRACT

1. Application Date:.....
2. Name of Company:
3. License No (if any):.....
4. Registered Office of Company:
-
5. RC No: of Company:
6. Location of Project:
- City/Town:.....Local Government.....State.....
7. Contact Person and Designation:
8. Address:
9. Mobile:.....
10. Email:
11. Type of Licensed Activity:
12. Title over Land (Customary/Statutory):.....
- Title Details:
13. Current Land Ownership:
14. Description of Project:.....
-
15. Any previous application (Yes/No):.....
16. Attach evidence of efforts to acquire land voluntarily
17. Attach all the documents required in Clause 4 of these Regulations
18. Attach all documents relevant to this application
19. Signature and Seal :

.....
Chairman/CEO

SCHEDULE 2

REQUEST TO ENTER LAND OR PREMISES

FROM : LICENSEE

To : PAP

REQUEST TO ENTER LAND OR PREMISES

.....with its office situated at

.....

requests permission to enter your land/premises situated at.....

.....for

the purpose of acquiring the land/access rights for its power project.....

.....(description of the project).

This Request to enter your land/premises is required under NERC Regulations for the Acquisition of land and Access Rights 2012.

DATED thisday of,

.....
Chairman/CEO

SCHEDULE 3

DECLARATION THAT THE LAND IS REQUIRED FOR A POWER PROJECT PURSUANT TO SECTION 77(3) OF THE EPSRACT

The Nigeria Electricity Regulatory Commission having reviewed :

- (1) The application submitted by.....
.....
- (2) All supporting documents evidencing that the applicant has made all necessary efforts to voluntarily acquire the entire land situated at.....
.....
- (3) The Report of the Evaluation Team indicating that the following project at
.....
.....
cannot be sited elsewhere aside from the land stated above.

Hereby declares that the entire land shown and more clearly described in the project plan annexed to this declaration, be acquired compulsorily by the Licensee in accordance with the provisions of section 28 of the Land Use Act 1978.

BY THE ORDER OF THE COMMISSION

This declaration is made this.....day of,

.....
Chairman/CEO

SCHEDULE 4
INFORMATIONAL NOTICE

(Regulations 8 (2))

From : LICENSEE

To : PAP

This is to inform the owner of the land situated at.....
..... that
.....shall conduct enumeration and
appraisal on.....to determine the number,
ownership, interest of persons and value of the properties, crops and trees that
would be affected by its proposed electricity project.

FURTHER TAKE NOTE that any property, crop or trees that is not found on the
land on the above stated date shall not be taken into account for the purpose of
enumeration, appraisal and compensation.

Be informed that you have a right to accompany the Licensee or appoint
your own agent to represent your interest during the enumeration and appraisal
exercise.

DATED thisday of.....,

.....
Chairman/CEO

SCHEDULE 5
OFFER OF COMPENSATION

(Regulations 9 (1))

Date :

From :

To :

Following the valuation of your property/crops/trees (Description) on the date stated on the Informational Notice earlier forwarded to you, I am pleased to offer you the sum of, as full and final compensation for your land situated at

You are to collect the cheque of the said amount from our office at

You will also be expected to execute a Certificate of Indemnity in our favour.

.....
Chairman/CEO

SCHEDULE 6
CERTIFICATE OF INDEMNITY

(Regulations 10 (1))

I, Mr/Mrs.....do hereby acknowledge that
.....has FULLY AND FINALLY
compensated me by making a payment of the sum of
.....
for my land and assets (house, crop, tree, etc) situated at
.....and
as shown in the attached Title documents.

I undertake that I will not seek further compensation from the Licensee
and shall refund the said sum to the Licensee should any other claimant present
a superior title.

I further undertake to defend any claim brought against the Licensee related
to the said Title, or indemnify the Licensee for any loss which it may suffer
should it turn out that the payment of compensation made to me was in error or
tainted with fraud.

DATED this..... day of
Name of PAP :.....
Signature :.....
Witness :.....
Signature :.....

SCHEDULE 7
CERTIFICATE OF ACQUISITION OF ACCESS RIGHTS

(Regulations 10 (3))

From : NERC

To : LICENSEE

The Licensee, having satisfied all the terms and conditions under the Regulation for the Acquisition of Land and Access Right for Electricity Projects, is hereby granted access right over the area shown in the Project Plan annexed to this certificate by the Commission.

DATED this day of

.....
Chairman/CEO

SCHEDULE 8
REGISTRATION OF QUALIFIED APPRAISER

1. Name Company :.....
2. Address :.....
3. Qualifying Certificate :.....
- 3(b) Kindly attach copies of qualifying certificates and other relevant certificates.
- 4(a) Evidence of Previous Assignments :.....
- 4(c) Kindly attach evidence of previous assignments.
5. Number of Staff :.....
6. Year of Experience :.....
7. Bankers :.....
8. Signature :.....

MADE at Abuja this 7th day of September, 2012.

DR SAM AMADI
Chairman/CEO

EXPLANATORY NOTE

*(This note does not form part of these Regulations but
is intended to explain its purport)*

These Regulations provide a legal and regulatory framework for the acquisition of land for electric projects in Nigeria and set clear rules for the acquisition of land by Licensees and payments of compensation to land owners and occupiers in a fair and equitable manner under the supervision of the Commission.