



Niger State of Nigeria Gazette

Published by Authority

No. 8 Minna - 15th September, 2016 Vol. 21

Niger State Legal Notice No. 8.

The Following is Pulished in the Supplement to this Gazette:-

N. S. L. N. No. 8 of 2016 - INSTALLATION OF TELECOMMUNICATIONS NETWORK FACILITY AND INFRASTRUCTURE (APPROVAL) REGULATIONS, 2016

Printed and Published by the Government Printer, Minna - 05/10/2016/500

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INSTALLATION OF TELECOMMUNICATIONS NETWORK FACILITY AND INFRASTRUCTURE (APPROVAL) REGULATIONS, 2016

In exercise of the powers conferred on me by section 46 of the Land Use Act, CAP. L5, Laws of the Federation of Nigeria 2004 and all other powers enabling me in that behalf, **I, ALHAJI ABUBAKAR SANI BELLO**, Governor of Niger State of Nigeria, do hereby make the following Regulations:

1. These Regulations may be cited as the **Installation of Telecommunication Network Facility and Infrastructure (Approval) Regulations 2016**.

2. In this Regulations unless the context otherwise requires:

"Appropriate Authority" means Niger State Urban and Regional Planning Board.

"Commissioner" means the Honourable Commissioner for the time being responsible for Urban and Regional Planning.

"Gazette" means Niger State Government Official Gazette.

"Governor" means the Executive Governor of Niger State of Nigeria.

"Holder" has the meaning assigned to it by the Land Use Act. CAP. L5, Laws of the Federation of Nigeria 2004;

"Installation" includes placing, laying and erecting;

"Occupier" has the meaning assigned to it by the Land Use Act CAP. L5, Laws of the Federation of Nigeria 2004;

"Sub lessee" has the meaning assigned to it by the Land Use Act CAP. L5, Laws of the Federation of Nigeria, 2004;

"Person" includes an individual, company or entity;

"Urban Area" means any such designated area by the state or local government.

3. (1) A person who is a holder of Right of Occupancy over a land or his sub-lessee or occupier of land or his sub-lessee who uses or permits the use of such land for any of the telecommunication purposes contained in the first column of the schedule to these Regulations, shall in addition to payment of ground rent and any other fees payable under any existing law or regulation or order, pay the relevant approved fees specified in the second column of the said schedule for that purpose.

(2) The owner or agent of the owner of any telecommunications facility or infrastructure referred to in sub paragraph (1) of this Regulation shall apply for an Installation, Approval, Permit and submit details of such telecommunication facility or infrastructure and any addition thereto having regard to the Nigerian Communications Commission technical specifications and guidelines for the installation of masts and towers and environmental requirements to the Urban and Regional Planning Board for processing.

4. All relevant approval or renewal fees required to be paid under paragraph 3 shall be paid to the State Internal Revenue Service upon the granting or renewal of permit for installation of the telecommunication network facility or infrastructure in the case of installation and in the case of existing installation within 30 days next after the anniversary of the last payment or on or before the date indicated for payment in any demand notice issued for that purpose.

5. (1) Where a Right of Occupancy over land is issued for any connected purpose other than those specified in the first column of the schedule, the Commissioner may, with the approval of the Governor, prescribe the approval fee payable for that purpose.

(2) The approval and renewal fee prescribed under sub paragraph (1) of this paragraph shall be published in the gazette.

6. (1) Any person who fails to pay the appropriate fee specified in sub paragraph (1) of paragraph (5) within the time specified in paragraph 4, in addition to payment of the approval or renewal fee specified as aforesaid is liable:-

(a) to pay a penalty in the sum equivalent to the prevailing Central Bank of Nigeria lending interest rate for every day of default until the approval or renewal fee is paid; and

(b) if the default continued for a period beyond 3 months from the date when the fee became due for payment, to have the installation approval revoked and the installation removed at the cost of the owner or his agent.

(2) The Commissioner may if satisfied with the reason for the delay remit the whole or part of the penalty payable under subparagraph (a) of this paragraph.

7. (1) The Commissioner shall appoint a Committee to be known as the **Installation of Telecommunications Network Facility and Infrastructure Regulations Committee** to administer and give effect to the provisions of this Installation of Telecommunications Network Facility and Infrastructure (Approval) Regulations 2016.

(2) The Committee shall consist of the following:-

(a) A representative of Niger State Internal Revenue Service not below the rank of a Director who shall be the Chairman;

(b) A representative of Niger State Urban and Regional Planning Board;

(c) A representative of Niger State Geographic Information System;

(d) A representative of the Ministry of Environment;

(e) A representative of the Ministry of Lands; and

(f) A representative of the Attorney-General of the State.

- (3) The Committee shall ensure that any approval or renewal application submitted by a person to the Urban and Regional Planning Board shall be placed before it upon the submission by the applicant for its consideration for approval in pursuant of the provisions of these regulations and is attended to and the result commincated to the applicant within twenty-one days by the Secretary to the Committee through the Urban and Regional Planning Board who shall grant the Approval Permit as approved by the Committee within the specified period of twenty-one days from the date of the submission of the application to the Urban and Regional planning Board.
- (4) The Committee shall make rules and prescribe applicable reconstruction or reinstatement fees for the reconstruction of any damaged road, public utility or infrastructure caused by any telecommunication company as result of excavation, digging and breaking for the purpose of laying of optic cable or fibre or erection of mast. The Committee shall also prescribe appropriate penalty for failure or delay to reconstruct or pay the applicable reconstrction fee.

SCHEDULE

Approval and Renewal Fees

FIRST COLUMN	SECOND COLUMN
i. Application for Right of way to build fibre optic duct in State roads in Urban Area	N 50,000.00
ii. Fee for Right of way for building of fibre Optic duct in State roads in Urban Area	N 145 per linear metre
iii. Built fibre optic duct in State roads in Urban Area	N 20 annually per linear metre
iv. Environmental Stress fee for erection of mast/Tower in Urban Area	N 500, 000.00 annually

- v. Application for Right of way to build fibre optic in State roads in Non-Urban Area - N 25,000.00
- vi. Fee for Right of way for building of fibre Optic duct in State roads in Non-Urban Area - N 75 per linear metre
- vii. Built fibre optic in state roads in Non-Urban Area - N 10 annually per linear metre
- viii. Environmental Stress fee for erection of Mast/Tower in Non-Urban Area - N 250,000.00

MADE AT MINNA THIS 15th Day of September, 2016 by:

ALHAJI ABUBAKAR SANI BELLO
EXECUTIVE GOVERNOR OF NIGER STATE