



**EBONYI STATE OF NIGERIA**

**LAW NO. 001 OF 2016**

**EBONYI STATE**

**LAW ON TELECOMMUNICATION  
INFRASTRUCTURE COMPLIANCE  
AND MAINTENANCE AGENCY, 2016**

## ARRANGEMENT OF SECTIONS

SECTIONS	PAGE
Long Title	4
Enactment	4
1. Citation	4
2. Commencement	4
3. Interpretation	4
4. Establishment of Compliance Agency	6
5. Functions of the Agency	7
6. Appointment and Duties of the Board	12
7. Powers of the Compliance Agency	13
8. Application and Issuance of Certificate of Conformity/ Compliance	16
9. Certificate of Existing Transmission Towers, Masts and VSAT Antennas	18
10. Display of Signs	1
11. Maintenance	1
12. Discontinue/Dismantling of Structures	
13. Offences and Penalties	
14. Funds of the Agency	
15. Application of the Agency's Funds	
16. Annual Estimate and Accounts	

## ARRANGEMENT OF SECTIONS

### SECTIONS

17. Audit
18. Audit Report
19. Power to Accept
20. Power to Borrow
21. Power to Acquire Land
22. Limitation of Suit against the Agency
23. Service of Notice/Summons
24. Compliance Agency Head or Other Staff
25. Indemnity of Officers
26. Regulations
27. Offences
28. Object and Purpose

Schedule



EBONYI STATE OF NIGERIA  
LAW NO. 001 OF 2016

*Ebonyi State Law on Telecommunication  
Infrastructure Compliance and Maintenance  
Agency and other Matters connected thereto.* Long Title

BE IT ENACTED by the House of Assembly  
of Ebonyi State of Nigeria as follows: Enactment

SECTION 1

This Law may be cited as the Ebonyi State Law  
on Telecommunication Infrastructure  
Compliance and Maintenance Agency, 2016. Citation

SECTION 2

This Law shall be deemed to have come with  
effect on *Tuesday the 23<sup>rd</sup> day of February,*  
2016. Comme

SECTION 3.

In this Law, "*Co-Location*" means joint, *Inter*  
additional or multiple use of an existing  
structure;

**"Special Assistant"** means Special Assistant to the Governor on ICT "Communication" activity of conveying information;

**"Mast"** means any sturdy upright pole;

**"NCC"** means the Nigeria Communication Commission;

**"Operator"** means someone who owns or operates any Business relating to erection of towers, VSAT, Mast, internet services, laying of cables and so on;

**"RF Emission"** means radioactive frequency emission;

**"State"** means Ebonyi State of Nigeria;

**"Tower"** means a structure that can stand alone or be attached to a larger building;

**"Transmission"** means the act of sending a message; causing a message to be transmitted or communication by means of transmitted signal;

**"Agency"** means the Telecommunications Infrastructure Compliance and Maintenance Agency;

“*VSAT*” means very small aperture terminal;

“*Urban Furniture*” means all those physical structures placed on the landscape beside the actual building which includes bus stop, shelters, telecommunications antennae, masts, towers, street neon lights, statues, artifacts placements, fountains, direction finders, etc;

“*Function*” includes power and duty;

“*Governor*” means the Executive Governor of Ebonyi State;

“*Head*” means the Telecommunication Compliance Agency Head;

“*As at and when due*” means first and second quarter of the year in question.

#### SECTION 4

- (1) The Governor may by order given under his hand, direct any person designated by the Governor for that purpose to establish an Agency under this Law to be known as the Telecommunications Infrastructure Compliance and Maintenance Agency to monitor the placing of Urban and Rural

*Establishment of  
Compliance Agency*

Furniture including telecommunication masts, tower and parabolic antennae on land and building in Ebonyi State:

- (2) The Agency:
- a. Shall be a body corporate with perpetual succession and common seal,
  - b. May sue and be sued in its corporate name,
  - c. The Agency's headquarters shall be located in Abakaliki, the Capital of Ebonyi State,
  - d. The Agency shall be under the office of the Special Assistant on ICT or as the Governor may direct.

## SECTION 5

The functions of the Agency shall be as follows:

*Functions of the Agency.*

- a. Approve and investigate the location, position, dimension, appearance, display and manner in which Urban Furniture shall be fixed to land and buildings;
- b. Monitoring the erection of parabolic and other types of antennae, masts and towers and the laying of cables within the State in

the interest of public health and safety;

- c. Establish standards and procedures for constructing lines and laying of cables across public land and property;
- d. Construction and coordination of schedules among utility providers in Ebonyi State;
- e. Implement the rates, levies and fees chargeable for permits to erect all outdoor telecommunications Infrastructure including masts, towers, base stations, parabolic and other antennae types, etc;
- f. Stipulate the penalties in terms of levies/fees payable in the event of non-conformances/or non-compliance by the service providers;
- g. Ensure public safety in the use of public right of ways by gas, power, cable (wireless and otherwise) and related companies and other person(s) in Ebonyi State;
- h. Keeping track of various systems using public right of way to prevent interference



among facilities;

- I Register all owners, providers and/or operators of mast, towers, antennae and all such telecommunications infrastructure erected above and under the ground through and by which voice, data, video or a combination of two or more is transmitted. Such owners, providers and/or operators to be liable to the payment of such fees and levies as may be determined by the Agency with the consent of the Governor. Such telecommunications, infrastructure owners, providers and/or operators are as listed in the schedule of this Law;
- j. Prevent the breaking of roads without permits for the purpose of laying communication cables or pipes or any other device thereto;
- k. Establish harmonized routes for laying of cables, etc;
- l. Reducing damage to public utilities;
- m. Coordinating and harmonizing the routes used by private telecommunications operators and providers;

- n. Regularizing existing as well as future infrastructure at internationally acceptable standards;
- o. Develop database of all existing telecommunication and similar infrastructures erected throughout the State and maintaining and updating the database to include future development;
- p. Monitoring consciously the length and breadth of the State to ensure that telecommunication infrastructure constructed are of high quality materials conforming to international standards and consistently maintained to remain in a proper state;
- q. Enforcing the Law and its attendant regulations to ensure proper adherence to the Law;
- r. Performing other functions as may be specified by any Law or enactment such as the guidelines on technical specifications for the installation of telecommunication masts and towers as issued by the NCC (hereinafter referred to

- y. Ensure the management of all rights of way in Ebonyi State; and
- z. Undertake such other activities as are necessarily expedient for giving full effect to the provisions of this Law.

#### SECTION 6

1. a. There shall be a Board which shall consist of a Chairman, four (4) other members and Executive Secretary; *Appointment and Duties of the Board.*
  - b. The Chairman and the four (4) other members shall be on part time.
2. The Executive Secretary of the Compliance Agency shall be the Chief Executive and Accounting Officer of the Agency and shall be responsible for the execution of the policies and the day-to-day administration of the affairs of the Agency;
3. The members of the Board of the agency shall hold office:
  - a. For a term of three years in the first instance

- b. May be re-appointed for a further term of three years on such terms and conditions as may be specified in the letter of appointment.
4. The Chairman or any member of the Board of the Agency may resign his appointment by a notice in writing under his hand addressed to the Governor of the State.
5. The head of the Agency shall be removed from office by the Governor of the State if in his opinion; he is no longer capable of holding the office.
6. The head of the Compliance Agency shall appoint for the Agency such other officers and employees (Consultants and field Staff) as he may deem necessary on the approval of the Governor.

#### SECTION 7

1. The Compliance Agency shall in liaison with the office of the Special Assistant/ICT or any person appointed by the Governor to supervise this Agency

*Powers of the  
Compliance Agency.*

have the powers to:

- (a) Employ such Staff as it may consider necessary for the purpose of carrying out its functions under this Law and may appoint professionals for due and proper executions of its functions;
- (b) Require anybody who proceeds under the approval, permit or license obtained from any regulatory body to install any mast, telecommunications towers, VSAT and internet services to adhere strictly to the specifications contained in the said approval, permit or license.
- (c) Determine the charges payable for the services of the compliance to the specifications contained in the approval, permit or license granted by the regulatory body or bodies;
- (d) Authorize any Staff of the Agency to investigate the installation or erection of any mast, transmission towers, VSAT and internet services for the purpose of determining

whether it complies with the technical specifications as approved by the regulatory body or bodies and the regulations made therein;

- (e) Issue Certificate of Conformity to operators who have satisfied the requirement of the guidelines;
- (f) Authorize and delegate any Officer of the Agency or any agent or consultant to act as an agent of the Agency in respect of any function or service which may be exercised or performed by the Agency under this Law;
- (g) To impose penalties on operators who fail to seek the approval of the Agency in the installation of their facilities.
- (h) To enter and investigate whether existing installations of any mast, telecommunication towers, VSAT and internet services adhered strictly with the technical specifications approved by the regulatory body or bodies.

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- (i) Make direct service charges which may vary from area to area on operator of any mast, transmission towers, VSAT and internet service for services rendered where such circumstances may arise; and
- (j) The power to disconnect cables and decommission towers and mast or any other infrastructure erected without obtaining the necessary permission from the Agency.

## SECTION 8

1. As from the commencement of this Law, any person or body (corporate or incorporate) wishing to develop or construct a tower, mast, lay PVC pipe or cables in any part of the State shall apply to the Agency in ensuring compliance with the specifications contained in the approval, permit or license granted by the regulatory body;
2. The operators of an existing tower, mast or cables shall apply revalidation of compliance with approvals, permits of

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license from regulatory bodies or authorities as requested by the Compliance Agency.

3. As from the commencement of this Law, any operator, who operated an existing telecommunication mast or tower without the requisite approval shall pay a penalty fee for operating illegally within the State.
4. All applications for Compliance and issuance of Certificates of Conformity shall be addressed to the Compliance Agency by the operator or his agent;
5. The Certificate of Conformity when issued shall displayed in a conspicuous place at the site of the structure; and
6. Certificate of Conformity issued under the provisions of this Law shall be renewed annually at such fees prescribed by the Agency as contained in schedule to this Law subject to review from time- to-time by the Compliance Agency.



## SECTION 9

- (a) All existing masts and towers shall be certified by an Engineer of the Compliance Agency to be structurally sound and in conformity with standard certifications as set out by Federal and State Laws; *Certification of Existing Transmission Towers, Masts and VSAT Antennas*
- (b) For new towers and masts such certification shall be submitted with an application of this Law; and
- (c) The Compliance Agency may from time-to-time enter into the property in which a tower or mast is located or, where cables are laid and other utility set up between the hours of 8am and 6pm or any other time deemed appropriate for the purpose of carrying out its obligation function.

## SECTION 10

- (a) The operator of towers and masts shall display signs such as "DANGER", Aviation lights and other warning signs necessary for human safety. *Display of Signs*

- (b) The operator of any tower, mast or cable shall exercise adequate care, install devices and provide methods for preventing failures and accidents which are likely to cause dangers, injuries or nuisance to the public.

## SECTION 11

- (a) The operator of any tower, mast or cable shall be required to install and maintain towers, telecommunication facilities, wires, cables, fixtures and other equipment maintenance in compliance with the guidelines; *Maintenance*
- (b) All towers, masts, cables or telecommunication facilities and antennae structures shall be kept and maintained in good condition and repair so that the same shall not endanger the life and property of any person;
- (c) All maintenance or erection of towers, cables, telecommunication facilities and antennae support structures shall be supervised by officers of the Compliance Agency and;

**SECTION 13**

1. For every contravention of any provisions of this Law and for every omission to do anything required to be done under this Law for which no penalty is provided, the offender shall be liable to a fine of Five Hundred Thousand Naira (₦500,000.00) only or six months imprisonment or both for each of the offence

*Offences and Penalties*

2. The operator shall ensure that in the course of operations, all environmental Laws and industry best practices are adhered to. In this regard, there shall be zero discharge especially of diesel/oil into the environment to gaseous emission of carbon (CO<sub>2</sub>) above the allowable limit while all generating sets in base stations within living premises must not generate noise above the permissible decibel level in line with best Environmental Practices. In addition, all masts/towers must be fitted with a functional obstruction/aviation light which must be supplied with uninterrupted power supply, to ensure that lights are on from 6pm to 6:30am.

- (d) All towers or mast operators shall maintain compliance Current RF Emission standard under the Nigerian Communication Commission Act.

### SECTION 12

1. In the event that an operator intends to discontinue the use of transmission mast or tower, the operator shall notify the Compliance Agency in writing of his intention to discontinue use and shall dismantle the structure within Thirty (30) days of such notice; *Discontinuance/  
Dismantling of  
Structures*
2. An operator who contravenes the provision of sub-section (1) of this section commits an offence and is liable on conviction to a fine of Five Hundred Thousand Naira (N500,000.00) only or six months imprisonment or both.

Any violation of the above mentioned rules is subject to the following penalties:

- (a) Diesel/Oil spillage *One Hundred Thousand Naira (N100,000.00) only*
  - (b) Gaseous emission from generating sets *One Hundred Thousand Naira (N100,000.00) only*
  - (c) Noise pollution from generating sets *Fifty Thousand Naira (N50,000.00) only*
  - (d) Absence of obstruction/Aviation warning lights/signs attract a fine of *Two Hundred Thousand Naira (N200,000.00) only*
3. A fine shall become due, Fourteen (14) days after the issuance of the order to conform to the standard that has been infringed upon and if the irregularity continues to cover a period of one week, the Compliance Agency shall seal the transmission premises for violations.

**SECTION 14**

The Funds of the Agency shall consist:

*Funds of the  
Agency*

(a) The take off grant from the State Government;

(b) Such monies accruing from concessions, contracts;

(c) All other sums accruing to the Agency from time- to -time;

(d) The Agency shall open and operate an account in any reputable bank approved by the State Accountant General and all monies received by and on behalf of the Agency shall be paid into the said account and no withdrawal shall be made from the account unless the cheque or other instrument for such withdrawal has been approved by the Governor.

(e) The Agency shall be run from the fund they generated for monitoring and evaluation of its activities as may be approved by the Governor from time-to-time.

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### SECTION 15

1. All Funds generated shall be paid into the State designated account of Ebonyi State Government. *Application of the Agency's Funds*
2. All Expenditures of the Agency must be appropriated for and funded by Ministry of Finance.
3. For the development and maintenance of any property vested in or owned by the Agency and
4. Or and in connection with all or any of its functions under this Law.

### SECTION 16

1. The Agency shall, not later than 31<sup>st</sup> day of September in each year submit to the Governor through the SA on ICT or any person appointed by the Governor an estimate of its expenditure and income (including payment to the Agency for the next succeeding year) *Annual Estimate and Accounts*
2. The Agency shall keep proper accounts in

respect of each year proper records in relation to those accounts and shall cause its accounts to be audited within three (3) months after the end of the year by Auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the State.

#### SECTION 17

1. The Auditor-General of the State shall: *Audit*
  - (a) Inspect and audit the accounts and records of the financial transactions of the Agency; and
  - (b) Draw the attention of the Governor to any irregularity, which might be discovered in the assignment.
2. The Auditor-General, or an officer authorized by him is entitled at all reasonable times to a full and free access to all accounts, records, documents and papers relating directly or indirectly to the receipt or payment of money by the Agency or to the acquisition, receipt, custody or disposal of assets by the Agency.



## SECTION 18

1. The Auditor-General shall prepare and submit to the Governor, not later than six (6) months after the end of every financial year, a report of the activities of the Agency during the immediate preceding year, and shall include in such a copy of the audited accounts of the Agency for the year and the Auditor's report on those accounts. *Audit Report*

2. Any person who defrauds this Agency shall refund the money and the accumulated interest at Bank prevailing rate and a fine of One Hundred Thousand Naira (N100,000.00) only on every One Hundred Thousand Naira (N100,000.00) defrauded or imprisonment of six months or both.

## SECTION 19

The Agency may accept any gift of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift provided that the Agency shall not accept any gift if the conditions attached are inconsistent with the functions of the Agency and the terms of existing Law. *Power to Accept*

**SECTION 20**

The Agency may, from time to time, borrow such money as may be required for the performance of its functions under this Law subject to the approval of the Governor.

*Power to Borrow*

**SECTION 21**

The Agency may, subject to the Land Use Act, acquire Land for discharge of its functions.

*Power to Acquire  
Land*

**SECTION 22**

Subject to the provisions of this Law, the provisions of Public Officers Protection Law shall apply in relation to suit instituted against an officer or employee of the Agency.

*Limitation of  
Suit against the  
Agency*

**SECTION 23**

A notice, summons or other documents required or authorized to be served on the Agency under the provision of this Law may be served by delivering it to the Compliance Agency head or by sending by registered post addressed to the Compliance Agency head's office.

*Service of  
Notice/Summons*

## SECTION 24

The Compliance Agency Head, officer or employee of the Agency shall be indemnified out of assets against any liability incurred by him in defending proceedings, whether criminal, in which judgment is given in his favour or in which he is acquitted. If any such proceeding is brought against him in his capacity as the Compliance Agency Head, Officer or other employee of the Agency shall not be entertained by any Court of competent jurisdiction.

*Compliance  
Agency Head or  
Other Staff*

## SECTION 25

Compliance Agency Head or any other officer or employee of the Agency;

*Indemnity of  
Officers*

(a) Not for his personal gain, make use of any information which has come to his knowledge in the exercise of his power or is obtained by him in the ordinary course of his duty as Compliance Agency Head, officer or employee of the Agency

(b) Treat as confidential any information which has come to his knowledge in

the exercise of his power or is obtained  
by him in the performance of his duties  
under Law;

- (c) Not disclose any information referred  
to under paragraph (b) of this  
subsection, except where required to  
do so by a Court of Law; and
- (d) Any person who contravenes the  
provision of subsection (i) of this  
section commits an offence and is  
liable on conviction to a fine of not less  
than Two Million Naira  
(~~₦~~2,000,000.00) only but not  
exceeding Five Million Naira  
(~~₦~~5,000,000.00) only or to  
imprisonment for a term not exceeding  
two (2) years or both and in the case of  
a company shall be liable for a fine of  
Ten Million Naira (~~₦~~10,000,000.00)  
only

#### SECTION 26

The Compliance Agency Head, with the *Regulations*  
approval of the SA, shall make such regulations  
as in his opinion are deemed necessary and

expedient for giving full effect to the provision of this Law and for the administration of its provision.

## SECTION 27

L. If any person unlawfully:

### *Offences*

(a) Obstructs, hinders or molests any officer or employee of the Agency or any person with whom the Compliance Agency Head or any appropriate authority of the Agency has entered into a contract on behalf of the Agency in the performance and execution by such which he is empowered or required to do by virtue of or in consequence of this Law or of any regulations or scheme made there under, or

(b) Remove any notice fixed by the Agency on any premises, or refuses or neglects to respond to such notice, he shall be liable on conviction to a fine of Five Hundred Thousand Naira (N500,000.00) only or term of one (1) year imprisonment

2. Any person who:
- (a) Acts in contravention of any regulation made under the provision of this Law, being legally bound to comply with any lawful order or with the requisition contained in any notice served under this Law, or any regulation made there under and refuses or neglects to comply therewith shall be deemed guilty of an offence and liable on conviction to a fine of One Million Naira (₦1,000,000.00) only or term of imprisonment for two (2) years or both fine and imprisonment;
  - (b) If a body corporate to a fine of One Million Naira (₦1,000,000.00) only.

#### SECTION 28

The purpose of this Law is to provide for the Establishment and Management of the Telecommunication Infrastructure Compliance and Maintenance Agency. *Object and Purpose*

## SCHEDULE 1

1. The fixing of the seal of the Agency shall be authorized by the signature of the Head of Compliance Agency or any person generally or specifically authorized to act for that purpose
2. Any contract or instrument, which if made by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Agency or by any other person generally or specifically authorized by the Governor to act for that purpose.
3. Any document purporting to be a contract, instrument or duly signed or sealed on behalf of the Agency shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed
4. No Staff of the Agency shall be personally liable for any act or omission due or made in good faith while engaged in the business of the Agency.

**SCHEDULE II**

Owners, operators and service providers of the below listed telecommunication infrastructures etc shall be liable to payment of fees and levies for permits of the same as may be reviewed by the Governor from time- to- time.

Without prejudice to revenue rates already approved by Ebonyi State House of Assembly, State Government shall choose any of the two rates to prevail in the event that the rates under this schedule are in conflict with the previous ones already approved by the State House of Assembly.

Where items of revenue are not provided here, State Government shall inform State House of Assembly to fix such rates.

**1. ROW (per meter)**

- (a) Laying of cables within State Roads (Right of Way) --- ₦10,000 per linear meter.
- (b) Tar cut ----- ₦5,000/square meter



(c) Reinstatement ----- ₦15,000.00

**2. TOWERS**

(i) Telecommunication Premises Registration Fee (New) --  
₦1,500,000/Mast

(ii) Telecommunication Permit Renewal .....  
₦450,000.00/Mast per annum

(iii) Telecommunication premises Registration Fee (Existing) ----  
₦850,000.00/Mast per annum

(iv) Failure to renew as at and when due shall pay the fine 50% of the renewal cost.

(v) Environmental Development/support fee (Existing Mast) --  
₦1,000,000/Mast per annum.

(vi) Pollution charges (Existing Mast)  
----- ₦120,000.00/Mast per annum.

(vii) Sanitation charges (Existing Mast)  
----- ₦120,000.00/Mast per annum.

- (viii) Tenement Rate (Existing Mast)  
----- ₦70,000.00/Mast per annum.
- (ix) Infrastructure Maintenance Fee (if applicable) - ₦5,000,000.00/Per Company per annum.
- (x) Annual Certificate of Conformity and Supervision (Existing Mast)  
--- ₦20,000/Mast per annum.
- (xi) Renewable Right of Way in every three years --- ₦2,500 per linear meter
- (xii) Fire Service Charge  
----- ₦460,000 per annum/Mast
- (xiii) Premises Renewal Fee  
----- ₦650,000 per annum/Mast

### 3. MASTS

- (i) TV Station mast --- ₦850,000 per annum
- (ii) Radio Station mast  
----- ₦100,000 per annum
- (iii) Network - Radio Mast (Existing)  
----- ₦650,000 per annum

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(iv) New Network Radio Mast  
----- ₦750,000 per annum

(v) Set back defaulters .....₦500,000.00

4. ANTENNAS:

(i) Local TV ----- ₦1,200 per annum

(ii) Satellite TV ----- ₦6,000 per annum

(iii) VSAT ----- ₦300,000 per annum

5. CYBERCAFÉ OPERATIONAL  
FEE (NEW) ----- ₦5000 per annum

CYBERCAFÉ OPERATIONAL  
FEE (EXISTING)

(i) BIG ----- ₦12,000 per annum

(ii) SMALL ----- ₦6,000 per annum

6. REGISTRATION AND RENEWAL  
OF ALL TELECOM  
SERVICING/MAINTENANCE  
AGENTS

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SCHEDULE

FORM A

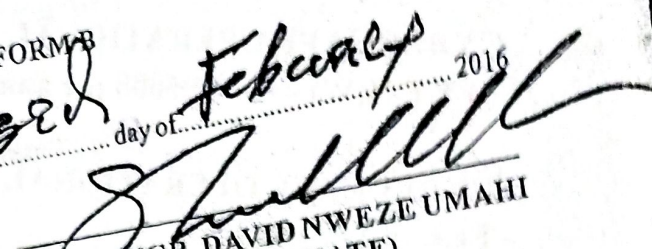
This printed impression has been compared by me with the Bill which has been passed into Law by the Ebonyi State House of Assembly and found by me to be a true and correctly printed copy of the said Bill.

  
MRS. ROSE NNENNIA  
NWOKPORO,  
CLERK OF HOUSE OF ASSEMBLY,  
EBONYI STATE OF NIGERIA.

Dated this 23<sup>rd</sup> day of February 2016

FORM B

Assented to by me this 23<sup>rd</sup> day of February 2016

  
CHIBONGR. DAVID NWEZE UMAHI  
(FNSE, FNATE)  
GOVERNOR, EBONYI STATE OF  
NIGERIA

FORM C

I withhold my assent.

\_\_\_\_\_  
GOVERNOR  
EBONYI STATE OF NIGERIA

Dated this ..... day of ..... 2016