



CROSS RIVER STATE OF NIGERIA

LAW NO. 11 2016

A Law to amend the Cross River State Infrastructure Safety and Regulatory Agency Law No. 8, 2015.

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CROSS RIVER STATE OF NIGERIA

LAW NO. 11 (2016)

A Law to amend the Cross River State Infrastructure Safety and Regulatory Agency Law No. 8, 2015 (hereinafter referred to as "the Principal Law"). Long title.

( )

Commencement.

The Cross River State House of Assembly enacts as follows -

Enactment.

1. The Cross River State Infrastructure Safety and Regulatory Agency Law No. 8, 2015 hereinafter referred to as "the Principal Law") is hereby amended as follows - Amendment of the Principal Law No. 8, 2015.

(a)

add immediately after Section 2 of the Principal law, the following new Sections 2A, 2B, 2C, 2D, 2E, 2F.

Application and Issuance of Permit

"2A (1)(a) All applications for a permit shall be submitted by the owner or his agent to the Agency;

(b) the permit, when issued, shall be displayed in a conspicuous place at the site of the structure.

(2) The Agency shall issue the requested permit within 21 days upon submission of completed application and required documents, unless it concludes, based on information presented to it, that -

(a) the requested permit is not within its jurisdiction;

(b) the application is incomplete; or

(c) if complete, as proposed in the application, the tower, mast, facility is likely to cause injury to those living around it.

2B Permits issued under the provisions of this Law, shall be renewed annually by the Agency at such rates as it may determine.

Renewal of Permit Schedule I.

2C (1) All existing towers, masts, or cables shall be certified by an Engineer of the Agency to be structurally sound and in conformity with the Building Code requirements as set out by the Federal and State Laws.

Certification and Inspection.

(2) For new towers, masts or cables, such certification shall be submitted with an application in accordance with the provisions of this Law.

(3) The Agency shall have authority to enter the property in which a tower or mast is located or where cables are laid, and inspect same for the purpose of determining whether it complies with the Building Code and construction standards provided by the Agency.

(4) The inspection referred to in subsection (3) of this Section shall be conducted between the hours of 8a.m. and 5p.m. after giving seventy-two (72) hours' notice in writing to the tower, mast or cable owner.

Display of signs.

2D. (1) Owners of towers and masts shall display signs such as "DANGER", aviation lights, and other warning signs necessary for human safety as may be prescribed by Regulations made by the Agency.

(2) The owner 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 damages, injuries or nuisance to the public.

(3) The Owner of any tower or mast or cable shall be required to install and maintain towers, telecommunications facilities, wires, cables, fixtures, and other equipment maintenance in compliance with the requirements of the safety code of the State and Federal Laws in such manner that will not interfere with the use of other person's property.

(4) All towers, masts, cables or telecommunication facilities and antenna structures shall be kept and maintained in good condition and repair so that same shall not endanger the life or property of any person.

(5) All owners of towers or masts shall maintain compliance with current RE-emission standards under the Nigerian Communications Commission Act.

(6) In the event that the use of a communication-structure is discontinued by the owner, the owner shall notify the Agency in writing of his intention to discontinue use and the responsibility to dismantle the structure shall be that of the owner and such a structure shall be dismantled within thirty (30) days of such notice.

(7) Any person, corporation, partnership or other body who contravenes the provision of subsection (6) of this Section shall be guilty of an offence punishable by a fine of Two Hundred and Fifty Thousand Naira (N250,000.00) only.

add immediately after Section 2D above, the following new Section 2E-

Limitation  
of suits  
against  
the  
Agency.

2E (1) Notwithstanding anything contained in any other enactment, no suit or action shall lie or be instituted in any court of Law against the members of the Agency, its officers or servants by any person aggrieved by anything done in pursuance of the provisions of this Law or any other enactment or law or of any public duty or in respect of any alleged neglect or default in the execution of this Law or any other enactment or Law, duty or authority unless such suit or action is commenced within 3 months after the act, neglect, omission or default complained of.

(2) No such suit or action shall lie or be instituted in any court of Law against the members of the Agency, its officers or servants before the expiration of one month after written notice of intention to commence the suit shall have been served on the Agency by the intending plaintiff.

(3) The notice referred to in subsection (2) of this Section shall clearly and explicitly state -

(a) the cause of action;

(b) the particulars of claim;

- (h) carry out the audit of all the infrastructures above and underground in the State; and
- (i) undertake such activities as are necessarily expedient for giving full effect to the provisions of this Law".

2. This Law may be cited as the Cross River State Infrastructure Safety and Regulatory Agency (Amendment) Law, 2016 and shall come into force on the ..... day of .....2016

Short Title and Commencement:

**SCHEDULE I**

**APPLICANT INFORMATION**

1. The applicant must supply with his application the following information -
  - (a) the name of the applicant of the proposed communication structure together with his address, and telephone number;
  - (b) the professional occupation of the applicant; and
  - (c) the purpose of the communication structure.

**SCHEDULE 2**

**REQUIRED DOCUMENTS RELEVANT TO THE LOCATION**

The applicant must provide the following at the time of application -

1. Legal description, plot number and address of the plot of land upon which the proposed communication structure is to be situated.
2. If the applicant is not the owner of the parcel of land upon which the proposed tower is to be situated, then a written consent of the owner shall be attached to the application together with the name of the owner of the parcel of land upon which the proposed communication structure is to be situated, together with proof of ownership.
3. Environmental Impact Assessment of the project site.
4. Co-location shall be given first priority and may be required.
5. The use of public properties shall be subject to approval by the Agency and the state's determination that the public's intended use of the site will not be unreasonably hindered. Application for an unclassified use permit shall be made in the manner provided in this Law.
6. An application to locate a new tower shall be accompanied by technical information identifying and documenting the need for such a location.

### SCHEDULE 3

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#### NEIGHBOURING COMMUNICATION STRUCTURE

The applicant shall provide the names, addresses and telephone numbers of all owners of the other towers or antenna support structures, capable of supporting the applicant's telecommunication facilities within 500 feet of the proposed tower.

### SCHEDULE 4

#### APPLICATION FOR THE OPERATION OF THE NEW COMMUNICATION STRUCTURE

The applicant must submit an application for the operation of the new communication structure once the construction is completed. He must present the following with his application -

1. The required date to operate the construction.
2. The actual photograph of the completed site.
3. The number of persons expected to man the site.
4. The type of equipment already installed at the site.
5. A certification of compliance to be exhibited in a conspicuous place.

### SCHEDULE 5

#### REQUIREMENT FOR VALIDATION

#### RELEVANT INFORMATION REGARDING THE SITE

The owner of an existing structure shall provide the following information -

1. Legal description, plot number and address of the plot of land upon which the proposed communication structure is to be situated.

2. The date of the construction of the communication structure.
3. If the owner of the structure is not the owner of the parcel of land upon which the proposed structure is to be situated, the written consent of the owner shall be attached to the application together with the name of the owner of the parcel of land upon which the proposed communication structure is to be situated, together with proof of ownership.
4. The Environmental Impact Assessment Report of the project.
5. The owner of an existing structure need to provide Global Position Information (GPS measurement) specifying the coordinates of the proposed location and the altitude location.

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

*E. Ekpenyong - S*  
 ELDER (BARR.) BASSEY EKPENYONG  
 CLERK OF THE HOUSE

I assent

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*11/10/16*

SENATOR (PROF.) BEN AYADE  
 GOVERNOR  
 CROSS RIVER STATE

MADE AT Calabar this..... day of.....2016.