



RIGHT OF WAY (RoW) APPLICATION REGULATION

In exercise of the powers conferred on the Anambra State Physical Planning Board by the Anambra State Physical Planning Board Law No. 9 of 2013 (as amended), and all other powers enabling it in that behalf, the following Regulation is hereby made:

PART I: PRELIMINARY

1. Title and Commencement

1.1. This Regulation may be cited as the **Anambra State Right of Way (RoW) Application Regulation, 2024**.

1.2. This Regulation shall come into force on the day of its publication in the Anambra State Gazette.

2. Interpretation

In this Regulation, unless the context otherwise requires:

- **"Board"** refers to the Anambra State Physical Planning Board (ANSPPB).
- **"Right of Way (RoW)"** means the legal right, granted by the Board, to pass through public or private land for the purpose of deploying telecommunication infrastructure.
- **"Applicant"** refers to any person or entity applying for Right of Way privileges under this Regulation.
- **"Telecommunications Infrastructure"** includes fiber optic cables, telecommunication towers, ducts, conduits, or any other related infrastructure for broadband deployment.

PART II: APPLICATION FOR RIGHT OF WAY (ROW)

3. Application Process

3.1. Any person or entity intending to deploy telecommunications infrastructure within Anambra State must apply to the Board for the grant of a Right of Way (RoW).

3.2. Applications must be submitted to the Managing Director of the Anambra State Physical Planning Board, with copies sent to:

- The Hon. Commissioner, Ministry of Works.
- The Managing Director, Anambra State Information Communication Technology Agency (ICTA).

Note: Applying entities must ensure that applications reach all concerned parties on the same day.

3.3. The application shall contain the following documents:

- **Corporate Documents:**
 1. Certificate of Incorporation.
 2. Certified True Copy of the Articles and Memorandum of Association.
 3. Certified True Copy of Form CO7 (List of Directors).
- **Personal Identification:**
 1. Photo Identification (National ID, International Passport, Driver's License, or Voter's Card) and passport photographs of the Directors.
- **Tax Compliance:**
 1. Three-year Tax Clearance Certificate inclusive of the current year (of application).
- **Project Documentation:**
 1. Detailed project proposal, including routes, diagrams, distance, completion timeline, and budget.
 2. Evidence of prior fiber deployment (if applicable), occupational health and safety plan, and risk assessment.
 3. If connecting to existing towers, the coordinates of such towers must be provided.

PART III: PROCEDURE FOR CONSIDERATION AND APPROVAL

4. Review Process

4.1. Upon receipt of the application, the Managing Director of the Board, the Commissioner of Works, and the Managing Director of ICTA shall convene to review the application.

4.2. The review shall occur within **seven (7) working days** from the date of submission to ensure that all documentation complies with the State's regulatory standards.

5. Approval of Right of Way

5.1. Where an application meets the required standards, the Board shall issue an Acceptance Letter granting the Applicant the Right of Way privileges.

5.2. The approval process shall be concluded within **twenty-one (21) working days** from the date of submission, provided all required conditions are satisfied.

PART IV: RIGHTS, OBLIGATIONS, AND FEES

6. Rights and Obligations of the Permit Holder

6.1. Upon the grant of Right of Way privileges, the Applicant shall be entitled to:

1. Access public and designated lands within the approved routes for the deployment of telecommunications infrastructure.
2. Perform construction, maintenance, and repairs in the approved areas as necessary for the completion of the project.

6.2. The Permit Holder **must**:

1. Ensure the restoration of any public or private infrastructure damaged during the deployment of telecommunications infrastructure.
2. Adhere to all applicable safety, environmental, and health standards during the project.

7. Fees

7.1. In compliance with the **Executive Order on Zero Naira Per Linear Meter RoW Fee**, no fees shall be levied on the Applicant for the grant of Right of Way privileges in Anambra State.

7.2. The Permit Holder shall, however, bear the full cost of restoring any damaged infrastructure as a result of the project.

PART V: ENFORCEMENT AND PENALTIES

8. Monitoring and Enforcement

8.1. The Board, in collaboration with the Ministry of Works and Infrastructure and ICTA, shall monitor the deployment of telecommunications infrastructure to ensure compliance with the terms and conditions of the RoW grant.

8.2. Any deviation from the approved project scope or failure to restore damaged infrastructure shall be subject to penalties, as stipulated under this Regulation.

9. Penalties

9.1. The Board reserves the right to impose sanctions on any Permit Holder found in breach of this Regulation, including:

- Fines.
- Suspension or revocation of the Right of Way privileges.

PART VI: MISCELLANEOUS PROVISIONS

10. Duration of Right of Way Permit

10.1. The Right of Way permit granted under this Regulation shall be valid for the duration of the project or as specified in the Acceptance Letter.

10.2. Any extension or modification to the project scope shall require formal reapplication and approval from the Board.

11. Revocation of Right of Way Permit

11.1. The Board may revoke the Right of Way permit if the Permit Holder fails to:

- Comply with the terms of this Regulation.
- Adhere to environmental, health, and safety standards during the deployment of infrastructure.
- Restore damaged public or private property within 4 weeks of reported damage.

12. Dispute Resolution

12.1. Any dispute arising under this Regulation shall be referred to the Board for resolution.

12.2. The Board's decision shall be final, subject to judicial review by a court of competent jurisdiction in Anambra State.

13. Citation and Commencement

13.1. This Regulation may be cited as the **Anambra State Right of Way (RoW) Application Regulation, 2024** and shall come into effect upon its publication in the Anambra State Gazette.

Made this ____ day of _____, 2024.

Barr. Chike F. Maduekwe
Managing Director,
Anambra State Physical Planning Board.