



Federal Republic of Nigeria

Official Gazette

No. 22

Lagos - 5th February, 2021

Vol. 108

Government Notice No. 21

The following is published as supplement to this *Gazette* :

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Printed and Published by The Federal Government Printer, Lagos, Nigeria
FGP 71/022021/150

Annual Subscription from 1st January, 2021 is Local : ₦45,000.00 Overseas : ₦60,500.00 [Surface Mail] ₦75,000.00 [Second Class Air Mail]. Present issue ₦2,000 per copy. Subscribers who wish to obtain *Gazette* after 1st January should apply to the Federal Government Printer, Lagos for amended Subscriptions.

S. I. No. 12 of 2021

**NIGERIAN COMMUNICATION ACT
(CAP N97, LFN 2004)**

NOTICE OF THE RESOLUTIONS OF THE NATIONAL FREQUENCY MANAGEMENT COUNCIL
ON THE RESPONSIBILITY OF THE MINISTRY OF COMMUNICATIONS
AND DIGITAL ECONOMY AND THE NIGERIAN COMMUNICATIONS COMMISSION
IN THE MANAGEMENT OF RADIO FREQUENCY SPECTRUM IN NIGERIA

[14th Day of March, 2019]

Commence-
ment.

PREAMBLE

WHEREAS :

(I) The Nigerian Communications Act (NCA) 2003 made provisions for radio frequency spectrum administration in Nigeria ;

(II) The Act established the National Frequency Management Council (NFMC) as the apex body for management of frequency spectrum administration in Nigeria, pursuant to this function, the National Frequency Management Council (NFMC) agreed on shared responsibility for the administration of radio frequency spectrum between the Ministry of Communications and Digital Economy (MCDE) and the Nigerian Communications Commission (NCC), whereby the Ministry of Communications and Digital Economy (MCDE) is saddled with the administration of spectrum for non-commercial users and Nigerian Communications Commission (NCC) is responsible for the administration of radio spectrum for commercial users ;

(III) The national Frequency Management Council (NFMC) defined commercial users of radio spectrum as "All users of Radio Frequency Spectrum who provide communications services to Third Parties as their primary business (all private telecoms operators (PTOs) and broadcasters fall under Commercial users and thus agreed that) all PTOs are to have their frequencies assigned by the Nigerian Communications Commission (NCC), the broadcasting operators by the Nigerian Broadcasting Commission (NBC), Government and other non-commercial users will be assigned by the Ministry of Communications and Digital Economy (MCDE), while bulk allocation of frequency and co-ordination issues are to be referred to the National Frequency Management Council (NFMC)" ;

(IV) The sectorial administration of radio frequency spectrum for commercial and non-commercial users by Ministry of Communications and Digital Economy (MCDE) and Nigeria Communications Commission (NCC) has been fraught with incessant disputes and controversies ; and

(V) Realizing that both the Ministry of Communications and Digital Economy (MCDE) and Nigerian Communications Commission (NCC) are working for the Federal Government for the purpose of achieving a seamless spectrum administration, the National Frequency Management Council (NFMC) as its 41st regular meeting held on the 9th of August, 2017 approved the constitution of a Committee consisting of Nigerian Communications Commission (NCC) and Ministry of Communications and Digital Economy (MCDE) officials as members of review the lingering controversies on the management of radio frequency spectrum for commercial and non-commercial users and make recommendations to the national Frequency Management Council (NFMC).

Members of
the
Committee.

1. The Committee consisted of the following members.

(A) MINISTRY OF COMMUNICATIONS AND DIGITAL ECONOMY (MCDE) :

- (a) Engineer Festus Yusuf Narai Daudu ;
- (b) Engineer Kilyobas N. Binga ; and
- (c) Umar Abdullahi S.Esq.

(B) NIGERIA COMMUNICATIONS COMMISSION (NCC)

- (a) Engineer Oluwatoyin Y. Asaju ;
- (b) Enginner Aliyu Usman ; and
- (c) Barr. Afure Iloka Esq.

(C) NATIONAL FREQUENCY MANAGEMENT COUNCIL (NFMC)

Engineer Adamu P. Mohammed

SCHEDULE

Summary of
the Delibera-
tion.

2. The Committee met to review and resolve the grey areas arising from the administration of radio frequency spectrum for commercial and non-commercial between MCDE and the NCC and thereafter made recommendations to NFMC.

The NFMC at its 46th regular meeting held on the 14th March, 2019 reviewed and deliberated on these recommendations and adopted them as its resolutions. The resolutions are as follows—

(a) Ministry of Communications and Digital Economy (MCDE) shall continue to manage Radio Frequency Spectrum for all Private Mobile Radio (PMR) services.

(b) Nigerian Communications Commission (NCC) shall henceforth manage the Microwave Frequency Spectrum for all Oil Companies.

(c) The Ministry of Communications and Digital Economy (MCDE) shall manage the registration and activities of Amateur Radio Services.

(d) The Nigerian Communications Commission shall manage the microwave links for Nigeria Airspace Management Agency (NAMA) while others like the instrument landing systems. Radar, etc. shall be managed by Ministry of Communications and Digital Economy (MCDE).

(e) The Committee comprising of officials of both Ministry of Communications and Digital Economy (MCDE) and Nigerian Communications Commission (NCC) shall continue to serve as the standing committee of National Frequency Management Council (NFMC) on radio frequency spectrum matters.

(f) All positions agreed upon shall continue to be in force until the amendment of the Nigerian Communications Act (NCA), 2003.

3. These Resolutions may be cited as Resolutions for the Sectorial Administration of Radio Frequency Spectrum for Commercial and Non-Commercial Users by Ministry of Communications and Digital Economy (MCDE) and the Nigerian Communications Commission (NCC).

Citation.

PROFESSOR UMAR GARBADANBATT
(NCC Member)

ENGR. FRIDAY O. UKWELA
(NBC Member)

COL. SHEHU SAIDU SHEHU
(ONSA Member)

IDOWU AFE
(FMOST)

ENGR. TOKUNBO ADETUWO
(FMOT Member)

ENGR. A. A. LADAN
(Secretary NFMC)

MADE at Abuja, this 14th day of March, 2019.

DR ISA ALI IBRAHIM (PANTAMI) FBSC, FNCS, FILM.
Honorable Minister of Communications (NFMC)