



National Broadcasting Commission (Amendment) Decree

ARRANGEMENT OF SECTIONS

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2. Amendment of Section 2 of the principal Decree
3. Amendment of Section 3 of the principal Decree
4. Amendment of Section 9 of the principal Decree
5. Amendment of Section 13 of the principal Decree
6. Amendment of Section 14 of the principal Decree
7. Insertion of a new section 14A immediately after section 14 -
8. Insertion of new sections 19A and 19B immediately after section 19 of the principal Decree
9. Amendment of the First Schedule to the principal Decree
10. Amendment of the Third Schedule to the principal Decree
11. Citation

[COMMENCEMENT

26th May 1999]

The Federal Military Government hereby decrees as follows:-

1. The National Broadcasting Commission Decree 1992 (in this Decree referred to as 'the principal Decree') is amended as set out in this Decree.
 - (2) Section 2 of the principal Decree is amended in subsection (1) -
 - (a) by substituting for paragraph (b) the following new paragraph (b) -
 - “(b) receiving, processing and considering applications for the establishment, ownership or operation of radio and television stations, including-
 - “(i) cable television services, direct satellite broadcast and any other medium of broadcasting.
 - “(ii) radio and television stations owned, established or operated by the Federal, State or Local Government;
 - (b) in paragraph (d), by substituting for the word "broadcast", the word "broadcasting";
 - (c) by inserting after paragraph (o), the following new paragraphs (p) to (t) -
 - “(p) ensuring qualitative manpower development in the broadcasting industry by accrediting curricula and programmes for all tertiary training institutions that offer Mass Communication in relation to broadcasting;
 - “(q) intervening and arbitrating in conflicts in the broadcast industry;
 - “(r) ensuring strict adherence to the national laws, rules and regulations relating to the participation of foreign capital in relation to local capital in broadcasting;
 - “(s) serving as national consultants on any legislative or regulatory issues on the broadcasting industry;

“(t) guaranteeing and ensuring the liberty and protection of the broadcasting industry with due respect to the law.”; and

(d) renumbering the existing paragraph (p) as paragraph (u).

3. Section 3 of the principal Decree is amended

(a) by substituting for the existing subsection (1) the following new subsection (1) -

“(1) The Commission shall consist of -

(a) a Chairman;

(b) ten other members as may be approved to represent the following interests, that is -

(i) law,

(ii) business,

(iii) culture,

(iv) education,

(v) social science,

(vi) broadcasting,

(vii) public affairs,

(viii) engineering,

(ix) State Security Service,

(x) the Federal Ministry of Information and Culture; and

(c) the Director-General of the Commission.

(b) in subsection (2) by substituting for the words "in the opinion of the Minister" between the words "are" and "capable", the words "on the recommendation of the Minister and the approval of the President"; and

(c) in subsection (3), by inserting before the word "appointed" the words "citizens of Nigeria who shall be"

4. Section 9 of the principal Decree is amended:-

(a) in subsection (1) by -

(i) substituting for the existing paragraph (a) the following new paragraph (a) -

"(a) is a body corporate registered under the Companies and Allied Matters Decree 1990 or a station owned, established or operated by the Federal, State or Local Government;"

(ii) deleting paragraph (:c), and

(iii) renumbering paragraphs (d) and (e) as (c) and (d) respectively;

b) by substituting for the existing -subsection (5) the following new subsection (5) -

(5) It shall be illegal for any person to have controlling shares in more than two of each of the broadcast sectors of transmission."; and

(c) by inserting immediately after subsection (5), the following new subsection (6) -

(6) Any broadcast station transmitting from Nigeria before the commencement of this Decree shall be deemed to have been licensed under this Decree and, accordingly, shall be subject to the provisions of this Decree.

5. Section 13 of the principal Decree is amended in subsection (1) by substituting for paragraph (a) the following new paragraph (a) -

- (a) to allocate to a licensed station, that is -
 - (i) in the case of a radio station, Frequency Modulation, Medium Wave and Short Wave,
 - (ii) in the case of television, Very High Frequency and Ultra High Frequency, and
 - (iii) such other broadcast, frequencies as the Commission may from time to time determine.

6. Section 14 of the principal Decree is amended -

(a) in subsection (2) by inserting the following new paragraph (a)

“(a) such percentage of fees and levy to be charged by the Commission on the annual income of licensed broadcasting stations owned, established or operated by private individual(s), Federal, State or Local Government.”.

(b) by inserting immediately after subsection (3) the following new subsection (4)-

“(4) No person shall offer for sale, sell or have in his possession with a view to selling in the course of his business, any installation, mechanism, instrument, material or other apparatus-

(a) constructed for the purpose of; or

(b) intended to be used for,

wireless telegraphy except under and in accordance with a licence issued by the Commission in that behalf.”.

7. Immediately after section 14 of the principal Decree there is inserted the following new section 14A

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"14A. The Commission shall -

- (a) collect and hold in trust for;
- (b) disburse on behalf of,

the broadcast houses such licence fees accruing from the ownership of radio and television sets, as the Commission may prescribe."

8. Immediately after section. 19 of the principal Decree, there is inserted the following new sections 19A and 19B. (1)-

"19A. Any station which contravenes the provisions of the National Broadcasting Code or any other order of the Commission shall be liable to the sanctions prescribed in the Code.

19B. (1) Every member of staff or other officer of the Commission shall be entitled to be indemnified by the Commission against losses or liabilities sustained or incurred in or about the execution of the duties attached to his office or otherwise in relation thereto, and no member, staff or other officer of the Commission shall be liable for any loss, damage or misfortune which may happened to or be incurred by the commission in the execution of the duties of his office or in relation thereto unless the same happened through his wilful neglect or default.

(2) The Commission shall not be liable or responsible for any infringement by a licensee in the exercise of his licence, of a copyright in any work of any law arising out of the exercise of the licence, and nothing in this Decree shall affect the liability of the licensee in respect of any such act done by him."

9. The First Schedule to the principal Decree is amended by -

- (a) inserting immediately after paragraph 1 the following new paragraph 1A -

"1A. The principal office of the Commission shall be in the Federal Capital Territory, Abuja, where its general sessions shall be held.

(b) inserting immediately after paragraph 5 the following new paragraphs 5A, 5B and 5C -

5A. The Commission shall conduct its proceedings in such a manner as shall be best conducive to the proper dispatch of its business and the ends of justice.

5B. Each vote and official act of the Commission shall be entered on record and its proceedings shall be made public upon request by any party interested

5C. The Commission may withhold publications of records or proceedings containing secret information affecting the national defence and security."

10. The Third Schedule to the principal Decree is amended -

(a) by inserting the following new paragraphs 2A and 2B -

"2A. In considering an application for the renewal of a licence the Commission shall review the past conduct of the licensee.

2B. The Commission may not renew a licence if, having regard to the past performance of the station, it is not in the national or public interest or the interest of the broadcast industry to do so."

(b) by inserting the following new paragraph 4 -

"4. A licensee shall be responsible for the contents of the station's broadcast."

(c) in paragraph S by substituting for the sub-paragraph (b) the following new sub-paragraph (b) -

"(b) a local programme content which shall not be less than 60 per cent local and not more than 40 per cent foreign for radio and

television and not less than 20 per cent local or more than 80 per cent foreign for cable satellite retransmission."

(d) by substituting for paragraph 7, the following new paragraph 7 -

"7. Each station shall make available for inspection by the inspectorate staff of the Commission, its broadcast facilities including equipment, station transmission log, programmes and transmission recordings which must be kept for at least 3 months before being discarded."

(e) in paragraph 8 by -

(i) substituting in sub-paragraph (b) the words "two years ' for the words "one year",

(ii) substituting for the full stop at the end of sub-paragraph (d), a semi colon, and the following new sub-paragraphs (e) to (k) -

"(e) for false statements knowingly made either in the application form or in any statement of fact which may be required pursuant to sections 9 and 25 of this Decree;

"(f) where the Commission discovers even after the issuance of licence, authentic information or fact that would ordinarily disqualify the granting of same;

"(g) where there is wilful or repeated failure to operate substantially as set forth in the licence

"(h) where there is wilful or repeated violation, or wilful or repeated failure to observe any provision of this Decree or any rule or regulation of the Commission authorised by this Decree or by a treaty ratified by the Federal Republic of Nigeria;

"(i) where there is violation of or failure to observe any cease and desist order issued by the commission;

"(j) where there is wilful or repeated failure to allow reasonable access into the premises of any station; and

“(k) where a provision of the National Broadcasting code has been seriously breached.”

(f) immediately after paragraph 8, there is inserted the following new paragraphs 8A, 8B and 8C -

“8A. The public hearing referred to in paragraph 8 may be held at such places as the Commission shall determine to be appropriate, and in making such determination, the Commission shall consider whether the public interest, convenience or necessity will be served by conducting the hearing at a place in or in the vicinity of the principal area to be served by the station in question.

“8B. Pursuant to paragraph 8A, the Commission shall serve upon the licensee or person involved an order to show cause why an order of revocation, suspension or any order should not be issued against him and the order to show cause shall contain a statement of the matter with respect to which the Commission is inquiring and shall call upon the said licensee or person to appear before the Commission at such time and place as may be stated in the order but not less than thirty days after the receipt of such order, to give evidence upon the matter specified therein.

“8C. If after the hearing, the Commission determines that an order of revocation, suspension, or any other order should be issued, it shall issue such order, which shall include a statement of the findings of the Commission and the reasons for the findings and specify date of the order, and cause same to be served on the said licensee or person.”

11. This Decree may be cited as the National Commission (Amendment) Decree 1999.

Made at Abuja this 26th day of May 1999.

General Abdulsalami Alhaji Abubakar,
Head of State, Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria



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