

CHAPTER 133 - TELEVISION CORPORATION

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CHAPTER 133

TELEVISION CORPORATION

A LAW TO ESTABLISH THE TELEVISION CORPORATION AND FOR OTHER PURPOSES CONNECTED THEREWITH

[1 *January* 1982]

PART I—PRELIMINARY

1. This Law may be cited as the Television Corporation Law.
2. In this Law, unless the context otherwise requires:—
 - "Chairman" means the Chairman appointed under Section 4(1) of this Law;
 - "Corporation" means the State Television Corporation;
 - "General Manager" means the General Manager appointed under Section 4(1) of this Law;
 - "Governor" means the Governor of the State;
 - "member" means a member appointed under Section 4(1) of this Law; and includes the Chairman;
 - "television broadcasting" means the transmission by wireless telegraph of images of objects in movement or at rest;
 - "State" means the Gongola State of Nigeria.

PART II—ESTABLISHMENT OF CORPORATION

3. There is hereby established a Corporation which shall.— Estabiish—
 - (a) be a body corporate by the name of the Gongola Television poration. Corporation, with perpetual succession and a seal;
 - (b) in its corporate name be capable of suing and being sued.
4. —(1) The Corporation shall consist of a Chairman and a General Manager appointed by the Governor and such number of other members so appointed, not being less than six or more

than nine, as the Governor may from time to time determine

(2) The Chairman and other members shall be appointed from among persons who have had experience, and shown capacity, in matters relating to Mass Communication, Science and Technology, Arts and Culture, Commerce and Industry, Finance and Administration and General Education.

(3) Where a member is absent or incapable for any reason of performing the duties of his office or the office thereof is vacant, the Governor may appoint a temporary substitute member to hold the office upon such terms and conditions as the Governor may prescribe.

(4) A vacancy in the Corporation shall not impair the right of the remaining members to act.

5. The General Manager shall be the Chief Executive of the Corporation, and shall be appointed on such terms, conditions and remuneration as may be prescribed by the Governor.

6. The Secretary of the Corporation shall be the administrative manager of the Corporation and shall perform such duties as the Corporation prescribes.

7.—(1) The functions of the Corporation shall be to provide television broadcasting of high quality both as to the transmission and as to the matter transmitted, for so much of the State as may from time to time be reasonably practicable.

(2) It shall be the duty of the Corporation:—

(a) to provide television broadcasting as public service for disseminating information, education and entertainment;

(b) to ensure that the programmes broadcast by the Corporation in each area maintain a high general standard in all respects, and in particular in respect of their content and quality, and a proper balance and wide range in their subject-matter, having regard both to the programmes as a whole and also to the days of the week on which and the times of the day at which the programmes are broadcast; and

(c) to secure a wide showing for programmes of merit.

8.—(1) The Corporation shall, subject to the provisions of this Law, have power to do all such things as are in its opinion necessary for or conducive to the proper discharge of its function, as described in section 7(1) of this Law and, in particular and without prejudice to the generality of the foregoing provision it shall for the purpose of discharging that function have power:—

(a) to establish, instal and use stations for wireless telegraphy;

(b) to arrange for the provision and equipment of, or if need be, itself to provide and equip studios and other premises for television broadcasting purposes;

(c) for the purpose of providing programmes or putting themselves into a position to do so if necessity arises, to make such arrangements for obtaining the necessary material, enter into such contracts, employ such things as may appear to them to be necessary

and expedient.

(2) Without prejudice to the generality of the preceding provisions of this section, the powers of the Corporation shall extend to the carrying on of such businesses and the doing of such things as arise out of the other activities of the Corporation or are necessary or expedient for the purpose of turning to account any property or rights of the Corporation.

(3) The Corporation may, in particular and with the approval of the Governor, engage themselves in the manufacture or sale of apparatus for wireless telegraphy or any other television broadcasting equipment.

(4) In exercising its powers under this Law, the Corporation shall comply with the provisions of the Wireless Telegraphy Act.

Part III—Financial

9. The funds and property of the Corporation shall consist of:—

(a) all moneys appropriated and paid to the Corporation for the purposes of the Corporation;

(b) all moneys paid to the Corporation by way of grants, subsidies, donations, gifts, fees, subscriptions, rent, interest, profits and royalties;

(c) all moneys derived from the sales of any property held by or on behalf of the Corporation;

(d) all other moneys and property lawfully received by the Corporation for the purposes of the Corporation;

(e) all accumulations of income derived from any such property or moneys.

10.—(1) For the purposes of this Law there shall be established at any Bank approved in that behalf by the Governor an account to be known as the Television Corporation Account.

(2) The Corporation may from time to time open at any branch or agency of the Bank in which it kept the Television Corporation Account such imprest or subsidiary in the exercise of its functions or powers.

(3) Every account under this section shall be operated on only by cheque or other negotiable instrument signed by such persons as the Corporation appoints from time to time for that purpose.

(4) Every payment of money by the Corporation shall be authorised by a prior resolution of the Corporation or shall be submitted to the Corporation for authorisation at its next ordinary meeting.

11.—(1) The Corporation shall so exercise its functions as to secure, in so far as can be done consistently with the fulfilment of its purposes, that the return to it from its activities shall be

sufficient to meet its outgoings on revenue account, taking one year with another.

(2) Nothing in the foregoing subsection shall be taken as preventing the Corporation from exercising its functions so that the return to it from its activities exceeds its outgoing on revenue account.

(3) Any surplus on revenue account shall be applied by the Corporation in such manner as the Governor may direct, and any such direction may require the whole or any part of the surplus to be paid into the State treasury.

12. —(1) The Corporation shall every year cause to be prepared and shall adopt annual estimates of income and expenditure of the Corporation for the ensuing year.

(2) Supplementary estimates may be adopted by the Corporation at any of its meetings.

(3) A copy of all annual estimates and supplementary estimates shall, upon their adoption by the Corporation, be sent to the Governor.

13. The Corporation shall have power, with the approval of the Governor, to borrow such money as it requires to enable it to exercise its functions and powers under this Law.

14. The Corporation may with the approval of the Governor bad debts, write off bad debts.

15. The Corporation shall by the end of each financial year prepare and furnish to the Governor a report on its activities during the year, together with financial statements in respect of that year.

(2) Before furnishing the financial statements to the Governor, the Corporation shall submit them to the Director of Audit who shall report to the House of Assembly:—

(a) whether the statements are based on proper accounts and record;

(b) whether the statements are in agreement with the accounts and records and show fairly the financial operations and state of the affairs of the Corporation;

(c) whether the receipt, expenditure and investment of moneys, and the requisition and disposal of assets, by the Corporation during the year have been in accordance with this Law; and

(d) as to such other matters arising out of the statements as the Director of Audit considers proper to report thereon.

PART IV—ADMINISTRATIVE

16. The Corporation shall have rights and authorities in respect of the acquisition and disposal of real and personal property as may reasonably be necessary or expedient to carry out its general functions and powers, and in particular it may from time to time:—

(a) acquire by purchase, lease, sublease easement, or otherwise any land or interest in land, with or without any building;

(b) erect any building required for the purposes of this Law on land belonging to or

administered by the Corporation;

(c) alter or reconstruct any building or property belonging to or administered by the Corporation;

(d) dispose of by sale, lease, sublease, easement, or otherwise any land or interest in land;

(e) acquire by purchase, bailment, application, or otherwise, any personal property, rights, privileges, licences, or authorities that it considers necessary for the carrying out of its general functions;

(f) dispose of by sale, bailment, or otherwise deal with any personal property, rights, privileges, licences, or authorities of the Corporation;

(g) take on lease, rent, or purchase house or purchase sites and erect houses, for the use of its officers on such terms and conditions as the Corporation may determine;

(h) lease any part of its undertaking;

(i) contract with any persons for the performance of any part of its undertaking;

(j) enter into, assign, or accept the assignment of such contracts relating to the functions and powers given to it under this Law as it deems fit.

17.—(1) The Corporation may from time to time:—

(a) appoint on such terms and conditions as it may think fit such officers and servants as it may consider necessary for carrying out its functions under this Law;

(b) enter into arrangements with persons, firms or agencies for the supply of services or facilities it may require.

18. The Corporation may with the approval of the Governor make bye-laws:—

(a) for the regulation of its proceedings, including the establishment of special and standing committees of any of its duties and the fixing of quorums for meetings of the Corporation or of such committees;

(b) for the establishment of advisory committees consisting of members of the Corporation and persons other than members;

(c) subject to any State Law, for the fixing the remuneration, travelling or living expenses to be paid to members of the Corporation;

(d) for appointments, conditions of service, discipline, pensions, gratuities and retiring benefits, for its employees;

(e) for all matters relating to advertisements, general and special broadcasts and publications;

(f) generally for the conduct and management of its activities.

19. No member, agent, officer or servant of the Corporation shall be personally liable for an act

or default of the Corporation done or omitted to be done in good faith and without negligence in the course of the operations of the Corporation.

20. —(1) The Corporation may delegate to any of its members, officers or committee all or any of its powers under this Law.

(2) A delegation under this section is revocable at will and does not prevent the exercise of a power by the Corporation.

PART V—PROCEDURAL

21. Except as otherwise provided by this Law, every appointed member of the Corporation shall be appointed for a term of three years, and may be re-appointed for one term only.

22. If the Governor is satisfied that a member of the Corporation may declare

(a) has been absent from meetings of the Corporation for a period longer than three consecutive meetings without the permission of the Corporation, or in the case of a Chairman without the permission of the Governor;

(b) has become bankrupt or made an arrangement with his creditors; or

(c) is incapacitated by physical or mental illness; or

(d) is otherwise unable or unfit to discharge the functions of a member; the Governor may declare his office as a member of the Corporation to be vacant.

23. A member may resign his appointment by giving notice in writing to the Governor who shall determine such a member's appointment.

24. A member of the Corporation who is in any way directly or indirectly interested in a transaction or project of the Corporation shall disclose the nature of his interest at a meeting of the Corporation and the disclosures shall be recorded in the minutes of the Corporation, and the member shall not take any part in any deliberation or decision of the Corporation with respect to that transaction or project.

25. —(1) The Board shall hold such and so many meetings as may be necessary for the due fulfilment of its functions so, however, that it shall hold at least four meetings every year.

(2) At a meeting of the Corporation:—

(a) the Chairman shall if present preside;

(b) if and so long as the Chairman is not present or if the office of the Chairman is vacant, the members who are present shall choose one of their number to be Chairman of the meeting.

(3) Every question at a meeting of the Corporation shall be determined by a majority of the votes of the members present and voting on the question and in the case of any equal division of the votes, the Chairman of the meeting shall have a second or casting vote.

26. Where on any special occasion the Corporation desires to obtain the advice of any person

on any particular matter, the Corporation may co-opt such a person to be a member for as many meetings as may be necessary, and that person while so co-opted shall have all the rights and privileges of a member except that he shall not be entitled to vote.

PART VI—MISCELLANEOUS

27.—(1) Any contract or instrument which if entered into or executed by a person not being a body corporate would not require contract or to be under seal may be entered into or executed on behalf of the Corporation by the Chairman or by any person generally or specifically authorised by the Corporation for that purpose.

(2) Any document purporting to be a document duly executed or issued under the seal of the Corporation shall, unless the contrary is proved, be deemed to be a document so executed or issued as the case may be.

28. Service upon the Corporation of any notice, order or other document may be effected by delivering it or sending it by registered post addressed to the General Manager of the Corporation at its head office.

29.—(1) The Governor may give the Corporation directives of a Governor to general character or relating generally to particular matters (but not to any individual or case) with regard to the exercise by the Corporation of its functions under this Law, and it shall be the duty of the Corporation to comply with such directives.

(2) The power conferred by subsection (1) on the Governor shall include power to give directions prohibiting or limiting any expenditure proposed to be incurred by the Corporation which appears to the Governor to be excessive or unnecessary.

30.—(1) Where it is made to appear to the Governor that any land is required for the purposes of the Corporation and that it has been found impracticable to acquire such land by private arrangement, the Governor may acquire the land subject to the payment of compensation to the parties interested in accordance with the provisions of the Land Use Act.

(2) Where land has been acquired under the provision of subsection (1) the Governor may then vest land in the Corporation;

Provided that the Corporation shall not alienate, mortgage, charge or demise any land or immovable property vested in the Corporation under the provisions of this subsection without the approval in writing of the Governor.

(3) The compensation for such acquisition shall in the first instance be paid by the State Government, but the Corporation shall refund any compensation so paid and all expenses incidental thereto.

(4) The acquisition of land under the provisions of subsection 1978 (1) shall be deemed to be

the acquisition of land for a public purpose under the provisions of the Land Use Act.

31.—(1) The Corporation may:—

(a) enter on lands for the purpose of executing, maintaining and inspecting any installations and remain there for such works as may be necessary for the purpose of this Law; and

(b) cut and remove on each site of any proposed or existing installation all such trees and underwood as may interfere or likely to interfere with the construction or proper working of any installation.

(2) Except for the purposes of removing danger to life or property, this section shall not authorise the Corporation:—

(a) to enter on any land which is occupied by any burial ground or cemetery or anything held to be sacred; and

(b) to cut any tree or underwood held to be sacred unless the owners or occupiers or persons in charge thereof have given their consent.

(3) If any doubt arises as to whether any land, trees or underwood falls within the description of subsection (2)(a) or as to the persons competent to give consent under subsection (2)(b) the decision of the Governor shall be final for the purpose of this section.

32.—(1) Subject to the provisions of this section, before entering on any for the purposes mentioned in Section 31 of this Law, the Corporation shall give reasonable notice in writing to the occupiers of the land.

(2) The notice may be served personally by delivery at the place of abode of the persons to be served.

(3) Where the condition of any installation becomes a danger to life or property the Corporation may, without notice enter on the land on which it is situated for any of the purposes mentioned in section 31 of this Law.

33.—(1) In exercise of the powers conferred by section 31 of this Law the Corporation shall do as little damage as possible and the Corporation shall pay compensation for any damage done to any building, crop or economic trees.

(2) In case of dispute as to the amount of compensation payable No. 6 of under this section, the amount of compensation may be determined in the manner provided by the Land Use Act, for determining the compensation payable where a right of occupancy is revoked.

34. The rights and liabilities under all contracts existing on the Transitional, date of the commencement of this Law and entered into by the State Government for any matter connected with television broadcasting shall be transferred to and vested in the Corporation as if the Corporation were a party there to instead of the State Government.

