

CHAPTER 21- BROADCASTING CORPORATION

ARRANGEMENT OF SECTIONS

SECTION

- 1. Citation and Commencement.**
- 2. Interpretation.**

PART II—ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE CORPORATION

- 3. Establishment of the Corporation.**
- 4. Constitution of the Corporation.**
- 5. Supplementary provisions.**
- 6. Powers of the Corporation.**
- 7. Additional powers of the Corporation.**
- 8. Functions of the Corporation.**
- 9. Advertisements and special programmes.**
- 10. Broadcasting of matters.**
- 11. Duty to broadcast Government announcements.**
- 12. Powers of the Commissioner to give directives.**

PART III—ADMINISTRATIVE ORGANISATION

- 13. General Manager, etc.**
- 14. Other staff of the Corporation.**
- 15. Establishment of Divisions and Departments, etc.**
- 16. Secondment and transfer of staff.**
- 17. Retiring and other benefits.**
- 18. General Advisory Council.**
- 19. Role of General Advisory Council.**
- 20. Directions by Governor.**

PART IV—FINANCIAL PROVISIONS

- 21. Funds of the Corporation.**
- 22. Expenditure of the Corporation.**
- 23. Annual Estimates, Accounts and Audit.**
- 24. Bad Debts.**

PART V—MISCELLANEOUS AND SUPPLEMENTARY

25. Forms of contracts or instruments.

- 26. Arrangements between the Corporation and its agents.**
- 27. Regulations.**
- 28. Repeals.**

SCHEDULE (Section 5)

CHAPTER 21 BROADCASTING CORPORATION

A LAW TO ESTABLISH A BROADCASTING CORPORATION

[1

April 1978

PART I—PRELIMINARY

1. This Law may be cited as the Broadcasting Corporation Law.

2. In this Law unless the context otherwise requires:-

"broadcasting service" means services by which matter is sent by wireless telegraphy for general reception or distributed through a radio distribution service, either in sound or in visual images with sound;

"the Commissioner" means the Commissioner for the time being charged with the responsibility for broadcasting matters;

"the Corporation" means the Broadcasting Corporation established under this Law;

"functions" includes powers and duties;

"Governor" means the Governor of the State;

"the Government" means the Government of the State;

"installations" means apparatus and equipment to be installed on any site for any of the purposes specified in section 6 and includes aerial, masts, overhead wires, underground cables and fixed apparatus for wireless telegraphy, electrical generation and radio distribution services;

"member" means member of the Corporation and includes the Chairman;

"programmes" means the programmes broadcast under the authority of this Edict, and includes educational entertainment, commercial advertising, and special programmes;

"radio distribution services" means services by means of

which matter received from transmitting stations or other matter is distributed from a receiving station for general reception over wires to the premises of subscribers;

"special programmes" means any programmes or class of programmes designated by the Corporation as being of special educational value or of special interest to the public in general or in section or class of the public;

"sponsored programme" means any matter which is provided at the expense of any sponsor, that is to say, any person other than the Corporation or its agent or the performers for the purpose of being broadcast and is the subject of a broadcast announcement mentioning the sponsor or his goods or services;

"the State" means the Gongola State of Nigeria;

"station" means a station for the transmission or receipt, by means of wireless telegraphy, of messages or other matter;

"transmitting station" means a station for the transmission, by wireless telegraphy, of messages or other matter;

"wireless telegraphy" means a system of communication without the aid of any wires connecting the points from and at which the messages or other matter are sent and received.

PART II—ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE CORPORATION

3. There is hereby established a body called the Broadcasting Corporation Corporation which shall be a body corporate with perpetual succession and a common seal, and which shall have power to sue and be sued in its corporate name.

4.—(1) The Corporation shall consist of a Chairman and five other members all of whom shall be appointed by the Governor from among persons appearing to him to be qualified for the appointment.

(2) Before appointing a person to be a member, the Governor shall satisfy himself that the person will have no such financial or other interests (and in particular no such financial or other interest in any advertising agency or in any business concern with the

manufacture or sale of apparatus for wireless telegraphy or other telegraphic equipment) as is likely to affect prejudicially the discharge by him of his functions as a member.

(3) Any person whom the Governor proposes to appoint a member shall, whenever requested by the Governor to do so, furnish to him such information as the Governor considers necessary for the performance by the Governor of his duties under this section.

(4) There shall be paid out of the funds of the Corporation to each member not being a public officer such remuneration as the Governor may determine.

(5) A member shall not be personally liable for any act or default of the Corporation as long as such act or default is in the course of the operations of the Corporation and is in good faith.

(6) The names of the original members and every change in the membership of the Corporation shall be published in the State Gazette.

5. The provisions contained in the Schedule shall have effect with respect to the constitution and proceedings of the Corporation.

6. —(1) Subject to the provisions of this Law, the Corporation shall, for the purpose of carrying out its functions have power to carry on all activities which are necessary, advantageous or expedient.

(2) Without prejudice to the generality of subsection (1) of this section the powers of the Corporation shall include powers:-

(a) to determine the overall policy of the Corporation;

(b) to erect, maintain and operate transmitting and receiving stations;

(c) to install and operate distribution services;

(d) to enter into arrangements with any person for the purpose of obtaining licences, rights, privileges and concessions;

(e) to produce, manufacture, purchase or otherwise acquire gramophone, films and other mechanical records and

materials and apparatus for the use in connection with the broadcasting services;

(f) to provide and to receive from other persons matter to be broadcast;

(g) to organise, provide and subsidise educational activities and public entertainments for the purpose of broadcasting;

(h) to collect news and information in any manner that may be thought fit and to establish and subscribe to news agencies;

(i) to acquire copyrights;

(j) to publish printed matter that may be conducive to the performance of any of the functions of the Corporation;

(k) to do anything for the purpose of advancing the skill of persons employed in the broadcasting services or the efficiency of the equipment used in the broadcasting services, or the manner in which that equipment is operated, including the provision by the Corporation or the assistance of the provision by others, of facilities for training, education and research;

(l) to manufacture and assemble radio receiving sets;

(m) to form or participate in the formation of a Company limited by shares and incorporated in Nigeria under the Companies Act, to nominate persons (including any of their number) to be Directors of any such Company, to provide capital and other moneys for any such Company out of its funds in accordance with terms and conditions attached to the grant of those funds, and to hold shares in the capital of any such Company:

Provided that the Memorandum of Association and the Articles of Association of any such Company shall be subject to the approval of the State Executive Council;

(n) to make arrangements and enter into agreements with any person for the exercise, performance or provision by that person as agent for the Corporation of any of the powers, services or facilities which may be exercised, performed or provided by the Corporation.

7.—(1) For the purposes of discharging its functions under this Law the Corporation shall also have power to:-

(a) make, draw, accept or endorse any negotiable instrument;
(b) invest money standing to its credit and for the time being not required for the purposes of its functions in securities approved either generally or specifically by the Commissioner and may from time to time vary or sell such investment;
(c) acquire, purchase, hold, lease, mortgage, sell and dispose of property both movable and immovable.

(2) Subject to the provisions of subsection (3) of this section, the Corporation may borrow money required for meeting any of its obligations or discharging any of its functions.

(3) The Corporation shall not borrow any sums whereby the aggregate amount outstanding at any one time exceeds twenty thousand naira (N 20,000), without the prior approval of the State Executive Council as to the amount sought to be borrowed, the purpose and sources of the borrowing and as to the terms on which the borrowing may be effected.

(4) The Governor may, by order published in the gazette, confer additional powers on the Corporation for the purposes of carrying out the provisions of this Law.

8.—(1) The functions of the Corporation shall be to provide in accordance with the provisions of this Law Broadcasting Services on behalf of the Government for so much of the State as may from time to time be reasonably practicable.

(2) In the discharge of its functions under this Law the Corporation shall satisfy itself as far as possible that the programmes broadcast by the Corporation or on its behalf comply with the following requirements:-

(a) that nothing is included in the programmes which offends against good taste or decency or is likely to encourage or incite to crime or lead to disorder or to be offensive to public feeling or which contain any offensive representation of or reference to a living or dead person;

(b) that the programmes maintain a proper balance in their subject matter and high general standard of quality;

(c) that any news given in the programmes (in whatever form)

is presented with the due accuracy, impartiality and objectivity;
(*d*) that due impartiality is preserved in respect of matters of political or industrial controversy or relating to current public policies; and

(*e*) that subject to the provision of subsection (3) of this section, no matter designed to serve the interests of any political party is included in the programmes.

(3) Nothing in paragraph (*e*) of subsection (2) of this section shall prevent:-

(*a*) the inclusion in the programmes of properly balanced discussions or debates where the persons taking part express opinions and put forward arguments of a political character; and

(*b*) the inclusion in the programmes of party political broadcast which seek to explain the views and policies of the various political parties in accordance with a scheme of such broadcasts which apportions the facilities of time allowed between the representatives of the political parties in such a manner as appears to the Corporation equitably to represent their respective claims upon the interest of the members of the public.

(4) The Corporation shall secure the exclusion from any publication which may be issued by it or on its behalf, and without prejudice to the generality of the provision of this section, from the programme broadcast by it or on its behalf of all expressions of its own opinion as to the matters referred to in paragraph (*d*) of subsection (2) of this section, or of the opinion as to any such matters of any of its members or officers or of the opinion as to any such matters of any Director or officer or any agent of the Corporation.

9.—(1) Subject to the provisions of this section the programmes broadcast by the Corporation or on its behalf may be sponsored and may include advertisements and sponsored announcements broadcast in consideration of payments by person requiring such sponsored programmes, advertisements and announcements to be broadcast.

(2) A special programme shall not be interrupted by any advertisement or sponsored announcements, but advertisements or sponsored announcements may immediately follow a special programme.

(3) Where a programme is specially broadcast for schools, the Commissioner may designate the types or classes of advertisements or sponsored announcements that may immediately precede or immediately follow such programmes.

10. Without prejudice to the generality of section 8, the Broadcasting Corporation shall provide such facilities as may appear to the Corporation to be desirable in the public interest for the broadcasting of:-

(a) Ministerial speeches, that is any speeches of the members of the Federal Government of Nigeria, the National Council of States or of any State Government in Nigeria which explain the policy and actions of the Government concerned; and

(b) matters of any kind (including religious services or ceremonies) relating to or representing the main streams of religious thought or belief in Nigeria.

11. —(1) The Corporation shall, whenever so requested by an authorised public officer, send in a Government Programme at the Government Corporation's own expense, any announcement which such officer announce-may request the Corporation to broadcast and shall also whenever an emergency has arisen or continues, at the like expense, send any other matter which the officer may request the Corporation to broadcast; and the Corporation may in its discretion announce or refrain from announcing that such a notice has been given or has been varied or revoked.

(2) In this section "authorised public officer" means any officer in any of the public services in the Federation declared to be such by the President of the Federal Republic of Nigeria or, as the case may require, the Governor of the State.

12. The Commissioner may give the Corporation directions of a general character or relating generally to particular matters with regards to the exercise by the Corporation of its functions under

give this Law, and it shall be the duty of the Corporation to comply with such directions.

PART III—ADMINISTRATIVE ORGANISATIONS

13.—(1) The Chief Executive Officer of the Corporation shall be its General Manager who shall have ultimate responsibility for the carrying out of the policies and decisions of the Corporation in accordance with the provisions of this Law.

(2) There shall be a Secretary to the Corporation who shall, subject to the provisions of this Law, keep the records and conduct the correspondence of the Corporation and perform such other functions of an administrative nature as the Corporation may assign to him.

(3) Power to appoint and exercise disciplinary control over the General Manager and the Secretary, and to determine their terms and conditions of service as to remuneration or otherwise, shall be vested in the Governor and shall also be subject to the provisions of any regulations or rules that may be made under section 17 of this Law.

Other staff etc. of the Corporation.

14.—(1) The Corporation shall appoint such other staff and agents as it may deem necessary for the efficient performance of the Corporation's functions under this Law upon such terms and conditions as to remuneration or otherwise as the Corporation may determine.

(2) The Corporation shall not employ or dismiss any officer or employee whose salary is equal to or is in excess of the prescribed salary without the approval in writing of the Governor.

(3) The Governor may, by order, determine the prescribed salary for the purpose of subsection (2) of this section.

15. The Corporation shall, in the discharge of its functions under this Law:-

(a) establish and maintain such divisions, departments, sections, branches and field offices as appropriate;

(b) devise and use such forms and proceedings as the Corporation deems fit; and

(c) make such other administrative arrangements as may, in the opinion of the Corporation be necessary or expedient for the performance of its functions under this Law.

16. The Corporation may employ on secondment such officers of the public service of the State or of any other State, local staff government or other corporate body established by law as may, with the agreement of such officers, be seconded to the services of the Corporation in accordance with the procedure applicable to the secondment of such officers.

17. The Corporation may:-

- (a) grant pensions, gratuities, or retiring benefits to any of the officers or employees of the Corporation or to their dependents and may require officers and employees to contribute to any pensions or contributory scheme;**
- (b) grant loans to its officers and employees for such purposes as the Corporation may approve; and**
- (c) subject to the approval of the Governor, make rules and regulations with respect to the appointment, promotion, transfer, dismissal, exercise of disciplinary control and payment of pensions, gratuities and other retirement benefits.**

18. —(1) The Commissioner shall, subject to the approval of the General Governor, appoint a General Advisory Council to advise the Corporation on such matters arising in the course of the discharge of its functions under this Law.

(2) The General Advisory Council shall be made up of not less than eight members, including the Chairman, representing various interests as follows:-

- (a) two members representing broad religious persuasions;**
- (b) one member representing the arts;**
- (c) one member representing educational affairs;**
- (d) one member representing cultural affairs;**
- (e) one member representing public affairs; and**
- (f) one member representing women interests.**

(3) The Commissioner may prescribe or determine for the General Advisory Council:-

- (a) the number of members to be appointed;**
- (b) the tenure of office of members;**

- (c) the quorum of the meetings of the Council;**
- (d) the frequency of the meetings;**
- (e) procedure at the meetings; and**
- (f) all other matters necessary for or incidental to the proper functioning of the Council.**

19. The role of the General Advisory Council shall be purely advisory and, without prejudice to the generality of subsection (1) Council. of section 18, of this Law, the duty of the General Advisory Council shall be to advise the Corporation as to the principles, standards of conduct and practice to be adopted and followed:-

- (a) in matters of a religious nature, included or to be included in the programmes broadcast by the Corporation or on its behalf, or in any publications issued by the Corporation or on its behalf;**
 - (b) in matters included or to be included in any such programmes or publications intended for children or young persons; and**
 - (c) in matters included or to be included in any such programmes or publications, relating to the advertising of goods or services (including in particular the advertising of goods and services for medical or surgical purposes) with a view to excluding misleading advertisements from such programmes or publications.**
- (2) The General Advisory Council shall, in addition to its role specified in subsection (1) of this section, receive and consider complaints from the public of unfair treatment in programmes and advise the Corporation accordingly.**

20. Subject to the provisions of this Law, the Governor may give to the Corporation general or specific directions as to the discharge by the Corporation of its function under this Law as may appear to the Governor to be necessary to ensure conformity by the Corporation with the policy of the government for the time being and the Corporation shall give effect to any such directions.

PART IV—FINANCIAL PROVISIONS

21. The funds and resources of the Corporation shall consist of:-

- (a) such sums as may be provided to it by the State Executive Council for the running expenses of the Corporation and all other assets accruing to the Corporation;**
- (b) such sums as may be lent or granted to the Corporation by any person; and**
- (c) such sums as may be collected or received by the Corporation from other resources in the execution of its functions or in respect of any property vested in the Corporation.**

22.—(1) The Corporation may apply the funds at its disposal for:-

- (a) the pursuance of all or any of its functions under this Law;**
- (b) the cost of its administration;**
- (c) reimbursing members of the Corporation or of any Committee set up by the Corporation for such expenses as may be expressly authorised by the Corporation in accordance with the rates approved by the Governor;**
- (d) the payment of salaries, fees or other remuneration or allowances and pensions, superannuation allowances and gratuities payable to the officers and servants of the Corporation; and**
- (e) the maintenance of any property acquired or vested in the Corporation.**

(2) No payment of any kind under paragraph (d) of subsection (i) of this section (except as may be expressly authorised under that paragraph) shall be made to any person who is in receipt of emoluments from the Government of the Federation or the Government of a State.

23.—(1) The Corporation shall submit to the Commissioner not later than the 1st day of August in each financial year an estimate of its expenditure and income during the next succeeding financial year.

(2) The Corporation shall keep proper accounts and records in

relation to the accounts and shall prepare in respect of each financial year a statement of accounts in such form as the Commissioner may direct.

(3) The Corporation shall as soon as may be after the end of the financial year to which the accounts relate cause its accounts to be audited by qualified auditors approved by the Commissioner.

(4) The auditors shall on completion of the audit of the accounts of the Corporation for each financial year prepare and submit to the Corporation the following two reports, that is to say:-

(a) a general report setting out the observations and recommendations of the auditors on the financial affairs of the Corporation generally for that year and on any important matters which the auditors may consider necessary to bring to the notice of the Corporation; and

(b) a detailed report containing the observations and recommendations of the auditors on all aspects of the operations of the Corporation for that year.

(5) The Corporation shall submit to the Commissioner for presentation to the State Executive Council a copy of the audited accounts of the Corporation together with the auditor's reports prepared under subsection (4) of this section.

24. The Corporation may, with the approval of the State Executive Council, write off bad debts.

PART V—MISCELLANEOUS AND SUPPLEMENTARY

25.—(1) Any contract or instrument which if entered into or instruments by a person not being a body corporate would not require to be under seal may be entered into or executed on behalf of the Corporation by the General Manager 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 common seal of the Corporation or on behalf of the Corporation shall, unless the contrary is proved, be deemed to be a document so executed or issued as the case may be.

26. —(1) The power conferred upon the Corporation under paragraph (m) of subsection (2) of section 6 of this Law to make arrangements with its agents shall include such arrangements as:-
(a) the settling and adoption of a code of principles; and
(b) standards of conduct and practice to be adopted and followed in matters relating to the broadcasting of programmes.

(2) The arrangements between the Corporation and any agent appointed by it for carrying out the functions under this Law shall ensure that the provisions of this Law are complied with in all respects.

27. The State Executive Council may, by regulations published in the gazette, prescribe anything falling to be prescribed generally for the purposes of this Law.

SCHEDULE

Further provisions applicable to the Gongola Broadcasting Corporation.

1. The Chairman and every member of the Corporation appointed in accordance with the provisions of section 4 shall hold office for a period of three years but shall be eligible for re-appointment.

2. —(1) If the Governor is satisfied that a member of the Corporation:-

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

(b) has been convicted of an offence involving or necessarily implying fraud or dishonesty and has undergone a sentence of imprisonment therefor;

(c) is incapacitated by physical or mental illness from performing the functions of a member;

(d) has been dismissed or forcibly retired from the employment of the Government as defined, or any other State Government or the Federal Government of Nigeria;

(e) has such financial or other interests whether in the operations or the affairs of the Corporation as, in the opinion of the Governor, is

likely to affect prejudicially the discharge by him of his functions as a member;

(f) has been absent from three consecutive meetings of the Corporation without the prior permission of a quorum of the Corporation; or

(g) is otherwise unable or unfit to discharge his functions as a member; the Governor may revoke the appointment of such member.

(2) A member may resign his office as a member by notice in writing to the Governor and upon receipt of such notice by the Governor the appointment of such member shall be determined.

3. Where any member of the Corporation is temporarily incapacitated by illness from performing his functions as a member or is temporarily absent from Nigeria the Governor may appoint any person to hold temporarily the office held by such incapacitated or absent member during the period of such incapacity or absence and all the functions of such member under this Law shall devolve upon such person so temporarily appointed.

4. Where upon any special occasion the Corporation desired to obtain the advice of any person on any particular matter, the Corporation may co-opt such person to be a member for such meeting as may be required and such person whilst such co-opted shall have all the rights and privileges of a member except the right to vote on any question.

5. —(1) The Corporation shall meet not less than four times in each year and on such other occasions as may be necessary for the due fulfilment of its functions.

(2) At a meeting of the Corporation:-

(a) the Chairman shall, if present, preside; and

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

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

6. Any three members of the Corporation may, by notice in writing signed by them, request the Chairman to call a special meeting of the

Corporation for the purpose set out in such notice and the Chairman shall thereupon call a special meeting.

7. A quorum at a meeting of the Corporation shall be three.

8. —(1) Subject to the provisions of this Law, the Corporation may regulate its own proceedings and may make standing orders for that purpose.

(2) No act or other proceedings of the Corporation shall be invalid by reason only that:-

(a) there is some defect in the appointment of a person purporting to be a member of the Corporation; or

(b) there is any vacancy amongst its members.

9. 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.

10. —(1) The Corporation shall, as soon as may be after its establishment, provide itself with a common seal. Corporation

(2) The common seal of the Corporation shall be authenticated by the signature of the Chairman or some other member authorised by the Corporation to act in that behalf and the signature of the Secretary of the Corporation.

(3) Judicial notice shall be taken of the common seal of the Corporation and every document purporting to be an instrument made by the Corporation and to be sealed with the common seal of the Corporation shall be received in evidence and deemed to be such instrument without further proof unless the contrary is shown.