

# CHAPTER K52 - KWARA STATE TELEVISION AUTHORITY LAW

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**GENERAL NOTE:** The word "Decree" is substituted with the word "Act" wherever it appears in this Law, by Law No. 4 of 2006.

# THE KWARA STATE TELEVISION AUTHORITY LAW

A Law to establish a Kwara State Television Authority and for connected purposes—

[No. 4 of 1999, No. 4 of 2006.]

[Date of commencement: 21 *th* January, 1999]

## PART I

### *Preliminary*

1. **Short title**

This Law may be cited as the Kwara State Television Authority Law, 1999.

2. **Interpretation**

In this Law, unless the context otherwise requires—

"**Authority**" means Kwara State Television Authority established under section 3 of this Law;

"**Board**" means the governing Board of the Kwara State Television Authority;

"**Broadcasting**" means television broadcasting;

"**Chairman**" means the person appointed as chairman of the governing Board of the Television Authority pursuant to section 4 of this Law;

"**Commissioner**" means the State Commissioner for the time being charged with responsibility for television broadcasting;

"**Government**" means the Government of Kwara State of Nigeria;

"**Governor**" means the Governor of Kwara State;

[No. 4 of 2006.]

**"Installations"** include aerials, masts, overhead wires, underground cables and fixed apparatus for wireless telegraphy, electrical generation and television distribution services;

**"Member"** means a member of the Board of the Authority and includes the chairman;

[No. 4 of 2006.]

**"Military Administrator"**

[No. 4 of 2006.]

**"Programme"** means a television broadcast under the authority of this Law;

**"Sponsored Programme"** means any broadcast which is provided at the expense of any sponsor, that is to say, any person other than the Authority or their agent or performer, for the purposes of being broadcast, and is the subject of a broadcast announcement mentioning the sponsor or his goods or services;

[No. 4 of 2006.]

**"State"** means Kwara State of Nigeria;

**"Station"** means station for the transmission or reception by means of wireless telegraphy;

**"Television broadcasting"** means transmission by wireless telegraphy of images of objects in movement or at rest.

## PART II

### *Establishment and Appointment of Members of the Authority*

#### **3. Establishment and functions of the Authority**

(1) There is hereby established a body to be known as the Kwara State Television Authority (hereafter referred to as "the Authority") which under that name shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name.

(2) The Authority shall have the power conferred upon it by this Law including

power to enter into contracts and acquire, purchase, hold, lease, mortgage, sell and dispose of property both moveable and unmoveable.

(3) The Authority shall be self sustaining, shall operate with social responsibility and commercial thrust.

(4) The television broadcasting signal of the Authority shall be "Kwara Television".

#### **4. Membership of the Authority**

(1) The Board of the Authority shall consist of the following members to be appointed by the Military Administrator on the recommendation of the Commissioner, that is—

- (a) a part time chairman;
- (b) the General Manager of the Authority or his representative; and
- (c) a representative each of the following ministries or offices, that is—
  - (i) Governor's office;
  - (ii) Ministry of Finance and Economic Development;
  - (iii) Ministry of Justice;
  - (iv) Ministry of Information and Culture;
  - (v) Ministry of Education; and
  - (vi) a Secretary.

(2) The Governor may by notice published in the State Gazette increase or reduce or otherwise vary the composition of membership of the Board.

#### **5. Tenure of Office**

(1) Subject to the provisions of this Law, a person appointed to be a member of the Board not being a public officer, shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment for one further period of three years.

(2) Any member, not being a public officer may resign his appointment by a letter addressed to the Governor.

## **6. Remuneration**

There shall be paid to the members of the Board such remuneration or allowances or as the Military Administrator may determine.

## **7. Removal of members from office**

If it appears to the Governor that a member of the Board should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Governor shall after consultation with the interests, if any represented by that member declare in writing the office of that member vacant.

## **8. Appointment of Sole Administrator**

Notwithstanding anything contained in this Law, a Sole Administrator may be appointed by the Governor who shall exercise the functions of the Board and any other functions as may be assigned to him by the Governor.

## **9. Non-liability of members for acts done in good faith**

A member of the Board shall not be personally liable for any act or omission to do any act or any default of the Authority so long as such act, omission or default is in the course of the operations of the Authority and in good faith.

## **10. Supplementary**

The provisions contained in the Schedule to this Law shall have effect with regard to the constitution and proceedings of the Authority.

## **PART III**

## *Powers and Duties of the Authority*

### **11. *Powers and Duties of the Authority***

The Authority shall have power to do all such things as are in its opinion necessary for or conducive to the proper discharge of its functions as described in section 3 and for the purpose of discharging these functions have power—

- (a) to erect, maintain and operate television transmitting and receiving stations;
- (b) to establish and maintain such divisions, subsidiary, departments, section, branches and field offices thereof;
- (c) to install and operate television distribution services;
- (d) to enter into arrangement with any person, body or authority for the purpose of obtaining licenses, rights, privileges and concessions;
- (e) to establish such number of production centres as it may consider necessary from time to time;
- (f) to manufacture, produce, purchase gramophone and other mechanical records and materials and apparatus for use in connection with the broadcasting services;
- (g) subject to the News Agency of Nigeria Act to provide for and to receive from other persons matter to be broadcast;
- (h) organise, provide and subsidise, for the purpose of broadcasting educational activities and public entertainment;
- (i) subject to the News Agency of Nigeria Act, collect news and information in any part of the world in any manner that is thought fit and to subscribe to news agencies;
- (j) to acquire copyrights;

- (k) to publish printed matter that may be conducive to the performance of any of its functions;
- (l) 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 of facilities for training, education and research;
- (m) to manufacture and assemble television receiving sets;
- (n) to form or participate in the formation of a company limited by shares and incorporated in Nigeria under the companies and Allied matters Act, to

nominate persons (including any of its members) to be directors of any such company; to provide capital and other money for any such company out of its funds in accordance with the terms and conditions attached to the grant of these 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 Military Administrator;

- (o) to carry out such other activities as are necessary or expedient for the full discharge of all or any of the functions conferred on it under or pursuant to this Law.

[No. 4 of 2006.]

## **12. Duties of the Authority as to programmes and publications**

The Authority shall satisfy itself that the programmes broadcast by it or its behalf comply with the following requirements—

- (a) that nothing is included in the programmes which is likely to offend



against good taste or decency or is likely to encourage or incite to crime or lead to disorder or to contain any offensive representation of, or reference to a living person;

- (b) that the programme maintain a proper balance in their subject matter and a generally high standard or quality;
- (c) that any news given in the programmes (in whatever form) is presented with accuracy, impartiality and objectivity;
- (d) that due impartiality is preserved in respect of matters of political or industrial controversy or relating to current public policy and;
- (e) that subject to the provisions of subsection (2) of this section no matter designed to serve the interests of any political party is included in the programmes.

(2) Nothing in paragraph (e) of subsection (1) of this section shall prevent—

- (a) the inclusion in the programmes of properly balanced discussion or debates in which the persons taking part express opinions and put forward arguments of a political character; and
- (b) the inclusion in the programmes of party political broadcasts 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 and time allowed between the representatives of the political parties in such a manner as appears to the Authority equitably to represent their respective claims to the interest of the public.

(3) The Authority 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 provisions of this section, from the programmes 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 (1) of this section, or of the opinion as to any such matters of any of its board members or officers employees or any agent of the Authority.

### **13. Broadcasting of advertisements and special programmes**

(1) Subject to the provisions of this section, the programmes broadcast by the Authority or on its behalf may be sponsored and may include advertisements and sponsored announcements broadcast in consideration of payment by persons requiring such sponsored programmes, advertisements and announcements to be broadcast.

(2) Where a programme is specially broadcast for schools the Authority may designate the types or classes of advertisements or sponsored announcements that may immediately precede or immediately follow that programme.

(3) A special programme shall be broadcast if so directed by the Commissioner in any particular case.

#### **14. Arrangements between the Authority and their agent**

(1) The arrangements between the Authority and any agent which it may appoint for the proper carrying out of the provisions of this Law shall be such as to ensure that the provisions of this Law are not contravened and are complied with in all respect.

(2) Such arrangements shall include the setting and adoption of a code of principles, standards of conduct and practice to be adopted and followed in matters relating to broadcasting of programmes.

### **PART IV**

#### *Control of the Authority*

#### **15. Power of the Commissioner to issue directions to the Authority**

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

#### **16. Broadcast by direction of Governor**

The Governor whenever he considers it in the public interest to do so or during any

period of emergency, may at any time by notice in writing require the Authority or any duly authorised agent of the Authority to broadcast at such times as may be specified in the notice and from such of the stations used by them as may be so specified, any announcement so specified, and it shall be the duty of the Authority and its duly authorised agents to comply with and give effect to the notice free of charge and where the Authority or its duly authorised agent broadcast any announcement in pursuance of a notice under this section it shall announce that it is doing so in pursuance of such notice.

## **17. Appointment of General Manager, Secretary and other employees**

(1) There shall be an official of the Authority to be known as the General Manager who shall be the chief executive officer of the Authority and shall be responsible for the execution of the policies of the Authority and its day to day business.

(2) The General Manager shall be appointed by the Governor.

(3) (a) There shall be appointed by the Governor a Legal Adviser to the Authority who shall be the Secretary to the Board and the Authority and who shall be the Head of the Administrative Department of the Authority.

(b) In the absence of a Legal Adviser and Secretary as provided for in paragraph (a) of this subsection the Commissioner may designate an officer or staff of the Authority as the Secretary to the Board.

[No. 4 of 2006.]

(4) The Secretary shall keep the records and conduct the correspondence of the Authority and perform such other duties as the Authority or the General Manager may from time to time direct.

[No. 4 of 2006.]

(5) The Authority may employ such other employees and agents as it may think necessary for the efficient discharge of its functions under this Law, subject to such rules and conditions of services as it may deem appropriate.

(6) Transfer or secondment of officers.—The Authority may employ on secondment or transfer any officer in the public service of the state or in the service of any other state or Local Government in accordance with the procedure applicable to

secondment or transfer of such officers in the relevant service.

(7) The officers employed pursuant to subsection (6) of this section shall be promoted, disciplined or dismissed in accordance with the rules applicable to such officers in the state or Local Government service.

(8) The services of the officers referred to in subsection (6) of this section shall be recognised for purposes of pensions and gratuities in accordance with the existing rules on same in the State or Local Government service.

## **18. Disciplinary Action**

The Authority shall subject its employees and officers to such rules and conditions of service that it adopts pursuant to subsection (5) of section IV of this Law, for the proper and efficient conduct of its business upon such terms and conditions as to remuneration or otherwise as it may determine.

## **PART V**

### *Finance Provisions*

## **19. Power to borrow money**

The Authority may with the consent of or in accordance with any general authority given by the Governor, borrow by way of loan, overdraft or otherwise such sums as the Authority may require for meeting its obligations and the money aforesaid may be borrowed from the state government or from such other person and upon such terms and conditions as may be approved by the Governor.

## **20. Investment of monies**

The Authority may invest all or any portion of the monies of the Authority in such manner as may be approved by the Governor.

## **21.**

The Authority may from time to time apply the funds at its disposal to the payment or settlement of—

- (a) the salaries or allowances of members of the Board;

- (b) the salaries, allowances, fees, remunerations, pensions, retiring benefits and gratuities of officers and employees of the Authority;
- (c) working and establishment expenses and expenditure on maintenance of any property vested in the Authority;
- (d) provisions for the depreciation or renewal of any property vested in the Authority;
- (e) interest due on debenture stock issued in accordance with section 22;
- (f) Any debts or other liabilities of the Authority incurred in connection with all or any of its functions conferred upon it under the provisions of this Law or any other written law.

## **22. Funds of the Authority**

- (1) The funds and resources of the Authority shall consist of—
  - (2) such sums as may be provided by the state;
  - (3) such sums as may be borrowed by the Authority in accordance with the provisions of this Law;
  - (4) all sums collected or received by the Authority in the execution of its powers under this Law; and
- (5) all other sums or property of whatever kind which may in any manner become payable to or vested in the Authority.
- (6) If the state government makes any advance to the Authority at any time to provide for working capital or for any other purpose, the Authority shall as soon as any such advance is made, issue to the state government debenture stock of a total nominal value equivalent to any such sum advanced and bearing interest at such rate from such date as shall be determined by the Governor.

## **23. Accounts and Audit**

- (1) The Authority shall—

- (a) cause to be kept proper accounts in respect of its functions under this Law and other records thereto; and
- (b) prepare in respect of each financial year a statement of accounts in such form as may be approved by the Commissioner.

(2) The said annual statement of accounts shall be a fair and accurate statement of the financial position and of the results of the operations of the Authority for the financial year to which it relates.

(3) The said annual statement of accounts shall be audited by auditors to be appointed annually by the Commissioner after consultations with the Auditor-General of the state, and the remuneration to be paid by the Authority to the Auditors so appointed shall be approved by the Commissioner.

(4) As soon as the said annual statement of accounts has been audited as aforesaid, the Authority shall forward to the Commissioner a copy of the said statement of accounts together with a copy of the report made by auditors.

## PART VI

### *Provisions as to Land*

#### **24. Power to enter land**

- (1) The Authority shall have power—
  - (a) to enter on any lands for the purpose of erecting, maintaining and inspecting any installations belonging to the Authority or of repairing, altering or removing any such installations and to remain there for such reasonable time and execute and do all such works as may be necessary for the purpose of this Law;
  - (b) to cut and remove on each side of any proposed or existing installation all such trees and underwood as may interfere or be likely to interfere with the construction installation.

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

to enter on any land which is occupied by any burial ground or cemetery or which contains any grave or grotto, unless the owners or occupiers or the persons in charge thereof have given their prior consent.

(3) If any doubt arises whether any land, falls within those described in subsection (2) of this section or who the persons competent to give their assent under subsection (2) of this section are, the decision of the Commissioner shall be final for the purposes of this section.

## **25. Notice of entry on land**

(1) Subject to the provisions of this section, before entering on any lands for the purpose defined in section 24 of this Law, the Authority shall give notice to the occupier of the land.

(2) The notice may be served either personally or by delivery of same at the place of abode, of the person to be served.

(3) Where the condition of any installation is such as to endanger life or property, the Authority may enter on the land on which it is situated for any of the purpose defined in section 24 of this Law without notice.

## **26. Compensation for damage**

(1) In the exercise of powers conferred by section 24 of this Law, the Authority shall do as little damage as may be, and the Authority shall pay compensation for any damage done to any buildings, crops or economic trees.

(2) In the case of any dispute as to the amount of the compensation payable under this section, such dispute shall be referred either to the state Land Use and Allocation Committee set up under the Land Use Act or a district court having jurisdiction in respect of the place where the land is situated.

(3) Where the Authority exercise those powers conferred by section 24 of this Law through any agent of the Authority appointed to carry out the purposes of this Law, the agent shall indemnify the Authority against all losses including payment of compensation to any person entitled thereto.

## **27. Service of notice**

(1) Service upon the Authority of any notice, order or other document may be done by delivering the same or by sending it by registered post addressed to the General Manager of the Authority.

(2) *Notice of suits to be given to be Authority.*—No suit shall be commenced against the Authority until one month at least after a written notice to commence the same shall have been served upon the Authority by the intending plaintiff or his agent.

(3) A notice under subsection (2) of this section shall state the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims.

(4) Where any suit is commenced against the Authority for any act done pursuant to or in execution or intended execution of any law or of any public duty, or authority, or in respect of any alleged neglect or default in the execution of any such law, duty or authority, such suit shall not lie or be instituted unless it is commenced within three months next after the act, neglect or default complained of, or in the case of or in the case of a continuance within three months after the ceasing thereof.

## **28.**

(1) The Authority may, subject to any directive by the state government, grant pensions, gratuities and retiring allowances to servants of the Authority subject to such provisions as may from time to time be made by it under subsection (2) of this section.

(2) The Authority may with the approval of the Commissioner by rules make provisions for—

- (a) the pensions, gratuities and retiring allowances to be granted to servants of the Authority;



- (b) the establishment, maintenance and management of a provident fund for the benefit of non-pensionable staff and for all matters ancillary thereto.

[No. 4 of 2006.]

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## SCHEDULE

[Section 10.]

### *Supplementary Provisions as to the State Television Authority*

(1) It shall be within the capacity of the Authority as a statutory Authority to do such things and enter into such transactions as are necessary, incidental or conducive to the exercise and performance of its powers and duties under this Law.

(2) The seal of the Authority shall be authenticated by the signature of the Chairman or any member authorised to act in that behalf and such seal shall be officially and judicially noticed.

(3) All documents other than those required by law to be under seal and all decisions of the Authority may be signified under the hand of the chairman or any member authorised to act in that behalf or the Secretary of the Authority.

(4) The Board shall meet at such time as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times on such places and times and on such days as the Board may determine.

(5) The chairman shall preside at every meeting of the Board at which he is present, and if he is absent the members present at the meeting shall select one of their members to preside thereat.

(6) The chairman or the member presiding at a meeting of the Board in his

absence, shall have an original and casting vote.

(7) The quorum of the Board shall be four including the chairman or member presiding in his absence.

(8) Subject to the provisions of this Law, the Board shall have power to regulate its own proceedings and may make standing orders for such purpose.

(9) The validity of any proceeding of the Board shall not be affected by any vacancy among the members or any defect in the appointment of a member.

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## CHAPTER K52

### KWARA STATE TELEVISION AUTHORITY LAW

#### SUBSIDIARY LEGISLATION

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*No Subsidiary legislation*

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