

# VOICE OF NIGERIA CORPORATION ACT

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### SCHEDULE

#### VOICE OF NIGERIA CORPORATION ACT

**An Act to establish the Voice of Nigeria Corporation with power to provide radio broadcasting services for global reception and for related matters.**

[1991 No. 15.]

[5th January, 1990]

[Commencement.]

#### **1. Establishment of the Voice of Nigeria Corporation**

(1) There is hereby established a body to be known as the Voice of Nigeria Corporation (in this Act referred to as "the Corporation") which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(2) The provisions of the Schedule to this Act shall have effect with respect to the proceedings of the Corporation and the other matters mentioned therein.

[Schedule.]

## **2. Membership and Composition of the Corporation**

The Corporation shall consist of the following members to be appointed by the President, on the recommendation of the Minister, that is-

- (a) A Chairman;
- (b) the Director-General of the Corporation;
- (c) one representative of the Federal Ministry of Information and National Orientation;
- (d) one representative of the Ministry of Foreign Affairs;
- (e) one person to represent interest not otherwise represented on the Corporation;
- (f) one person with requisite knowledge in Nigerian Art and Culture and;
- (g) three persons with requisite experience in-

(i) the mass media;

(ii) financial matters; and

(iii) engineering.

## **3. Tenure of office of members**

(1) The chairman shall hold office for a period of four years and shall be eligible for re-appointment for a further period of four years.

(2) Subject to the provisions of section 4 of this Act, a member of the Corporation other than an *ex-officio* member, shall hold office for a period of three years from the date of his appointment as a member.

## **4. Removal from office of members of the Corporation**

(1) The Minister may, with the approval of the President, at any time remove any member of the Corporation from office if the Minister is of the opinion that it is not in the interest of the Corporation for the member to continue in office and shall notify the member in writing to that effect.

(2) Where the Corporation is satisfied that the continued presence on the Corporation of any member is not in the national interest or the interest of the Corporation, it may recommend to the Minister that the member concerned be removed from his office; and if the Minister, after making such inquiries as he considers necessary, approves of the recommendation he may in writing declare the office of the member vacant.

## **5. Functions of the Corporation**

(1) The Corporation shall-

- (a) provide as a public service, in the interest of Nigeria, radio broadcasting services for global reception in such languages and at such time as the Corporation may specify;
- (b) erect, maintain and operate radio transmitting and receiving stations;
- (c) enter into arrangements with the Federal or State Governments, companies, information centres, charitable organisations, foreign bodies or such other similar bodies for the purposes of obtaining information, licences, right or privilege;
- (d) collect, receive, provide or subscribe to the News Agency of Nigeria, news or information in any part of the world and in the manner the Corporation deems fit;
- (e) acquire copyright;
- (f) publish, print and reproduce any matter that may be conducive to the performance of any of its functions and offer for sale for commercial purpose any matter so published, printed, or reproduced;
- (g) produce, manufacture, purchase and acquire tapes, microphones, loud-speakers, gramophones, mechanical records and other similar equipment;
- (h) provide facilities for the training, advancement and enhancement of the skill and efficiency of persons employed in its services; and
- (i) 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 this Act.

(2) The Corporation shall ensure that its services reflect views of Nigeria as a Federation and give adequate expression to the culture, characteristics, affairs and opinions of Nigeria.

(3) The Corporation shall ensure that news and programmes enhance Nigeria's foreign policy and image.

## **6. Director-General and other staff of the Corporation**

(1) There shall be appointed for the Corporation, a Director-General who shall be the Chief Executive of the Corporation.

(2) The Director-General shall be appointed by the President on the recommendation of the Minister.

(3) The Director-General shall be a person with wide knowledge and experience in broadcasting.

(4) The Director-General shall be responsible for the execution of the policies of the Corporation and its day-to-day administration.

(5) The Director-General shall hold office in the first instance for a period of five years and shall be eligible for re-appointment for such further periods as the President may, from time to time, determine.

(6) Subject to this section, the Director-General shall hold office on such terms as to emolument and otherwise as may be specified in his letter of appointment, and as may, from time to time, be approved by the President.

(7) The Corporation shall appoint a secretary/legal adviser to the Corporation who shall keep records, conduct correspondence of the Corporation, carry out all the legal duties and perform such other duties as the Corporation or the Director-General may, from time to time, direct.

(8) The Corporation may appoint such other employees to assist the Director-General in the exercise of his functions under this Act.

### **7. Power of Minister to give directives**

Subject to the provisions of this Act, the Minister may give the Corporation directives of a general character relating generally to particular matters with regard to the exercise by the Corporation of its functions under this Act and it shall be the duty of the Corporation to comply with such directives.

### **8. Exclusive power of the Corporation**

(1) The Corporation shall, to the exclusion of any other broadcasting authority or any other body in Nigeria, be responsible for broadcasting externally, by radio, Nigeria's viewpoint to any part of the world.

(2) The provisions of section 29 of this Act shall have effect notwithstanding the provision of the Federal Radio Corporation of Nigeria Act and any other law or enactment under which any broadcasting authority is established; and every such law or enactment shall be construed with such modifications, amendments and omissions as would bring it into conformity with the general intendment of this Act.

[Cap. F 18.]

### **9. Duty to broadcast Government announcements and programmes**

(1) The Corporation shall, when so requested by a duly authorised public officer, broadcast a Government programme or announcement at its own expense.

(2) The Corporation may, in its discretion, announce or refrain from announcing a Government programme as required under the provisions of subsection (1) of this section, if it is of opinion that an emergency has arisen or continues or that the Government notice to broadcast has been varied or revoked.

### **10. Duty of the Corporation as to its news and programme**

(1) The Corporation shall have a duty of care to ensure that-

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

(b) any news given in the programme is presented with accuracy, impartiality and objectivity;

(c) due impartiality is preserved in respect of matters of political or industrial controversy or relating to the current policy of Nigeria; and

(d) no matter designed to serve the interest of any political party is included in the programme, provided that this shall not-

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

(ii) prevent the inclusion in the programme to party political broadcasts which seek to explain the views and policies of the various political parties.

(2) The Corporation may set up a committee which shall consist of the Director-General and two other Directors to draw up guidelines on the broadcast of any political matter.

(3) The broadcast of political matters specified in subsection (1) (c), (d) (i) and (ii) of this section shall be carried out in accordance with the guidelines drawn up by the committee established under subsection (2) of this section.

## **11. Commercial broadcasts**

(1) The Corporation, as an external broadcasting organ of Nigeria, shall not carry commercial advertisements or sponsored announcements.

(2) Notwithstanding the provisions of subsection (1) of this section, the Corporation may carry for a fee, programmes approved for international broadcast by United Nations agencies.

(3) The United Nations agencies referred to in subsection (2) of this section include-

- (a) the World Health Organisation;
- (b) the Food and Agriculture Organisation;
- (c) the United Nations Educational, Scientific and Cultural Organisation;
- (d) the United Nations Children's Emergency Fund;
- (e) the International Labour Organisation; and
- (f) the International Telecommunications Union and other similar organisations.

## **12. Co-operation and co-production of programmes**

The Corporation may, from time to time, co-operate, co-produce or develop programmes with other broadcasting organisations within or outside Nigeria.

## **13. Language for broadcasting**

(1) News bulletins and programmes of the Corporation shall be broadcast in the following languages, that is-

- (a) English;
- (b) French;
- (c) Fulfude;

(d) Hausa;

(e) Swahili,

and such other languages as the Corporation may deem fit from time to time.

(2) Any news bulletin or programme broadcast shall be relayed in all the languages specified in subsection (1) of this section.

#### **14. Consultations and collaboration with Ministries etc.**

The Corporation may, for the purpose of obtaining information to enable it to plan and prepare its news and programmes for external broadcast in the interest of the Federal Government of Nigeria, consult and collaborate with Ministries, departments and agencies of Government, Embassies and High Commissions.

#### **15. Power to enter on land**

(1) The Corporation shall have power-

(a) to enter on any land for the purpose of erecting, maintaining and inspecting any installations belonging to the Corporation or repairing, altering or removing any such installations and remain there for such reasonable time and execute and do all such works as may be necessary for giving effect to this Act; and

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

(2) Except for the purpose of removing a danger to life or property, nothing in this section shall be construed as authorising the Corporation-

(a) to enter on any land which is a burial ground or cemetery or which contains any grave, grotto, arena, tree or thing held to be sacred or the object of veneration; or

(b) to cut any tree or underwood held to be sacred or the object of veneration, unless the owners, occupiers or the persons in charge thereof give prior assent thereto.

(3) If any doubt arises as to whether any land, tree or underwood falls within the category described in subsection (2) of this section or as to the persons competent to give their assent under the said subsection (2) of this section, the decision of the Minister shall be final for the purposes of this section.

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

(1) Subject to the provisions of this section, before entering on any land for the purposes specified in section 15 of this Act, the Corporation shall give notice to the owner, occupier or person in charge of the land and such notice may be served either personally or by delivery of same at the last known place of abode of the person to be served.

(2) Where the condition of any installation is such as to endanger life or property, the Corporation may enter on the land on which it is situated for the purpose of averting the danger to life or property.

#### **17. Compensation for damage**

(1) In the exercise of the powers conferred on the Corporation by section 15 of this Act, the Corporation shall pay compensation for any damage done to any building, crop or economic tree.

(2) In case of dispute as to the amount of compensation payable under this section, such dispute shall be referred to the appropriate Land Use and Allocation Committee established under the Land Use Act.

[Cap. L5.]

## **18. Restriction on alienation, etc., of property**

The Corporation shall not, without the approval of the Minister, alienate, mortgage, charge or demise any immovable property which has been vested in the Corporation under or pursuant to the provisions of this Act or in respect of which a right of occupancy had been granted to it.

## **19. Fund of the Corporation**

(1) The Corporation shall establish and maintain a fund which shall consist of-

- (a) such sums as may be provided to it by the Federal Government;
- (b) any fees charged for services rendered by the Corporation; and
- (c) all other sums accruing to the Corporation by way of gifts, testamentary disposition and endowments or contributions from philanthropic persons or organisations or otherwise howsoever.

(2) The Corporation shall, from time to time, apply the proceeds of the fund established pursuant to subsection (1) of this section-

- (a) to the cost of administration of the Corporation;
- (b) for reimbursing members of the Corporation or of any committee for such expenses as may be expressly authorised by the Corporation in accordance with the rates approved by the President;
- (c) to the payments of salaries, fees or other remuneration or allowances and pensions, gratuities and other retiring benefits payable to the employees of the Corporation, so however that no payment of any kind under this paragraph (except such as may be expressly authorised by the Corporation) shall be made to any person who is in receipt of emoluments from any Government of the Federation or State;
- (d) for the maintenance of any property acquired or vested in the Corporation; and
- (e) for and in connection with all or any of the functions of the Corporation specified under this Act.

## **20. Borrowing powers**

The Corporation may, with the consent of or in accordance with the general authority given by the Minister, borrow by way of loan or overdraft from any source any moneys required by the Corporation for meeting its obligations and discharging its functions under this Act.

## **21. Annual estimates accounts and audit**

(1) The Corporation shall not later than 31 October in each year submit to the Minister an estimate of its expenditure and income during the next succeeding year.

(2) The Corporation shall keep proper accounts in respect of each year and proper records relating thereto and shall cause its accounts to be audited within six months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

## **22. Limitation of suits against the Corporation, etc.**

(1) Notwithstanding anything to the contrary in any other enactment, no suit against the Corporation, member or any employee of the Corporation for any act done in pursuance or execution of any enactment or law, or of any public duty of authority, or in respect of an alleged negligence or default in the execution of such enactment or law, duty or authority, shall lie or be instituted in any court, unless it is commenced within ] 2 months next after the act, negligence or default complained of or in the case of a continuance of damage or injury, within twelve months next after the ceasing thereof.

(2) No suit shall be commenced against the Corporation before the expiration of a period of one month after the written notice of intention to commence the suit shall have been served upon the Corporation by the intending plaintiff or his authorised agent and the notice shall state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.

## **23. Service of documents**

The notice referred to in section 22 (2) of this Act and any summons, notice or other document required or authorised to be served upon the Corporation under the provisions of this Act or any other enactment or law may be served by delivering the same to the Chairman or the Director-General of the Corporation or by sending it by registered post addressed to the Director-General at the principal office of the Corporation.

## **24. Restriction on execution against the property of the Corporation**

In any action or suit against the Corporation, no execution or attachment or process in the nature thereof shall be issued against the Corporation, but any sums of money which may by the judgment of the court be awarded against the Corporation shall, subject to any directives given by the court where notice of appeal has been given by the Corporation in respect of the judgment, be paid by the Corporation from the funds of the Corporation.

## **25. Indemnity of members and employees of the Corporation**

Every member, agent, auditor or employee for the time being of the Corporation shall be indemnified out of the assets of the Corporation against any liability incurred by him in defending any proceedings whether civil or criminal in which judgment is given in his favour or in which he is acquitted if any such proceedings has been brought against him in his capacity as such member, agent, auditor or employee as aforesaid.

### *Miscellaneous and supplementary*

## **26. Staff regulations as to conditions of service of employees**

(1) The Corporation may, with the approval of the Minister, make staff regulations relating generally to the conditions of service of the employees of the Corporation and without prejudice to the generality of the foregoing, such regulations may provide for



(a) the appointment, promotion and disciplinary control of all employees of the Corporation; and

(b) appeals by such employees against dismissal or other disciplinary measures, and until such regulations are made, any instrument relating to the conditions of service of employees or any body dissolved or affected by this Act, shall continue in force and have the same effect as if made under this Act.

(2) Regulations made under subsection (1) of this section need not be published in the *Gazette* but the Corporation shall bring them to the notice of all affected persons in such manner as it may, from time to time, determine.

## **27. Restricted application of the Telegraphs Act**

Nothing in section 4 of the Telegraph Act shall apply to the broadcasting services provided by the Corporation in accordance with the provisions of this Act, so however that this subsection shall not exempt the Corporation-

[ Cap. 195 1958 Edition.]

(a) from the provisions of section 4 of that Act in relation to any other telecommunication services ancillary to the broadcasting services, including telecommunication services to the broadcasting services which the Corporation may desire to operate for the purpose of the efficient discharge of its functions under this Act; or

(b) from operating broadcasting services provided by it in accordance with the terms, conditions and restrictions of a licence or licences granted, under that Act, the Wireless Telegraph Act or any other enactment of the Corporation or to any dissolved or affected body referred to in this Act.

[Cap. W5.]

## **28. Regulations**

The Corporation may, with the approval of the Minister, make regulations for the purposes of this Act.

## **29. Repeal, savings, transfer of assets, liabilities, staff, etc.**

Pursuant to the provisions of section 8 of this Act, the functions conferred on and discharged by the Federal Radio Corporation of Nigeria in so far as they relate to external radio broadcasting shall as from the commencement of this Act be transferred to the Corporation established by this Act.

## **30. Interpretation**

In this Act, unless the context otherwise requires-

**"broadcasting services"** or **"radio broadcasting"** means services by which matters are sent by wireless telegraph for general reception or is distributed through radio distribution services in sound, but does not include television broadcasting within the meaning of the Nigerian Television Authority Act;

[Cap. N 136.]

**"chairman"** means the chairman of the Corporation;

**"Corporation"** means the Voice of Nigeria Corporation established under section of this Act;

**"Director-General"** means the Director-General of the Corporation;

**"member"** means any member of the Corporation and includes the chairman;

**"Minister"** means the Minister charged with the responsibility for information.

### **31. Short title**

This Act may be cited as the Voice of Nigeria Corporation Act.

#### SCHEDULE

[Section 1.]

#### *Supplementary provisions relating to the Corporation*

1. (1) Subject to this Act and section 26 of the Interpretation Act, the Corporation may make standing orders regulating its proceedings or those of any of its committees.

(2) Every meeting of the Corporation shall be presided over by the chairman or, if the chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of the members present to act as chairman for that particular meeting.

(3) The quorum of the Corporation shall be three and the quorum of any committee of the Corporation shall be determined by the Corporation.

(4) Where the Corporation desires to obtain the advice of any person on a particular matter, the Corporation may co-opt that person as a member for such period as it thinks fit; provided that, that person shall have all the rights as a member by virtue of this sub-paragraph but he shall nevertheless not be entitled to vote at any meeting of the Corporation and shall not count towards a quorum.

2. (1) The Corporation may appoint such number of standing or *ad hoc* committees as it thinks fit to consider and report on any matter with which the Corporation is concerned.

(2) A committee appointed under this paragraph shall be presided over by a member of the Corporation and shall be made up of such number of persons, not necessarily members of the Corporation, as the Corporation may determine in each case.

(3) The quorum of any committee set up by the Corporation shall be as may be determined by the Corporation.

(4) The provisions of this paragraph shall not apply to any committee set up pursuant to section 10 (2) of this Act.

(5) Where standing orders made pursuant to paragraph (1) of this Schedule provide for a committee of the Corporation to consist of co-opted persons who are not members of the Corporation, the committee may advise the Corporation on any matter referred to it by the Corporation.

#### *Miscellaneous*

3. The fixing of the seal of the Corporation shall be authenticated by the signature of the Chairman or the Director-General of the Corporation.

4. Any contract or instrument which, if made by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Corporation by the Director-General or by any other person generally or specially authorised to act for that purpose by the Corporation.

5. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Corporation shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been signed or sealed.

6. The validity of any proceedings of the Corporation or of a committee thereof shall not be affected-

(a) by any vacancy in the membership of the Corporation, or any committee thereof; or

(b) by any defect in the appointment of a member of the Corporation or any committee thereof.

7. Any member of the Corporation or a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Corporation or committee shall not vote on any question relating to the contract or arrangement.

8. No member of the Corporation shall be personally liable for any act or omission done or made in good faith while engaged on the business of the Corporation.

## **SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*