

# NEWS AGENCY OF NIGERIA ACT

## ARRANGEMENT OF SECTIONS

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#### *Supplementary provisions relating to the Board*

An Act to establish the News Agency of Nigeria for obtaining news from all sources, both within and outside Nigeria and to supply same to the subscribers of the Agency for a fee; and matters related thereto.

[1976 No. 19.]

[10th May, 1976]

[Commencement.]

#### 1. Establishment of News Agency of Nigeria

(1) There is hereby established a body to be known as the News Agency of Nigeria (hereafter in this Act referred to as "the Agency").

(2) The Agency shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

#### 2. Objects, etc., of the Agency

(I) The objects of the Agency shall be to--

(a) seek, obtain and otherwise receive through subscription, payment, exchange or

other means, international, regional, local and other news, news material and news features;

(b) distribute such news, news material and news features to subscribers against payment either in the form of fees or news exchange or on such other terms as may be agreed;

(c) engage in commercial enterprises that are ancillary to the objects of the Agency or which in the opinion of the Board can be advantageously carried on by the Agency;

[1992 No. 87.]

(d) present complete, objective and impartial information, news or news material or features on any matter of public or national interest within and outside the Federation; and

(e) report truthfully and fairly, without prejudice to public and national interest, the views of all sections of the population of the Federation.

[1992 No. 87.]

(2) Without prejudice to subsection (1) of this section, the Agency shall have a monopoly--

(a) of the sale, distribution in Nigeria, of news, information, economic and financial data and any other service or product of any foreign news agency to be marketed in Nigeria; and

(b) any equipment used pursuant to paragraph (a) of this subsection.

### 3. Board of directors

(1) Subject to the provisions of this Act, the management of the Agency and responsibility for carrying out the objects of the Agency shall be vested in a Board of directors (hereafter in this Act referred to as "the Board") consisting of-

(a) a chairman who shall be appointed by the President on the recommendation of the Minister;

(b) one person to represent the Federal Ministry of Information and National Orientation;

(c) one person, to represent the Broadcasting Organisation of Nigeria;

(d) one person who shall be a member of the private sector media organisation to represent subscribers to the Agency;

(e) the Managing Director of the Agency;

(f) the heads of the following departments of the Agency, that is--

(i) editorial;

(ii) technical; and

(iii) finance and administration.

[1992 No. 87.]

(2) The provisions of the Schedule to this Act shall have effect with respect to the qualifications and tenure of office of members of the Board, powers and procedure of the Board and the other matters mentioned in that Schedule.

[Schedule.]

#### 4. Directions by the Minister

(1) The Minister may give to the Board directions of a general character or relating to particular matters (but not to any individual person or case) with regard to the exercise by the Board of its functions, and it shall be the duty of the Board to comply with the directions.

(2) Before giving a direction under subsection (1) of this section, the Minister shall serve a copy of the proposed direction on the Board and shall afford the Board an opportunity of making representations to him with respect to the direction; and after considering any representations made to him in pursuance of this subsection, the Minister may give the direction either without modification or with such modifications as appear to him to be appropriate having regard to the representations.

#### 5. Managing Director

(1) There shall be appointed for the Agency a Managing Director, who shall be the chief executive of the Agency.

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

(3) The Managing Director shall be responsible for the execution of the policies and objects of the Agency and shall see to the day-to-day running of the affairs of the Agency and carry out such other duties as may be directed, from time to time, by the Board.

[1992 No. 87.]

(4) The Managing Director shall hold and vacate office in accordance with the terms of the instrument by which he is appointed and shall-

(a) receive such remuneration and allowances; and

(b) be eligible to receive such pension, gratuity or other retiring allowances (if any), as may be determined by the Board with the approval of the Minister.

#### 6. Secretary and other staff

(1) The Board shall appoint a secretary, who shall be an officer but not a member of the Board and who shall keep the Board's records, conduct its correspondence and perform such other duties of a clerical and secretarial nature as the Board or the Managing Director may, from time to time, direct and require.

(2) The Board may appoint such other employees and agents as it thinks fit.

(3) The terms and conditions of service (including terms and conditions as to remuneration, allowances and retiring and medical benefits) of the secretary and other employees and agents of the Board shall be such as may be determined by the Board with the approval of the Minister.

#### **7. Delegation by the Board**

(1) The Board may, by an instrument in writing under its common seal, delegate to any person or body such of its duties as may be necessary to be performed in or outside the Federation:

Provided that any such person or body shall have no control over the money of the Agency and shall act in all respects in accordance with the direction of the Board.

(2) The Board may, from time to time, form committees to consider special questions as may be referred to them by the Board; and any such committee shall perform its functions according to directions given to it by the Board.

#### **8. Financial provisions**

(1) The Agency shall establish and maintain a fund (in this section referred to as "the fund") from which shall be defrayed all expenditure incurred by the Agency.

(2) There shall be paid and credited to the fund--

(a) such moneys as may, from time to time, be granted to the Agency by the Federal Government; and

(b) all other moneys which may, from time to time, accrue to the Agency.

(3) The fund shall be applied towards the promotion of the objects of the Agency under this Act and the payment of remuneration (including provisions for pension, gratuity, superannuation or other retirement benefits) to or in respect of any employee or agent of the Agency.

(4) The Board may, with the approval of the President, borrow money in connection with the operations of the Agency, and invest part of the fund in such securities as the Minister may, from time to time, approve.

#### **9. Accounts, audit, etc.**

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

(2) The Board shall keep proper accounts in respect of each financial year, and proper records in relation to those accounts and shall cause the accounts to be audited as soon as may be after the end of the financial year to which the accounts relate by a firm of auditors approved from the list and in accordance with guidelines supplied by the Auditor-General for the Federation.

(3) The Board shall prepare and submit to the Minister, not later than 30 June in each financial year, a report in such form as the Minister may direct, on the activities of the Agency during the last financial year and shall include in the report a copy of the audited accounts of the Agency for that last financial year and of the auditor's report on

those  
accounts.

(4) The Minister shall cause a copy of each report made to him under this section to be laid before the President.

10. Power to hold land, etc.

The Agency shall have power-

- (a) to acquire and hold property, whether movable or immovable; and
- (b) to enter into contracts.

11. Seal of the Agency

The seal of the Agency may, from time to time, be broken, changed, altered or made anew as seems fit:

Provided that until a seal is provided under this section, a stamp bearing the inscription "News Agency of Nigeria" may be used as the common seal.

12. Offices of the Agency

The Agency shall have a principal office in the Federation and may establish such other office or offices at such place or places in or outside the Federation as the Board with the approval of the Minister may, from time to time, determine.

13. Guarantee of full service

(1) Notwithstanding any arrangements which the Agency may enter into or make for the reception and distribution of international news, subscribers to the Agency may, on request and on terms in regard to payment to be decided by the Board, receive through the Agency the full service supplied to the Agency by an international news agency.

(2) Arrangements for news collection and distribution made by the Agency shall be without prejudice to the right of Nigerian newspapers and radio subscribers to make their own independent arrangements for news coverage by their own correspondents.

(3) The term "correspondents" in subsection (2) of this section, shall include the editorial staff of a newspaper or any person who writes or supplies news for a fee either as a part-time or whole-time occupation.

14. Exemption from stamp duty

The Agency shall be exempt from all stamp duties payable under any law, for the time being in force in Nigeria.

15. Protection against personal liability by members of the Board

No member of the Board shall incur any personal liability for any loss or damage caused by any act or omission in the management or conduct of the affairs of the Agency, unless such loss or damage was occasioned by an intentionally wrongful act or omission on his part.

16. Vesting of certain assets **in** the Board

Upon the commencement of this Act, all moneys or other assets, if any, in the custody or control of any person by virtue of any authority whatsoever given to or received by such person for or on behalf of the Agency in anticipation of the commencement of this Act together with interest, if any, accruing thereon shall be deemed to form part of the income of the Agency and shall be transferred to and be vested in the Board.

## 17. Interpretation

In this Act, unless the context otherwise requires--

"Agency" means the News Agency of Nigeria, established under section I (I) of this Act;

"Board" means the Board of Directors, referred to in section 3 (I) of this Act;

"Minister" means the Minister charged with responsibility for information;

"principal office" means any office of the Agency in Nigeria so designated by the Agency.

## 18. Short title

This Act may be cited as the News Agency of Nigeria Act.

### SCHEDULE

[Section 3 (2).]

#### *Supplementary provisions relating to the Board*

1. (I) A person shall not be appointed a member of the Board unless-

(a) he is a citizen of Nigeria;

(b) he has not been convicted of any offence involving dishonesty or fraud; and

(c) if he has, he has in each case been granted a pardon.

(2) Subject to the provisions of this paragraph, a member shall hold office for a period not exceeding three years beginning with the date of his appointment:

Provided that a member shall not hold office for a term of less than two years unless the Minister after consultation with the Board otherwise directs.

(3) Any member may, by notice to the Board, resign his office.

(4) A person who has ceased to be a member of the Board shall be eligible for reappointment for not more than one further term of three years.

(5) Sub-paragraphs (2), (3) and (4) of this paragraph shall not apply in respect of a member of the Board, who is holder of an office in the public service of the Federation.

2. (I) Subject to the following sub-paragraph and to any direction of the Minister under this Act, the Board shall have power to do anything which in its opinion is calculated to facilitate  
the promotion of the objects of the Agency.

(2) Members of the Board who are not public officers shall be paid out of the fund of the Agency such travelling and subsistence allowances in respect of any period spent on the business of the Agency as the Minister may determine, but no other remuneration shall be paid to any member of the Board.

### *Proceedings of the Board*

3. Subject to the provisions of this Act and of section 27 of the Interpretation Act (which provides for decisions of a body to be taken by a majority of the members of the body and for the chairman to have a second or casting vote) the Board may make standing orders regulating the proceedings of the Board or of any committee thereof.

4. The quorum of the Board shall be five and the quorum of any committee of the Board shall be determined by the Board.

5. (1) The Minister shall appoint one of the members of the Board to be the deputy chairman of the Board for such period as the Minister may determine, so however that a deputy chairman who ceases to be a member shall also cease to be deputy chairman.

(2) At any time while the office of the chairman is vacant or the chairman is, in the opinion of the Board, permanently or temporarily unable to perform the functions of his office, the deputy chairman shall perform those functions and references in this Schedule to the chairman, shall be construed accordingly.

6. (1) Subject to the provisions of any standing orders of the Board, the Board shall meet whenever it is summoned by the chairman; and if the chairman is required so to do by notice given to him by not less than six other members, he shall summon a meeting of the Board to be held within seven days from the date on which the notice is given.

(2) At any meeting of the Board, the chairman or in his absence the deputy chairman shall preside, but if both are absent, the members present at the meeting shall appoint one of their number to preside at that meeting.

(3) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him as a member for such period as it thinks fit; but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

(4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Board shall be summoned by the Minister, who may give such directions as he thinks fit as to the member who shall preside and as to the procedure which shall be followed at the meeting.

### *Committees*

7. (1) The Board may appoint one or more committees to carry out, on behalf of the Board, such of its functions as the Board may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Board, and not more than one-third of those persons may be persons who are not members of the Board; and a person other than a member of the Board shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.

(3) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

### *Supplemental*

8. (1) The fixing of the seal of the Board shall be authenticated by the signature of the chairman or of some other member authorised generally or specially to act for that purpose by the Board.

(2) Any contract or instrument which, if made or executed 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 Board by any person generally or specially authorised to act for that purpose by the Board.

(3) Any document purporting to be a document duly executed under the seal of the Board shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

9. The validity of any proceedings of the Board or of a committee thereof, shall not be affected by any vacancy in the membership of the Board or committee, or by any defect in the appointment of a member of the Board or of a person to serve on the committee, or by a reason that a person not entitled to do so took part in the proceedings.

10. Any member of the Board and any person holding office on a committee of the Board, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or a committee thereof, shall forthwith disclose his interest to the Board and shall not vote on any question relating to the contract or arrangement.

11. A person shall not, by reason only of his membership of the Board, be treated as holding an office in the public service of the Federation or of any State thereof.

## SUBSIDIARY LEGISLATION

### *No Subsidiary Legislation*