

NIGERIAN TELEVISION AUTHORITY ACT

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Nigerian Television Authority

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NIGERIAN TELEVISION AUTHORITY ACT

An Act to establish the Nigerian Television Authority to be charged with the responsibility for the provision of television broadcasting in Nigeria and other matter related thereto.

[1977 No. 24.]

[1st April, 1976]

[Commencement.]

Nigerian Television Authority

1. Establishment of the Nigerian Television Authority

(1) There is hereby established a body to be known as the Nigerian Television Authority (in this Act 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 supplementary provisions contained in the Schedule to this Act shall have effect with respect to the proceedings of authority and the other matters mentioned therein.

[Schedule.]

2. Membership of the Authority

(1) The Authority shall consist of the following members to be appointed by the President on the recommendation of the Minister, that is-

- (a) chairman;
- (b) the chairman of each Zonal Board;
- (c) the Director-General of the Nigeria Television Authority;
- (d) one representative of the Federal Ministry of Information and National Orientation;

(e) one person to represent women's organisations in Nigeria; and

(f) six persons with requisite experience in-

(i) the mass media;

(ii) education;

(iii) management;

(iv) financial matters;

(v) engineering; and

(vi) arts and culture.

(2) The President may by order published in the *Federal Gazette* increase or reduce or otherwise vary the composition of membership of the Authority.

3. Tenure of office

(1) Subject to the provisions of this Act, a person appointed to be a member of the Authority, 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 reappointment 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 Minister.

(3) Members of the Authority, not being public officers, shall be paid such remuneration and allowances as the President may determine.

4. Removal from office of members of the Authority

(1) If it appears to the Minister that a member of the Authority should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Minister shall after consultation with the interests, if any, represented by that member make a recommendation to that effect to the President, and if the President approves the recommendation, the Minister may declare, in writing, the office of that member vacant.

(2) Without prejudice to subsection (1) of this section-

(a) any member who is absent from two consecutive ordinary meetings of the Authority shall file his explanation in writing with the secretary for consideration by the Authority and if the explanation is not accepted by the Authority; or

(b) where the Authority is satisfied that the continued presence on the Authority of any member is not in the national interest or the interest of the Authority, the Authority may recommend to the Minister that the member be removed, and the Minister may declare, in writing, the office of that member vacant.

5. Appointment, etc., of the Director-General and other staff of the Authority

(1) There shall be an official of the Authority to be known as the Director-General who shall be the chief executive of the Authority and shall be responsible for the execution

of the policy of the Authority and of its day-to-day business.

(2) The Director-General shall be appointed by the Minister with the prior approval of the President.

(3) Subject to section 15 of this Act, the Authority may delegate to the Director-General such of its functions under this Act as are necessary to enable him to transact effectively the day-to-day business of the Authority of every kind whatsoever.

(4) The Authority shall appoint a secretary to the Authority who shall keep the records and

conduct the correspondence of the Authority and perform such other duties as the Authority or the Director-General may from time to time direct.

(5) The Authority may appoint such other staff and agents as it may deem necessary for the efficient performance of the Authority's duties under this Act.

Functions of the Authority

6. General duties of the Authority

(1) It shall be the duty of the Authority to provide as a public service in the interest of Nigeria, independent and impartial television broadcasting for general reception within Nigeria.

(2) The Authority shall ensure that the services which it provides, when considered as a whole, reflect the unity of Nigeria as a Federation and at the same time give adequate expression to the culture, characteristics and affairs of each State, Zone or other part of the Federation.

7. Particular functions of the Authority

The functions of the Authority shall be-

- (a) to erect, maintain and operate television transmitting and receiving stations;
- (b) to plan and coordinate the activities of the entire television network;
- (c) to ensure the establishment and maintenance of standards and promote the efficient operation of the entire system in accordance with national policy;
- (d) to establish and operate a formula for sharing funds among stations;
- (e) to act as liaison between the Federal Government and the Zonal operations;
- (f) to establish such number of production centres as it may consider necessary from time to time;
- (g) to specify the types of programmes which should be transmitted by the whole network and the quantity, type and contents of foreign materials;
- (h) to enter into arrangements with any person or any authority for the purpose of obtaining concessions, licences, privileges and other rights;

- (i) to manufacture, produce, purchase, or otherwise acquire films, gramophone and other mechanical records and materials and apparatus for use in connection with the broadcasting services;
- (j) to provide other persons with, and receive from them matters to be broadcast;
- (k) to organise, provide, and subsidise, for the purpose of broadcasting, educational activities and public entertainment;
- (l) to collect, in any part of the world in any manner that may be thought fit, both news and information and to subscribe to news agencies;
- (m) to acquire copyrights;
- (n) to publish printed matter that may be conducive to the performance of any of the functions of the Authority;
- (o) 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 providing by the Authority or by others on its behalf of facilities for training, education and research; and
- (p) 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 Act.

8. Duty of the Authority as to programmes and publications

(1) The Authority shall satisfy itself that the programmes broadcast by the Authority or on 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 to lead to disorder or to be offensive to public feeling, or to contain any offensive representation of, or reference to, a living person;
- (b) that the programmes maintain a proper balance in their subject matter and a generally high standard of 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 members or officers, or of the opinion as to any such matters of any director or officer or any agent of the Authority.

9. Broadcasting of matters

Without prejudice to the generality of section 6 of this Act, the Authority shall provide such facilities as may appear to the Authority to be desirable in the public interest for the broadcasting of-

(a) ministerial speeches, that is any speeches of the members of the National Assembly, Council of State, the President, Vice-President and Ministers of the Government of the Federation or members of the House of Assembly, the Governor and Deputy Governor and Commissioners of a State which consist wholly of statements of fact or 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.

10. Duty to broadcast Government announcements

(1) The Authority shall, whenever so requested by an authorised public officer, send in a Government programme, at the Authority's own expense, any announcement which such officer may request the Authority to broadcast and shall also, whenever so requested by any such officer in whose opinion an emergency has arisen or continues, at the like expense, send as aforesaid any other matter which the officer may request the Authority to broadcast; and the Authority 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 or, as the case may require, the Governor of a State.

11. Advertisements

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

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

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

12. Power of the Minister to give directions to the Authority

The Minister may give the Authority directions of a general character or relating generally to particular matters with regard to the exercise by the Authority of its functions under this Act, and it shall be the duty of the Authority to comply with such directions.

Zonal Boards of the Authority

13. Establishment of Zones and Zonal Boards

(1) For the purposes of variety and better reception of its television programmes, the Authority shall divide Nigeria into six districts, each such designated as a Zone.

(2) There shall be established for each Zone a board to be known as the Nigerian Television Zonal Board.

(3) Each Zonal Board shall consist of not less than six or more than eight members who shall be appointed by the Minister with the prior approval of the President and shall include-

(a) one member to represent each State making up the Zone who shall be appointed after consultation with the Governor of the State in question and shall be a person appearing to the Minister to have wide knowledge of, and experience in at least one of the following fields-

(i) newspapers, broadcasting and other media of mass communication;

(ii) cultural, economic and religious affairs of the Zone;

(iii) the creative arts;

(b) two persons appearing to the Minister to have wide experience in education and financial matters, respectively;

(c) one person appearing to the Minister to represent the interests of business and industry; and

(d) the Zonal Managing Director.

(4) The Minister, with the prior approval of the President, shall nominate one of the members of the Zonal Board approved by him to be the chairman of the Board.

14. Terms of service

(1) A member of the Board shall hold office for a period of three years and shall be eligible for reappointment.

(2) There shall be paid to members of the Board (excluding the Zonal Managing Director) out of the moneys at the disposal of the Board such remuneration and such travelling and subsistence allowances in respect of any period of time spent on the business of the Board as the President may determine.

15. Functions of Zonal Boards

Subject to this Act, each Zonal Board shall be responsible for-

(a) the operation of its main station and production centres;

(b) the control of the general policy of the Zonal programmes in such a manner as to ensure that all Zonal programmes are selected with due regard to the distinctive culture, interests and tastes of the people of the Zone on the one hand and the fulfilment of national needs on the other, and conform to any standards laid down by the Authority;

(c) the appointment of an advisory committee to advise the Board on any matter concerning television broadcasting in its Zone and any other business of the Board referred to it for advice;

(d) the supervision and control over the acts of all employees of the Authority in its Zone in matters of executive administration in the whole field of television broadcasting and matters concerning the accounts and records of the Zone;

(e) the disposition of all questions relating to the service of the employees of the Authority in its Zone and their pay, privileges and allowances subject to the approval of the Authority; and

(f) the performance of such other functions as the Authority may from time to time delegate to it.

16. Appointment of Zonal Managing Directors

(1) There shall be for each Zone an officer of the Authority to be known as the Zonal Managing Director who shall be appointed by the Authority.

(2) In each Zone, the Zonal Managing Director shall-

(a) subject to any direction given to him by the Director-General, be responsible for the execution of the policy of the Authority; and

(b) shall be the chief executive of the Zonal Board in matters within the competence of the Zonal Board and be responsible for giving effect to the decisions of the Zonal Board.

17. Establishment of news department

(1) There shall be established a department of the Authority which shall be responsible for the gathering of items of news from all sources and for their editing and subsequent dissemination.

(2) There shall be an officer of the Authority, to be known as the Director of News, who shall be responsible for the news department and shall, subject to any directions given to him by the Director-General, be responsible for the execution of the policy of the Authority in so far as the news department is concerned and for the administration of the day-to-day business of the department.

Provisions as to land

18. Power to enter on 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 purposes of this Act;

(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 or proper working of any installation.

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

(a) to enter on any land which is occupied by any burial ground or cemetery which contains any grave, grotto, area, 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 or occupiers or the person in charge thereof have given their prior assent.

(3) If any doubt arise whether any land, tree or underwood 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 Minister shall be final for the purposes of this section.

19. Notice of entry on land

(1) Subject to the provisions of this section, before entering on any lands for the purposes defined in section 18 of this Act, 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 purposes defined in section 18 of this Act without notice.

20. Compensation for damage

(1) In the exercise of powers conferred by section 18 of this Act 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 dispute as to the amount of the compensation payable under this section, the amount of the compensation may be determined by a magistrate having jurisdiction in respect of the place where the land is situated.

21. Restriction on alienation

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

Financial provisions

22. Borrowing powers

(1) Subject to subsection (2) of this section, the Authority may, from time to time, borrow such sums as it may require in the exercise of its functions under this Act.

(2) Subject to the following provisions of this section, the Authority shall not, without the approval of the President, borrow any sum of money whereby the amount in aggregate outstanding on any loan or on all loans at any time exceeds N500,000 or such other limit as the President may specify from time to time.

(3) A person lending to the Authority shall not be bound to enquire whether the borrowing is within the power of the Authority or not.

23. Funds of the Authority

The Authority shall establish a fund which shall consist of-

(a) such sums as may be provided to it by the Federal Government for the running expenses of the Authority and all other assets from time to time accruing to the Authority;

(b) such sums as may from time to time be lent to the Authority by any person;
and

(c) such sums as may be collected or received by the Authority from other sources, either in the execution of its functions, or in respect of any property

vested in the Authority or otherwise howsoever.

24. Expenditure of the Authority

The Authority may from time to time apply the proceeds of the fund established in pursuance of section 23 of this Act-

(a) to the cost of administration of the Authority;

(b) for reimbursing members of the Authority or of any committee set up by the Authority for such expenses as may be expressly authorised by the Authority in accordance with the rates approved by the President;

(c) to the payment of salaries, fees or other remuneration or allowances and pensions, superannuation allowances and gratuities payable to the officers and servants of the Authority, so however that no payment of any kind under this paragraph (except such as may be expressly authorised as aforesaid) shall be made to any person who is in receipt of emoluments from the Government of the Federation or of a State;

(d) for the maintenance of any property acquired or vested in the Authority; and

(e) for and in connection with all or any of the functions of the Authority under this Act.

25. Annual estimates, accounts and audit

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

(2) The Authority shall keep proper accounts and proper records in relation thereto and shall prepare in respect of each financial year a statement of accounts in such form as the Minister may direct.

(3) The Authority 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 appointed, with the approval of the Minister of Finance, from the list of auditors and in accordance with the guidelines laid down by the Auditor-General for the Federation.

(4) The auditors shall on completion of the audit of the accounts of the Authority for each financial year prepare and submit to the Authority 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 Authority generally for that year and on any important matters which the auditors may consider necessary to bring to the notice of the Authority; and

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

Legal proceedings

26. Limitation of suits against the Authority, etc.

(1) Notwithstanding anything in any other enactment, no suit against the Authority, a member or any staff of the Authority for any act done in pursuance or execution of any enactment or law, or of any public duties or authority, or in respect of any alleged neglect or default in the execution of such enactment or law, duties or authority, shall lie or be instituted in any court unless it is commenced within twelve months next after the act, neglect 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 Authority before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the authority by the intending plaintiff or his agent; and the notice shall clearly and explicitly 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.

27. Service of documents

The notice referred to in subsection (2) of section 26 of this Act and any summons, notice or other document required or authorised to be served upon the Authority 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 Authority, or by sending it by registered post addressed to the Director-General at the principal office of the Authority or the relevant zonal office.

28. Restriction on execution against the property of the Authority

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

29. Indemnity of members and staff of the Authority

Every member, agent, auditor or staff for the time being of the Authority shall be indemnified out of the assets of the Authority 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 proceeding is brought against him in his capacity as such member, agent, auditor or staff as aforesaid.

Miscellaneous and supplementary

30. Annual reports

The Authority shall prepare and submit to the President, through the Minister, not later than 30 June in each financial year, a report in such form as he may direct on the activities of the Authority during the immediately preceding financial year, and shall include in such report a copy of the audited accounts of the Authority for that year and the auditors' report thereon.

31. Regulations

The Minister may by regulations published in the Federal *Gazette* prescribe anything falling to be prescribed generally for the purposes of this Act.

32. Bye-laws as to conditions of service of staff

(1) The Authority may, with the approval of the Minister, make bye-laws relating generally to the conditions of service of the officers and servants of the Authority; and without prejudice to the generality of the foregoing, such bye-laws may provide for-

(a) the appointment and disciplinary control of all employees of the Authority; and

(b) appeals by such employees against dismissal or other disciplinary measures.

(2) Bye-laws made under subsection (1) of this section, need not be published in the

Federal *Gazette* but the Authority shall bring them to the notice of all affected persons in such manner as it may, from time to time, determine.

33. Restricted application of the Telegraphs Act

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

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

(b) from operating all broadcasting services provided by it in accordance with the terms, conditions and restrictions of a licence or licences granted under or pursuant to that Act or any other enactment to the Authority or to any affected authority referred to in the Second Schedule to this Act.

34. Interpretation

In this Act, unless the context otherwise requires-

"Authority" means the Nigerian Television Authority established under section 1 of this Act;

"broadcasting" means television broadcasting;

"chairman" means the person appointed as chairman of the Nigerian Television Authority pursuant to section 2 (1) of this Act;

"Director-General" means the Director-General of the Nigerian Television Authority appointed pursuant to section 5 (1) of this Act;

"member" means a member of the Authority and includes the chairman;

"Minister" means the Minister charged with responsibility for television broadcasting;

"television broadcasting" means the transmission by wireless telegraphy of images of objects in movement or at rest;

"Zone" means anyone of the six zones into which Nigeria is divided for the purposes of section 13 (1) of this Act;

"Zonal Board" means the Nigerian Television Zonal Board established for each Zone.

35. Short title

This Act may be cited as the Nigerian Television Authority Act.

SCHEDULE

[Section 1.]

Supplementary provisions relating to the Authority

Proceedings

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

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2. Every meeting of the Authority 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 their number to preside at the meeting.

3. The quorum at a meeting of the Authority shall consist of the chairman (or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and five other members of whom at least two shall be members appointed pursuant to paragraphs (b) and (d) of section 2 (1) of this Act.

4. Where upon any special occasion the Authority desires to obtain the advice of any person on any particular matter, the Authority may co-opt that person to be a member for as many meetings as may be necessary, and that person while co-opted shall have all the rights and privileges of a member except that he shall not be entitled to vote.

Committees

5. (1) Subject to its standing orders, the Authority may appoint such number of standing and *ad-hoc* committees as it thinks fit to consider and report on any matter with which the Authority is concerned.

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

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

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

Miscellaneous

7. The fixing of the seal of the Authority shall be authenticated by the signature of the chairman or of the Director-General of the Authority.

8. 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 Authority by the Director-General or by any other person generally or specially authorised to act for that purpose by the Authority.

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

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

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

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

11. Any member of the authority or a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Authority or committee thereof shall forthwith disclose his interest to the Authority or the committee and shall not vote on any question relating to the contract or arrangement.

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

NIGERIAN TELEVISION AUTHORITY ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation