

NIGERIAN PRESS COUNCIL ACT

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NIGERIAN PRESS COUNCIL ACT

An Act to provide for the repeal of the Nigerian Media Council Act 1988 and establish the Nigerian Press Council to promote high professional standards for the Nigerian press, and deal with complaints emanating from members of the public about the conduct of journalists in their professional capacity or complaints emanating from the press about the conduct of persons or organisations towards the press and for other matters connected therewith.

[1992 No. 85.]

[10th December, 1992]

[Commencement.]

1. Establishment of the Nigerian Press Council

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

2. Composition of the Council

(1) The Council shall consist of a chairman and the following other members, that is-

- (a) four representatives of the Nigerian Union of Journalists;

(b) two representatives of the Nigerian Guild of Editors;

(c) two representatives of the Newspapers Proprietors Association of Nigeria who shall be practising journalists;

(d) four representatives of the general public, one of whom shall be a legal practitioner and a woman;

[1999 No. 60.]

(f) one representative of educational institutions involved in the training of journalists;

(f) one representative of the Federal Ministry of Information and National Orientation who shall be a practising journalist;

(g) two representatives of the Broadcasting Organisation of Nigeria;

(h) one representative of the News Agency of Nigeria, who shall be a practising journalist; and

(i) Executive Secretary to the Council.

[1999 No. 60.]

(2) The chairman of the Council shall be appointed by the President, on the recommendation of the Minister, after due consideration of the submission of the Nigerian Press Organisation and shall be a person-

(a) of high intellectual and moral qualities and knowledgeable about the press and public affairs; and

(b) with not less than twenty years experience as a journalist.

(3) The members of the Council appointed under paragraphs (d) and (f) of subsection (1) of this section shall be appointed by the Minister and members of the Council appointed under paragraphs (a), (b), (c), (e), (g) and (h) of the said subsection shall be appointed by the Minister after an election by or on the nomination of the union, association or other body concerned.

(4) The supplementary provisions set out in the First Schedule to this Act shall have effect with respect to the tenure of office and proceedings of the Council and the other matters contained therein.

[First Schedule.]

3. Functions of the Council

The Council shall be charged with the duty of-

(a) enquiring into complaints about the conduct of the press and the conduct of any person or organisation towards the press and exercising in respect of the complaints the powers conferred upon it under this Act;

(b) monitoring the activities of the press with a view to ensuring compliance with the Code of Professional and Ethical Conduct of the Nigeria Union of Journalists;

[1999 No. 60.]

(c) receiving application from, and documenting the Print Media and monitoring their performance to ensure that owners and publishers comply with the terms of their mission statements and objectives in liaison with the Newspapers Proprietors Association of Nigeria;

[1999 No. 60.]

(d) researching into contemporary press development and engaging in updating press documentation;

(e) fostering the achievement and maintenance of high professional standards by the press;

(f) reviewing developments likely to restrict the supply through the press, of information of public interest and importance or which are liable to prevent free access of the press to information and advising on measures necessary to prevent or remedy such development;

(g) ensuring the protection of the rights and privileges of journalists in the lawful performance of their professional duties.

4. Appointment and functions of the Executive Secretary

(1) There shall be appointed for the Council an executive secretary by the President, on the recommendation of the Minister.

[1999 No. 60.]

(2) The executive secretary shall-

(a) be a journalist with at least 15 years post qualification experience and shall have held high journalistic positions;

(b) be the chief executive of the Council;

(c) be responsible for the execution of the policy of the Council and of its day-to-day administration;

(d) in addition to the functions expressly conferred on him by this Act, perform such other functions as the Council may, from time to time, direct; .

(e) hold office on such terms as to emolument and otherwise, as may be specified in his letter of appointment and may, from time to time, be approved by the President;

(f) subject to this section, the executive secretary shall hold office for a term of four years in the first instance and may be eligible for re-appointment for a further term of four years;

(g) the executive secretary may be removed from office on the recommendation of the Minister for inability to discharge the functions of his office arising from infirmity of mind or body or from any other cause.

[1999 No. 60.]

5. Appointment of other staff

(1) The Council may appoint other employees as it may consider necessary for the efficient performance of the Council's duties under this Act.

(2) The terms and conditions of service (including terms and conditions as to remuneration, allowances, retiring benefits and discipline) of the secretary and other employees of the Council shall be such as may be determined, from time to time, by the Council.

(3) In carrying out the functions for which the Council is established under this Act, the Council shall be autonomous and shall not be subject to the direction or control of any other authority or person except as provided in this Act.

6. Service in the Council to be pensionable

(1) Service in the Council shall be approved service for purpose of the Pensions Act. [Cap. P4. 1999 No. 60.]

(2) Employees of the Council shall be entitled to pension, gratuities and any other retirement benefits as are enjoyed by persons holding equivalent grades in the civil service of the Federation.

(3) Nothing in subsection (1) or (2) of this section or in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.

(4) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Council other than any other person or authority.

7. Remuneration of staff

Without prejudice to the provisions of section 6 of this Act, the terms and conditions of service including terms and conditions as to remuneration, allowance, retirement and other benefits of the staff and other employees of the Council shall be as may be determined by the Council with the approval of the Minister.

[1999 No. 60.]

8. Power of the Council

In carrying out the functions for which the Council is established under this Act, the Council shall be autonomous and shall not be subject to the direction or control of any other authority or person except as provided in this Act.

9. Code of Conduct

(1) The Nigeria Union of Journalists shall provide a Code of Professional and Ethical Conduct to guide the press and journalists in the performance of their duties.

[1999 No. 60.]

(2) The Nigeria Union of Journalists shall cause a revision of such Code of Professional and Ethical Conduct as may be deemed appropriate from time to time to conform with media practices.

[1999 No. 60.]

(3) The Council shall, after due consideration, approve the Code of Professional and Ethical Conduct by the Nigeria Union of Journalists and ensure compliance.

[1999 No. 60.]

(4) The Council shall cause to be published in the Nigeria Press Council Journal, the Code of Professional and Ethical Conduct as approved under subsection (3) of this section which shall be binding on every journalist in Nigeria.

10. Subscription to oath

Every member of the Council shall be required on assuming office, to subscribe to an oath that he shall faithfully and impartially and to the best of his ability, discharge his duties with respect to any inquiry conducted by the Council under this Act, and if the inquiry is not held in public, that he shall not divulge the proceedings, the vote or opinion of the members or any other matter relevant to the inquiry.

11. Power of the Council to conduct inquiry into complaints, etc.

(1) Subject to the provisions of this Act the Council shall, following complaints lodged before it by any person, have the power to-

(a) inquire into and examine all such witnesses as the Council may deem fit;

(b) without prejudice to provisions of the Code of Professional and Ethical Con-

duct, summon any person in Nigeria to attend any meeting of the Council to give evidence and to examine him as a witness in the case of journalists;

[1999 No. 60.]

(c) consider and deal with any matter referred to it in the absence of any party who has been duly summoned to appear before it;

(d) admit any evidence, whether written or oral and act on evidence, whether written or oral;

(e) appoint any person to act as an interpreter in any matter brought before it and translate any books, papers or writing brought before it;

(f) generally' give all such directions and do all such things as are necessary or expedient for dealing speedily and justly with any matter referred to it from time to time.

[Second Schedule. Forms.]

(2) Summons issued under subsection (1) (b) of this section shall be in the form set out in the Second Schedule to this Act and shall be served by such persons as the Council may direct.

12. Power of the chairman to issue summons, etc.

The chairman shall have power to issue on behalf of the Council all summons and appoint such number of interpreters as may be required under this Act, either before or during the inquiry until the final determination.

13. Interpreter

Any interpreter appointed under section 12 of this Act shall before assuming office, subscribe before the Council, to the oath specified in the Third Schedule to this Act.

[Third Schedule.)

14. Remuneration of witnesses and interpreters

Witnesses and interpreters and any other persons attending the inquiry at the request of the Council or upon summons, shall be paid such sums, allowances or expenses, as the case may be, as the Council may, from time to time, direct and such payments shall be defrayed from the funds of the Council.

15. Indemnity of members

No member shall be liable for any act done or omitted to be done in the performance of his duties under or pursuant to this Act.

16. Complaints to the Council

(1) Any person aggrieved-

(a) by anything published in respect of him in any medium of information; or

(b) by anything done in respect of him by any journalist in his capacity as a journalist; or

(c) by anything done against the journalist that is capable of limiting the preservation of the freedom of the Press guaranteed by the Constitution of the Federal Republic of Nigeria 1999, may make a complaint in respect thereof, in writing, addressed to the Council.

[Cap. C23.]

(2) If the Council is satisfied that the performance of the press is not consistent with the provisions of the Code of Professional and Ethical Conduct, the executive secretary shall, in accordance with such general directions as may be given by the Council, lay before the Council all complaints made under subsection (1) of this section.

[1999 No. 60.]

17. Power of the Council to direct publication of apology or correction and to reprimand, etc.

(1) Where, after inquiring into a complaint under section 16 of this Act, the Council is satisfied that-

(a) the subject matter in respect of which the complaint was made, was not in accordance with the provisions of the Code of Professional and Ethical Conduct;

[1999 No. 60.]

(b) the conduct of the journalist in respect of whom the complaint was made was not in accordance with the provisions of the Code of Professional and Ethical Conduct referred to in paragraph (a) of this subsection;

[1999 No. 60.]

(c) the conduct of a journalist or person is, in the circumstances of the case, blameworthy, the Council may, where appropriate, direct the medium of information or cause the person concerned to publish, in such manner as the Council may direct, a suitable apology or correction, and may in addition reprimand the journalist or person concerned in the matter.

(2) Every medium of information in respect of whose publication the Council has given a decision under subsection (1) of this section, shall publish the decision and shall comply with the Council's direction in respect thereof.

(3) Where the medium of information or the journalist so sanctioned in accordance with subsection (1) of this section does not comply with the Council's decisions, the medium or journalist is guilty of an offence and is liable on conviction-

(a) in the case of a body corporate to a fine of N30,000; and

(b) in the case of a journalist to a fine of N2,000 and the Council shall order the suspension of the journalist from practice for a period not exceeding six months.

[1999 No. 60.]

(4) Where there is persistent refusal to comply with the directives of the Council, the medium or journalist so sanctioned in accordance with subsection (1) of this section, commits of an offence and is liable on conviction-

(a) in the case of a body corporate to a fine of ₦100,000; and

(b) in the case of a journalist to a fine of ₦15,000, or in an extreme case, the Council shall order the striking out of the name of the journalist from the register.

[1999 No. 60.]

(5) The Council may cause to be published in the Press Journal and in such other manner as the Council may deem fit the name of any journalist reprimanded by the Council under subsection (1) of this section.

[1999 No. 60.]

18. Publication of register and list of corrections

(1) It shall be the duty of the executive secretary to maintain a register of accredited journalists compiled by the Council in collaboration with the Nigeria Union of Journalists and the Nigerian Guild of Editors.

[1999 No. 60.]

(2) The register referred to in subsection (1) of this section shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document or the documents read together is registered or was so registered and that any person not so specified was not registered.

[1999 No. 60.]

(3) Where in accordance with subsection (2) of this section a person is in any proceedings shown to have been or not to have been so registered at a particular date with the Council he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all material times thereafter continued to be or not be so registered.

[1999 No. 60.]

19. Registration as Journalist

(1) Subject to rules made under this Act, a person shall be entitled to be fully registered under this Act if-

(a) he has attended a course of training recognised by the Council so acquired, with the cognate experience recognised by the Council; or

[1999 No. 60.]

(b) the course was conducted at an institution so approved, or partly at one such institution and partly at another or others; or

(c) he holds a qualification so approved; or

(d) he holds a certificate of experience issued in pursuance of section 24 of this Act.

(2) Subject as aforesaid, a person shall also be entitled to be registered as a journalist if he satisfies the Council that immediately before the commencement of this Act he had not less than five years experience as a journalist.

(3) An applicant for registration shall, in addition to evidence of qualifications, satisfy the Council that-

(a) he is of good character;

(b) he has attained the age of 18 years;

(c) he has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty;

(d) he has been trained at an approved mass media institution;

(e) he has a general professional orientation which covers the basic requirements of information art, leading to a qualification not less than a diploma; and

(f) he has a good knowledge of the politics and socio-economic affairs of his society acquired from an approved institution.

20. Penalties for unprofessional conduct, etc.

(1) Where-

(a) a registered journalist is convicted of any offence in Nigeria or elsewhere by any court or tribunal having power to impose imprisonment (whether or not such an offence is punishable with imprisonment), which in the opinion of the Council is incompatible with the status of a journalist; or

(b) the Council is satisfied that the name of any person has been fraudulently registered; or

(c) the Council is of the opinion that a registered journalist has, on the basis of complaints made pursuant to section 16 of this Act, been found guilty of persistent breach of the Code of Professional and Ethical Conduct, the Council may, if it thinks fit, give any of the directions specified in subsection (2) of this section.

[1999 No. 60.]

(2) The Council may give a direction under subsection (1) of this section-

[1999 No. 60.]

(a) reprimanding that person; or

[1999 No. 60.]

(b) suspending that person from practice by ordering him not to engage in practice as a journalist for such period not exceeding three months, as may be specified in the directive; or

(c) requesting the Nigeria Union of Journalists to strike that person's name off the register and any such directive may, where appropriate, include provision requiring the refund of monies paid or handing over of documents or any other thing as the circumstances of the case may require.

[1999 No. 60.]

(3) For the purposes of subsection (1) of this section, a person shall not be deemed to have committed an offence under this Act, unless it was an offence at the time of commission and at a time no appeal or further appeal is pending or may (without extension of time) be brought in connection with the offence.

[1999 No. 60.]

(4) When the Council gives a direction under subsection (2) of this section, it shall cause notice of the direction to be served on the person to whom it relates.

21. Offences

(1) Any person, not being a registered journalist, who-

(a) for or in expectation of a reward, practises or holds himself out to practise as a registered journalist; or

(b) without reasonable cause, takes or uses any name, title, addition or description implying that he is authorised by law to practise as a registered journalist, is guilty of an offence under this Act:

Provided that nothing in this subsection shall be construed as amounting to a derogation from the provisions of section 38 of the Constitution of the Federal Republic of Nigeria 1999, which provides that every person shall be entitled to freedom of expression and to impart ideas and information without interference.

[Cap. C23.]

(2) If any person for the purpose of procuring the registration of any name, qualification or other matter-

(a) makes a statement which he believes to be false in a material particular; or

(b) recklessly makes a statement which is false in any material particular, he is guilty of an offence under this Act.

(3) If the executive secretary or any other person employed by the Council, wilfully makes any falsification in any matter relating to the register, he is guilty of an offence under this Act.

(4) Where an offence under this section has been committed by a body corporate and it is proved that it was committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary, or other person purporting to act in any such capacity he, as well as the body corporate, shall be deemed to be guilty of an offence and liable to be proceeded against and punished accordingly.

(5) Where any person has been convicted of an offence under this section of this Act-

(a) in a High Court, he shall be liable to a fine not exceeding N5,000 or imprisonment for a term not exceeding 2 years or to both such fine and imprisonment and to an additional fine of N200 for each day during which the offence continues; and

[1999 No. 60.]

(b) in a Magistrate Court, he shall be liable to a fine of N3,000 and to an additional fine of N100 for each day during which the offence continues.

[1999 No. 60.]

22. Approval of qualifications and institutions

(1) Subject to subsection (2) of this section, the Council may approve for the purpose of section 19 of this Act-

(a) a course of training which is intended for persons who are seeking to become
or are journalists and which the Council considers is designed to confer on persons completing it, sufficient knowledge and skill for the practice as members of the profession;

(b) any institution either in Nigeria, or elsewhere, which the Council considers is
properly the whole or any part of a course of training approved by the Council under this section; and

(c) any qualification which, as a result of an examination taken in conjunction with
the course of training approved by the Council under this section, is granted to candidates reaching a standard at the examination indicating, in the opinion of the Council that they have sufficient knowledge and skill to practice journalism as a profession.

(2) The Council shall, from time to time, publish in the Federal *Gazette* a list of qualifications in the profession of journalism approved by it, and subject thereto, the Council shall not approve for the purposes of subsection (1) of this section a qualification granted by an institution in Nigeria, unless the qualification has been so published by the Council.

(3) The Council may, if it thinks fit, withdraw any approval given under this section of this Act in respect of any course, qualification or institution; but before withdrawing such an approval the Council shall-

(a) give notice that it proposes to do so to persons in Nigeria appearing to the Council to be persons by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be; and

(b) afford each such person an opportunity of making to the Council representation with regard to the proposals; and

(c) take into consideration any representation made as respects the proposal to withdraw the approval.

(4) As respects any period during which the approval of the Council under this section for a course, institution or qualification is withdrawn, the course, or qualification or institution shall not be treated as approved under this section; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or was eligible for registration (either unconditionally or subject to his obtaining a certificate or experience) immediately before the approval was withdrawn.

(5) The giving or withdrawal of an approval under this section of this Act, shall have effect from such date after the execution of the instrument signifying the giving or withdrawal of the approval, as the Council may specify in that instrument; and the Council shall-

(a) as soon as possible, publish a copy of every such instrument in the *Federal Gazette*; and

(b) not later than seven days before its publication as aforesaid, send a copy of the instrument to the Minister.

23. Relationship with training institutions

(1) It shall be the duty of the Council to keep itself informed of the nature of-

(a) the instructions given at approved institutions to persons attending approved courses of training; and

(b) the examinations, as a result of which approved qualifications are granted, and for the purposes of performing that duty, the Council may appoint, either from among its own members or otherwise, persons to visit approved institutions or to attend such examinations.

(2) It shall be the duty of a person appointed under subsection (1) of this section, to report to the Council on-

(a) the adequacy of the instructions given to persons attending such approved courses of training at institutions visited by him;

(b) the adequacy or otherwise of the examinations attended by him; and

(c) any other matter relating to the institutions or examination on which the Council may, either generally or in a particular case, request him to report: Provided that the person shall not interfere with the giving of any instruction or the holding of any examinations.

(3) On receiving a report made in pursuance of this section of this Act the Council shall, as soon as may be, send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examinations to which the report relates requesting that person to make representations to the Council within such period as may be specified in the request, not being less than one month beginning with the date of the request.

24. Certificate of experience

(1) A person who, after obtaining an approved qualification, satisfies the conditions specified in subsection (2) of this section shall be entitled to receive free of charge a certificate of experience in the prescribed form from the person in charge of the institution.

(2) The conditions referred to in subsection (1) of this section are that-

(a) he shall have served his time for employment, the prescribed period in Nigeria with a view to obtaining a certificate of experience; or

(b) he shall have acquired during his employment practical experience under the personal supervision and guidance of one or more registered journalists for such periods as may be prescribed;

(c) the manner in which he carried out the duties of his employment and his conduct during the period of his employment shall have been satisfactory.

(3) It shall be the duty of the employer, being a registered journalist supervising the training of the person employed with a view to obtaining a certificate of experience, to ensure that the person is afforded proper opportunities of acquiring the practical experience required for the purposes of paragraph (b) of subsection (2) of this section.

(4) Where after having served his time as referred to in paragraph (a) of subsection (2) of this section, a person is refused a certificate of experience, he shall be entitled-

(a) to receive from his employer particulars in writing of the grounds of the refusal; and

(b) to appeal against the refusal to a committee of the Council in accordance with rules made by the Council in that behalf (including rules as to the time within which appeals are to be brought) and on any such appeal the committee of the Council shall have power to either dismiss the appeal or itself issue the certificate of experience in question or give such other direction on the matter as it considers just.

(5) The Minister may make regulations for the issuance of certificates of experience in respect of employment and institutions outside Nigeria.

25. Power of the Council to publish names of journalists reprimanded

The Council may cause to be published in the Press Journal and in such other manner as the Council may deem fit the name of any journalist or person reprimanded by the Council in the exercise of its powers under this Act.

26. Publication of journal by the Council

The Council may publish its journal and books, to publicise its activities and the result of its findings on adjudication and such other matters which relate to the development of mass media in Nigeria.

[1999 No. 60.]

27. Qualification, etc., for appointment as editor

- (1) A person shall be qualified for appointment as an editor if-
- (a) he has attained the age of 25 years;
 - (b) he is a registered member of the Nigerian Union of Journalists; and
 - (c) he has, for a period of not less than five years served as a reporter or acquired working experience as a journalist in a reputable newspaper house, electronic news medium or news agency.

[1999 No. 60.]

- (2) Nothing in subsection (1) of this section shall be construed to include working experience, employment in a house journal, newsletter or any similar publication.

[1999 No. 60.]

28. Financial provisions

- (1) The Council shall maintain a fund which shall consist of-
- (a) such monies as may, from time to time, be provided by the Federal Government by way of grants;
 - (b) such monies as may be specified by the Council to be provided, from time to time, by the Nigeria Union of Journalists, the Nigerian Guild of Editors, the Newspaper Proprietors Association of Nigeria and the Broadcasting Organisation of Nigeria; and
 - (c) such monies as may be received by the Council in relation to the exercise of its functions under this Act.
- (2) The Council shall keep proper accounts and proper records in relation thereto and shall prepare in respect of each year a statement of its accounts.
- (3) The Council shall, within six months after the end of each year to which the accounts relate, cause the accounts to be audited by auditors appointed by the Council from

the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

29. Annual reports

The Council shall submit to the Minister not later than 30 September in each year a report on its activities during the preceding year which shall include a copy of the audited accounts of the Council for that year and the Minister shall cause the report to be laid before the President.

30. Documentation of newspapers, etc.

(1) An application for documentation with the Council of a newspaper, magazine or journal shall be made in such form as may be prescribed by the Council from time to time.

[1999 No. 60.]

(2) Notwithstanding the provisions of subsection (1) of this section, any person requiring the documentation of a newspaper, magazine, or journal shall submit-

- (a) brief mission statement and objectives of the newspaper, magazine or journal;
- (b) the title or name of the newspaper, magazine or journal;
- (c) the full address of the location of the office of the newspaper, magazine or journal;
- (d) the name of the body corporate which owns or intends to publish the newspaper, magazine or journal;
- (e) a copy of the certificate of incorporation; and
- (f) such other information as the Council may, from time to time, require.

[1999 No. 60.]

(3) The Council shall, pursuant to the provisions of subsection (1) of this section, have power to charge such administrative fees as may be determined from time to time.

[1999 No. 60.]

31. Renewal of documentation

(1) The Council shall document a newspaper, magazine or journal if it is satisfied that the requirements of section 30 of this Act have been met.

[1999 No. 60.]

(2) The documentation of a newspaper, magazine and journal under this Act shall be renewed every year.

[1999 No. 60.]

32. Register of documented newspapers, etc.

The Council shall cause to be established and maintained a register into which shall be entered the names and addresses of every newspaper, magazine or journal documented under this Act.

[1999 No. 60.]

33. Offences and penalties

(1) Any person who, without documentation with the Council, owns, publishes or prints a newspaper, magazine, or journal commits an offence and is liable on conviction to a fine of ₦250,000 or to imprisonment for a term not exceeding three years or to both such fine and imprisonment and to an additional fine of ₦5,000 for every day the offence continues.

[1999 No. 60.]

(2) Any news agent who circulates for sale any copy of a newspaper, magazine, or journal which is not documented in accordance with the provisions of this Act commits an offence and is liable on conviction to a fine of ₦50,000 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

34. Proof of evidence and documentation

A copy of an entry in or an extract from the register referred to in section 32 of this Act purporting to be duly issued by the Council or certified by any person appointed for that purpose by the Council shall be received in evidence unless the contrary is proved be presumed contents of the documentation.

[1999 No. 60.]

35. Submission of annual performance returns

(1) The owner or publisher of a newspaper, magazine or journal, shall submit to the Council not later than sixty days after the end of each year, a return on the performance of the newspaper, magazine or journal, in such form as may be specified by the Council, from time to time, restating its mission statement and objectives, any change in its name or confirming if the newspaper, magazine or journal has abided by its mission statement and objectives and that the newspaper, magazine or journal has kept to the Code of Professional and Ethical Conduct in the discussion of issues of public interest.

[1999 No. 60.]

(2) Any owner or publisher of a newspaper, magazine or journal who fails to comply with the provisions of subsection (1) of this section is guilty of an offence and is liable on conviction to a fine of N100,000.

[1999 No. 60.]

36 Notice to file annual returns

(1) Notwithstanding the provisions of section 35 of this Act-

(a) if the owner or publisher of a newspaper, magazine or journal, fails to make the annual returns on the performance of the newspaper, magazine or journal as required by this Act; or

(b) a cause of action has been taken against the owner or publisher of a newspaper, magazine or journal by reason of that failure, the Council may, by notice signed by its chairman addressed to the owner or publisher require the owner or publisher to deliver forthwith or send to the Council the annual returns as required by this Act.

[1999 No. 60.]

(2) Any owner or publisher required by notice to deliver or send a copy of the returns on performance who fails to deliver or send the annual returns is guilty of an offence and liable on conviction to a fine of N10,000 for every day on which the offence continues.

[1999 No. 60.]

37. Interpretation

In this Act, unless the context otherwise requires-

"Council" means the Nigerian Press Council established by section 1 of this Act;

[1999 No. 60.]

"editor" includes a person who is in charge of all the journalists in a mass circulation newspaper, magazine, journal, an electronic news medium or news agency who is responsible for making decisions about the contents;

[1999 No. 60.]

"Executive Secretary" means the Executive Secretary of the Council, appointed under section 4 of this Act;

"journalist" means any person (not being less than eighteen years of age) engaged in the collection, processing, and dissemination of information for use in the press and who has been accredited by the Council;

"Minister" means the Minister charged with responsibility for information and **"Ministry"** shall be construed accordingly;

"news agent" includes a person who sells newspapers, whether for himself or on behalf of another in a shop, stall or other structure whether movable or immovable;

[1999 No. 60.]

"newspaper" includes a magazine, journal and any paper containing public news, intelligence or occurrences or any remarks, observation or comments printed therein for sale and published periodically or in parts or numbers;

"news agencies" mean any agency engaged in the collection and dissemination of news, pictures and features;

"owner", "printer" or "publisher" means the body corporate which owns, prints or publishes a newspaper documented under this Act;

[1999 No. 60.]

"press" includes radio, television, wire services, newspaper, magazines and such other channels of communication involved in the collection and dissemination of information;

"radio and television" include electronic means of mass communication which share in the formation of public opinion.

38. Repeal of Cap. 316 L.F.N. 1990

The Nigerian Media Council Act is hereby repealed.

39. Short title

This Act may be cited as the Nigerian Press Council Act.

SCHEDULE

FIRST SCHEDULE

[Section 2 (4).]

Supplementary provisions relating to the Council

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

(2) Members of the Council specified in subsection (2) of this Act, shall each hold office for three years and shall be eligible for re-appointment for one further period of three years

2. (1) The chairman may by notice addressed to the President, resign his appointment and any member of the Council referred to in paragraph 1 (2) of this Schedule may, by notice addressed through the Minister to the body that nominated him indicate his intention to resign his appointment.

[1999 No. 60.]

(2) Where a member of the Council ceases to hold office before the date when his term of office would have expired by effluxion of time, a replacement shall be appointed to fill the vacancy for the residual of time, in accordance with paragraph 1 (2) of this Schedule.

3. (1) Subject to this Act and to section 27 of the Interpretation Act, the Council may make standing orders relating to the proceedings of the Council and of any committee thereof.

[Cap. 123.]

(2) The quorum of the Council shall be by simple majority, including the chairman of the Council.

4. At any time while the office of the chairman is vacant or the chairman is, in the opinion of the Council, permanently or temporarily unable to perform the functions of his office a

vice-chairman appointed from members present shall perform those functions and reference in this Schedule to the chairman shall be construed accordingly.

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

(2) At any meeting of the Council, the chairman or in his absence the vice-chairman shall preside at that meeting.

(3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such a 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 Council and shall not count towards the quorum.

(4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Minister.

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

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

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

7. (1) The fixing of the seal of the Council shall be authenticated by the signature of the Executive Secretary or of some other person authorised generally or specifically for that purpose by the Council.

[1999 No. 60.]

(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 Council by any person generally or specially authorised to act for that purpose by the Council.

(3) Any document purporting to be document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be presumed to be

so
executed.

8. Members of the Council who are not public officers shall be paid out of moneys at the disposal of the Council such remuneration, fees or allowances in accordance with such scales as may be approved, from time to time, by the Council.

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

SECOND SCHEDULE
[Section 11 (2).]

FORM A

Summons

To:

.....

Name:

.....

Address:

.....

Occupation:

.....

You are hereby summoned to appear before the Nigerian Press Council at

on the day of 20 at
o'clock,

or so soon thereafter to give evidence with respect to inquiry into the conduct or affairs of
the .

.....

(specify the books, documents or other things)

(a)

(b)

(c)

(d)

(e)

THIRD SCHEDULE
[Section 13.]

Oath

"I,
.....

do swear (or solemnly affirm or declare), that I will faithfully perform the duties entrusted to me and will truly translate or explain all documents entrusted to me for such purpose to the best of my ability, and I will not, except as authorised by the Council directly or indirectly reveal the contents of such documents as may be entrusted to me or the evidence given by witnesses which may have been interpreted by me. “

SUBSIDIARY LEGISLATION

No Subsidiary Legislation