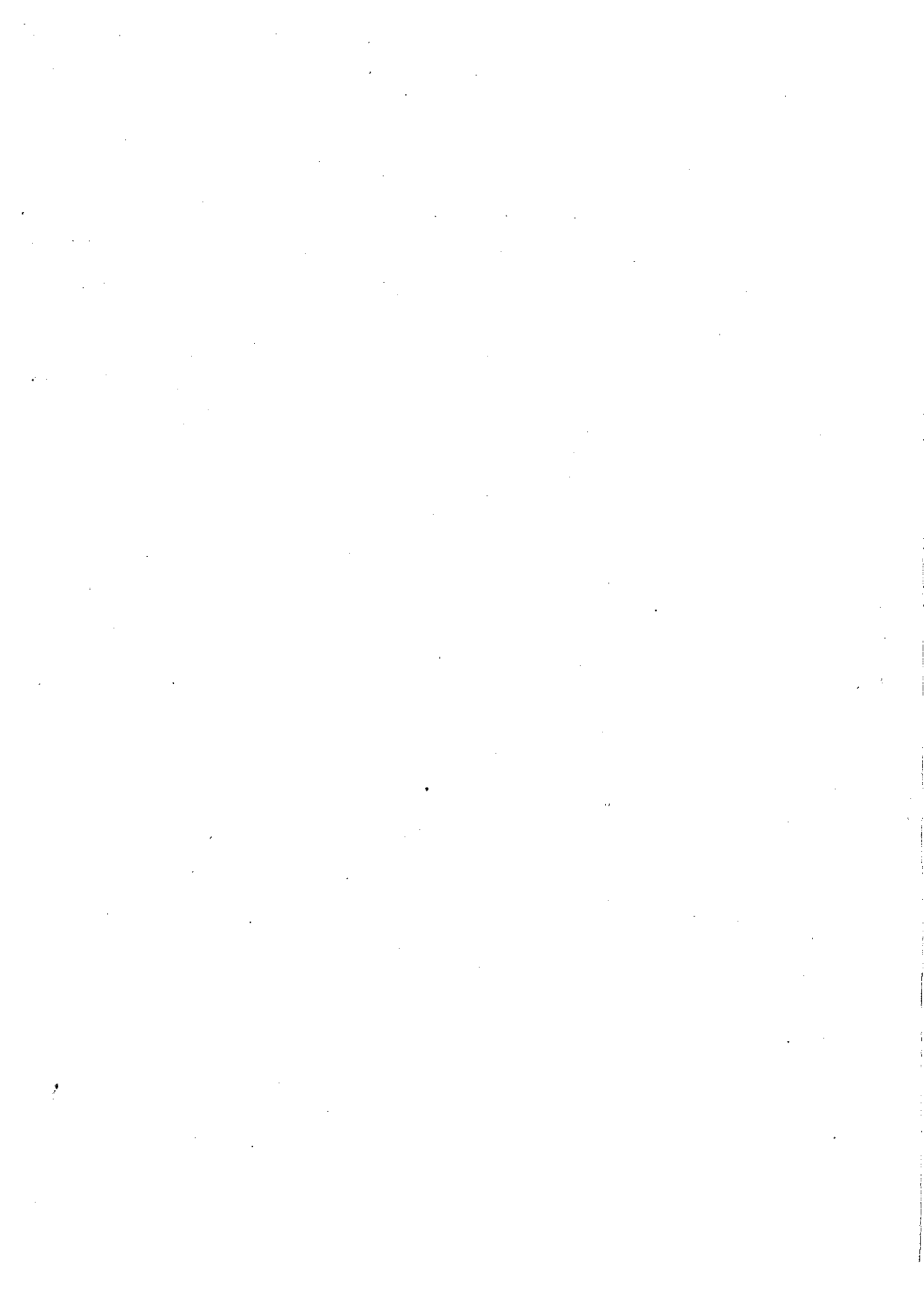


NATIONAL BROADCASTING COMMISSION (AMENDMENT) BILL, 2018

ARRANGEMENT OF SECTIONS

Sections

1. The Principal Act
2. Amendment of Section 1 of the Principal Act
3. Amendment of Section 2 of the Principal Act
4. Amendment of Section 5 of the Principal Act
5. Amendment of Section 9 of the Principal Act
6. Amendment of Section 11 of the Principal Act
7. Amendment of Section 12 of the Principal Act
8. Amendment of Section 13 of the Principal Act
9. Amendment of Section 19 of the Principal Act
10. Amendment of Section 26 of the Principal Act
11. Establishment of Digital Access Fund
12. Amendment of the Third Schedule to the Principal Act
13. Citation



A BILL

FOR

AN ACT TO AMEND THE NATIONAL BROADCASTING COMMISSION ACT,
CAP N11, LAWS OF THE FEDERATION OF NIGERIA 2010 TO STRENGTHEN
THE COMMISSION AND MAKE IT MORE EFFECTIVE FOR THE COMMISSION
TO REGULATE BROADCASTING IN NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon. Odebunmi Olusegun

[] Commencement

BE IT ENACTED by the National Assembly of the Federal
Republic of Nigeria as follows:

1 1. In this Bill, the National Broadcasting Commission Act, Cap N
2 11, Laws of the Federation of Nigeria 2010 is hereby referred to as the
3 Principal Act and is amended as follows:

The Principal
Act

4 2. Section 1 of the Principal Act is hereby amended by adding a
5 new Section 1A and 1B to the existing Section 1 of the Principal Act and it
6 shall read as follows:

Amendment of
Section 1 of the
Principal Act

7 "1A OBJECTIVES OF THE ACT

8 The Objective of the Act is to provide a balanced and appropriate
9 regulatory and institutional framework for the Nigeria broadcasting
10 industry to:

11 (a) Contribute to democracy, nation building development of
12 society, gender equality, protection of the vulnerable, provision of education
13 and strengthening the spiritual and moral fiber of the society;

14 (b) Safeguard, enrich and strengthen the cultural, political, social
15 and economic fabrics of Nigeria;

16 (c) Ensure plurality of ownership, news, views, information and
17 facilitate collective provisions of a wide range of entertainment and
18 education programs;

19 (d) Promote provisions of a broad range of services and

1 specifically for the programming needs in respect of children women, the
2 youth, disadvantaged and the disabled;

3 (e) Encourage the development of human resources through training,
4 and capacity building within the broadcasting sector especially amongst
5 disadvantaged groups;

6 (f) Encourage investments and promote diversity in the control of
7 broadcasting services;

8 (g) Promote fair competition in the broadcasting sector;

9 (h) Ensure efficient use of the broadcasting frequency spectrum;

10 (i) Provide a clear allocation of roles and assignment of tasks between
11 policy formulation, regulation and service provision as well as articulation of
12 long and intermediate-term goals;

13 (j) Provide for a three tier system of public, commercial (free to air
14 and subscription) and community broadcasting services;

15 (k) Establish a strong and committed public broadcasting service
16 which will serve the needs of the Nigerian Society

17 (l) Integrate multi-channel distribution system into the broadcasting
18 framework;

19 (m) Promote research, innovation and the development of new
20 technologies in the provision of broadcasting services;

21 (n) Encourage providers of commercial and community broadcasting
22 services to be responsive to the need for a fair and accurate coverage of matters
23 of public interest and for an appropriate coverage of matters of local
24 significance;

25 (o) Ensure that licensees comply with internationally accepted
26 technical standards applicable in Nigeria;

27 (p) Ensure the provision of quality services by service providers to the
28 Consumer;

29 (q) Ensure fairness in service delivery of broadcast service to
30 consumers;

1 (r) Regulate and provide Digital Broadcasting in Nigeria in line
2 with the international Telecommunication Union (ITU) Agreement referred
3 to as 'Regional Agreement GE06 2006'

4 IB SCOPE OF THE ACT

5 This Act applies to the-

- 6 (a) Establishment and operation of broadcasting systems;
7 (b) Provision of broadcasting services;
8 (c) Use of broadcasting frequencies and equipment in line with
9 digital broadcasting and
10 (d) regulation of other digital based issues such as online news
11 offered by online media services providers e.t.c"

12 3. Section 2 of the Principal Act is hereby amended by totally
13 deleting the existing section 2 by replacing it or substituting it with a new
14 Section 2 and 2A which shall read as follows:

Amendment of
Section 2 of the
Principal Act

15 "2 FUNCTIONS OF THE COMMISSION

16 (1) The Functions of the Commission shall be to-

17 (a) Advise the Federal Government generally on the
18 implementation of the National Mass Communication Policy, with
19 particular reference to broadcasting;

20 (b) Ensure that regulatory control is applied across the range of
21 broadcasting services according to the degree of influence that different
22 types of broadcasting services are able to exert in shaping community views
23 in Nigeria;

24 (c) Receive, process and consider applications for the
25 establishment, ownership and operation of radio and television stations
26 including:

27 (i) Cable Television Services, Direct Satellite Broadcast, Direct-
28 To-Home(DTH), IPTV, IP Radio, EPG and Digital Terrestrial Television ;

29 (ii) Broadcast and Digital Signal Distribution;

30 (iii) Online news; and

- 1 (iv) Any other medium of broadcasting;
- 2 (d) recommending applications through the Minister to the President,
3 for the grant of radio and television licenses;
- 4 (e) Regulating and controlling the broadcasting industry;
- 5 (f) conducting research and development in the broadcasting
6 industry;
- 7 (g) receive consider and investigate complaints from members of the
8 public regarding the content of broadcast and the conduct of a broadcasting
9 station;
- 10 (h) regulate ethical standards and technical excellence in the
11 provision of broadcasting services, and for that purpose enforce a Code of
12 Conduct in conjunction with operators in the broadcast industry;
- 13 (i) allocate and regulate the use of broadcast frequencies in
14 conformity with policies, treaties, protocols or conventions to which Nigeria is
15 a signatory;
- 16 (j) set minimum standards for broadcast equipment in the
17 broadcasting industry;
- 18 (k) provide guidelines on tariffs chargeable for the provision of
19 broadcast services;
- 20 (l) promote Nigeria's indigenous cultures, morals and community life
21 through broadcasting;
- 22 (m) promote authenticated radio and television audience
23 measurements and penetration;
- 24 (n) initiate and harmonies Government Policies on trans-border direct
25 transmission and reception in Nigeria;
- 26 (o) ensure high quality manpower development in broadcasting
27 Industry by accrediting curricular and programs for all tertiary Institutions that
28 offers mass communication in relation to broadcasting;
- 29 (p) monitor broadcasting for harmful emissions, interference and
30 illegal broad casting;

1 (q) approve the transmitter power, the location of stations, areas of
2 coverage as well as regulate types of broadcast equipment used;

3 (r) regulate digital based broadcasting such as online news and
4 digital terrestrial television e.t.c;

5 (s) publish newsletters and broadcast journals, organize
6 conferences, workshops and seminar and prepare information programs, for
7 the purpose of raising public awareness about the broadcast industry;

8 (t) serve as advisor to the Federal Government of Nigeria on any
9 Policy or regulatory issue on the broadcast industry;

10 (u) intervening and mediating in broadcasting industry;

11 (v) ensuring strict adherence to the national law, rules and
12 regulations relating to the participation of foreign capital in relation to local
13 capital in broadcasting; and

14 (w) guaranteeing and ensuring the liberty and protection of the
15 broadcasting industry with due respect to the law.

16 (2) The Commission shall ensure the-

17 (a) optimal use of the broadcast spectrum;

18 (b) availability throughout Nigeria of a wide range of broadcast
19 services;

20 (c) application, in the case of broadcast services, of standards that
21 provide adequate protection to members of the public from the inclusion of
22 offensive and harmful materials in such services;

23 (d) uphold the principles of equity and fairness in broadcasting;

24 (e) ensure that broadcasting services are operated in a manner that-

25 (i) Promote public interest in a cost effective manner;

26 (ii) Readily accommodates changes in technology; and

27 (iii) Encourages the development of broadcasting technologies and
28 the provision of services made practicable and affordable by those
29 technologies;

30 (f) regulate ethical standards and technical excellence in public,

- 1 private and commercial and community broadcast stations in Nigeria to further
2 the interest of-
- 3 (i) citizens in relation to communication matters; and
 - 4 (ii) consumers in relevant markets, where appropriate by promoting
5 competition;
 - 6 (g) universalize access to broadcasting in Nigeria;
 - 7 (h) maintain capacity for innovation and currency in broadcasting
8 practice and technology;
 - 9 (i) promote and project Nigeria's domestic and foreign policies
10 internationally;
 - 11 (j) enhance national capacity for producing high quality broadcast
12 programs in Nigeria;
 - 13 (k) support the growth and development of broadband and multi-
14 media platforms and promote digitization of the Broadcast industry;
 - 15 (l) establish and disseminate a National Broadcasting Code and set
16 standards with regards to the content and quality of materials for broadcast;
 - 17 (m) propose and effect modification to license where appropriate in
18 accordance with the provisions of this Act;
 - 19 (n) determine and apply sanctions (including, where justified in the
20 public interest), revocation of licenses of defaulting stations following
21 findings of repeatedly material non-compliance with this Act, there license
22 condition or applicable provisions of the NBC CODE which do not operate in
23 accordance with the broadcast code and in public interest.
 - 24 (o) Carry out such other activities as are necessary or expedient for the
25 full discharge of all or any of the functions conferred on it, under or pursuant to
26 this Act.
- 27 (3) The Commission shall take such steps and enter such
28 arrangements, as appear to it to encourage the protection of children with
29 disabilities, the elderly, disadvantaged and those on low incomes.

1 2A POWERS OF THE COMMISSION

2 (1) The Commission shall have the following responsibilities
3 pursuant to this Act-

4 (a) the formulation of policies, monitoring of the broadcast sector,
5 issue directions of a general character and matters of broad national policy
6 consistent with the objects of national security and economic development;

7 (b) the negotiation and execution of international broadcasting
8 treaties and agreements, on behalf of Nigeria, between Sovereign Countries
9 and International Organizations and bodies; and

10 (c) the representation of Nigeria at proceedings of international
11 organizations on matters relating to broadcasting.

12 (d) With the approval of the relevant committees of the National
13 Assembly to where it deems necessary, provide broadcast grant to broadcast
14 companies especially for the purpose of promoting digital broadcast"

15 4. Section 5 of the Principal Act is hereby amended by deleting
16 entirely the existing subsection 7 and 8 thereof and replacing them as
17 follows:

Amendment of
Section 5 of the
Principal Act

18 "7 The Commission shall appoint a Secretary who shall be a Legal
19 Adviser of the Commission who shall be a Legal Practitioner, called to the
20 Nigerian Bar for at least fifteen years post call experience and shall keep
21 records, conduct correspondence of the Commission and perform such
22 other duties and functions as the Commission or Director-General may from
23 time to time direct.

24 8 the Commission shall from time to time, appoint such other staff
25 as it may deem necessary, upon such terms as it may determine, to assist the
26 Commission in the performance of its functions under this Bill".

27 5. Section 9 of the Principal Act is hereby amended by deleting
28 entirely the existing/ subsisting section 9 thereof and replacing/substituting
29 it with a new section 9 and 9A as follows:

Amendment of
Section 9 of the
Principal Act

1 "9 POWER TO GRANT LICENSES, PERMITS OR AUTHORIZATION

2 (1) A person shall operate or use any apparatus or premises for the
3 transmission of sound or vision by cable, television, radio, satellite or any other
4 medium of broadcast from anywhere in Nigeria except under and in
5 accordance with the provisions of this Act.

6 (2) The Commission shall receive, consider and process applications
7 for the grant or renewal of a broadcasting license, permit or authorization
8 subject to the provisions of this Act.

9 (3) Where an application for the grant of a license for radio and
10 television station satisfies the conditions stipulated by the Commission for
11 such grant, the Commission shall recommend the application to the President
12 for approval through the Minister.

13 (4) The grant of a license shall be personal and the license shall not be
14 operated by, assigned, sub-licensed or transferred to any other party unless with
15 the prior written approval of the Commission

16 (5) A licensee shall at all times comply with the term and conditions of
17 its license and the provisions of this Act and any subsidiary legislation

18 (6) Any person who acts in breach of subsection(1) of this section
19 commits an offence and is liable on conviction to:

20 (a) A fine of not less than the fee for the relevant license;

21 (b) Imprisonment for a term not exceeding one year;

22 (c) Both such fine and imprisonment; and

23 (d) Forfeiture to the Commission of the property, facilities,
24 installations and equipment used for the provision and operation of the
25 unlicensed service

26 (7) Any Broadcast Station transmitting in Nigeria pursuant to the
27 grant of license by the Commission or deemed granted license under this Bill,
28 shall not be refused renewal of license or prohibited from broadcasting,
29 including self provision of broadcasting signal distribution from its existing
30 broadcasting service, unless such license has been used in a manner that is

1 manifestly detrimental to national interest as demonstrated findings of
2 material non-compliance by the licensee with its license conditions or
3 applicable provisions of the ACT.

4 (8) Further to subsection 7 of this section, a licensee who has an
5 existing infrastructure and record of compliance with the terms of his license
6 shall not have his license revoked or renewal refused merely because of
7 change of technology, change of policy that necessitates the upgrade of the
8 said license".

9 (9) Any broadcasting licensee which was licensed to provide a
10 digital terrestrial broadcasting service shall be prior to the enactment of this
11 Act shall be entitled to continue to provide both broadcasting (content)
12 service and self provision of broadcasting signal distribution service for its
13 digital terrestrial television service using such frequency spectrum that was
14 assigned to such licensee for that purpose.

15 9A CLASSIFICATION OF LICENCES

16 "(1) The Commission shall, on such terms and conditions as may in
17 any case determine, issue an applicant with any of the following categories
18 of licenses-

19 (a) Broadcast Service License which includes television, radio and
20 mobile broadcasting license; with the authority to produce contents;

21 (b) Signal Distribution License with the authority to provide the
22 transmission platform for broadcasters;

23 (c) Frequency spectrum license; and

24 (d) Any other license as may be determined by the Commission.

25 (2) A Broadcasting License granted under this section shall specify
26 the targeted coverage area within the following framework-

27 (a) Community Broadcasters for the projection of the cultural
28 aspirations of a community;

29 (b) City Broadcasters for a coverage target within a defined City
30 Boundary;

1 (c) State Broadcasters granted for a coverage target within a defined
2 State Boundary;

3 (d) Regional Broadcasters for a coverage target within a defined
4 region or geographical political zone; and

5 (e) National Broadcasters for a coverage target within the
6 geographical boundary of Nigeria.

7 (3) The Broadcast License and the signal distribution license shall be
8 valid for ten renewable years.

9 (4) Subject to the provisions of this Bill, Broadcasting Service
10 Licenses shall be categorized into the following-

11 (a) Terrestrial Broadcast: Free-to-Air (Audio and Video);

12 (b) Satellite Broadcast: Free-to-Air (Audio and Video);

13 (c) Terrestrial Broadcast: Subscription (Audio and Video);

14 (d) Satellite Broadcast: Subscription DSB (Audio and Video);

15 (e) Satellite Broadcast: Subscription DTH (Audio and Video);

16 (f) Digital Terrestrial Television;

17 (g) Cable Television Subscription;

18 (h) Community (Radio and Television);

19 (i) Networking (Radio and Television);

20 (j) Signal Distribution including Digital Signal Distribution;

21 (k) Mobile (DVB-H);

22 (l) IPTV;

23 (m) IP Radio;

24 (n) EPG;

25 (o) Online news related licenses;

26 (p) Any other class of licenses as may be determined from time to
27 time, by the Commission.

28 (5) The Commission may, add, remove or amend the classes of
29 licenses listed under subsection (3) of this Section subject to the approval by
30 the National Assembly".

1 6. Section 11 of the Principal Act is hereby amended by inserting
2 the words "or signal distribution" immediately after "cable or satellite
3 station" in line 2 of the section and it shall read as follows:

Amendment of
Section 11 of the
Principal Act

4 "11. A request by a person for authority to own, establish and
5 operate a radio, sound, television, cable, satellite station or signal
6 distribution network shall be by way of application for a license addressed to
7 the Director-General of the Commission and in the form prescribed by the
8 Commission, from time to time."

9 7. Section 12 of the Principal Act is hereby amended by adding or
10 inserting five new sections known as sections 12A, 12B, 12C, 12D, 12E
11 immediately after the existing section 12 and before the existing section 13
12 thereof and it shall read as follows:

Amendment of
Section 12 of the
Principal Act

13 "12A REQUEST FOR GRANT OF LICENCE

14 (1) The Commission shall, in consideration of an application for
15 the grant of a licence, be satisfied from all the evidence and information
16 supplied that the Applicant-

17 (a) Is a body corporate, registered under the Company and Allied
18 Matters Act, whose majority of shares are owned by the citizens of Nigeria;

19 (b) Can comply with the objectives of the National Mass
20 Communication Policy as is applicable to the broadcast media; and

21 (c) Can give an undertaking that the licence shall be used to
22 promote national interest, unity and cohesion, and that it shall be used to
23 offend the religious sensibility or promote ethnicity, sectionalism, hatred
24 and disaffection among the people of Nigeria.

25 (2) The grant of a licence by the Commission under this Act shall be
26 subject to availability of broadcast frequencies.

27 (3) Compliance with the requirements specified in subsection (1)
28 of this section shall not entitle an applicant to the grant of a license but the
29 grant of a licence by the Commission shall not be unreasonably withheld.

30 (4) In determining the grant of a licence, the Commission shall

1 consider the following:

- 2 (a) The structure of shareholding in the broadcasting organization;
- 3 (b) The number of shareholding in other media establishments; and
- 4 (c) The distribution of those stations and establishments as between
- 5 urban, rural, commercial or other categorization.
- 6 (5) It shall be illegal for any person to have controlling shares in more
- 7 than one signal Distribution Company in Nigeria.

8 12B COMMUNITY BROADCASTING LICENCE

- 9 (1) The Commission shall receive, consider and process applications
- 10 for the grant or renewal of a Community Broadcasting License, subject to the
- 11 provisions of this Act.
- 12 (2) In considering any application for a community broadcasting
- 13 license, the Commission shall, with due regard to the objects of this Act, take
- 14 into account whether-
- 15 (a) The applicant proposes to serve the interest of the relevant
- 16 community; and
- 17 (b) As regards the provisions of the proposed broadcasting service,
- 18 the applicant has the support of the relevant community or of those associated
- 19 with or promoting the interest of such community, which support shall be
- 20 measured according to such criteria, as may be determined from time to time by
- 21 the Commission.
- 22 (3) An Educational Institution may be granted licence under this
- 23 section provided that it is able to satisfy the Commission that:
- 24 (a) There is sufficient guarantee by the institution's authority as to the
- 25 ability of the institution to put the broadcast service to good to good use; and
- 26 (b) The institution has a reasonable track record of peace and orderly
- 27 conduct.
- 28 (4) In granting a Community Broadcasting Licence under this Act, the
- 29 applicant shall in addition to the provisions of this section, satisfy the
- 30 conditions stipulated in the Nigerian Broadcasting Code and any other

1 regulation made pursuant to this Act, from time to time.

2 12C PERSONS DISQUALIFIED FROM THE GRANT OF LICENCE

3 Except for the purposes of direct broadcast satellite (DBS) service, the
4 Commission shall not grant a broadcast license to a religious organization or
5 a political party.

6 12D APPLICATION PROCEDURE IN RELATION TO LICENCES

7 (1) The Commission shall from time to time determine and cause to
8 be published a regulation on its licensing procedure, specifying, amongst
9 others, the persons . . . classes of persons who are eligible to apply for
10 licenses.

11 (2) Subject to subsection (1) of this section, the Commission shall
12 from time to time determine and publish its licensing procedure which may
13 include but shall not be limited to auction, selection processes, public tender
14 invitation or competitive bidding processes.

15 12E ENTITLEMENTS AND CONDITIONS PERTAINING LICENCES

16 (1) The Commission, in granting any broadcast license under this
17 Act, may impose such terms, conditions and obligations appropriate to such
18 license and consistent with the objectives of this Bill, as it deems fit.

19 (2) Any term, condition or obligation imposed pursuant to
20 subsection (1) of this section shall be specified in the license to which it
21 pertains.

22 (3) A licensee shall use the frequency and the station as specified in
23 the license for the purpose of providing the broadcasting service to which
24 the license relates.

25 (4) For the purpose of subsection (1) of this section, station shall
26 mean any separate radio or television receiving or transmitting, or wired
27 distribution apparatus or any combination thereof, including any accessory,
28 equipment and related premises.

29 (5) A licensee shall commence operations of the service to which a
30 license relates within the period stipulated in this Bill failing which the

Amendment of
Section 13 of the
Principal Act

1 license shall elapse".

2 8. Section 13 of the Principal Act is hereby amended by adding or
3 inserting the following new sections 13A, 13B, 13C, 13D, 13E and 13F after
4 the existing Section 13 and before the existing section 14 and it shall read as
5 follows:

6 "13A RENEWAL OF LICENCE

7 (1) An application for the renewal of broadcasting licence shall be
8 made to the Commission by the broadcasting Licensee not later than six
9 months prior to the expiration of the license.

10 (2) The Commission may refuse an application for the renewal of a
11 broadcasting license where the-

12 (a) Licensee has failed to materially comply with the license
13 conditions or the provisions of this Act/Bill, Nigeria Broadcasting
14 Commission Code or any regulation during the term of the existing license; and

15 (b) Commission has by notice drawn the licensee's attention to the
16 infringement thereof and has exercised its power of sanctions over the licensee
17 on three or more occasions.

18 (3) In considering the application for the renewal of a license, the
19 Commission shall review the past conduct of the licensee.

20 (4) Notwithstanding any provision to the contrary, a license shall not
21 be renewed where application for renewal has been made later than six months
22 period stipulated in subsection (1) of this section, unless the licensee pays to the
23 Commission, in addition to the prescribed licence fee, a penalty as may be
24 determined by the Commission, for each week during which the default
25 continued.

26 13 B FAILURE TO RENEW LICENCE

27 (1) Where a licensee fails, neglects or refuses to renew the license
28 within a period stated under section 13A above, the License stands revoked and
29 shall be returned to the nearest office of the Commission.

30 (2) Where a license has expired or has been revoked, it shall be the

1 duty of the person to whom the license was issued and of every other person
2 in whose possession or under whose control the license may be, to cause the
3 license to be surrendered to the Commission, and any person who without
4 reasonable excuse fails or refuses to comply with these provisions and shall
5 be guilty of an offence and liable upon conviction to a fine or five million
6 naira.

7 13C VARIATION OF LICENCE

8 (1) The Commission shall, subject to the provisions of this section,
9 have the powers to vary in writing the conditions of a license.

10 (2) A license may be varied by the Commission where:

11 (a) The variation will not cause substantial prejudice to the licensee
12 or;

13 (b) The variation is required to ensure compliance with any
14 applicable bilateral, multilateral or international agreements convention
15 relating to broadcasting to which Nigeria is a signatory;

16 (c) Ensure compliance by the licensee with such terms, conditions
17 and obligations that the Commission may be applying to all licenses issued
18 in the same category;

19 (d) To bring the licensing in tune with international standards or to
20 meet the exigency of the society.

21 (3) The Commission may hold a hearing with a view to making a
22 decision regarding the variation of a license in terms of subsection 2(a) or
23 (c) of this section.

24 (4) Variation of a license shall be made or effected by a Regulation
25 of the Commission duly enacted in compliance with the provisions of this
26 Bill.

27 13D LICENCES EXISTING PRIOR TO THE ACT

28 As from the commencement of this Bill/Act, and subject to the provisions
29 relating to variation of licenses above, any person who immediately before
30 the coming to effect of this Bill provides broadcasting service under a

1 license validly issued in terms of the provisions of any law in force at the time,
2 in this Bill referred to existing license, shall be deemed to be the holder of a
3 broadcast license contemplated, granted and issued in terms of this Bill, for the
4 remaining term of that license, on no less favourable terms permitting the
5 licensees to provide all such service and conduct all such activities as were
6 provided under the existing license.

7 13E LICENCES: BOOKS AND RECORDS e.t.c.

8 (1) A broadcasting licensee shall keep such particulars, documents,
9 records, books and statistics relating to its broadcasting activities as listed in
10 the 3rd Schedule to this Bill and as may by regulation be prescribed by the
11 Commission, from time to time.

12 (2) The Commission may by Notice in writing direct a licensee to
13 produce to the Commission, at a time and place specified in the notice, such
14 documents, accounts, estimates, returns and other records and information as
15 may be specified in such notice and relating to any matter in respect of which a
16 duty or obligation is imposed on the licensee in terms of this Bill or
17 Regulations, or by the relevant licence, and it shall be the duty of the licensee to
18 comply accordingly.

19 13I CEASE AND DESIST ORDER

20 Where a licensee breaches the provisions of this Bill, Broadcasting Code or,
21 any Regulation, the Commission may issue an order directing the licensee to
22 cease and desist from any further breach or non-compliance".

Amendment of
Section 14 of the
Principal Act

23 9. Section 14 of the Principal Act is hereby amended in sub-section
24 2(a) by removing the word "Federal" from the section and further amended by
25 introducing new lines (I) and (ii) to the subsection 2a to read as follows:

26 "(a) such percentage of fee and levy to be by the Commission on the
27 Annual income of licensed broadcasting stations owned, established or
28 operated by private individual(s), State and Local Governments:

29 (i) Ten (10%) of such fund shall be transferred to a special account
30 created by the Nigerian Television Authority (NTA) for the purpose of

1 financing capital projects and upgrade of studio equipment.

2 (ii) Ten (10%) of such funds shall be transferred to a special
3 account created by the Federal Radio Corporation (FRCN) for the purpose
4 of financing capital projects and upgrade of studio equipment"

5 **10.** Section 19 of the Principal Act is hereby amended by adding or
6 inserting the following new sections 19A, 19B, 19C, 19D, 19E, 19F, 19G,
7 19H, 19I, 19J, 19K, 19L, 19M, 19N, 19O, 19P, 19Q, 19R, 19S and 19T
8 between the existing section 19 and immediately preceding the existing
9 section 20 of the Principal Act and it shall read as follows:

Amendment of
Section 19 of the
Principal Act

10 "19A COMPETITION.

11 (1) The Commission shall monitor and enforce compliance with
12 the provisions of this Act to identify instances where the commission
13 considers any practice or arrangement by licensee to substantially lessen or
14 impair fair and effective competition as it relates to the Nigeria Broadcasting
15 industry.

16 "19B LIMITATION ON CROSS-MEDIA CONTROL OF PRIVATE
17 BROADCASTING.

18 (1) Cross-media control of private broadcasting services shall be
19 subject to such limitations as may, from time to time, be determined by the
20 Commission to ensure fair and effective competition in the broadcasting
21 industry.

22 (2) Any person who controls a newspaper including internet or
23 online publication, may not acquire or retain financial control in more than
24 one of radio or television broadcasting service at any one time.

25 (3) For the purpose of exercising the powers in pursuant to
26 subsection (1) of this Section, the Commission shall as soon as may be
27 reasonably practicable after the commencement of this Bill, conduct an
28 inquiry in accordance with the provisions of sections 19E of this Bill and
29 shall in doing so have regard, inter alia, to the following, that is:

30 (a) The various categories of newspapers, according to frequency

1 of publication, geographical extent of circulation and circulation figures as
2 well as any matter relevant to the existing and future control of any such
3 newspaper; and

4 (b) The maximum percentage of financial or voting interest which
5 may be held by any one or more private broadcasting licensee who controls one
6 or more newspapers or group of newspapers;

7 19C CONSUMER PROTECTION AND QUALITY OF SERVICE

8 (1) All Licensees shall:

9 (a) Meet such minimum standards of quality of service as the
10 Commission may from time to time specify;

11 (b) Adequately address consumer complaints;

12 (c) Remedy, redress and compensate consumers in respect of matters
13 that form the subject matter of such complaints or disputes; and

14 (d) Provide information about service standards, rights of consumers,
15 the handling of consumer complaints and dispute resolution procedure.

16 (2) The Commission shall establish and maintain a Consumer Panel
17 with the function of advising the Commission on how to secure and protect the
18 interests of consumers with particular reference to-

19 (a) Persons living in rural areas;

20 (b) Persons living in urban areas;

21 (c) Persons engaged in small businesses; and

22 (d) Under aged, elderly persons, disadvantaged persons, persons with
23 low incomes and persons with disabilities.

24 (3) The Panel shall hold regular forums from time to time address
25 such matters regarding-

26 (a) The resolution of disputes between the consumers and the persons
27 who provide such services or make such facilities available, or who are
28 suppliers of such apparatus or;

29 (b) Any other matter appearing to the Panel to be necessary for
30 securing effective protection for persons who are consumers in the markets for

1 any such services, facilities, apparatus or directories reasonably meeting
2 consumer requirements;

3 (c) The handling of consumer complaints and disputes including a
4 dispute resolution process other than a Court;

5 (d) The procedures for the compensation of consumers in case of a
6 breach of the Bill, Broadcasting Code and any regulation made by the
7 Commission;

8 (e) The protection of consumer privacy;

9 (f) Further recourse available to a consumer who is dissatisfied
10 with the licensee's complaints-handling procedures together with specific
11 details of compensation and refund schemes offered by licensee to its
12 consumers;

13 (g) The provision of information to consumers regarding services,
14 rates and performance;

15 (h) The provision of fault repair services;

16 (i) The advertising or representation of services;

17 (j) Consumer charging, billing, collection and credit practices; and

18 (k) Any other matter which, in the opinion of the Commission, may
19 be of concern to consumers.

20 (4) The Commission shall establish procedures or guidelines for
21 the making, receipt and handling of complaints of consumers regarding the
22 conduct or operation of licensees and may, at its discretion, institute
23 alternative dispute resolution processes for the resolution of the complaints
24 or disputes provided that the licensee's dispute resolution procedures shall
25 first have been exhausted by the consumers without resolution of the
26 complaint before presentation of the complaint to the Commission.

27 (5) The Commission may use any of its powers under this Bill in
28 the resolution of complaints received from the consumers in relation to
29 matters of consumer service and consumer protection.

1 19D DIRECTIONS

2 (1) The Commission may, from time to time, issue directions in
3 writing to any licensee regarding the compliance or non-compliance of any
4 licence conditions or provisions of this Bill, including the remedy of a breach
5 of any licence conditions or provisions of this Bill, Broadcasting Code, or any
6 other legislation or regulation.

7 (2) The Commission shall, before issuing a direction under
8 subsection (1) of this section, issue a notice in writing to the Licensee
9 specifying the nature of required compliance and the licensee shall be granted
10 an opportunity to be heard or may submit written submission within reasonable
11 period specified in the notice on the reasons for his conduct or activity.

12 (3) The Commission shall, after the expiration of the notice specified
13 in subsection (2) of this section, take into consideration any reasons provided
14 by the licensee before making a decision in relation to the relevant conduct or
15 activity of the licensee.

16 (4) After due consideration of the reason provided by the Licensee,
17 the Commission may issue a direction under subsection(1) of this section
18 requiring the person to take specified action directed towards ensuring that the
19 licensee does not contravene or continue to contravene any of the conditions of
20 his licence, this Bill, Broadcasting Code, or any regulation.

21 (5) The Commission shall give the licensee a written notice of its
22 direction not later than 30days from the date the decision was made and the
23 licensee shall comply with the direction issued by the Commission.

24 (6) The Commission may modify, vary or revoke a direction and the
25 procedure set out in provisions of this Bill relating to Rules and Regulation.

26 (7) Without any prejudice to any other provisions of this Bill, or any
27 licence condition, a licensee who fails to comply with a direction of the
28 Commission shall be liable to the payment of a fine as the Commission may
29 determine, from time to time.

30 (8) The Commission shall maintain a register of all directions issued

1 by the Commission, including any written instrument modifying, varying or
2 revoking a direction.

3 19E PUBLIC INQUIRY

4 (1) The Commission may hold a public inquiry on any matter of a
5 general nature that relates to the administration of this Bill or any other
6 legislation which will serve the objectives of this Bill.

7 (2) Subject to the subsection (1) of this Section, the Commission
8 shall hold a public enquiry under subsection (1) of this section:

9 (a) In response to a written request from a person;

10 (b) On its own initiative, where it is satisfied that the matter is of
11 significant interest to the public, current or prospective licenses under this
12 Bill.

13 (3) The Commission may, for the purpose of an inquiry, exercise
14 any or all of its investigation and information-gathering powers under the
15 19E and 19G respectively.

16 (4) Subject to subsection(1) of this Section, where the Commission
17 decides to hold a public inquiry, the Commission shall publish, in the
18 manner that it deems appropriate, the notice of:

19 (a) The fact that it is holding the inquiry;

20 (b) The period during which the inquiry is to be held;

21 (c) The nature of the matter to which the inquiry relates;

22 (d) The period, of at least 21 days, within which, the form in which
23 members of the public are invited to make submissions;

24 (e) The matters that the Commission would like the submissions be
25 dealt with; and

26 (f) The address or addresses to which the submissions may be sent.

27 (5) The Commission shall consider any submissions received
28 within the time limit as specified in the notice and the submissions made by
29 the members of the public shall be in the form and of the nature as specified
30 in the notice.

1 (6) Notwithstanding the provisions of subsection(1) of this Bill, an
2 inquiry or a part of inquiry may be conducted in private where the Commission
3 is satisfied that:

4 (a) The documents or information that may be given, or a matter that
5 may arise during the inquiry or a part of the inquiry, is of a confidential nature;

6 (b) It is against national interest to hold the inquiry in Public; or

7 (c) Holding the inquiry or part of the inquiry or a matter, or part of a
8 matter, in public would not be conducive to the due administration of this Bill.

9 (7) Where an inquiry takes place in public and he Commission is of
10 the opinion that:

11 (a) The evidence or other materials presented to the inquiry; or

12 (b) The written submissions lodged with the Commission is of a
13 confidential nature.

14 The Commission may direct that-

15 (i) the evidence or material should not be published; or

16 (ii) its disclosure be restricted.

17 (8) A person shall not without excuse that is considered reasonable by
18 the Commission fail to comply with a direction under Section 19D of this Bill.

19 (9) Where an inquiry or part of an inquiry takes place in private, the
20 Commission-

21 (a) Shall give a direction as to the persons who may be present at the
22 inquiry or part of the inquiry; and

23 (b) May give direction restricting the disclosure of evidence or other
24 material presented at the inquiry or part of the inquiry.

25 (10) Notwithstanding the provisions of subsection (9) of this section,
26 a person who without reasonable excuse , fails to comply with the directions
27 given under section 19D of this Bill shall be liable to the payment of fine as he
28 Commission may determine, from time to time.

29 (11) The Commission shall publish a report on its findings on an
30 inquiry it conducts within 60 days of the conclusion of the inquiry.

1 (12) Civil proceedings shall not lie against a person in respect of
2 any loss, damage or inquiry of any kind suffered by another person because
3 of any of the following acts:

4 (a) The making of a request under section 19D of this Bill; or

5 (b) The making of a statement, or giving of a document or
6 information to the Commission in relation to an inquiry under this Bill

7 (13) The Commission shall maintain a register of all reports made
8 pursuant to an inquiry under this Bill.

9 19F INVESTIGATION FOR PURPOSES OF ADMINISTRATION AND
10 INQUIRY

11 (1) The Commission may investigate any matter pertaining to the
12 administration of this Bill where the Commission has grounds to believe
13 that an infringement of the provisions of this Bill, is or will be committed.

14 (2) The Commission may conduct an investigation on a matter
15 referred to in sub-section (1) of this section upon a written complaint by a
16 person and the complaint shall specify the person against whom the
17 complaint is made.

18 (3) If a Complaint has been made to the Commission under this
19 Section, the Commission may make inquiries of the respondent for the
20 purpose of deciding whether the Commission should, in its discretion,
21 investigate the matter.

22 (4) If the Commission decides not to investigate, or not to
23 investigate further, a matter to which a complaint relates, it shall not later
24 than 30 days from the date of receipt of the complaint and in such manner as
25 it may think fit, inform the complainant and the respondent of the decision and
26 the reasons for the decision.

27 (5) The Commission shall before commencing an investigation of
28 a matter to which the complaint relates, inform the respondent that the
29 matter is to be investigated.

30 (6) An investigation under this Part shall be conducted as the

1 Commission thinks fit and the Commission may, for the purposes of an
2 investigation, obtain information from such persons as it thinks fit.

3 (7) Subject to subsection (4) of this section, a complainant or
4 respondent may, at the Commission's discretion, be given an opportunity to
5 appear before the Commission in connection with an investigation with an
6 investigation.

7 (8) The Commission shall not, as a result of the investigation, make a
8 finding that is adverse to a complainant or a respondent unless it has given the
9 complaint or respondent an opportunity to make written submissions about a
10 matter to which the investigation relates within a period not less than 21 days.

11 19G CONDUCT OF INVESTIGATION

12 (1) The Commission shall consider the submissions made by the
13 Complainant or the respondent under subsection 8 of section 19E of this Bill
14 before making its decision.

15 (2) The Commission may, after concluding an investigation, prepare
16 and publish a report which shall cover-

17 (a) The conduct of the investigation concerned;

18 (b) Any finding that the Commission has made as a result of the
19 investigation;

20 (c) The evidence and other materials on which those findings were
21 based;

22 (d) Such other matters relating to, or arising out of, the investigation
23 as the Commission deems fit.

24 19H INFORMATION GATHERING POWERS

25 The commission may by notice in writing direct a licensee to produce to the
26 Commission at any time and place specified in the notice, such documents and
27 information as may be specified in such notice and reasonably relevant and
28 required in relation to any matter in respect of which a duty or obligation is
29 imposed on the licensee in the terms of this Act or by the relevant license and
30 subject to the confidentiality provisions in this Act, it shall be duty of the

1 licensee to comply accordingly within the period specified by the
2 commission which shall not be less than twenty-one days.

3 191 RESOLUTION OF DISPUTES

4 (1) The Commission shall have powers to mediate in disputes
5 between licensees regarding any matter in which a duty or obligation is
6 imposed on the licensees in terms of this Act.

7 (2) The Commission shall establish and maintain a dispute
8 resolution panel pursuant to the provisions of subsection (1) of this section.

9 (3) The Commission may publish guidelines setting out the
10 principles and procedures that it may take into account in resolving disputes
11 or a class of disputes under this Bill.

12 (4) An attempt shall first be made by the Parties to resolve any
13 dispute between them through negotiation before the involvement of the
14 Commission.

15 (5) If one of the Parties to the dispute has provided an undertaking
16 that is relevant to the subject matter of the dispute and the Commission in
17 accordance of this Bill has registered the undertaking, the parties may adopt
18 the conditions of the undertaking, for the purpose of resolving the dispute.

19 (6) The Commission may only resolve a dispute under this Bill, if it
20 is notified in writing of the dispute and requested by either or both parties to
21 intervene thereon.

22 (7) The Commission shall, upon receipt of the notification of the
23 dispute referred to in subsection (1) of this section, as soon as practicable,
24 convene to resolve the dispute.

25 (8) The Commission shall convene to resolve a dispute if it is
26 satisfied that:

27 (a) An agreement shall not be reached, or will not be reached within
28 a reasonable time;

29 (b) The notification of the dispute is not trivial, frivolous or
30 vexatious; and

1 (c) The resolution of the dispute would promote the objects of this
2 Bill.

3 (9) The Commission may resolve the dispute in such a manner,
4 including but not limited to Alternative Dispute Resolution, upon such terms
5 and conditions as it may deem fit.

6 (10) The Commission, in carrying out its functions under subsection
7 (1) of this section shall always be guided by the objective of establishing a
8 sustained dispute resolution process that is fair, just and effective.

9 (11) The terms and conditions of any resolution of a dispute by the
10 Commission under this Bill shall be in writing stating the reasons and the
11 Commission shall provide the Parties to the dispute with a copy of its decision.

12 19J APPEALS AND REVIEW OF DECISIONS

13 (1) A person who is aggrieved or whose interest is adversely affected
14 by any decision of the Commission made pursuant to the exercise of the powers
15 and functions under this Act("aggrieved person") may within not more than
16 30days from which a decision is made, request in writing for a review of the
17 Commission's decision and specify therein the reasons and basis for his
18 request.

19 (2) The Commission upon such written request by an aggrieved
20 person shall meet to review its decision taking into consideration the
21 submissions of the aggrieved persons under subsection (1) of this section.

22 (3) The Commission shall not later than 30days after the receipt of the
23 aggrieved person's written submissions, conclude its review of the decisions
24 and inform the aggrieved person in writing of its decisions thereon and the
25 reasons thereof.

26 (4) The Commission is not required to publish, or to disclose to the
27 aggrieved person, a statement of reasons or a part of a statement of reasons if
28 the publication or disclosure would-

29 (a) disclose a matter that is, in the opinion of the Commission, of a
30 confidential character;

1 (b) be likely to prejudice the fair trial of a person.

2 (5) In this Bill "decision" includes any action, order, report or
3 direction.

4 (6) The Commission may in carrying out the review of its decision,
5 use and exercise any of its powers under this Bill.

6 19K REGISTER

7 (1) The Commission shall maintain a register, in both physical or
8 electronic form, of all matters that are required to be registered under this
9 BILL which include:

10 (a) Licenses issued and frequencies/channel assigned under this
11 Bill;

12 (b) Sanctions of licensees;

13 (c) Designated standards of equipment;

14 (d) Report of public inquiries, investigations;

15 (e) Dispute resolutions;

16 (f) Any other item the Commission may consider from time to
17 time.

18 (2) The Commission may, at its discretion, summarize the contents
19 of a material for inclusion in the register and exclude therefrom aspects of
20 the material if it considers such exclusion necessary and justified on grounds
21 of public interest or safety, amongst others.

22 (3) A person may, on payment of a charge, to be decided by the
23 Commission-

24 (a) Inspect the register; and

25 (b) Make a copy of, or take extracts from the register.

26 (4) If a person requests that a copy be provided in an electronic
27 form, the Commission may provide the relevant information.

28 (5) The Commission shall from time to time publish guidelines in
29 regard to its various registers giving details of the registers and indicating,
30 amongst others, access processes and procedures for members of the public.

1 19L DEALING IN BROADCAST EQUIPMENT

2 (1) A person shall not import for broadcasting without the approval of
3 the Commission.

4 (2) A person shall neither offer for sale, sell nor have in his possession
5 with a view to selling in the course of his business, any installation,
6 mechanism, instrument, material or other apparatus-

7 (a) constructed for the purpose of: or

8 (b) Intended to be used for,

9 Broadcasting except under and in accordance with a licence issued by the
10 Commission in that behalf.

11 19M MONITORING FOR COMPLIANCE

12 (1) It shall be the duty of the Commission to monitor broadcasting
13 licensees for compliance with regards to:

14 (a) The terms, conditions and obligations of their broadcasting
15 licenses;

16 (b) The provisions of the Broadcasting Code, and any other
17 regulations made by the Commission, from time to time; and

18 (c) The provisions of this Bill and any other Laws, rules and
19 regulations that bear substantially on broadcasting.

20 (2) Other matters upon which the Commission shall monitor include-

21 (a) the operation and administration of this Bill;

22 (b) the quality of services;

23 (c) the development of industry-self regulation;

24 (d) the adequacy and availability of services in Nigeria; and

25 (e) any other matter the Commission may deem relevant.

26 19N RIGHT TO ENTER PREMISES FOR INSPECTION

27 (1) The Commission shall have the power to enter into the premises of
28 any licensee and inspect or examine:

29 (a) any apparatus of operation in order to ascertain conformity with
30 the provisions of this Bill, the Broadcasting Code and any other regulation;

1 (b) the station log book including transmitter output power and
2 radiating frequencies;

3 (c) programmes and transmission recordings for preceding three
4 months;

5 (d) local programme contents and schedule of proposed
6 programmes over the next quarter;

7 (e) any other matter that the Commission may consider relevant

8 (2) the Commission may exercise its power under this Section
9 through any designated staff or agents.

10 19O SANCTIONS

11 Subject to the provisions of this Bill, the Broadcasting Code or any other law
12 or regulation, the Commission may impose any of the following sanctions
13 on a defaulting licensee:

14 (i) warning;

15 (ii) direction to take step to remedy non-compliance;

16 (iii) cease and desist orders;

17 (iv) fines;

18 (v) suspension of license where the licensee has being found guilty
19 of material violation;

20 (vi) revocation of license where the licensee has being found guilty
21 of repeated material violation

22 (vii) other charges and sanctions.

23 19P JURISDICTION

24 The Jurisdiction to hear and dispose of legal proceedings under this Bill, is
25 hereby vested in the Federal High Court.

26 19Q RULES, REGULATION AND GUIDELINES

27 (1) The Commission shall make and publish guidelines on any
28 matter for which this Bill makes express provisions for or such other matters
29 as are necessary to be giving full effect by the provisions of this Bill and for
30 their due administration.

1 (2) The Commission shall prior to making any regulation under this
2 Bill, conduct an inquiry in the manner specified in section 19E on the subject
3 matter of the proposed regulation with inputs from all the critical stakeholders.

4 (3) The Commission shall in making the regulation, take into
5 consideration the findings of the inquiry under subsection (2) of this section.

6 (4) The Commission may prior to making any Guideline, at its
7 discretion, conduct an inquiry in the manner specified in Section 19F on the
8 subject matter of the proposed Guideline and if the Commission considers it
9 necessary to hold such an inquiry, it shall in making the guideline take into
10 consideration the findings of the inquiry.

11 (5) Subject the Provisions of Subsection (2) of this Section, the
12 Commission may review any rule, guideline or regulation under this Bill and
13 may, in the process modify or vary, revoke any such rule, guideline or
14 regulation-

15 (a) Which is no longer relevant or necessary;

16 (b) To ensure conformity with the objectives of this Bill; or

17 (c) For any other reason that the Commission considers relevant.

18 (6) No Rule, Code, Guideline or Regulation under this Bill shall come
19 into force, become operational, be implemented or become exercisable unless
20 first approved by a simple majority of the National Assembly through the
21 respective Committees of each House of the National Assembly charged with
22 the responsibility of superintending or overseeing the Commission.

23 19R POWER OF THE MINISTER TO GIVE DIRECTIVES

24 The Minister may from time to time, give the Commission directives of a
25 general character relating generally to particular matters with regard to the
26 exercise of the Commission's functions under this Bill and it shall be the duty of
27 the Commission to consider such directives.

28 19S NATIONAL BROADCASTING CODE

29 (1) The Commission shall establish and periodically update the
30 National Broadcasting Code, in this Bill referred to as the Code, and ensure

1 compliance with the Code.

2 (2) Subject to the provisions of this Bill, and upon approval by the
3 relevant committees of the National Assembly, all licensees shall adhere to
4 the provisions of this Code and any regulation issued by the Commission,
5 from time to time.

6 (3) Any Station or Licensee that contravenes the provisions of the
7 National Broadcasting Code or any other published order of the
8 Commission, shall be liable to the sanctions prescribed by the Code or
9 Order.

10 19T LEGA PROCEEDINGS

11 (1) No Civil action shall be commenced against this Commission
12 or its authorized officers before the expiration of a period of 30days after
13 which Notice of Intention to commence the suit shall have been served on
14 the Commission by the intending Plaintiffs or his Agents, and such Notice
15 shall clearly and explicitly state the:

16 (a) Cause of action;

17 (b) Particulars of the Claim;

18 (c) Name and place of abode of the intending plaintiff;

19 (d) Relief sought.

20 (2) The Notice referred to in subsection (1) of this section and any
21 summons, or other documents required or authorized to be served on the
22 Commission under this Bill or any other enactments or law, may be served
23 by:

24 (a) Delivering it to the Commission;

25 (b) Sending it by registered mail or postal address to the
26 Commission;

27 (3) A member of the Commission, Director General or Staff of the
28 Commission shall be indemnified out of the assets of the Commission
29 against any proceedings brought against him in his capacity as a member of
30 the Commission, Director-General or Staff or employee of the Commission

Establishment
of Digital Access
Fund

1 where the act complained of is not ultra vires his powers".

2 **11.-(1)** In addition to Section 9 of this Bill, the Commission shall on
3 commencement of this Bill establish a Fund to be known as the
4 "Digital Access Fund" ('DAF FUND') and it shall be operated and
5 controlled by the Commission in the manner prescribed under this Section.

6 (2) The DAF Fund shall comprise of funds derived from the following
7 sources:

8 (a) such annual fees chargeable on each subscriber to the open system
9 - free to air digital terrestrial television service in such amount as may be agree
10 between the Commission and the Subscriber Consumer Forums;

11 (b) Contributions from the Commission based on a portion of the
12 annual levies paid to the Commission by licenses;

13 (c) gifts, loans, aids and such other assets that may, from time to time,
14 specifically accrue to the DAF Fund; and

15 (d) Such other Monies as may be specifically Appropriated for DAF
16 Fund by the National Assembly.

17 (3) The Digital Access Fund shall be apportioned as follows:

18 (a) 50% of the Fund to be shared by the Signal Distributors on an
19 equal basis to be utilized for the Development of Digital Broadcasting;

20 (b) 10% of the Fund to be shared equally between the Federal
21 Government owned Broadcasting Training Institute such as the Federal Radio
22 Corporation Training School, Jos; Nigerian Television Authority Broadcasting
23 College, Jos and the Nigerian Film Institute, Jos;

24 (c) 10% of the Fund to be apportioned to the Federal Radio
25 Corporation for the improvement of studio and equipment upgrade;

26 (d) 10% of the Fund to be apportioned to the Nigerian Television
27 Authority for the improvement of Studio and equipment upgrade;

28 (e) 10% of the fund utilized for community development projects,
29 Corporate Social Responsibility in Nigeria;

30 (f) 10% to the Nigerian Broadcasting Commission for the

1 improvement of Digital Broadcasting Activities.

2 (4) Independent Auditors appointed for that purpose by the Board
3 of the Commission shall audit the DAF Fund annually and the Auditor's
4 Report shall be presented to the National Assembly and published to the
5 Public, provided that such Auditors are on the list of auditors approved from
6 time to time by the Federal Accountant-General of the Federation.

7 (5) The utilization by Agencies of Government mentioned in
8 subsection 3 of this section shall also be subjected to the scrutiny and audit
9 of independent Auditors.

10 12. Section 26 of the Principal Act is hereby amended by adding
11 the following new words as follows:

Amendment of
Section 26 of the
Principal Act

12 "Bill" means the National Broadcasting Commission Amendment Bill,
13 2018;

14 "Principal Act" means the National Broadcasting Commission Act 1991;

15 "Affiliation Agreement" means an Agreement between one or more stations
16 and another party according to which programs provided by the other party
17 will be broadcast by the stations at a predetermined rate;

18 "Broadcasting" means any cable, radio, television or satellite
19 communication, transmissions of which are intended for direct general
20 reception by the public;

21 "Broadcasting Facility" means any part of the infrastructure of a
22 broadcasting system and includes any item equipment, tower, mast,
23 antenna, pole or any other structure or thing used or intended to be used in
24 connection with a broadcasting system;

25 "Broadcasting License" means license granted under the provisions of this
26 Bill;

27 "Broadcasting Service" means any service whose provisions consist wholly
28 or partly of the transmission and/or distribution of messages, sounds, visual
29 images or signals on broadcasting system under the provisions of this Bill;

1 "Subscription" means a payment or a system that depends on the payment of a
2 charge by any natural or legal person, which is or which is, party to a contract
3 with the provider of subscription service for the supply of broadcasting such
4 services. However, such fee shall not include digital access fee;

5 "Secretary" means Secretary to the Commission;

6 "Signal Distribution" means the conveyance of sound radio, television or other
7 form of electronic message through the medium of wireless or cable;

8 "Signal Distributors" means the Companies/entities incorporated by the
9 Commission for the conveyance of sound, radio, television or other form of
10 electronic message through the medium of wireless or cable. From the
11 commencement of this Act, Signal Distributor shall take signal directly from
12 the Content Providers without any interference from a third party content
13 aggregator. Signal Distributors are transmission platforms for broadcasters.

14 "Signal Streaming" means conveyance of sound and vision for the purpose of
15 broadcasting on the internet;

16 "Signal Redistribution" means a frequency transmission, either simultaneously
17 or recorded and played back, through cable, maps, free to air and direct home
18 satellite;

19 "Webcasting" means transmitting by the web/internet.

20 SCHEDULE 3

21 Terms of license

22 *Enactments amended*

Amendment of
the Third Schedule
to the Principal
Act

23 13. The Third Schedule to the Principal Act is hereby amended by
24 inserting/adding two new paragraphs 15 and 16 after the existing paragraph 14
25 thereof and it shall both read as follows:

26 "15. Nothing in this Section or in the Provisions of this Bill shall be
27 interpreted to mean that the Commission shall revoke or refuse to renew the
28 license of any Broadcast Station that has not violated any of the provisions of
29 this Bill or to revoke the license of a Broadcast Station that has not utilized its
30 license in a manner inimical to public interest merely because there is a change

1 in the Regulations of the Broadcast Industry that the Broadcast Station is not
2 willing to comply with.

3 16 The Commission shall not revoke or refuse to renew the license
4 of any broadcast Station merely because of changes in the Regulations of the
5 Commission or changes in technology.

6 14. This Bill may be cited as the National Broadcasting Commission Citation
7 Commission (Amendment) Bill, 2018.

EXPLANATORY MEMORANDUM

This Bill intends to make amend the National Broadcasting Commission Act to bring it in line with current realities of the Global Broadcasting Industry and make for better regulation of the Industry and also make the Regulations of the Commission made pursuant to this Bill subject to the approval of the National Assembly to avoid arbitrary use of the Commission's quasi legislative powers.