

A BILL

FOR

AN ACT TO REDUCE THE INCIDENCE OF UNSOLICITED TELEPHONE CALLS
AND TEXTS RECEIVED BY CONSUMERS; AND FOR OTHER CONNECTED
PURPOSE

Sponsored by Hon. Aliyu Sani Madaki

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria-

1 1.-(1)A service provider shall neither transmit nor instigate the
2 transmission of-

In appropriate
recorded voice
or text message

3 (a) Communications comprising recorded voice by means of an
4 automated calling or communication system,;

5 (b) unsolicited text messages by means of a facsimile machine; or

6 (c) unsolicited communication by means of electronic mails for the
7 purpose of inappropriate recorded voice or their text messages(s).

8 (2) A person shall neither use, nor instigate the use of a
9 communication service to make or attempt to make Unsolicited calls for the
10 purpose of marketing.

11 2. Online telemarketing is prohibited except with the prior consent
12 or application of a subscriber.

Internet
telemarketing

13 3. The telemarketing organisations are required to display their
14 phone number, name or the phone number and name of the companies for
15 which are marketing.

Disclosure

16 4. Service provides are exempted whose the calls do not include a
17 solicitation to purchase goods or service, unless the consumer has provided
18 prior express consent.

Exemption

19 5. Where any call party receives unsolicited advertisement, text
20 messages or inappropriate recorded voice may wise to stop further call or

DO-NOT call
register

1 text messages by requesting to be placed on "DO NOT - call Register list ",
2 which shall commence at the expiration list 2, which shall commence at the
3 expiration of 30 days after the last call or solicitation.

Regulations

4 6. The Nigeria communication commission (herein called the
5 commission) shall issue regulations to service providers on the operations of
6 telemarketing business in Nigeria.

Civil claim

7 7. Any call party aggrieved by any inappropriate recorded voice, text
8 messages or any unsolicited advertisement may sue for civil damages before a
9 court of competent jurisdiction.

Court of
Jurisdiction

10 8. The Federal High Court or High Court of a state shall be the
11 competent court for the purpose of claim under this bill.

Offence

12 9. Any service provider that call or send an unsolicited text message to
13 any of its subscribers shall be guilty of an offence and liable on conviction to a
14 fine of N5,000,000,000 (Five Million Naira) , unless the service provider prove
15 unsolicited calls text messages for goods n services.

Interpretation

16 10. In this bill:
17 "commission" means the Nigerian communication commission;
18 "unsolicited advertisement" means any material advertising the commercial
19 viability or quality of any Good or services which is transmitted to any call
20 party without party consent or permission;
21 "telemarketing "means marketing conduced over telephone and includes text
22 messages howsoever;
23 "high court of a state" include a high court of the federal capital territory;
24 "Service provider" means the telecommunication companies offering mobile
25 telephone services.

Short title

26 11. This Bill may be cited as the Communications (Reducing
27 unsolicited phone calls and text) Bill, 2016.

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EXPLANATORY NOTE

29 This Bills seeks to enact a law to reduce the incidences of unsolicited telephone
30 calls and text messages in Nigeria.