

SOCIETY OF NIGERIA BROADCASTING PRACTITIONERS COUNCIL

BILL, 2017

ARRANGEMENT OF CLAUSES

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A BILL

FOR

AN ACT TO PROVIDE FOR THE REGULATION AND CONDUCT OF THE PRACTICE OF BROADCASTING PROFESSION IN NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon. Samuel Ikon

[] Commencement

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

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PART I

1. There shall be established a body to be known as the Society of Nigeria Broadcasting Practitioners Council (in this Act called "the Council) which shall comprise of Society of Nigeria Broadcasting Practitioners of the highest distinction in the broadcasting profession in Nigeria. The Council shall be a body corporate with perpetual succession and a common seal The Council shall be charged with the responsibility and performance of the following general duties:

(a) Formal admission, certification and registration of persons seeking to become Society of Nigeria Broadcasting Practitioners;

(b) Formal admission, conferment of recognition or certification on deserving persons who have been trained or have been practicing or working as Society of Nigeria Broadcasting Practitioners prior to the commencement of this Act;

(c) Prescribing, determining and setting the standard of knowledge and skills to be attained by persons seeking to become members of the broadcasting profession and reviewing those standards from time to time;

(d) Securing in accordance with the provisions of this Act, the establishment and maintenance of a register of persons entitled to practise as

Establishment of the Society of Nigeria Broadcasting Practitioners Council

1 broadcasters and the publishing, from time to time, of the lists of those persons;

2 (e) Regulating and controlling the conduct of the practice of
3 broadcasting profession;

4 (f) Conducting examinations in the profession and awarding
5 certificates or diplomas to successful candidates as and when appropriate;

6 (g) To endorse the establishment, incorporation or adoption of a
7 single unified body or association for broadcasters to which all broadcasters
8 shall belong upon being registered and which shall serve to represent and
9 coordinate the interest of all professional broadcasters in Nigeria;

10 (h) To make regulations for the smooth administration and
11 management of the Council and the profession from time to time;

12 (i) Performing the other functions conferred on the council by this
13 Act, including the establishment or operation of the Nigeria Institute of
14 Broadcasting.

Composition of
the Council

15 2.-(1) The Council shall be constituted by eighteen persons as
16 follows-

17 (a) A chairman who shall be a seasoned and distinguished
18 broadcasting practitioner to be appointed by the President, Commander-in-
19 Chief of the Armed Forces of Nigeria on the recommendation of the Minister of
20 Information and National Orientation;

21 (b) One seasoned and distinguished broadcasting practitioner from
22 the ministry of Information and National Orientation;

23 (c) Four distinguished and seasoned broadcasters to be nominated or
24 elected into the Council by the Broadcasting Organizations of Nigeria (BON)
25 to represent Broadcasting stations;

26 (d) Ten Persons to represent registered professional broadcasters or
27 Society of Nigeria Broadcasting Practitioners;

28 (e) One person to represent the National Broadcasting Commission
29 (NBC);

30 (f) One person to represent the National Universities Commission.

1 (2) The provisions set out in the first Schedule to this Act shall have
2 effect with respect to the qualification, tenure of office of members of the
3 Council and the other matters therein mentioned.

4 3.-(1) Further to section 1 of this Act, the Council shall have power
5 to do any other thing which in its opinion is calculated to facilitate the
6 carrying out of its functions under this Act, particularly as it relates to setting
7 and maintaining standards in the broadcasting profession.

Powers of the
Council

8 (2) The Council shall not have power to borrow or dispose of any
9 property except with the prior consent of the Minister and shall not have
10 power to pay remuneration (including pensions), allowances or expenses to
11 any employee of the Council or any other person except in accordance with
12 scale approved by the Minister.

13 4. The Council may if it deems it fit, bestow an honorary
14 fellowship on any deserving person who has contributed immensely to the
15 promotion and development of the broadcasting profession and whose
16 contribution is such that it is in the interest of the Council to be associated
17 with such a person or grant him special recognition.

Power to bestow
honorary fellowship

18 5.-(1) The Council shall establish and maintain a fund for the
19 purposes of carrying out its activities and operations including the payment
20 of salaries of employees of the Council and for meeting its statutory
21 obligations.

Funding of the
Council

22 (2) There shall-

23 (a) Be paid into the fund of the Council:

24 (i) Subventions or grants from the Government of the Federation to
25 cover the running cost and expenses of the Council and its established
26 organs or institutions.

27 (ii) All fees and other moneys payable to the Council by registered
28 members, students or other persons for conferment of any title or awards by
29 the Council;

30 (iii) Such moneys as may be payable to the Council, whether in the

1 course of the discharge of its functions or not; and in the provision of any
2 service to be rendered to any member or person;

3 (b) Be paid out of the fund of the Council-

4 (i) The remuneration and allowances of the Registrar and other
5 employees of the Council;

6 (ii) Such reasonable traveling and subsistence allowance of members
7 of the Council in respect of the time spent on the business of the Council as the
8 Council, may, with the approval of the Minister, determine; and

9 (iii) Any other expenses incurred by the Council in the discharge of its
10 functions under the Act.

Financial
provision

11 6.-(1) The Council shall prepare and submit to the Minister not later
12 than the 30th day of September of each year (so however that the Minister may,
13 if he considers it necessary, extend the period in the year in which this Act
14 comes into force) an estimate of the income and expenditure of the Council
15 during the next succeeding year.

16 (2) The Council shall keep proper accounts in respect of each year and
17 proper records in relation to those accounts and shall cause the accounts to be
18 audited within six months after the end of the year to which the accounts relate
19 by auditors appointed from the list and in accordance with the guidelines
20 supplied by the Auditor-General of the Federation.

Directives of
the Minister to
the Council

21 7. The Minister may give to the Council directives of a general
22 character or relating generally to particular matters but not to any individual
23 person or case with regard to the exercise by the Council of its functions under
24 this Act and it shall be the duty of the Council to comply with the directives.

Registrar and
other staff of
the Council

25 8.-(1) It shall be the duty of the Council to appoint a fit and proper
26 person to be the Registrar and head of secretariat of the Council for the
27 purposes of this Act.

28 (2) The Registrar shall, in addition to his other function under this Act,
29 be the Secretary to the Council and shall, on the instructions of the Chairman of

1 the Council, convene meetings of the Council, record and keep minutes of
2 such proceedings.

3 (3) The Council may appoint such other persons to be employees of
4 the Council as the Council may determine to assist the Registrar in the
5 exercise of his functions under this Act.

6 (4) The Council may, whenever the Registrar is absent, or for any
7 other reason is unable to discharge the functions of his office, appoint an
8 acting Registrar to discharge his functions.

9 (5) The Registrar and other employees of the Council shall hold
10 office on such terms and conditions as the Council may determine.

11 9.-(1) A person shall be qualified to practise as a broadcaster or be
12 identified as a broadcaster if and only if:

Qualification to
practise as a
broadcaster

13 (a) He has acquired or attained the prescribed academic or standard
14 of training set by the Council and he has been so certified and registered to
15 practise as a broadcaster by the Council, or if;

16 (b) Prior to the commencement of the Act, he has acquired requisite
17 practical knowledge, training or experience in a recognised academic
18 institution or broadcasting station or organisation which shall entitle the
19 Council upon verification to certify him as a broadcaster and register him to
20 continue to practise as such. The Council shall determine the level of
21 qualification, skill or experience acceptable or applicable before granting
22 the certification under this provision.

23 (2) In addition to any training, knowledge, education, skill or
24 experience that a prospective applicant may have obtained or acquired, the
25 Council shall be satisfied that a person who has applied to be admitted to
26 practise as a broadcaster has sufficiently acquired training, knowledge or
27 education from a recognised or accredited institution or organisation in the
28 following areas:

29 (a) Mass Communications particularly as it relates to broadcasting;

- 1 (b) Broadcasting Act, the Broadcasting Code and other broadcast
2 regulations;
- 3 (c) Educational and Instructional broadcasting;
- 4 (d) Advertising;
- 5 (e) News writing, News Reporting, Editing and Newscasting
- 6 (f) Television and Radio Programmes production and presentation
7 techniques;
- 8 (g) Radio and Television programme directing;
- 9 (h) Radio and Television script writing for drama, documentary and
10 other programme production;
- 11 (i) Lighting and sound;
- 12 (j) Camera techniques;
- 13 (k) Broadcast ethics and station management;
- 14 (l) Information technology in broadcasting;
- 15 (m) Technology development in the broadcast industry;
- 16 (n) Industrial attachment;
- 17 (o) Knowledge of Laws and other professional standards relating to
18 broadcasting and the mass media;
- 19 (p) Adherence To All The Guidelines Contained In The NBC Code As
20 Relating To Broadcasting Including Community Broadcasting;
- 21 (q) Knowledge of Radio and Television For the promotion,
22 presentation and preservation of Nigeria's value system, tradition and culture.

23 **PART II - MEMBERSHIP REGISTER**

Preparation and
maintenance of
register

24 **10.-(1)** It shall be the duty of the Registrar to prepare and maintain, in
25 accordance with rules made by the Council under this section, a register
26 containing the names, addresses, qualifications and such other particulars as
27 may be specified of all persons who are entitled in accordance with the
28 provisions of this Act to be registered as fellows, full members or associate
29 members of the broadcasting profession and who apply in the specified manner
30 to be so registered.

1 (2) Subject to the provisions of this section, the Council shall make
2 rules with respect to the form of keeping of the register and the making of
3 entries therein, and in particular-

4 (a) Regulating the making of applications for registration and
5 providing for the evidence to be produced in support of applications;

6 (b) Providing for the notification to the Registrar by the person to
7 whom any registered particulars relate, of any change in those particulars;

8 (c) Specifying anything not specified under the foregoing
9 provisions of this section;

10 (d) Specifying the fees to be paid to the Council in respect of the
11 entry of names on the register and authorising the Registrar to refuse to enter
12 a name on the register until any fees specified for entry has been paid;

13 (e) To give appropriate information about any registered member
14 of the profession as may be required for public purposes.

15 (3) It shall be the duty of the Registrar-

16 (a) To correct, in accordance with directions of the Council, any
17 entry in the register which the Council directs him to correct as being in the
18 opinion of the Council an entry which was incorrectly made;

19 (b) To make, from time to time, any necessary alterations to the
20 registered particulars of registered persons;

21 (c) To remove from the register the name of any registered person
22 who has been duly expelled from the broadcasting profession pursuant to the
23 provisions of the Act.

24 11.-(1) It shall be the duty of the Registrar-

25 (a) To cause the register to be printed, published and put on sale to
26 members of the public as may be deemed expedient;

27 (b) To cause to be printed, published and put on sale as aforesaid
28 either a corrected edition of the register or a list of alternations made to each
29 register since it was last printed; and

30 (c) To cause a print of each edition of the register and of each list of

1 corrections to be deposited at the office of Registrar to the Council, and it shall
2 be the duty of the Council to keep each register and lists so deposited open at all
3 reasonable times for inspection by members of the public upon the payment of
4 a fee.

5 (2) A print out or an extract of from the register kept or published
6 under this section by authority of the Registrar shall (without prejudice to any
7 other mode of proof) be admissible in any proceedings as evidence that any
8 person specified in the document, or the documents read together, as being
9 registered is so registered and that any person not so specified is not so
10 registered.

Division of
register

11 12.-(1) The register shall consist of three parts-

12 (a) One part in respect of fellow;

13 (b) One part in respect of full members.

14 (c) One part in respect of associate members.

15 (2) The Council may approve further division of the register into other
16 parts as may be desirable for the purpose of accommodating any other
17 membership category and stipulate the qualification to be attained by the
18 persons to be so included.

19 (3) A person shall qualify to be registered as an associate member of
20 the profession and being so registered to receive a certificate of registration if-

21 (a) He holds a university degree or High National Diploma in Mass
22 Communication or acquired other professional qualification or has attained
23 any level of training and acquired experience recognised by the Council;

24 (b) He is of good Character;

25 (c) He has not been convicted in Nigeria or elsewhere of an offence
26 involving fraud or dishonesty; and

27 (d) He has attained the age of 21 years and above.

28 (2) A person shall be entitled to be registered as a full member of the
29 profession and being so registered to receive a certificate of registration if-

30 (a) He fulfils the conditions for registration under subsection (3) of

1 this section; and

2 (b) He satisfied the Council that in the five years immediately
3 preceding the date of his application, he has been in continuous active
4 practice as a broadcasting practitioner either alone or in partnership with
5 other Society of Nigeria Broadcasting Practitioners or in a licensed
6 broadcasting organisation or institution whether private or public in Nigeria
7 or outside Nigeria.

8 (3) A person shall be entitled to be registered as a fellow of the
9 profession and being so registered to receive a certificate of registration if-

10 (a) He fulfills the conditions for registration under subsection (3)
11 of this section; and

12 (b) He satisfied the Council that in the fifteen years immediately
13 preceding the date of his application, he has been in continuous active
14 practice with other Society of Nigeria Broadcasting Practitioners and has in
15 the opinion of the Council made significant contributions to the
16 broadcasting profession.

17 (4) The Council may in its absolute discretion provisionally accept
18 a qualification produced in respect of an application for registration under
19 this section or direct that the application be received within such period as
20 may be specified in the direction.

21 (5) The Council shall, from time to time, publish in the Federal
22 Gazette particulars of the qualifications for the time being accepted for
23 registration.

24 PART III - TRAINING

25 13. -(1) The Council may approve-

26 (a) Any course of training which is intended for persons seeking to
27 become members of the profession under this Act and which the Council
28 considers is designed to confer on persons completing it sufficient
29 knowledge and skill for the practice of the broadcasting profession;

30 (b) Any institution or organisation either in Nigeria or elsewhere

Approval of
courses

1 which the Council considers is properly organised and equipped for
2 conducting the whole or any part of the course of training approved by the
3 Council;

4 (c) Any qualification which, as a result of examination taken in
5 conjunction with the course of training approved by the Council under this
6 section, is granted to candidates reaching a standard at the examination
7 indicating, in the opinion of the Council, that they have sufficient knowledge
8 and skill to practise broadcasting profession.

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

12 (a) Give notice that it proposes to do so to persons by whom the course
13 is conducted or the qualification is granted or the institution is controlled as the
14 case may be;

15 (b) Afford each such person an opportunity of making it to the
16 Council representations with regard to the proposal; and

17 (c) Take into consideration any representation made in respect of the
18 proposal.

19 (3) In respect of any period during which the approval of the Council
20 under this section for a course, institution or qualification is withdrawn, the
21 course, institution or qualification shall not be treated as approved but the
22 withdrawal of such an approval shall not prejudice the registration or eligibility
23 for registration of any person who by virtue of the approval was registered or
24 eligible for registration immediately before the approval was withdrawn.

25 (4) The giving or withdrawal of an approval under this section shall
26 have effect from such date, after the execution of the instrument signifying the
27 giving or withdrawal of the approval, as the Council may specify in the
28 instrument, and the Council shall-

29 (a) Publish a copy of every instrument in the Federal Gazette;

30 (b) Send a copy of the instrument to the Minister.

1 14.-(1) It shall be the duty of the Council to determine and know
2 from time to time the nature and adequacy of:

3 (a) The instruction given at approved or recognised institutions or
4 organisations to persons attending approved courses of training; and

5 (b) The examinations as a result of which approved qualifications
6 are granted.

7 (2) The Council shall work with such institutions or organisations
8 to review such instructions, manual or materials from time to time.

9 (3) For the purpose of performing its duty, the Council may
10 appoint, either from among its own members or otherwise, persons to visit
11 approved institutions, attend and assess such examinations.

12 (4) It shall be the duty of a Visitor appointed to report to the Council
13 on-

14 (a) The adequacy of the instruction given to persons attending
15 approved courses of training at institutions visited by him;

16 (b) The adequacy of the examination observed or attended by him;
17 and

18 (c) Any other matter relating to the institution or examination
19 which the Council may, either generally or in a particular case, request him
20 to report.

21 (5) The Visitor shall not interfere with the giving of any instruction
22 or the holding of any examination.

23 (6) On receiving any unsatisfactory report from the Visitor in
24 pursuance of this section, the Council may, as soon as the case may be, send
25 a copy of the report to the person appearing to the Council to be in charge of
26 the institution or responsible for the examination to which the report relates
27 requesting that person to make representations to the Council within such
28 time as may be specified in the request not being more than one month
29 beginning with the date of the request.

Supervision of
institution and
examination leading
to qualification

1 PART IV - PRIVILEGES OF REGISTERED PERSONS AND OFFENCES BY
2 UNREGISTERED PERSONS

Appointment
not to be held
by unregistered
person

3 15.-(1) Subject to the provisions of this Act, no person, not being
4 registered in accordance with this Act, shall be entitled to hold any
5 appointment in the public service of the Federation or of a State or in any public
6 or private establishment, body or institution, if the holding of such appointment
7 involves the performance by him in Nigeria of any act pertaining to rendering
8 professional broadcasting services either for pecuniary gain or otherwise.

9 (2) Nothing in this section or in any other provisions of this Part of this
10 Act shall prevent a person from holding any appointment referred to in
11 subsection (1) of this section while he is undergoing training or industrial
12 attachment for the purpose of becoming qualified for registration under this
13 Act under the supervision of persons who are registered in accordance with this
14 Act.

Prohibition of a
person falsely
professing to be
a registered
person in the
broadcasting
profession

15 16. Any person, not being registered under this Act, who holds
16 himself out to be a broadcaster or to have been so registered or uses any name,
17 title, description or symbol calculated to lead any person to infer that he is so
18 registered, shall be guilty of an offence and liable on conviction for a first
19 offence to a maximum fine of five hundred thousand Naira or to imprisonment
20 for a term of six months or both and on conviction for a second or any
21 subsequent offence to imprisonment for a term of not less than one year or more
22 than three years.

Offences

23 17.-(1) If any person for the purpose of procuring the registration of
24 any name, qualification or other matter-

25 (a) Make a statement which he believes to be false in a material
26 particular; or

27 (b) Recklessly makes a statement which is false in a material
28 particular, he shall be guilty of an offence under this section.

29 (2) If the Registrar or any other person employed by the Council
30 willfully makes any falsification in any matter relating to any register

1 maintained under this Act, he shall guilty of an offence under this section.

2 (3) A person guilty of an offence under this section shall be liable-

3 (a) On conviction to a fine not exceeding Two Hundred Thousand
4 Naira or to a term of imprisonment not exceeding one year or both.

5 PART V - DISCIPLINE

6 18.-(1) There shall be established a Disciplinary Committee (in
7 this Act referred to as "the Disciplinary Committee" which shall be charged
8 with the duty of considering and determining any case referred to it by the
9 panel established by this Act.

Establishment of
Disciplinary
Committee and
Investigating Panel

10 (2) The Disciplinary Committee shall consist of seven
11 distinguished registered members of the profession.

12 (3) There shall be an established Investigation Panel (hereafter in
13 this Act referred to as "the Panel") which shall be charged with the duty of-

14 (a) Conducting preliminary investigations into any alleged case of
15 professional misconduct against any registered member; and

16 (b) Deciding, upon due investigations whether the case should be
17 referred to the Disciplinary Committee for further action or not.

18 (4) The Panel shall be appointed by the Council and shall consist of
19 five distinguished registered members of the profession.

20 (5) The provisions of the Second Schedule to this Act shall, in so far
21 as is applicable to the Disciplinary Committee and the Panel respectively,
22 have effect with respect to those bodies.

23 *[Second Schedule]*

24 19.-(1) At any meeting of the Disciplinary Committee five
25 members shall form a quorum.

Proceedings of
Disciplinary
Committee

26 (2) The Chairman shall preside at any meeting of the Committee or
27 in his absence the members present at the meeting shall appoint one of the
28 members to preside at the meeting.

29 (3) Any question proposed for decision by the Committee shall be
30 determined by the majority of the members present and voting at meeting of

1 the Committee at which a quorum is present.

2 (4) At all meetings of the Committee each member present shall have
3 one vote on a question proposed for decision by the Committee, and in the
4 event of an equality of votes, the chairman shall have, in addition to a
5 deliberative vote, a casting vote.

6 (5) The proceedings of the Committee and that of the Panel shall be
7 conducted in a manner that affords fair hearing, equality and justice to all
8 parties and in all respects.

Penalties for
unprofessional
conduct

9 20.-(1) Where -

10 (a) A person registered under this Act is convicted by any court or
11 tribunal in Nigeria or elsewhere having power to award punishment for an
12 offence (whether or not an offence punishable with imprisonment) which in the
13 opinion of the Disciplinary Committee is incompatible with the status of such a
14 professional;

15 (b) A registered person is adjudged by the Disciplinary Committee to
16 be guilty of infamous conduct in a professional respect; or

17 (c) The Disciplinary Committee is satisfied that the name of any
18 person has been fraudulently registered,

19 The Disciplinary Committee may give any of the directions mentioned in
20 subsection (2) of this section.

21 (2) The Disciplinary Committee may by resolution recommend to the
22 Council-

23 (a) To strike a person's name off the relevant part of the register;

24 (b) The suspension of a person from practise for such period as may be
25 specified by the Council;

26 (c) Reprimand a person;

27 (d) Order a person to pay to the Council any costs of and incidental to
28 the proceedings or any other sums of money whatsoever incurred by the
29 Council; or

30 (e) Cautioning a person and postponing any further action against him

1 on one or more conditions as to his conduct during that period, and
2 Any such sanction may, where appropriate, include provisions requiring the
3 refund of moneys paid or the handing over of documents or any other thing,
4 as the case may require.

5 (3) For the purpose of subsection (1) of this section, a person shall
6 not be treated as convicted unless the conviction stands at a time when no
7 appeal or further appeal is pending or may (without extension of time) be
8 brought in connection with the conviction.

9 (4) In any inquiry under this section, any finding of fact which is
10 shown to have been made in-

11 (a) Any criminal proceedings in a court in Nigeria; or

12 (b) Any civil proceedings in a court in Nigeria,

13 Shall be conclusive evidence of the fact found.

14 (5) If, after due inquiry, the Disciplinary Committee is satisfied that
15 during the period of any postponement under paragraph (e) of subsection (2)
16 of this section, a person has not complied with the conditions imposed
17 thereunder, the Council may, if it thinks fit, impose any one or more of the
18 penalties mentioned in paragraphs (a), (b), (c) or (d) of that subsection.

19 21.-(1) Where the name of a person has been struck off the register,
20 the Disciplinary Committee, may if it thinks fit, at any time recommend the
21 restoration of this name to the register, Provided that the Council may, upon
22 appropriate and satisfactory representations by any affected member, direct
23 his name to be restored to the register.

Restoration of
registration

24 (2) There shall be payable to the Council by any person on the
25 restoration of this name to the register the fees as would be payable by that
26 person on first becoming registered on that register.

27 22.-(1) If it proved to the satisfaction of the Council that any entry
28 made in a register had been fraudulently or incorrectly made, the Council
29 may direct that entry be struck off from the register.

Striking off entries
register on ground
of fraud or error

Appeal to the
Federal High
Court

1 23.--(1) Where the Council-
2 (a) Imposes a penalty on a registered person;
3 (b) Rejects an application for restoration of a name to a register; or
4 (c) Directs the striking off of an entry from the register.
5 The Registrar shall give the person to whom the decision relates notice in
6 writing thereof and such person may, within 28 days from the date of service on
7 him of the notice, appeal to the Federal High Court.

8 (2) No direction for the striking off of the name of a registered person
9 from a register shall take effect until the expiration of the time for appealing or
10 if an appeal is brought, until such time as the appeal is disposed of, withdrawn
11 or struck out for want of prosecution, as the case may be.

12 PART VI - SUPPLEMENTARY

Interpretation

13 30. In this Act, unless the context otherwise requires-
14 "Council" means the Society of Nigeria Broadcasting Practitioners Council
15 established under section 1 of this Act;
16 "Member" means a registered member of the Broadcasting profession;
17 "Minister" means the Minister with not less than 20 years professional media
18 experience charged with the responsibility for matters relating to information
19 and "Ministry" shall be construed accordingly;
20 "Profession" means the broadcasting profession;
21 "Register" means the register maintained in pursuance of section 10 of this Act
22 "Registered" means registered as a fellow, member or associate of the
23 profession in the part of the register relating to fellows, members or associates
24 as the case may be;
25 "Registrar" means the registrar appointed under section 8 of this Act;
26 "Broadcaster" means any person certified and registered by the Council to
27 engage in the profession of broadcasting.

Short Title

28 31. This Bill may be cited as the Society of Nigeria Broadcasting
29 Practitioners Council Bill, 2017.

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SCHEDULES

FIRST SCHEDULE

[Section 2 (2).]

Qualification and Tenure of Office of Members of Council

1.-(1) A person shall not be a member of the Council unless he is a citizen of Nigeria and is registered as a member of the profession.

(2) Subject to section 2 (2) of this Act, the Chairman shall hold office for a period not exceeding three years beginning from the date of his appointment and shall not be eligible to be re-appointed as Chairman, except for the first Chairman who may be re-appointed for more than one term only.

(3) A person who has ceased to be a chairman of the Council shall be eligible to become a member of the Council.

(4) Subject to the provisions of this paragraph, a member of the Council other than a public officer shall hold office for a period of three years beginning from the date of his appointment or election, as the case may be.

(5) Any member of the Council may resign his membership.

(6) Subject to section 2 of this Act, a person who has ceased to be a member of Council shall be eligible for re-appointment or re-election, as the case may be.

(7) 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, the body or person by whom he was appointed or elected shall as soon as the case may be, appoint or elect a new person to fill the vacancy for the residue of the term.

Proceedings of the Council

2. Subject to the provisions of this Act, the Council may make standing orders regulating the proceedings of the Council or of any committee thereof or elect a temporary Vice-Chairman in the absence of the Chairman for the conduct of the affairs of the Council.

1 *Miscellaneous*

2 7.-(1) The fixing of the seal of the Council shall be authenticated by
3 the signature of the chairman or of some other member authorised generally
4 or specially by the Council to act for that purpose.

5 (2) Any contract or instrument which, if made or executed by a
6 person not being a body corporate, would not be required to be under seal but
7 may be made or executed on behalf of the Council by any person generally
8 or specially authorised by the Council for that purpose.

9 SECOND SCHEDULE

10 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

11 COMMITTEE AND THE INVESTIGATION PANEL

12 *The Disciplinary Committee*

13 (1) The Council shall make rules for the procedure to be followed
14 and the rules of evidence governing criminal and civil proceedings and other
15 rules of natural justice application in Nigeria to be observed in proceedings
16 before the Disciplinary Committee.

17 (2) The rules shall in particular provide-

18 (a) That notice of proceedings shall be given at such time, and in
19 such manner as may be specified by the rules, to the person who is the
20 subject of the proceedings;

21 (b) For determining who, in addition to the person aforesaid, shall
22 be a party to the proceedings;

23 (c) For securing that any party to the proceedings shall, if he so
24 requires, be entitled to be heard by the Disciplinary Committee;

25 (d) For enabling any party to the proceedings to be represented by a
26 legal practitioner subject to the provisions of this Act, as to the costs of
27 proceedings before the Disciplinary Committee;

28 (e) For requiring in a case where it is alleged that the person who is
29 the subject of the proceedings is guilty of infamous conduct in any
30 professional respect, that where the Disciplinary Committee resolves that

1 the allegation has not been proved, it shall record a finding that the person is not
2 guilty of such conduct in respect of the matter to which the allegation relates;

3 (f) For publishing in the Federal Gazette the notice of any direction of
4 the Disciplinary Committee which had taken effect, providing that a person's
5 name shall be struck off from the register.

6 (1) For the purpose of advising the Disciplinary Committee on
7 questions of law arising in proceedings before it, there shall in such
8 proceedings be an assessor to the Disciplinary Committee who shall be
9 appointed by the Council and shall be a legal practitioner of not less than ten
10 year's standing at the Nigeria Bar.

11 (2a) That where an assessor advises the Disciplinary Committee on
12 any question of law as to evidence, procedure or any other matter specified by
13 the rules, he shall do so in the presence of every party or person representing a
14 party to the proceedings who appears or, if the advice is tendered while the
15 Disciplinary Committee is deliberating in private, that every such party or
16 person as aforesaid shall be informed as to what advice the assessor has
17 tendered;

18 (b) That every party or person as aforesaid shall be informed in any
19 case the Disciplinary Committee does not accept that advice of the assessor on
20 such a question as aforesaid.

21 (3) An assessor may be appointed under this paragraph either
22 generally or for any particular proceedings or class of proceedings, and shall
23 hold and vacate office in accordance with the terms of the instrument by which
24 he is appointed.

25 *The Investigation Panel*

26 3. The quorum of the Investigation Panel shall be three.

27 4. The Investigation Panel may, at any of its meetings attended by not
28 less than five members of the Investigation Panel, make standing order with
29 respect to the Investigation Panel and subject to the provisions of any such
30 standing orders, the Investigation Panel may regulate its own procedure.

1 5. No member of the Investigation Panel shall sit as a member of
2 the Disciplinary Committee.

3 *Miscellaneous*

4 1. A person ceasing to be member of the Disciplinary Committee
5 or Investigation Panel shall be eligible for re-appointment as a member of
6 that body.

7 2. The Disciplinary Committee and the Investigation Panel may
8 act notwithstanding any vacancy in the membership of any of the said
9 bodies and the proceedings of any such bodies (or subject to paragraph 1 of
10 this Schedule) or by reason of the fact that any person who was not entitled to
11 do so took part in the proceedings of any of such bodies.

12 3. The Disciplinary Committee and the Investigation Panel may
13 each sit in two or more places.

14 4. Any document authorised or required by virtue of this Act to be
15 served on the Disciplinary Committee and the Investigation Panel shall be
16 served on the Registrar.

17 5. Any expenses of the Disciplinary Committee and the
18 Investigation Panel shall be defrayed by the Council.

19 SOCIETY OF NIGERIA BROADCASTING PRACTITIONERS ACT

20 DISCIPLINARY COMMITTEE (PROCEDURE) RULES, 2017

21 ARRANGEMENT OF RULES

22 *Rules*

23 1. Reference of case to Committee

24 2. Parties and appearance

25 3. Notice of hearing and service

26 4. Witnesses and evidence

27 5. Amendment of charges

28 6. Proceedings to be in public

29 7. Adjournment of hearing

30 8. False evidence

- 1 9. Findings and costs
- 2 10. Publication of Committee's findings
- 3 11. Records of proceedings
- 4 12. Power to dispense with certain requirements
- 5 13. Interpretation.
- 6 14. Citation.

7 UNDER PARAGRAPH 1, SECOND SCHEDULE

8 [COMMENCEMENT.]

9 *Reference of case of Committee*

- 10 1. In any case where in pursuance of the provisions of this Act the
11 Panel is of the opinion that a prima facie case is made against any Broadcaster,
12 the Panel shall prepare a report of the case and formulate any appropriate
13 charge or charges and forward them to the Council together with all the
14 documents considered by he Panel.

15 *Parties and appearance*

- 16 2.-(1) The parties to proceedings before the Committee shall be-
17 (a) The Complainant;
18 (b) The respondent;
19 (c) Any other person required by the Committee to be joined or joined
20 by leave of the Committee.

- 21 (2) Any party to the proceedings may appear in person or be
22 represented by a legal practitioner, so however that he Committee may order a
23 party to the proceedings to appear in person if it is of the opinion that it is
24 necessary in the interest of justice that the presence of that party be required.
25 This is without prejudice to his right to counsel.

26 *Notice of hearing and service*

- 27 3.-(1) On the direction of the Chairman, the Secretary of the Panel
28 shall fix a date for the hearing of any complaint and shall thereafter cause to be
29 served on each party to the proceedings notice of such proceeding in the form
30 set out in the Schedule to these rules.

1 (2) The secretary shall serve on each party, other than the
2 complainant, copies of the report and all the charges prepared by the Panel
3 and all documents considered by the Panel.

4 (3) It shall be sufficient compliance with this rule if any process
5 required to be served is handed to the party concerned or effected personally
6 or is sent by registered post to the known place of residence or abode of the
7 party.

8 (4) Any party to the proceedings before the Committee who fails to
9 appear or be represented, or who has previously appeared before the
10 Committee but subsequently fails to appear or be represented, may apply
11 within 30 days after the date when the pronouncement of the findings and
12 directions of the Committee were given for a re-hearing on the grounds of
13 want of notice or other good and sufficient reason; and the Committee may,
14 in appropriate cases, grant the application upon such terms as to costs or
15 otherwise as it thinks fit.

16 *Witnesses and evidence*

17 4. The Committee may in the course of its proceedings hear such
18 witnesses and receive such documentary evidence as may in its opinion
19 assist in ascertaining the truth or otherwise of the charge or charges referred
20 to it by the Panel in accordance with the provisions of the Evidence Act.

21 *Amendment of charges*

22 5. If in the course of the proceedings it appears to the Committee
23 that the charge or charges referred to it by the Panel require to be amended in
24 any respect, the Committee may permit such amendment as it may deem fit.

25 *Proceedings to be in public*

26 6. The proceedings of the Committee shall be held, and its findings
27 and direction shall be pronounced, in public.

28 *Adjournment of hearing*

29 7. The Committee may, of its own motion, or upon application of
30 any party, adjourn the hearing on such term as to costs or otherwise as the

1 Committee may deem fit.

2 *False evidence*

3 8. If any person willfully gives false evidence on oath before the
4 Committee during the course of any proceedings, or willfully makes a false
5 statement in any affidavit sworn for the purpose of any such proceedings, the
6 Committee may refer the matter to the Attorney-General of the Federation for
7 any action he may consider fit.

8 *Findings and cost*

9 9. If after the hearing, the Committee in its findings, finds that the
10 charge of professional misconduct has not been proved, the Committee-

11 (a) Shall record a finding that the respondent is not guilty of such
12 conduct in respect of the matters to which the charge relates;

13 (b) May, nevertheless, order any party (except the complainant) to
14 pay the costs of the proceedings if, having regard to his conduct and to all the
15 circumstances of the case, the Committee thinks fit so to order.

16 *Publication of Committee's findings*

17 10. Subject to the provisions of this Act relating to appeals, any
18 direction given by the Committee shall be published in the Federal Gazette as
19 soon as the direction takes effect.

20 *Records of proceedings*

21 11.-(1) Notes of the proceedings may be taken by a person appointed
22 by the Committee and any party who appeared at the proceedings shall be
23 entitled to inspect the record thereof.

24 (2) The Secretary shall supply to any person entitled to be heard upon
25 an appeal against the direction of the Committee, and to the Council, but to no
26 other persons, a copy of such notes on payment of such charges as may be
27 determined by the Secretary.

28 (3) The Chairman shall in presiding over a proceeding take a note of
29 the proceedings and, accordingly, the provisions of these rules as to inspection
30 and supplying of copies shall apply to such note taken.

1 *Power to dispense with certain requirements*

2 12. The Committee may dispense with any requirement of these
3 rules respecting notices, affidavits, documents, service or time in any case
4 where it appears to the Committee to be just and equitable and the
5 Committee may in any appropriate case extend the time to do anything
6 under these rules.

7 *Interpretation*

8 13. In these rules, unless the context otherwise admits-
9 “Chairman” means the chairman of the Society of Nigeria Broadcasting
10 Practitioners Disciplinary Committee;
11 “Complainant” means the Society of Nigeria Broadcasting Practitioners
12 Investigation Panel or any member thereof;
13 “Respondent” means the person required to answer any charge of
14 professional misconduct;
15 “Secretary” means a person appointed to act in that behalf for the
16 Disciplinary Committee.

17 *Citation*

18 14. These rules may be cited as the Society of Nigeria Broadcasting
19 Practitioners (Disciplinary Committee) Rules, 2017.

1 SCHEDULE

2 FORM 01

3 Notice of Hearing by the Society of Nigeria Broadcasting Practitioners

4 Disciplinary Committee

5 In the matter of the Society of Nigeria Broadcasting Practitioners Act

6 And

7 In the matter of A.B. a registered Broadcaster

8 TAKE NOTICE that the report and charges prepared by the Society of Nigeria

9 Broadcasting Practitioners Investigation Panel in the above matter are fixed for

10 hearing by the Society of Nigeria Broadcasting Practitioners Disciplinary

11 Committee at

12 on the day of

1320.....

14 Copies of:

15 (a) The report;

16 (b) The charges; and

17 (c) are annexed hereto.

18 DATED the day of20.....

19

20 *Secretary to the Committee*

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the Regulation and Conduct of the practice of Broadcasting Profession in Nigeria.