

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. Olaiya Jimoh Aremu

[] Commencement

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

1 PART I - ESTABLISHMENT OF THE BROADCASTING
2 PRACTITIONERS COUNCIL

3 1. There shall be established a body to be known as the
4 Broadcasting Practitioners Council (in this Act called "the Council) which
5 shall comprise of broadcasting practitioners of the highest distinction in the
6 broadcasting profession in Nigeria. The Council shall be a body corporate
7 with perpetual succession and a common seal.

Establishment
of the Broadcasting
Practitioners Council

8 The Council shall be charged with the responsibility and performance of the
9 following general duties-

10 (a) Formal admission, certification and registration of persons
11 seeking to become broadcasting practitioners;

12 (b) Formal admission, conferment of recognition or certification
13 on deserving persons who have been trained or have been practicing or
14 working as broadcasting practitioners prior to the commencement of this
15 Act;

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

20 (d) Securing in accordance with the provisions of this Act, the

1 establishment and maintenance of a register of persons entitled to practice as
2 broadcasters and the publishing, from time to time, of the lists of those persons;

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

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

7 (g) To make regulations for the smooth administration and
8 management of the Council and the profession from time to time;

9 (h) Performing the other functions conferred on the council by this
10 Act, including the establishment or operation of the Nigeria Institute of
11 Broadcasting.

Composition
of the Council

12 2.-(1) The Council shall be constituted by twenty persons as follows-

13 (a) A chairman and a Vice-Chairman respectively, who are registered
14 broadcasting practitioners elected by members of the Council;

15 (b) Five registered broadcasting practitioners to be nominated by the
16 Honourable Minister in charge of Information, and

17 © Thirteen registered broadcasting practitioners to be elected by
18 registered broadcasting practitioners into the Council.

Powers of the
Council

19 3.-(1) Further to section 1 of this Act, the Council shall have power to
20 do any other thing which in its opinion is calculated to facilitate the carrying out
21 of its functions under this Act, particularly as it relates to setting and
22 maintaining standards in the broadcasting profession.

23 (2) The Council may from time to time borrow money to implement
24 the objects of the Society and may also invest monies belonging to the Society
25 in any business venture that the Council may deem profitable.

26 (3) The Council shall have power to enact guidelines for the conduct
27 of elections into the Council which guidelines shall be published and made
28 available to all broadcasting practitioners.

Power to bestow
honorary fellowship

29 4. The Council may if it deems it fit, bestow an honorary fellowship
30 on any deserving person who has contributed immensely to the promotion and

1 development of the broadcasting profession and whose contribution is such
2 that it is in the interest of the Council to be associated with such a person or
3 grant him special recognition.

4 5.-(1) The Council shall establish and maintain a fund for the
5 purposes of carrying out its activities and operations including the payment
6 of salaries of employees of the Council and for meeting its statutory
7 obligations.

Funding of the
Council

8 (2) There shall be paid into the fund of the Council-

9 (i) Voluntary donations or grants from any person, institution, or
10 Government;

11 (ii) All fees, levies, subscriptions, and other moneys payable to the
12 Council by registered members, students, or other persons for conferment of
13 any title or awards by the Council;

14 (iii) Such moneys as may be payable to the Council, whether in the
15 course of the discharge of its functions or not; and in the provision of any
16 service to be rendered to any member or person;

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

18 (i) The remuneration and allowances of the Registrar and other
19 employees of the Council;

20 (ii) Such reasonable traveling and subsistence allowance of
21 members of the Council in respect of the time spent on the business of the
22 Council as the Council, may from time to time determine or approve; and

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

25 6.-(1) The Chairman of the Council shall prepare and submit to the
26 Council not later than the 31st day of December of each year, an estimate of
27 the income and expenditure of the Council during the next succeeding year.

Financial
Provision

28 (2) The Council shall keep proper accounts in respect of each year
29 and proper records in relation to those accounts and shall cause the accounts
30 to be audited within six months after the end of the year to which the

Registrar and
other staff of
the Council

1 accounts relate by independent auditor(s) appointed by the Council.

2 7.-(1) It shall be the duty of the Council to appoint a fit and proper
3 person to be the Registrar and head of secretariat of the Council for the
4 purposes of this Act.

5 (2) The Registrar shall, in addition to his other function under this Act,
6 be the Secretary to the Council and shall, on the instructions of the Chairman of
7 the Council, convene meetings of the Council, record and keep minutes of such
8 proceedings.

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

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

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

Qualification
to practice as a
Broadcaster

17 8.-(1) A person shall be qualified to practice as a broadcaster or be
18 identified as a broadcaster if and only if:

19 (a) He has acquired or attained the prescribed academic or standard of
20 training set by the Council and he has been so certified and registered to
21 practice as a broadcaster by the Council, or if;

22 (b) Prior to the commencement of the Act, he has acquired requisite
23 practical knowledge, training, or experience in a recognized academic
24 institution or broadcasting station or organisation which shall entitle the
25 Council upon verification to certify him as a broadcaster and register him to
26 continue to practice as such. The Council shall determine the level of
27 qualification, skill or experience acceptable or applicable before granting the
28 certification under this provision.

29 (2) In addition to any training, knowledge, education, skill, or
30 experience that a prospective applicant may have obtained or acquired, the

1 Council shall be satisfied that a person who has applied to be admitted to
2 practice as a broadcaster has sufficiently acquired training, knowledge or
3 education from a recognised or accredited institution or organisation in the
4 following areas:

- 5 (a) Mass Communications particularly as it relates to broadcasting;
6 (b) Broadcasting Act, the Broadcasting Code and other broadcast
7 regulations;
8 (c) Educational and Instructional broadcasting;
9 (d) Advertising;
10 (e) News writing, News Reporting, Editing and Newscasting;
11 (f) Television and Radio Programmes production and presentation
12 techniques;
13 (g) Radio and Television programme directing;
14 (h) Radio and Television script writing for drama, documentary
15 and other programme production;
16 (i) Lighting and sound;
17 (j) Camera techniques;
18 (k) Broadcast ethics and station management;
19 (l) Information technology in broadcasting;
20 (m) Technology development in the broadcast industry;
21 (n) Industrial attachment;
22 (o) Knowledge of Laws and other professional standards relating
23 to broadcasting and the mass media;
24 (p) Adherence to all the Guidelines Contained in the NBC Code as
25 relating to Broadcasting including community Broadcasting;
26 (q) Knowledge of Radio and Television for the promotion,
27 presentation and preservation of Nigeria's value system, tradition and
28 culture.

29 PART II - MEMBERSHIP REGISTER

30 9.-(1) It shall be the duty of the Registrar to prepare and maintain,

Preparation and
maintenance of
register

1 in accordance with rules made by the Council under this section, a register
2 containing the names, addresses, qualifications and such other particulars as
3 may be specified of all persons who are entitled in accordance with the
4 provisions of this Act to be registered as fellows, full members or associate
5 members of the broadcasting profession and who apply in the specified manner
6 to be so registered.

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

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

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

14 (c) Specifying anything not specified under the foregoing provisions
15 of this section;

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

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

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

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

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

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

1 10.-(1) It shall be the duty of the Registrar-

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

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

7 (c) To cause a print of each edition of the register and of each list of
8 corrections to be deposited at the office of Registrar to the Council, and it
9 shall be the duty of the Council to keep each register and lists so deposited
10 open at all reasonable times for inspection by members of the public upon
11 the payment of a fee.

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

18 11.-(1) The register shall consist of three parts-

19 (a) One part in respect of fellow;

20 (b) One part in respect of full members;

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

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

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

29 (a) He holds a university degree or High National Diploma in Mass
30 Communication or acquired other professional qualification or has attained

Publication of
register and
subsequent
corrections

Division of
register

1 any level of training and acquired experience recognised by the Council;

2 (b) He is of good Character;

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

5 (d) He has passed any qualifying examination or attained any
6 standard of training or skill as set by the Council.

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

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

11 (b) He satisfied the Council that in the five years immediately
12 preceding the date of his application, he has been in continuous active practice
13 as a broadcasting practitioner either alone or in partnership with other
14 broadcasting practitioners or in a licensed broadcasting organisation or
15 institution whether private or public in Nigeria or outside Nigeria.

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

18 (a) He fulfils the conditions for registration under subsection (3) of
19 this section; and

20 (b) He satisfied the Council that in the fifteen years immediately
21 preceding the date of his application, he has been in continuous active practice
22 with other broadcasting practitioners and has in the opinion of the Council
23 made significant contributions to the broadcasting profession.

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

28 (5) The Council shall, from time to time, publish particulars of the
29 qualifications for the time being accepted for registration.

PART III - TRAINING

12.-(1) The Council may ap

Approval of
courses

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

(b) Any institution or organisation either in Nigeria or elsewhere which the Council considers is properly organised and equipped for conducting the whole or any part of the course of training approved by the Council;

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

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

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

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

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

(3) In respect of any period during which the approval of the Council under this section for a course, institution or qualification is withdrawn, the course, institution or qualification shall not be treated as approved but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the

1 approval was registered or eligible for registration immediately before the
2 approval was withdrawn.

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

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

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

9 13.-(1) It shall be the duty of the Council to determine and know from
10 time to time the nature and adequacy of:

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

13 (b) The examinations as a result of which approved qualifications are
14 granted.

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

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

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

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

24 (b) The adequacy of the examination observed or attended by him;
25 and

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

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

30 (6) On receiving any unsatisfactory report from the Visitor in

1 18.-(1) At any meeting of the Disciplinary Committee five
2 members shall form a quorum.

Proceedings of
the Disciplinary
Committee

3 (2) The Chairman shall preside at any meeting of the Committee or
4 in his absence the members present at the meeting shall appoint one of the
5 members to preside at the meeting.

6 (3) Any question proposed for decision by the Committee shall be
7 determined by the majority of the members present and voting at meeting of
8 the Committee at which a quorum is present.

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

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

16 19.-(1) Where-

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

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

24 (c) The Disciplinary Committee is satisfied that the name of any
25 person has been fraudulently registered,
26 The Disciplinary Committee may give any of the directions mentioned in
27 subsection (2) of this section.

28 (2) The Disciplinary Committee may by resolution recommend to
29 the Council-

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

Penalties for
unprofessional
conduct

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

3 (c) Reprimand a person;

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

7 (e) Cautioning a person and postponing any further action against him
8 on one or more conditions as to his conduct during that period, and

9 Any such sanction may, where appropriate, include provisions requiring the
10 refund of moneys paid or the handing over of documents or any other thing, as
11 the case may require.

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

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

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

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

20 Shall be conclusive evidence of the fact found.

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

26 20.-(1) Where the name of a person has been struck off the register,
27 the Disciplinary Committee, may if it thinks fit, at any time recommend the
28 restoration of this name to the register, Provided that the Council may, upon
29 appropriate and satisfactory representations by any affected member, direct his
30 name to be restored to the register.

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

4 21.-(1) If it proved to the satisfaction of the Council that any entry
 5 made in a register had been fraudulently or incorrectly made, the Council
 6 may direct that entry be struck off from the register.

Striking off entries
in register on ground
of fraud or error

7 22.-(1) Where the Council-

Appeal to the
Federal High Court

8 (a) Imposes a penalty on a registered person; or

9 (b) Rejects an application for restoration of a name to a register; or

10 (c) Directs the striking off of an entry from the register.

11 The Registrar shall give the person to whom the decision relates notice in
 12 writing thereof and such person may, within 28 days from the date of service
 13 on him of the notice, appeal to the Federal High Court.

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

18 PART VI - SUPPLEMENTARY

19 23. In this Act, unless the context otherwise requires-

Interpretation

20 "Council" means the Broadcasting Practitioners Council established under
 21 section 1 of this Act;

22 "Member" means a registered member of the Broadcasting profession;

23 "Minister" means the Minister with not less than 20 years professional
 24 media experience charged with the responsibility for matters relating to
 25 information and "Ministry" shall be construed accordingly;

26 "Profession" means the broadcasting profession;

27 "Register" means the register maintained in pursuance of section 10 of this
 28 Act;

29 "Registered" means registered as a fellow, member or associate of the
 30 profession in the part of the register relating to fellows, members or

1 associates as the case may be;
2 "Registrar" means the registrar appointed under section 8 of this Act;
3 "Broadcaster" means any person certified and registered by the Council to
4 engage in the profession of broadcasting.

Short title

5 24. This Bill may be cited as the Broadcasting Practitioners Bill,
6 2020.

SCHEDULES

FIRST SCHEDULE

9 [Section 2 (2).]

10 *Qualification and Tenure of Office of Members of Council.*

11 1.-(1) A person shall not be a member of the Council unless he is a
12 citizen of Nigeria and is registered as a member of the broadcasting profession.

13 (2) Subject to section 2 (2) of this Act, the Chairman and Vice -
14 Chairman shall hold office for a period not exceeding two years beginning
15 from the date of the election. The Chairman shall not be subsequently eligible
16 for re-election as Chairman. The Vice -Chairman shall be eligible for re-
17 election as Vice-Chairman for one term of two terms or as Chairman of the
18 Council after the expiration of his joint term with an out-going Chairman

19 (3) The first or inaugural Chairman of the Council shall be a transition
20 Chairman who shall be appointed on the recommendations of the Broadcasting
21 Organizations of Nigeria (BON). He shall serve for a period of six (6) months
22 only from the date of his appointment. He shall steer the Council, prepare for
23 and conduct elections into the Council and handover to an elected Chairman
24 and Vice-Chairman of the Council at the expiration of the period of six months.

25 (4) A person who has ceased to be a chairman of the Council shall be
26 eligible to become a member of the Council but shall not vie or seek election to
27 be Chairman of the Council.

28 (5) Subject to the provisions of this paragraph, a member of the
29 Council shall hold office for a period of two years beginning from the date of
30 his election.

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

2 (7) Where a member of the Council ceases to hold office for any
3 reason before the date when his term of office would have expired, the
4 Council shall, as soon as the case may be, elect a new person to fill the
5 vacancy for the residue of the term.

6 *Proceedings of the Council*

7 2.-(1) Subject to the provisions of this Act, the Council may make
8 standing orders regulating the proceedings of the Council or of any
9 committee thereof.

10 (2) The quorum of the Council shall be thirteen persons and the
11 quorum of any committee of the Council shall be as determined by the
12 Council.

13 (3) At any time while the office of the Chairman is vacant or the
14 Chairman is in the opinion of the Council temporarily or permanently
15 unable to perform the functions of his office, the vice-Chairman shall
16 perform those functions and references in this Schedule to the Chairman
17 shall be construed accordingly.

18 3.-(1) Subject to the provisions of any applicable standing orders,
19 the Council shall meet at least thrice in a year or whenever summoned by the
20 Chairman and if the Chairman is required so to do by notice given to him by
21 not less than ten other members, he shall summon a meeting of the Council
22 to be held within twenty one days from the date on which the notice is given.

23 (2) At any meeting of the Council, the Chairman or in his absence,
24 the Vice-Chairman shall preside, but if both are absent the members present
25 at the meeting shall appoint one of them to preside at the meeting.

26 (3) Where the Council wishes to obtain the advice of any person on
27 a particular matter, the Council may co-opt him as a member for such period
28 as it thinks fit, but a person who is a member by virtue of this sub-paragraph
29 shall not be entitled to vote at any meeting of the Council and shall not count
30 towards a quorum.

1 *Committees*

2 4.-(1) The Council may appoint one or more committees to carry out,
3 on behalf of the Council, any of its function as the Council may determine.

4 (2) A committee appointed under this paragraph shall consist of the
5 number of persons determined by the Council and not more than one third of
6 those persons may be persons who are not members of the Council.

7 (3) A person other than a member of the Council shall hold office on a
8 committee in accordance with the term of the letter by which he is appointed.

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

11 *Miscellaneous*

12 5.-(1) The fixing of the seal of the Council shall be authenticated by
13 the signature of the chairman or of some other member authorised generally or
14 specially by the Council to act for that purpose.

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

19 SECOND SCHEDULE

20 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

21 COMMITTEE AND THE INVESTIGATION PANEL

22 *The Disciplinary Committee*

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

27 (2) The rules shall in particular provide-

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

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

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

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

8 (e) For requiring in a case where it is alleged that the person who is
9 the subject of the proceedings is guilty of infamous conduct in any
10 professional respect, that where the Disciplinary Committee resolves that
11 the allegation has not been proved, it shall record a finding that the person is
12 not guilty of such conduct in respect of the matter to which the allegation
13 relates;

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

17 (g) For the purpose of advising the Disciplinary Committee on
18 questions of law arising in proceedings before it, there shall in such
19 proceedings be an assessor to the Disciplinary Committee who shall be
20 appointed by the Council and shall be a legal practitioner of not less than ten
21 year's standing at the Nigeria Bar;

22 (h) That where an assessor advises the Disciplinary Committee on
23 any question of law as to evidence, procedure or any other matter specified
24 by the rules, he shall do so in the presence of every party or person
25 representing a party to the proceedings who appears or, if the advice is
26 tendered while the Disciplinary Committee is deliberating in private, that
27 every such party or person as aforesaid shall be informed as to what advice
28 the assessor has tendered;

29 (i) That every party or person as aforesaid shall be informed in any
30 case the Disciplinary Committee does not accept that advice of the assessor

1 on such a question as aforesaid;

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

6 *The Investigation Panel*

7 (3) The quorum of the Investigation Panel shall be three.

8 (4) The Investigation Panel may, at any of its meetings attended by not
9 less than five members of the Investigation Panel, make standing order with
10 respect to the Investigation Panel and subject to the provisions of any such
11 standing orders, the Investigation Panel may regulate its own procedure.

12 (5) No member of the Investigation Panel shall sit as a member of the
13 Disciplinary Committee.

14 *Miscellaneous*

15 (1) A person ceasing to be member of the Disciplinary Committee or
16 Investigation Panel shall be eligible for re-appointment as a member of that
17 body.

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

23 (3) The Disciplinary Committee and the Investigation Panel may each
24 sit in two or more places.

25 (4) Any document authorised or required by virtue of this Act to be
26 served on the Disciplinary Committee and the Investigation Panel shall be
27 served on the Registrar.

28 (5) Any expenses of the Disciplinary Committee and the
29 Investigation Panel shall be defrayed by the Council.

1 SOCIETY OF NIGERIA BROADCASTERS ACT
2 DISCIPLINARY COMMITTEE (PROCEDURE) RULES, 2020.

3 ARRANGEMENT OF RULES

4 *Rules:*

- 5 1. Reference of case to Committee.
- 6 2. Parties and appearance.
- 7 3. Notice of hearing and service.
- 8 4. Witnesses and evidence.
- 9 5. Amendment of charges.
- 10 6. Proceedings to be in public.
- 11 7. Adjournment of hearing.
- 12 8. False evidence.
- 13 9. Findings and costs.
- 14 10. Publication of Committee's findings.
- 15 11. Records of proceedings.
- 16 12. Power to dispense with certain requirements.
- 17 13. Interpretation.
- 18 14. Citation.

19 UNDER PARAGRAPH 1, SECOND SCHEDULE

20 [COMMENCEMENT.]

21 *Reference of case of Committee*

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

27 *Parties and appearance*

- 28 2.-(1) The parties to proceedings before the Committee shall be-
- 29 (a) The Complainant;
 - 30 (b) The respondent;

1 (c) Any other person required by the Committee to be joined or joined
2 by leave of the Committee.

3 (2) Any party to the proceedings may appear in person or be
4 represented by a legal practitioner, so however that the Committee may order a
5 party to the proceedings to appear in person if it is of the opinion that it is
6 necessary in the interest of justice that the presence of that party be required.
7 This is without prejudice to his right to counsel.

8 *Notice of hearing and service*

9 3.-(1) On the direction of the Chairman, the Secretary of the Panel
10 shall fix a date for the hearing of any complaint and shall thereafter cause to be
11 served on each party to the proceedings notice of such proceeding in the form
12 set out in the Schedule to these rules.

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

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

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

27 *Witnesses and evidence*

28 4. The Committee may in the course of its proceedings hear such
29 witnesses and receive such documentary evidence as may in its opinion assist
30 in ascertaining the truth or otherwise of the charge or charges referred to it by

1 the Panel in accordance with the provisions of the Evidence Act.

2 *Amendment of charges*

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

6 *Proceedings to be in public*

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

9 *Adjournment of hearing*

10 7. The Committee may, of its own motion, or upon application of
11 any party, adjourn the hearing on such term as to costs or otherwise as the
12 Committee may deem fit.

13 *False evidence*

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

19 *Findings and cost*

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

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

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

27 *Publication of Committee's findings*

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

1 *Records of proceedings*

2 11.-(1) Notes of the proceedings may be taken by a person appointed
3 by the Committee and any party who appeared at the proceedings shall be
4 entitled to inspect the record thereof.

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

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

12 *Power to dispense with certain requirements*

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

17 *Interpretation*

18 13. In these rules, unless the context otherwise admits-
19 "Chairman" means the chairman of the Broadcasting Practitioners
20 Disciplinary Committee;
21 "Complainant" means the Broadcasting Practitioners Investigation Panel or
22 any member thereof;
23 "Respondent" means the person required to answer any charge of professional
24 misconduct;
25 "Secretary" means a person appointed to act in that behalf for the Disciplinary
26 Committee.

27 *Citation*

28 14. These rules may be cited as the Broadcasting Practitioners
29 (Disciplinary Committee) Rules, 2020.

SCHEDULE

FORM 01

Notice of Hearing by the broadcasting Practitioners Disciplinary Committee

In the matter of the Broadcasting Practitioners Act

And

In the matter of A.B. a registered Broadcaster

TAKE NOTICE that the report and charges prepared by the Broadcasting Practitioners Investigation Panel in the above matter are fixed for hearing by the Broadcasting Practitioners Disciplinary Committee at

..... on the day of 20.....

Copies of:

- (a) The report;
- (b) The charges; and
- (c) are annexed hereto.

DATED the day of 20.....

.....

Secretary to the Committee

EXPLANATORY MEMORANDUM

This Bill seeks for Society of Nigeria Broadcasters Act to regulate the profession and practice of broadcasting in Nigeria, set the required minimum academic qualification and ethical standard for broadcasters, broadcast Journalist or broadcasting practitioners.

