

A BILL

FOR

AN ACT TO AMEND THE NIGERIAN PRESS COUNCIL ACT, CAP N128, LAWS OF THE FEDERATION OF NIGERIA 1992 TO REMOVE BOTTLENECKS AFFECTING ITS PERFORMANCE AND MAKE THE COUNCIL IN TUNE WITH THE CURRENT REALITIES IN REGULATING PRESS AND FOR RELATED MATTERS

Sponsored by Hon. Olusegun Odebunmi

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria.

1 1. The Nigerian Press Council Act, Cap. N128 Laws of the
2 Federation of Nigeria, 1992 (in this Bill referred to as the "Principal Act") is
3 hereby amended as set out in this Bill;

Amendment of
the Principal Act

4 2. Section 2 of the Principal Act is amended by substituting the
5 existing section (2) for a new section (2) to read as follows;

Amendment of
Section 2

6 2. Establishment of the Board for the Council:

7 (1) There is established, a board for the Council, which:

8 (i) shall serve on an advisory capacity to the Council on a part-time
9 basis without direct interference in the day to day administration of the
10 Council;

11 (ii) shall seat once in a quarter except on an emergency request by
12 the Council through the executive secretary of the Council;

13 (iii) shall consist of:

14 (a) one representative of the Nigerian Union of Journalist;

15 (b) one representative of the Nigerian Guild of Editors;

16 (c) one representative of the Newspapers Proprietors Association
17 of Nigeria, who shall be person with experience in journalism;

18 (d) two representatives of the general public, one of whom shall be

1 a legal practitioner and a woman;

2 (e) one representative of the Broadcasting Organisation of Nigeria;

3 (f) one representative of the Federal Ministry of information, who
4 shall be a person with experience journalism;

5 (g) executive secretary of the council, who shall serve as secretary to
6 the Board.

7 (2) The Chairman of the Council shall be appointed by the President
8 of the Federal Republic of Nigeria on the recommendation of the Minister in
9 charge of information, and shall be a person:

10 (a) of high intellectual and moral qualities and knowledgeable in
11 media and public affairs;

12 (b) with not less than fifteen years experience in journalism.

13 (3) Members of the board under subsection 1 (d) and (f) of this section
14 shall be appointed by the President on the recommendation of the Minister, and
15 members of the Council appointed under subsection 1 (a), (b), (c), and (e) shall
16 be appointed by the President on the recommendation of the Minister after an
17 election by or on the nomination of the unions, association or other body
18 concern.

19 (4) The supplementary provisions set out in the First Schedule to this
20 Act shall have effect with respect to the tenure and other matters contained
21 therein.

Amendment of
Section 3

22 3. Section 3 of the Principal Act is hereby amended by substituting
23 the existing section (3) for a new section (3) to read as follows:

24 3. Functions of the Council:

25 (1) The Council shall be charged with the duty to:

26 (a) regulate the print media and related media houses;

27 (b) ensure truthful, genuine and quality services by print media
28 houses and media practitioners;

29 (c) with the approval of the Minister in charge of information,
30 establish and disseminate a national Press Code and standards to guide conduct

- 1 of print media, related media houses and media practitioners;
- 2 (d) approve penalties and fines against violation of the Press Code
- 3 by print media houses and media practitioners, including revocation of
- 4 licence;
- 5 (e) receive, process and consider applications for the
- 6 establishment, ownership and operation of print media and other related
- 7 media houses;
- 8 (f) with the approval of the Minister, grant print media and other
- 9 related licenses to any application considered worthy of such;
- 10 (g) monitor activities of the press, media and other related houses
- 11 to ensure compliance with the National press Code for professional and
- 12 ethical conduct, including the Nigerian Union of Journalists;
- 13 (h) serves as national consultant on any legislative or regulatory
- 14 issues on media and related issues;
- 15 (i) research into contemporary press and media development and
- 16 engaging in updating press documentation and freedom;
- 17 (j) foster the achievement and maintenance of high professional
- 18 standards by the press;
- 19 (k) review developments likely to restrict the supply through the
- 20 press, of information of public interest and importance or which are liable to
- 21 prevent free access of the press to information and advising on measures
- 22 necessary to prevent or remedy such development;
- 23 (l) ensure protection of the rights and privileges of journalists in the
- 24 lawful performance of their professional duties;
- 25 (m) enquiry into complaints about conducts of the press and the
- 26 conduct of any person(s) or organisation(s) towards the press and exercising
- 27 in respect of the complaints the powers conferred upon it under this Act;
- 28 (n) carry out such other activities as are necessary or expedient for
- 29 the full discharge of all or any of the functions conferred on it under this Act.
- 30 (2) No person shall engage person for, operate or use any apparatus

1 or premises for print or related media in anywhere in Nigeria except under and
2 in accordance with the provisions of this Act.

3 (3) Where an offence under this section has been committed by an
4 individual or a body corporate, such person(s) or body corporate shall be
5 deemed to be guilty of an offence and liable to be prosecuted against and be
6 punished accordingly. Where any person or body corporate has been convicted
7 of this offence:

8 (i) such person or body corporate shall be liable to a fine of five
9 million naira only or three years imprisonment to the person or the promoter(in
10 case of body corporate or both; and

11 (ii) to an additional fine of twenty thousand naira only for each day
12 during which the offence continues.

Amendment of
Section 4

13 4. Section 4 of the Principal Act is amended in subsection 2(b) by
14 adding the phrase "and Chief Accounting Officer" immediately after the word
15 "executive" to read as follows;

16 (b) be the chief executive and the chief accounting officer of the
17 Council.

Amendment of
Section 9

18 5. Section 9 of the Principal Act is amended by substituting the
19 existing section 9 for a new section 9 to read as follows:

20 9. Code of Conduct:

21 (1) The Council shall establish a National Press and Ethical Code of
22 conduct for media houses and media practitioners, which shall come to effect
23 and be disseminated after approval by the Minister;

24 (2) The Council shall cause to be established in the Nigeria Press
25 Council Journal, the Code of Professional and Ethical Code of Conduct as
26 approved under section (1) of this section which shall be binding on every
27 media Houses, journalists and media practitioners in Nigeria.

Amendment of
Section 12

28 6. Section 12 of the Principal Act is amended by substituting the
29 existing section 12 for a new section 12 to read as follows:

30 12. Power of the Executive Secretary to Issue Summons, etc. The

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

4 7. Section 16 of the principal Act is amended changing the word
5 "Council" to the word "Executive Secretary" in subsection 1(c) and also
6 substitute the existing subsection 2 for a new subsection 2 to read as follows:

Amendment of
Section 16

7 (c) by anything done against the -journalist that is capable of
8 limiting the preservation of the freedom of the Press guaranteed by the
9 Constitution of the Federal Republic of Nigeria, 1999 (as amended), may
10 make a complaint in respect thereof, in writing, addressed to the executive
11 secretary of the Council;

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

17 8. Section 17 of the principal Act is amended in subsection 1(c) by
18 inserting the word "through the executive secretary" immediately after the
19 word

Amendment of
Section 17

20 "Council" and also substituting the existing subsections 3 and 4 for a new
21 subsections 3 and 4 to read as follows:

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

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

1 (a) in the case of a body corporate to a fine of one million naira only;
2 and

3 (b) in the case of a journalist to a fine of two hundred and fifty
4 thousand naira only, and the Council shall order the suspension of the journalist
5 from practice for a period not exceeding six months or more.

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

9 (a) in the case of a body corporate to a fine of two million naira only;

10 (b) in the case of a journalist to a fine of two hundred and fifty
11 thousand naira only; and

12 (c) in an extreme case, the Council shall order the striking out the
13 name of the journalist from the register.

Amendment of
Section 20

14 9. Section 20 of the principal Act is amended in subsection 2(b) by
15 increasing the suspension from three to six months to read as follows:

16 (b) suspending the person from practice by ordering him not to
17 engage in practice as a journalist for a period not exceeding six months; as may
18 be specified in the directive.

Amendment of
Section 21

19 10. Section 21 of the principal Act is amended in subsection 5 by
20 increasing the fines attached to violation of the provision of subsection 1 of the
21 same section to read as follows:

22 (5) Where any person has been convicted of an offence under this
23 section of the Act in a High Court:

24 (a) he shall be liable to a fine of two hundred and fifty thousand naira
25 only or imprisonment for a term of two years or both and to an additional fine of
26 five thousand naira for each day during which the offence continues.

Amendment of
Section 28

27 11. Section 28 of the principal Act is amended by substituting the
28 existing section 28 for a new section 28 to read-as follows;

29 28. Financial Provisions:

30 (1) The Council shall maintain a fund which shall consist of;

1 (a) such monies as may be, from time to time, be provided by the
2 Federal Government by way of appropriation by the National Assembly or
3 Federal Government Grants;

4 (b) such percentage of fees and levy to be determined and charged
5 by the Council on the annual income of licensed print media Houses and
6 media owned, established or operated by private individual(s), State or
7 Local Government(s);

8 (c) license fees, fines and penalties charged by the Council,
9 pursuant to the provisions of section 17, 21 and other related sections of this
10 Act;

11 (d) such monies as may be specified by the Council to be provided,
12 from time to time by stakeholders.

13 (e) such monies as may be received by the Council in relation to the
14 exercise of its functions under this Act; and

15 (f) all monies raise for the purpose of the council by way of gifts,
16 loans, grants- in-aid, testamentary disposition or otherwise.

17 (g) all other assets or proceeds from same, that may from time to
18 time accrued to the Council.

19 12. Section 33 of the principal Act is amended in subsections 1 and
20 2 by increasing the fines attached to each subsections:

Amendment of
Section 33

21 (1) Any person(s) who, without documentation with the Council,
22 own, publishes or prints a newspaper, magazine or journal commits an
23 offence and is liable on conviction to a fine of five million naira or to a term
24 of three years imprisonment or both. And to an additional fine of twenty
25 thousand naira for every day the offence continues.

26 *[No. 60 of 1999.]*

27 (2) Any news agent who circulates for sale, any copy of a
28 newspaper, magazine, or journal that is not documented in accordance with
29 the provisions of this Act commits an offence and is liable on conviction to a
30 fine of two hundred and fifty thousand naira or to a term of one year

1 imprisonment or both.

2 (3) Any person who carried news, established to be fake thereafter,
3 commits an offence and is liable on conviction to a fine of five million naira or a
4 term of two years imprisonment or both, and a compensation of two million
5 naira payable to the person(s), group(s), corporate body(s), government or any
6 of its agencies whom the news was carried against.

7 (4) Any print media house whose medium was used to carry such
8 news as specified in subsection 3 of this section is liable on conviction to a fine
9 ten million naira or closure of such medium for a period of one year or both, and
10 a compensation of twenty million naira payable to the person(s), group(s),
11 corporate body(s), government or any of its agencies whom the news was
12 carried against.

13 *[No. 60 of 1999.]*

Amendment of
Section 36

14 13. Section 36 of the principal Act is amended in subsection 1(b) by
15 replacing the word "Chairman" appearing immediately after the pronoun "its"
16 with the word "Executive Secretary". And also in subsection 2 by increasing
17 the fine attached to violation of the provision of the section to read as follows:

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

23 (2) Any owner or publisher, required by notice to deliver or send a
24 copy of the returns on performance, who fails to deliver or send the annual
25 returns within ten days of the receipt of such notice is guilty of an offence and
26 liable on conviction to a fine of fifty thousand naira for every day on which the
27 offence continues.

28 *[No. 60 of 1999.]*

Amendment of
Section 37

29 14. Section 37 of the Principal Act is amended by introducing a new
30 paragraph after the last paragraph to define the word "Board" within the

1 context of this Act to read as follows:

2 "Board" means a body of persons appointed in line with section 2 of this Act
3 to serve in advisory capacity for the Council, also perform its function on
4 part-time basis.

5 FIRST SCHEDULE

6 15. The First Schedule of the Principal Act is amended by
7 substituting the existing first schedule of the Act for a new First Schedule to
8 read as follows; Supplementary Provision Relating to the Council:

Amendment of
First Schedule
of the Principal
Act

9 1. (a) the Chairman of the board shall hold office for a period of
10 three years and shall be eligible for re-appointment for one more term of
11 three years;

12 (b) members of the board specified in section 2(3) of this Act, shall
13 hold office for three years and shall be eligible for re-appointment for one
14 more term of three years.

15 2. (a) the chairman may by notice addressed to the President,
16 through the Minister, resign his appointment. Any member of the board
17 referred to in paragraph 1(b) of this Schedule may, by notice addressed
18 through the Minister to the body that nominated him/her indicate his
19 intention to resign his appointment;

20 [No. 60 of 1999.]

21 (b) where a member of the Board ceases to hold office before the
22 date when his term of office would have expired by the provisions of this
23 Act, a replacement shall be appointed to fill the vacancy for the residual of
24 time, in accordance with paragraph 1(a) of this schedule.

25 3. (a) subject to the provisions of this Act and to section 27 of the
26 Interpretation Act, the Board may make standing orders relating to the
27 proceedings of the Board and of any committee thereof;

28 (Cap. 123.)

29 (b) the quorum of the Board shall be by simple majority, including
30 the Chairman of the Board;

1 authorised to act for that purpose by the Council, through the Executive
2 Secretary;

3 (c) any document purporting to be a document duly executed under
4 the seal of the Council shall be received in evidence and shall, unless the
5 contrary is proved, be presumed to be so executed.

6 8. Members of the Board who are not public officers shall be paid
7 allowance(s) as specified for that category by the Revenue Mobilisation
8 Allocation and Fiscal Commission (RMAFC).

9 9. No member of the council or person holding office on a Board of
10 the council shall have any personal interest in any contract or arrangement
11 entered into or proposed to be considered by the Council or the Board in any
12 circumstances.

13 16. This Bill may be cited as the Nigerian Press Council Act Citation
14 (Amendment) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Nigerian Press Council Act, Cap NI28, Laws of the Federation of Nigeria 1992 to remove bottlenecks affecting its performance and make the council operate in tune with the current realities in regulating media.

