

A BILL

FOR

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

Sponsored by Hon. Odebunmi Olusegun

[] Commencement

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

1 1. In this Bill, the National Broadcasting Commission Act, Cap. The Principal Act
2 N11, Laws of the Federation of Nigeria 2010 is hereby referred to as the
3 Principal Act and is amended as follows:

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

7 “1A OBJECTIVES OF THE ACT
8 The Objective of the Act is to provide a regulatory and institutional
9 framework for the Nigeria broadcasting industry to:

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

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

15 (c) Ensure plurality of ownership, news, views and information
16 and provide a wide range of entertainment and educational programs;

17 (d) Promote provisions of a broad range of services and
18 specifically for the programming needs in respect of children women, the
19 youth, disadvantaged and the disabled;

- 1 (e) Encourage the development of human resources through training,
2 and capacity building within the broadcasting sector especially amongst
3 disadvantaged groups;
- 4 (f) Encourage investments and promote diversity in the control of
5 broadcasting services;
- 6 (g) Ensure fair competition in the broadcasting Industry;
- 7 (h) Ensure efficient use of the broadcasting frequency spectrum;
- 8 (i) Provide a clear allocation of roles and assignment of tasks between
9 policy formulation, regulation and service provision as well as articulation of
10 long and intermediate-term goals;
- 11 (j) Provide for a three tier system of public, commercial and
12 community broadcasting services;
- 13 (k) Establish a strong and committed public broadcasting service
14 which will serve the needs of the Nigerian Society
- 15 (l) Integrate multi-channel distribution system into the broadcasting
16 framework;
- 17 (m) Promote research, innovation and the development of new
18 technologies in the provision of broadcasting services;
- 19 (n) Encourage providers of commercial and community broadcasting
20 services to be responsive to the need for a fair and accurate coverage of matters
21 of public interest and for an appropriate coverage of matters of local
22 significance;
- 23 (o) Ensure that licensees comply with internationally accepted
24 technical standards applicable in Nigeria;
- 25 (p) Ensure the provision of quality services by service providers to the
26 Consumer;
- 27 (q) Ensure fairness in service delivery of broadcast service to
28 consumers;
- 29 (r) Regulate and provide Digital Broadcasting in Nigeria in line with
30 the international Telecommunication Union (ITU) Agreement referred to as

1 'Regional Agreement GE06 2006' in a manner that will be cost effective for
2 Nigeria.

3 B. SCOPE OF THE ACT

4 This Act applies to the:

- 5 (a) Establishment and operation of broadcasting systems;
6 (b) Provision of broadcasting services;
7 (c) Use of broadcasting frequencies and equipment in line with
8 international standard including digital broadcasting; and
9 (d) Regulation of all aspects of broadcasting including online
10 broadcast.

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

Amendment of
Section 2 of the
Principal Act

14 "2 FUNCTIONS OF THE COMMISSION

15 (1) The Functions of the Commission shall be to:

16 (a) Advise the Federal Government generally on the
17 implementation of the National Mass Communication Policy, with
18 particular reference to broadcasting in a manner that will be cost effective
19 for the government;

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

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

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

29 (ii) Radio and Television Stations owned, established or operated
30 by the Federal, States, or Local Government;

- 1 (iii) Broadcast Signal Distribution;
- 2 (iv) Online broadcast;
- 3 (v) Community Broadcasting
- 4 (vi) Public Service Broadcasting
- 5 (vii) Any other medium of broadcasting;
- 6 (d) recommending applications through the Minister to the President,
- 7 Commander-in-Chief of the Armed Forces, for the grant of radio and television
- 8 licenses;
- 9 (e) Regulating and controlling the broadcasting industry;
- 10 (f) conducting research and development in the broadcasting
- 11 industry;
- 12 (g) receive consider and investigate complaints from members of the
- 13 public regarding the content of broadcast and the conduct of a broadcasting
- 14 station;
- 15 (h) regulate ethical standards and technical excellence in the
- 16 provision of broadcasting services, and for that purpose enforce a Code of
- 17 Conduct in conjunction with relevant operators in the public sector of the
- 18 broadcast industry;
- 19 (i) assign and regulate the use of broadcast frequencies in conformity
- 20 with policies, treaties, protocols or conventions to which Nigeria is a signatory;
- 21 (j) set minimum standards for broadcast equipment in the
- 22 broadcasting industry;
- 23 (k) provide guidelines on tariffs chargeable for the provision of
- 24 broadcast services;
- 25 (l) promote Nigeria's indigenous cultures, morals and community life
- 26 through broadcasting;
- 27 (m) promote authenticated radio and television audience
- 28 measurements and penetration;
- 29 (n) initiate and harmonise Government Policies on trans-border direct
- 30 transmission and reception in Nigeria;

1 (o) ensure high quality manpower development in broadcasting
2 Industry by accrediting curricular and programs for all tertiary Institutions
3 that offers mass communication in relation to broadcasting;

4 (p) monitor broadcasting for harmful emissions, interference and
5 illegal broadcasting;

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

8 (r) regulate all aspects of broadcasting including online broadcast;

9 (s) publish newsletters and broadcast journals, organise
10 conferences, workshops and seminar and prepare information programs, for
11 the purpose of raising public awareness about the broadcast industry;

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

14 (u) intervening, and arbitrating in conflicts in the broadcasting
15 industry;

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

19 (w) guaranteeing and ensuring the liberty and protection of the
20 broadcasting industry with due respect to the law; and

21 (2) The Commission shall ensure the:

22 (a) optimal use of the broadcast spectrum;

23 (b) availability throughout Nigeria of a wide range of broadcast
24 services;

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

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

29 (e) ensure that broadcasting services are operated in a manner that:

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

- 1 (ii) Readily accommodates changes in technology; and
- 2 (iii) Encourages the development of broadcasting technologies and
3 the provision of services made practicable and affordable by those
4 technologies;
- 5 (f) regulate ethical standards and technical excellence in public,
6 private and commercial and community broadcast stations in Nigeria to further
7 the interest of:
- 8 (i) citizens in relation to communication matters; and
- 9 (ii) consumers in relevant markets, where appropriate by promoting
10 competition;
- 11 (g) universalize access to broadcasting in Nigeria;
- 12 (h) maintain capacity for innovation and development in
13 broadcasting practice and technology;
- 14 (i) promote and project Nigeria's domestic and foreign policies
15 internationally;
- 16 (j) enhance national capacity for producing high quality broadcast
17 programs in Nigeria;
- 18 (k) support the growth and development of broadband and multi-
19 media platforms and promote digitization of the Broadcast industry;
- 20 (l) establish and disseminate a National Broadcasting Code and set
21 standards with regards to the content and quality of materials for broadcast;
- 22 (m) propose and effect modification to license where appropriate in
23 accordance with the provisions of this Act;
- 24 (n) determine and apply sanctions, including revocation of licenses of
25 defaulting stations which do not operate in accordance with; the provisions of
26 this Act and broadcast code in public interest;
- 27 (o) Carry out such other activities as are necessary or expedient for the
28 full discharge of all or any of the functions conferred on it, under or pursuant to
29 this Act;
- 30 (3) The Commission shall encourage the protection of children with

1 disabilities, the elderly and the disadvantaged.

2 2A POWERS OF THE COMMISSION

3 (1) The Commission shall have the following responsibilities
4 pursuant to this Act:

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

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

11 © the representation of Nigeria at proceedings of international organizations
12 on matters relating to broadcasting.

13 4. Section 5 of the Principal Act is hereby amended by deleting
14 entirely the existing subsection 7 and 8 thereof and replace them as follows:

Amendment of
Section 5 of the
Principal Act

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

21 8. The Commission shall appoint such other staff as it may deem
22 necessary, upon such terms as it may determine, to assist the Commission in
23 the performance of its functions under this Act.

24 5. Section 9 of the Principal Act is hereby amended by deleting
25 entirely the existing section 9 and substituting it with a new section 9 and 9 A
26 as follows:

Amendment of
Section 9 of the
Principal Act

27 "9 POWER TO GRANT LICENSES, PERMITS OR AUTHORIZATION

28 (1) No person shall operate or use any apparatus or premises for the
29 transmission of sound or vision by cable, television, radio, satellite or any
30 other medium of broadcast from anywhere in Nigeria except under and in

1 accordance with the provisions of this Act.

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

5 (3) Where an application for the grant of a license for radio and
6 television station satisfies the conditions stipulated by the Commission for
7 such grant, the Commission shall recommend the application to the President
8 for approval through the Minister.

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

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

14 (6) Any person who acts in breach of subsection (1) of this section
15 commits an offence and is liable on conviction to (a) A fine of not less than the
16 fee for the relevant license;

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

18 (c) Both such fine and imprisonment; and

19 (d) Forfeiture to the Commission of the property, facilities,
20 installations and equipment used for the provision and operation of the
21 unlicensed service

22 (7) Any Broadcast Station transmitting in Nigeria pursuant to the
23 grant of license by the Commission or deemed granted license under this Act,
24 shall not be refused renewal of license or prohibited from broadcasting,
25 including self provision of broadcasting signal distribution from its existing
26 broadcasting service, unless such license has been used in a manner that is
27 manifestly detrimental to national interest as demonstrated findings of material
28 non-compliance by the licensee with its license conditions or applicable
29 provisions of the ACT.

30 (8) Further to subsection 7 of this section, a licensee who has an

1 existing infrastructure and record of compliance with the terms of his license
2 shall not have his license revoked or renewal refused merely because of
3 change of technology, change of policy that necessitates the upgrade of the
4 said license".

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

11 9A CLASSIFICATION OF LICENCES

12 "(1) The Commission shall, on such terms and conditions as may in
13 any case determine, Issue an applicant with any of the following categories
14 of licenses:

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

17 (b) Signal Distribution License with the authority to provide the
18 transmission platform for broadcasters and (c) Any other license as may be
19 determined by the Commission.

20 (2) Signal distribution license granted after the commencement of
21 this Act shall be first granted to:

22 (a) the Nigerian Television Authority being the existing National
23 Information Carrier;

24 (b) existing, Digital Terrestrial Operators who have the
25 infrastructures for Digital Signal Distribution; and

26 (c) any other two (2) private digital signal distributors.

27 (3) A Broadcasting License granted under this section shall specify
28 the coverage as may be determined by the commission.

29 (4) The Broadcast License and the signal distribution license shall
30 be valid for five renewable years.

- 1 (5) Subject to the provisions of this Act, Broadcasting Service
2 Licenses shall be categorized into the following:
- 3 (a) Terrestrial Broadcast: Free-to-Air (Audio and Video);
 - 4 (b) Satellite Broadcast: Free-to-Air (Audio and Video);
 - 5 (c) Terrestrial Broadcast: Subscription (Audio and Video);
 - 6 (d) Satellite Broadcast: Subscription DSB (Audio and Video);
 - 7 (e) Satellite Broadcast: Subscription DTH (Audio and Video);
 - 8 (f) Digital Terrestrial Television;
 - 9 (g) Cable Television Subscription;
 - 10 (h) Community (Radio and Television);
 - 11 (i) Networking (Radio and Television);
 - 12 (j) Signal Distribution including Digital Signal Distribution;
 - 13 (k) Mobile (DVB-H);
 - 14 (l) IPTV;
 - 15 (m) IP Radio;
 - 16 (n) EPG;
 - 17 (o) Online news related licenses;
 - 18 (p) Internet Broadcasting (Webcast);
 - 19 (q) Over the Top Television (OTT);
 - 20 (r) Any other class of licenses as may be determined by the
21 Commission.

Amendment of
Section 11 of
the Principal Act

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

25 "11. A request by a person for authority to own, establish and operate a
26 radio, sound, television, cable, satellite station or signal distribution network
27 shall be by way of application for a license addressed to the Director-General of
28 the Commission and in the form prescribed by the Commission.

Amendment of
Section 12 of
the Principal Act

29 7. Section 12 of the Principal Act is hereby amended by adding five
30 new sections known as sections 12A, 12B, 12C, 12D, 12E immediately after

1 the existing section 12 and before the existing section 13 thereof and it shall
2 read as follows:

3 "12A REQUEST FOR GRANT OF LICENCE

4 (1) The Commission shall, in consideration of an application for
5 the grant of a licence, be satisfied from all the evidence and information
6 supplied that the applicant:

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

9 (b) Can comply with the objectives of the National Mass
10 Communication Policy as applicable to the broadcast media;

11 (c) Can demonstrate to the satisfaction of the commission that the
12 application is not on any foreign interest;

13 (d) Can give an undertaking that the licence shall be used to
14 promote national interest, unity and cohesion, and that it shall not be used to
15 offend the religious sensibility or promote ethnicity, sectionalism, hatred,
16 hate speech and disaffection among the people of Nigeria.

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

19 (3) Compliance with the requirements specified in subsection (1)
20 of this section shall not entitle an applicant to the grant of a license but the
21 grant of a licence by the Commission shall not be unreasonably withheld or
22 rejected.

23 (4) In determining the grant of a licence, the Commission shall
24 consider the following:

25 (a) The structure of shareholding in the broadcasting organisation;

26 (b) The number of shareholding in other media establishments; and

27 (c) The distribution of those stations and establishments as
28 between urban, rural, commercial or other categorization.

29 (5) It shall be illegal for any person to have controlling shares in
30 more than one signal Distribution Company in Nigeria.

1 12B COMMUNITY BROADCASTING LICENCE

2 (1) The Commission shall receive, .. consider and process
3 applications for the grant or renewal of a Community Broadcasting License,
4 subject to the provisions of this Act.

5 (2) In considering any application for a community broadcasting
6 license, the Commission shall, with due regard to the objects of this Act, take
7 into account whether:

8 (a) The applicant proposes to serve the interest of the relevant
9 community; and

10 (b) As regards the provisions of the proposed broadcasting service,
11 the applicant has the support of the relevant community or of those associated
12 with or promoting the interest of such community, which support shall be
13 measured according to such criteria, as may be determined from time to time by
14 the Commission.

15 (3) An Educational Institution may be granted licence under this
16 section provided that it is able to satisfy the Commission that:

17 (a) There is sufficient guarantee by the institution's authority as to the
18 ability of the institution to put the broadcast service to good use; and

19 (b) The institution has a reasonable track record of peace and orderly
20 conduct.

21 (4) In granting a Community Broadcasting Licence under this Act, the
22 applicant shall in addition to the provisions of this section, satisfy the
23 conditions stipulated in the Nigerian Broadcasting Code and any other
24 regulation made pursuant to this Act, from time to time.

25 12C PERSONS DISQUALIFIED FROM THE GRANT OF LICENCE

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

29 12D APPLICATION PROCEDURE IN RELATION TO LICENCES

30 (1) The Commission shall from time to time determine and cause to be

1 published a regulation on its licensing procedure, specifying, amongst
2 others, the persons or classes of persons who are eligible to apply for
3 licenses.

4 (2) Subject to subsection (1) of this section, the Commission shall
5 determine and publish its licensing procedure which may include but shall
6 not be limited to auction, selection processes, public tender invitation or
7 competitive bidding processes.

8 12E ENTITLEMENTS AND CONDITIONS PERTAINING LICENCES

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

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

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

18 (4) A licensee shall commence operations of the service to which a
19 license relates within the period stipulated in this Bill failing which the
20 license shall elapse".

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

Amendment of
Section 13 of the
Principal Act

25 "13A RENEWAL OF LICENCE

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

29 (2) The Commission may refuse an application for the renewal of a
30 broadcasting license where the:

1 (a) Licensee has failed to materially comply with the license
2 conditions or the provisions of this Act, Nigeria Broadcasting Commission
3 Code or any regulation during the term of the existing license; and

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

7 (3) In considering the application for the renewal of a license, the
8 Commission shall review the past conduct of the licensee as regards national or
9 public interest or the interest of the broadcasting industry,.

10 (4) Notwithstanding any provision to the contrary, a license shall not
11 be renewed where application for renewal has been made later than six months
12 period stipulated in subsection (1) of this section, unless the licensee pays to the
13 Commission, in addition to the prescribed licence fee, a penalty as may be
14 determined by the Commission, for each day during which the default
15 continued.

16 13 B FAILURE TO RENEW LICENCE

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

20 (2) Where a license has expired or has been revoked, it shall be the
21 duty of the person to whom the license was issued and of every other person in
22 whose possession or under whose control the license may be, to cause the
23 license to be surrendered to the Commission;

24 (3) any person who without reasonable excuse fails or refuses to
25 comply with these provisions and shall be guilty of an offence and liable upon
26 conviction to a fine or five million naira.

27 13C VARIATION OF LICENCE

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

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

1 (a) The variation will not cause substantial prejudice to the
2 licensee;

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

6 (c) There is need to ensure compliance by the licensee with such
7 terms, conditions and obligations that the Commission may be applying to
8 all licenses issued in the same category

9 (d) There is need to bring the licensing in tune with international
10 standards or to meet the exigency of the society; or

11 (e) There is need to ensure fair competition among licensees.

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

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

18 13D LICENCES EXISTING PRIOR TO THE ACT

19 As from the commencement of this Act, and subject to the provisions
20 relating to variation of licenses above, any person who immediately before
21 the coming to effect of this Act provides broadcasting service under a license
22 validly issued in terms of the provisions of any law in force at the time, in this
23 Act referred to existing license, shall be deemed to be the holder of a
24 broadcast license contemplated, granted and issued in terms of this Act, for
25 the remaining term of that license, on no less favourable terms permitting
26 the licensees to provide all such service and conduct all such activities as
27 were provided under the existing license.

28 13E LICENCES', BOOKS AND RECORDS e.t.c.

29 (1) A broadcasting licensee shall keep such particulars, documents,
30 records, books and statistics relating to its broadcasting activities as listed in

1 the 3rd Schedule to this Bill and as may by regulation be prescribed by the
2 Commission.

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

10 13F CEASE AND DESIST ORDER

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

Amendment of
Section 14 of the
Principal Act

14 9. Section 14 of the Principal Act is hereby amended in sub-section
15 2(a) by removing the word "Federal" from the section to read as follows:

16 "(a) such percentage of fee and levy to be charged by the Commission on the
17 Annual income of licensed broadcasting stations owned, established or
18 operated by private individual(s), State and Local Governments.

Amendment of
Section 19 of the
Principal Act

19 10. Section 19 of the Principal Act is hereby amended by adding or
20 inserting the following new sections 19A, 19B, 19C, 19D, 19E, 19F, 19G, 19H,
21 19I, 19J, 19K, 19L, 19M, 19N, 19O, 19P, 19Q, 19R, 19S and 19T between the
22 existing section 19 and immediately before the existing section 20 of the
23 Principal Act and it shall read as follows:

24 "19A COMPETITION

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

29 19B LIMITATION ON CROSS-MEDIA CONTROL OF PRIVATE BROADCASTING

30 (1) Cross-media control of private broadcasting services shall be

1 subject to such limitations as may be determined by the Commission to
2 ensure fair and effective competition in the broadcasting industry.

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

6 (3) For the purpose of exercising the powers in pursuant to
7 subsection (1) of this Section, the Commission shall as soon as may be
8 reasonably practicable after the commencement of this Act, conduct an
9 inquiry in accordance with the provisions of sections 19E of this Act and
10 shall in doing so have regard, inter alia, to:

11 (a) The various categories of newspapers, according to frequency
12 of publication, geographical extent of circulation and circulation figures as
13 well as any matter relevant to the existing and future control of any such
14 newspaper; and

15 (b) The maximum percentage of financial or voting interest which
16 may be held by anyone or more private broadcasting licensee who controls
17 one or more newspapers or group of newspapers;

18 19C CONSUMER PROTECTION AND QUALITY OF SERVICE

19 (1) All Licensees shall:

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

22 (b) Adequately address consumer complaints;

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

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

28 (2) The Commission shall establish and maintain a Consumer
29 Panel with the function of advising the Commission on how to secure and
30 protect the interests of consumers with particular reference to:

- 1 (a) Persons living in rural areas;
- 2 (b) Persons living in urban areas;
- 3 (c) Persons engaged in small businesses; and
- 4 (d) Under aged, elderly persons, disadvantaged persons, persons with
- 5 low incomes and persons with disabilities.
- 6 (3) The Panel shall hold regular forums from time to time address
- 7 such matters regarding:
 - 8 (a) The resolution of disputes between the consumers and the persons
 - 9 who provide such services or make such facilities available, or who are
 - 10 suppliers of such apparatus or;
 - 11 (b) Any other matter appearing to the Panel to be necessary for
 - 12 securing effective protection for persons who are consumers in the markets for
 - 13 any such services, facilities, apparatus or directories reasonably meeting
 - 14 consumer requirements;
 - 15 (c) The handling of consumer complaints and disputes including a
 - 16 dispute resolution process other than a Court;
 - 17 (d) The procedures for the compensation of consumers in case of a
 - 18 breach of the Bill, Broadcasting Code and any regulation made by the
 - 19 Commission;
 - 20 (e) The protection of consumer privacy;
 - 21 (f) Further recourse available to a consumer who is dissatisfied with
 - 22 the licensee's complaints-handling procedures together with specific details of
 - 23 compensation and refund schemes offered by licensee to its consumers;
 - 24 (g) The provision/of information to consumers regarding services,
 - 25 rates and performance;
 - 26 (h) The provision of fault repair services;
 - 27 (i) The advertising or representation of services;
 - 28 (j) Consumer charging, billing, collection and credit practices; and
 - 29 (k) Any other matter which, in the opinion of the Commission, may be
 - 30 of concern to consumers.

1 (4) The Commission shall establish procedures or guidelines for
2 the making, receipt and handling of complaints of consumers regarding the
3 conduct or operation of licensees and may, at its discretion, institute
4 alternative dispute resolution processes for the resolution of the complaints
5 or disputes provided that the licensee's dispute resolution procedures shall
6 first have been exhausted by the consumers without resolution of the
7 complaint before presentation of the complaint to the Commission.

8 (5) The Commission may use any of its powers under this Act in the
9 resolution of complaints received from the consumers in relation to matters
10 of consumer service and consumer protection.

11 19D DIRECTIONS

12 (1) The Commission may issue directions in writing to any licensee
13 regarding the compliance or non-compliance with any licence conditions or
14 provisions of this Bill, including the remedy of a breach of any licence
15 conditions or provisions of this Act, Broadcasting Code, or any other
16 legislation or regulation.

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

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

27 (4) After due consideration of the reason provided by the Licensee,
28 the Commission may issue a direction under subsection(1) of this section
29 requiring the person to take specified action directed towards ensuring that
30 the licensee does not contravene or continue to contravene any of the

1 conditions of his licence, this Act, Broadcasting Code, or any regulation.

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

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

7 (7) Without any prejudice to any other provisions of this Act, or any
8 licence condition, a licensee who fails to comply with a direction of the
9 Commission shall be liable to the payment of a fine as the Commission may
10 determine.

11 (8) The Commission shall maintain a register of all directions issued
12 by the Commission, including any written instrument modifying, varying or
13 revoking a direction.

14 19E PUBLIC INQUIRY

15 (1) The Commission may hold a public inquiry on any matter of a
16 general nature, that relates to the administration of this Act or any other
17 legislation which will serve the objectives of this Act.

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

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

21 (b) On its own initiative, where it is satisfied that the matter is of
22 significant interest to the public, current or prospective licenses under this Act.

23 (3) The Commission may, for the purpose of an inquiry, exercise any
24 or all of its investigation and information gathering powers under the 19E and
25 19G respectively.

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

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

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

- 1 (c) The nature of the matter to which the inquiry relates;
- 2 (d) The period, of at least 21 days, within which, the form in which
3 members of the public are invited to make submissions;
- 4 (e) The matters that the Commission would like the submissions be
5 dealt with; and
- 6 (f) The address or addresses to which the submissions may be sent.
- 7 (5) The Commission shall consider any submissions received
8 within the time limit as specified in the notice and the submissions made by
9 the members of the public shall be in the form and of the nature as specified
10 in the notice.
- 11 (6) Notwithstanding the provisions of subsection (1) of this Act, an
12 inquiry or a part of inquiry may be conducted in private where the
13 Commission is satisfied that:
- 14 (a) The documents or information that may be given, or a matter
15 that may arise during the inquiry or a part of the inquiry, is of a confidential
16 nature;
- 17 (b) It is against national interest to hold the inquiry in Public; or
- 18 (c) Holding the inquiry or part of the inquiry or a matter, or part of a
19 matter, in public would not be conducive to the due administration of this
20 Act.
- 21 (7) Where an inquiry takes place in public and the Commission is of
22 the opinion that:
- 23 (a) The evidence or other materials presented to the inquiry; or
24 (b) The written submission lodged with the Commission is of a
25 confidential nature, the Commission may direct that:
- 26 (i) the evidence or material should not be published; or
27 (ii) its disclosure be restricted.
- 28 (8) A person shall not without excuse that is considered reasonable
29 by the Commission fail to comply with a direction under Section 190 of this
30 Act.

1 (9) Where an inquiry or part of an inquiry takes place in private, the
2 Commission:

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

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

7 (10) Notwithstanding the provisions of subsection (9) of this section,
8 a person who without reasonable excuse, fails to comply with the directions
9 given under section 190 of this Bill shall be liable to the payment of fine as he
10 Commission may determine.

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

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

16 (a) The making of a request under section 190 of this Act; or

17 (b) The making of a statement, or giving of a document or information
18 to the Commission in relation to an inquiry under this Act.

19 (13) The Commission shall maintain a register of all reports made
20 pursuant to an inquiry under this Act.

21 19F INVESTIGATION FOR PURPOSES OF ADMINISTRATION AND
22 INQUIRY

23 (1) The Commission may investigate any matter pertaining to the
24 administration of this Act where the Commission has grounds to believe that an
25 infringement of the provisions of this Act, is or will be/committed.

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

30 (3) If a Complaint has been made to the Commission under this

1 Section, the Commission may make inquiries of the respondent for the
2 purpose of deciding whether the Commission should, in its discretion,
3 investigate the matter.

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

9 (5) The Commission shall before commencing investigation on a
10 matter to which the complaint relates, inform the respondent that the
11 matter is to be investigated.

12 (6) An investigation under this Part shall be conducted as the
13 Commission thinks fit and the Commission may, for the purposes of an
14 investigation, obtain information from such persons as it thinks fit.

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

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

23 19G CONDUCT OF INVESTIGATION

24 (1) The Commission shall consider the submissions made by the
25 Complainant or the respondent under subsection 8 of section 19E of this Act
26 before making its decision.

27 (2) The Commission may, after concluding an investigation,
28 prepare and publish a report which shall cover:

29 (a) The conduct of the investigation concerned;

30 (b) Any finding that the Commission has made as a result of the

1 investigation;

2 (c) The evidence and other materials on which those findings were
3 based;

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

6 19H INFORMATION GATHERING POWERS

7 The commission may by notice in writing direct a licensee to produce to the
8 Commission at any time and place specified in the notice, such documents and
9 information as may be specified in such notice and reasonably relevant and
10 required in relation to any matter in respect of which a duty or obligation is
11 imposed on the licensee in the terms of this Act or by the relevant license and
12 subject to the confidentiality provisions in this Act, it shall be duty of the
13 licensee to comply accordingly within the period specified by the commission
14 which shall not be less than twenty-one days.

15 19I RESOLUTION OF DISPUTES

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

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

21 (3) The Commission may publish guidelines setting out the principles
22 and procedures that it may take into account in resolving disputes or a class of
23 disputes under this Act.

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

26 (5) If one of the Parties to the dispute has provided an undertaking that
27 is relevant to the subject matter of the dispute and the Commission in
28 accordance of this Act has registered the undertaking, the parties may adopt the
29 conditions of the undertaking, for the purpose of resolving the dispute.

30 (6) The Commission may only resolve a dispute under this Act, if it is

1 notified in writing of the dispute and requested by either or both parties to
2 intervene thereon.

3 (7) The Commission shall, upon receipt of the notification of the
4 dispute referred to in-subsection (1) of this section, as soon as practicable,
5 convene to resolve the dispute.

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

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

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

12 (c) The resolution of the dispute would promote the objects of this
13 Act.

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

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

21 (11) The terms and conditions of any resolution of a dispute by the
22 Commission under this Act shall be in writing stating the reasons and the
23 Commission shall provide the Parties to the dispute with a copy of its
24 decision.

25 19J APPEALS AND REVIEW OF DECISIONS

26 (1) A person who is aggrieved or whose interest is adversely
27 affected by any decision of the Commission made pursuant to the exercise of
28 the powers and functions under this Act ("aggrieved person") may within
29 not more than 30 days from which a decision is made, request in writing for a
30 review of the Commission's decision and specify therein the reasons and

1 basis for his request.

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

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

9 (4) The Commission is not required to publish, or to disclose to the
10 aggrieved person, a statement of reasons or a part of a statement of reasons if
11 the publication or disclosure would:

12 (a) disclose a matter: that is, in the opinion of the Commission, of a
13 confidential character;

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

15 (5) In this Act "decision" includes any action, order, report or
16 direction.

17 (6) The Commission may in carrying out the review of its decision,
18 use and exercise any of its powers under this Act.

19 19K REGISTER

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

23 (a) Licenses issued and frequencies/channel assigned under this Act;

24 (b) Sanctions of licensees;

25 (c) Designated standards of equipment;

26 (d) Report of public inquiries, investigations;

27 (e) Dispute resolutions;

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

29 (2) The Commission may, at its discretion, summarize the contents of
30 a material for inclusion in the register and exclude the reform aspects of the

1 material if it considers such exclusion necessary and justified on grounds of
2 public interest or safety, amongst others.

3 (3) A person may, on payment of a charge, to be decided by the
4 Commission:

5 (a) Inspect the register; and

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

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

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

12 19L DEALING IN BROADCAST EQUIPMENT

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

15 (2) A person shall neither offer for sale nor have in his possession
16 with a view to selling in the course of his business, any installation,
17 mechanism, instrument, material or other apparatus:

18 (a) constructed for the purpose of; or

19 (b) Intended to be used for, broadcasting except under and in
20 accordance with a licence issued by the Commission in that behalf.

21 19M MONITORING FOR COMPLIANCE

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

24 (a) The terms, conditions and obligations of their broadcasting
25 licenses;

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

28 (c) The provisions of this Act and any other Laws, rules and
29 regulations that bear substantially on broadcasting.

- 1 (2) Other matters upon which the Commission shall monitor include:
2 (a) the operation and administration of this Act;
3 (b) the quality of services;
4 (c) the development of industry self-regulation;
5 (d) the adequacy and availability of services in Nigeria; and
6 (e) any other matter the Commission may deem relevant.

7 19N RIGHT TO ENTER PREMISES FOR INSPECTION

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

- 10 (a) any apparatus of operation in order to ascertain conformity with
11 the provisions of this Act, the Broadcasting Code and any other regulation;
12 (b) the station log book including transmitter output power and
13 radiating frequencies;
14 (c) programmes and transmission recordings for preceding three
15 months;
16 (d) local programme contents and schedule of proposed programmes
17 over the next quarter;
18 (e) any other matter that the Commission may consider relevant.

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

21 19O SANCTIONS

22 Subject to the provisions of this Act, the Broadcasting Code or any other law or
23 regulation, the Commission may impose any of the following sanctions on a
24 defaulting licensee:

- 25 (i) warning;
26 (ii) direction to take step to remedy non-compliance;
27 (iii) cease and desist orders;
28 (iv) fines;
29 (v) reduction of broadcasting hours;
30 (vi) suspension of license where the licensee has being found guilty of

1 material violation;

2 (vii) revocation of license where the licensee has being found
3 guilty of repeated material violation

4 (viii) other charges and sanctions as may be determined by
5 Commission.

6 19P JURISDICTION

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

9 19Q RULES, REGULATION AND GUIDELINES

10 (1) The Commission shall make and publish guidelines on any
11 matter for which this Act makes express provisions for or such other matters
12 as are necessary to be giving full effect by the provisions of this Act and for
13 their due administration.

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

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

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

25 (5) Subject to the Provisions of Subsection (2) of this Section, the
26 Commission may review any rule, guideline or regulation established
27 through the broadcasting code, in the process modify or vary, revoke any
28 such rule, guideline or regulation:

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

30 (b) To ensure conformity with the objectives of this Act; or

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

2 19R. POWER OF THE MINISTER TO GIVE DIRECTIVES

3 The Minister may give the Commission directives of a general character
4 relating generally to particular matters with regard to the exercise of the
5 Commission's functions under this Act and it shall be the duty of the
6 Commission to consider such directives.

7 19S. NATIONAL BROADCASTING CODE

8 (1) The Commission shall establish and periodically update the
9 National Broadcasting Code, in this Act referred to as the Code and ensure
10 compliance with the Code.

11 (2) Subject to the provisions of this Act, all licensees shall adhere to
12 the provisions of this Code and any regulation issued by the Commission.

13 (3) Any Station or licensee that contravenes the provisions of the
14 National Broadcasting Code or any other published order of the commission
15 shall be liable to the sanctions prescribed by the Code or Order.

16 19T. LEGAL PROCEEDINGS

17 (1) No Civil action shall be commenced against this Commission or
18 its authorized officers before the expiration of a period of 30 days after which
19 Notice of Intention to commence the suit shall be served on the Commission by
20 the intending Plaintiffs or his Agents, and such Notice shall clearly and
21 explicitly state the:

22 (a) Cause of action;

23 (b) Particulars of the Claim;

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

25 (d) Relief sought.

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

29 (a) Delivering it to the Commission;

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

1 (3) A member of the Commission, Director General or Staff of the
2 Commission shall be indemnified out of the assets of the Commission
3 against any proceedings brought against him in his capacity as a member of
4 the Commission, Director-General or Staff or employee of the Commission
5 where the act complained of is not ultra vires his powers".

6 11.-(1) In addition to Section 9 of this Bill, the Commission shall
7 on commencement of this Bill establish a Fund to be known as the "Digital
8 Access Fund" ('DAF FUND') and it shall be operated and controlled by the
9 Commission in the manner prescribed hereunder:

Establishment
of Digital Access
Fund

10 (a) A board of trustee shall be constituted by the commission for the
11 management and administration of the "DAF" Fund;

12 (b) The Board of Trustee shall comprise seven (7) members
13 reflecting various interests in the Broadcasting industry, namely;
14 Advertising, News, Law, Academia, Content Production, Entertainment
15 and Finance;

16 (c) The Chairman shall be a person with proven integrity in the
17 industry;

18 (d) The Chairman and members shall be citizens of Nigeria;

19 (e) The fund for the Digital Access Fund shall be derived from the
20 following source:

21 (i) such annual fees payable for free to air digital terrestrial services
22 as may be prescribed by the commission;

23 (ii) such other monies as may be specifically appropriated for the
24 Digital Access Fund by the National Assembly;

25 (iii) Gifts, Loans, Aids and such other assets

26 (2) The Digital Access Fund shall be administered as stated below:

27 (a) 40% of the Fund to be shared by the signal distributors on an
28 equal basis to be utilised for the development of digital broadcasting;

29 (b) 10% of the fund to be apportioned to the Federal Radio
30 Corporation of Nigeria for the improvement and upgrade of studio and

1 broadcasting equipment;

2 (c) 10% of the fund to be apportioned to the Nigerian Television
3 Authority for the improvement and upgrade of studio of broadcasting
4 equipments;

5 (d) 40% to the National Broadcasting Commission for improvement
6 of Digital Broadcasting Activities, administration and content development.

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

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

Amendment of
Section 26 of
the Principal Act

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

17 "Bill" means the National Broadcasting Commission Amendment Bill, 2018;

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

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

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

24 "Digital Switch Over" means migration from analog to digital means of
25 broadcasting in a manner that will be cost effective for the government and
26 affordable to the people;

27 "Broadcasting Facility" means any part of the infrastructure of a broadcasting
28 system. It includes any item equipment, tower, mast, antenna, pole or any other
29 structure or thing used or intended to be used in connection with a broadcasting
30 system;

- 1 "Broadcasting license" means license granted under the provisions of this
2 Act;
- 3 "Broadcasting Service" means a by service whose provisions consist wholly
4 or partly of the transmission and/or distribution of messages, sounds, visual
5 images or signals on broadcasting system under the provisions of this Act;
- 6 "Broadcasting System" means a system of permitting the conveyance of
7 message, sound, visual images or signals for direct reception by cable,
8 wireless/radio, satellite or other electro-magnetic means;
- 9 "Chairman" means Chairman of the National Broadcasting Commission;
- 10 "Code" means National Broadcasting Code;
- 11 "Content Provider" means a Broadcasting Station or Network that provide
12 content programmes that fosters national unity, cohesion, stability and
13 respect for local sensibilities in the programmes profile transmitted from its
14 network and in the Nigerian Broadcast Industry upon commencement of
15 this Act, shall send signal directly to the Licensed Signal distributor without
16 any intermediary or any third party content aggregator. A Content Provider
17 produces acquires and transmits indigenous content over its coverage area;
- 18 "Community Broadcasting" means broadcasting service that is confined to a
19 community lying in an area or district in Nigeria as determined from time to
20 time by the Commission, which broadcasting service is fully controlled by a
21 non-profit entity for non-profitable purposes;
- 22 "Frequency Authorization" means permission to use broadcasting
23 frequencies granted under his Act;
- 24 "Functions" means powers and duties;
- 25 "Frequency Plan" means the frequency plan for the assignment of
26 frequencies to licensed operators for the provisions of broadcasting services
27 prepared and managed by the Commission;
- 28 "Free-to-air" means broadcasting, in which the receiving public is not
29 required to pay any subscription except fees payable in form of Digital
30 Access Fee;

- 1 "Government" means the Government of the Federal Republic of Nigeria;
- 2 "Internet" means an international network of computers connected by wireless
- 3 or cable means in such a manner as they are able to exchange information;
- 4 "License" means broadcasting license granted under the provisions of this Bill;
- 5 "Licensed Operator" means a person who is authorized under the provisions of
- 6 this Bill to operate a broadcasting system or to provide a broadcasting service;
- 7 "Licensee" means a licensed operator or provider of broadcasting service
- 8 under this Bill;
- 9 "Member" a Member of the Commission or a Member of the Committee of the
- 10 Commission that includes the Chairman;
- 11 "Minister" means Minister charged with the responsibility of information or
- 12 such other Minister to be determined by the President and notified in the
- 13 Official Gazette;
- 14 "Ministry" means the Federal Ministry of Information or any such Ministry
- 15 that may be charged with the functions of supervising the Commission or any
- 16 other Ministry as may be determined by the President and notified in the
- 17 Official Gazette;
- 18 "Misconduct" means any action that may bring the broadcast industry into
- 19 disrepute through the gross violation of professional ethics and standards;
- 20 "Signal Redistribution" means a frequency transmission, either
- 21 simultaneously or recorded and played back, through cable, maps, free to air
- 22 and direct home satellite;
- 23 "Webcasting" means transmitting by the web/internet.

24 SCHEDULE 3

25 TERMS OF LICENSE

26 *Enactments amended*

27 12. Amendment of the Third Schedule to the Principal Act

28 The Third Schedule to the Principal Act is hereby amended by adding two new
29 paragraphs 15 and 16 after the existing paragraph 14 thereof and it shall both
30 read as follows:

1 15. Nothing in this Section or in the Provisions of this Act shall be
2 interpreted to mean that the Commission shall revoke or refuse to renew the
3 license of any Broadcast Station that has not violated any of the provisions
4 of this Bill or to revoke the license of a Broadcast Station that has not utilized
5 its license in a manner inimical to public interest merely because there is a
6 change in the Regulations of the Broadcast Industry that the Broadcast
7 Station is not willing to comply with.

8 16 The Commission shall not revoke or refuse to renew the license
9 of any broadcast Station merely because of changes in the Regulations of the
10 Commission or changes in technology, if the licensee has shown its
11 readiness to comply with such regulations within a reasonable time after the
12 promulgation of such regulation.

13 13. This Bill may be cited as the National Broadcasting Citation
14 Commission Act (Amendment) Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Broadcasting Commission Act to bring it in line with current realities in the Global Broadcasting Industry and make for better regulation of the Industry.

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