

NIGERIAN TELEVISION AUTHORITY DECREE 1977



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Decree No. 24

[1st April 1976]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

Nigerian Television Authority

1.—(1) There is hereby established a body to be known as the Nigerian Television Authority (hereafter in this Decree referred to as "the Authority") which under that name shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name.

Establish-
ment of the
Nigerian
Television
Authority.

(2) The supplementary provisions contained in Schedule 1 to this Decree shall have effect with respect to the proceedings of the authority and the other matters mentioned therein.

2.—(1) The Authority shall consist of the following members to be appointed by the Federal Executive Council on the recommendation of the Commissioner, that is—

Membership
of the
Authority.

- (a) a Chairman ;
- (b) the Chairman of each Zonal Board ;
- (c) the Director-General of the Nigerian Television Authority ;
- (d) one representative of the Federal Ministry of Information ;
- (e) one person to represent women's organisations in Nigeria ; and
- (f) six persons with requisite experience in—
 - (i) the mass media,
 - (ii) education,
 - (iii) management,
 - (iv) financial matters,
 - (v) engineering, and
 - (vi) arts and culture.

(2) The Federal Executive Council may by Order published in the *Gazette* increase or reduce or otherwise vary the composition of membership of the Authority.

3.—(1) Subject to the provisions of this Decree, a person appointed to be a member of the Authority, not being a public officer, shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment for one further period of three years.

Tenure of
office.

(2) Any member, not being a public officer, may resign his appointment by a letter addressed to the Commissioner.

(3) Members of the Authority, not being public officers, shall be paid such remuneration and allowances as the Federal Executive Council may determine.

4.—(1) If it appears to the Commissioner that a member of the Authority should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Commissioner shall after consultation with the interests, if any, represented by that member make a recommendation to that effect to the Federal Executive Council, and if the Federal Executive Council approves the recommendation, the Commissioner may declare, in writing, the office of that member vacant.

Removal
from
office of
members of
the
Authority.

(2) Without prejudice to subsection (1) above—

(a) any member who is absent from two consecutive ordinary meetings of the Authority shall file his explanation in writing with the Secretary for consideration by the Authority and if the explanation is not accepted by the Authority; or

(b) where the Authority is satisfied that the continued presence on the Authority of any member is not in the national interest or the interest of the Authority,

the Authority may recommend to the Commissioner that the member be removed, and the Commissioner may declare, in writing, the office of that member vacant.

Appointment,
etc. of the
Director-
General and
other staff
of the
Authority.

5.—(1) There shall be an official of the Authority to be known as the Director-General who shall be the chief executive officer of the Authority and shall be responsible for the execution of the policy of the Authority and of its day to day business.

(2) The Director-General shall be appointed by the Commissioner with the prior approval of the Federal Executive Council.

(3) Subject to section 16 of this Decree, the Authority may delegate to the Director-General such of its functions under this Decree as are necessary to enable him to transact effectively the day to day business of the Authority of every kind whatsoever.

(4) The Authority shall appoint a Secretary to the Authority who shall keep the records and conduct the correspondence of the Authority and perform such other duties as the Authority or the Director-General may from time to time direct.

(5) The Authority may appoint such other staff and agents as it may deem necessary for the efficient performance of the Authority's duties under this Decree.

Functions of the Authority

General
duties of the
Authority.

6.—(1) It shall be the duty of the Authority to provide as a public service in the interest of Nigeria, independent and impartial television broadcasting for general reception within Nigeria.

(2) The Authority shall ensure that the services which it provides, when considered as a whole reflect the unity of Nigeria as a Federation and at the same time give adequate expression to the culture, characteristics and affairs of each State, Zone or other part of the Federation.

Exclusive
right of
Authority for
television
broadcasting
in Nigeria.

7.—(1) The Authority shall, to the exclusion of any other broadcasting authority or any person in Nigeria, be responsible for television broadcasting in Nigeria and, accordingly, the transitional and savings provisions in Schedule 2 to this Decree shall have effect notwithstanding the provisions of any law under which any other broadcasting authority is established; and every such law shall be construed with such modifications, amendments and omissions as would bring it into line with the general intendment of this Decree.

(2) In this section "broadcasting authority" means any authority (whether or not a statutory corporation and howsoever known or designated) set up by the Government of the Federation or by any State or group of States as a public body charged with responsibility, either wholly or partially, for television broadcasting.

8.—(1) The functions of the Authority shall be—

Particular
functions of
the
Authority.

(a) to erect, maintain and operate television transmitting and receiving stations ;

(b) to plan and co-ordinate the activities of the entire television network ;

(c) to ensure the establishment and maintenance of standards and promote the efficient operation of the entire system in accordance with national policy ;

(d) to establish and operate a formula for sharing funds among stations ;

(e) to act as liaison between the Federal Government and the zonal operations ;

(f) to establish such number of production centres as it may consider necessary from time to time ;

(g) to specify the types of programmes which should be transmitted by the whole network and the quantity, type and contents of foreign materials ;

(h) to enter into arrangements with any person or any authority for the purpose of obtaining concessions, licences, privileges and other rights ;

(i) to manufacture, produce, purchase, or otherwise acquire films, gramophone and other mechanical records and materials and apparatus for use in connection with the broadcasting services ;

(j) to provide other persons with, and receive from them, matters to be broadcast ;

(k) to organise, provide, and subsidise, for the purpose of broadcasting, educational activities and public entertainment ;

(l) to collect, in any part of the world and in any manner that may be thought fit, both news and information and to subscribe to news agencies ;

(m) to acquire copyrights ;

(n) to publish printed matter that may be conducive to the performance of any of the functions of the Authority ;

(o) to do anything for the purpose of advancing the skill of persons employed in the broadcasting services, or the efficiency of the equipment used in the broadcasting services, or the manner in which that equipment is operated, including the providing by the Authority or by others on its behalf of facilities for training, education and research ; and

(p) to carry out such other activities as are necessary or expedient for the full discharge of all or any of the functions conferred on it under or pursuant to this Decree.

Duty of Authority as to programmes and publications.

9.—(1) The Authority shall satisfy itself that the programmes broadcast by the Authority or on its behalf comply with the following requirements—

(a) that nothing is included in the programmes which is likely to offend against good taste or decency or is likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, or to contain any offensive representation of, or reference to, a living person ;

(b) that the programmes maintain a proper balance in their subject-matter and a generally high standard of quality ;

(c) that any news given in the programmes (in whatever form) is presented with accuracy, impartiality and objectivity ;

(d) that due impartiality is preserved in respect of matters of political or industrial controversy or relating to current public policy ; and

(e) that, subject to the provisions of subsection (2), no matter designed to serve the interests of any political party is included in the programmes.

(2) Nothing in paragraph (e) of subsection (1) shall prevent—

(a) the inclusion in the programmes of properly balanced discussion or debates in which the persons taking part express opinions and put forward arguments of a political character ; and

(b) the inclusion in the programmes of party political broadcasts which seek to explain the views and policies of the various political parties in accordance with a scheme of such broadcasts which apportions the facilities and time allowed between the representatives of the political parties in such a manner as appears to the Authority equitably to represent their respective claims to the interest of the public.

(3) The Authority shall secure the exclusion from any publication which may be issued by it, or on its behalf, and without prejudice to the generality of the provisions of this section, from the programmes broadcast by it or on its behalf, of all expressions of its own opinion as to the matters referred to in paragraph (d) of subsection (1), or of the opinion as to any such matters of any of its members or officers, or of the opinion as to any such matters of any director or officer or any agent of the Authority.

Broadcasting of matters.

10. Without prejudice to the generality of section 6, the Authority shall provide such facilities as may appear to the Authority to be desirable in the public interest for the broadcasting of—

(a) ministerial speeches, that is any speeches of the members of the Supreme Military Council, the National Council of States, the Federal Executive Council or the Executive Council of any State in Nigeria which consist wholly of statements of fact or which explain the policy and actions of the Government concerned ; and

(b) matters of any kind (including religious services or ceremonies) relating to or representing the main streams of religious thought or belief in Nigeria.

Duty to broadcast Government announcements.

11.—(1) The Authority shall, whenever so requested by an authorised public officer, send in a Government programme, at the Authority's own expense, any announcement which such officer may request the Authority to broadcast and shall also, whenever so requested by any such officer in whose opinion an emergency has arisen or continues, at the like expense, send as aforesaid any other matter which the officer may request the Authority to broadcast ; and the Authority may in its discretion announce or refrain from announcing that such a notice has been given or has been varied or revoked.

(2) In this section "authorised public officer" means any officer in any of the public services in the Federation declared to be such by the Head of the Federal Military Government or, as the case may require, the Military Governor of a State.

12.—(1) Subject to the provisions of this section, the programmes broadcast by the Authority or on its behalf may be sponsored and may include advertisements and sponsored announcements broadcast in consideration of payment by persons requiring such sponsored programmes, advertisements and announcements to be broadcast.

Advertisements.

(2) A special programme shall not be interrupted by any advertisement or sponsored announcement, but advertisements or sponsored announcements may immediately precede, or immediately follow, a special programme.

(3) Where a programme is specially broadcast for schools, the Commissioner may designate the types or classes of advertisements or sponsored announcements that may immediately precede or immediately follow that programme.

(4) A special programme shall be broadcast if so directed by the Commissioner in any particular case.

13. The Commissioner may give the Authority directions of a general character or relating generally to particular matters with regard to the exercise by the Authority of its functions under this Decree, and it shall be the duty of the Authority to comply with such directions.

Powers of the Commissioner to give directions to the Authority.

Zonal Boards of the Authority

14.—(1) For the purposes of variety and better reception of its television programmes, the Authority shall divide Nigeria into six districts, each such district being designated as a Zone.

Establishment of Zones and Zonal Boards.

(2) There shall be established for each Zone a board to be known as the Nigerian Television Zonal Board.

(3) Each Zonal Board shall consist of not less than six or more than eight members who shall be appointed by the Commissioner with the prior approval of the Federal Executive Council and shall include—

(a) one member to represent each State making up the Zone who shall be appointed after consultation with the Military Governor of the State in question and shall be a person appearing to the Commissioner to have wide knowledge of, and experience in at least one of the following fields—

(i) newspapers, broadcasting and other media of mass communication ;

(ii) cultural, economic and religious affairs of the Zone ;

(iii) the creative arts ;

(b) two persons appearing to the Commissioner to have wide experience in education and financial matters, respectively ;

(c) one person appearing to the Commissioner to represent the interests of business and industry ; and

(d) the Zonal Managing Director.

(4) The Commissioner, with the prior approval of the Federal Executive Council, shall nominate one of the members of the Zonal Board approved by him to be the Chairman of the Board.

Terms of
service.

15.—(1) A member of the Board shall hold office for a period of three years and shall be eligible for re-appointment.

(2) There shall be paid to members of the Board (excluding the Zonal Managing Director) out of the moneys at the disposal of the Board such remuneration and such travelling and subsistence allowances in respect of any period of time spent on the business of the Board as the Federal Executive Council may determine.

Functions of
Zonal
Boards.

16. Subject to this Decree, each Zonal Board shall be responsible for—

(a) the operation of its main station and production centres ;

(b) the control of the general policy of the Zonal programmes in such a manner as to ensure that all Zonal programmes are selected with due regard to the distinctive culture, interests and tastes of the people of the Zone on the one hand and the fulfilment of national needs on the other, and conform to any standards laid down by the Authority ;

(c) the appointment of an advisory committee to advise the Board on any matter concerning television broadcasting in its Zone and any other business of the Board referred to it for advice ;

(d) the supervision and control over the acts of all employees of the Authority in its Zone in matters of executive administration in the whole field of television broadcasting and matters concerning the accounts and records of the Zone ;

(e) the disposition of all questions relating to the service of the employees of the Authority in its Zone and their pay, privileges and allowances subject to the approval of the Authority ; and

(f) the performance of such other functions as the Authority may from time to time delegate to it.

Appoint-
ment of
Zonal
Managing
Directors.

17.—(1) There shall be for each Zone an officer of the Authority to be known as the Zonal Managing Director who shall be appointed by the Authority.

(2) In each Zone, the Zonal Managing Director shall—

(a) subject to any direction given to him by the Director-General, be responsible for the execution of the policy of the Authority ; and

(b) shall be the chief executive of the Zonal Board in matters within the competence of the Zonal Board and be responsible for giving effect to the decisions of the Zonal Boards.

Establish-
ment of
news
department.

18.—(1) There shall be established a department of the Authority which shall be responsible for the gathering of items of news from all sources and for their editing and subsequent dissemination.

(2) There shall be an officer of the Authority, to be known as the Director of News, who shall be responsible for the news department and shall, subject to any directions given to him by the Director-General, be responsible for the execution of the policy of the Authority in so far as the news department is concerned and for the administration of the day to day business of the department.

Provisions as to Land

19.—(1) The Authority shall have power—

Power to enter on land.

(a) to enter on any lands for the purpose of erecting, maintaining and inspecting any installations belonging to the Authority or of repairing, altering or removing any such installations and to remain there for such reasonable time and execute and do all such works as may be necessary for the purposes of this Decree ;

(b) to cut and remove on each side of any proposed or existing installation all such trees and underwood as may interfere or be likely to interfere with the construction or proper working of any installation.

(2) Except for the purpose of removing danger to life or property, this section shall not authorise the Authority—

(a) to enter on any land which is occupied by any burial ground or cemetery or which contains any grave, grotto, area, tree or thing held to be sacred or the object of veneration ; or

(b) to cut any tree or underwood held to be sacred or the object of veneration, unless the owners or occupiers or the persons in charge thereof have given their prior assent.

(3) If any doubt arises whether any land, tree or underwood falls within those described in subsection (2) or who the persons competent to give their assent under subsection (2) are, the decision of the Commissioner shall be final for the purposes of this section.

20.—(1) Subject to the provisions of this section, before entering on any lands for the purposes defined in section 19 of this Decree the Authority shall give notice to the occupier of the land.

Notice of entry on land.

(2) The notice may be served either personally or by delivery of same at the place of abode of the person to be served.

(3) Where the condition of any installation is such as to endanger life or property, the Authority may enter on the land on which it is situated for any of the purposes defined in section 19 without notice.

21.—(1) In the exercise of the powers conferred by section 19 of this Decree the Authority shall do as little damage as may be, and the Authority shall pay compensation for any damage done to any buildings, crops or economic trees.

Compensation for damage.

(2) In case of dispute as to the amount of the compensation payable under this section the amount of the compensation may be determined by a magistrate having jurisdiction in respect of the place where the land is situated.

22. The Authority shall not, without the approval in writing of the Commissioner, alienate, mortgage, charge or demise any immovable property which has been vested in the Authority under or pursuant to the provisions of this Decree or in respect of which a right of occupancy has been granted to it.

Restriction on alienation.

Financial Provisions

23.—(1) Subject to subsection (2) below, the Authority may from time to time borrow such sums as it may require in the exercise of its functions under this Decree.

Borrowing powers.

(2) Subject to the following provisions of this section, the Authority shall not, without the approval of the Federal Executive Council, borrow any sum of money whereby the amount in aggregate outstanding on any loan or on all loans at any time exceeds ₦500,000 or such other limit as the Federal Executive Council may specify from time to time.

(3) A person lending to the Authority shall not be bound to enquire whether the borrowing is within the power of the Authority or not.

Funds of
the
Authority.

24. The Authority shall establish a fund which shall consist of—

(a) such sums as may be provided to it by the Federal Military Government for the running expenses of the Authority and all other assets from time to time accruing to the Authority ;

(b) such sums as may from time to time be lent to the Authority by any person ; and

(c) such sums as may be collected or received by the Authority from other sources either in the execution of its functions or in respect of any property vested in the Authority or otherwise howsoever.

Expenditure
of the
Authority.

25. The Authority may from time to time apply the proceeds of the fund established in pursuance of section 24 above—

(a) to the cost of administration of the Authority ;

(b) for reimbursing members of the Authority or of any committee set up by the Authority for such expenses as may be expressly authorised by the Authority in accordance with the rates approved by the Federal Executive Council ;

(c) to the payment of salaries, fees or other remuneration or allowances and pensions, superannuation allowances and gratuities payable to the officers and servants of the Authority, so however that no payment of any kind under this paragraph (except such as may be expressly authorised as aforesaid) shall be made to any person who is in receipt of emoluments from the Government of the Federation or the Government of a State ;

(d) for the maintenance of any property acquired or vested in the Authority ; and

(e) for and in connection with all or any of the functions of the Authority under this Decree.

Annual
estimates,
accounts and
audit.

26.—(1) The Authority shall submit to the Commissioner not later than 31st December in each financial year an estimate of its expenditure and income during the next succeeding financial year.

(2) The Authority shall keep proper accounts and proper records in relation thereto and shall prepare in respect of each financial year a statement of accounts in such form as the Commissioner may direct.

(3) The Authority shall as soon as may be after the end of the financial year to which the accounts relate cause its accounts to be audited by qualified auditors approved by the Federal Commissioner for Finance.

(4) The auditors shall on completion of the audit of the accounts of the authority for each financial year prepare and submit to the Authority the following two reports, that is to say—

(a) a general report setting out the observations and recommendations of the auditors on the financial affairs of the Authority generally for that year and on any important matters which the auditors may consider necessary to bring to the notice of the Authority ; and

(b) a detailed report containing the observations and recommendations of the auditors on all aspects of the operations of the Authority for that year.

Legal Proceedings

27.—(1) Notwithstanding anything in any other enactment, no suit against the Authority, a member or any staff of the Authority for any act done in pursuance or execution of any enactment or law, or of any public duties or authority, or in respect of any alleged neglect or default in the execution of such enactment or law, duties or authority, shall lie or be instituted in any court unless it is commenced within twelve months next after the act, neglect or default complained of or, in the case of a continuance of damage or injury, within twelve months next after the ceasing thereof.

Limitation of suits against the Authority, etc.

(2) No suit shall be commenced against the Authority before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Authority by the intending plaintiff or his agent; and the notice shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.

28. The notice referred to in section 27 (2) above and any summons, notice or other document required or authorised to be served upon the Authority under the provisions of this Decree or any other enactment or law may be served by delivering the same to the Chairman or the Director-General of the Authority, or by sending it by registered post addressed to the Director-General at the principal office of the Authority or the relevant zonal office.

Service of documents

29. In any action or suit against the Authority no execution or attachment or process in the nature thereof shall be issued against the Authority, but any sums of money which may by the judgment of the court be awarded against the Authority shall, subject to any directions given by the court where notice of appeal has been given by the Authority in respect of the said judgment, be paid by the Authority from the funds of the Authority.

Restriction on execution against the property of the Authority.

30. Every member, agent, auditor or staff for the time being of the Authority shall be indemnified out of the assets of the Authority against any liability incurred by him in defending any proceedings whether civil or criminal, in which judgment is given in his favour or in which he is acquitted, if any such proceeding is brought against him in his capacity as such member, agent, auditor or staff as aforesaid.

Indemnity of members and staff of the Authority.

Miscellaneous and Supplementary

31. The Authority shall prepare and submit to the Federal Executive Council, through the Commissioner, not later than 30th June in each financial year a report in such form as he may direct on the activities of the Authority during the immediately preceding financial year, and shall include in such report a copy of the audited accounts of the Authority for that year and the auditor's report thereon.

Annual reports.

32. The Federal Executive Council may by regulations published in the *Gazette* prescribe anything falling to be prescribed generally for the purposes of this Decree.

Regulations.

By-laws as to conditions of service of staff.

33.—(1) The Authority may, with the approval of the Commissioner, make by-laws relating generally to the conditions of service of the officers and servants of the Authority ; and without prejudice to the generality of the foregoing, such by-laws may provide for—

(a) the appointment and disciplinary control of all employees of the Authority ; and

(b) appeals by such employees against dismissal or other disciplinary measures.

(2) By-laws made under subsection (1) above need not be published in the *Gazette* but the Authority shall bring them to the notice of all affected persons in such manner as it may from time to time determine.

Restricted application of the Telegraphs Act, Cap. 195.

34. Nothing in section 4 of the Telegraphs Act shall apply to the broadcasting services provided by the Authority in accordance with the provisions of this Decree, so however that this subsection shall not exempt the Authority—

(a) from the provisions of section 4 of that Act in relation to any other telecommunication services, including telecommunication services ancillary to the broadcasting services which the Authority may desire to operate for the purpose of the efficient discharge of its functions under this Decree ; or

(b) from operating all broadcasting services provided by it in accordance with the terms, conditions and restrictions of a licence or licences granted under or pursuant to that Act or any other enactment to the Authority or to any affected authority referred to in Schedule 2 to this Decree.

Interpretation.

35. In this Decree, unless the context otherwise requires—

“the Authority” means the Nigerian Television Authority established under section 1 of this Decree ;

“broadcasting” means television broadcasting ;

“the Chairman” means the person appointed as Chairman of the Nigerian Television Authority pursuant to section 2 (1) of this Decree ;

“the Commissioner” means the Federal Commissioner charged with responsibility for television broadcasting ;

“the Director-General” means the Director-General of the Nigerian Television Authority appointed pursuant to section 5 (1) of this Decree ;

“member” means a member of the Authority and includes the Chairman ;

“television broadcasting” means the transmission by wireless telegraphy of images of objects in movement or at rest ;

“Zone” means any one of the six zones into which Nigeria is divided for the purposes of section 14 (1) of this Decree ;

“Zonal Board” means the Nigerian Television Zonal Board established for each Zone.

36. This Decree may be cited as the Nigerian Television Authority Decree 1977 and shall be deemed to have come into operation on 1st April 1976.

Citation and commencement.

SCHEDULES

SCHEDULE 1

Section 1

SUPPLEMENTARY PROVISIONS RELATING TO THE AUTHORITY

Proceedings

1. Subject to this Decree and section 26 of the Interpretation Act 1964 (which provides for decisions of a statutory body to be taken by a majority of its members and for the chairman to have a second or casting vote), the Authority may make standing orders regulating the proceedings of the Authority or any committee thereof. 1964 No. 1.

2. Every meeting of the Authority shall be presided over by the Chairman or, if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their number to preside at the meeting.

3. The quorum at a meeting of the Authority shall consist of the Chairman (or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 above) and five other members of whom at least two shall be members appointed pursuant to paragraphs (b) and (d) of section 2 (1) of this Decree.

4. Where upon any special occasion the Authority desires to obtain the advice of any person on any particular matter, the Authority may co-opt that person to be a member for as many meetings as may be necessary, and that person while so co-opted shall have all the rights and privileges of a member except that he shall not be entitled to vote.

Committees

5.—(1) Subject to its standing orders, the Authority may appoint such number of standing and *ad hoc* committees as it thinks fit to consider and report on any matter with which the Authority is concerned.

(2) Every committee appointed under the foregoing provisions of this paragraph shall be presided over by a member of the Authority and shall be made up of such number of persons, not necessarily members of the Authority, as the Authority may determine in each case.

(3) The quorum of any committee set up by the Authority shall be as may be determined by the Authority.

6. Where standing orders made pursuant to paragraph 1 above provide for a committee of the Authority to consist of or co-opt persons who are not members of the Authority, the committee may advise the Authority on any matter referred to it by the Authority.

Miscellaneous

7. The fixing of the seal of the Authority shall be authenticated by the signature of the Chairman or of the Director-General of the Authority.

8. Any contract or instrument which, if made by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Authority by the Director-General or by any other person generally or specially authorised to act for that purpose by the Authority.

9. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Authority shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.

10. The validity of any proceedings of the Authority or of a committee thereof shall not be affected—

(a) by any vacancy in the membership of the Authority; or any committee thereof, or

(b) by any defect in the appointment of a member of the Authority or any committee thereof.

11. Any member of the Authority or a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Authority or committee thereof shall forthwith disclose his interest to the Authority or the committee and shall not vote on any question relating to the contract or arrangement.

12. No member of the Authority shall be personally liable for any act or omission done or made in good faith while engaged on the business of the Authority.

SCHEDULE 2

Section 7

TRANSITIONAL PROVISIONS RELATING TO TAKE-OVER OF STAFF AND TELEVISION FACILITIES FROM OTHER BROADCASTING ORGANISATIONS

1. Pursuant to section 7 of this Decree the functions conferred on, and being discharged by, any broadcasting authority affected by this Decree (hereinafter referred to as the "affected authority") and in so far as they relate to television broadcasting shall, as from the commencement of this Decree be disposed of in accordance with the following provisions of this Schedule and accordingly—

(a) the Authority shall so soon as may be after the commencement of this Decree but not later than the next twelve months following the making of this Decree, enter into such contract, agreement or other arrangement, as the Commissioner may approve, with every affected authority for the acquisition of such of its television equipment and facilities as may be necessary for the full discharge of the functions conferred on the Authority by or pursuant to this Decree ;

(b) within the next twelve months following the making of this Decree, the Commissioner, if he thinks fit, may by Order published in the *Gazette* make transitional or saving provisions relating to such of the employees of the affected authorities as may be required by the Authority for the full discharge of its functions as aforesaid ; and without prejudice to the generality of the foregoing, any such Order may provide for service under the aforementioned affected authorities to be regarded as service under the Authority for pensions purposes.

2. So soon as the provisions of paragraph 1 of this Schedule are complied with and, in any case, not later than the next twelve months following the making of this Decree (in either case hereinafter referred to as the "vesting day")—

(a) the rights, interests, obligations and liabilities in respect of television equipment and facilities of any affected authority existing immediately before the relevant vesting day, under any contract or instrument, shall by virtue of this Decree be assigned to and vested in the Authority ;

(b) any such contract or instrument as is mentioned in paragraph (a) above shall be of the same force and effect against or in favour of the Authority and shall be enforceable as fully and effectively as if instead of the affected authority, the Authority had been named therein or had been a party thereto ; and

(c) the Authority shall be subject to all the obligations and liabilities to which the affected authority was subject immediately before the relevant vesting day, and all other persons shall as from the aforesaid vesting day have the same rights, powers and remedies against the Authority as they had against the relevant affected authority before that day.

3. Any proceeding or cause of action pending or existing immediately before the relevant vesting day by or against an affected authority in respect of any right, interest, obligation or liability acquired pursuant to this Decree of such affected authority may be commenced, continued or enforced by or against the Authority as it might have been by or against an affected authority if this Decree had not been made.

4. In this Schedule—

"affected authority" means any authority (whether or not a statutory corporation and howsoever known or designated) set up by the Government of the Federation or by any State or group of States in Nigeria as a public body charged with responsibility, either wholly or partially, for television broadcasting which, pursuant to this Decree, is to divest itself of such responsibility ;

"vesting day" means the day (not being later than twelve months from the making of this Decree) on which television equipment and facilities of a particular affected authority are assigned to or vested in the Authority pursuant to paragraph 2 above.

MADE at Lagos this 23rd day of March 1977.

LT.-GENERAL O. OBASANJO,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

*(This note does not form part of the above Decree
but is intended to explain its purport)*

The Decree establishes the Nigerian Television Authority to be the body charged with exclusive responsibility for the provision of television broadcasting in Nigeria. Accordingly, provision is made by the Decree for the completion of the take-over by the Authority, within the next twelve months, of television broadcasting facilities from all other broadcasting organisations in Nigeria.

Other provisions relate to the division of Nigeria into six zones (each zone being under the supervision of a Zonal Board and each being capable of transmitting television broadcasts for reception anywhere in Nigeria) the establishment of a news department by the Authority and supplemental matters.

**NIGERIAN LEGION (INTERIM MANAGEMENT
COMMITTEE) DECREE 1977**



Decree No. 25

[21st March 1977]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) Notwithstanding any provision of the Nigerian Ex-Servicemen's Welfare Association Act or the Nigerian Legion Act 1964 or of any regulations made thereunder, there shall be established for the purposes of the interim administration of the Nigerian Legion, a committee to be known as the Nigerian Legion Interim Management Committee (hereinafter referred to as the "Management Committee").

Establish-
ment of
Interim
Management
Committee
for the
Nigerian
Legion.
Cap. 136.
1964 No. 18.

(2) The Management Committee shall consist of a chairman to be appointed by the Commissioner and the following other members—

- (a) a representative of each State council of the Legion ; and
- (b) six other persons to be appointed by the Commissioner.

(3) There shall be a Secretary to the Management Committee who shall perform such functions as the Commissioner or, as the case may be, the Management Committee may from time to time assign to him.

(4) The Secretary to the Management Committee shall be appointed by the Commissioner from amongst the public officers in the ministry for which responsibility is assigned to him or in any other manner as he may deem fit and the Secretary shall be assisted by such number of public officers from that ministry as may be required for the efficient discharge of the functions conferred upon the Management Committee under or pursuant to this Decree.

2.—(1) Notwithstanding the provisions of the Act or of any regulations made thereunder, the Management Committee shall be charged with the responsibility of—

- (a) winding up the affairs of the Nigerian Ex-Servicemen's Welfare Association and the transfer of its assets and liabilities to the Legion ; and

Functions
of Manage-
ment
Committee.

(b) reconstituting the various councils of the Legion and making arrangements for elections into those councils ;

and in discharging its duties under this section, the Management Committee may exercise such of the powers conferred on the Legion under the Act as it may deem necessary or expedient.

(2) For the purpose of the conduct of elections into the area councils, State councils and the national council of the Legion, the Management Committee may by public notice make such electoral by-laws as it may think necessary and, accordingly, the provisions of paragraph 5 of the First Schedule to the Act and of any regulations made thereunder shall not apply to any such election.

3.—(1) When it appears to the Commissioner that the affairs of the Association have been wound up and that its assets and liabilities have been transferred to the Legion as constituted in accordance with the provisions of the Act, he shall by order declare the Management Committee to be dissolved on such day as may be specified by the order ; and the enactments mentioned in the first and second columns of the Second Schedule to the aforementioned Act shall stand repealed on the day so specified to the extent shown in the third column of that Schedule.

(2) On the making of an order under this section the assets and liabilities of the Association subsisting immediately before the date specified pursuant to subsection (1) above shall be deemed to have vested in the Legion with effect from that date without any further assurance and provision may be made in the said order by the Commissioner in respect of such incidental and supplementary matters as he may deem necessary for the purposes of this Decree.

4. The Nigerian Legion Act is hereby amended to the extent set out in the Schedule to this Decree.

5. In this Decree, unless the context otherwise requires—

“the Act” means the Nigerian Legion Act 1964 as amended by this Decree ;

“the Commissioner” means the Federal Commissioner charged with responsibility for ex-servicemen ;

“Management Committee” means the Nigerian Legion Interim Management Committee established pursuant to section 1 of this Decree ;

“State council” means a council established as such pursuant to the Act.

6. This Decree may be cited as the Nigerian Legion (Interim Management Committee) Decree 1977.

Power of
Commissioner to
dissolve
Management
Committee.

Amendment
of the
Nigerian
Legion Act
1964.
1964 No. 18.

Interpre-
tation.

Citation.

SCHEDULE

Section 4

AMENDMENTS TO THE NIGERIAN LEGION ACT 1964
(1964 No. 18)

1. In section 2—

(a) for subsection (3) thereof, there shall be substituted the following—

“(3) Subject to any directions given by the Commissioner in pursuance of this Act, the national council may charge a State council established by the Act with the performance, in accordance with such conditions as the national council may specify, of any of the functions of the national council falling to be performed within the territory in question.”;

(b) in subsection (4) thereof for the word “Region” or “Regional” wherever it occurs there shall be substituted the word “State”; and

(c) subsection (5) thereof, is hereby repealed.

2. Section 6 is hereby repealed.

3. In section 7, the definition of “the Lagos Council” shall be deleted.

4. For the First Schedule to the Act, there shall be substituted the following—

“FIRST SCHEDULE

Section 2

CONSTITUTION, ETC. OF COUNCILS

Area Councils

1. Subject to paragraph 2 below, the Commissioner may by order make provision for dividing each State into areas for the purposes of this Act.

2.—(1) There shall be established in respect of each Local Government area at least one council consisting of a chairman and such number of other members as the Commissioner may by order specify for that area who, subject to the provisions of this Schedule, shall be elected by ex-servicemen resident in the area.

(2) Each area council shall select a chairman of the council from among the members of the council.

States' Councils

3.—(1) There shall be established in respect of each State a council consisting of the chairmen of the councils of the areas into which the State is divided.

(2) Each council established by this paragraph shall select a chairman of the council from among the members of the council.

The National Council

4.—(1) There shall be established in respect of the Federation a council, to be known as the National Council of the Nigerian Legion, consisting of the following members, that is to say—

- (a) two ex-servicemen nominated by the Commissioner ; and
- (b) the chairmen of the State councils.

(2) The Commissioner shall designate one of the two members of the National Council nominated by him as the chairman of the council and the other of them as the vice-chairman of the council.

Elections

5.—(1) Provision may be made by regulations for the election of those members of councils who are required to be elected by ex-servicemen and, without prejudice to the generality of the powers conferred by the foregoing provisions of this paragraph, the regulations may provide—

- (a) for the preparation of lists of ex-servicemen qualified in accordance with the regulations to vote at elections ;
- (b) for the delimitation of electoral wards ;
- (c) for the nomination of candidates and for securing that no person is a candidate for election as a member of more than one council ;
- (d) for the conduct of polls ;
- (e) for declaring an election void as respects a council or an individual candidate ; and
- (f) for the determination of questions arising in connection with an election.

(2) Regulations made in pursuance of this paragraph shall contain provision for ensuring that elections of members of councils are held at such time (not being earlier than the beginning of the period of three months ending with the time when existing members vacate office by the effluxion of time in pursuance of sub-paragraph (2) of the next following paragraph) as to secure that the results of the elections are, so far as practicable, declared before existing members vacate office as aforesaid.

(3) Nothing in the foregoing provisions of this Schedule shall be construed as preventing a person from being a candidate at an election held in pursuance of this Schedule by reason only of the fact that he is an existing member of a council.

Tenure of Office

6.—(1) The chairman or any other member of any council referred to in this Schedule (not being a public officer) shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years :

Provided that nothing in this sub-paragraph shall be construed as entitling any person who has held office as chairman for a term and who is being re-appointed under this sub-paragraph to be appointed again as chairman.

(2) A member of a council (other than a person who is such a member by virtue of his being the chairman of another council) may at any time resign his office by notice in writing to the council ; and where a person is a member of a council by virtue of his being the chairman of another council, he shall cease to be a member of the higher tier council upon his ceasing to hold office of chairman of the lower tier council either by resignation from the said office or upon removal therefrom pursuant to sub-paragraph (3) of this paragraph.

(3) If it appears to the Commissioner, after such enquiry as he thinks fit, that a member of a council is incapable by reason of illness of performing the duties of his office or has conducted himself in such a manner as to be unfit to continue as a member of the council, he may declare the office of that member to be vacant.

Proceedings

7.—(1) Subject to the provisions of section 26 of the Interpretation Act 1964 (which provides for the decisions of a statutory body to be taken by a majority of the members of the body and for the person presiding at a meeting of such a body to have a second or casting vote), the national council, each State council respectively, shall make standing orders with respect to its proceedings.

1964 No. 1.

(2) In exercising the power to make standing orders conferred by the foregoing sub-paragraph the national council or, as the case may be, any State council shall comply with any directions given to it in that behalf by the Commissioner ; but nothing in this sub-paragraph shall be construed as derogating from the generality of section 1 (5) of this Act.

(3) Each State council shall make standing orders with respect to the proceedings of the councils of the areas into which the relevant State is divided in pursuance of this Schedule.

(4) A council may, subject to the provisions of any standing orders having effect as respects the council, regulate its own procedure.

8. The quorum of the national council shall be nine, and the quorum of any other council shall be equal to one third of the members of the council (any vacancy being treated as filled and any fraction being disregarded).

9.—(1) Subject to the provisions of any standing orders of the council a council shall meet whatever it is summoned by its chairman ; and if the chairman is required so to do by notice given to him by a number of members of the council who constitute a quorum, he shall summon a meeting of the council to be held within twenty days from the date on which the notice is given.

(2) At any meeting of a council its chairman shall preside while he is present, but if he is absent the members of the council present at the meeting shall select one of their number to preside at that meeting during his absence, so however that the vice-chairman of the national council shall, while he is present at a meeting of the council when its chairman is absent, preside at that meeting.

(3) Notwithstanding anything in the last two foregoing paragraphs or the foregoing provisions of this paragraph, the first meeting of each council shall be summoned in accordance with such directions as may be issued by the Commissioner.

10.—(1) At every meeting of a council there shall be recorded in the prescribed form minutes of the proceedings at the meeting.

(2) Copies of the minutes of a meeting of the national council or a State council shall, before the expiration of the period of fifteen days beginning with the date of the meeting, be furnished by the council in question to the Commissioner and additionally in the case of a meeting of a State council, to the Military Governor of the State in question and to the national council.

Miscellaneous

11. The validity of any proceedings of a council shall not be affected by any vacancy in the membership of the council, or by any defect in the appointment of a member of the council, or by reason that a person not entitled to do so took part in the proceedings.

12. Any member of a council who has a personal interest in any matter proposed to be considered by the council shall disclose his interest to the council and, in so far as the standing orders of the council so provide, shall not vote on any question relating to that matter.

13. In this Schedule, except so far as the context otherwise requires, "council" means any council established by this Schedule."

MADE at Lagos this 21st day of March 1977.

LT.-GENERAL O. OBASANJO,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

*(This note does not form part of the above Decree
but is intended to explain its purpose)*

In view of the constitutional developments which have taken place since the promulgation of the Nigerian Legion Act 1964, the Decree amends that Act to bring its provisions up to date and appoints an interim Management Committee to wind up the affairs of the Nigerian Ex-Servicemen's Welfare Association and transfer its assets and liabilities to a properly constituted Nigerian Legion.