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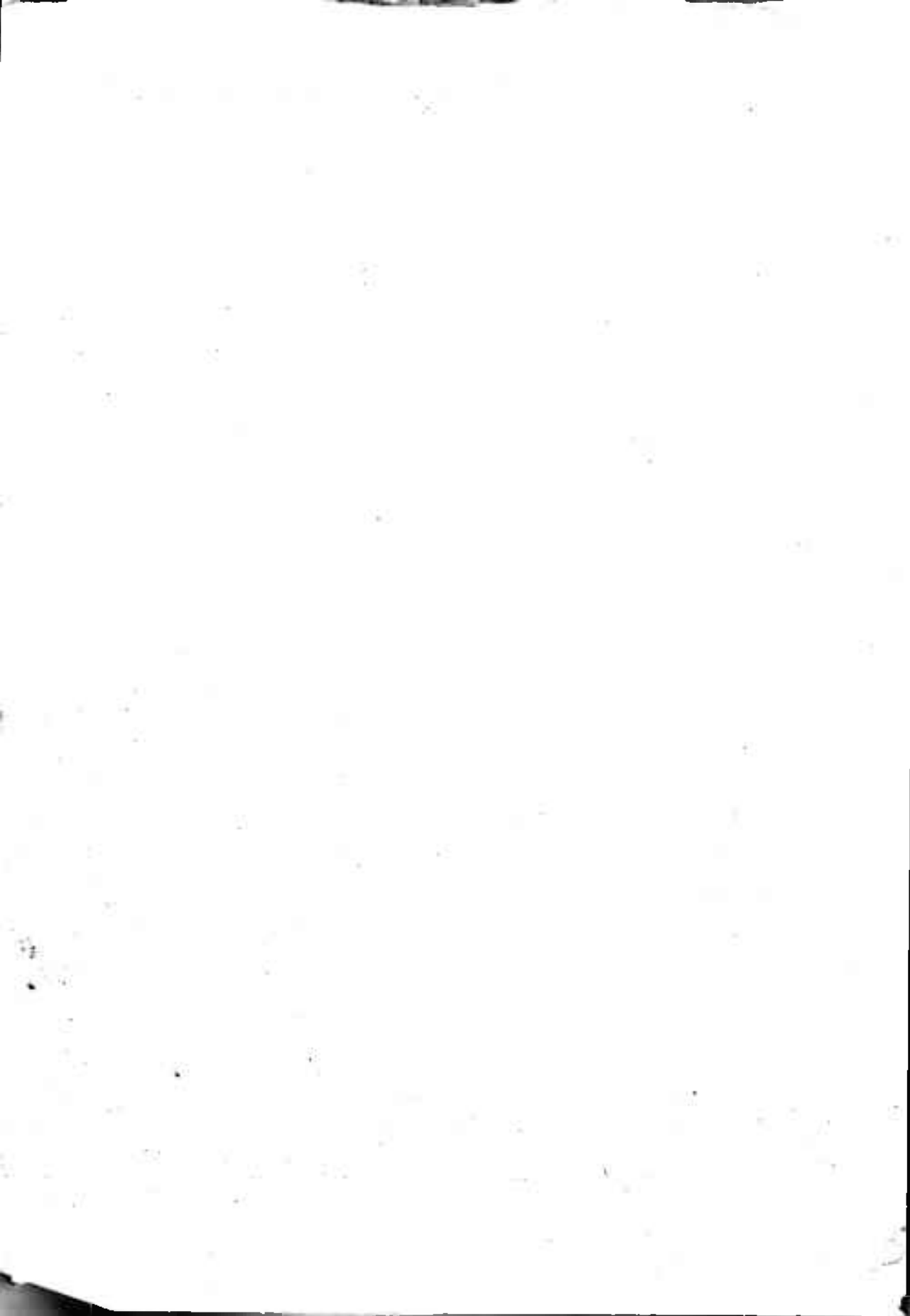
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NIGERIA BROADCASTING CODE

(4TH EDITION, 2006)



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PREFACE

Systematic standards enhance the ability of broadcasters to serve society in an ethically responsible manner. The advent of digitisation and its emerging new media, for example, has foisted a new set of challenges on the industry, and needs to be addressed with a proper regulatory framework.

The fourth edition of the **Nigeria Broadcasting Code**, therefore, updates the rules and regulations of broadcasting in Nigeria in an effort to remain relevant by staying abreast of dizzying developments that are constantly affecting the industry.

This document is the product of a meeting of minds among professionals. Serving and veteran broadcasters from all over the country, scholars from tertiary institutions that offer Mass Communication, as well as other interested members of the public freely and democratically debated every provision in it. This transforms the **Nigeria Broadcasting Code** from a mere fulfilment of the provisions of the law to an industry document brought alive by the spirit of broadcasting.

The **Code** will, therefore, assist broadcasters to make sound decisions and build credibility in their vital role of providing the public with the power to make important decisions thus serving society in an ethically responsible and constructive manner. In this it will be strengthened with a Technical Manual and a Programme Handbook to provide hands-on professional parameters.

In conclusion, the **Code** is written in concise language for all segments of the society. This is to enable stakeholders discharge their responsibility, and for the Commission a transparent tool to regulate the industry effectively.

The Commission expresses profound gratitude to all who made the **Code** review a success.

M. A. ATOYEBI
Director-General
National Broadcasting Commission
October 2006.

0.1. CITATION

This document shall be known as the Nigeria Broadcasting Code (hereinafter referred to as "The Code").

0.2. INTRODUCTION

The Code represents the minimum standard for broadcasting in the Federal Republic of Nigeria. The Code shall be applied in the spirit as well as in the letter, in accordance with the professional ideals of broadcasting.

0.3. GENERAL PRINCIPLES

0.3.1. CHARACTER OF BROADCASTING

Broadcasting is a creative medium, characterized by professionalism, choice and innovation, to serve the interest of the general public. Its utilisation of audio and video technology makes it capable of reaching the audience simultaneously, availing mankind with the best means of information dissemination and reception. It also enables the individual to share in and contribute, to the best of his ability, to the world around him.

Broadcasting shall influence society positively, setting the agenda for the social, cultural, economic, political and technological development of a nation, for the public good.

By means of broadcasting, every Nigerian is expected to partake of ideas and experiences that will enrich his or her life and help him or her live in a complex, dynamic and humane society, as envisaged by the Constitution of the Federal Republic of Nigeria 1999 (hereinafter referred to as the Constitution).

Nigerian broadcasting shall essentially match the best in the profession anywhere in the world, yet be distinctly Nigerian, projecting the best and discouraging the worst in the society. In other words, the cardinal responsibility of broadcasting to inform, educate and entertain shall not be at the expense of national interest, unity and cohesion of Nigeria's diverse social, cultural, economic, political and religious configurations.

Therefore, no broadcast shall intentionally encourage or incite to crime, lead to public disorder, be repugnant to public feeling or contain an offensive reference to any person, alive or dead, or generally, be disrespectful to human dignity.

0.3.2. OBJECTIVES OF BROADCASTING

(a) Broadcasting shall be guided by the following broad objectives, which are in line with the Fundamental Objectives and Directive Principles of State Policy, as set out in the Constitution.

(b) Broadcasting shall provide an efficient, professional and comprehensive service to the entire people of the Federal Republic of Nigeria based on national objectives and aspirations.

0.3.2.1. SOCIAL OBJECTIVES

(a) To provide a functional level of enlightenment for the Nigerian populace, irrespective of their educational background. Specifically, broadcasting is to :

- (i) promote generally accepted social values and norms especially civic and social responsibilities ;
- (ii) promote the acquisition or pursuit of knowledge ;
- (iii) disseminate, impartially, news and opinions in a manner encouraging meaningful and articulate dialogue and discussion of issues of public interest ;
- (iv) promote the physical, mental and social well-being of the people ;
- (v) foster the spirit of self-discipline, self-sacrifice and self-reliance ; and
- (vi) encourage respect for the dignity of man.

(b) Broadcasting organizations shall recognize that they exercise freedom of expression as agents of society, not for any personal or sectional rights, privileges and needs of their own or of their proprietors, relatives, friends or supporters.

(c) Broadcasting shall promote values and norms, which foster the well-being and co-operation of the various groups of the Nigerian society.

0.3.2.2. CULTURAL OBJECTIVES

The cultural objectives of broadcasting shall encompass various aspect of community life including aesthetics, religion, ethics, philosophy, language, history and the arts. Therefore, broadcasting shall :

- (a) provide, through programming, a service essential to the maintenance and enhancement of national identity and cultural sovereignty ;
- (b) serve to safeguard, enrich and strengthen the cultural, political, social and economic fabrics of Nigeria ;
- (c) seek, identify, preserve and promote Nigeria's diverse cultures ;
- (d) select critically, the positive aspects of foreign cultures for the purpose of enriching the Nigerian culture ;
- (e) develop and promote the application of indigenous aesthetic values ;
- (f) promote the development of a high level of intellectual and artistic creativity ; and
- (g) foster generally acceptable moral, ennobling and spiritual values.

0.3.2.3. ECONOMIC OBJECTIVES

(a) The economic objectives of broadcasting shall be consistent with the nation's economic goals which include the building of :

- (i) a united, strong and self-reliant nation ;
- (ii) a just and egalitarian society ;
- (iii) a great and dynamic economy ; and
- (iv) a land of bright and full opportunities for all citizens.

(b) Broadcasting shall, therefore :

- (i) monitor trends and developments in production process ;
- (ii) promote knowledge of available products and services through programmes and advertisements ;
- (iii) foster the spirit of hard-work and productivity to improve the quality of life of the people ; and
- (iv) encourage the production and consumption of local products to achieve self-sufficiency and self-reliance.

Broadcasting shall contribute to the development of national unity and participatory democracy. Therefore, the political objectives of broadcasting shall be to :

0.3.2.4. POLITICAL OBJECTIVES

- (a) create and promote political awareness amongst the people in order to achieve a democratic society ;
- (b) inculcate in the people the spirit of tolerance of all shades of opinion ; and
- (c) promote social justice based on the responsibilities and rights of the individual in society.

0.3.2.5. TECHNOLOGICAL OBJECTIVES

The nation's abundant natural and human resources shall be exploited to the advantage of the people. Broadcasting shall therefore :

- (a) keep the people abreast of technological developments ;
- (b) promote and encourage the study of science and technology ;
- (c) promote the spirit of self-reliance and engender the development of indigenous technology ; and
- (d) promote a scientific and rational attitude to life by encouraging research.

0.3.2.6. PROFESSIONAL OBJECTIVES

Broadcasting as a specialised section of the media industry, with its own mode of professionalism, demands a high level of specialisation and professional skills, some of which are as set out by the Code.

Broadcasting, therefore, is to ensure ;

- (a) the development of professionalism by the recruitment and training of personnel, who at the point of entry into senior cadre shall, at least, possess Higher National Diploma (HND) or its equivalent in broadcast related fields ;
- (b) that only professionals with at least 10 years cognate experience shall Head core departments, divisions or directorates ;
- (c) that only a professional broadcaster, with at least 15 years cognate experience in broadcasting, shall be made Chief Operations Officer of a broadcast station ;

(d) that Nigerian talents and facilities shall be used as much as possible in the production of programmes, including advertisements ; and

(e) meaningful investment in research and development, and job security with appropriate remuneration is guaranteed. Therefore, the Commission shall intercede in instances where unjust removal of a broadcaster is established.

0.3.3. THE OBJECTIVES OF BROADCAST REGULATION

The guidelines provided herein are to ensure that :

(a) Nigerian broadcasting meets the best in professional standards ;

(b) the framework for the regulation of broadcasting in Nigeria meets local needs without compromising international standards ;

(c) broadcasting in Nigeria shall be substantially owned and operated by Nigerians ;

(d) broadcasting in Nigeria provides the entire range of sound and vision services that cater to, and reflect the diverse range of Nigerian cultures and communities through effective distribution of public, commercial and community broadcasting services ;

(e) broadcast frequency bands, a scarce resource, are efficiently utilized in line with the best international standards in the planning, co-ordination assignment, registration, and monitoring of the broadcast spectrum ;

(f) universal access to broadcast technologies, content and services are promoted ;

(g) providers of broadcasting services respect community standards in the provision of programme materials ;

(h) the mechanism for addressing complaints as well as feedback is established ;

(i) licensees and their employees uphold the rights and obligations of the mass media as provided in the Constitution ;

(j) the growth and development of human resources is encouraged ;

(k) the interest of the audience and the right of consumers are protected ;

(l) fair and sustainable competition is the hallmark of the broadcast industry in Nigeria ;

(m) the broadcast industry is nurtured to grow through consistency in the application of the rules ;

(n) fairness, transparency and accountability form the bedrock of the broadcast industry for the efficient delivery of the values of broadcasting ; and

(o) self-regulation is employed within the framework of professional standards.

0.3.4. Challenges to the Industry.

The challenges to the industry are to ensure a free competitive and responsive broadcasting service in Nigeria, and to stimulate the contribution expected of broadcasting in a truly democratic society. Thus broadcasting must satisfy, amongst others, the following needs of society :

(a) a truthful, comprehensive and intelligent account of each day's local, regional, national and international events that have significant impact on the Nigerian community ;

(b) an impartial access to the nation's daily intelligence, made equally available to everyone ;

(c) a forum for the exchange of comment and criticism representing every stratum of the society, as required in a federal state like Nigeria, in which the views and opinions of everyone is included in the national consensus ;

(d) a means of projecting the opinions and attitudes of the groups in the society to one another, such as the balancing of information flow between the rural and urban, government and the governed, as well as the presentation and clarification of the goals and values of the society ;

(e) an efficient, professional and comprehensive broadcasting service to the entire people of the Federal Republic of Nigeria, based on national objectives and aspirations ;

(f) an effective coverage and reach of the entire nation ;

(g) the guaranteed right of practitioners to have control over editorial and programme content in the media ;

(h) the development of Nigerian artistic creativity and talent in entertainment programming, and offering information and analyses from the Nigerian point of view ;

(i) programming that promotes employment opportunities to serve the needs and interest, and reflect the circumstances and aspirations of all Nigerians ;

(j) programming that promotes excellence and high moral and ethical standards acceptable to a substantial group of the viewing and listening public ;

(k) development of human resources and training, and capacity building within broadcasting ;

(l) ready adaptation to scientific and technological change ;

(m) maximum use of predominantly Nigerian creative resources in the presentation of programming, be it news, programme, musical entertainment, advertising or sponsorships ;

(n) greater emphasis on the broadcast of news and programmes in Nigerian languages so as to ensure direct relevance to local communities ;

(o) programmes of high professional standard ;

(p) reasonable opportunity for the public to be exposed to all views on matters of public concern ; and

(q) the development and growth of the independent production sector.

0.3.5. DEREGULATION OF BROADCASTING IN NIGERIA

0.3.5.1. Historically, on August 24, 1992, the Federal Military Government promulgated the National Broadcasting Commission Decree No. 38 (now an Act of the National Assembly) deregulating the broadcast industry and establishing the National Broadcasting Commission to regulate the entire industry. This ended

over 50 years of sole government-ownership of broadcasting in the country. The responsibilities of the Commission were further expanded by (Amendment) Decree No. 55 of 1999.

0.3.5.2. LEGAL FRAMEWORK

0.3.5.2.1. The National Broadcasting Commission (herein referred to as the Commission) was established by Section 1 of the National Broadcasting Commission Act No. 38 of 1992 (as amended).

0.3.6. Responsibility of the Commission

0.3.6.1. Section 2 (1) of Act No. 38 of 1992 (as amended) states the powers and functions of the Commission as follows :

- (a) advising the Federal Government generally on the implementation of the National Mass Communication Policy with particular reference to broadcasting ;
- (b) receiving, processing and considering applications, for the establishment, ownership or operation of radio and television stations, including :
 - (i) cable television services, direct satellite broadcast and any other medium of broadcasting ;
 - (ii) radio and television stations owned, established or operated by the Federal, State or Local Governments ;
 - (iii) radio and television stations owned and operated by private organisations.
- (c) intervening and arbitrating in conflicts in the broadcasting industry ;
- (d) ensuring strict adherence to the national laws, rules and regulations relating to the participation of foreign capital in relation to local capital in broadcasting ;
- (e) serving as national consultants on any legislative or regulatory issues on the broadcasting industry ;
- (f) guaranteeing and ensuring the liberty and protection of the broadcasting industry with due respect to the law ; and
- (g) recommending applications through the Minister of Information to the President, Commander-in-Chief of the Armed Forces, for the grant of radio and television licences ;
- (h) regulating and controlling the broadcast industry ;
- (i) undertaking research and development in the broadcast industry ;
- (j) receiving, considering and investigating complaints from individuals and corporate bodies regarding the contents of a broadcast and the conduct of any broadcasting station ;
- (k) upholding the principles of equity and fairness in broadcasting ;
- (l) establishing and disseminating a national broadcasting Code and setting standards with regard to the contents and quality of materials for broadcast ;
- (m) promoting Nigerian indigenous cultures, moral and community life, through broadcasting ;

(n) promoting authentic radio and television audience measurements and penetration ;

(o) initiating and harmonising government policies on trans-border direct transmission and reception in Nigeria ;

(p) regulating ethical standards and technical excellence in public, private and commercial broadcasting stations in Nigeria ;

(q) monitoring broadcasting for harmful emission, interference and illegal broadcasting ;

(r) determining and applying sanctions, including revocation of licences of defaulting stations, which do not operate in accordance with the broadcasting Code, and in the public interest ;

(s) approving the transmitter power, location of stations, areas of coverage, as well as regulating types of broadcasting equipment to be used ;

(t) ensuring qualitative manpower development in the broadcasting industry by accrediting curricula and programmes for all tertiary training institutions that offer Mass Communication in relation to broadcasting ;

(u) carrying 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 Act.

0.3.7. DECLARATION

The National Broadcasting Commission affirms that it shall co-operate with, encourage and protect stations but would firmly ensure that they adhere to all provisions of the laws and the Code governing broadcasting in Nigeria.

CHAPTER ONE

1.0. BROADCASTING STANDARD

The standard given hereunder stipulates the rules and procedures for developing and enhancing professionalism in Nigerian Broadcasting.

1.1. PRINCIPLES

(a) The Code contains the aims and objectives of broadcasting, as well as the rules to uphold, them in Nigeria. The purpose is to guide broadcasters in applying the rules and assisting the public to uphold them as the benchmark for their "...right to quality broadcasting". It is incumbent on broadcasters, in particular and the public in general, to be conversant with its provisions ;

(b) The rules and other provisions of the Code are derived from the National Broadcasting Commission Act No. 38 of 1992 (as amended), the Constitution, other relevant laws relating to broadcasting in Nigeria as well as universal best practices ;

(c) The Code is the product of a process guided by the principles of transparency, consistent with the best practices of service delivery ;

(d) The Code contains guidelines for easy interpretation by the broadcasters and the public. These guidelines may be reviewed from time to time in response to changes and evolving trends in the broadcasting industry ;

(e) The Code expects the broadcaster to be conversant with the demands of the audience, in terms of content, conduct, ethics and professional judgement ;

(f) Broadcasting and freedom of expression are intrinsically linked; therefore, it is incumbent on the broadcaster to exercise as much freedom as possible in programming as expected in a democratic society ;

(g) The Code is a professional document for the day-to-day operation for the entire broadcasting industry in Nigeria. It is therefore incumbent on broadcasters in particular and the public in general to be conversant with its provisions.

Class B.

1.2. OBJECTIVES OF THE CODE

The Code is to ensure that broadcasting plays a pivotal role in the social, cultural, technological, economic, and political lives of the people of Nigeria. To attain this, a broadcast licensee shall :

(a) adhere to the general principles guidelines of legality, decency, truth, integrity and respect for human dignity as well as the cultural, moral and social values of the people within the provisions of the Constitution ;

(b) pay special attention to the protection and development of children and other persons requiring special care and consideration ;

(c) be mindful of the degree of harm and offence likely to be caused by the inclusion of any material in programming in general or in specific terms ;

(d) maintain professional independence and editorial control over content and scheduling.

1.3. APPROVAL OF AGREEMENT AND TRANSACTIONS

(a) A licensee shall obtain the prior approval of the Commission in respect of any act, agreement, or transaction that will directly or indirectly result in a change, by whatever means, of the effective control of its the undertaking ; Class A.

(b) The request for the approval referred to in sub-paragraph (a) above shall set out the following information :

(i) the name of the person(s)/company(ies) ;

(ii) the percentage and voting interests of the person(s)/company(ies) ;

(iii) the level of association of the person(s)/company(ies) in the management of the organisation ;

(iv) the level of association of the person(s)/company(ies) in any other broadcast organisation in the same sector ; and

(v) a draft copy of the proposed agreement or transaction.

(c) The Commission reserves the right to approve any such agreement or transaction, provided that the approval shall not be unreasonably withheld.

1.4.0. COVERAGE OF CRISIS, DISASTER AND EMERGENCY

1.4.1. Immediacy enables broadcasting to bring information on issues of national concern and crisis to its audience. Nevertheless, the advantages of broadcast technology can be counter-productive. Those affected should be emotionally shielded.

1.4.2. Broadcasters shall, therefore, observe basic professional tenets including caution, empathy and due sensitivity in their coverage of emergencies, calamities, riots, grief, etc.

1.4.3. In calling attention to crisis, timely basic information shall be provided to assist the public and to facilitate rescue and other forms of amelioration. In so doing, the practitioner shall be protected by the Commission. Class B.

1.4.4. Sensationalism shall be avoided by strictly refraining from speculations and statements, details or exaggerations that could aggravate mass panic or hysteria. Class B.

1.5. ARCHIVAL MATERIAL

1.5.1. In using archival materials, the broadcaster shall bear in mind the distress that could be caused to the relatives or acquaintances of the subject affected. Class B.

1.6. STATION IDENTIFICATION/CALL SIGN

1.6.1. A station shall have a call sign, slogan, station identification, or logo, or a combination to serve as its identity.

1.6.2. Before commencement of operations, each station shall submit such a call sign, slogan, identification or logo for approval and registration by the Commission. Class C.

1.6.3. Such an identification shall be approved and registered on the basis of first-come- first- served. Class C.

1.6.4. A station's identification shall be broadcast at least every 15 minutes on radio, or at least the next available programme junction. Class C.

- Class C. 1.6.5. For television transmission services, **ONLY** the station's identity/ logo shall be permanently displayed.
- Class C. 1.6.6. Legitimate information captions, including the logos of the franchise holder, and/or the caption or logo of a sponsor, may be displayed in addition to the provision in paragraph 1.6.5.
- Class C. 1.6.7. A programme title shall only be displayed at the beginning, bridging point and at the end.
- Class C. 1.6.8. Where a broadcasting station uses more than one frequency or more than one programme output from a channel in its services, each programme shall be identified separately by each the channel's its registered identity.
- Class C. 1.6.9. All broadcasting stations shall carry identification when in operation.
- Class B. 1.6.10. Broadcasting with false or misleading identification is **PROHIBITED**.
- 1.6.11. Where a broadcasting station uses more than one location for either local coverage and, or, national coverage, each station identification shall be made known and registered separately by the Commission for that purpose.
- 1.7. AUDIENCE RIGHT TO QUALITY BROADCASTING
- Class B. (a) A licensee shall regularly broadcast information on how the public may lodge complaints about its programming ;
- (b) A licensee shall adopt the standardised complaints procedure established by the Commission, including the right of the complainant to refer the matter to the Commission.
- 1.8. PROGRAMMES SCHEDULE
- (a) A station shall forward to the Commission its quarterly programmes schedule and synopses of new or repackaged programmes not less than one week before the beginning of the quarter ;
- (b) For a subscription licensee that operates monthly programming, the schedule and synopses shall be forwarded to the Commission at least two weeks before such a schedule becomes operational ;
- (c) The scheduling of programme materials is the absolute responsibility of the station, in accordance with its editorial standards ; especially network programmes, taking into consideration the diversity in faith, cultural and moral sensitivities of the audience ;
- (d) It is the responsibility of a licensee to clearly explain its policies at all times, through programme promotion and trailers ;
- (e) The composition, especially of an audience of free-to-air terrestrial access channels changes throughout the day ; therefore, its programme schedule shall cater to such changes ;
- (f) Programmes unsuitable for children and youth shall not be scheduled before the watershed time of 9.00 p.m. for subscription channels and free-to-air.

(g) A station shall not schedule morally contrasting programmes and, or advertisements of similar or competing genres back to back.

Where there is airtime to fill immediately before or after a programme, only appropriate filler shall be used.

1.9. LOG BOOKS

1.9.1. All transmissions of a station, including test transmissions, shall be logged in accordance with paragraphs 6 and 7 of the Third Schedule of Act No. 38 of 1992 (as amended). Class B.

1.9.2. A station shall maintain log books to record each day's transmission of :

- (a) programmes ;
- (b) music ;
- (c) advertisements and sponsorships ;
- (d) studio operations and maintenance ;
- (e) transmitter operations and maintenance ;
- (f) links operation and maintenance ; and
- (g) power supply.

1.10. CONTINUOUS OFF-AIR RECORDING OF TRANSMISSION

1.10.1. A broadcast licensee shall : Class B.

(a) retain for a period of not less than 90 days, a recording of every programme broadcast on its service ;

(b) on demand by the Commission, produce any such recording for examination or record ; and

(c) on demand by the Commission, produce any script or transcript of the programme.

1.10.2. Nothing in this Code shall be construed as requiring or authorizing the Commission or its Complaints Committee, in the performance of its functions and duties, to view programmes prior to their being broadcast.

1.11. RIGHT OF ENTRY

(a) A staff or agent of the Commission shall be accorded access, to carry out any aspect of the responsibility of the Commission ; Class B.

(i) A person shall be in breach of the provisions of the Code if he or she :

(i) obstructs any staff or agent of the Commission in the exercise of the powers conferred on him under this section ; or

(ii) fails or refuses to give any such staff or agent the required cooperation to carry out the assignment. Class A.

1.12. PROGRAMME PRESENTATION

1.12.1. A presenter or anchor shall be decently and appropriately attired to reflect the culture of the community. Class C.

Class C. 1.12.2. A presenter/continuity announcer shall have a good command of the language of presentation, in diction and grammar.

Class C. 1.12.3. A presenter/anchor shall not express an opinion in the programme.

Class B. 1.12.4. A presenter/anchor on a phone-in programme shall handle it with maturity and sound judgement to ensure that the programme does not lose focus or lead to unfair treatment of any person or institution.

Class B. 1.12.5. Every scheduled broadcast item, including spot announcements, shall be scripted.

1.13. EXCLUSIVITY OF RIGHTS SOURCING

Class B. 1.13.1. The challenge of regulating exclusivity is how to get as many Nigerians as possible to receive signals of events of national interest without jeopardizing fair competition in the business of broadcasting. Therefore :

(a) In acquiring broadcast rights Nigeria should not be bundled in the same basket with other countries for the purposes of exclusivity ;

(b) Broadcast exclusivity in Nigeria shall open second window for other operators at reasonable/agreeable terms ;

(c) The Commission shall be inform of effort as well as acquisition of rights ;

(d) Nobody shall be bid for more than one category of rights for the Nigerian territory ;

(e) a licensee shall bid only for its category of operation.

Class B. 1.13.2. In the event of a dispute :

(a) the Commission shall give priority to the request of the applicant with the potentially larger audience ;

(b) an interested bidder in another category shall apply to the Commission for the now available rights ; where the bid for a category fails ;

(c) where one bidder acquires both rights such rights shall be made available to all interested stations at a reasonable rate ; and

(d) the decision of the Commission shall be final and binding on all parties.

1.14. CONDITIONAL ACCESS

Class B. 1.14.1. The provision of Conditional Access is a pre-requisite for the granting of licence to a subscription service provider.

1.14.2. Encryption shall be permanent. In the event of systems failure, the operator shall rectify the fault within 48 hours.

1.14.3. If the failure in 1.16.2 is due to inefficiency, the Commission shall determine the level of sanction to the licensee.

1.15. STAFF EMPOWERMENT

Class B. A licensee shall establish and make available to its employees, conditions of service that include :

- (a) remuneration (salaries, wages and allowances) ;
- (b) welfare, including health and insurance policies ;
- (c) training ;
- (d) industrial relationship ;
- (e) disengagement benefits, such as a pension scheme.

1.16. EMPLOYMENT POLICY

1.16.1. The licensee shall ensure that professional broadcasters with pre-requisite cognate experience are employed to man the broadcasting station. Class B.

1.17. EMPOWERMENT AND HUMAN RESOURCE DEVELOPMENT

1.17.1. Broadcasting is a specialized profession that requires experienced and skilled personnel. Therefore, stations shall regularly train and re-train personnel to keep abreast with the dynamics of the industry. Class B.

1.17.2. The minimum entry for recruitment of senior cadre in the broadcasting industry shall be an ordinary diploma or certificate from a recognised media training institution.

1.17.3. Newly recruited staff without previous industry experience shall be required to attend a relevant course at a recognized broadcast institution for a minimum of six months duration.

1.17.4. Only a professional with at least 10 years post qualification broadcast experience shall head a specialized department such as Programmes, News, Engineering and Marketing.

1.17.5. Only a professional with at least 15 years cognate experience shall be made Chief Executive Officer or Chief Operations Officer in a broadcasting station.

1.18.0. BROADCAST CURRICULA IN TERTIARY INSTITUTIONS

1.18.1. Tertiary institutions play a vital role in producing professionals for the industry through the teaching and practice of Mass Communication and other broadcast related courses. Section 2 (p) of Act 38 of 1992 (as amended) empowers the Commission to accredit curricula and programmes for tertiary institutions in Nigeria that offer Mass Communication in relation to broadcasting.

1.18.2 For a broadcast programme to receive accreditation, it shall include the following key areas of study and others to be added from time to time :

- (a) Broadcast Regulations and the Code ;
- (b) Broadcasting Laws ;
- (c) Educational and Instructional Broadcasting Techniques ;
- (d) Advertising Techniques ;
- (e) News Writing, Reporting, Editing and News casting ;
- (f) Radio and TV Production Techniques ;
- (g) Radio and TV Directing Techniques ;
- (h) Radio and TV Script Writing for Drama, Documentary and other Programme Productions ;

- (i) Radio and TV Presentation Techniques ;
- (j) Lighting and Sound Techniques ;
- (k) Camera Techniques for Television ;
- (l) Broadcast Station Management ;
- (m) Broadcast Ethics ;
- (n) Information Technology in Broadcasting ;
- (o) Technological Developments in the Industry ;
- (p) Industrial Attachment of not less than six months.

1.18.3 Access to the minimum of a full-fledged broadcast studio shall be a paramount pre-requisite for accreditation.

1.19 LAWS AND OTHER PROFESSIONAL STANDARDS

The broadcasting objectives are best achieved if all those involved in the production and transmission of programmes adhere to the following laws :

- (a) The Constitution of the Federal Republic of Nigeria, 1999 ;
- (b) The National Broadcasting Commission Act No. 38 of 1992 ; (as amended).
- (c) The Wireless Telegraphy Act Cap 469 LFN 1990 (as amended by section 22 (2) of the NBC. Act ;
- (d) the Law of libel and sedition ;
- (e) the Law of contempt relating to matters pending before law courts ;
- (f) The Official Secrets Act.
- (g) the Advertising Practitioners Council of Nigeria (Clearance of broadcast advertising materials) ;
- (h) the National Film & Video Censors Board (classification of broadcast films and video programmes) ;
- (i) the Electoral guidelines on broadcast matters as contained in the electoral law of Nigeria ;
- (j) the National Food & Drug Administration and Control Act (advertisement and sponsored programmes) ;
- (k) the National Drug Law Enforcement Agency (harmful use of drugs in programming) ;
- (l) The Nigerian Copyright Act (on intellectual property rights) ;
- (m) any other federal legislation/law relating to broadcasting ; and,
- (n) international treaties/obligations relating to broadcasting to which Nigeria is a signatory.

CHAPTER TWO

2.0. LICENSING

2.0.1 Radio frequency spectrum is a finite resource regulated essentially to be equitably and efficiently used to deliver services in the interest of the citizenry.

2.0.2. Licensing is the process of conferring the legal authority to operate broadcasting under specific conditions as set out by the law.

2.0.3. It shall be illegal for any person in Nigeria to operate a broadcast system or equipment which is likely to use any part of the spectrum from a fixed or moveable position, unless licensed by the Commission.

Class A.

2.1. TIERS OF BROADCASTING

- (a) Public Broadcasting
- (b) Commercial Broadcasting
- (c) Community Broadcasting

2.2. TYPES OF BROADCASTING SERVICE

2.2.1. TERRESTRIAL RADIO AND TELEVISION

- (a) National
- (b) Regional
- (c) Local

2.2.2. TERRESTRIAL RADIO

- (a) AM
- (b) SW
- (c) FM
- (d) DRM
- (e) DAB/HD

2.2.3. TERRESTRIAL TELEVISION

- (a) VHF
- (b) UHF
- (c) Pay TV (MMDS, Cable)
- (d) DVB-T
- (e) DVB-H

2.2.4. SATELLITE RADIO

- (a) Free-to-air
- (b) Subscription Radio
- (c) Temporary Uplink

2.2.5. SATELLITE TELEVISION

- (a) Free-to-air
- (b) Pay TV (DTH)
- (c) Temporary Uplink
- (d) DVB-S
- (e) DVB-C

2.2.6. COMMUNITY (LOCAL/FREE-TO-AIR)

- (a) Community Radio
- (b) Community Television
- (c) Campus Radio (Educational /Training Radio)
- (d) Campus Television (Educational/ Training Television)
- (e) Community Wired Service (Sound and Video)

2.2.7. INTERNET BROADCASTING

- (a) Radio
- (b) Television

2.2.7.1. INTERNET BROADCASTING REGULATIONS

(a) All Internet radio and television broadcasting streaming signals from, and into, Nigeria, shall be licensed by the Commission.

(b) All regulations governing news, programmes, advertising and sponsorships shall apply to this category of broadcasting.

(c) The local content for this category of licence shall be 80% (eighty per cent).

(d) All conditions governing other categories of broadcast license shall apply.

(e) All subscription internet Radio and Television that seek subscribers in Nigeria shall be licenced by the Commission.

2.3. CATEGORIES OF BROADCAST LICENCE

The Commission shall consider application for the grant of broadcast licence in the following categories :

- (a) Free-to-air terrestrial sound ;
- (b) Free-to-air terrestrial television ;
- (c) Satellite free-to-air sound ;
- (d) Satellite free-to-air television ;
- (e) Terrestrial subscription sound ;
- (f) Terrestrial subscription television ;
- (g) Direct-to-home satellite subscription sound broadcasting ;
- (h) Direct-to-home satellite (Multi-channel) subscription television broadcasting ;
- (i) Direct-to-home satellite (Multi-channel) subscription sound and television broadcasting ;

- (j) Cable television subscription service ;
- (k) Community radio ;
- (l) Community television ;
- (m) Networking service ;
- (n) Content distribution service ;
- (o) Internet broadcasting.

2.4. BROADCAST PERMIT

2.4.1. Persons or entities operating any of the service listed hereunder shall apply for, and obtain, a permit from the Commission :

- (a) broadcast equipment dealership (wholesale or retail) ; Class A.
- (b) broadcast equipment manufacture ;
- (c) hotel signal redistribution (audio and video) ;
- (d) research on and testing of broadcast facilities.

2.4.2. The duration of a permit shall be determined by the Commission from time to time; in all services, not longer than a year.

2.5. LICENCE USAGE

2.5.1. Licences are obtainable only on payment of prescribed fees.

2.5.2. A licence shall be used only for the type of broadcast service approved and specified in the licence. Class A.

2.5.3. A licence shall be subject to the provisions of the Code and other regulations made from time to time by the Commission.

2.6. RENEWAL OF LICENCE

2.6.1. The Commission shall encourage the renewal of a licence, but this shall neither be taken to mean that renewal is automatic nor the authorisation to operate a licence permanently. A licence shall be renewed subject to the renewal process and the fulfilment of the conditions specified in the licence. Class A.

2.6.2. An application for the renewal of a licence shall be made to the Commission at least six (6) months before its date of expiration. Class A.

2.7. CONSIDERATION OF APPLICATION FOR RENEWAL

2.7.1. In considering an application for the renewal of a licence, the Commission shall review among others the : Class A.

- (a) past conduct of the licensee ;
- (b) breach profile and level of adherence to rules and regulations by the licensee ;
- (c) local content profile of licensee ;
- (d) evidence of payment of loan obligations ;
- (e) evidence of settlement of all tax liabilities ;
- (f) evidence of compliance with levies and fines ;
- (g) evidence of regular payment of staff remuneration and allowances ;

- (h) evidence of compliance with the terms of the licence ; and
- (i) evidence of regular submission of annual audited account.

2.8. PUBLIC HEARING

2.8.1. To determine the extent to which a licence has benefited the people on whose behalf it is held, a Public Hearing shall be conducted within the coverage area of the licensee to enable the Commission determine the appropriateness or otherwise of its renewal.

2.8.2. Procedure.

2.8.2.1. Licensee Obligation.

Class A. 2.8.2.1.1. The station shall broadcast notice of the public hearing in its coverage area, at least twice a day for two weeks, stating :

- (a) date and venue fixed for hearing ; and
- (b) the nature of the matters to be heard at the public hearing.

2.8.2.1.2. The general cost of the hearing shall be borne by the licensee.

2.8.2.1.3. No application may be amended or varied and no supplementary or additional document may be filed after a notice in respect thereof has been published, except with permission of the Commission and upon such terms and conditions as may be determined by the Commission.

2.8.2.2. Commission's Obligation .

2.8.2.2.1. The Commission shall establish a Public Hearing Committee.

2.8.2.2.2. The Commission shall notify the station of the date and place for the hearing.

2.8.2.2.3. The Commission shall publish a notice on the application in at least two newspapers in circulation within the area normally served by the station.

2.9. LICENCE LAPSE

Class A. 2.9.1. A licence shall automatically lapse if not put to use within 24 months of its issuance.

2.9.2. A licence shall be withdrawn if for (3) three consecutive months the licensee ceases to provide the service for which it was issued.

2.10. REVOCATION

Class A. 2.10.1. A broadcast licence shall be revoked if, among others, the licensee is :

- (a) in liquidation ;
- (b) bankrupt ; or
- (c) found guilty of a Class A breach.

2.10.2. Where a broadcast licence is revoked, the Commission shall immediately disable the transmitter and supervise its disposal.

2.11. AMENDMENT TO THE TERMS OF A LICENCE

2.11.1. The terms of a licence may be amended by the Commission :

- (a) to ensure good and efficient frequency management ;
- (b) in compliance with international broadcast protocol ; or
- (c) if requested thereto by the licensee, provided it will :
 - (i) not prejudice any other licensee ;
 - (ii) not be inconsistent with the provisions of the Act or with any protocol, agreement or convention contemplated in subsection (b) above ; and
 - (iii) ensure fair competition between licensees without prejudice to such terms, conditions and obligations as the Commission may at the time be generally applying to all licences issued in the same category.

2.12. PROHIBITIONS

2.12.1. No person shall offer for sale, sell or have in his possession with a view to sell in the course of his business any installation, mechanism, instrument, material or other apparatus constructed for the purpose of or intended to be used for broadcasting except under and in accordance with a licence in that behalf.

Class A.

2.12.2. Any person other than the holder of a dealer's permit who imports any broadcast equipment shall notify the Commission in writing of the importation and furnish particulars of the equipment imported prior to its clearance.

2.12.3. No person shall establish, install or use any equipment or apparatus for the transmission, retransmission, relay or re-distribution of broadcast signal except as licensed by the Commission.

2.12.4. No person shall operate a broadcast system which uses frequencies in the Federal Republic of Nigeria or operate any wireless equipment that uses broadcast frequencies unless authorised to do so through the assignment of a frequency or channel by the Commission.

2.12.5. Any person who contravenes any of the above provisions shall be in breach of the Code and seizure of the equipment.

CHAPTER THREE

3.0. PROGRAMMING STANDARD

3.0.1. This chapter sets out the Content Standard which the audience expects as a right in programming. The aim is to ensure that qualitative programming contents are met, while encouraging creativity, innovation and entrepreneurship. It requires all forms of programming to facilitate internal self regulation and quality control.

3.1. GENERAL GUIDELINES

3.1.1. All programmes shall adhere to the general principles of legality, decency and truthfulness, in addition to the specific guidelines for their genre.

3.1.2. Materials likely to encourage or incite to the commission of a crime or lead to public disorder shall not be broadcast.

Class B. 3.1.3. Programmes in a foreign language shall not be transmitted without subtitles in the official language, except sports where the audio is only complementary or religious and niche programmes where the foreign language is easily understood by the adherents.

Class B. 3.1.4. National transmission of programmes in a Nigerian language shall have sub-titles in the official language to allow a general audience appeal.

3.1.5. Any movie classified as *Not Suitable for Broadcast* (NSFB) shall not be BROADCAST.

Class B. 3.1.6. Any musical content classified as *Not to be Broadcast* (NTBB) shall not be BROADCAST.

Class B. 3.1.7. The licensee shall ensure that every movie carries the appropriate classification symbols, of the National Film and Video Censors' Board (NFVCB) or any other recognised classification.

Class B. 3.1.8. Persons under the age of 18, the specially challenged persons and other vulnerable groups shall be protected from offensive and harmful contents.

3.1.9. A programme shall be properly heralded. Relevant information shall be included to guide parents in deciding its suitability for their children and wards.

3.1.10. The abrupt termination of a programme shall be considered a professional breach except in the event of an emergency, such as technical fault or breaking news, which shall be heralded by the appropriate courtesy.

3.1.11. The broadcast or re-broadcast of any content shall be only with the express permission of the right owner. Piracy is strictly PROHIBITED.

3.1.12. A licensee shall clearly display audio visual programme advice or classification symbol at the commencement of a programme.

3.2. STRAIGHT DEALING

Class B.

3.2.1. The objectives of broadcasting in Nigeria are designed to further the goals of democracy and socio-economic development. These objectives challenge the broadcasting industry to assume a major role in the establishment of democratic culture in Nigeria. To achieve this, all programmes shall display a transparent concern for fair-play, honesty and integrity.

Straight dealing requires that all the objectives of a programme shall be clearly evident at every stage of its production. Class B.

3.3. ACCURACY, OBJECTIVITY AND FAIRNESS

3.3.1. Any information given in a programme, in whatever form, shall be presented accurately.

3.3.2. A broadcaster shall acknowledge his or her own inherent biases and prejudices, and transparently rise above subjective mindsets.

3.3.3. All sides to any issue of public interest shall be equitably presented to ensure fairness. Class B.

3.3.4. It is professionally mandatory to forthrightly admit a mistake once clearly established and fully effect reasonable remedy. Class B.

3.4. INTEGRITY

3.4.1. Every programme shall be accurate, believable and credible. Class B.

3.4.2. All sides to an issue shall be equitably presented, preferably in the same broadcast.

3.4.3. A *Right of Reply* shall be guaranteed to any person(s) or body with a genuine claim to misrepresentation.

3.4.4. A station's involvement in charity appeals and fund raising, as well as quiz and similar programmes that are presented as contests of knowledge, skill or luck shall be transparent.

3.4.5. All programmes shall comply with laws relating to piracy, copyright, privacy, sedition, libel, etc. Class B.

3.4.6. A station shall respect the feelings of its audience whenever it becomes necessary to discontinue a programme. Class A.

3.4.7. A station shall adhere to its published programme schedule. In the event of a change, adequate prior announcement shall be made.

3.5. AUTHENTICITY

3.5.1. Fictional events or non-factual materials shall not be presented as real.

3.5.2. Archival, library or contrived materials shall be clearly identified.

3.6. GOOD TASTE AND DECENCY

Class A. 3.6.1. Obscene, indecent and vulgar language, expression, presentation or representation is PROHIBITED.

Class C. 3.6.2. The sanctity of marriage and family life shall be promoted and strictly upheld.

Class B. 3.6.3. The physically and mentally challenged shall not be exploited or presented in a manner embarrassing to the disabled or members of their families.

Class B. 3.6.4. The use of lewd or profane expressions shall be avoided.

3.7. MORALITY AND SOCIAL VALUES

Class A. 3.7.1. X-rated programmes shall NOT be broadcast.

Class B. 3.7.2. Cruelty, greed, selfishness and revenge shall not be portrayed as desirable human values.

Class B. 3.7.3. Programme belts shall be strictly respected especially the children and family belts.

Class B. 3.7.4. Drunkenness, drug addiction and robbery shall not be presented except as a destructive habit to be avoided or denounced.

Class B. 3.7.5. Sex-related acts such as adultery, prostitution, rape, bestiality, homosexuality, lesbianism, incest, etc. shall not be presented, except as destructive practices to be avoided or denounced.

Class B. 3.7.6. Criminal tendencies shall be presented as undesirable while orderliness and righteous living shall be extolled.

Class B. 3.7.7. Excessive portrayal of physical suffering and pain or dead bodies or blood shall be avoided except for the purpose of conveying a message, "which case shall be preceded with a caution.

Class B. 3.7.8. Liquor consumption and smoking shall be shown only when consistent with plot and character development.

3.7.9. Suicide shall not be treated as an acceptable solution to human problems.

Class B. 3.7.10. The portrayal of nudity, sexual scenes and expressions is justifiable only in context ; however, it shall be presented with tact and discretion.

Class B. 3.7.11. Ostentatious life-style shall not be extolled.

Class B. 3.7.12. In all exceptions given in this section, gratuitous presentation of graphic details shall be Prohibited.

3.8.0. WOMEN

Class B. 3.8.1. Womanhood shall be presented with respect and dignity.

3.9. CRIME, LAW AND ORDER

Class B. 3.9.1. Language or scene likely to encourage or incite to crime, or lead to disorder, is forbidden.

3.9.2. A programme shall not be broadcast if it treats crime in a frivolous manner or in a manner seeming to condone it. Class B.

3.9.3. Law enforcement shall be upheld at all times in a manner depicting that law and order are socially superior to, or more desirable than, crime. Class B.

3.10. VIOLENCE, CRUELTY, PAIN AND HORROR Class B.

3.10.1. Broadcasting is highly susceptible to imitation especially by children. Therefore, the portrayal of violence, cruelty, pain and horror that has the potential of causing moral or psychological harm shall not be broadcast before the watershed time-belt of 9.00 pm. Class B.

3.10.2. A programme portraying excessive pain, physical violence or horror shall not be broadcast, unless relevant to character development or to the advancement of the theme or plot ; even so, graphic and gory details shall be avoided. Class B.

3.10.3. Depiction of violence shall be relevant to character development or to the advancement of the theme or plot. Class B.

3.10.4. Violence shall not be depicted as glamorous. Class B.

3.10.5. Where violence, cruelty or horror is depicted, the consequences to the perpetrators shall be made manifest. Class B.

3.10.6. The portrayal of dangerous behaviour which could invite imitation, shall be avoided. Class B.

3.11. WATERSHED

(a) The restrictions in paragraphs 3.7 above relate to programmes of general family viewing.

(b) Exceptions may be acceptable, where the programmes are restricted to the watershed period of between 9.00pm and 5.00am, even then, only on a premium channel. Class B.

(c) The exception is applicable only to operations with capability for Conditional Access. Class B.

(d) Prior clear warnings shall be given of the unsuitability of the material for the impressionable. Class B.

3.12. LOCAL AND FOREIGN PROGRAMME CONTENT Class B.

3.12.1. Objectives.

Local content regulation is essentially ;

(a) promote and sustain Nigeria's diverse cultures, mores, folklores and community life ;

(b) provide diversity in types of programming content for the widest audience through the limitless variety in the cultural landscape of Nigeria ;

(c) promote Nigerian content and encourage the production and projection of Nigerian life within and outside its borders ;

(d) ensure that every terrestrial free-to-air station attains a local content minimum of 70 per cent ;

(e) establish a dynamic, creative and economically vibrant Nigerian broadcast production industry ;

3.13. CHARACTER OF LOCAL CONTENT

3.13.1. To qualify as local content, a production shall satisfy any of the following :

(a) made by authors, producers and workers who are Nigerians and residing in Nigeria ; or

(b) produced under the creative control of Nigerians ; or

(c) the production is supervised and actually controlled by one or more producers established in Nigeria ; or

(d) the contribution of co-production is not controlled by one or more producers established outside Nigeria ; or

(e) the production originating from any other country made exclusively by Nigerians or in co-production with non-Nigerians established in that country.

3.13.2. Music

3.13.2.1. Specifically, for a musical work to qualify as local content, such work shall comply with any of the following requirements, where the :

(a) lyric is written by a Nigerian citizen ;

(b) music is written by a Nigerian citizen ;

(c) music is principally performed by musicians who are Nigerian citizens ;

(d) musical work is a live performance or recording, performed or broadcast in Nigeria ; or

(e) music or lyric is co-written, co-produced or performed with non- Nigerians.

3.13.2.2. For the purpose of free-to-air terrestrial broadcasts ;

(a.) Nigerian music shall constitute 80 per cent of all music broadcast.

(b) For purposes of royalties, a licensee shall maintain an accurate log of every music it broadcasts and retain same for at least three months.

Class C. (c) A station shall exercise responsibility, good taste and decency in the choice of lyrics, which, in any case, shall not contain lewd, profane or vulgar expressions.

(d) Professionalism and good judgement shall be employed in the use of a musical as filler.

Class B. 3.13.3. NETWORK

Class C. 3.13.3.1. Programming for a Network shall ensure 100 per cent local content, including foreign items edited from the Nigerian perspective.

3.13.4. SUBSCRIPTION SERVICES

Class C. 3.13.4.1. Local content is required to promote Nigerian content in the international market.

3.13.4.2. A subscription broadcasting service shall ensure a minimum of 20 per cent local content, consisting of 15 per cent Nigerian and 5 per-cent African.

3.13.4.3. Where a subscription broadcaster fails to meet the conditions of above, the licensee shall make a mandatory payment equal to a severe fine per percentage of the shortfall into a Local Content Development Fund (LCDF).

3.13.4.4. The LCDF shall be administered by the Commission, with at least, three representatives of stakeholders.

3.13.5. INDEPENDENT PRODUCER

3.13.5.1. The independent producer is an important contributor towards the attainment of the local content aspiration of the Nigerian broadcasting industry. Therefore, a broadcasting station shall exploit the numerous talents of independent Nigerian producers by collaborating with, and commissioning, them to provide a reasonable percentage of the required variety and number of their programme content.

3.14. FOREIGN CONTENT

3.14.1. Foreign content is permissible provided it conveys intrinsic relevance to the entertainment, education and information of the Nigerian citizenry.

3.14.2. The selection of foreign programmes shall reflect the developmental needs of the Nigerian nation, and ensure respect for Nigerian cultural sensibilities.

3.14.3. Licensees relaying foreign programmes shall ensure proper acquisition of such programmes.

3.14.4. A subscription station shall observe the approved ratio of not more than 80 per cent foreign content.

CHAPTER FOUR

4.0. PROGRAMMES

4.0.1. The guidelines in this chapter are specific to the different genres and formats of programmes, but generally, each programme type or format shall be consistent with the general programming standard in Chapter 3.

4.1. APPLICABILITY

4.1.1. In the application of this chapter, the Code recognizes the different programming regimes and peculiarities of its different categories of licences.

4.2. DISCUSSIONS

4.2.1. Panellists in a discussion programme shall reflect the various viewpoints.

4.2.2. Panellists shall be of comparable status and relevance.

4.2.3. Where a recorded discussion excludes any important or newsworthy area, or where further developments have taken place after that recording, it shall be stated at the beginning and end of the broadcast.

4.3. CHILDREN AND YOUNG PERSONS

4.3.1. Children and young persons, in this context, are viewers and listeners aged 18 and below. This age group is particularly vulnerable to influence and therefore needs protection from broadcasts likely to lead them into anti-social behaviours.

4.3.2. Stations shall :

(a) not broadcast a programme which violates social values, shows disrespect for law and order or departs from an honourable life-style ;

(b) not broadcast a programme containing sexually explicit or obscene material ;

(c) avoid the use of foul or blasphemous language ;

(d) employ tact and maturity in programmes dealing with conflict ;

(e) protect children from programmes that are likely to lower their self esteem.

(f) promote indigenous values and present foreign folklores and values with care to avoid undue influence on children at the impressionable age ;

(g) devote at least 10 percent of total airtime to children's programming and at times when children could reasonably be expected to be part of the audience ;

(h) protect the identity of children involved in crime or other negative social incidents in programmes ;

(i) not broadcast content containing exorcism, occultism and paranormal within children's belt ;

(j) take due care in dealing with themes which children could imitate, like the use of dangerous items as play items or copying of violent sports ;

(k) not broadcast programmes, including cartoons, that glamorise violence and crime or leave them criminality in a children's programme ;

(f) not allow the portrayal of violence, whether physical, verbal or emotional, unless essential to the development of character and or, story ;

(m) not promote a realistic scene of violence which creates the impression that violence is the preferred or only method to resolve conflict between individuals.

4.4. RELIGIOUS PROGRAMMING

4.4.1. Religious beliefs and practices are central to people's lives and are capable of evoking strong passions and emotions. Nigeria is a community with different faiths and varying sensibilities and sensitivities. To avoid offending any religious beliefs or practices, stations shall adhere to the following :

(a) Equal opportunities and equitable airtime, not less than 90 minutes of a station's weekly airtime, shall be made available to all religious groups in the community as a social responsibility without charge ;

(b) Religious programmes shall be presented respectfully and accurately ;

(c) Religious broadcasts, over which content members of a specific religion exercise control, shall be presented by responsible representatives of the given religion ;

(d) Religious broadcasts shall not contain an attack on, or a ridicule of, another religion or sect ;

(e) Broadcasters shall avoid the casual use of names, words or symbols regarded as sacred by believers ;

(f) A religious broadcast shall restrict itself to the content of its creed, and shall not be presented in a manner as to mislead the public ;

(g) A programme promoting religion in any form, shall present its claims, especially those relating to miracles, in such a manner that is provable and believable ;

(h) Rites or rituals involving cruelty and obscenity shall be avoided, except in programmes designed specifically to teach the beliefs of a religion ;

(i) Notwithstanding the above, religious broadcast shall not exceed 10% of the total weekly airtime of any station.

4.5. INSTRUCTIONAL PROGRAMMING

4.5.1. Instructional programmes shall be presented with accuracy and decency.

4.5.2. A person presenting an instructional programme shall be reasonably knowledgeable in the subject.

4.5.3. Educational programmes shall promote Nigerian curricula and general knowledge.

4.5.4. Programmes presenting artistic and literary materials shall be objective and respect the rights of the owner.

4.5.5. Treatment of cultural subjects shall avoid sensationalism, appeal to lewd interest or unwholesome curiosity.

4.6. FAIRNESS

4.6.1 No individual or organization shall be treated in an unjust or unfair manner in any programme.

4.6.2. In programmes where the contributors include a minor, the consent of the parents or guardians shall first be obtained.

4.6.3. Confidentiality or anonymity, shall be honoured and protected if requested or desirable.

4.6.4. Broadcasters shall always ensure that all parties to a programme are offered the chance to contribute so as to achieve fairness.

4.6.5. When any criticism is made in a programme, those whom the criticism is directed at shall be given a reasonable and appropriate opportunity to respond.

4.6.6. When the views of a person or organisation that is not participating in a programme are being represented, they shall be done in a fair and just manner.

4.6.7. Broadcasters shall not obtain or seek information through deception or misrepresentation.

4.6.8. Materials about celebrities and public figures may be used in a programme without their consent; however, such shall not be used in a manner which may result in public ridicule or cause distress to the individual.

4.6.9. In a phone-in programme, unsolicited prank-style calls and set-ups shall not be exploited.

4.7. PRIVACY

4.7.1. Privacy shall be respected. The violation of individual's rights to privacy shall be avoided by broadcasters unless there are legal or justifiable reasons or, it is in the overall public interest.

4.7.2. Privacy in the process of acquiring programmes or in obtaining material for programmes shall not be infringed upon.

4.8. RULES

4.8.1. The immediate family and friends of people under investigation have a right to privacy. Broadcast of private information about them shall only be with their consent. It is illegal to disclose the location of people's homes or family without their consent.

4.8.2. The sanctity of marriage and the value of the home shall be respected.

4.8.3. The situation of people inadvertently featured in programmes shall not be exploited or relayed as to cause them embarrassment.

4.8.4. Materials recorded in public places may be broadcast without the consent of the individuals concerned, however, where the individual objects, such objection shall be respected.

4.9. CONSENT

4.9.1. Prior consent of any person whose privacy would be infringed upon in any programme shall be ~~sort before it is~~ broadcast.

4.9.2. Except in cases of exigency, it shall be necessary to obtain prior permission of relevant authority or management before filming or recording at institutions, organizations or other agencies.

4.9.3. The prior consent of individuals; employees or others, whose appearance are incidental, shall normally not be required.

4.9.4. In sensitive places such as schools, hospitals, airports, banks, military and security formations, etc. consent shall be obtained.

4.10. PROGRAMME CREDIT

4.10.1. Every programme shall have proper credits; where, however, a programme contains specialist reports or materials, credits shall be separately presented.

CHAPTER FIVE

5.0 NEWS AND CURRENT AFFAIRS

5.0.1. News and Current Affairs provide instant record of history. This enables broadcasting, the most powerful medium of mass mobilization and social change, to influence democracy and social engineering.

5.0.2. News shall, among other things, promote the following :

- (a) a truthful, comprehensive and intelligent account of each day's national and international events ;
- (b) a forum for the exchange of views, representing every stratum of society, for national consensus ; and
- (c) presentation and clarification of the goals and values of society.

5.1. GENERAL GUIDELINES

5.1.1. In news, facts are sacred, and shall be treated as such.

5.1.2. News shall be factual and presented in a correct and fair manner, without :

- (a) distortions, exaggerations or misrepresentations ;
- (b) material omissions ; or
- (c) summarisations.

5.1.3. As news, in all its forms, is universally accepted as sacred, sponsorship of newscasts, commentaries, analyses, current affairs programmes and editorials detracts from their integrity and predisposes a bias in favour of the sponsor. Therefore, news and news-based programmes shall not be sponsored in any manner, including the use of commercial backdrops.

5.1.4. News and Current Affairs coverage, whether live or recorded, shall display familiarity with the subject, and a clear demonstration of an understanding and appreciation of all sides to an issue.

5.1.5. Mistakes shall be corrected as quickly as they are detected, with an apology at the same level of prominence as the initial mistake.

5.1.6. Where archival or library materials shall be used to illustrate a current event, such shall be used with discretion and clearly identified to avoid confusion and causing emotional pain, offence, embarrassment or defamation.

5.1.7. In fulfilment of 5.0, each terrestrial station shall allot to news and news related programmes not less than 20% of the total airtime. For a news thematic station, it shall be not less than 70%; while other-subject thematic stations, shall not be less than 5%.

5.1.8. A terrestrial free-to-air station shall not relay foreign news content live.

5.1.9. A terrestrial free-to-air station shall not relay foreign news content in its entirety, even delayed.

5.1.10. The provisions in 5.1.7 and 5.1.8 do not preclude the universal practice of using excerpts for news ; in which circumstance, the local station assumes editorial responsibility.

5.1.11. Sources shall be duly acknowledged as far as practicable.

5.1.12. News and Current Affairs programmes shall be guided by the ethical standards of journalism.

5.1.13. Programmes devoted to the discussion of controversial public affairs shall ensure fairness and balance of views.

5.1.14. The selection of news stories shall emphasize good taste, thereby avoiding morbid, sensational, shocking or alarming details that are not essential to conveying the essence of the events being reported, especially stories on politics, crime or sex.

5.1.15. Where language or picture(s) that might offend the public shall be used to convey the essence of the message, appropriate warning shall be given prior to the broadcast.

5.1.16. News materials shall not be recreated. However, where a re-enactment of an event becomes necessary, it shall be so stated.

5.1.17. News, commentaries, analysis and editorials shall be clearly identified as such and shall not be sponsored.

5.1.18. Commercials in News and Public Affairs programmes shall be clearly identified and presented in a manner that shall make them clearly distinguishable from the programme content.

5.1.19. The promotion of an organization, a product or a service of commercial interest shall not be treated as news analysis.

5.1.20. Commentary or editorializing shall not be passed as news. Also the use of terminologies such as "analysts", "observers", etc. shall not be accepted as attributions in a news report.

5.1.21. The placement of advertisements in a news programme shall be done such that it is distinct and does not distort the essence of the programme.

5.2. POLITICAL BROADCAST

5.2.1. Political programmes shall observe the provisions of extant electoral law.

5.2.2. Partisan political broadcasts shall be only those in which the parties seek to explain their views and policies.

5.2.3. Political broadcasts shall be in decent language.

5.2.4. Political broadcasts shall be clearly identified as such, and shall not be presented in a manner that would mislead the audience to believe that the programmes are of any other character.

5.2.5. Stations shall, in using politics as a ready material for news, avoid taking inflammatory and divisive matter in its provocative form.

5.2.6. In adherence to the principles of pluralism, equal airtime shall be provided to all political parties or views, with particular regard to the amount of time and belt, during electioneering campaign period.

5.2.7. At campaign periods, a log shall be kept by each station's News Division at a level not below Controller or its equivalent, showing the allocation of time to each party with dates, title of programme and other information as may be requested by the Commission, to ensure fairness.

5.2.8. All partisan political broadcasts shall be pre-recorded and the tapes preserved for at least 45 days after first broadcast.

5.2.9. All partisan political broadcasts, campaigns, jingles, and announcements shall end not later than twenty-four hours before polling day.

5.2.10. A station or its staff shall NOT at electioneering time, broadcast the collated sum of votes obtained at different polling stations, or from exit polls, to project or speculate on the candidate who, at airtime, was leading or doing better or worse than his opponent.

5.2.11. A station shall broadcast election results or declaration of the winner of an election only as announced by the authorized electoral officer for the election.

5.2.12. In the interest of fairness and balance, any form of commercialization of political news is prohibited.

5.2.13. However, stations shall take jingles, which shall not exceed 60 seconds duration, from politicians of all shades of opinion and political parties.

5.2.14. While a broadcast producer may interact with politicians in the course of his professional duties, this interaction shall NOT be such as to lead to the belief that he is either a member or sympathizer of any political party.

5.2.15. It is the responsibility of every station to produce and broadcast activities in the political arena and such productions shall be objective, fair and balanced.

5.2.16. Broadcast stations shall avoid the adulation or tendency to glamorize persons or personalities or resort to praise singing or denial of access to those of contrary views or political leanings.

5.2.17. News and programmes shall promote public discussion of political issues.

5.2.18. Panellists shall be of comparable status.

5.2.19. A station shall adhere strictly to the rules provided in the Electoral Act.

5.2.20. A station shall set up a standing Electoral Complaints Committee to resolve all disputes within 24 hours of receipt of the complaint.

5.2.21. The appropriate decisions, including the granting of a Right of Reply or Apology, shall be implemented within 24 hours, and with the same level of prominence.

5.2.22. The committee's proceedings shall be forwarded to the Commission not later than 48 hours.

5.3.0. LIVE COVERAGE

5.3.1. A live coverage shall be fair and balanced.

5.3.2. A live coverage, especially of a demonstration or disturbance, shall be just enough for enlightenment, and not sensationalise or glamorize the event or exploit broadcasting's unique advantages to the detriment of national interest and security.

5.4.0. NEWS INTERVIEW

5.4.1. A news interview shall be guided by the ethical standards of journalism.

5.4.2. Where a news interview excludes an important or newsworthy area of the issue under discussion this shall be stated during the broadcast.

5.4.3. It shall be stated at the beginning and the end of the broadcast where an interview entails an agreement to :

- (a) submit questions in advance ; or
- (b) exclude an important or newsworthy area concerning the subject ; and
- (c) where further developments have taken place after the recording.

5.4.4. A vox pop shall not be contrived, and shall be randomly conducted.

5.5.0. COVERAGE OF CRISES AND EMERGENCIES

5.5.1. At all times, the coverage of disasters and crises shall include, where available, information on evacuation, public safety, relief sites and shelters.

5.5.2. News and Commentary on crises and emergencies shall be presented in a balanced professional manner by relying on information from the accredited disaster management organisation(s). This shall not debar a station from presenting additional information even where contrary.

5.5.3. During a crisis or disaster, morbid or graphic details of injuries, pain and agony shall not be broadcast, except where it is useful in the resolution of attendant issues.

5.5.4. No information or activity of a station shall be accepted as professional, if it tampers with materials or facts that could usefully ameliorate the pains of the crisis.

5.5.5. A station shall not broadcast divisive rhetoric that threatens and undermines the indivisibility and indissolubility of Nigeria as a sovereign state.

5.5.6. A reporting of disaster shall not be conducted as to violate or impede and investigations at the site.

CHAPTER SIX

6.0. SPORTS AND OUTSIDE BROADCAST

6.0.1. OBJECTIVES

6.0.1.1. Sports are a useful instrument in the physical and mental development of a person. On a broader level, sports serve as an instrument of national unity and cohesion. Broadcasting is critical to the development of this worthy human endeavour and industry, therefore, sports coverage shall be designed to :

(a) achieve and uphold the principles of equity and fairness in the acquisition of sports rights and coverage ;

(b) provide the widest coverage for all sporting activities ; and

(c) use sports to promote national unity and cohesion by paying special attention to sporting events of national importance.

6.1. ACQUIRING SPORTS RIGHTS

6.1.1. Exclusivity is central to sports' rights acquisition. However, it is the responsibility of the Commission and, indeed, the entire industry to ensure that Nigerian broadcasting avails all Nigerians unfettered access to sporting events of national importance and significance.

6.1.2. Therefore :

(a) all Nigerian licensees shall have equal opportunity to acquire rights on fair and reasonable terms ;

(b) a licensee shall acquire rights for its licence category only ;

(c) where a category of rights becomes unsubscribed, a licensee in another category shall seek the approval of the Commission if it wishes to take on that right ;

6.1.3. The Commission shall arbitrate in the event of a dispute, and its decision shall be binding on all parties.

6.2. BROADCAST EVENTS

6.2.1. Events of major national importance shall NOT be broadcast on an exclusive basis in such a way as to deprive substantial proportion of the public the possibility of following such events.

CHAPTER SEVEN

7.0. ADVERTISING

7.0.1. The general principle that shall govern all advertisements for broadcast is that they shall be legal, decent, honest and truthful.

7.0.2. An advertisement shall conform to the Code, especially the programming guidelines.

7.0.3. An advertisement of a Nigerian product or service shall be produced under the total control of Nigerians in line with local content provisions in the Code.

7.0.4. An advertisement shall comply, in every respect, with its professional ethics.

7.0.5. An agency advertisement shall be accepted for broadcast only if it is accompanied with a certificate of approval from the Advertising Practitioners Council of Nigeria (APCON).

7.0.6. No advertisement material shall bring broadcasting into contempt or erode confidence in advertising as a service to the industry and to the public.

7.0.7. An advertisement shall not contain any item likely to encourage or incite to crime, lead to disorder or be offensive to public feeling. It shall not contain offensive reference to any race, person alive or dead, or generally be disrespectful to human dignity.

7.0.8. The advertiser shall be clearly identified in all advertisements as a person or legal entity.

7.0.9. The total time for commercial materials shall not exceed 4½ minutes in a 30-minute programme and 9 minutes in a 60-minute programme.

7.0.10. The expression, News flash, or similar terms generally used to denote important information, shall not be used in advertisement.

7.0.11. An advertisement featuring actors exploiting their dramatic roles shall not confuse the viewer/listener into thinking that he/she is listening to or watching the programme, except for promoting the programme.

7.0.12. An advertisement parodying a programme may be accepted provided different performers are used from those who appear in the programme itself, and it is readily apparent that the advertisement is no more than a parody.

7.0.13. An advertisement featuring a leading performer, such as an actor or musician, in a programme shall not be scheduled in breaks within, or airtime adjacent to programme featuring the same lead performer.

7.0.14. Every effort shall be made to keep the advertisement message in harmony with the content and general tone of the programme in which, or adjacent to which, it appears.

7.0.15. Descriptions, claims or illustrations relating to verifiable facts shall be such as can be easily substantiated.

7.0.16. Statistics shall not be presented to imply a greater validity than they really have. Also, scientific jargons and irrelevancies shall not be used to make a claim appear to have a scientific basis or universality it does not possess.

7.0.17. A newscaster personifies the sacredness of news. Therefore, a person who regularly presents news or news-related programmes shall not feature, visually or vocally, in an advertisement.

7.0.18. Testimonials shall be genuine and provable in relation to claims made.

7.0.19. Any information in the form of captions, whether standing alone or superimposed, shall be in a clearly readable text and held long enough for the viewer to read.

7.0.20. An advertisement shall offer a product or service on its merit and refrain from discrediting, disparaging or unfairly attacking competitors or their products.

7.0.21. An advertisement shall not encourage the popularization of negative myths and superstitious beliefs.

7.0.22. The practice of fortune telling or astrology shall NOT be advertised.

7.0.23. An advertisement shall not be calculated to play on fear in order to induce people to purchase the article or service advertised.

7.0.24. The use of fireworks and firearms in advertising is acceptable, provided it is inevitable in the delivery of the message.

7.0.25. The advertising of explosives and firearms is PROHIBITED.

7.0.26. The advertising of prize-giving competitions or legalized lotteries is acceptable provided such an advertisement does not extort or unduly exhort the public to engage in betting.

7.0.27. In advertising a competition, the rules shall be published or information given on where the full terms of such rules can be obtained.

7.0.28. The value of prizes and the chances of winning them shall not be exaggerated.

7.0.29. The advertiser who markets more than one product shall not use the merit of one to market the other.

7.0.30. The word guarantee shall be used only with due regard to its legal meaning. The limits and terms of the guarantee being offered shall be stated clearly.

7.0.31. An advertisement shall not be inserted into any GRADE A programme, such as Presidential, National or State broadcast.

7.0.32. The advertisement of regulated professions shall be allowed only with the approval of the relevant professional body.

7.0.33. The advertisement of potentially poisonous products shall carry the necessary caution.

7.1. CHILDREN AND YOUTH ADVERTISEMENTS

7.1.1. Exploitation of children and youths in any form shall be avoided.

7.1.2. Special caution shall be exercised with the content and presentation of advertisements placed in or adjacent to a programme designed for children and youths.

7.1.3. Particular care shall be taken to ensure that an advertisement targeted at children contains nothing which might result in physical or psychological harm, or which exploits their natural credulity.

7.1.4. Children and youths shall not be used in the advertisement of a product recognized as potentially dangerous.

7.1.5. An advertisement shall not encourage children and youths to enter strange places, converse with, or receive gifts from, strangers.

7.1.6. Direct sales appeals or exhortation shall not be made to children unless the products advertised are such that children can reasonably afford.

7.1.7. An advertisement of a commercial product or service shall not contain any appeal which suggests in any way that unless a child buys or uses the product, he/she will be failing in some duty, losing social status or lacking in loyalty towards some person or organization.

7.1.8. An advertisement shall not lead children to feel inferior to others because they or their parents do not own the product advertised, or that they are liable to be held in contempt or ridicule, for not owning it.

7.1.9. An alcoholic beverage advertisement shall not be broadcast adjacent to a children, youth or sports programme.

7.2. CONTEST

7.2.1. In advertisements relating to contests, a station shall ensure that :

(a) contests are conducted with fairness to all competitors, and shall comply with all pertinent laws and regulations;

(b) all contest details, including the rules, eligibility requirements, opening and termination dates, etc. shall be adequately announced and the names of winners released as soon as possible ;

(c) there shall be no misleading description or visual misrepresentation of any promises or gifts, which would distort or inflate their value in the minds of the audience ; and

(d) assurances shall be obtained from the advertiser that prizes or gifts offered are available and are not harmful to persons or property.

7.2.1. Prizes, which appeal to superstition, such as luck-bearing articles, shall not be broadcast.

7.2.2. Promotions shall not only be genuine, but seen to be clearly so to the public. The claims as to prizes won shall be verifiable. No distorted claims or winning shall be allowed, and, as much as possible, members of the public shall be involved in the selection of winners.

7.2.3. Any claims in advertising involving address and contact number shall be genuine and accessible.

7.3. MEDICAL

7.3.1. Any medical advertisement, orthodox, traditional or any other, shall conform to the provisions of the Code.

7.3.2. An advertisement of a medical product shall be presented only in the acceptable format prescribed by the relevant regulatory agency.

7.3.3. In advertising a medical product, claims that the product can effect a cure, and the use of such words as safe; without risk or harmless, shall not be broadcast unless so certified by the appropriate authority.

7.3.4. An advertising material, which describes or dramatizes distress or a morbid situation in an offensive manner, shall not be broadcast.

7.3.5. An advertisement shall not be broadcast if it contains an offer of a medicine or product, or an advice relating to the treatment of serious diseases, complaints, conditions, indications or symptoms, which should rightly receive the attention of a registered medical practitioner.

7.3.6. An advertisement shall not be broadcast if it contains any material offering cure for cancer, AIDS or any other ailment of such category, unless the cure has been authenticated by the body regulating that sector of medical practice.

7.3.7. An advertisement of products, medicines, treatment for disorders or irregularities peculiar to women shall not contain expressions such as inducing abortion.

7.3.8. An advertisement shall not be broadcast if it contains the use of a word, phrase or expression, such as magical, miracle, miraculous, etc.

7.3.9. An advertisement shall not be broadcast if it offers any product or treatment for beauty, slimming, weight reduction or figure control, without stating the likely side effects.

7.3.10. An advertisement shall not be broadcast if it contains any offer to diagnose or treat complaints or conditions by hypnosis.

7.3.11. An advertisement shall not be broadcast if it is capable of inducing fear in the viewer/listener that he is suffering, or may, without the advertised treatment, suffer, or suffer more severely, from an ailment, illness or disease.

7.3.12. An advertisement which offers to diagnose, and, or treat by correspondence, shall not be broadcast.

7.3.13. A medical advertisement which offers to refund money to dissatisfied users shall not be broadcast.

7.3.14. An advertisement shall not be broadcast if it contains the word clinic, institute, laboratory or similar terms, unless such an establishment does, in fact, exist and is registered as such.

7.3.15. An advertisement shall not be broadcast if it contains, in the name of the product, the title, Doctor or Dr, unless that is the registered trade mark.

7.3.16. An advertisement of a product or service shall not be broadcast if it purports to increase sexual libido or correct sexual weakness.

7.4. ALCOHOL

7.4.1. An advertisement or offer of a gift item promoting an alcoholic product shall not be broadcast within or adjacent to children, youths or sports programme.

7.4.2. Children, sportsmen/women and expectant mothers shall not be used as models in alcohol advertisements.

7.4.3. An advertisement of an alcoholic product(s) shall not be broadcast in or adjacent to religious programme, to respect religious sensitivities.

7.4.4. An advertisement of an alcoholic product shall not be aired between 6.00 a.m. and 8.00 p.m. on radio, and between 6.00 am and 10.00 pm on television.

7.4.5. Corporate sponsorships of programmes and events are allowed, but the content shall respect all other clauses of the Code.

7.4.6. Sporting themes and personalities shall not be used in the advertisement of an alcoholic beverage.

7.5. RELIGIOUS

7.5.1. An advertisement promoting religion in any form shall :

(a) present its claims, especially those relating to miracles, in such a manner that is verifiable, provable and believable ;

(b) not use the peculiarities of broadcast technology to mislead the viewer/ listener ;

(c) not cast aspersions on any other religion or sect ; and not be seen to try to exploit the weakness, handicap(s), shortcomings or state of desperation of members of the public.

7.6. POLITICAL

7.6.1. A political advertisement shall be guided by the Code and other relevant regulations.

7.6.2. A station shall be free to sell airtime for the purpose of political campaigns and that :

(a) all messages shall be in the form of spot announcements or jingles not exceeding 60 seconds ;

(b) no station shall be involved in the production of such announcements or jingles.

(c) no voices of members of staff of any station shall be used in political jingles.

(d) all jingles shall conform to the standards of truth, decency, good taste and morality.

7.6.3. No advertisement shall be accepted in a partisan political programme.

7.6.4. No advertisement shall contain anything which amounts to subversion of constituted authority or compromises the unity or corporate existence of Nigeria as a sovereign state.

7.6.5. The advertiser shall be clearly identified in all advertisements.

7.6.6. Equal opportunity shall be given to every political party to advertise.

7.6.7. In conformity with the provisions of the Electoral Act, the period of campaigning in public through any broadcasting station at any election shall commence 45 days before polling day and end 24 hours prior to that day.

7.6.8. No broadcasting station shall permit any political campaign or advertisement on its facilities 24 hours immediately preceding polling day or on polling day.

7.6.9. All broadcasting stations shall give equal access on a daily basis to all registered political parties or candidates on their facilities.

7.6.10. Any licensee who allows any person other than a political party or a candidate to produce any programme for the purposes of promoting or opposing a particular political party or the election of a particular candidate on its broadcast station during the 24 hours immediately preceding or on polling day is in breach of the Code.

7.6.11. Airtime shall be allocated equally among the political parties at similar hours of the day.

7.6.12. All stations shall allot equal airtime to all political parties during prime times at similar hours each day, subject to payment of appropriate fees.

7.6.13. All stations shall ensure equal coverage and prominence to all political parties.

7.6.14. No broadcasting station shall be employed or used to the advantage or disadvantage of any political party or candidate at any election.

7.6.15. Any broadcasting station that contravenes the provisions of Sections 7.6.1 to 7.6.14 above shall be liable, in the first instance, to a fine of ₦500,000 and subsequently to a suspension of its licence for a period not exceeding seven days.

CHAPTER EIGHT

8.0. SPONSORSHIP AND INFOMERCIAL

8.0.1. Business concerns have recognized broadcasting as a crucial instrument of modern business development and are using various forms of association with programmes to tap into the medium's powerful reach. Recognising the economic importance of sponsorship to broadcasting, this section sets out guidelines for the sponsorship of programmes.

8.1. GUIDELINES

8.1.1. A sponsored programme shall be clearly identified as such.

8.1.2. Only the sponsor's identification shall feature in the programme.

8.1.3. A sponsor's identification shall be taken only at the beginning, the end, and, or at a programme junction.

8.1.4. A station shall maintain editorial independence in the content and scheduling of a sponsored programme.

8.1.5. Sponsorship by organizations dealing in alcoholic products shall not be allowed in children, youths or religious programmes.

8.1.6. An organization dealing in alcoholic products may sponsor sporting events provided that only its corporate logo shall be used as identification.

8.1.7. A sponsored programme shall only be broadcast during the time belt in which it is legal for the sponsor to advertise its products.

8.1.8. No spot advertisement of the sponsor, its product or service shall feature in the sponsored programme.

8.1.9. Sponsor's identification shall not form part of the presenter's wardrobe.

8.1.10. A sponsor's product shall not be displayed in any manner in the programme.

8.1.11. Sponsorship of foreign programmes shall not be allowed on terrestrial stations.

8.2. INFOMERCIAL

8.2.1. An infomercial is an advertising genre that treats the subject more elaborately than a standard advert, usually in the format of a full programme.

8.2.2. An infomercial shall :

(a) not exceed fifteen minutes ;

(b) be clearly identified and distinct from other advertising and programme pieces.

(c) not exceed 5 per cent of daily transmission time, or a maximum of 8 slots per transmission day.

8.2.3. Religion or politics shall not be a subject for an infomercial programme.

CHAPTER NINE,

9.0. COMMUNITY BROADCASTING

9.0.1. Community broadcasting is a key agent of democratisation and social, cultural and economic development. It is a non-profit, grassroots public broadcast service medium through which each member of the society is able to contribute to the fostering of civic responsibility and integration.

9.0.2. A community, for the purposes of a broadcast licence, shall be a group residing in a particular geographical location or sharing a strong interest which the community desires to develop through broadcasting. Examples of such communities are :

- (a) a local, non-profit organization ;
- (b) an educational institution (campus) ;
- (c) a cultural association ;
- (d) a co-operative society ; and
- (e) a partnership of associations.

9.0.3. A community broadcasting service shall be owned and controlled by the community through a trusteeship or a foundation with a board of trustees.

9.0.4. All the operating equipment of the service shall be sited within the community.

9.1. FUNDING

9.1.1. A community broadcasting service shall be funded from :

- (a) resources of the community raised through levies, contributions and membership fees, etc ;
- (b) donations, gifts or grants ; and
- (c) local spot announcements.

9.2. OPERATION

9.2.1. Without prejudice to the professionals entrusted with operating the service, members of the community shall participate in deciding the nature of the operation.

9.2.2. The licensee shall not abdicate its editorial and scheduling responsibilities.

9.3. LANGUAGE OF BROADCAST

9.3.1. A community broadcasting service shall give prominence to the languages spoken in the community.

9.4. GRANT OF LICENCE

9.4.1. In determining suitability of an application for the grant or renewal of a community broadcasting service licence, the following, amongst others, shall be considered :

- (a) ownership ;

- (b) funding ;
- (c) constitution of its Board of Trustees ; and
- (d) Nature and content of programming, with particular reference to the treatment of political and religious matters throughout the lifespan of the licence.

9.5. DISQUALIFICATION

9.5.1. A community broadcasting service license shall not be granted to :

- (a) a religious organization ;
- (b) a political party ;
- (c) an individual ; and
- (d) a corporate body except it is a not-for-profit organisation.

9.6. PERMANENT STAFF

9.6.1. There shall be at least five permanent members of staff in the operations of the station and at least two of them shall have a minimum of 5 years broadcasting experience each.

CHAPTER TEN

10.0. NETWORK BROADCASTING SERVICE

10.0.1. Character of a Network

10.0.1.1. For reasons of national cohesion and integration, the ownership of a network shall be spread across the country as much as possible.

10.0.1.2. A network licence applicant shall demonstrate adequate financial, professional and technical profile and capability.

10.0.1.3. A network programming profile shall comprise content that fosters national unity, cohesion, stability and respects local sensitivities.

10.0.1.4. A network operation shall cover the entire area of its licence.

10.0.1.5. The responsibility for every network broadcast shall be collectively borne by the stations on which it is relayed. Therefore, each affiliate shall ascertain that each network programme meets the provisions of its licence and the Nigeria Broadcasting Code.

10.1. AFFILIATION

10.1.1. A licensee shall not enter into an agreement of affiliation with any station without the approval of the Commission.

10.1.2. An affiliate shall continue to discharge its programme responsibility to its primary target audience, based on the original terms of its licence. In any case, local programming shall not be less than 70 percent of its daily broadcast schedule.

10.2. SYNDICATION AND CONSTANT DISTRIBUTION

10.2.1. All programme syndicating companies desiring to operate within Nigeria shall be licensed by the Commission.

10.2.2. Stations receiving content from a syndicating company shall not transmit the programme simultaneously as this will amount to networking and a contravention of its licence condition.

10.3. CATEGORIES OF NETWORK SERVICES

10.3.1. A network licence shall be issued in either of the following categories :

(a) National ; or

(b) Regional.

CHAPTER ELEVEN

11.0. SUBSCRIPTION BROADCASTING SERVICE

11.0.1. General.

11.0.1.1. A subscription service provides subscribers with freedom of choice along with the capability and responsibility to select the programme they wish to receive.

11.0.1.2. A subscription service provider shall be committed to the protection of subscriber interests on all issues relating to packages, subscriber options, fault repairs, subscriber privacy, credit management and billing.

11.1. SET TOP BOXES (STB)

11.1.1. The standard for STB shall be ability to accommodate CA, EPG and API systems of operation.

11.1.2. The STB shall be non-proprietary for all terrestrial operators.

11.2. MOVIE RIGHTS

11.2.1. As in international business practice, exclusive ownership of rights shall not be discouraged in Nigeria. However, exclusive rights ownership shall not be misconstrued to mean or encourage monopoly.

11.2.2. Exclusivity can be applied to the mutual benefit of all players through an admixture of applications, some of which includes the provision of windows for various platforms at mutually agreed terms.

11.2.3. Regarding branding of programmes, exclusivity is recognized. However, cultural owners of such rights are required to create a second window for other licensees on terms that are reasonable, where applicable.

11.3.0. MUST-CARRY/MUST-OFFER

11.3.1. For the audience to have access to free-to-air channels over subscription system :

(a) a terrestrial subscription service shall carry free-to-air terrestrial public broadcasting station in its area of coverage free, in the public interest ; and

(b) satellite subscription service shall carry- a free-to-air national public broadcasting station in the public interest.

11.3.2. Where a free-to-air terrestrial commercial station/channel is to be added on the bouquet of a subscription satellite service, the commercial licensee shall apply for the upgrading of its licence to that of satellite broadcasting service.

11.3.3. Compliance with must-carry obligation of a public broadcasting service does not count as part of local content.

11.4. ADDING CHANNELS

11.4.1. To ensure compliance with the spirit and letter of the Code, any subscription broadcasting licensee who intends to add or introduce a new channel to its bouquet shall apply upon payment of an administration fee to the Commission in advance and shall only broadcast the channel with the approval of the Commission.

11.4.2. An application for the authorization to add one or more channels shall :

(a) be made at least 30 days before the due date of the introduction of the channel ;

(b) be made in a prescribed form obtained from the Commission ;

(c) require the applicant to furnish the following particulars.

(i) the name of each intended channel ;

(ii) the nature of the channel ;

(iii) the type of channel, its content and synopsis ;

(iv) the channel country of origin ;

(v) the name of channel supplier or provider ;

(vi) the duration of the channel ;

(vii) the designated watershed period or classification.

(d) be accompanied by a prescribed administration fee to be determined by the Commission from time to time.

11.4.3. The Commission shall issue its decision on the matter within a reasonable period of time.

11.5. CLASSIFICATION SYMBOLS

(a) The classification symbol for the film or drama programme shall be shown clearly at the commencement of the programme and in programme guides.

(b) Where other programmes are classified or categorized, they shall comply with NFVCB and other recognised classification symbols with particular regard to protection of children.

11.6. CONSUMER ADVICE

11.6.1. With appropriate scheduling, some additional information about pre-watershed and post-watershed programmes shall be necessary for subscribers to appreciate information about content that may be problematic for certain ages, particularly if a programme appeals to wide-ranging audience.

11.7. DTH LINKAGE

11.7.1. A terrestrial free-to-air licensee on the bouquet of DTH on the basis of Must-Carry/Must-Offer shall be linked by any of the following :

(a) Microwave links of not more than one hop ;

(b) Direct satellite link,

(c) E1 link through telephone line, or

(d) Any other approved mode.

11.8. DIRECT SATELLITE BROADCAST (DSB)

11.8.1 A direct satellite licensee shall not piggy-back on another DSB licensee, or a DTH, unless by a technical agreement leading to its signal being Coded or encrypted.

11.9. PARENTAL CONTROL

11.9.1. All subscription operators shall have access control facilities on their decoders.

11.10. TRANSBORDER DIRECT TRANSMISSION AND RECEPTION IN NIGERIA

11.10.1. International Convention relating to terrestrial and Satellite broadcasting has become a key phenomenon requiring close attention by the Commission. Therefore

11.10.2. No licensee shall distribute signals not meant for Nigerian territory without the prior approval of the Commission.

11.10.3. Nigerian stations re-transmitting the signals of a foreign station shall obtain prior approval from the Commission.

11.10.4. With the exception of special religious or sports programmes or events of national interest Nigerian stations shall not hook on to live foreign broadcasts.

11.10.5. In all cases the agreement between the Nigerian and foreign stations shall be submitted to the Commission.

11.10.6. The onus of proof of any breach there from shall be on the Nigerian station re-transmitting such broadcasts.

11.10.7. The principle of reciprocity in programme exchange shall be Adhered to in this matter.

CHAPTER TWELVE

12.0. TECHNICAL

12.0.1 The backbone of broadcasting is technology. Technology itself is universal and based on certain principles. To be part of the global village that the world has become, there is a need to set technical standards that conform with international standards.

12.1. SAFETY REGULATIONS

12.1.1. Industrial Safety.

12.1.1.1. A broadcasting station shall operate within strict safety conditions as provided by the international convention and labour laws on industrial safety.

12.1.1.2. Specifically, there shall be, conspicuously displayed in the operational areas of a station the following :

- (a) industrial safety cards ;
- (b) functional fire alarms ;
- (c) functional fire extinguishers ;
- (d) functional emergency exits ;
- (e) pathfinders for emergency ; and
- (f) other safety measures, equipment, etc now known or may hereafter be invented and as may be specified from time-to-time by the Commission.

12.1.2. RADIOLOGICAL PROTECTION

12.1.2.1. Ionizing radiation caused by X-ray radiated from the transmitters may constitute a radiation hazard for workers and the public if the level of radiation is higher than as specified by the Nigeria Nuclear Regulatory Authority and the International Electro-technical Commission.

12.1.2.2. Stations shall ensure that operators and members of the public are not exposed to electromagnetic fields in excess of following as recommended :

- (a) for band II VHF frequencies 6.6 watts/square meter for continuous exposure [not longer than six minutes], which equates to an electric field of 154 dB (micro volt/meter) ;
- (b) for MF band, maximum permitted levels fall with frequency, and at the top of the band are as low as 4.24 watts/square meter which is 172 dB (micro volt/meter) [not longer than six minutes] ; and
- (c) for HF, maximum Specific Absorption Rate (SAR) shall not be more than 0.4 watts/kilogram for workers and 0.8 watts/kilogram for the public.

12.1.3. SHIELDING

12.1.3.1. Effort shall be made to ensure that radiation exposure in all broadcast operational areas is reduced to the barest minimum.

(a) Radiation allowable in all cases shall be 0.005 watts/square meter.

(b) A station shall reduce the x-ray radiation to acceptable level by additional shielding of the transmitter.

12.1.4. DANGER SIGN

12.1.4.1. At High Frequency (HF) and Medium Frequency (MF) transmitter installations, the antenna site shall be fenced and danger signs shall be conspicuously displayed round the fenced area.

12.1.5. INTERLOCKING

12.1.5.1. Interlock switch shall be installed on all broadcast transmitters to prevent personnel exposure to the transmission radiation and physical damage from mechanical or electrical systems.

12.1.6. LIGHTNING PROTECTION

12.1.6.1. Lightning arrestors shall be provided to protect personnel and equipment from lightning :

(a) building and other structures shall be protected against lightning damage by installing a system of earth terminals (lightning rods) and grounding conductors to conduct lightning strokes to the ground ;

(b) all underground cable runs shall have bare grounding counterpoise conductor installed above each underground run to intercept lightning strokes to the ground directly above the cable ;

(c) lightning arrestors (surge arrestors) shall be installed at the end of all overhead power supply lines at the point where they connect to the stations underground lines. This is to prevent voltage surges due to lightning strokes to the overhead lines ;

(d) arrestors shall be connected to a copper or aluminium plate at each of the mast trays and at the base or at each of the legs of the mast and buried to the ground ; and

(e) earth resistance measured at the base or at each of the legs of the mast shall not exceed one (1) Ohm. Where high resistance is inevitable, elaborate precautionary measures shall be applied.

12.1.7. SAFETY PRECAUTIONS

12.1.7.1. In all technical areas where there are electrical or mechanical equipment in operation such as moving machines, transmitters, production equipment, generators etc. Safety precautions as listed below shall be put in place :

12.1.7.2. At least two technical personnel shall be on duty during operations or maintenance of the equipment at all times.

12.1.7.3. Adequate functional fire fighting equipment shall be provided and used regularly.

12.1.7.4. Monthly fire drills shall be conducted in all stations and logged accordingly.

12.1.7.5. Rubber mats shall be provided at least one meter (1m) round every transmitter cabinet and, or high voltage equipment, with an insulation capacity of at least 20% greater than the highest voltage within the equipment in all operational areas.

12.1.7.6. A statutory registered Engineer shall certify all electrical and mechanical projects and designs.

12.1.7.7. Cards showing the procedure for the treatment of electric shock shall be placed in all technical areas and all staff shall familiarize themselves with their contents. Technical personnel must be trained quarterly by experienced staff through practical demonstration.

12.1.7.8. No persons shall enter a technical area especially transmitter hall if they are not properly attired (appropriate shoes with rubber soles or heels, overall, etc)

12.1.7.9. No person shall climb any mast or tower or go near any medium wave (MW), short wave (SW), UHF, VHF transmitter feeder or enter the aerial matching hut at any time during transmission.

12.1.7.10. Any aerial rigger or authorized person having to work on any MW, SW, FM, TV or broadcast transmitter feeder or aerial shall first ensure that the transmitter and any other transmitter in the location are switched off.

12.1.8. FIRST-AID KITS

12.1.8.1. First-Aid Kits shall be provided in all technical areas and shall contain necessary drugs and dressings for the treatment of burns, cuts, shocks etc.

12.1.8.2. There shall be quarterly First Aid training for all technical staff. This shall be recorded in a log book.

12.1.8.3. The victim of an accident in a technical area shall be immediately referred to a hospital for proper medical attention after first-aid has been administered.

12.2. ANTENNA SUPPORT STRUCTURE REGULATIONS

12.2.1. STRUCTURAL DESIGN.

12.2.1.1. A COREN registered Structural Engineer shall certify all foundation designs, works and the erection of a mast or tower as to specification and within standards.

12.2.2. MAST/TOWER SITE

12.2.2.1. Where a mast or tower is to be situated within half a mile of the boundary of an airport, the height of the antenna support structure shall not exceed fifty feet above ground level.

(a) For a guyed mast the minimum site radius allowed from the mast centre shall be 0.8 of the mast height.

(b) For self supporting lattice tower, the base square allowed shall range between $h/10$ and $h/7$, where h is the structural height.

12.2.2.2. Before installation of any antenna support structures, the following shall be submitted to the Commission for approval :

- (a) soil test report of the site for the mast/tower ;
- (b) structural design of the mast/tower (viz antenna load, wind load, foundation and structural members) ;
- (c) foundation design ;
- (d) (a) (b) and (c) above shall be certified by a COREN registered structural Engineer of up to 10 years cognate experience in mast/tower design who shall also supervise the construction.

12.2.2.3. Towers and masts shall meet all the requirements of structural standards for :

- (a) steel transmitting antenna ; and
- (b) supporting steel tower.

12.2.2.4. Additionally, the following shall be required for tower and mast :

- (a) all fabricated steel shall be hot dipped and galvanized after fabrication ;
- (b) all bolts shall be high strength type with suitable washers and locking devices ;
- (c) all members shall be depth stamped ;
- (d) self-supporting towers shall be provided with safety ladder system over its full length ;
- (e) climbing and safety devices shall be provided to the top of all structures installed ; and
- (f) rest platforms shall be provided at suitable intervals of 45 meters.

12.2.2.5. Height Clearance Certificate from the Nigerian Civil Aviation Authority shall be submitted to the Commission before the commencement of mast/tower installation for the Commission's approved height. The approval of the Commission and the Nigerian Civil Aviation Authority shall be obtained before :

- (a) installation ; and
- (b) any additional antenna or mast section is mounted on an existing mast/tower.

12.2.2.6. The rehabilitation/relocation of a mast/tower shall, in the first instance, be approved by :

- (a) the Commission ; and
- (b) the NCAA.

12.2.2.7. Any mast or tower support which crosses or is liable to fall or to be blown on to any overhead power wire (including electric lighting wires) or power apparatus shall be guarded to the reasonable satisfaction of the National Electricity Regulatory Authority.

12.2.2.8. Pilot light (Aviation Warning Light) shall be installed on every tower/mast.

12.2.2.9. Mast and markings/painting shall be in aviation colour and in accordance with Civil Aviation Regulations.

12.2.2.10. Broadcasting stations shall conduct yearly inspection and maintenance of mast/towers as specified in the engineering manuals and the report on such an exercise shall be submitted to the Commission by the 31st of March every year.

12.3. Prohibitions

12.3.1. A licensee shall not commence installation without prior approval from the Commission.

12.3.2. No change shall be made to the following without the approval of the Commission :

- (a) transmitter power ;
- (b) aerial gain and polarisation ;
- (c) mast height ;
- (d) transmitter location ; and
- (e) RF distribution.

12.4. COVERAGE AREA AND FIELD STRENGTH

12.4.1. Coverage Area

12.4.1.1. A broadcasting station shall limit itself to only the coverage area as prescribed by the conditions of its licence.

12.4.2. Field Strength

12.4.2.1. A broadcasting station shall maintain specified minimum values of field strength in its coverage area depending on its mode of transmission and its location. Accordingly, the acceptable minimum values shall be as indicated below :

(a) Urban Areas

- | | |
|---------------------------------|-----------------|
| (i) AM Sound Broadcasting | 72dBu micro v/m |
| (ii) VHF-FM Sound Broadcasting | 60dBu micro v/m |
| (iii) VHF-Television (Band III) | 60dBu micro v/m |
| (iv) UHF-Television (Band IV) | 65dBu micro v/m |
| (v) UHF- Television (Band V) | 70dBu micro v/m |

(b) Rural Areas

- | | |
|---------------------------------|-----------------|
| (i) AM Sound Broadcasting | 66dBu micro v/m |
| (ii) VHF-FM Sound Broadcasting | 48dBu micro v/m |
| (iii) VHF-Television (Band III) | 49dBu micro v/m |
| (iv) UHF-Television (Band IV) | 60dBu micro v/m |
| (v) UHF- Television (Band V) | 60dBu micro v/m |

12.5. BROADCASTING SYSTEM**12.5.1. Broadcasting Band Designation**

- (a) Band I Channels 2-4, VHF-TV (47-69MHz)
- (b) Band II Channels, FM-RADIO (88-108MHz)
- (c) Band III Channels 5-12, VHF-TV (174-230MHz)
- (d) Band IV Channels 21-34, UHF-TV (470-582MHz)
- (e) Band V Channels 35-68, UHF-TV (582-854MHz)
- (f) Medium Frequency MF or MW-RADIO (510-1605 KHz)
- (g) High Frequency HFBC or Short Wave-RADIO (5900-26100 KHz)
- (h) MMDS (BSS Community Reception (2.5-2.7GHz)
- (i) Direct Broadcast Satellite (Television) Up Link (11.7-12.2GHz) for C Band
- (j) Direct Broadcast Satellite (Television) Down Link (14.5-4.7GHz) for KU Band
- (k) Direct Broadcast Satellite Audio (146 - 149MHz) for KA Band

12.5.2. TELEVISION

The technical standards for television system in Nigeria are :

- (a) colour television based on 625-line system ;
- (b) PAL System B for VHF with 7MHz bandwidth ;
- (c) PAL System G for UHF with 8MHz bandwidth ;
- (d) Video - sound carrier separation - 5.5MHz ;
- (e) Field frequency nominal value 50Hz ;
- (f) frequency tolerance for both VHF and UHF TV Bands shall be $\pm 500\text{Hz}$; and
- (g) maximum spurious emission power levels shall be :

<i>Frequency Band</i>	<i>Spurious level</i>
174 - 254 MHz and 470	854MHz
Tx. o/p >25w	60dB/1mw
Tx. o/p <25w	40dB/0.25mw

12.5.2.1. Television Categories :

- (a) Broadcast Television Service (Terrestrial) ;
- (b) DVB-T Digital Video Broadcast Television (Terrestrial) ;

- (c) Broadcast Satellite (community reception)
- (d) DBV-C Digital Broadcast Video-Cable
- (e) Broadcast Satellite (individual reception)
- (f) Broadcast Satellite (Direct to Home) DTH
- (g) DVB-S Digital Video Broadcast Satellite
- (h) DVB-H Digital Video Broadcast Hand-held
- (i) DVB-T Digital Video Broadcast (Fixed Mobile)

12.5.3. CABLE TELEVISION SYSTEM

12.5.3.1. There shall be two modes of operation :

- (a) fibre optics and/or, coaxial ;
- (b) Microwave Multipoint Distribution System (MMDS); and
- (c) In (a) and (b) above transmission in both modes shall be scrambled, such that subscribers are addressable, (i.e. the station shall be able to remotely switch subscribers on and off).

12.5.3.2. To meet the requirement for local content and other programme source, the following facilities shall be installed :

- (a) Character Generator to superimpose text messages ;
- (b) Video playback equipment ; and
- (c) Video camera.
- (d) A video mixer

12.5.4. OTHER REQUIREMENTS

- (a) Licensees shall obtain from the Commission an output channel frequency for their decoder in all locations ;
- (b) Maximum power per channel shall not exceed 20 watts at each approved location ;
- (c) Channels shall be used for the services and purposes which the licence conditions specify ;
- (d) Prior approval shall be obtained from the Commission for a change in the terms of the licence.

12.6.0. SOUND

12.6.1. The approved modes of sound broadcasting are :

- (a) Medium Wave (MW) or Medium Frequency (MF) ;
- (b) Short Wave (SW) or High Frequency (HF) ;
- (c) Frequency Modulated (FM) or Very High Frequency (VHF) ;
- (d) Direct Broadcast Satellite; and
- (e) Digital Audio Broadcast (DAB)/(HD)

12.7.0. TRANSMISSION SYSTEMS**12.7.1. Sound.**

12.7.1.1. High Frequency Broadcasting (HFB) HFBC or Short Wave (SW) in Nigeria shall be licensed by the Commission in adherence with the ITU Radio Regulations.

(a) All HFBC transmitters put into service after 1st January, 2004 shall have the capability to offer digital modulation.

(b) The use of the HFBC bands 5900KHz-26000KHz shall be based on principles given in Article 12 of the ITU Radio Regulations.

(c) HFBC station shall, twice yearly, submit their projected seasonal broadcasting schedule in the relevant frequency band.

(d) All broadcasting requirements, national and international shall be treated on an equal basis, with due consideration of the differences between these two kinds for broadcasting requirements.

12.7.1.2. FREQUENCY MODULATED (FM) BAND

12.7.1.2.1. The Frequency Modulated (FM) transmission in Nigeria shall be in compliance with ITU Recommendation 450-2, and other conditions as stated in the Technical Manual.

12.7.1.3 SATELLITE (DBS)

Pursuant to section 2 (1) (b) and (c) of the NBC Act and in keeping with International Regulations, the Commission shall license a service provider for the following :

(a) satellite point-to-point transmission ;

(b) Direct Satellite to Home (DTH).

12.7.1.4. REQUIREMENTS FOR DBS APPLICANTS.

(a) Applicants for Direct Broadcast Satellite (DBS) shall submit to the Commission the full technical details both for the feeder link and the downlink for satellite of choice ;

(b) No broadcasting satellite service using frequency in the 11.7-12.2GHz shall occupy a national orbital position further west than 37 degrees or further east than 146 degrees ;

(c) A satellite network filing due diligence administrative procedure shall be as outlined in the Manual ;

(d) Nigerian Orbital Parameters shall be as outlined in the Manual ;

(e) The basic characteristic requirements to be furnished in relation to spacings in the broadcasting satellite shall be submitted to the Commission as outlined in the Manual.

12.7.1.5. VISION

12.7.1.5.1. The transmitter shall operate in accordance with the Consultative Committee International Radio (CCIR) Regulations on the transmission of Colour Television PAL Standards.

12.8.0. TRANSMITTERS

12.8.1. Studio-to-Transmitter Links.

12.8.1.1. Studio-to-Transmitter links shall operate in accordance with the CCIR Recommendation 402.

12.8.2. Repeaters, Transmitters, Transposers And Beam Benders.

12.8.2.1. The use of repeater transmitters, transposers and beam benders shall be subject to the approval of the Commission.

12.8.2.2. An application for the use of repeater transmitters, transposers and beam benders shall be accompanied with :

- (a) technical feasibility study ;
- (b) its proposed extension.

12.8.3. TRANSMITTER SITE

At each transmitter site, a station shall keep :

- (a) a stock of A-Level, B-Level and C-Level spares, the total worth shall not be less than 10% of the total cost ;
- (b) a Programme Input Equipment rack that shall house programme processing, monitoring and test equipment ; and
- (c) an Engineering Log book with recordings of daily, weekly, monthly, quarterly and yearly maintenance schedules and results.

12.8.4 TRANSMISSION STANDARD

12.8.4.1 Pursuant to Section 13 (c) of the NBC Act and with the objective of a hitch free transmission and to avoid interference transmission, adherence to national and international standards and reception shall be strictly observed.

12.8.4.2 A broadcast station shall ensure that the equipment comprised in a station shall be so designed, constructed, maintained and used in such a way that the station does not cause interference with any other wireless equipment.

12.8.4.3 Every precautionary measure shall at all times be taken to keep radiated energy from the transmitter, within the narrowest possible frequency bands by :

- (a) having regard to the class of emission in use ;
- (b) ensuring radiation harmonics and other spurious emission are suppressed to such a level that they cause no interference ; and
- (c) carrying out tests from time to time with a view to ensuring that the requirements of these clauses are met.

12.8.5 RADIATED ENERGY

Broadcasting stations shall radiate only approved power necessary to ensure satisfactory service in its coverage area. To this end :

- (a) broadcasting stations shall employ all technical means to ensure that radiation is reduced to the maximum specified across its area of coverage ; and
- (b) out-of-bound emission of a broadcast station shall not cause harmful interference in the adjacent channel.

12.9 FREQUENCY AND SPECTRUM REGULATIONS

12.9.1 Frequency Spectrum usage shall conform to the technical specifications as stated in the licensing condition and the International Conventions.

12.9.1.1 A broadcasting station shall monitor its :

- (a) actual spectrum occupancy ;
- (b) frequency deviation ;
- (c) depth of modulation ; and
- (d) centre frequency.

12.9.1.2. The Commission shall reserve the right to conduct such other tests, including measurement of the licensee's transmissions to ensure non interference.

12.9.1.3. It shall be the licensee's responsibility to ensure, in context :

- (a) adequate monitoring of critical transmission parameters ; and
- (b) system checks in the event of a drift or other failures.

12.9.1.4 A broadcasting station whose operating coverage area is near or adjacent to Nigeria's international border shall ensure that its emission is contained within the geographical boundaries of the Federal Republic of Nigeria.

12.9.1.5 The Commission shall have responsibility for frequency co-ordination. A licensee is required to make a written application for request of such co-ordination to the Commission.

12.9.1.6. A broadcast emission that constitutes a major interference to another station's operation shall :

- (a) be eliminated within 24 hours ;
- (b) failure above shall compel the Commission to close down the station until it is able to remove such interference.

12.9.1.7. The license holder shall display same conspicuously within the premises.

12.9.1.8. Any person who is in possession of any apparatus for casting shall be deemed, unless the contrary is proved, to have used the same out a license.

12.10. DIGITAL TERRESTRIAL TELEVISION BROADCASTING SERVICE

12.10.1. Digital system of broadcasting provides higher quality reception and more channels compared to conventional analogue system for the same propagation conditions and assigned bandwidth.

12.10.2. There are two types of terrestrial digital broadcasting networks.

(a) *Multi-Frequency Network (MFN)*.—This network allows the same or different programmes to be carried by individual transmitters using different frequencies.

(b) *Single Frequency Network (SFN)*.—The distributed emission is implemented by multiple transmitters operating on the same frequency and carrying the same programmes through out the network.

12.11. STATION COMMISSIONING

12.11.1. The Commission or its appointed agents shall be present at all acceptance tests of new transmitting equipment :

- (a) before a licensee is permitted to start full broadcast ;
- (b) all tests shall be done on dummy load and on-air to determine interference level, if any ;
- (c) the Commission shall be informed in writing (in exceptional circumstance) where these test may be undertaken by the agent of a licensee ;
- (d) in all cases, a representative of the Commission shall be required for the testing to be conducted on new transmitting equipment ;
- (e) a licensee shall ensure that pursuant to permission granted to transmit, such test transmission may be made over a period of at least three weeks in advance of the on-air date ; and
- (f) where permission has been granted and a full report of the commissioning test is required at the instance of the Commission, a fee shall be payable to the Commission to offset additional administrative costs.

12.11.2. A licensee shall provide the Commission an accurate :

- (a) block diagram of the complete installation ;
- (b) system diagram of all production facilities ;
- (c) electrical wiring diagram of the installation ;
- (d) aerial radiation pattern ; and
- (e) factory test result of the transmitter.

12.12.1 EQUIPMENT MEASUREMENT

12.12.1 Measurement of equipment performance in broadcasting shall be made primarily with the objective of :

- (a) ensuring high technical excellence ; and
- (b) achieving uniform standards in all forms of broadcasting.

12.12.2. The Commission's laid down tolerance limits for equipment performance standard shall be applicable whether or not the circuit incorporates any form of digital encoding/decoding, transmission, processing or storage.

12.13. EQUIPMENT FAULT REPORT

12.13.1. A broadcasting station shall keep a fault report detailing the nature of the fault and remedy taken to restore the equipment, including spares used.

12.14. TOOLS AND TEST GEARS

12.14.1. Adequate test gears and tool kits (electrical/mechanical/IT) shall be provided at each station. These shall include :

- (a) multimeter ;
- (b) spectrum analyzer ;
- (c) frequency counters ;
- (d) oscilloscope ;
- (e) dummy load ;
- (d) modulation meter ;
- (e) power meter ;
- (f) signal generators ;
- (g) Vectorscope ; and
- (h) Laptop as specified in the technical manual.

Stations shall make these items available for inspection by the Commission.

CHAPTER THIRTEEN

13.0. REPORTING PROCEDURE AND SANCTIONS

13.0.1. Complaints.

13.0.1.1. The Commission shall receive, inquire into and adjudicate, and where necessary impose sanctions for any complaint, allegation, non-compliance or non-adherence to :

- (a) the terms, conditions and obligations of any broadcast licence ;
- (b) the Act, the Code and other regulations ;
- (c) the contents of broadcast materials ; and
- (d) conduct of a broadcasting station.

13.1. COMPLAINTS FORMAT

13.1.1. All complaints and observations about breaches of the Act, the Code and other regulations shall be in written form, and contain, amongst others, the following :

- (a) name of the station ;
- (b) title of the programme ;
- (c) date and time of the broadcast ;
- (d) essence of the complaint or observation, such as the absence of fairness, obscenity, or technical shortcoming, etc.
- (e) name, address and signature of the complainant.

13.2. COMPLAINTS PROCEDURE

13.2.1. An aggrieved person, group of persons or institution may lodge a complaint with the Commission within 14 days after the occurrence of the act or omission.

13.2.2. The Commission shall after the receipt of a complaint inform and require the licensee to provide, within 72 hours, or such further period as the Commission may allow, a response in writing or a recording of the relevant material, or copies of the relevant correspondence with the complainant.

13.2.3. The Commission shall within (14) fourteen days after the receipt of a response from the licensee and with due regard to the urgency of the matter, investigate and arbitrate.

13.2.4. Failure by the licensee to supply the materials or make statements in response to the inquiries within the stipulated time limit shall be regarded as acceptance of the complaints and the applicable sanction shall be applied.

13.2.5. The Commission shall notify the parties of the progress of the investigation and findings and the reasons therefore.

13.2.6. Where the complaint is upheld, the Commission shall direct the licensee to, within a specified time, comply with its findings. Failure to comply attracts a higher sanction.

13.2.7. The outcome of the findings shall be made public.

13.3. RANGE OF SANCTIONS

13.3.1. In consonance with its powers granted under the provisions of the NBC Act, the Commission shall apply any of the following sanctions stipulated in the Act and Code :

- (a) reprimand ;
- (b) warning ;
- (c) right of reply ;
- (d) light or heavy fine ;
- (e) reduction of broadcast hours ;
- (f) suspension of licence ; and
- (g) revocation of licence.

13.3.2. SUSPENSION

13.3.2.1. The Commission shall suspend a licence if the licensee commits any of the following technical breaches :

- (i) intentional deviation from assigned frequency ;
- (ii) intentionally transmitting beyond assigned coverage area ;
- (iii) operating a transmitter above approved power ;
- (iv) consistently transmitting low quality signals, in contravention of the technical Code ;
- (v) non-compliance with the installation and safety specifications and standards ;
- (vi) operating a broadcast station without the minimum number of qualified personnel ;
- (vii) failure to comply with any of the technical standards and specifications ; and
- (viii) where there is a failure by the licensee to allow the Commission reasonable access into the premises of any station.

13.3.2.2. The Commission shall also suspend a licence where the licensee persistently breaches its programming provisions.

13.3.2.3. A recommencement fine shall apply in the case of a suspension of licence or a reduction of broadcasting hours.

13.3.3. REVOCATION

13.3.3.1. The Commission shall revoke the licence where a broadcast station commits any of the under-listed offences :

- (i) if the licensee furnished the Commission with any false or misleading information or particulars, or makes any statement which is false or misleading in any material respect, or wilfully fails to disclose any information or particular material in its application ;

(ii) where the Commission discovers, even after the issuance of a licence, authentic information or fact that would ordinarily disqualify the granting of same ;

(iii) where it is found that the licence was obtained in breach of the provisions of the Act/Code ;

(iv) where there is wilful or repeated violation or failure to observe any provision of the Act or any rule or regulation of the Commission ;

(v) where there is a violation of or failure to observe any order issued by the Commission ;

(vi) where there is a failure to allow reasonable access into the premises of any station ;

(vii) where the licensee broadcasts information immediately leading, or likely to lead, to a breakdown of law and order in the country ;

(viii) where a licensee operates the licence outside its approved location ;

(ix) where for twelve (12) consecutive months, the licensee ceases to provide the service for which it was issued a licence ;

(x) where the licensee uses the frequency bands assigned to it for any other purpose than that for which it was assigned without due authorization from the Commission ;

(xi) where the licensee is declared or enters into :

(i) liquidation ; or,

(ii) bankruptcy.

(xii) where the licensee fails to eliminate interference caused to other users after being duly directed by the Commission in writing 3 consecutive times within three (3) months period ; and

(xiii) where there is a new ownership structure involving new persons, without the approval of the Commission.

13.3.4. CONSEQUENCES OF REVOCATION

13.3.4.1. No re-application shall be considered from a company whose licence has been revoked.

13.3.4.2. Any licence revoked shall not entitle the licensee to any compensation in respect thereof and damages arising therefrom.

13.3.4.3. The holder of a revoked licence shall not be absolved from its responsibilities or obligations, where they arise prior to the date of the revocation.

13.3.4.4. On the revocation of a licence, no part of any fee paid or due to be paid shall be refunded or written off.

13.3.4.5. Where a station is sanctioned to shut down, the Police shall assist the Commission by maintaining law and order in the Community.

13.4. SEQUENCE OF SANCTIONS

13.4.1. For the avoidance of doubt each breach of a provision of the Code shall constitute a separate offence.

13.4.2. A sanction shall be carefully weighed against the gravity of the breach, and the appropriate level of sanction applied.

13.4.3. Sanctions graduate in severity as a result of non-compliance.

13.5. CLASSES OF SANCTION

13.5.1. Class A.

13.5.1.1 Suspension of licence with a re-commencement fee of not less than ₦2 million.

13.5.1.2. Immediate shutdown/seal up of the transmitter.

13.5.1.3. Revocation of licence.

13.5.1.4. Seizure and forfeiture of transmitting equipment.

13.5.2. Class B.

13.5.2.1. Written WARNING to remedy/rectify a breach within a reasonable time frame, failing which a fine of not less than ₦100,000.00 shall be imposed.

13.5.2.2. Failure to comply attracts reduction of the daily broadcast hours for a given period; re-commencement of full broadcast hours shall be subject to a fine of not less than ₦500,000.00.

13.5.2.3. Suspension of licence for a given period with a re-commencement fine of not less than ₦1,000,000.00.

13.5.3. Class C.

13.5.3.1. A written Admonition, or Reprimand or Caution or Warning, depending on the severity of the breach, to remedy within a reasonable time.

13.5.3.2. Various categories of fine, light, heavy or severe, including stiffer fines for non-compliance.

13.5.3.3. A graduated fine of ₦25,000.00 for each breach or offence not remedied within the time given.

13.5.3.4. For advertisements in breach of the provisions of the Code, a fine of the value of the placements, plus 20% of that value.

13.5.3.5. A fine of ₦10,000.00 for every 1% in excess of the foreign, or religious content or for a shortfall of every 1% in local content allowed by the Code.

SANCTION PROCEDURE

(a) A letter of Admonition or Reprimand or Caution or Warning (depending on the severity of the breach) shall be written to a station to remedy or rectify the breach.

(b) Failure to comply with (a) above shall lead to the next higher level of sanction.

(c) A Right of Reply shall be implemented within 24 hours or next edition or episode of the programme. Other corrective actions shall be carried out as specified by the Commission.

(d) The Commission may at any given time, even after a warning might have been issued, decide upon a fine.

(e) A fine shall be paid by the due date; failure to comply shall lead to a higher fine being imposed. A further failure to comply shall lead to a sanction more severe than the fine.

13.6.1. Each stage of this sequence applies separately to each Class of breach.

13.7. ENFORCEMENT OF SANCTIONS

13.7.1. Where a Public Hearing becomes imperative, and the process, as contained in the Code is duly employed, the Commission's administrative costs shall be borne by the licensee in addition to any fine that may be imposed thereafter.

13.7.2. Any fine imposed must be paid by the due date. Failure to comply may lead to a higher fine being imposed. A further failure to comply will lead to a higher sanction still.

13.7.3. The Right of Reply shall be implemented within 24 hours, or on the next edition or episode of the programme.

13.8. RANGE OF FINES

13.8.1. The range of fines is as follows :

(i) Light	N50,000 to N99,999 ;
(ii) Heavy ..	N100,000 to 999,999 ;
(iii) Severe	N1,000,000,00 and above ; and
(iv) Special case	Breach value + percentage penalty

13.9. COMMENCEMENT

13.9.1. THIS CODE shall come into effect from Tuesday 31st October, 2006.

GLOSSARY

<i>Term</i>	<i>Definition</i>
Admonition	Verbal or written rebuke given in the first instance to a station to rectify a breach.
Advertising	Any form of communication about goods, services or facilities placed at a cost, by an identified sponsor before, within or after a programme with the intention of marketing said goods, services and facilities and attracting patronage.
Affiliate	A member station of a broadcast network.
African Channel	A channel which is compiled in, or uplinked from, any country in Africa or the adjacent Islands.
AM	Amplitude Modulation.
Analogue	A system in which signals vary continually.
Antennae	A device that collects (and transmits) and focuses electromagnetic energy i.e. contribute energy gain..
API	Access Programme Input.
Auction	This is a form of spectrum pricing as well as a mechanism for spectrum assignment, where spectrum rights are assigned to the winners of a competitive process selected on the basis of price.
Bandwidth	Band which is sufficient to ensure the transmission of information at the rate with quality required under specified condition.
Boundary	A limit of frequency boundary allowed for a channel.
Bouquet	Means a collection of video and or audio channels marketed as a single package, often transmitted in a single data stream, or a thematic environment where channels are devoted to a specific programming genre.
Breach	Any action or inaction on the part of a broadcast station which constitutes violation of, or non-compliance with, any provision of Decree 38 as amended or the Code.
Broadcasting Service	Any service which consists of the unidirectional transmission and distribution of television and/or sound broadcasting material by cable or wireless means from anywhere in Nigeria for reception by the public.
Broadcasting	Means any transmission of programmes, whether or not encrypted, by radio waves or other means of telecommunication for reception by the public by means of receiving apparatus.
Broadcasting License	Means a license granted and issued by the Commission in terms of the Act to a person for the purpose of providing a defined category of broadcasting service, or deemed by the Act to have been so granted and issued.
adband	A communication tool used for voice, data, radio and/or television which can take many forms, such as fibre, copper, wireless and satellite.
CA	Conditional Access.

<i>Term</i>	<i>Definition</i>
Cable	Mode of broadcasting through fibre optics and/or co-axial cable.
Campus Broadcasting	A form of community broadcasting set up in an academic department/faculty for training potential broadcasters or students allied to the arts.
Campus Radio	Also known as University or Student radio. This is a type of radio station that is run by the students of a College, University or other educational institution.
Carrier Frequency	A frequency signal that is modulated to carry information.
Caution	An injunction foretelling severe consequences for a persistent breach.
C-Band	The range of frequencies that includes 3.7 - 4.2 GHz for downlink and 5.7-6.2 GHz for up-link.
Channel	Means a single defined television programming service of a licensee.
Children	Means persons who are below the age of 18 years.
Code	This regulatory document of the Commission as may be reviewed from time to time under the provisions of Decree 38, and any amendment thereto.
Commercial Broadcasting Service	A broadcasting service operating for profit or as part of a profit entity but excluding a public broadcasting service.
Commission	The National Broadcasting Commission established by Section 1 of Decree 38.
Community Broadcasting Service	A broadcasting service provided by the members of a community in accordance with Chapter 9 of this Code to serve their communal, developmental, economic, social and cultural objectives.
Commission	Means the National Broadcasting Commission.
Commercial Broadcasting	Means a broadcasting service which is operated for a profit, or which forms part of a profit-making entity.
Community Radio/Television	This is a type of radio service that caters to the interest of a certain area, broadcasting groups. In some jurisdictions it also refers to pirate radio.
Convergence	The delivery and/or reception of broadcast and communication signals through one medium (ICT).
COREN	Council for regulation of Engineering practice in Nigeria. Engineering Regulatory Body.
Current Affairs	A presentation of comments, opinion and analysis of topical events and issues.
DAB	Stands for Digital Audio Broadcasting vide digital data transmission
Digital	A system in which signals vary in discrete steps.

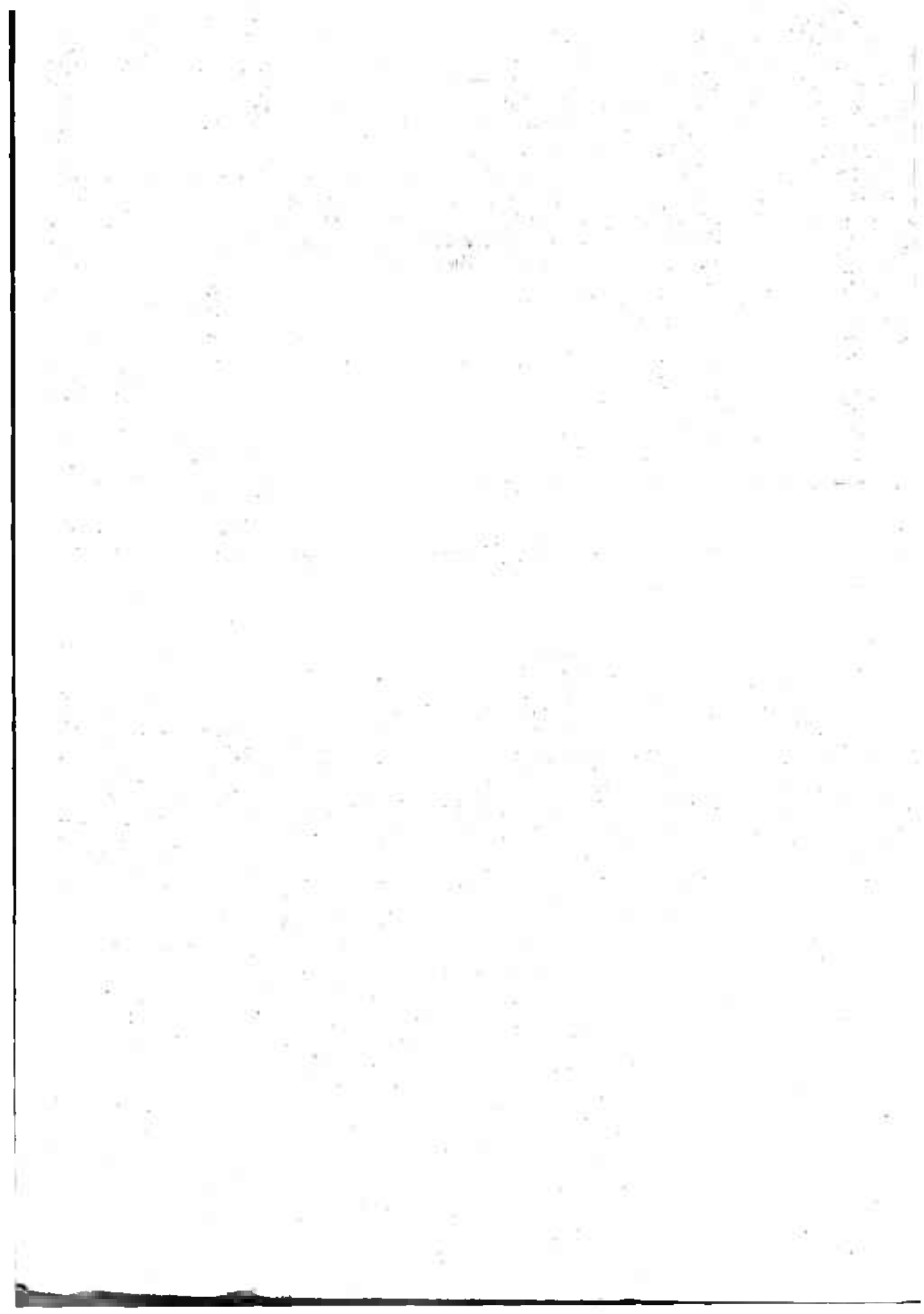
<i>Term</i>	<i>Definition</i>
Direct Broadcast Satellite or DBS	A term commonly used to describe KU-band broadcast via satellite directly to end users.
Decree 38	National Broadcasting Commission Decree 38 of 1992, as amended.
DSL	Digital Subscriber line, this is a family of technologies that provide digital data transmission over a local telephone network
DTH	Stands for Direct-to-Home. It refers to individual satellite dishes, serving one dwelling.
DVB	Stands for Digital Video Broadcasting.
DVB-C	Cable Television or Community Antenna Television (CATV) known as cable is a system of providing television and radio programming to consumers via radio frequency signals.
DVB-H	Stands for Digital Video Broadcasting Handheld it is a technical specification for bringing broadcast services to handheld receivers.
DVB-T	Stands for Digital Video Broadcasting. Terrestrial and it is the DVB European consortium standard for the broadcast transmission of digital terrestrial television.
Editorial	An expression of the opinion of the station.
Effective Radiating Power or ERP	The main radio frequency power multiplied by the gain of the aerial in the horizontal plane.
Electromagnetic Field	A field that has both electrical and magnetic properties.
Electric Shock	Injury sustained as a result of human body allowing the flow of electric current.
Emission	The production of radiation by a transmitting station.
Encryption	A method for changing a broadcasting signal in a systematic way so that the signal would be unintelligible without suitable receiving equipment.
EPG	Electronic Programme Guide.
ERP	Effective Radiated Power is the mean radio frequency power multiplied by the gain of the aerial in the horizontal plane.
Event of National Interest	An event in which Nigeria participates as a nation, including events of specific cultural and social value that have a cohesive function in Nigeria.
FM	Frequency Modulation.
Frequency Band	Means the part of the electromagnetic radio frequency spectrum which is allocated for the use of broadcasting services by the International Telecommunications Union (ITU).
Free-to-air	Delivery of unencrypted broadcast signals.
Free-to-View	These are channels that can be aired/viewed freely without encryption.
Infomercials	Programme length broadcast advertisement for various products.

<i>Term</i>	<i>Definition</i>
International Broadcasting Service	A service whose signal originates outside Nigeria and which is intended to be received in more than one country (excluding a broadcasting service whose signals are not intended for, or targeted at, Nigeria as contemplated in clause 11.14).
Internet	An international computer network through which computer users communicate and exchange information.
ITU	International Telecommunication Union.
Jingle	Means repetitious, lively musical piece, used for commercials.
KU-band	The range of frequencies ranging from 11.7 - 11.2 GHz.
Laptop	A portable moveable personal computer.
Logging	Process of sequentially keeping record of events.
Local Content	Means production with substantially indigenous inputs in which Nigerians have editorial and creative control.
Licence	A broadcasting licence granted and issued by the Commission to a person for the purpose of providing a defined category of broadcasting service in accordance with Sections 2(1)(b) and 2(2) of Decree 38 as amended.
Licensee	The holder of a licence.
Major Sport	A sport which is played or watched by a substantial proportion of the Nigerian population either at the venue where it is played or on television.
MMDS	Stands for Multichannel Multipoint distribution service.
Mast/Tower	Antennae support structure made of steel.
Must Carry	A regulation that states that cable companies must carry local channels on their bouquet.
Necessary Bandwidth	The width of the frequency band which is sufficient to ensure the transmission of information at the rate with the quality required under specified conditions.
Networking	Interlinking a chain of affiliate stations to transmit the same programme simultaneously, whether permanently or on an occasional basis.
News	A presentation of a factual account of events and issues.
Newscast	An assemblage and presentation of news stories, news analyses, as well as commentaries and special reports.
News Analysis	A balanced examination of a current issue of public interest, excluding the personal views of the analyst.
News Commentary or News Talk	An expression of opinion personal to the commentator.
News Interview and Discussion	An interview or discussion to elicit informed opinion or fact about a news item.
Nigerian Channel	A channel that is compiled in, or uplinked from, Nigeria, or which otherwise meets the definition of local content in Chapter 3 of the Code.

<i>Term</i>	<i>Definition</i>
Obscenity	A graphic representation of lewd sexual activity, verbal or physical violence or blood letting, portrayed in a socially offensive manner, especially if it is not indispensable in the total communication of an idea.
Out of Band Emission	Emission on a frequency immediately outside the necessary bandwidth resulting from modulation process, excluding spurious emission.
Pay Per View	Services are similar to subscription based pay TV services is that you must pay to have the broadcast decrypted for viewing, but usually entail a one off payment for a single or time limited viewing.
Pay TV	This usually refers to subscription based television services usually provided by digital cable.
Person	A natural or a juristic person.
Pirate Radio	This refers to illegal radio.
Pluralism	This is in the general sense, the affirmation and acceptance of diversity.
Pornography	Any obscene material capable of causing sexual excitement.
Post Mortem	Usually refers to short programming project which is a review of the main project.
Programme	A unified presentation on radio or television that occupies a distinct period with a beginning and an end.
Promotion	Any item of advert, publicity or sales promotion inserted before, within or after a programme.
Public Broadcasting Service	A broadcasting service provided by the Nigerian Television Authority, any other statutory body, or any person who receives his or her revenue, either wholly or partly, from licence fees levied in respect of the licensing of persons in relation to sound radio sets and in relation to television sets, or from the Federal or State Government of Nigeria.
Radiation	The outward flow of energy from a source in the form of radio waves.
Radio Frequency	This means the complete range of frequencies used for transmission by electromagnetic waves.
Reprimand	Severe disapproval of a breach or a higher admonition.
Sanction	A penalty or enforcement measure applied to any breach of Decree 38 or the Code.
Satellite	This is body which revolves round another body of preponderant mass and which motion is primarily and permanently determined by the force of attraction of that other body.
Satellite Broadcasting Service	A service which is broadcast by transmitters situated on a satellite.

<i>Term</i>	<i>Definition</i>
Set-top Box	This describe a device that connects to a television and some external source of signal, and turns the signal into content which displayed on the screen usually for digital or satellite television.
Spectrum	This refers to electromagnetic spectrum, the emitted energy of a radiant source as arranged in wavelengths.
Sponsorship	The payment of the whole or part of the cost of the production and/or transmission of a programme by any person to promote its image, activities or any cause or public service.
"Sporting event of national importance" or "Sporting event of major national importance" or "Sporting event of National importance"	A sporting event — (a) in a major sport ; (b) which is an event of major importance to Nigerian society ; (c) which involves the Nigerian national senior team ; (d) which, in the recent past, has been consistently broadcast live and in full by free-to-air broadcasters in Nigeria ; (e) which is appropriate to broadcast live and in full on a free-to-air basis given its structure and duration ; and (f) other than events which are organised by a multi-national/ international sports body, which is played in Nigeria.
Spurious Emission	Emission on frequencies which are outside the necessary bandwidth and the level of which may be reduced without affecting corresponding transmission of information (these include harmonics, parasitic, intermediated products, frequency conversion, products, excluding out of bound).
Station	One or more transmitter or receives or combination of both at one location for carrying out radio communication services.
Subscription	This is where a service provider (usually a cable company) sells periodic access to a service or product.
Subscription Broadcasting Service	A broadcasting service provided to a subscriber upon the payment of a subscription fee.
Syndication	An arrangement whereby a broadcasting station or programme supplier makes its programmes available to a chain of broadcasting stations for transmission simultaneously at mutually agreed charges.
Team	Excludes an individual in an individual event.
Terrestrial Television	This is the traditional method of television broadcast. It works via radio waves transmitted through open space.
Trans-border Broadcast	Transmission of signals across one or more national countries.
Unfettered access to Sporting Events of National Importance.	The provision of rights to sporting events of national importance/major national importance and significance on mutually agreed terms on a live, delayed, delayed live, deferred or highlights basis.

Vox Pop	A news interview of ordinary people, randomly taken in the streets, to comment on public issues.
Warning	Notice of severe sanction.
Watershed	This is a term television schedule beyond which it is permissible to show television programmes with any adult content. The watershed period is between 22.00 hours and 05:00hours.
X-rated	Means a label for programmes that have adult content, such as acts of violence or sex, not suitable for children.



APPENDIX I

NATIONAL BROADCASTING COMMISSION

ACT No. 38 of 1992

[24th August, 1992] Commence-
ment

THE FEDERAL GOVERNMENT hereby ENACTS as follows :

1. There is hereby established a Commission to be known as National Broadcasting Commission, Commission (in this Act referred to as the "Commission") which shall be a body corporate with perpetual succession and a common seal and may be sued in its corporate name.

Establishment
of the
National
Broadcasting
Commission.

2.—(1) The Commission shall have responsibility of :

Powers of
the
Commission.

(a) advising the Federal Military Government generally on the implementation of the National Mass Communication Policy with particular reference to broadcasting ;

(b) receiving, processing and considering applications for the ownership of radio and television stations including cable television services direct satellite broadcast and any other medium of broadcasting ;

(c) recommending applications through the Minister to the President, Commander-in-Chief of the Armed Forces for the grant of radio and television licences ;

(d) regulating and controlling the broadcast industry ;

(e) undertaking research and development in the broadcast industry ;

(f) receiving, considering and investigating complaints from individuals and bodies corporate or incorporate regarding the contents of a broadcast and the conduct of a broadcasting station ;

(g) upholding the principles of equity and fairness in broadcasting ;

(h) establishing and disseminating a national broadcasting code and setting standards with regard to the contents and quality of materials for broadcast ;

(i) promoting Nigerian indigenous cultures, moral and community life through broadcasting ;

(j) promoting authenticated radio and television audience measurements and penetration ;

(k) initiating and harmonising Government policies on trans-border direct transmission and reception in Nigeria ;

(l) regulating ethical standards and technical excellence in public, private and commercial broadcast stations in Nigeria ;

(m) monitoring broadcasting for harmful emission, interference and illegal broadcasting ;

(n) determining and applying sanctions including revocation of licences of defaulting stations which do not operate in accordance with the broadcast code and in the public interest ;

(o) approving the transmitter power, the location of stations, areas of coverage as well as regulate types of broadcast equipment to be used ; and

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

2. No person shall operate or use any apparatus for the transmission of sound or vision by cable, television, radio, satellite or any other medium of broadcast from anywhere in Nigeria except under and in accordance with the provisions of this Act.

Composition
of the
Commission.

3.—(1 The Commission shall consist of :

(a) Chairman ;

(b) nine other members as may be appointed to represent the following interests, that is :

(i) law ;

(ii) business ;

(iii) performing arts ;

(iv) education ;

(v) social science ;

(vi) media ;

(vii) public affairs ; and

(c) the Director-General of the Commission.

(2) The Chairman and other members of the Commission shall be persons of proven integrity, experience and specialised knowledge in the broadcasting industry or who by reason of their professional or business attainment are in the opinion of the Minister capable of making useful contribution to the work of the Commission.

(3) The Chairman and other members of the Commission shall be appointed by the President, Commander-in-Chief of the Armed Forces on the recommendation of the Minister.

(4) The Chairman and other members of the Commission shall be part-time members.

(5) The supplementary provisions contained in the First Schedule to this Act shall have effect with respect to the proceedings of the Commission and other matters contained therein.

Tenure of
Office.

4.—(1) The Chairman and other members of the Commission shall hold office for three years renewable for one further period of three years only.

(2) The Chairman or a member of the Commission may resign his appointment at any time by notice in writing under his hand addressed to the President, Commander-in-Chief of the Armed Forces.

(3) If a member of the Commission dies or resigns or otherwise vacates his office before the expiry of the term for which he is appointed, a fit and proper person shall be appointed for the remainder of the term of office of the predecessor, so however that the successor shall represent the same interest and shall be appointed by the President, Commander-in-Chief of the Armed Forces.

(4) A member of the Commission may be removed from office by the President, Commander-in-Chief of the Armed Forces, if, he is satisfied that it is not in the interest of the Commission or the interest of the public that the member should continue in office.

5.—(1) There shall be appointed for the Commission, a Director-General who shall be the Chief Executive of the Commission.

Staff of the
General
Commission.

(2) The Director-General shall be appointed by the President, Commander-in-Chief of the Armed Forces on the recommendation of the Minister.

(3) The Director-General shall be a person with wide knowledge and experience in broadcasting.

(4) The Director-General shall be responsible for the execution of the policies of the Commission and its day-to-day administration.

(5) The Director-General shall hold office in the first instance for a period of five years and shall be eligible for re-appointment for such further periods as the President, Commander-in-Chief of the Armed Forces may, from time to time, determine.

(6) Subject to this section, the Director-General shall hold office on such terms as to emolument and otherwise as may be specified in his letter of appointment and as may, from time to time, be approved by the President, Commander-in-Chief of the Armed Forces.

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

(8) The Commission may appoint such other employees to assist the Director-General in the exercise of his functions under this Act.

6. Subject to the provisions of this Act, the Minister may give the Commission directives of a general character relating generally to particular matters with regard to the exercise by the Commission of its functions under this Act and it shall be the duty of the Commission to comply with such directives.

Power of the
Minister to
give
directive.

7. The Commission shall develop and submit to the President, Commander-in-Chief of the Armed Forces appropriate conditions of service covering remunerations, fringe benefits for its employees.

Condition of
Service.

Service in
Commission
to be
pensionable
Cap. 346
LFN.

8.—(1) Notwithstanding the provisions of the Pensions Act, service in the Commission shall be approved for the purposes of that Act accordingly, officers and other persons employed in the Commission shall in respect of their service in the Commission be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the civil service of the Federation, so however that nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.

(2) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation, other than the power to make regulations under Section 23 thereof, is hereby vested in and shall be exercisable by the Commission and not by any other person or authority.

Power of the
Commission
in grant
licence.

Cap. 59 LFN

9.—(1) The Commission shall, in the consideration of an application or a licence under this Act, be satisfied that the applicant :

(a) is a body corporate registered under the Companies and Allied Matters Act and whose majority shares are owned by citizens of Nigeria ;

(b) can demonstrate to the satisfaction of the Commission that he is not applying on behalf of any foreign interest ;

(c) can comply with the provisions of the Second Schedule to the Transition to Civil Rule (Political Parties Registration and Activities) Act ;

(d) can comply with the objectives of the National Mass Communication Policy as is applicable to the electronic media, that is, radio and television ;

(e) can give an undertaking that the licensed station shall be used to promote national interest, unity and cohesion and that it shall not be used to offend the religious sensibilities or promote ethnicity, sectionalism, hatred and disaffection among the peoples of Nigeria ;

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

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

(4) In determining the grant of licence the Commission shall consider the following, that is :

(a) the structure of share holding in the broadcasting organisation ;

(b) the number of share holding in other media establishments ;

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

(5) It shall be illegal for any person to have controlling shares in more than two television stations.

10. The Commission shall not grant a licence to :

- (a) a religious organisation ; or
- (b) political party.

11. A request by a person for authority to own, establish or operate a radio, sound, television, cable or satellite station shall be by way of an application for a licence addressed to the Director-General of the Commission and in the form prescribed in the Second schedule to this Act.

12. The grant of licence shall be subject to the terms and conditions set out in the Third Schedule of this Act.

Terms and
Conditions
for a Licence.

13.—(1) The Commission shall have power with respect to any licence granted under Section 9 of this Act.

Power of the
Commission
with respect
to Licence.

(a) to allocate broadcast frequencies generally (FM/MW for radio and VHF for television) to a licensed station ;

(b) to approve the location of a station ;

(c) to regulate the technical specifications of equipment and standard of transmission ;

(d) to approve the call signal of a station ;

(e) to approve the area to be served by a station ;

(f) to impose sanctions in accordance with paragraph 8 of the Third Schedule to this Act ; and

(g) to prescribe an appropriate fee payable.

(2) The Commission shall have power to enter into the premises of any station and inspect or examine any apparatus of operation in the station in order to ascertain their conformity with the provisions of this Act.

(3) The Commission may exercise its power under this section of this Act through its agents.

14.—(1) The Commission shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Commission.

Fund of the
Commission.

(2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section :

(a) such percentage of fees and levy to be charged by the Commission on the annual income of licensed broadcasting stations ;

(b) such moneys as may, from time to time, be lent or granted to the Commission by the Government of the Federation or of a State ;

(c) all moneys raised for the purposes of the Commission by way of gifts, loans, grants-in-aid, testamentary disposition or otherwise ;

(d) all other assets that may, from time to time, accrue to the Commission.

(3) The fund shall be managed in accordance with rules made by the Commission and without prejudice to the generality of the power to make rules under this subsection, the rules shall in particular contain provisions :

- (a) specifying the manner in which the assets or the fund of the Commission are to be held and regulating the making of payments into and out of the fund ; and
- (b) requiring the keeping of proper accounts and records for the purpose of the fund in such form as may be specified in the rules.

Expenditure
of the
Commission.

15.—(1) The Commission may, from time to time, apply the proceeds of the fund established pursuant to section 14 of this Act to :

(a) the cost of administration of the Commission ;

(b) the payments of salaries, fees and other remuneration, allowances, pensions, and gratuities payable to members or employees of the Commission.

Power to
accept gifts.

16.—(1) The Commission may accept gifts of money or other property and upon such terms and conditions, if any, as may be specified by the person or organisation making the gift provided that such gifts are not inconsistent with the objectives and functions of the Commission under this Act.

Borrowing
power.

17.—(1) The Commission may with the consent of the Minister borrow, on such terms and conditions as the Commission may determine, such sums of money as the Commission may require in the exercise of the functions conferred on it under this Act.

Annual
Estimates
account and
Audit.

18.—(1) The Commission shall not later than 31st October in each year, submit to the National Council of Ministers an estimate of its expenditure and income during the next succeeding financial year.

(2) The Commission shall cause to be kept proper accounts of the Commission in respect of each year and proper records in relation thereto and shall cause its accounts to be audited not less than 6 months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

MISCELLANEOUS AND SUPPLEMENTARY

Annual
Reports.

19.—(1) The Commission shall prepare and submit to the Minister not later than 30th June in each year, a report in such form as he may direct on the activities of the Commission during the immediately preceding year, and shall include in such report a copy of the audited accounts of the Commission for that year and Auditor-General's report thereon.

Regulations.

20.—(1) The Commission may, with the approval of the Minister, make regulations generally for the purpose of giving effect to the provisions of this Act.

Savings.

21.—(1) Pursuant to the provisions of section 9 of this Act, the power hitherto exercised by the Minister in so far as they relate to the grant of licences in respect of cable television services shall be deemed to have been performed by the Commission established by this Act.

Repeal of
certain
Sections.

22.—(1) Section 9 (1) of the Nigerian Television Authority Act and Section 6 (1) of the Federal Radio Corporation of Nigeria Act are hereby consequentially repealed.

(2) The power under the Wireless Telegraphy Act and regulations made thereunder in so far as they relate to broadcasting shall, from the commencement of the Act, vest in the Commission without further assurance than by this Act.

Certain
Enactments
Cap. 329
LFN.
Cap. 140
LFN.
Cap. 469
LFN.

23. In this Act, unless the context otherwise requires :

"Chairman" means the Chairman of the Commission ;

"Commission" means the National Broadcasting Commission established by section 1 of this Act ;

"Member" means a member of the Commission and includes the Chairman ;

"Minister" means the Minister charged with responsibility for information and

"Ministry" shall be construed accordingly ;

"Secretary" means the Secretary to the Commission;

Interpretation.

"Station" means a place or organisation established for the purpose of distribution of radio or television programmes to the public through wireless or cable means.

24. This Act may be cited as the National Broadcasting Commission Act 1992.

Citation.

SCHEDULES

FIRST SCHEDULE

Section 3 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION

PROCEEDINGS OF THE COMMISSION

1. The Commission shall meet for the conduct of its business at such times as the Chairman may determine.

2. The Commission shall have power to regulate its proceedings and may make standing orders for that purpose and subject to any such standing orders and to paragraph 3 of this Schedule, may function notwithstanding :

- (a) any vacancy in its membership or the absence of any member ;
- (b) any defect in the appointment of a member ; or
- (c) that a person not entitled to do so took part in its proceedings.

3. The quorum at any meeting of the Commission shall be a simple majority of the members.

4. Where standing orders made under paragraph 2 of this Schedule provide for the Commission to co-opt persons who are not members of the Commission, such persons may attend meetings of the Commission and advise it on any matter referred to them by the Commission but shall not count towards a quorum and shall not be entitled to vote at any meeting of the Commission.

COMMITTEES

5. The Commission may appoint one or more committees to advise it on the exercise and performance of its functions under this Act and shall have power to regulate the proceedings of its committees.

MISCELLANEOUS

6.—(1) Any contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be made under seal may be entered into or executed on behalf of the Commission by any person generally or specifically authorised in that behalf by the Commission.

(2) Any member of the Commission or of a committee thereof, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Commission or a committee, as the case may be, shall not vote on any question relating to such contract or arrangement.

7.—(1) The common seal of the Commission shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Commission and recorded in the minutes of the meeting.

(2) The fixing of the seal of the Commission shall be authenticated by the signature of the Chairman or some other members authorised generally or specially by the Commission to act for the purpose.

(3) Any document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

SECOND SCHEDULE

Section II

FORM FOR APPLICATION FOR A GRANT OF LICENCE

1. Name of Applicant.....
2. Address.....
3. Names and Nationalities of Directors.....
4. Names and Nationalities of shareholders and share holding.....
5. Equity Structure.....
6. Type of Broadcast Licence required (Radio/TV, Cable TV, etc.).....
7. Purpose of Licence.....
8. Duration for which Licence is required.....
9. Location.....
10. Coverage Area.....
11. Target audience/Programme Profile.....
12. Applicant's interest in any other media organisation.....
13. Type and make of transmitters.....
14. Effective radiating power.....
15. Type of antenna and its characteristics.....
16. Distance between studio and transmitter station.....
17. Type of link system to be used.....
18. Method of reception (scramble or open broadcast).....
19. Type, range and standard of programmes.....
20. Proportion of Nigerian content to the foreign content.....
21. Proposal for increase of local content over licenced period.....
22. Any special effort to promote indigenous talents.....
23. Evidence of financial and technical capacities of applicant.....

UNDERTAKING

24. I/We..... hereby give an undertaking that upon a grant of a licence I/We..... shall abide by the terms and conditions upon which the licence is granted.

.....
Signed

25. An application shall be accompanied by the following :

- (a) Certificate of Incorporation ;
- (b) Certified Copy of Article's and Memorandum of Association ;
- (c) Project Study including engineering design of system ;
- (d) Evidence of the undertaking required under section 9 (e) of the Act.

THIRD SCHEDULE

Section 12

TERMS OF A LICENCE

1. A licence shall be valid for a period of five years in the first instance.
2. An application for the renewal of a licence shall be made to the Commission within a period of six months before the expiration of the licence.
3. A licence shall not be transferable and the licensed station shall not be changed without notifying Commission of the intention and the reasons for such change.
4. The holder of a licence shall be entitled to operate only one station in respect of a licence.
5. A licence shall :
 - (a) contain a schedule of proposed programmes over a given period of time e.g. quarterly ;
 - (b) a local programme content which shall not be less than 40% ; and
 - (c) a schedule shall be accompanied by a synopsis of each of the programme plans.
6. Each station shall keep a daily log of its transmitter programmes and the station log book shall include a transmitter output power and radiating frequencies.
7. Each station shall make available for inspection by the inspectorate staff of the Commission its broadcast facilities including equipments and station log books.
8. A licence may be revoked by the Commission in the following cases that is :
 - (a) where the prescribed fee has not been paid on the due date ;
 - (b) where the licence has not been put to use within a period of one year after issuance ;
 - (c) where it is found that the licence was obtained in breach of the provisions of section 13 of this Act or where it is found that the provisions of the said section are not being complied with ; and
 - (d) where in the opinion of the Commission the station has been used in a manner detrimental to national interest or where a complaint from the Public has been upheld after a public hearing instituted by the Commission and whose decision is upheld by a majority of members of the Commission.
9. The Commission may impose a lesser sanction such as a warning or the suspension of a licence as it may deem fit.

MADE at Abuja this 24th day of August, 1992.

GENERAL I. B. BABANGIDA
*President, Commander-in-Chief of the Armed Forces
Federal Republic of Nigeria*

EXPLANATORY NOTE

(This note does flat form part of the above Act but is intended to explain its purpose)

The Act established the National Broadcasting Commission to, among other things, receive, process and consider applications for the ownership of radio and television stations including cable television services, direct satellite broadcast and other medium of broadcasting.

APPENDIX 2

NATIONAL BROADCASTING COMMISSION
(AMENDMENT) ACT NO. 55 OF 1999

[26th May, 1999]

Commence-
ment.

THE FEDERAL GOVERNMENT hereby enacts as follows :

1. The National Broadcasting Commission Act 1999 in this Act referred to as "*the principal Act*") is amended as set out in this Act.

Amendment
of Act
No. 38. of
1992.

2. Section 2 of the principal Act is amended in sub-section (1) :

Amendment
of Section 2.

(a) by substituting for paragraph (b) the following new paragraph (b) "(b) receiving, processing and considering applications for the establishment, ownership or operation of radio and television stations, including :

(i) cable television services, direct satellite broad- cast and any other medium of broadcasting ;

(ii) radio and television stations owned established or operated by the Federal, State or Local Government ;

(b) in paragraph (d), by substituting for the word "*broadcast*", the word "*broadcasting*";

(c) by inserting after paragraph (o); the following new paragraphs (l) to (t)—

"(p) ensuring qualitative manpower development in the broadcasting industry by accrediting curricula and programmes for all tertiary training institutions that offer Mass Communication in relation to broadcasting ;

(q) intervening and arbitrating in conflicts in the broadcast industry ;

(r) ensuring strict adherence to the national laws, rules and regulations relating to the participation of foreign capital in relation to local capital in broadcasting ;

(s) serving as national consultations on any legislative or regulatory issues on the broadcasting industry ;

(l) guaranteeing and, ensuring the liberty and protection of the broadcasting industry with due respect to the law ; and

(d) renumbering the existing paragraph (p) as paragraph (u).

3. Section 3 of the principal Act is amended

Amendment
of Section 3.

(a) by substituting for the existing subsection (1) the following new subsection (1)

"(1) The Commission shall consist of:

(a) Chairman ;

(b) ten other members as may be approve to represent the following interests, that is :

- (i) law ;
- (ii) business ;
- (iii) culture ;
- (iv) education ;
- (v) social science ;
- (vi) broadcasting ;
- (vii) public affairs ;
- (viii) engineering ;
- (ix) State Security Service ;
- (x) the Federal Ministry of Information and National Orientation ; and

(c) the Director-General of the Commission" ;

(b) in subsection (2) by substituting for the words "in the opinion of the Minister" between the words "are" and "capable", the words "on the recommendation of the Minister and the approval of the President" ; and

(c) in subsection (3), by inserting before the word, "appointed" the words "citizens of Nigeria who shall be"

**Amendment
of Section 9.**

4. Section 9 of the principal Act is amended :

(a) in subsection (1) by :

(i) substituting for the existing paragraph (a) the following new paragraph (a)

"(a) is a body corporate registered under the Companies and Allied Matters Decree 1990 or a station owned, established or operated by the Federal, State or Local Government" ;

(ii) deleting paragraph (c) ; and

(iii) renumbering paragraph (d) and (e) as (c) and (u) respectively ;

(b) by substituting for the existing subsection (5) the following new subsection (5)

"(5) It shall be illegal for any person to have controlling shares in more than two of each of the broadcast sectors of transmission" ; and

(c) by inserting immediately after subsection (5), the following new subsection (6)

"(6) Any broadcast station transmitting from Nigeria before the commencement of this Act shall be deemed to have been licensed under this Act and, accordingly, shall be subject to the provisions of this Act".

**Amendment
of
Section 13.**

5. Section 13 of the principal Act is amended in subsection (1) by substituting for paragraph (a) the following new paragraph (a)

"(a) to allocate to a licensed station, that is :

(i) in the case of a radio station. Frequency Modulation, Medium Wave and Short Wave ;

(ii) in the case of television, Very High Frequency and Ultra High Frequency ; and

(iii) such other broadcast frequencies as the Commission may from time to time determine".

6. Section 14 of the principal Act is amended (a) in subsection (2) by inserting the following new paragraph (a)

Amendment
of
Section 14.

"(a) such percentage of fees and levy to be charged by the Commission on the annual income of licensed broadcasting stations owned, established or operated by private individual(s), Federal, State or Local Government".

(b) by inserting immediately after subsection (3) the following new subsection (4).

"(4) No person shall offer for sale, sell or have in his possession with a view to selling in the course of his business, any installation, mechanism, instrument, material or other apparatus

(a) construed for the purpose of ; or

(b) intended to be used for wireless telegraphy except under and in accordance with a licence issued by the Commission in that behalf".

7. Immediately after section 14 of the principal Act there is inserted the following new section 14A.

Insertion of
new Section
14A "Radio
and
Television
Licence
Fees .

14A. The Commission shall :

(a) collect and hold in trust for ;

(b) disburse on behalf of ;

the broadcast houses such licence fees accruing from the ownership of radio and television sets, as the Commission may prescribe".

8. Immediately after section 19 of the principal Act, there is inserted the following new sections 19A and 19B.

Insertion of
New Section
19a and 19b
"Liability to
Code or
Sanctions

19A. Any station which contravenes the provisions of the National Broadcasting Code or any other order of the Commission shall be liable to the sanctions prescribed in the Code.

19B. (1) Every member of staff or other officer of the Commission shall be entitled to be indemnified by the Commission against losses or liabilities sustained or incurred in or about the execution of the duties attached to his office or otherwise in relation thereto, and no member, staff or other officer of the Commission shall be liable for any loss, damage or misfortune which may happen to or be incurred by the Commission in the execution of the duties of his office or in relation thereto unless the same happened through his willful neglect or default.

Indemnity
etc. of the
Commission
and staff

(2) The Commission shall not be liable or responsible for any infringement by a licensee in the exercise of his licence, of a copyright in any work of any law missing out of the exercise of the licence, and nothing in this Act shall affect the liability of the licensee in respect of any such act done by him".

Amendment
of First
Schedule.

9. The First Schedule to the principal Act is amended by :

(a) inserting immediately after paragraph 1 the following new Paragraph 1A.
"1A: The principal office of the Commission shall be in the Federal Capital Territory, Abuja, where its general sessions shall be held" ;

(b) inserting immediately after paragraph 5 the following new paragraphs 5A, 5B and 5C.

"5A : The Commission shall conduct its proceedings in such a manner as shall be conducive to the proper dispatch of its business and the ends of justice.

5B : Each vote and official act of the Commission shall be entered on record and its proceedings shall be made public upon request by any party interested.

5C : The Commission may withhold publications of records or proceedings containing secret information affecting the national defence and security."

Amendment
of Third
Schedule.

10. The Third Schedule to the principal Act is amended :

(a) inserting the following new paragraph 2A and 2B.

"2A : In considering an application for the renewal of a licence the Commission shall review the past conduct of the licensee.

2B : The Commission may not renew a licence if, having regard to the past performance of the station, it is not in the national or public interest or the interest of the broadcast industry to do so";

(b) by inserting the following new paragraph 4—

"4 : A licensee shall be responsible for the contents of the station's broadcast" ;

(c) in paragraph 5 by substituting for the sub-paragraph (b) the following new sub-paragraph (b) "(b) a local programme content which shall not be less than 60 per cent local and not more than 40 per cent foreign for radio and television and not less than 20 per cent local or more than 80 per cent foreign for cable satellite retransmission".

(d) by substituting for paragraph 7, the following new paragraph 7.

"7 : Each station shall make available for inspection by the inspectorate staff of the Commission, its broadcast facilities including equipment, station transmission log, programmes and transmission recordings which must be kept for at least 3 months before being discarded".

(e) in paragraph 8 by :

(i) substituting in sub-paragraph (b) the words "two years" for the words "one year" ;

(ii) substituting for the full stop at the end of sub-paragraph (d), a semi-colon, and the following new sub-paragraphs (e) to (k) (e) for false statements

knowingly made either in the application form or in any statement or fact which may be required pursuant to sections 9 and 25 of this Act ;

(f) where the Commission discovers even after the issuance of licence, authentic information or fact that would ordinarily disqualified the granting of same ;

(g) where there is willful or repeated failure to operate substantially as set forth in the licence ;

(h) where there is willful or repeated violation, or wilful or repeated failure to observe any provision of this Act or by rule or regulation or the Commission authorised by this Act or by a treaty ratified by the Federal Republic of Nigeria ;

(i) where there is violation of or failure to observe any cease and desist order issued by the Commission ;

(j) where there is willful or repeated failure to allow reasonable access into the premises of any station ; and

(k) where a provision of the National Broadcasting Code has been seriously breached" ;

(l) immediately after paragraph 8, there is inserted the following new paragraph 8A, 8B and 8C.

"8A : The public hearing referred to in paragraph 8 may be held at such places as the Commission shall determine to be appropriate, and in making such determination the Commission shall consider where the public interest, convenience or necessity will be served by conducting the hearing at a place in or in the vicinity of the principal area to be served by the station in question.

8B : Pursuant to paragraph 8A, the Commission shall serve upon the licensee or person involved an order to show cause why an order of revocation, suspension or any order should not be issued against him and the order to show cause shall contain a statement of the matter with respect to which the Commission is inquiring and shall call upon the said licensee or person to appear before the Commission at such time and place as may be stated in the order but not less than thirty days after the receipt of such order, to give evidence upon the matter specified therein.

8C : If after the hearing, the Commission determines that an order of revocation, suspension, of any other order should be issued, it shall issue such order, which shall include a statement of the findings of the Commission and the grounds and reasons for the findings and specify the effective date of the order, and cause same to be served on the said license or person";

11. This Act may be cited as the National Broadcasting Commission (Amendment) Act 1999. Citation.

at Abuja this 26th day of May, 1999.

GENERAL ABDULSALAM ALHADI ABUBAKAR
*Head of State, Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the situation.

where there is a high or repeated failure to comply with the
of any station, and
where a provision of the National Broadcasting Act is knowingly
violated.

[illegible]

1. The above information is being furnished to you for your information only. It is not to be used for any other purpose without the express written consent of the Bureau of the Census.

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10-10-1944