

## **FEDERAL RADIO CORPORATION OF NIGERIA ACT**

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FEDERAL RADIO CORPORATION OF NIGERIA ACT

**An Act to establish the Federal Radio Corporation of Nigeria which in addition to providing effective radio broadcasting services on a national scale, will also be responsible for providing external broadcasting services.**

[1973 No. 40.]

[1st April, 1978]

[Commencement. ]

*Establishment of the Corporation*

**1. Establishment of the Federal Radio Corporation of Nigeria**

(1) There is hereby established a body to be known as the Federal Radio Corporation of Nigeria (in this Act referred to as "the Corporation") which under that name shall be a body corporate with perpetual succession and common seal, and may sue and be sued in its corporate name.

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

[First Schedule.]

## **2. Membership of the Corporation and tenure of office**

(1) The Corporation shall consist of a Chairman and the following other members to be appointed by the Minister with the prior approval of the President, that is-

[1988 No.9.]

- (a) the Director-General of the Corporation;
- (b) one representative of the Federal Ministry of Information;
- (c) one representative of the Ministry of Foreign Affairs;
- (d) one person to represent women's interests in Nigeria;
- (e) six persons with requisite experience in-
  - (i) the mass media;
  - (ii) education;
  - (iii) management;
  - (iv) financial matters;
  - (v) engineering; and
  - (vi) arts and culture.

(2) Subject to the provisions of this Act, a person appointed to be a member of the Corporation, not being a public officer, shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment for a further period of three years.

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

(4) Members of the Corporation, not being public officers, shall be paid such remuneration and allowances as may be determined from time to time by the President.

### **3. Removal from office of members of the Corporation**

(1) If it appears to the Minister that a member of the Corporation should be removed from office on the grounds of misconduct or inability to perform the functions of his office, the Minister shall after consultation with the interests, if any, represented by that member, make a recommendation to that effect to the President, and if the President approves the recommendation, the Minister may declare, in writing, the office of that member vacant.

(2) Without prejudice to subsection (1) of this section-

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

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

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

### **4. Appointment, etc., of the Director-General and other employees of the Corporation**

(1) There shall be an official of the Corporation to be known as the Director-General who shall be the Chief Executive Officer of the Corporation and shall, subject to section 15 of this Act, be responsible for the execution of the policy of the Corporation and its day-to-day business.

(2) The Director-General shall be appointed by the Minister with the prior approval of the President.

(3) The Corporation shall appoint a Secretary to the Corporation who shall keep the records and conduct the correspondence of the Corporation or as the Director-General may, from time to time, direct.

(4) The Corporation may appoint such other employees and agents as it may deem necessary for the efficient performance of the functions of the Corporation under or pursuant to this Act.

*Functions of the Corporation*

**5. General duties of the Corporation**

(1) It shall be the duty of the Corporation to provide, as a public service in the interest of Nigeria, independent and impartial radio broadcasting services for general reception within Nigeria and to provide external services for general reception in countries outside Nigeria.

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

[1998 No.9.]

**6. Particular Functions of the Corporation**

Without prejudice to the Second Schedule to this Act, the functions of the Corporation shall be-

- (a) to elect, maintain and operate a radio transmitting and receiving station;
- (b) to install and operate wired radio distribution services;
- (c) to enter into arrangements with the Federal or a State Government or any other public body for the purpose of obtaining licences, rights, privileges and concessions;
- (d) to plan, regulate and co-ordinate the activities of all the stations and the entire Federal radio broadcasting system;
- (e) to ensure the establishment and maintenance of high standards and promote the efficient operation of the entire federal radio broadcasting system in accordance with national policy;
- (f) to establish and operate a formula for sharing funds amongst all its stations;
- (g) to organise, provide and subsidise, for the purpose of broadcasting, educational activities and public entertainment;
- (h) to collect from any part of the world and in any manner that may be thought fit, news and

information and, subject to the News Agency of Nigeria Act, to subscribe to news agencies;

[Cap. N85.]

- (i) subject to the News Agency of Nigeria Act, to provide and to receive from other persons matters to be broadcast;
- (j) to acquire copyrights;
- (k) to publish, print and reproduce any matter that may be conducive to the performance of any of its functions and offer for sale or other commercial purposes any matter so published, printed or reproduced;
- (l) to produce, manufacture, purchase or otherwise acquire gramophone and other mechanical records and tapes and to use them in conjunction with broadcasting services or any commercial venture whatsoever;
- (m) to provide facilities for training and advancing the skill of persons employed in its services and for enhancing the efficiency of the equipment used in its services including provision by the Corporation or by others on its behalf of facilities for training, education and research; and
- (n) to carry out such other activities as are necessary or expedient for the full discharge of all or any of the functions conferred on it under or pursuant to this Act.

[1988 No.9. Second Schedule.]

#### **7. Duty of the Corporation as to programmes and publications**

(1) The Corporation shall satisfy itself that the programmes broadcast by the Corporation and the stations comply with the following requirements, that is to say-

- (a) that nothing is included in the programmes which is likely to offend against good taste or decency or is likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling or to contain an offensive reference to any person, alive or dead;
- (b) that the programmes maintain a proper balance in their subject matter and a generally high standard of quality;
- (c) that any news given in the programmes is presented with accuracy, impartiality and objectivity;
- (d) that due impartiality is preserved in respect of matters of political or industrial controversy or relating to current public policy; and

(e) that subject to subsection (2) of this section, no matter designed to serve the interest of any particular political party is included in the programmes; and for the purpose of this subsection, the Corporation may set up a committee, which shall consist of the Director-General as the Chairman and all the Managing Directors, to draw up guidelines and advise the Corporation on such other matters connected with the foregoing as the Corporation may, from time to time, refer to the committee.

(2) Nothing in paragraph (e) of subsection (1) of this section, shall prevent-

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

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

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

## **8. Broadcasting of certain matters**

Without prejudice to the generality of section 5 of this Act, the Corporation shall provide such facilities as may appear to the Corporation to be desirable in the public interest for the broadcasting of-

(a) Ministerial speeches, that is, any speeches of the members of the Federal Executive Council which consist wholly of statements of fact or which explain the policy and actions of the Federal Government of Nigeria; and

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

## **9. Duty to broadcast government announcements**

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



(2) In this section, "**authorised public officer**" means any officer in any of the public services in the Federation declared to be such by the President.

#### **10. Commercial broadcasting**

(1) Subject to the provisions of this section, the programmes broadcast by the Corporation or on its behalf may be sponsored and may include advertisement and sponsored announcement broadcast in consideration of the payment of fees to be specified by the Corporation, by persons requiring such sponsored programmes, advertisement and announcement.

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

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

(4) A special programme shall be broadcast in such particular manner as the Minister may, from time to time, direct.

(5) The Corporation may manufacture, produce, purchase or otherwise acquire gramophone records and cassettes and other mechanical records and materials for use and for sale in connection with the broadcasting services.

(6) The Corporation may generate funds through money realised by staging concert or popular drama and by providing other theatrical entertainment.

(7) The Corporation shall charge fees for the use of its choir and the provisions of other services to members of the public.

(8) The Corporation shall be exempted from the payment of entertainment levies or other charges as may be payable to any State Government.

#### **11. Items to be relayed by all stations of the Corporation**

(1) News bulletins broadcast from the Federal Headquarters (in this Act referred to as "Federal programme") in English and any other language specified in the Second Schedule to this Act as the Corporation may direct for the purpose (not being more than three) shall be relayed from transmitting stations of the Corporation not more than three times each day but without prejudice to the rights of each station to cause items of news of interest to the station to be broadcast in English or any such language as specified in the Second Schedule to this Act or cause a translation into any language aforesaid of news bulletin broadcast in a Federal programme to be broadcast in the programme of the station.

[Second Schedule.]

(2) When any of the following items is broadcast in a Federal programme, it shall be relayed by all the Corporation's transmitting stations, that is-

- (a) speeches made by the Government;
- (b) other matters of national interest or importance which the Corporation requires to be relayed.

#### **12. Matters to be broadcast in external services**

(1) There shall be established an arm of the Corporation which shall be responsible for external services,

(2) With respect to the external services of the Corporation, the following provisions shall have effect, that is-

- (a) the Corporation shall broadcast programmes in the External Services to such countries, in such languages and at such times as the President may prescribe from time to time;
- (b) the Corporation shall consult and collaborate with such ministries, departments and agencies of the Government of the Federation as may be specified by the President and shall obtain and accept from them such information regarding conditions in, and the policy of the Government of the Federation towards, the countries so prescribed and other countries as will enable the Corporation to plan and prepare its programmes in the External Services in the interest of the Federation.

#### **13. Power of Minister to give directives**

The Minister may give the Corporation directives of a general character or relating generally to particular matters with regard to the exercise by the Corporation of its functions under this Act and it shall be the duty of the Corporation to comply with such directives.

#### *National Stations of the Corporation*

#### **14. Establishment of National Stations of the Corporation**

For the purposes of variety and better coverage, the Corporation shall have four National Stations and a local station at Abuja which shall be responsible for broadcasting in the language specified in respect of each such station in the Second Schedule to this Act.

[1988 No.9. Second Schedule.]

#### **15. Functions of Managing Directors**

Subject to this Act, a Managing Director shall be responsible for-

(a) the operation of the station and control of the general policy of the station in such a manner as to ensure that all programmes are selected with due regard to the distinctive culture, interest and taste of the people of the station on the one hand, and the fulfilment of national needs on the other, and conform to any standards laid down by the Corporation;

[1988 No.9.]

(b) the supervision and control over the acts of all employees of the Corporation in the station subject to the approval of the Corporation; and

(c) the performance of such other functions as the Corporation may delegate to him from time to time.

#### **16. Appointment of Managing Directors**

(1) There shall be, for each station, an officer of the Corporation to be known as the Managing Director who shall be appointed by the Corporation.

(2) In each station, the Managing Director shall-

(a) subject to any direction given to him by the Director-General, be responsible for the execution of the policy of the Corporation and the administration of its day-to-day business; and

(b) be the Chief Executive of the station in matters within the competence of the Managing Director and be responsible for giving effect to the decisions of the Corporation.

#### *Provisions as to entry on Land*

#### **17. Power to enter on land**

(1) The Corporation shall have power-

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

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

(2) Except for the purpose of removing danger to life or property, nothing in this section shall be construed as authorising the Corporation-

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

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

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

#### **18. Notice of entry on land**

(1) Subject to the provisions of this section, before entering on any land for the purpose defined in section 17 of this Act, the Corporation shall give notice to the occupier of the land and such notice may be served either personally or by delivery of same at the last known place of abode of the person to be served.

(2) Where the condition of any installation is such as to endanger life or property, the Corporation may enter on the land on which it is situated for any of the purposes mentioned in section 17 of this Act without notice.

#### **19. Compensation for damage**

(1) In the exercise of the powers conferred by section 17 of this Act, the Corporation shall do as little damage as may be necessary and the Corporation shall pay compensation for any damage done to any buildings, crops or economic trees.

(2) In case of dispute as to the amount of compensation payable under this section, such dispute shall be referred to the appropriate Land Use and Allocation Committee set up under the Land Use Act.

[Cap. L5.]

#### **20. Restriction on alienation**

The Corporation shall not, without the approval in writing of the Minister, alienate, mortgage, charge or demise any immovable property which has been vested in the Corporation under or pursuant to the provision of this Act or in respect of which a right of occupancy has been granted to it.

*Financial Provisions*

## **21. Funds of the Corporation**

The Corporation shall establish a fund which shall consist of-

- (a) such sums as may be provided to it by the Government of the Federation for the running expenses of the Corporation and all other assets, from time to time, accruing to the Corporation;
- (b) such sums as may, from time to time, be lent to the Corporation by any person; and
- (c) such sums as may be collected or received by the Corporation from other sources either in the execution of its functions or in respect of any property vested in the Corporation or otherwise howsoever.

## **22. Expenditure of the Corporation**

The Corporation may, from time to time, apply the proceeds of the fund established in pursuance of section 21 of this Act-

- (a) to the cost of administration of the Corporation;
- (b) for reimbursing members of the Corporation or of any committees set up by the Corporation for such expenses as may be authorised by the Corporation in accordance with the rates approved by the President;
- (c) to the payment of salaries, fees or other remuneration or allowances and pensions, gratuities and other retiring benefits payable to the employees of the Corporation, so however that no payment of any kind under this paragraph (except such as may be expressly authorised by the Corporation) shall be made to any person who is in receipt of emoluments from any Government in the Federation;
- (d) for the maintenance of any property acquired or vested in the Corporation; and
- (e) for and in connection with all or any of the function of the Corporation under this Act.

## **23. Borrowing powers**

(1) Subject to subsection (2) of this section, the Corporation may, from time to time, borrow such sums as it may require in the exercise of its functions under this Act.

(2) The Corporation shall not, without the approval of the President, borrow any sum of money whereby the amount in aggregate outstanding on any loan or on all loans at anyone time exceeds N500,000 or such other limit as the President may specify from time to time.

(3) Notwithstanding subsection (2) of this section, a person lending to the Corporation shall not be bound to enquire whether the borrowing is within the power of the Corporation or not.

#### **24. Annual estimates, accounts and audit**

(1) The Corporation shall submit to the Minister not later than 31 December in each financial year (or such other date as the Minister may appoint in respect of the first year of existence of the Corporation) an estimate of its expenditure and income during the next succeeding financial year.

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

(3) The Corporation shall as soon as may be after the end of the financial year to which the accounts relate cause its accounts to be audited by qualified auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

(4) The auditors shall on completion of the audit of the Corporation for each financial year prepare and submit to the Corporation the following two reports, that is-

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

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

#### *Legal Proceedings*

#### **25. Limitation of suits against the Corporation, etc.**

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

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

## **26. Service of documents**

The notice referred to in section 24 (2) of this Act and any summons, notice or other document required or authorised to be served upon the Corporation under the provisions of this Act or any other enactment or law, may be served by delivering the same to the Chairman or the Director-General of the Corporation or by sending it by registered post addressed to the Director-General at the principal office of the Corporation or the appropriate national station.

## **27. Restriction on execution against the property of the Corporation**

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

## **28. Indemnity of members and employees of the Corporation**

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

### *Miscellaneous and Supplementary*

## **29. Dissolution of certain bodies and transfer of assets and liabilities thereof to the Corporation; repeals and savings**

(1) The Nigeria Broadcasting Corporation established under the Nigerian Broadcasting Corporation Act is hereby dissolved and the said Act is hereby repealed and the following enactments are hereby consequentially repealed, that is-

[Cap. 133 1958 Edition.]

- (a) the Nigerian Broadcasting Corporation (Amendment) Act 1959;

[1959 No. 24. 1960 No. 30.]

- (b) the Nigerian Broadcasting Corporation (Amendment) Act 1960; and
- (c) the Nigerian Broadcasting Corporation (Amendment) Act 1961.

(2) Notwithstanding the provisions of the Companies and Allied Matters Act, or any instrument (including the articles of association of the company) the company known as the Broadcasting Company of Northern Nigeria is hereby dissolved.

[Cap. C20.]

(3) The transitional and saving provisions in the Third Schedule to this Act shall have effect in relation to the employees, assets and liabilities of the bodies dissolved under this section and the other broadcasting organisations mentioned therein notwithstanding any other provisions of this Act or any other enactment.

[Third Schedule.]

### **30. Staff regulations as to conditions of service of employees**

(1) The Corporation may, with the approval of the Minister, make staff regulations relating generally to the conditions of service of the employees of the Corporation; and without prejudice to the generality of the foregoing, such regulations may provide for-

- (a) the appointment, promotion and disciplinary control of all employees of the Corporation; and
- (b) appeals by such employees against dismissal or other disciplinary measures,

and until such regulations are made, any instrument relating to the conditions of service of employees of any body dissolved or affected by this Act immediately before the making of this Act shall continue in force and have the same effect as if made under this Act.

(2) Regulations made under subsection (1) of this section, need not to be published in the *Federal Gazette* but the Corporation shall bring them to the notice of all affected persons in such manner as it may, from time to time, determine.

### **31. Annual reports**

The Corporation shall prepare and submit to the President, through the Minister, not later than 30 June in each year (or such other date as the Minister may appoint in respect of the first year of existence of the Corporation) a report in such form as he may direct on the activities of the Corporation during the immediately preceding financial year, and shall include in such report a copy of the audited accounts of the Corporation for that year and the auditors' report thereon.

### **32. Regulations**

The President may make regulations generally for the proper carrying into effect of the provisions of this Act and the due administration thereof.

### **33. Interpretation**



In this Act, unless the context otherwise requires-

**"broadcasting services"** or **"radio broadcasting"** means services by which matter is sent by wireless telegraphy for general reception or is distributed through radio distribution services in sound, but does not include television broadcasting within the meaning of the Nigerian Television Authority Act;

[Cap. N136.]

**"Chairman"** means the person appointed for the time being as Chairman of the Corporation pursuant to section 2 of this Act;

**"Corporation"** means the Federal Radio Corporation of Nigeria established under section 1 of this Act and includes the national stations;

**"Director-General"** means the Director-General of the Corporation appointed pursuant to section 4 of this Act;

**"member"** means a member of the Corporation and includes the Chairman;

**"Minister"** means the Minister charged with responsibility for radio broadcasting.

#### **34. Short title**

This Act may be cited as the Federal Radio Corporation of Nigeria Act.

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#### SCHEDULES

##### FIRST SCHEDULE

[Section 1 (2).]

#### *Supplementary Provisions relating to the Corporation*

##### *Proceedings*

**1.** Subject to this Act and section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the person presiding to have a second or casting vote), the Corporation may make standing orders regulating the proceedings of the Corporation or any committee thereof.

[Cap. 123.]

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

**3.** The quorum at a meeting of the Corporation shall consist of the Chairman (or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and five other members of whom at least two shall be members appointed pursuant to paragraph (b) and (c) of section 2 (1) of this Act.

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

#### *Committees*

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

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

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

(4) The provisions of this paragraph shall not apply to any committee set up pursuant to section 7 (1) of this Act.

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

#### *Miscellaneous*

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

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

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

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

- (a) by any vacancy in the membership of the Corporation, or any committee thereof; or
- (b) by any defect in the appointment of a member of the Corporation or any committee thereof.

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

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

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SECOND SCHEDULE

[Section 14 (1).]

*The National Stations and their Responsibilities*

*Names of National Stations*

*Linguistic and other Coverage*

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|--|--|
| 1. F.R.C.N. Lagos (Located in Lagos)   | English and three Nigerian languages.          |
| 2. F.R.C.N. Kaduna (Located in Kaduna) | English, Rausa, Kanuri, Fulfulde and Nupe.     |
| 3. F.R.C.N. Ibadan (Located in Ibadan) | English, Yoruba, Edo, Igala and Urhobo.        |
| 4. F.R.C.N. Enugu (Located in Enugu)   | English, Igbo, Izon. Efik, Idoma and Tiv.      |
| 5. F.R.C.N. Abuja (Located in Abuja)   | English and other local languages as may       |
| be                                     | approved by the Corporation from time to time. |

THIRD SCHEDULE

[Section 29.]

*Transitional and Savings Provisions as to take-over, etc., of Staff*

*and Asset and Liability of Certain Bodies*

PART A

*Nigerian Broadcasting Corporation*

**1.** By virtue of this Act, there shall be vested in the Federal Radio Corporation of Nigeria (referred to in this Schedule as "the new Corporation") on the appointed day, without further assurance but subject as hereinafter provided, all assets, funds, resources and other movable or immovable property which immediately before the appointed day were vested in the Nigeria Broadcasting Corporation dissolved by this Act (referred to in this Schedule as "the old Corporation").

**2.** As from the appointed day-

(a) the rights, interests, obligations and liabilities of the old Corporation existing immediately before the appointed day under any contract or instrument, or at law or in equity apart from any contract or instrument, shall by virtue of this Act be assigned to and vested in the new Corporation;

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

(c) the new Corporation shall be subject to all the obligations and liabilities to which the old Corporation was subject immediately before the appointed day, and all other persons shall, as from the appointed day, have the same rights, powers and remedies against the new Corporation as they had against the old Corporation immediately before the appointed day.

**3.** Any proceeding or cause of action pending or existing immediately before the appointed day by or against the old Corporation in respect of any right, interest, obligation or liability of the old Corporation may be continued or, as the case may be, commenced and any determination of a court of law, tribunal or other authority or person may be enforced, by or against the new Corporation to the same extent that any such proceeding, cause of action or determination might have been continued, commenced or enforced by or against the old Corporation if this Act had not been made.

PART B

*Broadcasting Company of Northern Nigeria Limited*

4. By virtue of this Act, there shall be vested in the new Corporation on the appointed day, without further assurance but subject as hereinafter provided, all assets, funds, resources and other moveable or immovable property which immediately before the appointed day were vested in the Broadcasting Company of Northern Nigeria limited dissolved by this Act (referred to this Schedule as "the Company").

5. As from the appointed day-

(a) the rights, interests, obligations and liabilities of the Company existing immediately before the appointed day under any contract or instrument, or at law or in equity apart from any contract or instrument shall be virtue of this Act be deemed to have been assigned to and vested in the new Corporation;

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

(c) the new Corporation shall be subject to all the obligations and liabilities to which the Company was subject immediately before the appointed day and all other persons shall, as from the appointed day, have the same rights, powers and remedies against the new Corporation as they had against the Company immediately before the appointed day.

6. Any proceeding or cause of action pending or existing immediately before the appointed day by or against the Company in respect of any right, interest, obligation or liability of the Company may be continued, or as the case may be, commenced and any determination of a court of law, tribunal or other authority or person may be enforced, by or against the new Corporation to the same extent that any such proceeding, cause of action or determination might have been continued, commenced or enforced by or against the Company if this Act had not been made.

PART C

*Certain States Broadcasting Organisations*

7. By virtue of this Act, there shall be vested in the new Corporation on the appointed day, without further assurance such of the transmitters, which do not comply with the specifications mentioned in section 6 of this Act and which immediately before the appointed day were vested in any radio broadcasting organisation (other than the old Corporation and the Company), as may be necessary for the full discharge by the new Corporation of its functions under or pursuant to this Act.

8. (1) By virtue of this Act, there shall be deemed to have been vested, on the appointed day, by the new Corporation in any broadcasting organisation (corporate or unincorporated) owned or controlled by any State Government mentioned in the first column of the Table to this Schedule, the State broadcasting station located at the place or places mentioned in the second column thereof which, immediately before the appointed day, was vested in the old Corporation.

(2) For the purposes of this paragraph, "**State broadcasting station**" means the broadcasting complex comprising the studios, transmitting stations, buildings, structures and ancillary works and all equipment and other assets (movable or immovable) used for the purpose of radio broadcasting by the station concerned.

9. The provisions of paragraph 2 and 3 of this Schedule shall apply mutatis mutandis between the new Corporation and any affected organisation under paragraph 7 of this Schedule or, as the case may require, between the new Corporation and any broadcasting organisation under paragraph 8 of this Schedule as they apply between the old Corporation and the new Corporation.

#### PART D

##### *Disposition of Employees of Organisations affected*

10. Notwithstanding the dissolution of the old Corporation and the Company by section 30 of this Act but subject as hereinafter provided, any person who immediately before the appointed day held office under the old Corporation or the Company shall on the appointed day be deemed to have been transferred to the new Corporation on terms and conditions not less favourable than those obtaining immediately before the appointed day; and service under the old Corporation or the Company shall be deemed to be service under the new Corporation for pensions purposes.

11. Any broadcasting organisation mentioned in paragraph 8 of this Schedule shall, subject as hereinafter mentioned, employ such persons being persons on the established staff of the old Corporation as may have been deployed from the service of the Corporation to the service of such organisation immediately before the appointed day and such persons shall be deemed to have been deployed, on the appointed day, to such organisation by the new Corporation.

12. (1) Any broadcasting organisation mentioned in paragraph 8 of this Schedule shall, not later than three months after the making of this Act, by notice in writing offer to every person remaining deployed to the service of such organisation at that time, employment by the organisation upon such terms and conditions as are not less favourable than those enjoyed by that person immediately before the date of such offer.

(2) For the purposes of this Schedule, the terms and conditions comprised in any offer shall not be construed as being less favourable merely because they are not in all respects identical with or superior to the terms and conditions enjoyed by the person concerned immediately before the date of such offer, if the first-mentioned terms and conditions taken as a whole offer substantially equivalent or greater benefits.

13. (1) Any person to whom an offer of employment is made pursuant to paragraph 12 of this Schedule and who fails within thirty days thereafter to give the organisation concerned an acceptance in writing of the offer shall be deemed to have refused the offer.

(2) If a person refuses an offer of employment made to him pursuant to the said paragraph 12 (either as provided in sub-paragraph (1) of this paragraph or otherwise howsoever), the obligation imposed on the organisation concerned to employ that person shall thereupon determine: Provided that nothing herein shall be construed as extinguishing the right of any such person to be re-

deployed to the new Corporation if, immediately before the appointed day, he was holding office as provided in paragraph 10 of this Schedule.

14. When a person accepts an offer of employment made pursuant to paragraph 12 of this Schedule, such person shall be deemed to have been transferred to the service of the organisation concerned with effect from the appointed day.

## PART E

### *Miscellaneous and Supplementary*

15. Notwithstanding any other provision of this Act, it is hereby declared that any contract or obligation (at law or in equity) entered into or incurred in good faith by any employee of the old Corporation or the Company (being an employee having power immediately before the appointed day to enter into contracts on behalf of either body) on behalf of the new Corporation or having such effect, after the date of dissolution of the old Corporation and the Company by this Act but before the date of making this Act, shall be deemed to have been validly entered into or incurred by the new Corporation notwithstanding-

- (a) the dissolution, as at that date, of the old Corporation and the Company by this Act; or
- (b) the establishment, as at that date, by this Act of the new Corporation,

and accordingly, the provisions of this Schedule shall be construed with all such modifications (including alteration, substitution or omission of any entry in any relevant instrument) as may be necessary to give full effect to such contract or obligation as if the new Corporation had itself entered into such contract or incurred such obligation in the first instance.

16. Within the twelve months next after the making of this Act, the National Council of States, if it thinks fit, may, by order published in the Federal Gazette, make additional transitional or saving provisions for the better carrying out of the objectives of this Schedule and may, by any such order, vary all or any of the provisions of this Schedule.

17. In this Schedule-

**"the appointed day"** means the day of coming into operation of this Act;

**"the Company"** has the meaning assigned thereto by paragraph 4 of this Schedule;

**"the new Corporation"** has the meaning assigned thereto by paragraph 1 of this Schedule;

"the old Corporation" has the meaning assigned thereto by paragraph 1 of this Schedule.

[Paragraph 8.]

TABLE

*Location or location of State Broadcasting Station of the*

*States*

*dissolved Nigeria Broadcasting Corporation*

- (1) Bauchi ..... Bauchi
- (2) Edo.....Benin and Warri
- (3) Benue..... Makurdi
- (4) Barno..... Maiduguri
- (5) Cross River.....Calabar
- (6) Imo..... Owerri
- (7) Kaduna..... Kaduna, Zaria
- (8) Kana..... Kana
- (9) Katsina..... Katsina
- (10) Kwara..... Borin
- (11) Lagos ..... Ikeja
- (12) Niger..... Minna
- (13) Ogun .....Abeokuta
- (14) Ondo..... Akure



(15) Plateau .....Jos

(16) Rivers.....Port Harcourt

(17) Sokoto ..... Sokoto

(18) Yobe..... Yola

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FEDERAL RADIO CORPORATION OF NIGERIA ACT

SUBSIDIARY LEGISLATION

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*No Subsidiary Legislation*

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