

## FEDERAL RADIO CORPORATION OF NIGERIA DECREE 1979



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## Decree No. 8

[1st April 1978]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

*Establishment of the Corporation*

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

Establish-  
ment of the  
Federal  
Radio  
Corporation  
of Nigeria.

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

2.—(1) The Corporation shall consist of a Chairman and the following other members to be appointed by the Commissioner with the prior approval of the Federal Executive Council, that is—

Membership  
of the  
Corporation  
and tenure  
of office.

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

(2) Subject to the provisions of this Decree, 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 one further period of three years.

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

(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 Federal Executive Council.

Removal  
from office  
of members  
of the  
Corporation.

3.—(1) If it appears to the Commissioner 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 Commissioner shall after consultation with the interests, if any, represented by that member make a recommendation to that effect to the Federal Executive Council, and if the Federal Executive Council approves the recommendation, the Commissioner may declare, in writing, the office of that member vacant.

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

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

Appointment  
etc. of the  
Director-  
General and  
other  
employees  
of the  
Corporation.

4.—(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 17 of this Decree, 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 Commissioner with the prior approval of the Federal Executive Council.

(3) The Corporation shall appoint a Secretary to the Corporation who shall keep the records and conduct the correspondence of the Corporation and perform such other duties as the Corporation or 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 Decree.

#### *Functions of the Corporation*

General  
duties of the  
Corporation.

5.—(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, Zone or other part of the Federation.

Exclusive  
right of the  
Corporation  
to broadcast  
in short-wave  
or powerful  
medium-  
wave.

6.—(1) The Corporation shall, to the exclusion of any other broadcasting authority in Nigeria, be responsible for radio broadcasting in short-wave or powerful medium-wave for effective and simultaneous reception in more than one State at any one time and, accordingly, any other broadcasting authority in Nigeria shall be limited to transmission of radio broadcasts for effective reception in one State or part thereof and, in pursuance of this subsection, every radio broadcasting authority in Nigeria (other than those owned or controlled by the Government of the Federation) shall,

as soon as may be after the making of this Decree, endeavour to transmit at such power as to ensure that the field strength, as measured at the State boundary, of which the transmitter is located, shall not be more than one millivolt per meter.

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

7. The functions of the Corporation shall be—

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

(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 the Zones 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 zonal 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 Decree 1976, to subscribe to news agencies ;

(i) subject to the News Agency of Nigeria Decree 1976, to provide and to receive from other persons matter to be broadcast ;

(j) to acquire copyrights ;

(k) to publish printed matter that may be conducive to the performance of any or all its functions ;

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

(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 Decree.

Particular  
functions of  
the  
Corporation.

1976 No. 19.

Duty of the Corporation as to programmes and publications.

8.—(1) The Corporation shall satisfy itself that the programmes broadcast by the Corporation and the Zones 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) above, no matter designed to serve the interests of any particular political party is included in the programmes ; and for the purposes of this subsection, the Corporation may set up a committee, which shall consist of the Director-General as the Chairman and all the Zonal 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) above 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) above, 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.

Broadcasting of certain matters.

9. Without prejudice to the generality of section 5 of this Decree, 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 Supreme Military Council, the National Council of States and the Federal Executive Council which consist wholly of statements of fact or which explain the policy and actions of the Government concerned ; and

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



10.—(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.

Duty to broadcast government announcements.

(2) In this section "authorised public officer" means any officer in any of the public services in the Federation declared to be such by the Head of the Federal Military Government.

11. Without prejudice to sections 9 and 10 of this Decree, the Corporation shall not, for money or other valuable consideration received from any person, broadcast or refrain from broadcasting, any matter whatsoever or broadcast any commercial advertisement or sponsored programme :

Restriction on commercial or sponsored broadcasting.

Provided that nothing in this section shall be construed as precluding the Corporation from using for broadcasting purposes without payment or for a reduced payment any concert, theatrical entertainment or any other performance whatsoever given in public, or as precluding the Corporation from announcing the place of performance thereof or the name and description of the performers or from announcing the number and description of any record broadcast (including the name of the artist or names of the artists responsible therefor) or from acknowledging any permission granted for so using such matter.

12.—(1) News bulletins broadcast from the Federal headquarters (herein referred to as a "Federal programme") in English and in any other language in common use in Nigeria as the Corporation may specify 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 right of the Zonal Boards of each Zone to cause items of news of zonal interest to be broadcast in English or any such language in common use in Nigeria in the zonal programme, or to cause a translation into any language aforesaid of a news bulletin broadcast in a Federal programme to be broadcast in a zonal programme.

Items to be relayed by all stations of the Corporation.

(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 Head of the Federal Military Government ;
- (b) other matters of national interest or importance which the Corporation requires to be so relayed.

13.—(1) There shall be established a department of the Corporation which shall be responsible for External Services.

Matters to be broadcast in External Services.

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

(3) 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 Head of the Federal Military Government 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 Head of the Federal Military Government 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.

Power of the Commissioner to issue directions to the Corporation.

14. Subject to section 13 of this Decree, the Commissioner may give the Corporation directions of a general character or relating generally to particular matters (but not to any individual or case) with regard to the exercise by the Corporation of its functions under this Decree, and it shall be the duty of the Corporation to comply with such directions.

#### *Zonal Boards of the Corporation*

Establishment of zones and Zonal Boards.

15.—(1) For the purposes of variety and better coverage, the Corporation shall have four zones which shall be responsible for broadcasting in the languages specified in respect of each such zone in Schedule 2 to this Decree.

(2) There shall be established for each zone, a Zonal Board which shall consist of not less than six or more than ten members, which members shall be broadly representative of the zone concerned and who shall be appointed by the Commissioner with the prior approval of the Federal Executive Council and shall include :—

(a) one member with wide knowledge of and experience in one of the following fields—

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

(ii) cultural, economic and religious affairs of the zone, and

(iii) the creative arts ;

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

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

(d) the Zonal Director.

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

Tenure of Office.

16.—(1) Subject to section 3 of this Decree, a member of a Zonal Board (not being a public officer) shall hold office for a period of three years and shall be eligible for re-appointment for one further period of three years.

(2) There shall be paid to members of the Board (not being public officers) out of the money at the disposal of the Board such remuneration and allowances in respect of any period of time spent on the business of the Board as the Federal Executive Council may determine from time to time.

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

Functions of  
Zonal  
Boards.

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

(b) the appointment of a Programme Advisory Committee to advise the Board on public reaction to its programmes and any other business of the Board referred to the Committee for advice ;

(c) the supervision and control over the acts of all employees of the Corporation in its zone subject to the approval of the Corporation ; and

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

18.—(1) There shall be for each zone, an officer of the Corporation to be known as the Zonal Director who shall be appointed by the Corporation.

Appointment  
of Zonal  
Directors.

(2) In each Zone, the Zonal 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 Zonal Board in matters within the competence of the Zonal Board and be responsible for giving effect to the decisions of the Zonal Board.

#### *Provisions as to Entry on Land*

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

Power to  
enter on  
land.

(a) to enter on any lands for the purpose of erecting, maintaining and inspecting any installations belonging to the 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 purposes of this Decree ; 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, 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) above or as to the persons competent to give their assent under the said subsection, the decision of the Commissioner shall be final for the purposes of this section.



Notice of  
entry on  
land.

20.—(1) Subject to the provisions of this section, before entering on any lands for the purposes defined in section 19 of this Decree the 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 19 without notice.

Compensa-  
tion for  
damage.

21.—(1) In the exercise of the powers conferred by section 19 of this Decree 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 Decree 1978.

1978 No. 6.

Restriction  
on alienation.

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

#### *Financial Provisions*

Funds of the  
Corporation.

23. 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.

Expenditure  
of the  
Corporation.

24. The Corporation may from time to time apply the proceeds of the fund established in pursuance of section 23 of this Decree—

(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 Federal Executive Council ;

(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 functions of the Corporation under this Decree.

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

Borrowing powers.

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

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

26.—(1) The Corporation shall submit to the Commissioner not later than 31st December in each financial year (or such other date as the Commissioner 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.

Annual estimates, accounts and audit.

(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 Commissioner 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 approved in that behalf by the Federal Executive Council.

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

(a) a general report setting out the observations and recommendations of the auditors on the financial affairs of the Corporation generally for that year and on any important matters which the auditors 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*

27.—(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 12 months next after the act, negligence or default complained of or, in the case of a continuance of damage or injury, within 12 months next after the ceasing thereof.

Limitation of suits against the Corporation, etc.

(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.

Service of documents.

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

Restriction on execution against the property of the Corporation.

29. 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 directives 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.

Indemnity of members and employees of the Corporation.

30. 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*

Dissolution of certain bodies and transfer of assets and liabilities thereof to the Corporation; repeals and savings.  
Cap. 133.

31.—(1) The Nigerian 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—

1959 No. 24.

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

1960 No. 39.

(b) the Nigerian Broadcasting Corporation (Amendment) Act 1960 ; and

1961 No. 35.

(c) the Nigerian Broadcasting Corporation (Amendment) Act 1961.

1968 No. 51

(2) Notwithstanding the provisions of the Companies Decree 1968 or any instrument (including the articles of association of the Company) the company known as the Broadcasting Company of Northern Nigeria is hereby dissolved.

(3) The transitional and saving provisions in Schedule 3 to this Decree 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 provision of this Decree or any other enactment.

Staff regulations as to conditions of service of employees.

32.—(1) The Corporation may, with the approval of the Commissioner, 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 Decree immediately before the making of this Decree, shall continue in force and have the same effect as if made under this Decree.

(2) Regulations made under subsection (1) above need not be published in the *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.

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

Restricted application of the Telegraphs Act. Cap. 195.

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

(b) from operating broadcasting services provided by it in accordance with the terms, conditions and restrictions of a licence or licences granted under that Act, the Wireless Telegraphy Act 1961, or any other enactment to the Corporation or to any dissolved or affected body referred to in Schedule 3 to this Decree.

1961 No. 31.

34. The Corporation shall prepare and submit to the Federal Executive Council, through the Commissioner, not later than 30th June in each year (or such other date as the Commissioner 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 auditor's report thereon.

Annual reports.

35. The Federal Executive Council may make regulations generally for the proper carrying into effect of the provisions of this Decree and the due administration thereof.

Regulations.

36. In this Decree, 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 Decree 1977 ;

Interpretation.

“the Chairman” means the person appointed for the time being as Chairman of the Corporation pursuant to section 2 of this Decree or, as the case may require, of a Zonal Board under section 15 of this Decree ;

1977 No. 24.

“the Commissioner” means the Federal Commissioner for the time being charged with responsibility for radio broadcasting ;

“the Corporation” means the Federal Radio Corporation of Nigeria established under section 1 of this Decree and includes the Zonal Boards ;

“the Director-General” means the Director-General of the Corporation appointed pursuant to section 4 of this Decree ;



"member" means a member of the Corporation or, as the case may require, of a Zonal Board and in each case includes the appropriate Chairman ;

"Zone" means any of the four Zones established by section 15 of this Decree ;

"Zonal Board" means any of the Federal Radio Corporation of Nigeria Zonal Boards referred to in section 15 of this Decree.

Citation and  
commence-  
ment.

37. This Decree may be cited as the Federal Radio Corporation of Nigeria Decree 1979 and shall be deemed to have come into operation on 1st April 1978.

## SCHEDULES

### SCHEDULE 1

### Section 1

#### SUPPLEMENTARY PROVISIONS RELATING TO THE CORPORATION AND ZONAL BOARDS

#### *Proceedings*

1964 No. 1.

1. Subject to this Decree and section 26 of the Interpretation Act 1964 (which provides for decisions of a statutory body to be taken by a majority of its members and for the 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.

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 above) and five other members of whom at least two shall be members appointed pursuant to paragraphs (b) and (c) of section 2(1) of this Decree.

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 or 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 8 (1) of this Decree.

6. Where standing orders made pursuant to paragraph 1 above 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.

#### *Proceedings of Zonal Boards*

13. The provisions of this Schedule shall apply *mutatis mutandis* to Zonal Boards, so however that with respect to the quorum at a meeting of any Zonal Board the provisions of the following paragraph shall apply.

14. The quorum at a meeting of a Zonal Board shall consist of the Chairman (or in his absence any member of the Board elected by members present to preside at a particular meeting) and—

(a) in the case of a Board with not more than six members, two other members ;

(b) in the case of a Board with more than six members, three other members.

## SCHEDULE 2

## Section 15 (1)

## THE ZONES AND THEIR RESPONSIBILITIES

<i>Name of Zone</i>	<i>Linguistic and other Coverage</i>
1. F.R.C.N.—Lagos (Located in Lagos)	(a) English and three Nigerian Languages. (b) National Programmes. (c) Educational Service Programmes. (d) F.R.C.-2.
2. F.R.C.N.—Kaduna (Located in Kaduna)	English, Hausa, 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 and Tiv.

## SCHEDULE 3

## Section 31

TRANSITIONAL AND SAVINGS PROVISIONS AS TO  
TAKE-OVER, ETC., OF STAFF AND ASSETS  
AND LIABILITIES OF CERTAIN BODIES*Part A—Nigerian Broadcasting Corporation*

1. By virtue of this Decree, 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 Nigerian Broadcasting Corporation dissolved by this Decree (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 Decree 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 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 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 Decree had not been made.

#### *Part B—Broadcasting Company of Northern Nigeria Limited*

4. By virtue of this Decree, 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 movable or immovable property which immediately before the appointed day were vested in the Broadcasting Company of Northern Nigeria Limited dissolved by this Decree (referred to in 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 by virtue of this Decree 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 Decree had not been made.

#### *Part C—Certain States Broadcasting Organisations*

7. By virtue of this Decree, 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 Decree 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 Decree.



8.—(1) By virtue of this Decree, there shall be deemed to have been vested, on the appointed day, by the new Corporation in any broadcasting organisation (corporate or unincorporate) 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 paragraphs 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 31 of this Decree 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 old 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 3 months after the making of this Decree, 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 these 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 30 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) above 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 Decree, 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 Decree but before the date of making this Decree, 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 Decree ; or

(b) the establishment, as at that date, by this Decree 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 12 months next after the making of this Decree the National Council of States, if it thinks fit, may by order published in the *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 Decree ;

“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.

TABLE

Paragraph 8

<i>State</i>			<i>Location or locations of State Broadcasting Station of the dissolved Nigerian Broadcasting Corporation handed over</i>
(1) Bauchi	..	..	Bauchi
(2) Bendel	..	..	Benin and Warri
(3) Benue	..	..	Makurdi
(4) Borno	..	..	Maiduguri
(5) Cross River	..	..	Calabar
(6) Gongola	..	..	Yola
(7) Imo	..	..	Owerri
(8) Kaduna	..	..	Kaduna, Zaria and Katsina
(9) Kano	..	..	Kano
(10) Kwara	..	..	Ilorin
(11) Lagos	..	..	Ikeja
(12) Niger	..	..	Minna
(13) Ogun	..	..	Abeokuta
(14) Ondo	..	..	Akure
(15) Plateau	..	..	Jos
(16) Rivers	..	..	Port Harcourt
(17) Sokoto	..	..	Sokoto

MADE at Lagos this 28th day of February 1979.

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

## EXPLANATORY NOTE

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

The Decree establishes 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.

For the purposes of effective coverage and variety, the Corporation is divided into Zones to be administered by Zonal Boards and each such authority would be principally responsible for radio coverage of the Zone although capable also of national coverage.

The Decree also provides that any radio broadcasting organisation owned by a State should confine itself to coverage of that State only and, for the achievement of that objective, would be precluded from transmissions at such power as to exceed those specified in the Decree.

**LEGAL PRACTITIONERS (AMENDMENT) DECREE  
1979**



**Decree No. 9**

[1st January 1979]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. Section 7 of the Legal Practitioners Decree 1975 is hereby amended as follows, that is—

Amendment  
of Decree  
No. 15 of  
1975.

(a) for subsection (2) thereof, there shall be substituted a new subsection as follows—

“(2) No legal practitioner (other than such a person as is mentioned in subsection (3) of section 2 of this Decree) shall be accorded the right of audience in any court in Nigeria in any year unless he has paid to the registrar in respect of that year a practising fee—

(a) in the case of a Senior Advocate of Nigeria, of ₦200 ;

(b) in the case of a person of 15 or more years standing as a legal practitioner at the beginning of that year, not being a Senior Advocate of Nigeria, of ₦100 ;

(c) in the case of a person of more than 10 but less than 15 years standing as a legal practitioner at the beginning of that year, not being a Senior Advocate of Nigeria, of ₦75 ;

(d) in the case of a person of more than 5 but not more than 10 years standing as a legal practitioner at the beginning of that year, of ₦40 ; and

(e) in any other case, of ₦20.” ; and

(b) in paragraph (e) of subsection (4) thereof, for the words “three quarters” there shall be substituted the words “nine tenths”.

2. This Decree may be cited as the Legal Practitioners (Amendment) Decree 1979 and shall be deemed to have come into operation on 1st January 1979.

Citation and  
commence-  
ment.

MADE at Lagos this 28th day of February 1979.

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



## EXPLANATORY NOTE

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

The Decree amends the Legal Practitioners Decree 1975 and while raising the amounts payable as practising fees by various categories of legal practitioners also increases the percentage of the fees to be paid over to the Nigerian Bar Association.

## COMPANIES INCOME TAX (AMENDMENT) DECREE 1979



## Decree No. 10

[27th July 1977]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. Paragraph (g) of subsection (1) of section 26 of the Companies Income Tax Act 1961 (which relates to reciprocal exemption from tax on profits accruing to a foreign company operating ships or aircraft) is hereby repealed.

Amendment  
of 1961  
No. 22.

2. This Decree may be cited as the Companies Income Tax (Amendment) Decree 1979 and shall be deemed to have come into force on 27th July 1977.

Citation  
and  
commence-  
ment.

MADE at Lagos this 28th day of February 1979.

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

## EXPLANATORY NOTE

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

The Decree amends the Companies Income Tax Act 1961 to revoke the reciprocal exemption from tax granted on the gains or profits of a company, other than a Nigerian company, engaged in the business of transport by sea or air.