

NIGERIAN PRESS COUNCIL BILL, 2018

ARRANGEMENT OF CLAUSES

Clause:

1. Establishment.
2. Composition of members.
3. Duties of the Council.
4. Appointment and functions of the Executive Secretary.
5. Other staff and remuneration.
6. Pensions.
7. Autonomy.
8. Code of ethics.
9. Subscription to oath of office.
10. Inquiries.
11. Issue of summons by the chairman.
12. Interpreter.
13. Remuneration of witnesses and interpreters.
14. Indemnity of members.
15. Complaints to the Council.
16. Apology, correction or reprimand.
17. Publication of register.
18. Registered journalists.
19. Penalties for unprofessional conduct.
20. Practice by persons other than registered journalists.
21. False statements and falsification of register.
22. Liability of corporate bodies.
23. Penalty.
24. Approval of qualifications and institutions.
25. Withdrawal of approval.
26. Relationship with training institutions.
27. Publication of names of reprimanded journalists.
28. Publication of journal.
29. Qualification for appointment as an editor.
30. Financial provisions.
31. Annual report.
32. Repeal of No.60 of 1999 and savings.
33. Interpretation.
34. Citation.

FIRST SCHEDULE

SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL

SECOND SCHEDULE

OATH OF OFFICE OF A MEMBER OF THE COUNCIL

THIRD SCHEDULE

FORM A (SUMMONS).

A BILL

FOR

AN ACT TO REPEAL THE NIGERIAN PRESS COUNCIL ACT, 1992 AS AMENDED AND TO ENACT THEREOF THE NIGERIAN PRESS COUNCIL ACT 2018; AND FOR RELATED PURPOSES

Sponsored by SENATOR SULEIMAN ADOKWE

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows—

Establishment.

1. There is established a body to be known as the Nigerian Press Council (in this Act referred to as “the Council”) which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

Composition of members.

2.—(1) The Council shall consist of—

(a) a chairman; and

(b) the following other members—

(i) four representatives of the Nigerian Union of Journalists;

(ii) three representatives of the Nigerian Guild of Editors;

(iii) three representatives of the Newspaper Proprietors Association of Nigeria;

(iv) four representatives of the general public (one of whom shall be a legal practitioner and another a woman);

(v) two representatives of the National Assembly;

(vi) one representative of educational institutions involved in training of journalists;

(vii) three representatives of the Broadcasting Organization of Nigeria; and

(viii) one representative of the News Agency of Nigeria who shall be a practicing journalist;

(ix) an executive secretary to the Council.

(2) The members of the Council under paragraphs (a) and (b) (i)-(viii) shall be appointed by the Minister after an election by or on the nomination of the union, association or other body concerned.

First Schedule.

(3) The supplementary provision set out in the First Schedule to this Act shall have effect with respect to the tenure of office, proceedings of the Council and the other matters contained therein

(4) The terms and conditions of service of the members of the Council shall be determined by the Minister while their remuneration shall be determined by the Revenue Mobilization, Allocation and

Fiscal Commission.

Duties of the Council.

3. The Council shall be responsible for—

- (a) inquiring into complaints about the conduct of the press and the conduct of any person or organisation towards the press and exercising in respect of the complaints the powers conferred upon it under this Act;
- (b) monitoring the activities of the press with a view to ensuring compliance with the code of Ethics of the Nigerian Press Organization;
- (c) receiving the register of members of Newspaper Proprietors Association of Nigeria and Broadcasting Organization of Nigeria from their Secretariats;
- (d) researching into contemporary press development;
- (e) fostering the achievement and maintenance of high professional standards by the press;
- (f) reviewing developments likely to restrict the supply through the press, of information of public interest and importance or liable to prevent free access of the Press to information and advising on measures necessary to prevent or remedy such development; and
- (g) ensuring the protection of the rights and privileges of journalists in the lawful performance of their professional duties.

Appointment and functions of the Executive Secretary.

4.—(1) There shall be for the Council an executive secretary to be functions of the appointed by the members of the Council from among them.

(2) The Executive Secretary shall—

- (a) be a journalist with at least 15 years post qualification experience and shall have held high journalistic positions;
- (b) be the Chief executive of the Council;
- (c) be responsible for the execution of the policy of the Council and of its day-to-day administration;
- (d) in addition to the functions expressly conferred on him by this Act, perform such other functions as the Council may from time to time direct;
- (e) hold office on such terms as to emoluments and otherwise as may be specified in his letter of appointment and may from time to time be approved by the Council; and
- (f) hold office for a term of four years in the first instance and may be eligible for reappointment for a further term of four years and no more.

Other staff remuneration.

5.—(1) There shall be for the Council such other staff as the Council and may consider necessary for the carrying out of its functions.

(2) The terms and conditions of service (including terms and conditions as to remuneration, allowances, retiring benefits and discipline) of the Executive Secretary and other employees of the Council shall be such as may be determined, from time to time by the Council.

Pensions.

6.—(1) Service in the council shall be approved service for the purposes of the Pensions Act and accordingly, officers and staff employed in the Council shall in respect of their services in the Council be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder, so however that nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office.

(2) For the purpose of the application of the provisions of the Pensions Act, any power exercisable thereunder by the Minister or any other authority of the Federal Government (not being power to make regulations under Section 23 thereof) is hereby vested in and shall be exercisable by the Council and not by any other person or authority.

Autonomy.

7. In carrying out the functions for which the Council is established under this Act, the Council shall be autonomous and shall not be subject to the direction or control of any other authority or person except as provided in the Act.

Code of ethics.

8. The Council shall be guided by the code of Ethics of the Nigerian Press Organisation and the Council shall cause to be published in the Nigerian Press Council Journal, the Code of Ethics of the Nigerian Press Council (in this Act referred to as "the Code of Ethics") and it shall be binding on every journalist.

Subscription to Oath of office. Second Schedule.

9. Every member of the Council shall be required on assuming office subscribe to the oath of Oath of office as set out in the Second Schedule to this Act.

Inquiries.

10.—(1) The Council shall, following complaints lodged before it by any person, have the power to—

(a) inquire into and examine all such witnesses as the Council may deem fit;

(b) without prejudice to the provisions of the Code of Ethics, summon any person in Nigeria to attend any meeting of the Council to give evidence and to examine him as a witness in the case of a journalist;

(c) consider and deal with any matter referred to it in the absence of any party who has been duly summoned to appear before it;

(d) admit any evidence whether written or oral and act on evidence whether written or oral; and

(e) appoint any person to act as an interpreter in any matter brought before it and translate any book, paper or writing brought before it.

Third Schedule.

(2) Summons issued under Subsection (1) (b) of this section shall be in the form set out in the Third Schedule to this Act and shall be served by such persons as the Council may direct.

Issue of Summons by the Chairman.

11. The Chairman shall have power to issue on behalf of the Council, all summons and appoint such number of interpreters as may be required under this Act either before or during the inquiry until the final determination.

Interpreter.

12. Any interpreter appointed under section 10 of this Act shall before assuming office subscribe to an oath before the Council.

Remuneration of Witnesses and Interpretation.

13. Witnesses, interpreters and other persons attending inquiry at the witnesses and request of the Council or upon summons shall be paid such sums, interpreters allowances or expenses, as the case may be as the Council may from time to time direct and such payments shall be defrayed from the funds of the Council.

Indemnity of Members.

14. No member shall be liable for any act done in the performance of his duties under this Act.

Complaints to the Council.

15.—(1) Any person aggrieved by—

(a) anything published in respect of him in any medium of information; or

(b) anything done in respect of him by any journalist in his capacity as a journalist; or

(c) anything done against a journalist that is capable of limiting the preservation of the freedom of the Press guaranteed by the Constitution of the Federal Republic of Nigeria 1999, may make a complain in respect thereof in writing addressed to the Council.

(2) If the Council is satisfied that the performance of the press is not consistent with the provisions of the Code of Ethics, the Executive Secretary shall, in accordance with such general directions as may be given by the Council lay before the Council all complaints made under Subsection (1) of this section.

Apology, correction or reprimand.

16.—(1) Where after inquiring into a complaint under Section 15 of this Act, the Council is satisfied that—

(a) the subject matter in respect of which the complaint was made is not in accordance with the provisions of the Code of Ethics, or

(b) the conduct of the journalist in respect of whom the complaint was made is not in accordance with the provisions of the Code of Ethics, or

(c) the conduct of journalists or person is in the circumstances of the case blameworthy, the Council may, where appropriate, direct the medium of information or the person concerned to publish, in such manner as the Council may direct, a suitable apology or correction, and may in addition reprimand the journalists or person concerned in the matter.

(2) Every medium of information in respect of whose publication the Council has given a decision under Subsection (1) of this section shall publish the decision and shall comply with the Council's direction in respect thereof.

(3) Where the medium of information or journalist so sanctioned in accordance with Subsection (1) of this section does not comply with the Council's decision, the Council shall order suspension of the journalist or medium of information from practice for a period not exceeding six months.

(4) Where there is persistent refusal to comply with the directives of the Council, the names of the erring journalist or medium of information shall be recorded in a diary of infamy to be published annually by the Council which shall be circulated to the relevant international bodies.

Publication of Register.

17.—(1) The Executive Secretary shall maintain and keep the register of accredited journalists compiled by the Nigerian Union of Journalists in collaboration with the Nigerian Guild of Editors.

(2) The register referred to in subsection(1) of this section shall be admissible in any proceedings as evidence that any person specified in the document, or the documents read together, is registered and that any person not so specified is not registered.

(3) Where a person is in any proceedings, shown to have been or not to have been registered at a particular date with the Nigerian Union of Journalists he shall, unless the contrary is proved, be taken for the purposes of those proceedings as having at all materials times thereafter continued to be or not to be registered.

Registered Journalist.

18.—(1) A person shall be entitled to be registered under this Act if he—

(a) has attended a course of training recognised by the Council and acquired the cognate experience recognised by the Council; or

(b) has attended a course which was conducted at an institution so approved or partly at one such institution and partly at another or others; or

(c) holds a qualification so approved.

(2) In addition, a person shall be entitled to be recognised as a journalist if he satisfies the Council that immediately before the commencement of this Act he has not less than five years' experience as a journalist.

(3) An applicant for registration shall, in addition to evidence of qualifications, satisfy the Council that he—

(a) is of good character;

(b) has attained the age of 18 years;

(c) has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty;

(d) has been trained at an approved mass media institution; and

(e) has a general professional orientation which covers the basic requirements of information art leading to a qualification not less than a Higher National Diploma or first degree and where the person does not have a first degree in journalism, the person should hold a postgraduate qualification in mass

communication.

Penalties for unprofessional conduct.

19.—(1) Where—

(a) a registered journalist is convicted of any offence in Nigeria or elsewhere by any court or tribunal having power to impose imprisonment (whether or not such an offence is punishable with imprisonment) which in the opinion of the Council is incompatible with the status of a journalist; or

(b) the Council is satisfied that the name of any person has been fraudulently registered; or

(c) the Council is of the opinion that a registered journalist, has on the basis of complaints made pursuant to Section 15 of this Act, been found guilty of persistent false reportage,

the Council may, if it thinks fit, give directives reprimanding that person or suspending that person from practice by ordering him not to engage in practice as a journalist for such period (not exceeding three months) as may be specified in the directives, or requesting the Nigerian union of Journalists to strike that person's name off the register and any such directives may, where appropriate include provision requiring the refund of money or the handing over of documents or any other thing as the circumstances of the case may require.

(2) Where the Council gives a direction under Subsection (2) of this section, it shall cause notice of the meeting to be served on the person to whom it relates.

Practice by persons other than registered journalists.

20. Any person, not being a registered journalist who—

(a) for or in expectation of a reward practices or holds himself out to practice as a registered journalist; or

(b) without reasonable cause takes or uses any name, title, addition or description implying that he is authorised by law to practice as a registered journalist, commits an offence.

False statements falsification of register.

21.—(1) Any person who for the purpose of procuring the registration of any name, qualification or other matters—

(a) makes a statement which he believes to be false in a material particular; or

(b) recklessly makes a statement which is false in any material particular, commits an offence

(2) Where the Executive Secretary or any other person employed by the Council willfully makes any falsification in any matter relating to the register, he is guilty of an offence under this Act.

Liability of corporate bodies.

22. Where an offence under this section has been committed by a body corporate and it is proved that it was committed with the consent or connivance or, to be attributed to any neglect on the part of, any director, manager, secretary, or other officer, purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of an offence and liable to be proceeded against and punished accordingly.

Penalty.

23. A person who commits an offence under this Act is liable upon conviction to—

(a) in case of a body corporate, to a fine not exceeding ₦10,000 or ₦1000 for each day during continuance of the offence; and

(b) in case of an individual, a fine not exceeding ₦5000 or a term of imprisonment not exceeding six months or both, and to a fine of ₦200 for each day during the continuance of the offence.

Approval of qualifications and institutions.

24.—(1) Subject to subsection(2) of this section, the council may qualifications approve for the purpose of Section 18 of this Act—

(a) a course of training which is intended for persons who are seeking to become, or are journalists, and which the Council considers is designed to confer on persons completing it sufficient knowledge and skill for the practice as members of the profession;

(b) any institution either in Nigeria, or elsewhere, which the Council considers is properly the whole or any part of a course of training, approved by the Council under this section; and

(c) any qualification which as a result of an examination taken in conjunction with the course of training approved by the Council under this section is granted to candidates reaching a standard at the examination indicating, in the opinion of the Council, that they have sufficient knowledge and skill to practice journalism as a profession.

(2) The Council shall from time to time public in the Gazette a list of qualifications in the profession of journalism approved by it, and subject thereto, the Council shall not approve for the purposes of Subsection(1) of this section a qualification granted by an institution in Nigeria unless the qualification has been so published by the Council.

Withdrawal of approval.

25.—(1) The Council may, if it thinks fit, withdraw any approval given under Section 24 in respect of any course, qualification or institution; but before withdrawing such an approval the Council shall—

(a) give notice that it proposes to do so to persons in Nigeria appearing to the Council to be persons by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be; and

(b) afford each such person an opportunity of making to the Council representation with regard to the proposal; and

(c) take into consideration any representations made in respect of the proposal.

(2) For any period in which the approval of the Council under this section for a course, institution or qualification is withdrawn, the course, or qualification or institution shall not be treated as approved under this section; but the withdrawal of such approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered or eligible for registration (either unconditionally or subject to his obtaining a certificate or experience) immediately before the approval was withdrawn.

(3) The giving or withdrawal of an approval under this section shall have effect from such date after the execution of the instrument signifying the giving or withdrawal of the approval as the Council may specify in that instrument and the Council shall—

(a) as soon as possible publish a copy of every such instrument in the Gazette; and

(b) not later than seven days before its publication, send a copy of the instrument to the Minister.

Relationship with training in institutions.

26.—(1) The Council shall keep itself informed of the nature of the instructions given at approved courses of training and the examinations as a result of which approved qualifications are granted and for the purposes of performing that duty the Council may appoint, either from among its own members otherwise, persons to visit approved institutions or to attend such examinations.

(2) The person appointed under Subsection(1) of this section shall not interfere with the giving of any instruction or the holding of any examination but shall report to the Council on—

(a) the adequacy of the instructions given to person attending such approved courses of training at institutions visited by him;

(b) the adequacy or otherwise of the examinations attended by him; and

(c) any other matter relating to the institutions or examinations on which the Council may, either generally or in a particular case, request him to report.

(3) On receiving a report made in pursuance of this section, the Council shall, as soon as possible, send a copy of the report to the person appearing to the Council to be in charge of the institutions or responsible for the examinations to which the report relates requesting that person to make representations to the Council within such a period as may be specified in the request, not being less than one month beginning with the date of the request.

Publication of names of reprimanded Journalists.

27. The Council may cause to be published in the Press Council Journal and in such other manner as the Council may deem fit the reprimanded of any journalist or person reprimanded by Council in the exercise of its powers under this Act.

Publication of journal.

28. The Council may publish its journals and books to publicize its activities and the result of its findings on adjudications and such other matters which relate to the development of Mass Media in Nigeria.

Qualification for appointment as an editor.

29. A person shall be qualified for appointment as an editor if he—

(a) is a registered member of the Nigerian union of Journalists; and

(b) has, for a period of not less than 5 years served as a reporter or acquired working experience as a journalist in a reputable newspaper house, electronic news medium or news agency.

Financial provisions.

30.—(1) The Council shall maintain a fund which shall consist of—

(a) such moneys as may, from time to time, be provided by the Federal Government by way of a grant;

(b) such moneys as may be specified by the Council to be provided from time to time by the Nigeria Union of Journalists, the Nigerian Guild of Editors, the Newspaper Proprietors Association of Nigeria, the Broadcasting Organisation of Nigeria and the News Agency of Nigeria; and

(c) such moneys as maybe received by the Council in relation to the exercise of its functions under this Act.

(2) The Council shall keep proper accounts and proper records in relation thereto and shall prepare in respect of each year a statement of its accounts.

(3) The Council shall, within six months after the end of the year to which the accounts relate, cause the accounts to be audited by auditors appointed by the Council from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

Annual report.

31. The Council shall submit to the Minister not later than 30th September in each year a report on its activities during the preceding year which shall include a copy of the audited accounts of the Council for that year and the Minister shall cause the report to be laid before the National Council of Minister.

Repeal of No. 85 of 1992 and savings.

32.—(1) The Nigerian Press Council Act, 1992 as amended is hereby of 1992 and repealed and accordingly the Council established thereunder (in this section referred to as the “dissolved Council”) is consequentially dissolved.

(2) The assets, rights, liabilities of the dissolved Council shall, at the commencement of this Act automatically vest in the Council.

(3) The staff of the ‘dissolved council’ shall, at the commencement of this Act, become the staff of the Council.

Interpretation.

33. In this Act—

“Journalist” means any person engaged in the collection, processing and dissemination of information for use in the Press and who has been accredited by the Council;

“Minister” means the Minister charged with responsibility for information and “Ministry” shall be construed accordingly;

“Newspaper” includes magazines, journal and any paper containing Public news, intelligence or occurrences or any remarks, observation or comments printed therein for sale and published periodically or in part of numbers;

“News Agency” means any Agency, engaged in the collection and dissemination of news, pictures and features;

“Press” includes radio, television, wire services, newspaper, magazines and such other channels of communication involved in the collection and dissemination of information

“Radio and Television” includes electronic means of mass communication which share in the information of public opinion;

“Executive Secretary” means the Executive Secretary of the Council appointed under Section 4 of this Act;

“Editor” includes a person who is in charge of all the journalists in a mass circulation newspaper, magazine, journal, an electronic medium or news agency and who is responsible for making final decisions about the contents to be published;

“Owner” “printer” or “publisher” means the body which owns, prints or publishes newspaper.

Citation.

34. This Act may be cited as the Nigerian Press Council Bill, 2018.

FIRST SCHEDULE

Section 2 (4)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

1. The Chairman and members of the Council specified in Section 2 (3) of this Act shall hold office for a term of three years and shall be eligible for reappointment for one further period of three years.
- 2.—(a) The Chairman may by notice addressed through the Minister to the President and Commander-in-Chief of the Armed Forces of the Federation of Nigeria resign his appointment and any member of the Council referred to in paragraph 1 of this schedule may by notice address through the Minister to the body that nominated him indicate his intention to resign his appointment”.

(b) Where a vacancy occurs in the membership of the Council for any reason whatsoever, a person representing the same interest with the member whose exit created the vacancy shall be appointed to fill such vacancy for the remaining term.
- 3.—(a) Subject to this Act and Section 265 of the Interpretation Act 1964, the Council may make standing orders relating to the proceedings of the Council and of any Committee thereof.

(b) The quorum of the Council shall be by simple majority including the Chairman of the Council.
4. At any time while the office of the Chairman is either vacant or the Chairman is in the opinion of the Council, permanently or temporarily unable to perform the functions of his office, the members present shall appoint one of them to perform these functions, and reference in this Schedule to the Chairman shall be constructed accordingly.
- 5.—(a) Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the Chairman, and if the Chairman is required to do so by notice given to him by not less than six members he shall summon a meeting of the Council to be held within seven days from the

date of which notice is given.

(b) At any meeting of the Council, the Chairman or in his absence, any member appointed by the members present shall preside at that meeting;

(c) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such a period as it thinks fit, but he shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.

(d) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Minister.

6.—(a) The Council may appoint one or more committees to carry out on behalf of the Council, such of its functions as the Council may determine; and a Committee appointed under this paragraph shall consist of the number of persons determined by the Council, and not more than one-third of those persons may be person who are not members of the Council, and person other than a member of the Council shall hold office on the Committee in accordance with the terms of his appointment.

(b) A decision of a Committee of the Council shall be of no effect until it is ratified by the Council.

7.—(a) The fixing of the seal of the Council shall be authenticated by the signature of the Executive Secretary or of some other member authorised generally or specially for that purpose by the Council.

(b) Any contract or instrument which, if made or executed 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 Council by any person generally or specifically authorised to act for that purpose by the Council.

(c) Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

8. Any member of the Council, and person holding office on a Committee of the Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or Committee or Committee thereof shall forthwith disclose his interest to the Council and shall not vote on any question relating to the contract or arrangement

SECOND SCHEDULE

Section 9

OATH OF A MEMBER OF THE COUNCIL

I,..... do solemnly swear/affirm that I will faithfully, impartially and to the best of my ability discharge my duties with respect to any inquiry conducted by the Council, and if the inquiry is not held in public, I shall not divulge the proceedings, vote or opinion of any member or any matter relevant to the inquiry.

So help me God.