

**NIGERIA
BROADCASTING
CODE
(6TH EDITION, 2016)**

DRAFT

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CITATION

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PREFACE

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0.1

INTRODUCTION

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

0.2

GENERAL PRINCIPLES

0.2.1

Character of Broadcasting

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

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

By means of broadcasting, every Nigerian is expected to partake in the sharing of ideas and experiences that will enrich the life of the citizenry and help them live in a complex, dynamic and humane society, as stated in the fundamental objectives and directive principles of state policy set out in Chapter two of the *1999 Constitution of the Federal Republic of Nigeria {as amended}* {hereinafter referred to as the **Constitution**}.

Nigerian broadcasting shall essentially match the best in the profession anywhere in the world, yet be distinctly Nigerian, projecting the best and discouraging the worst in the society. In other words, the cardinal responsibility of broadcasting to inform, educate and entertain shall not be at the expense of national interest, unity and cohesion of

Nigeria's diverse social, cultural, economic, political and religious configurations.

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

0.2.2

Objectives of Broadcasting

- a. Broadcasting shall be guided by the following broad objectives, which are in line with the Fundamental objectives and Directive Principles of State Policy, as set out in Chapter Two of the 1999 Constitution {as amended}.
- b. Broadcasting shall provide an efficient, professional and comprehensive service to the people of the Federal Republic of Nigeria based on national objectives and aspirations.

0.2.2.1

Social Objectives

- a. To provide a functional level of enlightenment for the Nigerian populace, irrespective of their educational background; specifically, broadcasting is to:
 - i. promote generally accepted social values and norms, especially civic and social responsibilities;
 - ii. promote the acquisition or pursuit of knowledge;
 - iii. disseminate impartially, news and opinions in a manner encouraging meaningful and articulate dialogue and discussion of issues of public interest;
 - iv. promote the physical, mental and social well-being of the people;
 - v. foster the spirit of self-discipline, self-sacrifice and self-reliance; and
 - vi. encourage respect for the dignity of man.
- b. Broadcasting organisations shall recognise that they exercise freedom of expression as agents of society, not for any personal or sectional rights, privileges and needs

of their own or of their proprietors, relatives, friends or supporters.

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

0.2.2.2 **Cultural Objectives**

To encompass various aspects of community life including aesthetics, religion, ethics, philosophy, language, history and the arts. Therefore, broadcasting shall:

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

0.2.2.3 **Economic Objectives**

- a. To be consistent with the nation's economic goals, which include the building of:
 - i. a united, strong and self-reliant nation;
 - ii. a just and egalitarian society;
 - iii. a great and dynamic economy; and
 - iv. a land bright and full of opportunities for all citizens.

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

0.2.2.4 **Political Objectives**

To contribute to the development of national unity and participatory democracy; therefore, the political objectives of broadcasting shall:

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

0.2.2.5 **Technological Objectives**

To exploit the nation's abundant natural and human resources to the advantage of the people; therefore broadcasting shall :

- a. keep the people abreast of technological developments;
- b. encourage development in ICT, in line with global trends;

- c. promote and encourage the study of science and technology;
- d. promote the spirit of self-reliance and engender the development of indigenous technology; and
- e. promote a scientific and rational attitude to life by encouraging research.

0.2.2.6 **Professional Objectives**

To demand the high level of specialization and professionalism; therefore, Broadcasters shall ensure:

- a. The development of professionalism through recruitment and training of personnel, who at the point of entry into senior cadre shall possess at least, Higher National Diploma (HND) or its equivalent in broadcast related fields;
- b. That only professionals with at least 10 years' cognate experience shall head core departments, divisions or directorates;
- c. That only professionals with at least 15 years' cognate experience in broadcasting, shall be made Chief Operating Officer of a broadcast station;
- d. That Nigerian talents and facilities shall be used as much as possible in the production of programmes, including advertisements;
- e. That meaningful investment in research and development, and job security with appropriate remuneration is guaranteed; therefore, the Commission shall arbitrate in instances where unjust removal of a broadcaster is established.
- f. That their staff are trained quarterly on the Nigeria Broadcasting **Code**.

0.2.3

Broadcast Regulation

The regulation is to ensure that broadcasting plays a pivotal role in the social, cultural, technological, economic, and political lives of the people of Nigeria; therefore:

- a. Broadcasting shall adhere to the general principles of legality, decency, truth, integrity and respect for human dignity as well as the cultural, moral and social values of the people within the provisions of the **Constitution**;
- b. Nigerian broadcasting shall meet the best professional standards;
- c. The framework for the regulation of broadcasting in Nigeria shall meet local needs without compromising international standards;
- d. Broadcasting in Nigeria shall provide the entire range of sound and vision services that cater for, and reflect the diverse range of Nigerian cultures and communities through effective distribution of public, commercial and community broadcasting services;
- e. Broadcasting in Nigeria shall be at least 70% owned and operated by Nigerians.
- f. Broadcasting shall ensure the protection and the development of women, children and other persons requiring special care and consideration;
- g. Broadcasting shall be mindful of the degree of harm and offence likely to be caused by the inclusion of any material in programming in general or in specific terms;
- h. Broadcast frequency bands, a scarce resource, shall be efficiently utilized in line with the international best standards in the planning, co-ordination, assignment, registration, and monitoring of the broadcast spectrum;
- i. Universal access to broadcasting, including technologies, content and services shall be promoted;

- j. Providers of broadcasting services shall respect community standards in the provision of programme materials;
- k. Broadcasters shall establish the mechanism for addressing complaints as well as feedback;
- l. Broadcasters and their employees shall uphold the rights and obligations of the mass media as provided in the **Constitution**;
- m. Fair and sustainable competition shall be the hallmark of the broadcast industry in Nigeria;
- n. Self-regulation shall be employed within the framework of professional standards.

0.2.4 **Challenges to the Industry**

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

- a. a truthful, comprehensive and intelligent account of each day's local, regional, national and international events that have significant impact on the Nigerian community;
- b. an impartial access to the nation's daily intelligence made equally available to everyone;
- c. a forum for the exchange of comment and criticism representing every stratum of the society, as required in a Federal state like Nigeria, in which the views and opinions of everyone are included in the national consensus;
- d. a means of projecting the opinions and attitudes of the

groups in the society to one another, such as the balancing of information flow between the rural and urban, government and the governed, as well as the presentation and clarification of the goals and values of the society;

- e. an efficient, professional and comprehensive broadcasting service to the people of the Federal Republic of Nigeria, based on national objectives and aspirations;
- f. an effective coverage and reach of the nation;
- g. the right of practitioners to have control over editorial and programme content in the media;
- h. the development of Nigerian artistic creativity and talent in entertainment programming and offering information and analyses from the Nigerian point of view;
- i. programming that promotes employment opportunities to serve the needs and interest, and reflect the circumstances and aspirations of all Nigerians;
- j. programming that promotes excellence and high moral and ethical standards, acceptable to a substantial group of the viewing and listening public;
- k. development of human resources and capacity building in broadcasting;
- l. ready adaptation to scientific and technological changes;
- m. maximum use of predominantly Nigerian creative resources in the presentation of programming, be it news, musical entertainment, advertising or sponsorship;
- n. greater emphasis on the broadcast of news and programmes in Nigerian languages to ensure direct relevance to local communities;

- o. programmes of high professional standard;
- p. reasonable opportunity for the public to be exposed to all views on matters of public concern; and
- q. the development and growth of the independent production sector.

0.2.5 **Deregulation of Broadcasting in Nigeria**

On August 24, 1992, the Federal Military Government promulgated *the National Broadcasting Commission Decree No. 38* (now deemed an Act of the National Assembly) deregulating the broadcast industry and establishing the National Broadcasting Commission to regulate the entire industry. This ended over 50 years of sole government-ownership of broadcasting in the country. The responsibilities of the Commission were further expanded by the NBC (Amendment) Act No. 55 of 1999.

0.2.6 **Legal Framework**

The National Broadcasting Commission (herein referred to as the **Commission**) was established by Section 1 of *the National Broadcasting Commission Act, Cap. NII, Laws of the Federation, 2004; (hereafter called "the Act")*.

0.2.7 **Powers of the Commission**

The responsibility of the National Broadcasting Commission is as stated in Section 2(1) of the NBC Act, *Cap. NII, Laws of the Federation, 2004*. See Appendix.

0.2.8 **Declaration**

The National Broadcasting Commission affirms that it shall co-operate with, encourage and protect Broadcasters, but will firmly ensure adherence to all the provisions of the NBC Act, **The Code** and any other regulation as made from time to time by the Commission.

CHAPTER ONE

1.0 BROADCASTING STANDARD

The standard given hereunder stipulates the regulations and procedures for developing and upholding professionalism in Nigerian Broadcasting.

1.1 PRINCIPLES

- a. **The Code** is derived from the provision of Section 2(1)(h) of the Act;
- b. **The Code** contains the universal standard of broadcasting with specific application to Nigeria. The purpose is to guide broadcasters to apply the provisions of The Code and to assist the public to uphold them as the benchmark for their “...right to quality broadcasting”.
- c. **The Code** is guided by transparency, consistent with the best service delivery principles.
- d. **The Code** contains regulations for easy interpretation by the Broadcaster and the public. The regulations may be reviewed from time to time in response to changes and evolving trends in the broadcasting industry.
- e. **The Code** expects the Broadcaster to always consider what is beneficial to the audience in terms of cultural, moral, economic, social and political values of the Nigerian society.
- f. **The Code** recognizes that broadcasting and freedom of expression are intrinsically linked. However, the Broadcaster shall exercise as much freedom as possible in programming without breaching societal values.

<p>g. The Code is the professional standard for the day-to-day operation of the broadcasting industry in Nigeria.</p>	
<p>1.1.1 APPROVAL OF AGREEMENTS AND TRANSACTIONS</p>	
<p>1.1.1.1 A licensee shall obtain the prior approval of the Commission in respect of any act, agreement or transaction that may directly or indirectly affect its shareholdings.</p>	CLASS A
<p>1.1.1.2 The request for the approval referred to in 1.1.1.1 above shall set-out the following information:</p> <ul style="list-style-type: none"> a. the name of the person(s)/company(ies); b. the percentage and voting interests of the person(s)/company(ies); c. the level of association of the person(s)/company(ies) in the management/ownership of the organisation; d. the level of association of the person(s)/company(ies) in any other broadcast organisation in the same sector; and e. a draft copy of the proposed agreement or transaction. 	
<p>1.1.1.3 A licensee shall obtain the prior approval of the Commission before engaging in any transaction that would result in a new ownership structure involving new persons.</p>	CLASS A
<p>1.2 COVERAGE OF CRISIS, DISASTER AND EMERGENCY</p>	
<p>1.2.1 Broadcast technology enables broadcasters to bring information on issues of national concern to the audience with immediacy. In the event of crisis however, the advantages of broadcast technology may be exploited but not in a manner to aggravate the situation or adversely affect those emotionally involved.</p>	CLASS B

1.2.2	The Broadcaster shall exercise due caution, empathy and sensitivity in the coverage and presentation of emergencies, calamities, riots, etc.	CLASS B
1.2.3	In drawing attention to crisis, timely basic information shall be provided to assist the public and to facilitate rescue and other forms of amelioration.	CLASS B
1.2.4	Sensationalism shall be avoided by refraining from speculations, statements, details or exaggerations that could aggravate mass panic or hysteria.	CLASS B
1.2.5	Broadcasters shall carry public announcements on natural disasters as social responsibility covering their area of coverage.	CLASS C
1.2.6	Broadcasters using social media sources or any emerging technologies for coverage of disasters and emergencies shall ensure the veracity and credibility of originating material and content.	CLASS B
1.2.7	Broadcasters in using social media sources or any emerging technologies shall ensure due caution and professionalism in the coverage of disasters and emergencies.	CLASS B
1.3	BROADCASTER IDENTIFICATION/CALL SIGN	
1.3.1.	A Broadcaster shall have a call sign, station identification or logo, or a combination to serve as its identity.	CLASS B
1.3.2	A Broadcaster shall, before commencement of operations, register with the Commission its call sign, slogan, identification or logo duly registered with the Trade Mark Registry.	CLASS B
1.3.3	A Broadcaster's identification shall be broadcast at least every 15 minutes on radio, or at least at the next available programme juncture.	CLASS B
1.3.4	For television transmission services the following shall apply: a. ONLY the Broadcaster's identity/logo shall be permanently displayed.	CLASS C

	<ul style="list-style-type: none"> b. Legitimate information captions, including the logos of the franchise holder, and/or the caption or logo of a sponsor, may also be displayed at allowed intervals of 10 minutes for duration not exceeding 60 seconds in addition to the provision in paragraph 1.3.4 (a) c. A programme title shall be displayed at the beginning, bridging point and at the end of the programme except for Grade A programmes. 	<p>CLASS C</p> <p>CLASS C</p>
1.3.5	Where a Broadcaster uses more than one frequency or channel, each of its programming outlets shall be identified separately by its registered identity.	CLASS B
1.3.6	Broadcasting with false or misleading identification shall not be allowed. This violation may lead to the immediate closure of a station, revocation of licence and seizure of equipment.	CLASS B
1.4	<p>THE PUBLIC'S RIGHT TO COMPLAIN</p> <p>The public has a right to complain about any broadcast content, therefore, a Broadcaster shall transmit at least twice a day, information on how the public may lodge complaints about its content or conduct.</p>	CLASS B
1.5	<p>PROGRAMMES SCHEDULE</p> <ul style="list-style-type: none"> a. The scheduling of a programme is the absolute responsibility of the Broadcaster in accordance with its editorial standards; especially, Network programmes, taking into consideration the diversity in faith, cultural and moral sensitivities of the audience. b. It is the responsibility of a Broadcaster to clearly explain its programme always, through programme promotion and trailers. c. A Broadcaster shall not schedule a programme unsuitable for children and young persons before the watershed time of 10.00pm. 	<p>CLASS C</p> <p>CLASS B</p> <p>CLASS B</p>

	d. A Broadcaster shall not schedule morally contrasting programmes, fillers or advertisements of similar or competing genres back to back.	CLASS B
1.5.1.	A Broadcaster shall forward to the Commission its quarterly programmes schedule and synopsis of new or repackaged programmes not less than one week before the beginning of the quarter.	CLASS B
1.5.2	A Broadcaster shall establish an Electronic Programme Guide (EPG) which contains all the details required in 1.5.1 above.	CLASS B
1.6	LOG BOOKS	
1.6.1	A Broadcaster shall log all transmissions, including test transmissions, in accordance with paragraphs 7 and 8 of the <i>Third Schedule of the Act</i> .	CLASS B
1.6.2	A Broadcaster shall maintain log books to record each day's: <ul style="list-style-type: none"> a. programmes; b. music; c. advertisements and sponsorships; d. studio operations and maintenance; e. transmitter operations and maintenance; f. links operation and maintenance; and g. power supply 	CLASS B
1.6.3	A broadcaster shall avail the Commission of the log book(s) upon request.	CLASS B
1.7	CONTINUOUS OFF-AIR RECORDING OF TRANSMISSION	
1.7.1	A Broadcaster shall: <ul style="list-style-type: none"> a. retain for a period of not less than 90 days, a recording of every programme broadcast on its service; 	CLASS B

	b. produce any such recording for examination on demand by the Commission;	CLASS B
	c. produce any script or transcript of the programme, on demand by the Commission	CLASS B
1.8	RIGHT OF ENTRY	
1.8.1	A Broadcaster shall be in breach of the provisions of The Code if it:	
	a. denies the Commission or its agent entry into the premises of its station as provided in Section 13(2) of The Act .	CLASS A
	b. obstructs the Commission or its agent in the exercise of the powers conferred on the Commission under this section; or	CLASS A
	c. fails or refuses to give the Commission or its agent the required cooperation to carry out the assignment.	CLASS A
1.9	PROGRAMME PRESENTATION	
1.9.1	A Broadcaster shall ensure that its presenter or anchor shall be decently and appropriately attired in a manner that is consistent with the Nigerian culture.	CLASS C
1.9.2	A Broadcaster shall ensure that its presenter/continuity announcer shall have a good command of the language of presentation, in diction, grammar and elocution.	CLASS C
1.9.3	A Broadcaster shall ensure that its presenter/anchor does not express his or her opinion in the programme.	CLASS B
1.9.4	A Broadcaster shall ensure that its presenter/anchor of any programme, especially phone-in programmes; shall handle it with professionalism and sound judgment, to ensure that it does not lose focus or lead to unfair treatment of any person or institution.	CLASS C

1.9.5	A Broadcaster shall ensure that every scheduled broadcast item, including spot announcements is scripted.	CLASS B
1.10	PIRACY	
1.10.1	A Broadcaster shall not broadcast or re-broadcast any content without the express permission of the right owner.	CLASS B
1.10.2	A Broadcaster relaying any programme (local or foreign) shall ensure proper acquisition of such programme.	CLASS B
1.11	STAFF EMPOWERMENT	
	A Broadcaster shall provide good conditions of service in the areas of remuneration, health, insurance, disengagement and pensioner's welfare, as well as regular training and a good industrial relationship.	CLASS B
1.12	EMPLOYMENT POLICY	
1.12.1.	A Broadcaster shall ensure that only professional Broadcasters with requisite cognate experience are employed to head professional departments in the station.	CLASS B
1.13	EMPOWERMENT AND HUMAN RESOURCE DEVELOPMENT	
1.13.1	A Broadcaster shall ensure that the minimum entry for recruitment of a Broadcaster in the station shall be an ordinary diploma or a certificate from a recognized media training institution.	CLASS B
1.13.2	A Broadcaster shall ensure that newly recruited staff with proven aptitude but without industry experience shall be required to attend a relevant course at a recognized broadcast institution within two years of employment.	CLASS B
1.13.3	A Broadcaster shall ensure that only a professional with at least 10 years post qualification broadcast experience heads a specialized department such as Programmes, News, Engineering, Marketing, etc.	CLASS B

1.13.4	A Broadcaster shall ensure that only a professional with at least 15 years cognate broadcast experience, 5 of which must have been in the management cadre, shall be the Head of a station or Chief Operating Officer subject to the verification of the National Broadcasting Commission.	CLASS B
1.13.5	A Broadcaster shall ensure that all its operatives have working knowledge of The Code .	CLASS B
1.14	FAMILY BELT	
1.14.1	A Broadcaster operating a Free-To-Air television service shall ensure that all programmes between 7.00pm and 10.00pm, otherwise known as Family Belt are Nigerian produced programmes suitable for family viewing.	CLASS B
1.14.2	A Broadcaster shall ensure that programmes which do not promote national values, ideals and aspirations or which promote foreign culture, violence, obscenity or vulgarity are not broadcast during the family belt.	CLASS B
1.14.3	A Broadcaster shall ensure that family belt for radio, 5pm – 8pm, conform with the provision of 1.16.2 above.	CLASS B
1.15	BROADCAST CURRICULA IN TERTIARY INSTITUTIONS	
1.15.1	<p>Tertiary institutions play a vital role in producing professionals for the industry through the teaching and practice of Mass Communication and other broadcast related courses. Section 2(1) (p) of the Act. empowers the Commission to accredit curricula and programmes for tertiary institutions in Nigeria that offer Mass Communication in relation to Broadcasting.</p> <p>Therefore, for an academic broadcast programme to receive accreditation, the institution shall have a functional broadcast studio and offer courses in the following key areas and others to be added from time to time:</p> <ol style="list-style-type: none"> a. The Act; b. The Code and other Broadcast Regulations; 	

- c. Educational and Instructional Broadcasting;
- d. Advertising;
- e. News Writing, Reporting, Editing and Newscasting;
- f. Radio and TV Production;
- g. Radio and TV Directing;
- h. Radio and TV Script Writing for Drama, Documentary and other Programme Productions;
- i. Radio and TV Presentation Techniques;
- j. Lighting and Sound;
- k. Camera Techniques;
- l. Broadcast Station Management;
- m. Media Law and Ethics;
- n. Information Technology in Broadcasting;
- o. Technological Developments in the Industry;
- p. Industrial Attachment;
- q. Freedom of Information Act;
- r. Broadcasting and new media;

1.16

LAWS AND OTHER PROFESSIONAL STANDARDS

1.16.1

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

- a. The **Constitution** of the Federal Republic of Nigeria, 1999 {as amended}
- b. *The National Broadcasting Commission Act, Cap. NII, Laws of the Federation, 2004;*
- c. *The Wireless Telegraphy Act, Cap.W5 LFN 2004 (as amended by section 22, subsection 2 of **the Act**;*
- d. Freedom of Information Act;
- e. The Defamation Law;

- f. the Law of contempt relating to matters pending before law courts;
- g. *The Official Secrets Act, Cap. 03 LFN 2004;*
- h. the Advertising Practitioners Council of Nigeria Act, Cap. A7 LFN 2004;
- i. the National Film & Video Censors Board Act, Cap. N40 LFN 2004;
- j. The Electoral guidelines on broadcast matters as contained in the Electoral Act;
- k. The National Food and Drug Administration Law Enforcement Agency Act, Cap. NI LFN 2004;
- l. *The Nigerian Copyright Act, Cap. C28 LFN 2004;*
- m. National Lottery Act, Cap. N145 LFN 2004;
- n. any other Federal and State Legislation/Law relating to broadcasting;
- o. international treaties/obligations relating to broadcasting which Nigeria is a signatory.
- p. Nigeria Film Corporation Act; and
- q. Nigerian Communications Act, Cap. N97 LFN 2004;

CHAPTER TWO

2.0 LICENSING

2.0.1 Licensing is the process of conferring authority on an applicant to operate a broadcasting service by the appropriate Agency under specific conditions set out by law.

2.0.2 It shall be illegal for any person to operate or use any apparatus or premises for transmission of sound or vision by cable, television, radio, satellite or other medium of broadcast from anywhere in Nigeria, unless licensed by the Commission.

CLASS A

2.1 TIERS OF BROADCASTING

- a. Public Broadcasting
- b. Commercial Broadcasting
- c. Community Broadcasting

2.2 TYPES OF BROADCASTING SERVICE

2.2.1 Terrestrial Radio and Television Coverage:

- a. National
- b. Regional
- c. State
- d. City

2.2.2 Terrestrial Radio - Mode:

- a. Amplitude Modulation (AM)
 - (i) Medium Wave (MW)
 - (ii) Short Wave (SW)
- b. Frequency Modulation (FM)
- c. Digital Audio Broadcast (DAB)
 - (i) Digital Radio Mundial (DRM)
 - (ii) In-Band On Channel (IBOC) Standard
 - (iii) any other radio broadcast mode that may evolve.

2.2.3

Terrestrial Television - Mode:

- a. Open Digital Broadcast
 - (i) Digital Video Broadcast-Terrestrial (DVB-T/DVB-T2)
 - (ii) Digital Video Broadcast-Cable (DVB-C/DVB- C2)
 - (iii) Digital Video Broadcast-Mobile (Technology Neutral)
 - (iv) And any other digital format
- b. Subscription Pay Television
 - (i) Multipoint Multimedia Distribution System (MMDS)
 - (ii) Digital Video Broadcast-Cable (DVB-C/DVB- C2)
 - (iii) Digital Video Broadcast-Terrestrial (DVB-T2)
 - (iv) Digital Video Broadcast-Mobile (Technology Neutral)
 - (v) And any other digital format

2.2.4

Satellite Radio - Mode:

- a. Open Broadcast (Free-To-Air)
- b. Subscription Radio
- c. Temporary Uplink

2.2.5

Satellite Television - Mode:

- a. Free-To-Air
- b. Subscription Television
 - (i) Digital Satellite Broadcast (DSB)
 - (ii) Direct-to-Home (DTH)
- c. Temporary Uplink

2.2.6

Community Broadcast (Free-to-air)

- a. Community Radio/Television
- b. Community Wired Service (Sound and Video)

2.2.7

Protocol Broadcasting

- a. Internet Protocol Radio
- b. Internet Protocol Television

2.3 **CATEGORIES OF BROADCAST LICENCE**

2.3.1 The Commission shall receive, process and consider applications for the grant of broadcast licence in the following categories:

- a. Satellite Broadcast; Subscription DTH (Audio and Video)
- b. Cable Television Subscription
- c. Community (Radio and Television)
- d. Networking (Radio and Television)
- e. FM Radio Broadcasting
- f. Internet Broadcasting
- g. Digital TV Content Aggregation
- h. Broadcast Signal Distribution
- i. Digital Terrestrial (Free-To-View) TV
- j. Direct Satellite Broadcast
- k. Mobile/Handheld (DVB-H)
- l. Digital Subscription Television
- m. Electronic Programme Guide EPG
- n. Over the Top (OTT)/Video on Demand (VOD)

2.4 **BROADCAST PERMIT**

2.4.1 **CATEGORIES OF BROADCAST PERMIT**

The Commission shall receive, process and consider applications for the grant of broadcast permit in the following categories:

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

2.4.2 Persons or entities seeking to operate any of the services listed in 2.4.2 above shall apply for, and obtain a permit from the Commission:

2.4.3	Any of the above permits shall be valid for a period of time as may be determined by the Commission;	CLASS A
2.4.4	An application for the renewal of any of the above permits shall be made to the Commission within a period to be determined by the Commission;	CLASS A
2.4.5	The above listed permits shall be obtained on payment of a fee prescribed by the Commission.	CLASS A
2.5	<p>DIRECTIVES TO BROADCAST SIGNAL DISTRIBUTORS</p> <p>Subject to the Provisions of the Act and The Code, the Commission may give directives to the Broadcast Signal Distributor/Content Aggregator to take off the signals of an offending station that is guilty of Grade “A” breach. It shall be the duty of the Broadcast Signal Distributor or Content Aggregator to comply with such directives.</p>	
2.6	<p>LICENCE USAGE</p>	
2.6.1	A Broadcaster shall ensure that broadcast operatives read and understand the provisions of The Code before putting the Licence to use.	
2.6.2	A Licence shall only be used on payment of a fee prescribed by the Commission.	CLASS A
2.6.3	A Licence shall be used only for the type of broadcast service approved and specified in the Licence.	CLASS A
2.6.4	A Licence shall be suspended if, for six consecutive months a licensee ceases to provide the service for which it was issued.	CLASS A
2.6.5	A licence shall be subject to the provisions of the Act, The Code and any other regulation made from time to time by the Commission.	

<p>2.7</p> <p>2.7.1</p> <p>2.7.2</p> <p>2.7.3</p> <p>2.8</p> <p>2.8.1</p> <p>2.9.</p> <p>2.10.</p> <p>2.10.1</p>	<p>RENEWAL OF LICENCE</p> <p>The renewal of a Licence shall be subject to the fulfillment of the conditions stipulated by the Act (ref. Appendix 1).</p> <p>An application for the renewal of a Licence shall be made to the Commission at least six months before the expiration of the Licence.</p> <p>A Licence may be revoked by the Commission where it has not been put to use within a period of two years after issuance.</p> <p>CONSIDERATION OF APPLICATION FOR RENEWAL OF ALICENCE</p> <p>The Commission shall among others, consider the following in the renewal of a Licence:</p> <ul style="list-style-type: none"> a. past conduct of the Licensee; b. breach profile and level of adherence to rules and regulations by the Licensee; c. local content profile of the Licensee; d. evidence of compliance with the payment of fees, levies and penalties; e. evidence of regular submission of annual audited account; f. evidence of payments of percentage of annual income. <p>PUBLIC ASSESSMENT</p> <p>The Commission may conduct a public assessment within the coverage area of a Broadcaster to enable the Commission determine the following:</p> <ul style="list-style-type: none"> a. the level of compliance with the provisions of the Act, The Code and other rules and regulations made by the Commission from time to time; b. the extent to which the Licence has benefitted the people on whose behalf it is held; c. the appropriateness or otherwise of its licence renewal. <p>PUBLIC ASSESSMENT PROCEDURE</p> <p>The Commission shall cause a Broadcaster to announce the Public hearing in its coverage area, at least twice a day at prime time for a period of two weeks, prior to the hearing,</p>	<p>CLASS B</p> <p>CLASS A</p>
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	<p>stating:</p> <ol style="list-style-type: none"> a. date, time and venue for the hearing; b. the nature of the matter(s) to be heard at the public hearing. <p>2.10.2 The entire cost of the hearing shall be borne by the licensee.</p> <p>2.10.3 No application may be amended or varied and no supplementary or additional document may be filed after a notice in respect of the hearing has been published, except with the permission of the Commission.</p> <p>2.10.4 Public Assessment Committee</p> <ol style="list-style-type: none"> a. The Commission shall establish a Public Assessment Committee. b. The Commission shall notify the broadcaster of the date, time and place for the hearing. c. The Commission shall publish a notice of the application in at least two newspapers in circulation within the area normally served by the Licensee. <p>2.11 SUBMISSION OF ANNUAL ACCOUNTS AND REMITTANCE</p> <p>A Broadcaster shall:</p> <ol style="list-style-type: none"> a. Remit to the Commission 2.5% of its annual income monthly; b. Submit to the Commission on or before the 31st March in each year, the certified copy of the annual audited accounts of the station (company) for the preceding year. <p>2.12 AMENDMENT OF A LICENCE</p> <p>2.12.1 The Commission may amend a Licence to:</p> <ol style="list-style-type: none"> a. ensure good and efficient frequency management; b. ensure compliance with any international broadcast protocol; or 	<p>CLASS B</p> <p>CLASS A</p> <p>CLASS A</p>
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2.12.2	<p>The Commission may, upon request by a Broadcaster, amend a Licence, provided the amendment will not:</p> <ul style="list-style-type: none"> (i) prejudice any other broadcaster; (ii) be inconsistent with the provisions of the Act or any protocol, agreement or convention contemplated in sub-section 2.12.1(b) above. 	
2.13	PROHIBITIONS	
2.13.1	<p>Pursuant to section 14, subsection 4 of the Act, no person other than a holder of a Dealer’s permit shall offer for sale, sell or have in his possession with a view to selling in the course of his business, any installation, mechanism, instrument, material or other apparatus constructed for the purpose of or intended to be used for broadcasting except under and in accordance with a permit on that behalf.</p>	CLASS A
2.13.2	<p>No person other than a Broadcaster and a dealership permit holder can import broadcast equipment.</p>	CLASS A
2.13.3	<p>No person shall establish, install or use any equipment or apparatus for the transmission, retransmission, relay or re-distribution of broadcast signal except as licensed by the Commission.</p>	CLASS A
2.13.4	<p>No person shall operate a broadcast system which uses frequencies in the Federal Republic of Nigeria or operate any wireless equipment that uses broadcast frequencies unless authorized to do so upon the assignment of a frequency or channel by the Commission.</p>	CLASS A
2.13.5	<p>A Licence shall be revoked where a Broadcaster:</p> <ul style="list-style-type: none"> a. is declared insolvent; b. is declared bankrupt; c. enters Liquidation. 	CLASS A
2.13.6	<p>A Broadcaster who persistently breaches the provisions of The Code shall be sanctioned.</p>	CLASS A

CHAPTER THREE

3.0	GENERAL PROGRAMMING STANDARD	
3.0.1	THE CENTRAL TENET OF BROADCASTING This chapter sets out the Content Standard which the audience expects as a right in programming. The aim is to ensure that qualitative programming content meets and satisfies the needs of all audience categories. In other words, every programme shall adhere to the general principles of legality, decency and truthfulness, while encouraging creativity, innovation and entrepreneurship.	
3.0.2	PROFESSIONAL GUIDELINES	
3.0.2.1	No broadcast shall encourage or incite to crime, lead to public disorder or hate, be repugnant to public feelings or contain offensive reference to any person or organization, alive or dead or generally be disrespectful to human dignity.	CLASS A
3.0.2.2	Hate speech is prohibited; therefore, a Broadcaster shall not transmit any programme, programme promotion, community service announcement or station identity, which is likely, in any circumstance, to provoke or perpetuate in a reasonable person, intense dislike, serious contempt or severe ridicule against a person or groups of people because of age, colour, gender, national or ethnic origin, disability, race, religion or political leanings.	CLASS A
3.0.2.3	The Broadcaster is recognized as an agent of society; therefore, it shall not use the medium for any personal or sectional rights, privileges and needs of its own, proprietor, relatives, friends or supporters.	CLASS B
3.0.2.4	A Programme in a foreign language shall not be transmitted without subtitles in the official language, except sports where the audio is only complementary or religious and niche programmes where the language is easily understood by the adherents.	CLASS C
3.0.2.5	Transmission of a programme in a local language shall have sub-titles in the official language and or a language channel provision.	CLASS C

3.0.2.6	All subtitles shall be professionally and accurately done.	CLASS B
3.0.2.7	A programme or musical content classified as “Not To Be Broadcast” (NTBB) shall not be broadcast.	CLASS B
3.0.2.8	The Broadcaster shall ensure that every movie carries the Appropriate classification symbol of the National Film and Video Censors’ Board(NFVCB) or any other recognized classification, and are broadcast with inappropriate belt in accordance with the provisions of The Code .	CLASS B
3.0.2.9	Without prejudice to Section 3.0.2.8, the Broadcaster shall not transmit any material that is morally or socially unacceptable for public consumption.	CLASS B
3.0.2.10	Persons under the age of 18, the physically challenged or any vulnerable groups shall be protected from offensive and harmful portrayal in a programme.	CLASS B
3.0.2.11	A programme shall be properly heralded. Relevant information shall be included to guide parents in deciding its suitability for their children and wards.	CLASS C
3.0.2.12	Piracy is prohibited; therefore, the broadcast or rebroadcast of any content, shall be, only, with the express permission of the Rights owner.	CLASS B
3.0.2.13	The abrupt termination of a programme is a professional breach, except in the event of an emergency, such as technical fault or Breaking News, which shall be heralded with the appropriate courtesy.	CLASS B
3.0.2.14	A Broadcaster shall clearly display audio-visual programme guide or classification symbol throughout the duration of the programme.	CLASS B
3.0.2.15	The use of scroll bars shall be limited to news, Breaking News, sports and reality shows, and shall not be used for advertisement.	CLASS B

3.0.2.16	A Broadcaster shall not carry any programme with praise singing or adulation and the tendency to glamorize persons.	CLASS B
3.0.2.17	A Broadcaster shall not deny access to those with contrary views.	CLASS C
3.0.2.18	A Broadcaster shall not transmit content that denigrates the social norms, values and culture of the society.	CLASS B
3.1	STRAIGHT DEALING	
3.1.1	<p>The objectives of broadcasting in Nigeria are designed to further the goals of democracy and socio-economic development. These objectives challenge the broadcasting industry to assume a major role in the establishment of democratic culture in the country. To achieve this, all programmes shall display a transparent concern for fair-play, honesty and integrity.</p> <p>Straight dealing requires that all the objectives of a program shall be clearly evident at every stage of its production and presentation.</p>	CLASS C
3.2	ACCURACY, OBJECTIVITY AND FAIRNESS	
3.2.1	A Broadcaster shall:	
	a. ensure that any information given in a programme, in whatever form, shall be accurate.	CLASS B
	b. ensure that all sides to any issue of public interest shall be equitably presented for fairness and balance.	CLASS B
	c. be above inherent biases, prejudices and subjective mindsets.	CLASS C
	d. admit a mistake once clearly established and fully effect immediate remedy.	CLASS C

3.3	INTEGRITY	
3.3.1	A Broadcaster shall ensure that:	
	a. every programme is accurate and credible.	CLASS B
	b. all sides to an issue are equitably presented, preferably in the same broadcast.	CLASS B
	c. a <i>Right of Reply</i> is guaranteed to any person or body with a genuine claim to misrepresentation, without cost.	CLASS B
	d. its involvement in charity and fund raising, as well as quiz and similar programmes are presented as contests of knowledge, skill or luck and be transparent.	CLASS C
	e. all programmes comply with laws relating to piracy, copyright, privacy, sedition, libel, etc.	CLASS B
3.3.2	A Broadcaster shall be sensitive to the feelings of its audience regarding the necessity to discontinue a programme.	CLASS C
3.3.3	A Broadcaster shall adhere strictly to its published programme schedule. In the event of a change, adequate prior announcement shall be made.	CLASS C
3.4	AUTHENTICITY	
3.4.1	A Broadcaster shall ensure that:	
	a. fictional events or non-factual materials shall not be presented as real.	CLASS B
	b. archival, library or contrived materials are clearly identified.	CLASS B
	c. in using archival materials, bear in mind the possible distress that it could cause the parties concerned.	CLASS B

3.5	GOOD TASTE AND DECENCY	
3.5.1	<p>A Broadcaster shall ensure that:</p> <ul style="list-style-type: none"> a. obscene, indecent, vulgar language, lewd and profane expression, presentation or representation are NOT ALLOWED in a programme. b. the sanctity of marriage and family life are promoted and strictly upheld. c. the physically and mentally challenged are not exploited or presented in a manner embarrassing to the challenged or members of their families. 	<p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p>
3.6	MORALITY AND SOCIAL VALUES	
3.6.1	<p>A Broadcaster shall ensure that:</p> <ul style="list-style-type: none"> a. x-rated programmes and all forms of pornography are NOT broadcast. b. cruelty, greed, selfishness and revenge are not portrayed as desirable human values. c. programme belts are strictly respected, especially the children and family belts even in the vertical alignment of the digital era. d. drunkenness, drug addiction and other anti-social tendencies, are not presented except as a destructive habit to be avoided and denounced. e. sex-related acts such as adultery, prostitution, rape, bestiality, homosexuality, lesbianism, incest and the LGBT issues are not presented, except as destructive practices to be avoided or denounced. 	<p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p>

	f. excessive portrayal of physical suffering and pain or the exhibition of dead bodies or blood are avoided except for the purpose of conveying a message, in which case it shall be preceded with a caution.	CLASS B
	g. liquor consumption, smoking and ostentatious lifestyle are shown only when consistent with plot of the programme as anti-social and unacceptable.	CLASS B
	h. suicide is not treated as an acceptable solution to human problems.	CLASS B
	i. the portrayal of nudity, sexual scenes and expressions is justifiable only in context; however, it shall be presented with tact and due discretion.	CLASS B
3.6.2	A Broadcaster shall ensure that in all exceptions given in this section, gratuitous presentation of graphic details is not allowed.	CLASS B
3.7	WOMEN	
3.7.1	A Broadcaster shall ensure that:	
	a. womanhood is presented with respect and dignity.	CLASS B
	b. women are not portrayed unfairly as sex objects or stereotyped.	CLASS B
3.7.2	A Broadcaster shall not promote gender-based violent programme(s)	CLASS B
3.8	CRIME, LAW AND ORDER	
3.8.1	A Broadcaster shall ensure that:	
	a. language or scene likely to encourage or incite to crime, or lead to disorder, is not broadcast.	CLASS A
	b. no programme contains anything which amounts to subversion of constituted authority or compromises the unity or corporate existence of Nigeria as a sovereign state.	CLASS A
	c. a programme shall not be broadcast if it treats crime in a frivolous manner or in a manner that seems to condone it.	CLASS B

3.8.2	A Broadcaster shall ensure that law enforcement is upheld at all times in a manner depicting that law and order are socially superior to, or more desirable than crime or anarchy.	CLASS B
3.9	VIOLENCE, CRUELTY, PAIN AND HORROR	
3.9.1	<p>Broadcasting is highly susceptible to imitation, especially by children. A Broadcaster shall therefore, ensure that:</p> <ul style="list-style-type: none"> a. the portrayal of violence, cruelty, pain and horror with the potential of causing moral or psychological harm are not broadcast. b. a programme portraying excessive physical violence or horror is not broadcast, unless relevant to character development or to the advancement of the theme or plot; despite this, graphic and gory details is avoided. c. violence is not depicted as glamorous. d. where violence, cruelty or horror is depicted, the consequences to the perpetrators are made manifest. e. the portrayal of dangerous activities which could invite imitation, shall not be broadcast; 	<p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p>
3.9.2	A Broadcaster shall not transmit a programme that incites or likely to incite violence among the populace, causing mass panic, political and social upheaval, security breach and general social disorder.	CLASS A
3.10	<p>WATERSHED</p> <ul style="list-style-type: none"> a. The restrictions in paragraph 3.7 relating to programmes of general family viewing. b. Exceptions shall be acceptable only with conditional facilities. 	<p>CLASS B</p> <p>CLASS B</p>

	<p>c. The exception is applicable where the programmes are restricted to the watershed period of between 10.00pm and 5.00a.m, even then, only on a premium channel.</p>	CLASS B
3.10.1	<p>A Broadcaster shall give clear warning prior to the transmission of any material that may not be suitable for the impressionable.</p>	CLASS B
3.11	<p>LOCAL PROGRAMME CONTENT</p>	
3.11.1	<p>Local content regulation is essentially to:</p> <ul style="list-style-type: none"> a. promote and sustain Nigeria’s diverse cultures, mores, folklores and community life; b. provide diversity in types of programming content for the widest audience through the limitless variety in the cultural landscape of Nigeria; 	
3.11.2	<p>A Broadcaster shall:</p> <ul style="list-style-type: none"> a. promote Nigerian content and encourage the production and projection of Nigerian life within and outside its borders; strive to attain 100% local content; and b. establish a dynamic, creative and economically vibrant Nigerian broadcast industry. 	
3.12	<p>CHARACTER OF LOCAL CONTENT</p>	
3.12.1	<p>A Broadcaster shall ensure that for a programme to qualify as local content, its production satisfies any of the following:</p> <ul style="list-style-type: none"> a. made by authors, producers and workers who are Nigerians or residing in Nigeria; or, b. produced under the creative control of Nigerians; or c. the production is supervised and controlled by a producer established in Nigeria; or, 	CLASS B

- d. the contribution in a co-production is not controlled by a producer based outside Nigeria; or
- e. the production originating from any other country is made exclusively by Nigerians or in co-production with non-Nigerians established in that country.

3.13 **Music**

3.13.1 A Broadcaster shall ensure that for a musical work to qualify as local content, such work complies with any of the following requirements:

CLASS B

- a. lyrics written by a Nigerian;
- b. music written by a Nigerian;
- c. music principally performed by musicians who are Nigerians;
- d. a live performance or recording of musical work, performed or broadcast in Nigeria; or
- e. music or lyrics is co-written, co-produced or performed with Nigerians.

3.13.2 A Broadcaster shall ensure, for the purpose of free-to-air terrestrial broadcasts that;

CLASS B

- a. Nigerian music constitutes 80 per cent of all its musical content.
- b. For the purpose of royalties, it maintains an accurate log of every music it transmits and retain same for at least three months.
- c. it exhibits responsibility, good taste and decency in the choice of music, which, in any case, shall not contain lewd, profane, indecent or vulgar expressions.
- d. professionalism and good judgment are employed in the use of music as a bridge.

3.13.3	Independent Producer	
3.13.3.1	The independent producer is an important contributor towards the attainment of the 100% local content aspiration of the Nigerian broadcasting industry. Therefore, a Broadcaster shall exploit the numerous talents of independent Nigerian producers, by collaborating with, and commissioning them to provide content for broadcast.	CLASS B
3.13.3.2	A Broadcaster shall employ the best of global business practices in engaging the services of the Nigerian independent producer.	CLASS B
3.13.3.3	A Broadcaster shall be held responsible for any breach of The Code , irrespective of the source of the content.	CLASS B
3.14	FOREIGN CONTENT	
3.14.1	Foreign content is permissible provided it conveys intrinsic relevance to the education, information and entertainment of the Nigerian citizenry.	CLASS B
3.14.2	A Broadcaster shall ensure that the selection of foreign programmes reflects the developmental needs of the Nigerian nation, and ensure respect for Nigerian cultural sensibilities.	CLASS B
3.14.3	A Broadcaster, relaying foreign programmes, shall ensure proper acquisition of such programmes.	CLASS B
3.14.4	A Broadcaster shall not relay foreign broadcasts LIVE on terrestrial platforms, except special religious or sports programmes or events of national interest.	CLASS B
3.14.5	A Broadcaster shall adhere to the principle of reciprocity in programme exchange and the record of the details of the agreement and implementation domiciled with the Commission.	CLASS B

3.15	<p>USER GENERATED CONTENT</p> <p>A Broadcaster shall take cognizance of new and emerging technologies which have made possible the development of User Generated Content (UGC), provided such content meet all relevant provisions of The Code.</p>	CLASS B
3.16	<p>RIGHT OF REPLY</p>	
3.16.1	<p>A Broadcaster shall as a result of a complaint, give a Right of Reply and:</p> <ol style="list-style-type: none"> a. implement the Right of Reply within 24 hours or in the next edition or episode of the programme or at any other time acceptable to the complainant; b. give the Right of Reply the same prominence or equivalent prominence, as in the original programme; and c. carry out other corrective actions as may be specified by the Commission. 	<p>CLASS B</p> <p>CLASS B</p> <p>CLASS C</p>

CHAPTER FOUR

4.0

PROGRAMMES

4.0.1

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

CLASS B

4.1

DISCUSSION PROGRAMME

4.1.1

A Broadcaster shall ensure that:

a. panelists in a discussion programme reflects the various viewpoints;

CLASS B

b. panelists are of comparable status and relevance.

CLASS B

4.1.2

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

CLASS B

4.2.

CHILDREN AND YOUNG PERSONS

4.2.1

Children and Young persons, in this context, are viewers and listeners aged 18 and below. This age group is particularly vulnerable to influence, it therefore needs protection from broadcast materials likely to lead it into anti-social behaviour.

4.2.2

A Broadcaster shall:

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

CLASS B

b. not transmit a programme containing sexually explicit or obscene material;

CLASS B

c. not transmit content containing exorcism, occultism and paranormal;

CLASS B

d. not transmit programmes, including cartoons, that glamorize violence and crime or leave criminality unpunished;

CLASS B

<p>e. not allow the portrayal of explicit violence, whether physical, verbal or emotional, irrespective of its relevance to the development of character and or, story;</p>	<p>CLASS B</p>
<p>f. not promote the impression that violence is the preferred or only method to resolve conflict between individuals;</p>	<p>CLASS B</p>
<p>g. not use foul or blasphemous language;</p>	<p>CLASS B</p>
<p>h. employ tact and maturity in programmes dealing with conflict.</p>	<p>CLASS B</p>
<p>i. expose children and young persons to programmes that are likely to lower their self-esteem.</p>	<p>CLASS B</p>
<p>j. promote indigenous values and present foreign folklores or values with care to avoid negative influence in children;</p>	<p>CLASS B</p>
<p>k. devote at least 10 percent of total airtime to children’s programming and within the children’s belt;</p>	<p>CLASS B</p>
<p>l. protect the identity of children and Young persons involved in crime or other negative social incidents;</p>	<p>CLASS B</p>
<p>m. take due care in dealing with themes which children could imitate, like the use of dangerous items as play items or copying of violent sports;</p>	<p>CLASS B</p>
<p>n. protect children and young persons from all forms of inferiority complex.</p>	<p>CLASS B</p>
<p>4.3 RELIGIOUS PROGRAMMING</p>	
<p>4.3.1 Religious beliefs and practices are central to a people’s existence and capable of evoking strong passions and emotions. Nigeria is a country with different faiths and varying sensibilities and sensitivities.</p>	
<p>A Broadcaster shall, therefore, adhere to the following:</p>	
<p>a. give equal opportunities and equitable airtime to all religious groups in the community it serves;</p>	<p>CLASS B</p>

	<ul style="list-style-type: none"> b. ensure religious programmes are presented respectfully and accurately; c. ensure religious broadcast, over which content, members of a specific religion exercise control, are presented by responsible representatives of the given religion; d. ensure religious broadcast does not contain an attack on, or a ridicule of another religion or sect; e. avoid the casual use of names, words or symbols regarded as sacred by believers of a given faith; f. restrict itself to the content of its creed, and not presented in a manner as to mislead the public; g. ensure programmes promoting religion in any form, present its claims, especially those relating to miracles, in such a manner that is provable and believable. h. ensure rites or rituals involving cruelty are avoided, but where unavoidable, be presented professionally. 	<p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p> <p>CLASS C</p> <p>CLASS B</p>
4.3.2	Notwithstanding the above, religious broadcasts shall not exceed 10% of the total weekly airtime of any broadcaster.	CLASS B
4.4	INSTRUCTIONAL PROGRAMMING	
4.4.1	A Broadcaster shall ensure that:	
	<ul style="list-style-type: none"> a. instructional programmes are presented with accuracy and decency; 	CLASS C
	<ul style="list-style-type: none"> b. a person presenting an instructional programme is reasonably knowledgeable in the subject matter; 	CLASS B
	<ul style="list-style-type: none"> c. educational programmes promote Nigerian culture and general knowledge; 	CLASS B

	d. Programmes presenting artistic and literary materials are objective and respect the rights of the owner;	CLASSB
	e. Cultural content are not treated with unnecessary sensationalism, and or appeal to lewd interest.	CLASS B
4.5	FAIRNESS	
4.5.1.	A Broadcaster shall:	
	a. not treat any individual or organization in an unjust or unfair manner in any programme;	CLASS B
	b. respect confidentiality or anonymity, if requested or desirable;	CLASS B
	c. not obtain or seek information through deception or misrepresentation.	CLASS B
4.6	PRIVACY	
4.6.1	A Broadcaster shall:	
	a. respect the right of everyone to privacy;	CLASS B
	b. protect the sources of information in line with The Code of ethics for journalism;	CLASS B
	c. respect the sanctity of marriage and values of a home;	CLASS B
	d. ensure that a person inadvertently appearing in a scene is not portrayed in a manner to cause him or her embarrassment.	CLASS B
4.6.2	A material recorded in a public place may be broadcast without the consent of the individuals concerned, however, where the individual objects, such objection shall be respected.	CLASS B

4.7	CONSENT	
4.7.1	<p>A Broadcaster shall ensure that:</p> <ul style="list-style-type: none"> a. the consent of any person whose privacy will be the subject in any programme is obtained before broadcast; b. the consent of the parents or guardian is obtained where the participants include a minor and c. prior permission of relevant authority or management is obtained before filming or recording at institutions, organisations and other restricted places, except in cases of exigency. However, the prior consent of individuals, employees or others whose appearance are incidental shall normally not be required. 	<p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p>
4.8	<p>PROGRAMME CREDIT/ATTRIBUTION</p> <p>A Broadcaster shall ensure that every programme has proper credits; however, where a programme contains specialist reports or materials, credits shall be separately presented.</p>	<p>CLASS B</p>

CHAPTER FIVE

5.0 NEWS AND CURRENT AFFAIRS

5.0.1 News is a truthful account of an event that assists the recipient live in a complex, dynamic and humane society.

More than any other form of communication, News requires the greatest attention by broadcast journalists in adhering to its most pristine of their professional ethics. These include truthfulness, accuracy, fairness, objectivity, impartiality, inclusiveness and accountability.

Broadcast News is the most potent of all forms of News which include Current Affairs, Sports and all other types of information.

5.0.2 Therefore, News, as instant history provides, among other things, the following:

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

5.1 GENERAL GUIDELINES

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

CLASS B

5.1.2 A Broadcaster shall present news as factual and in a correct and fair manner without:

CLASS B

- a. distortions, exaggerations or misrepresentations;
- b. material omissions; or
- c. interpretations

5.1.3	As News in all its forms, is universally accepted as sacred, Sponsorship of newscasts, commentaries, analyses, Current Affairs programmes and editorials detract from their Integrity and predispose a bias in favour of the Sponsor. Therefore, news programmes shall not be sponsored in any manner, including the use of commercial backdrops.	CLASS B
5.1.4	News and Current Affairs coverage, whether live or recorded, shall display familiarity with the subject, and a clear demonstration of an understanding and appreciation of all sides.	CLASS B
5.1.5	A Broadcaster shall promptly correct a mistake with an apology, at the same level of prominence.	CLASS C
5.1.6	A Broadcaster shall use archival or library materials with discretion and clearly identify it as such to avoid confusion or causing emotional pain, offence, embarrassment or defamation.	CLASS B
5.1.7	A Broadcaster operating on a terrestrial platform shall in line with the provisions of paragraph 5.0.1, allot to news and news related programmes not less than 20% of its daily airtime. For a Broadcaster operating on a news thematic platform, it shall not be less than 70%.	CLASS B
5.1.8	A Broadcaster operating on a terrestrial platform shall, without prejudice to the Provisions of Paragraph 3.14.4 not relay foreign news broadcast “ LIVE ” or “ DELAYED ”.	CLASS B
5.1.9	The provision in Paragraph 5.1.8 does not preclude the universal practice of using excerpts for News; in which circumstance, the local Broadcaster assumes editorial responsibility.	CLASS B
5.1.10	A Broadcaster shall duly acknowledge sources, as far as practicable.	CLASS C
5.1.11	News and Current Affairs programmes shall be guided by the ethical standards of journalism.	CLASS C

5.1.12	A Broadcaster shall ensure fairness and balance in programmes devoted to the discussion of a matter of public interest.	CLASS B
5.1.13	A Broadcaster shall, in the selection of News stories exercise good taste, avoiding morbid, gory, shocking, alarming or sensational details that are not necessary in conveying the essence of the event being reported.	CLASS B
5.1.14	A Broadcaster shall give the appropriate warning prior to the broadcast of a scene where language or visual, including flash photography that might cause harm or offence to some members of the public must be used to convey the message	CLASS B
5.1.15	A Broadcaster shall not recreate news.	CLASS B
5.1.16	The Provision in Paragraph 5.1.15 does not preclude the responsible use of illustration where actual visual is not available	CLASS C
5.1.17	A Broadcaster shall clearly identify News, commentaries, analyses and editorials as such.	CLASS C
5.1.18	A Broadcaster shall clearly identify and present Commercials in News and Current Affairs programmes in a manner that makes them clearly distinguishable.	CLASS C
5.1.19	A Broadcaster shall not promote an organisation, person, product or a service of commercial interest as news analysis, commentary or editorial.	CLASS C
5.1.20	A Broadcaster shall not use terminologies such as “analysts”, “observers” etc. as attribution in a news report.	CLASS C
5.1.21	A Broadcaster shall ensure panelists are of comparable status and relevance.	CLASS C

5.2	NEWS INTERVIEW	
5.2.1	A News interview shall be guided by the ethics of journalism.	CLASS B
5.2.2	A Broadcaster shall state at the beginning and the end of a broadcast where an interview entails an agreement to: <ul style="list-style-type: none"> a. submit questions in advance; b. exclude an important or noteworthy area concerning the subject matter; or, c. where developments have taken place after the recording. 	CLASS B CLASS B CLASS B
5.2.3	A Broadcaster shall not contrive a vox pop, and it shall be randomly conducted.	CLASS B
5.3	POLITICAL NEWS AND CURRENT AFFAIRS BROADCAST	
5.3.1	A Political programme shall observe the provisions of The Code, and other extant laws relating to broadcasting.	CLASS B
5.3.2	A political broadcast shall be the production of the Broadcaster except advertisements, promos and collaborative productions supervised by relevant organisations.	CLASS B
5.3.3	A Broadcaster shall: <ul style="list-style-type: none"> a. carry out its civic responsibility of broadcasting all aspects of political enlightenment. b. avoid inflammatory and divisive matter in its provocative form in using political material for News; c. In adherence to the principles of pluralism, accord equal airtime to all political parties or views, with particular regard to the amount of time and belt, during political campaign periods; d. regularly announce that every Political Party is entitled to equitable air-time during political campaign periods. e. ensure a political broadcast is in decent language 	CLASS B CLASS B CLASS B CLASS B CLASS B

<p>f. ensure a partisan political broadcast is one in which the political party seeks to explain only its manifesto and programmes</p>	<p>CLASS B</p>
<p>g. ensure that a political broadcast is clearly identified as such, and not presented in a manner that would mislead the audience to believe that the programme is of any other type;</p>	<p>CLASS B</p>
<p>h. ensure that at campaign periods, a Log book is kept by an officer not below the level of a “Controller” or equivalent, showing the allocation of News, Programmes and commercial air-time to each party with dates, titles and other information as may be requested by the Commission;</p>	<p>CLASS B</p>
<p>i. ensure that a partisan political broadcast is recorded off air and preserved for at least 90 days after first broadcast;</p>	<p>CLASS B</p>
<p>j. ensure that the broadcast of a partisan political campaign, jingle, announcement, and any other form of partisan party identification or symbol ends not later than twenty-four hours before polling day ;</p>	<p>CLASS B</p>
<p>k. not use any vote obtained at different polling stations or from exit polls, to project or speculate on the chances of the candidates;</p>	<p>CLASS A</p>
<p>l. relay election results or declaration of the winner only as announced by the authorized electoral officer for the election;</p>	<p>CLASS B</p>
<p>m. set up a standing Electoral Complaints Committee to resolve all disputes within 24 hours of receipt of the complaint;</p>	<p>CLASS C</p>
<p>n. forward the Committee’s report in paragraph 5.3.3.m to the Commission within 48 hours</p>	<p>CLASS B</p>
<p>n. not commercialize political news;</p>	<p>CLASS B</p>
<p>o. not broadcast political jingles exceeding 60 seconds</p>	<p>CLASS B</p>

5.3.4	In exceptional circumstance, a government functionary may, perform a service relating to his office, within the 24-hour campaign restriction period provided there is no display of partisanship.	CLASS B
5.3.5	While a Broadcaster may interact with politicians in the course of professional duties, this shall not lead a reasonable person to believe that it is either a member or sympathizer of any political party.	CLASS B
5.3.6	A Broadcaster shall ensure that in programmes requiring the representation of Political parties or affiliations, the panelist shall be of comparable status and relevance.	CLASS B
5.3.7	A Broadcaster shall implement the appropriate decisions, including the grant of a <i>Right of Reply</i> or <i>Apology</i> , within 24 hours, and at the same level of prominence.	CLASS B
5.4	COVERAGE OF CRISES AND EMERGENCIES	
5.4.1	A Broadcaster shall:	
	a. present News and commentary on a crisis or emergency in a professional manner.	CLASS B
	b. at all times, ensure the coverage of a disaster or crisis is aimed at overall public safety.	CLASS B
	c. provide authentic information on evacuation and relief.	CLASS B
	d. not tamper with materials or facts that could usefully ameliorate the pains of the crisis.	CLASS B
	e. not broadcast morbid or graphic details of death, injury, pain or agony except where necessary preceded with due caution	CLASS B

	f. not transmit divisive materials that may threaten or compromise the indivisibility and indissolubility of Nigeria as a sovereign state.	CLASS A
	g. not report a disaster in such a manner that violates or impedes security and investigations.	CLASS A
	h. report emergencies as they occur in other parts of the country.	CLASS C
5.4.7	A Broadcaster shall, in the event of an emergency, break away from regular programming to call attention to the emergency.	CLASS B
5.5	LIVE /OUTSIDE BROADCASTS	
5.5.1	A live broadcast is the real-time transmission of an event. It presents a Broadcaster an opportunity for spontaneity, variety and excitement.	
5.5.2	A Broadcaster shall: <ul style="list-style-type: none"> a. not abdicate its editorial responsibility; b. ensure the coverage is truthful, decent, fair and balanced. c. exhibit professionalism in handling the transmission especially such sensitive issues as politics, communal conflicts and wars. d. take cognizance of the cultural and religious sensibilities of all Nigerians, and avoid offensive inputs. 	CLASS B CLASS B CLASS B CLASS B
5.5.3	A Broadcast, especially of a demonstration or disturbance, shall be just long enough for adequate enlightenment, and not take advantage of broadcasting's uniqueness to sensationalize or glamorize the event.	CLASS B

5.5.4	A Broadcaster shall not present a recorded broadcast as live.	CLASS B
5.5.5	A Broadcaster shall clearly identify previously recorded material used in a live broadcast.	CLASS B
5.5.6	A Broadcaster shall ensure that the placement of any material in a live broadcast does not obstruct, compromise or disrupt the essence of the programme.	CLASS B
5.5.7	A Broadcaster shall have a delay mechanism against possible undesirable content.	CLASS B
5.6.0	UNCONVENTIONAL REPORTAGE	
5.6.1	<p>In contemporary times, the impact of modern technology has significantly enabled citizen’s contributions to journalism, beneficial to broadcasting.</p> <p>This genre of citizens’ reportage such as “User Generated Content”, UGC, provides instantaneous Eye-Witness Accounts of events.</p> <p>Such technological benefits place further demand on the Broadcaster to be more cautious of its editorial responsibility.</p>	
5.6.2	A Broadcaster shall be mindful of materials that may embarrass individuals or organisations or cause disaffection, incite to panic or rift in the society in the deployment of User Generated Content.	CLASS B
5.6.3	A Broadcaster shall ensure that materials sent in by user generated sources are clearly labeled.	CLASS C
5.6.4	A Broadcaster shall ensure that materials from user generated sources meet all provisions of The Code.	CLASS B

CHAPTER SIX

6.0 SPORTS RIGHTS

6.1 SPORTS BROADCAST

6.1.1 Sports are useful in the physical and mental development of a person and germane to broadcasting. In Nigeria, sports also serve as instruments of national unity and cohesion. Since broadcasting is critical to the development of sports, the acquisition of broadcast rights of sporting events shall be designed to:

- a. achieve and uphold the principles of equity and fairness in the acquisition of sport rights and coverage; CLASS B
- b. provide the widest coverage for all sporting activities; CLASS B
- and
- c. use sport to promote national unity and cohesion by paying special attention to sporting events of national importance. CLASS B

6.2 ACQUISITION OF SPORT RIGHTS

6.2.1 A Broadcaster shall ensure:

- a. that in acquiring sport broadcast rights, Nigeria is not bundled in the same basket with other countries. CLASS B
- b. that the final bid for the acquisition of sporting events for Nigeria, is reasonable in comparison with other territories of similar economic indices. CLASS B
- c. it submits the rights acquisition to the Commission for ratification within two weeks CLASS B

6.2.2 Where a Broadcaster fails to submit the sport rights acquisition to the Commission, the rights shall be null and void and shall not be broadcast in the Nigerian territory. CLASS B

6.2.3	<p>To ensure fair and effective competition, content owners shall offer to Broadcasters, live foreign sporting events on different platforms as stated below:</p> <ol style="list-style-type: none"> a. Satellite (DTH) b. Multipoint Microwave Distribution System (MMDS) c. Cable (Fibre Optics) d. DTT (Terrestrial) e. Internet f. Mobile g. Internet Protocol Television (IPTV) h. Radio 	CLASS B
6.2.4	<p>In the event that a Broadcaster acquires exclusive sport rights for a live foreign sporting event for the Nigeria territory that does not take cognizance of the available broadcast platforms in Nigeria territory, such a right shall be made available to Broadcasters on other platforms at commercially agreeable terms.</p>	CLASS B
6.2.5	<p>Exclusivity for live sporting rights shall be permissible in the Nigerian territory, if the Broadcaster acquires such content for its licensed broadcast platform only.</p>	CLASS B
6.2.6	<p>Cross platform acquisition of exclusive broadcast sport right Shall not be permitted.</p>	CLASS B
6.2.7	<p>Exclusivity shall be allowed, where a Broadcaster acquires local sports rights or rights for local events.</p>	CLASS B
6.2.8	<p>Warehousing of sports rights (acquiring rights and not using them) is prohibited.</p>	CLASS B
6.3	<p>ARBITRATION</p>	
6.3.1	<p>In the event of a dispute, the parties shall use their best endeavours to resolve their differences amicably. Where the parties fail to agree, the Commission shall arbitrate under the Arbitration and Conciliation Act and its decision shall be final.</p>	CLASS B

CHAPTER SEVEN

7.0

ADVERTISING

7.0.1

An advertisement is a communication by an identified sponsor to an audience about a product, service, icon, idea or opinion with the aim of imparting information and receiving favorable response.

CLASS B

7.0.2

A Broadcaster shall ensure that:

a. an advertisement for broadcast is legal, decent, honest and truthful;

CLASS B

b. an advertisement conforms to **The Code**, especially the programming guidelines;

CLASS B

c. an advertisement of a product or service targeted at the Nigerian market takes cognizance of local content provisions in **The Code**;

CLASS B

d. an advertisement complies, in every respect, with its professional ethics;

CLASS B

e. an advertisement has the approval of the Advertising Standards Panel (ASP), except for promotional materials not-for-profit, Broadcasters which shall conform with **The Code**;

CLASS B

f. an advertisement material does not bring broadcasting into contempt or erode confidence in advertising as a service to the industry and to the public;

CLASS B

g. an advertisement does not contain any item likely to encourage or incite to crime, lead to disorder or be offensive to public feeling;

CLASS B

<p>h. an advertisement does not contain offensive reference to any race, person alive or dead, or generally be disrespectful to human dignity;</p>	<p>CLASS B</p>
<p>i. an advertiser is clearly identified in all advertisements as a person or legal entity;</p>	<p>CLASS B</p>
<p>j. All spot advertisements do not exceed 60 seconds;</p>	<p>CLASS B</p>
<p>k. the expressions, “News flash”, “Breaking News”, or news related formats generally used to denote important information, are not used in an advertisement;</p>	<p>CLASS B</p>
<p>l. an advertisement featuring actors explaining their dramatic roles is not presented in a manner to confuse the audience into thinking that they are listening to or watching a programme, except for promoting the programme;</p>	<p>CLASS B</p>
<p>m. an advertisement parodying a programme may be accepted, provided different performers are used from those who appear in the programme, and if it is readily apparent that the advertisement is no more than a parody;</p>	<p>CLASS B</p>
<p>n. the use of unverified superlatives such as “Best”, “Most”, “First”, “Number one”, “Tested” and, or “Trusted”, “Original” etc. in an advertisement are not allowed unless backed with authentication by Advertising Standards Panel. (ASP)and other relevant agencies;</p>	<p>CLASS B</p>
<p>o. hyping as a form of advertisement is not allowed. Therefore, announcers and presenters do not engage in any form of hype or promotion, especially as it mostly leads to superlatives, unsubstantiated or misleading claims, testimonials or descriptions;</p>	<p>CLASS B</p>

p. descriptions, claims, testimonials or illustrations in an advertisement relating to verifiable facts be such as can be easily substantiated;	CLASS B
q. statistics are not manipulated to justify claims in an advertisement;	CLASS B
r. an advertisement featuring a performer/actor is not scheduled within or adjacent to a programme featuring the same performer/actor;	CLASS B
s. an advertisement is in harmony with the content and general tone of the programme in which it appears;	CLASS B
t. a person who regularly presents news or news-related programmes shall not feature, visually or vocally, in an advertisement;	CLASS B
u. an information in the form of a caption, whether standing alone or superimposed, is in a clearly readable text and left long enough for the viewer to read;	CLASS B
v. an advertisement offers a product or service on its merit and refrains from discrediting, disparaging or unfairly attacking competitors or their products	CLASS B
w. an advertisement does not encourage the promotion and practice of negative myths and superstitious beliefs;	CLASS B
x. the practice of fortune telling or astrology is not advertised;	CLASS B
y. an advertisement is not calculated to play on fear in order to induce people to purchase the article or service advertised;	CLASS B
z. explosives and firearms are not advertised;	CLASS B

	aa. Advertising of prize-giving competitions or legalized lotteries is in line with relevant laws;	CLASS B
	ab. In advertising a competition, the rules published or information given can be accessed and obtained;	CLASS B
	ac. the promotion of prize winning competitions are not deceptive and the chances of winning are not exaggerated;	CLASS B
	ad. an advertiser who markets more than one product does not use the merit of one to promote the other;	CLASS B
	ae. the word <i>guarantee</i> is used only with due regard to its legal meaning. The limits and terms of the guarantee being offered is stated clearly;	CLASS B
	af. an advertisement is not inserted in any GRADE A programme, such as Presidential, National, State and Local Government broadcasts;	CLASS B
	ag. product placement is not inserted in the following programmes: (i) religious (ii) consumer advice (iii) current affairs	CLASS B
	ah. the advertisement of a regulated product is approved by the relevant professional/regulatory body;	CLASS B
	ai. the advertisement of potentially poisonous products carries the necessary caution;	CLASS B
7.0.3	A Broadcaster shall not use scroll bars for advertisement of a product or any commercial purpose, except for additional news or information.	CLASS B

7.1	CHILDREN AND YOUNG PERSONS ADVERTISEMENTS	
7.1.1	<p>A Broadcaster shall:</p> <ul style="list-style-type: none"> a. ensure that children and young persons are not exploited in any form; d. exercise special caution in the content and presentation of advertisements placed in or adjacent to a programme designed for children and young persons; e. ensure that an advertisement targeted at children does not contain any thing which may result in physical or psychological harm, or may exploit their natural credulity; f. ensure that children and young persons are not used in the advertisement of a product or service recognized as being potentially dangerous; g. ensure that an advertisement does not encourage children and young persons to enter strange places, converse with, or receive gifts from strangers; h. ensure that an advertisement does not direct sales appeal or exhortation to children unless the products advertised are such that children can reasonably afford; i. ensure that an advertisement of a commercial product or service does not contain any appeal which suggests in any way that unless a child buys or uses the product, he/she will be failing in some duty, losing social status or lacking in loyalty towards some persons or organizations; j. ensure that an advertisement does not make children feel inferior to others because they or their parents do not own the product advertised, or that they are liable to be held in contempt or ridicule, for not owning it; k. ensure that an advertisement of alcoholic beverage is not broadcast adjacent/within children or young persons programmes; 	<p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p>

	l. ensure that materials promoting adult programmes are not broadcast within or adjacent to programmes meant for children.	CLASS B
7.2	CONTEST	
7.2.1	A Broadcaster shall ensure that in advertisements relating to contests:	
	a. the contests are conducted with fairness to all competitors, and comply with all relevant laws and regulations;	CLASS B
	b. all contest details, including the rules, eligibility requirements, opening and termination dates, etc. are adequately announced and the names of winners released as soon as possible;	CLASS B
	c. there are no misleading descriptions or visual misrepresentation of any promises or gifts, which would distort or inflate their value in the minds of the audience;	CLASS B
	d. all contests adhere strictly to the provisions of the National Lottery Regulatory Commission (NLRC) Code;	CLASS B
	e. prizes or gifts offered are available and not harmful to persons or properties;	CLASS B
	e.	
	f. prizes, which appeal to superstition, such as luck-bearing articles, are not broadcast;	CLASS B
	g. promotions are genuine, and seen to be clearly so to the public. The claims as to prizes won are verifiable;	CLASS B
	h. No distorted claims or winnings are allowed, and, as much as possible, members of the public are involved in the selection of winners;	CLASS B

	i. due diligence in verifying any claim in advertisements, addresses and contact numbers are carried out.	CLASS B
7.3.0	MEDICAL	
7.3.1	A Broadcaster shall ensure that an advertisement:	
	a. of a medical product is presented only in the acceptable format prescribed by the relevant professional and regulatory agency;	CLASS B
	b. which describes or dramatizes distress or a morbid situation in an offensive manner is not broadcast;	CLASS B
	c. is not broadcast if it contains an offer of a medicine or product, or an advice relating to the treatment of serious diseases, complaints, conditions, indications or symptoms, which should rightly receive the attention of a registered medical practitioner;	CLASS B
	d. of a medical product ends with the necessary health caution which require users to consult a medical doctor if symptoms persist;	CLASS B
	e. is not broadcast if it contains any material offering cure for cancer, AIDS, diabetes, hypertension, fibroid, infertility or any other ailment listed in the NAFDAC Act,2004 (NAFDAC prohibition list) unless the cure has been authenticated by the body regulating that sector of medical practice.	CLASS B
	f. of a product, medicine, treatment for any disorder or irregularity peculiar to women does not contain expressions that encourage <i>abortion</i> .	CLASS B
	g. is not broadcast if it contains the use of a word, phrase or expression, such as <i>magical, miracle, miraculous, etc</i>	CLASS B
	h. is not broadcast if it offers any product or treatment for beauty, slimming, weight reduction or figure control, without stating the likely side effects.	CLASS B

<p>i. is not broadcast if it contains any offer to diagnose or treat complaints or conditions by hypnosis, myths, superstitious beliefs and practice.</p>	<p>CLASS B</p>
<p>j. is not broadcast if it is capable of inducing fear in the viewer/listener that he is suffering, or may, without the advertised treatment, suffer, or suffer more severely, from an ailment, illness or disease.</p>	<p>CLASS B</p>
<p>k. which offers to diagnose, and, or treat by correspondence, is not broadcast</p>	<p>CLASS B</p>
<p>l. is not broadcast if it contains the word clinic, institute, laboratory, or similar terms, unless such an establishment does, in fact, exist, registered as such and certified by the appropriate professional and regulatory body.</p>	<p>CLASS B</p>
<p>m. is not broadcast if it contains, in the name of the product, the title, <i>Doctor</i> or <i>Dr</i>, unless that is the registered trade mark and certified by the appropriate professional/regulatory body.</p>	<p>CLASS B</p>
<p>q. an advertiser of a medical product does not ascribe to himself/herself the title "Doctor" unless he/she is a registered medical doctor.</p>	<p>CLASS B</p>
<p>n. of a product or service is not broadcast if it purports to increase libido or correct sexual weakness and infertility.</p>	<p>CLASS B</p>
<p>o. of condom neither features children nor be aired during or adjacent to children's programmes.</p>	<p>CLASS B</p>
<p>p. of condom is not aired between 4:00am and 8:00 pm on radio and between 6:00 am and 10:00 pm on television.</p>	<p>CLASS B</p>

7.3.2	A Broadcaster shall ensure that in advertising a medical product, claims that the product can effect a cure, and the use of such words as <i>safe; without risk or harmless</i> , are not broadcast unless so certified by the appropriate professional and regulatory authority;	CLASS B
7.3.3	A Broadcaster shall ensure that a medical advertisement which offers to refund money to dissatisfied users is not broadcast.	CLASS B
7.3.4	A Broadcaster shall ensure that a medical advertisement, orthodox, traditional or any other, conforms to the provisions of The Code ;	CLASS B
7.4	ALCOHOL	
7.4.1	<p>A Broadcaster shall ensure that an advertisement:</p> <ul style="list-style-type: none"> a. or offer of a <i>gift</i> item promoting an alcoholic product is not broadcast within or adjacent to children and young persons programme. b. promoting alcohol/alcoholic beverage, does not use children and pregnant women as models. c. of an alcoholic product is not broadcast within, or adjacent to a religious programme. d. of an alcoholic beverage does not feature sportsmen/women and sports personalities. e. of an alcoholic product is not aired between 6.00am and 8.00pm on radio, and between 6.00am and 10.00pm on television. f. does not allow the consumption of alcohol, including the showing of the liquid content in any advert placed on sports before the time for alcohol adverts. 	<p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p>

7.4.2	In advertisement of alcohol/alcoholic beverage, logos and symbols of the company are acceptable to be placed at intervals; however, permanent embossments of such logos and symbols are not allowed.	CLASS B
7.5	RELIGIOUS	
7.5.1	<p>A Broadcaster shall ensure that an advertisement promoting religion in any form:</p> <ul style="list-style-type: none"> a. presents its claims, especially those relating to miracles, in such a manner that is verifiable, provable and believable; b. does not use the peculiarities of broadcast technology to mislead the audience; c. does not cast aspersions on any other religion or sect. d. is not seen to exploit the weakness, handicap(s), shortcomings or state of desperation of members of the public. 	<p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p>
7.6	POLITICAL	
7.6.1	<p>A Broadcaster shall ensure that a political advertisement:</p> <ul style="list-style-type: none"> a. is guided by the extant Electoral law(s), The Code and other relevant regulations. b. clearly identifies the advertiser. c. in any form, does not exploit ethnic, religious or sectional interest. d. does not use minors. 	<p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p>
7.6.2	<p>A Broadcaster shall be free to sell airtime for the purpose of political campaigns provided that:</p> <ul style="list-style-type: none"> a. all messages shall be in the form of spot announcements or jingles not exceeding 60 seconds; b. no broadcaster shall be involved in the production of such announcements or jingles; 	<p>CLASS B</p> <p>CLASS B</p>

	c. no voice of any on-air staff of any broadcast station shall be used in political jingles;	CLASS B
	d. all jingles and messages shall conform to the standards of truth, decency, good taste and morality.	CLASS B
7.6.3	A Broadcaster shall:	
	a. not deny any person, party or group a right of broadcast of a political advertisement.	CLASS B
	b. ensure that no advertisement is accepted in a partisan political programme.	CLASS B
	c. not permit any political campaign or advertisement on its facilities 24 hours preceding polling day or on polling day.	CLASS B
	d. give equal access to all registered political parties or candidates on their facilities.	CLASS B
	e. allot airtime equitably among the political parties at similar hours of the day.	CLASS B
	f. allot equitable airtime to all political parties during prime times and at similar hours each day, subject to the payment of appropriate fees.	CLASS B
	g. ensure equitable coverage of all political parties.	CLASS B
	h. not be employed or used to the advantage or disadvantage of any political party or candidate at any election.	CLASS B
	i. authenticate a purported withdrawal of a candidate in an election and ensure that the affected candidate personally endorses such claim.	CLASS B
7.6.4	The period of campaign through any broadcast media in any election by every political party shall commence 90days before polling day and end 24 hours prior to that day.	CLASS B
7.6.5	A Broadcaster shall ensure that a political advert/broadcast does not contain hate messages or speeches (jingles, campaigns and advertisements}.	CLASS A

7.6.6

A Broadcaster that contravenes the provisions of Sections 7.6.1 to 7.6.4 above, shall be liable, in the first instance to a penalty of ₦500,000 and N1,000,000 for subsequent breach(es) or revocation of Licence.

NB CODE 6th EDITION DRAFT

CHAPTER EIGHT

8.0

SPONSORSHIP AND INFOMERCIAL

8.1

Business concerns recognize broadcasting as a crucial instrument of business development and do use various forms of modern association to tap into the medium's powerful reach. Recognizing the economic importance of sponsorship to broadcasting, this Chapter sets out guidelines for the sponsorship of programmes.

8.1.1

A Broadcaster shall ensure that a sponsored programme:

- a. is clearly identified as such.
- b. features only the sponsor's identification.
- c. takes a sponsor's identification only at the beginning, the end, and, or at a programme juncture.
- d. using alcoholic brands and products is not allowed in children, young persons or religious programmes.
- e. is only broadcast during the time belt in which it is legal for the sponsor to advertise its product.
- f. does not allow any form of sponsor's identification in the programme, either on set or in the presenter's/participant's wardrobe.

CLASS B

CLASS B
CLASS C

CLASS C

CLASS B

CLASS B

8.1.2

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

CLASS B

8.1.3

An alcoholic brand may sponsor sporting events provided that only its corporate logo shall be used as identification.

CLASS B

8.1.4

A Broadcaster shall not allow the sponsorship of foreign programmes on terrestrial stations during the family belt.

CLASS B

8.1.5

A Broadcaster shall not take the sponsorship of sports, weather, commentaries and other reports as part of news. However, such reports may be taken as infomercial outside the news segment.

CLASS C

8.1.6	A Broadcaster shall ensure that sponsored programmes (campaigns, documentaries, discussions, etc) does not contain hate messages/speeches.	CLASS A
8.2	INFOMERCIAL	
8.2.1	An infomercial is an advertisement genre that treats the subject more elaborately than a standard advert, usually in the format of a full programme.	
8.2.2	<p>A Broadcaster shall ensure that an infomercial:</p> <ul style="list-style-type: none"> a. is so identified. b. is scripted and produced, devoid of superlatives, unsubstantiated or misleading claims, testimonials or descriptions. c. does not exceed fifteen minutes d. be specifically produced in the standard format of an infomercial e. is not more than 6 slots per transmission day. 	<p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p>
8.2.3	A Broadcaster shall ensure that religion or politics does not form a subject of an infomercial.	CLASS B
8.2.6	A Broadcaster shall ensure that religious verses or excerpts are not use to promote a product or a service.	CLASS B

CHAPTER NINE

9.0 TIERS OF BROADCASTING

Pursuant to the Federal government commitment to the African Charter on Broadcasting, Nigeria Broadcast Policy document and in response to calls for media independence, freedom of information, universal access to information and the need to enhance democratic culture and values, broadcasting should be in public interest and contribute to the socio-economic and cultural development of the country. To achieve this, there shall be three tiers; categorized into Public, Private and Community broadcasting.

9.0.1 Public Service Broadcasting (PSB)

9.0.1.1 The purpose of PSB is to produce and transmit sound news, information and understanding of the audience environment at all levels (International, National, Regional and Local). It is to encourage the quest for knowledge and learning, projecting and promoting rich cultural norms and values amongst the various publics.

9.0.1.2 A PSB is to promote national unity amongst diverse groups and rural communities in Nigeria as well as give opportunities to the different views and opinions in the society.

9.0.1.3 The prescribed identifiable features of public service broadcasting should include but not limited to:

- a. Involvement of the people and environment in programmes production
- b. represent, at all times, in programmes and news content, interests of both minority and the majority groups.
- c. Rich and high quality content.
- d. Originality in content design and production.
- e. Broadcasting of news and programmes that the people can trust.

9.1.1

FUNDING OF PSB

Public Service Broadcasting shall derive its funding from public funds i.e. from first line charge of the Federation Account, part of the Digital Access Fee (DAF), Radio and Television set Licence fees.

9.1.2

ADMINISTRATION OF PSB

The PSB shall be accountable to the public via the House of Representatives and State House of Assembly as the case may be. They shall be overseen by the governing board appointed through a transparent process (involving civil society and other respectable members of the society) nominated and confirmed by the Executive and the Legislature respectively.

9.2

PROTECTION FROM INTERFERENCE

PSB shall be protected against political and economic interference and shall have secured management tenure. They shall be headed by professional chief executives and management board members.

9.3

PSB REGULATIONS

9.3.1

A Public Service Broadcaster shall:

- a. ensure that programmes and news broadcasts reflect the divergent view points and plural nature of the Nigeria society;
- b. give all sides equitable time to air their views;
- c. not accept political adverts but may cover campaign rallies of all registered political parties and give equal airtime for the broadcast of same;
- d. highlight the activities of government without patronizing the ruling party.

	<ul style="list-style-type: none"> e. not give prominence to government functionaries while performing activities relating to the Political Party in government, three (3) months before any general election; f. as a matter of national interest, produce programmes and news in the major national languages and for PSBs at State level, dominant languages and minority dialects in the environment; g. take into consideration minority interests in all programmes; h. involve the local people and environment in programme production; i. always ensure quality programmes; j. not be partisan in their editorial coverage; k. give equal access to all shades of opinions, irrespective of political, economic or religious leanings, in adherence to the principles of equity, fairness and balance 	
9.3.2	<p>PSB news and current affairs programming shall:</p> <ul style="list-style-type: none"> a. feature different shades of opinion on its subject matter; b. be accurate, impartial and balanced; c. reflect local, national and international events that are of general public interest. 	<p>CLASS B CLASS B CLASS B</p>
9.3.3	<p>PSB at the national level shall:</p> <ul style="list-style-type: none"> a. promote national identity without losing sight of cultural diversity of Nigeria. To achieve this, PSB shall devote a minimum of 10% of its weekly broadcast hours to 	<p>CLASS B</p>

- programming in local languages within its coverage area;
- b. give voice to all ethnic groups and minorities, through the establishment of ethnic/minorities programming services and the provision of programming in ethnic/minority languages

9.3.4

Public Service Broadcasting shall:

- a. strike a balance between programming of wide appeal and specialized programmes that serve the needs of different audiences;
- b. allot a minimum of 70% of its weekly broadcast hours to developmental issues;
- c. produce and submit a programme guide to the Commission as required by law

9.4

COMMERCIAL/PRIVATE BROADCASTING

9.4.1

Commercial broadcasting is a business entity either owned by individuals, group of individuals or government. Private broadcasting is a form of commercial broadcasting by privately owned corporate media as opposed to public ownership.

9.4.2

Funding for Private/Commercial broadcasting shall be derived from profit, sponsorships, adverts and other sources.

9.4.3

Business transactions, i.e. sponsorships and adverts between private stations and their clients shall be done transparently.

9.4.4

Private/commercial Broadcasters shall allot a minimum of 5% of its weekly broadcast hours to public service programmes and announcements.

9.4.5

Private/commercial Broadcasters shall subject their ratings to the authentication of the regulatory agency.

9.5	COMMUNITY BROADCASTING	
9.5.1	Community broadcasting recognized by the African Charter on Broadcasting as the third tier of broadcasting, is a key agent of democratization for socio-cultural, educational and economic development. It is a non-profit, grassroots public broadcast service medium, through which community members can contribute and foster civic responsibilities and integration.	
9.5.2	<p>A community, for the purpose of this tier of broadcasting shall be a group of people residing in a particular geographical location or sharing a strong interest, like sports, security services community, and other services which the community desires to develop through broadcasting. Such communities include:</p> <ol style="list-style-type: none"> a. a local, non-profit organisation, b. a cultural association, c. a co-operative society, d. a partnership of associations, and e. an educational institution (campus). 	CLASS B
9.5.3	A community broadcasting service shall be owned and controlled by the community through a trusteeship or a foundation with a Board of Trustees.	CLASS B
9.5.4.	All the operating broadcast equipment of the service shall be sited within the community.	CLASS B
9.5.5	A Community broadcaster shall not transmit beyond its assigned coverage area.	CLASS B
9.5.6	The transmitter power, Antenna characteristics and the Mast/Tower height, shall be as approved by the Commission.	CLASS B

9.6	OPERATION	
9.6.1	Without prejudice to the professionals entrusted with operating the service, members of the community shall participate in deciding the nature of the operation of the station.	CLASS B
9.6.2	<p>A Community Broadcaster shall:</p> <ul style="list-style-type: none"> a. not abdicate its editorial and scheduling responsibilities to any other party. b. ensure that a minimum of 70% of its programmes production is done by the community. c. operate for the social benefit of the community. 	<p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p>
9.7	FUNDING	
9.7.1	<p>A community broadcasting service shall be funded from:</p> <ul style="list-style-type: none"> a. resources of the community raised through contributions and membership fees; b. donations, gifts and grants which sources shall be disclosed to the Commission at least twice a year or upon request by the Commission; and c. local spot announcements. 	CLASS B
9.8	<p>LANGUAGE OF BROADCAST</p> <p>A Community broadcast service shall give prominence to the languages spoken within the Community.</p>	CLASS B
9.9	GRANT OF LICENCE	
9.9.1	<p>In determining suitability of an application for the grant or renewal of a community broadcast service licence, the following, amongst others, shall be considered:</p> <ul style="list-style-type: none"> a. ownership; b. funding; c. constitution of its Board of Trustees; and 	

	<p>d. nature and content of programming, with particular reference to the treatment of political and religious matters throughout the lifespan of the Licence.</p> <p>9.10 DISQUALIFICATION</p> <p>9.10.1 A community broadcasting Licence shall not be granted to:</p> <p>a. a religious organisation,</p> <p>b. a political party,</p> <p>c. an individual, and</p> <p>d. a corporate body, except it is a non-profit organisation.</p> <p>9.11 CAMPUS BROADCASTING</p> <p>9.11.1 A Campus Broadcaster is licensed principally to train students in broadcasting and other related fields like engineering, information technology, creative arts, use of English, drama etc., and to provide opportunities for practical experience as well as promoting social well-being of the campus community.</p> <p>9.11.2 A campus Broadcaster shall adhere to The Code, regulations and other extant laws relating to broadcasting.</p> <p>9.12 CRITERIA FOR GRANT OF CAMPUS BROADCAST LICENCE</p> <p>9.12.1 In considering an application for the grant of campus broadcast licence, the Commission shall be satisfied that the institution offers Mass Communication, (<i>with Nigeria Broadcasting Code as a Unit Course</i>) and a minimum combination of any two of the following:</p> <p>a. Theatre Arts/Creative Arts/Media Arts</p> <p>b. ICT</p> <p>c. Electrical/Electronics</p>	<p>CLASS A</p> <p>CLASS B</p>
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9.12.2	The Departments shall be duly accredited by relevant regulatory bodies.	CLASS B
9.12.3	The facilities such as studio equipment shall be on ground.	CLASS B
9.12.4	The proposed programmes schedule for the station shall comply with the regulations of the Commission.	CLASS B
9.12.5	The proposed station shall be in a secured and protected location within the campus.	CLASS B
9.13	FUNCTIONS	
9.13.1	Pursuant to paragraph 9.11.1 above, a campus broadcaster shall primarily focus on the dissemination of educational/instructional programmes on campus. To this extent:	
	a. A Campus Broadcaster shall devote at least 70% of its airtime to educational/instructional programmes.	CLASS B
	b. The other 30% of its airtime shall be devoted to news, current affairs, events and activities for the benefit of the community.	CLASS B
9.13.2	A Campus broadcaster shall not use its medium to incite or caused is affection within the community.	CLASS B
9.13.3	A Campus broadcaster shall not allow the use of its medium to promote cultism and other vices.	CLASS B
9.13.4	Live broadcast shall be restricted to inaugural lectures, seminars, matriculations, convocations, students' political activities, important guests to the campus, sporting and other social events within the campus community.	CLASS B
9.14	OPERATION	
9.14.1	A Campus Broadcaster shall:	
	a. consider the diversity of the Campus Community in the management of a Campus broadcast station;	CLASS B

	b. manage the station as a non-profit and campus community development tool;	CLASS B
	c. generate programmes relevant to its primary community;	
	d. provide a training studio in the department of Mass Communication to train Broadcasters;	CLASS B
	e. produce a daily student practical presentation roster which shall be available for inspection by the Commission always;	CLASS B
	f. develop mechanisms for accountability and transparency in the day to day running of the station	CLASS B
	g. provide avenue for new ideas that can lead to a better broadcast future	CLASS B
	h. ensure the community has a right to comment/complain on the operation or content of the station;	CLASS B
	i. ensure it adheres to the provisions of Paragraph 12.1 of The Code .	CLASS B
	j. not be used as a mouthpiece of the Vice Chancellor/Rector/Provost or institution's authority;	CLASS B
	k. not exceed its approved transmission power;	
	l. strictly adhere to regulatory standards (in this case, The Code , Regulations and other extant laws);	CLASS B
	m. not carry commercial adverts outside the campus.	
9.15	FUNDING	
9.15.1	Funding of the operations of the Campus broadcaster shall among others include:	CLASS B
	a. Subvention;	
	b. Spot announcements from within the Campus community; (Not exceeding 9 minutes in every 1 hour broadcast)	
	c. Donations or grants;	
	d. events coverage within the Campus community;	
	e. sale of station's memorabilia;	
	f. staff/student membership fee	

9.16	POLITICAL	
9.16.1	A Campus Broadcaster shall not carry political adverts, campaigns, jingles or cover any political activity outside the campus.	CLASS B
9.16.2	The broadcast of campus politics shall be in decent language and guided by broadcast regulations and other relevant laws.	CLASS B

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CHAPTER TEN

10.0 NETWORK BROADCASTING

10.0.1 A Network is a content provider with a premier channel/station serving as the nucleus for the production and acquisition of indigenous content of national or regional appeal and having the nation or region as coverage area, either, as an entity or through diverse affiliates/associates.

10.0.2 The Network shall be content driven.

10.0.3 The Television Network shall be transmitted by a licensed Signal Distributor.

CLASS A

10.1 CHARACTER OF A NETWORK

10.1.1 The grant of a Network licence shall be through a bidding process.

10.1.2 The process of bidding for a Network licence shall be determined by the Commission.

10.1.3 For reasons of national interest, unity, cohesion and integration, broadcast on a Network shall spread across the nation or region.

CLASS B

10.1.4 An applicant for a Network licence shall demonstrate adequate financial, professional and technical profile and capability.

CLASS B

10.1.5 A Network programming profile shall comprise content that fosters national unity, cohesion, stability and respect local sensitivities.

CLASS B

10.2 NETWORK

10.2.1 A Broadcaster operating a Network licence shall ensure 100 percent local content in news, such that foreign news items are presented from the Nigerian perspective.

CLASS B

10.2.2	The responsibility for every Network broadcast shall be collectively borne by the Broadcasters on which it is relayed. Therefore, each Affiliate/Associate shall ascertain that each Network programme meets the provisions of its licence and The Code .	CLASS B
10.2.3	It shall be illegal for any person or organisation to operate a Network without the approval of the Commission.	CLASS A
10.3	AFFILIATION/ASSOCIATION	
10.3.1	A Broadcaster operating a Network shall notify the Commission before entering into an agreement for affiliation/ association, content carriage/acquisition with any station.	CLASS B
10.3.2	An Affiliate/Associate shall continue to discharge its programming responsibility to its primary target audience, based on the original terms of its Licence.	CLASS B
10.3.3	The local programming content of an Affiliate/Associate shall not be less than 70 percent of its daily broadcast schedule.	CLASS B
10.3.4	A Broadcaster joining the Network as an Affiliate/Associate shall be licensed by the Commission.	CLASS B
10.3.5	An Affiliate/Associate shall not be a member of more than one Network of the same category (Radio or Television) national or regional.	CLASS B
10.4	SYNDICATION AND CONTENT DISTRIBUTION	
10.4.1	A programme syndicating company desiring to operate within Nigeria shall be licensed by the Commission.	CLASS A
10.4.2.	A Broadcaster receiving content from a syndicating company shall not transmit the programme simultaneously	CLASS A

with other Broadcasters as this will amount to networking and a contravention of its Licence condition.

10.5 **CATEGORY OF NETWORK SERVICES**

10.5.1 A Network licence shall be issued in either of the following categories:

- a. National
- b. Regional.

10.6 **PROGRAMMING**

10.6.1 For the purpose of programming:

- a. Broadcasters in the Network broadcasting service shall contribute proportionately to the overall programme broadcast on the Network. CLASS B
- b. Broadcasters in the Network broadcasting service shall not abdicate the programming responsibility of its primary audience to the Network. CLASS B
- c. Broadcasters in the Network broadcasting service shall be liable jointly and severally for the programmes broadcast on the Network. CLASS B
- d. A Broadcaster operating a Network broadcasting service shall be responsible for sourcing the content of the programme it broadcasts. CLASS B
- e. A Network broadcasting service programming shall not be more than 30% of the Affiliate/Associate's daily broadcast hours. CLASS B
- f. A Network broadcasting service shall not relay foreign news **Live** in its entirety, even delayed. The universal practice of using excerpts for news in which circumstance the Network station assumes editorial responsibility shall apply. CLASS A

<p>g. A Network programme shall have national or regional appeal and reflect all shades of opinion and respect the sensibilities and sensitivities of the diverse cultures of Nigeria.</p>	<p>CLASS A</p>
<p>h. A Broadcaster operating a Network licence shall not transmit content that is detrimental to national security.</p>	<p>CLASS A</p>
<p>i. A Broadcaster operating a Network licence shall keep a record of all programmes distributed on the Network and its Affiliate/Associate for at least 90 days.</p>	<p>CLASS C</p>
<p>i. News and Current Affairs programmes on a Network shall be guided by the ethical standards of Journalism.</p>	<p>CLASS B</p>
<p>j. A Broadcaster operating a Network licence shall:</p> <p>i. submit to the Commission the quarterly programme schedule at least thirty (30) days before broadcast.</p>	<p>CLASS B</p>
<p>ii. seek the Commission's approval before establishing, operating and or incorporating a new station in the Network.</p>	<p>CLASS B</p>

CHAPTER ELEVEN

11.0 PAY SUBSCRIPTION BROADCASTING

11.1 SUBSCRIPTION SERVICES

11.1.1 A pay subscription service requires a subscriber to pay a subscription fee to the service provider to have access to the product/service. CLASS B

11.2 DECODERS

11.2.1 A pay subscription Licensee shall:

a. forward to the Commission decoders and all accessories sufficient to monitor all channels on its bouquet. CLASS B

b. ensure that all decoders provided by the Pay TV Licensee for the purpose of monitoring are subscription free. CLASS B

11.2.2 The standard decoder shall have the ability to accommodate conditional access (CA) **Electronic Programme Guide (EPG) and Access Programme Input (API)**. CLASS B

11.2.3 All broadcast decoders brought into the country shall be type-approved by the Commission. CLASS B

11.3 SUBSCRIPTION SERVICES

11.3.1 A pay subscription licensee is required to promote Nigeria in the international market as part of its local content. CLASS B

11.3.2 A pay subscription licensee shall ensure a minimum of 20percent local content, consisting of 15percent Nigerian and 5 percent African, in its bouquet. CLASS B

11.3.3	A pay subscription licensee that fails to meet the conditions of paragraph 11.3.2, shall make a mandatory payment equal to a severe penalty to be deposited into the <i>Local Content Development Fund</i> (LCDF).	CLASS B
11.3.4	The LCDF shall be administered by the LCDF Committee established by the Commission.	CLASS B
11.4	MOVIE RIGHTS	
11.4.1	Exclusivity shall be applied to the mutual benefit of all licensees through an admixture of applications, some of which shall include the provision of windows for various platforms at mutually agreed terms.	CLASS B
11.4.2	A Broadcaster that acquires exclusive rights for foreign films shall be permitted to exploit such rights for a maximum period of 18 months effective from the date of premiere.	CLASS B
11.4.3	A Broadcaster shall be allowed exclusivity of rights for movies commissioned/produced by the Broadcaster.	CLASS B
11.4.4	A Broadcaster that acquires exclusive rights to the branding of a programme shall create a second window for other licensees on reasonable terms.	CLASS B
11.5	PROGRAMME SCHEDULE	
11.5.1	A pay subscription Broadcaster shall not schedule programmes unsuitable for children and young persons before the watershed time of 10.00pm.	CLASS B
11.6	ADDITION OF CHANNELS	
11.6.1	A pay subscription Broadcaster that intends to add a new channel to its bouquet shall: <ul style="list-style-type: none"> a. apply to the Commission for approval, b. upon approval pay an administrative fee as may be determined by the Commission, and 	CLASS B

11.6.2	<p>A pay subscription Broadcaster applying for the authorization for additional channel shall ensure that the application is:</p> <ul style="list-style-type: none"> a. made at least 30 days before the due date of the addition of the channel. b. made in a prescribed form purchased from the Commission. 	CLASS B
11.6.3	<p>A pay subscription Broadcaster's application referred to in paragraph 11.6.2 above shall include the following particulars, the:</p> <ul style="list-style-type: none"> (i) name of each intended channel; (ii) nature of the channel; (iii) type of channel, its content and synopsis; (iv) channel's country of origin ; (v) name of channel supplier or provider; (vi) duration of the channel; (vii) designated watershed period or classification; (viii) evidence of franchise; 	CLASS B
11.7	REMOVAL OF CHANNELS	
11.7.1	<p>A pay subscription Broadcaster shall notify the Commission in writing, at least 30 days before the due date for the removal of a channel.</p>	CLASS C
11.7.2	<p>A pay subscription Broadcaster shall give adequate notice to its subscribers before the removal of a channel, as provided in the Service Level Agreement.</p>	CLASS B
11.7.3	<p>A pay subscription Broadcaster shall notify the Commission, within seven days, in the event of a disruption of service, through no fault of the Broadcaster.</p>	CLASS B

11.8	CLASSIFICATION SYMBOLS	
11.8.1	A pay subscription Broadcaster shall clearly display the classification symbol for movies or drama at the commencement of the programme and in the programme guide.	CLASS B
11.9	CONSUMER ADVICE	
11.9.1	A pay subscription Broadcaster shall, with appropriate scheduling, provide additional information about pre-watershed and post-watershed programmes to enable subscribers evaluate content that may be unsuitable for certain ages, particularly if a programme appeals to a wide range of audience.	CLASS A
11.10	DIRECT SATELLITE BROADCAST (DSB)	
11.10.1	A Direct Satellite Broadcaster shall not piggy-back on a DTH, unless by a technical agreement approved by the Commission.	CLASS B
11.11	PARENTAL CONTROL	
11.11.1	A pay subscription Broadcaster shall have parental control facilities on its decoders.	CLASS B
11.12	TRANSBORDER DIRECT TRANSMISSION AND RECEPTION IN NIGERIA	
11.12.1	SUBMISSION OF FRANCHISE	
	A pay subscription Broadcaster retransmitting the signals of a foreign station not meant for the Nigerian territory shall submit:	
	a. the franchise to the Commission for approval;	CLASS B
	b. the agreement or franchise between the Nigerian and foreign Broadcasters and content owners to the Commission;	CLASS B

11.13	CONDITIONAL ACCESS	
11.13.1	The provision of Conditional Access is a pre-requisite for the granting of Licence to a subscription service provider.	CLASS B
11.13.2	A pay subscription Broadcaster shall: <ul style="list-style-type: none"> a. ensure permanent encryption of channels. b. in the event of systems failure, rectify the fault within 24 hours. 	CLASS B
11.14	CONTENT PROGRAMMING	
11.14.1	A pay subscription Broadcaster shall ensure that <ul style="list-style-type: none"> a. programmes conform to provisions of The Code, especially the provisions of Chapter 3; i.e. programming standards on good taste and decency, vulgar lyrics, abusive comments, violence, pornography and obscenity. b. at least 20% of total programming time is dedicated to local content. c. the programmes take cognizance of and respect the cultural sensibilities of Nigerians. 	CLASS A CLASS B CLASS B
11.15	INTERNET BROADCASTING	
11.15.1	An Internet radio or television Broadcaster streaming signals from Nigeria shall be licensed by the Commission.	CLASS A
11.15.2	All regulations governing news, programmes, advertising and sponsorship shall apply to this category of broadcasting.	CLASS B
11.15.3	The local content for this category of Licence shall be 60% (Sixty percent).	CLASS B
11.15.4	All conditions governing other categories of broadcast Licence shall apply to this category of broadcasting.	CLASS B
11.15.5	All subscription internet Radio and Television that seek subscribers in Nigeria shall be licensed by the Commission.	CLASS A

CHAPTER TWELVE

12.1 BROADCAST SIGNAL DISTRIBUTION

Broadcast signal distribution is a means through which multiplexed signal is distributed in stream to the transmitter site, by either fixed wireless, fibre or satellite links.

12.1.1 A broadcast signal distributor shall:

- a. Provide services to Digital Terrestrial Television licensees on an equitable, reasonable and non-discriminatory basis;
- b. Provide quality delivery of broadcasting services as contained in its contract with the Digital Terrestrial Television service Licensees;
- c. Ensure that it provides National, regional or local coverage as the case may be, while limiting each broadcaster to its assigned coverage area;
- d. Provide the Commission on regular basis with information on the utilization of frequency channels;
- e. In determining its tariff, take into account the different categories of Digital Terrestrial Television Broadcasting Services provided by the broadcaster, to ensure that different tariffs are appropriate to and commensurate with the various broadcasting services;
- f. Submit technical and transmission plans to the Commission within 15 days after conclusion of the commercial agreement with a broadcaster.
- g. Ensure that broadcast signal reaches the designated percentage of the population in its areas of operation as may be determined by the Commission from time to time;
- h. Forward to the Commission, its quarterly reports on the quality of standard and measures taken or to be undertaken to manage and prevent frequency interference within Nigeria and the ECOWAS region;

- i. Keep records of all incidences of harmful frequency interference and forward same to the Commission along with the quarterly reports aforementioned;
- j. Make available, the provision of content aggregation and programme bouquet handling system that supports data paths embedded in the DVB stream based on the open source multimedia system. This is to support Electronic Programme Guide (EPG) and Electronic Programme Information (EPI) for Free-to Air as well as Conditional Access (subscription) Services;
- k. Provide and manage delivery of multimedia service to the consumers, to be determined by a Service Level Agreement in compliance with adopted quality of services standard;
- l. Ensure that additional data services introduced for the purpose of enhancing innovation and better interactive services to consumers do not exceed a specified percentage of the allocated capacity in each multiplex;
- m. Ensure that data services included on the programming prioritises are made available to the viewer, Electronic Programme Guide and Electronic Programme Information as a priority;

12.1.2 A BSD that intends to carry a broadcaster on its bouquet shall notify the Commission in writing 30 days before commencement of the relationship.

12.1.3 The notice referred in 1.1.3 above shall include the agreement between the parties.

12.1.4 The agreement shall clearly determine responsibility between the parties for the multiplex.

12.1.5 A BSD providing Free-to Air signal distribution service shall be responsible for all technical aspects of signal distribution, including but not limited to, interference with other frequency assignment.

12.1.6	A BSD shall, upon conclusion of agreement with a broadcaster and notification of the Commission, provide TV content broadcasting signal distribution services.	
12.2	<p>A BSD shall not;</p> <ul style="list-style-type: none"> a. Reduce broadcast hours of a broadcaster without the express permission of the Commission. b. Terminate abruptly, the transmission of a broadcaster; however, where the transmission of a station is terminated on the permission of the Commission, re- commencement of transmission shall be preceded by an apology. 	
12.3	<p>A BSD shall ensure that;</p> <ul style="list-style-type: none"> a. Broadcast signal or content carried through its network is sourced from a licensed content provider, b. Broadcast signal or content carried through its network is of a specified, required quality and standard as may be prescribed by the Commission, c. pay subscriptions channels are encrypted, d. Digital free to view terrestrial channels on its platform do not carry the same content as on any DTH platform. 	
12.4	In the event of a technical fault which results in termination of transmission of a broadcast signal distributor for more than 24 hours, a Broadcast signal distributor shall inform the Commission in writing the reasons, steps and measures taken to rectify the fault.	
12.5	A BSD shall in the event of a dispute between it and a broadcaster, submit itself to the Commission for arbitration; the Commission’s decision shall be final.	
12.6	Any Broadcast Signal Distributor that contravenes the provisions of sections 1.1 to 1.1.7 and 3.0 to 5.0 shall be liable to a penalty of ₦ 10,000,000.00 (Ten Million Naira) in the first instance and ₦ 15,000,000.00 (Fifteen Million Naira) for subsequent breaches.	

12.7

A BSD that contravenes section 2.0 a & b shall be liable to a penalty of **₦ 20,000,000.00 (Twenty Million Naira)** in the first instance and **₦ 25,000,000.00 (Twenty Five Million Naira)** for subsequent breaches.

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CHAPTER THIRTEEN

13.0 TECHNICAL

13.0.1 The backbone of broadcasting is technology. Technology is universal and based on certain principles. To be part of the global village that the world has become, this Code sets technical standards that conform with international standards.

13.1 SAFETY REGULATIONS

13.1.1 Industrial Safety

13.1.1.1 A Broadcaster shall operate within strict safety conditions as provided by **the Act**, International Conventions and labour laws on industrial safety.

CLASS B

13.1.1.2 A Broadcaster shall conspicuously display the following in its operational areas:

CLASS B

- a. industrial safety cards;
 - b. functional fire alarm system;
 - c. functional fire extinguishers;
 - d. obstruction-free emergency exits;
 - e. pathfinders to emergency exits;
 - f. certification from a recognized fire-fighting service;
- and
- g. other safety measures, equipment, either now known or may hereafter be invented, and as may be specified from time-to-time by relevant authorities.

13.2 RADIOLOGICAL PROTECTION

13.2.1 A Broadcaster shall ensure that ionizing radiation caused by X-ray radiated from the transmitter is not higher than the level specified by the Nigeria Nuclear Regulatory Authority and the International Electro-Technical Commission.

CLASS A

13.2.2	<p>A Broadcaster shall ensure that staff and members of the public are not exposed to electromagnetic fields in excess of the following:</p> <ol style="list-style-type: none"> a. for band II VHF frequencies, it shall be 6.6 watts per square meter for continuous exposure <i>not longer than six minutes</i>, which equates to an electric field of 154 dB (micro volt per meter); b. for MF band, maximum permitted levels drop with frequency, and at the top of the band are as low as 4.24 <i>watts per square meter</i> which is 172 dB (micro volt per meter) <i>not longer than six minutes</i>; and c. for HF, maximum Specific Absorption Rate (SAR) shall not be more than 0.4 watts per kilogram for workers and 0.8 watts per kilogram for the public. 	CLASS B
13.3	SHIELDING	
13.3.1	<p>A Broadcaster shall ensure that radiation exposure in all broadcast operational areas is reduced to the barest minimum as follows:</p> <ol style="list-style-type: none"> a. by additional shielding of the transmitter; and b. in all cases, it shall not exceed 0.005 watts/square meter. 	CLASS A
13.4	DANGER SIGN	
13.4.1	<p>A broadcaster shall ensure that at High Frequency (HF) and Medium Frequency (MF) transmitter installations, the antenna site is fenced and danger signs conspicuously displayed around the fenced area.</p>	CLASS B
13.5	INTERLOCKING	
13.5.1	<p>A Broadcaster shall install interlock switch on all broadcast transmitters to protect personnel from exposure to the transmission radiation and physical damage from mechanical or electrical systems.</p>	CLASS B

13.6	LIGHTNING PROTECTION	
13.6.1	<p>A Broadcaster shall install lightning arrestors to protect personnel and equipment from lightning. Therefore:</p> <ol style="list-style-type: none"> a. buildings and other structures shall be protected against lightning damage by installing a system of earth terminals (lightning rods) and grounding conductors to conduct lightning strikes to the ground; b. all underground cable runs shall have bare grounding counterpoise conductor installed above each underground run to intercept lightning strikes to the ground directly above the cable; c. lightning arrestors (surge arrestors) shall be installed at the end of all overhead power supply lines at the point where they connect to the stations underground lines. This is to prevent voltage surge due to lightning strikes to the overhead lines; d. arrestors shall be connected to a copper plate at each of the mast trays and at the base of each leg of the mast and buried. e. earth resistance measured at the base or at each leg of the mast shall not exceed one ohm (1Ω). Where high resistance is inevitable, elaborate precautionary measures shall be applied. 	<p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p> <p>CLASS B</p>
13.7	SAFETY PRECAUTIONS	
13.7.1	<p>A Broadcaster shall ensure that, in all technical areas where there are electrical or mechanical equipment in operation such as moving machines, transmitters, production equipment, generators etc. <i>Safety precautions listed below are put in place:</i></p> <ol style="list-style-type: none"> a. There shall be no power distribution using overhead power lines into and within the broadcast premises. 	<p>CLASS B</p>

	b. At least <i>two</i> technical personnel shall be on duty during operations and or maintenance of equipment.	CLASS B
	c. Adequate functional firefighting equipment shall be provided and maintained regularly.	CLASS B
	d. Monthly fire drills shall be conducted at all stations and logged accordingly.	CLASS B
	e. Rubber mats shall be provided at least one meter (1m) round every high power transmitter cabinet and, or high voltage equipment, and shall have an insulation capacity of at least 20% greater than the highest voltage within the equipment in all operational areas.	CLASS B
13.7.2.	A COREN Registered Engineer shall certify all electrical and mechanical projects and designs.	CLASS B
13.7.3	Cards showing the procedure for the treatment of electric shock shall be displayed in all technical areas and all staff shall familiarize themselves with the content. Technical personnel shall be drilled quarterly by experienced medical personnel through practical demonstrations.	CLASS A
13.7.4	Adequate warning signs shall be clearly displayed in high voltage areas.	CLASS A
13.8.	FIRST-AID KITS	
13.8.1	A Broadcaster shall ensure that:	
	a. First-Aid Kits are provided in all operational areas and contains necessary medication and dressing for the treatment of burns, cuts, shocks etc.	CLASS A
	b. a quarterly First Aid drill for all staff is carried out and recorded in a log book.	CLASS B

13.9	ANTENNA SUPPORT STRUCTURE	
13.9.1	Structural Design	
13.9.1.1	A Broadcaster shall ensure that all foundation designs, works and the erection of mast or tower to specification and within standards are certified by a COREN registered structural engineer.	CLASS B
13.9.2	Mast/Tower Site	
13.9.2.1	A Broadcaster shall ensure that: <ul style="list-style-type: none"> a. for a guyed mast, the minimum distance between the mast center and the outer anchor point shall be $4h/5$. b. For self-supporting lattice tower, the base square allowed shall range between $h/10$ and $h/7$. (Where h is the structural height) 	CLASS B CLASS B
13.9.2.2	A Broadcaster shall ensure that before the installation of any antenna support structure, the following are submitted to the Commission for approval: <ul style="list-style-type: none"> a. a soil test report of the site for the mast/tower; b. a structural design of the mast/tower (viz: antenna load, wind load, foundation and structural members); c. (a) and (b) above shall be certified by a COREN Registered Structural Engineer who shall also supervise the construction/installation. 	CLASS B
13.9.2.3	A Broadcaster shall ensure that towers and masts meet all the requirements of structural standards for: <ul style="list-style-type: none"> a. a steel transmitting antenna (mast radiator); and b. a supporting steel tower/guyed mast. 	CLASS B
13.9.2.4	A Broadcaster shall also meet the following requirements for the tower/mast: <ul style="list-style-type: none"> a. all fabricated steel are hot dipped and galvanized after fabrication; 	CLASS B

	<ul style="list-style-type: none"> b. all bolts are of high strength type with suitable washers and locking devices; c. all members are depth stamped; d. climbing and safety devices are provided to the top of tower/mast e. rest platforms are provided at intervals of 45 meters. 	
13.9.2.5	A Broadcaster shall ensure that height Clearance Certificate for the Commission's approved maximum height is obtained from the Nigerian Civil Aviation Authority (NCAA) and submitted to the Commission before the commencement of mast/tower installation.	CLASS B
13.9.2.6	A Broadcaster shall obtain the approval of the Commission and the Nigerian Civil Aviation Authority before: <ul style="list-style-type: none"> a. installation of mast/tower; b. any additional antenna or mast section is mounted on an existing mast/tower. 	CLASS B
13.9.2.7	A Broadcaster shall obtain the approval of the Commission for the rehabilitation of a mast/tower that requires transmission downtime.	CLASS B
13.9.2.8	A Broadcaster shall obtain approval for the relocation of a mast/tower from: <ul style="list-style-type: none"> a. the Commission. b. the Nigerian Civil Aviation Authority; 	CLASS B
13.9.2.9	A Broadcaster shall not install a mast/tower in any location where its collapse might affect any high-tension line of 6KVA and above.	CLASS A
13.9.2.11	A Broadcaster shall ensure that Pilot lights (Aviation Warning Lights) are installed at recommended intervals of 50meters on every mast/ tower.	CLASS A

13.9.2.12	A Broadcaster shall ensure that Mast/Tower markings/paintings are in aviation colours, in accordance with Civil Aviation Regulations.	CLASS A
13.9.2.13	A Broadcaster shall submit to the Commission, an annual report on the state of the mast/tower not later than 31 st of March of each year.	CLASS A
13.10	RESTRICTIONS	
13.10.1	A Broadcaster shall not commence installation of new, fallen or relocated mast/tower without the prior approval of the Commission.	CLASS A
13.10.2	A Broadcaster shall obtain the approval of the Commission before effecting change(s) to any of the following: <ul style="list-style-type: none"> a. transmitter power; b. antenna gain and polarization; c. mast height; d. transmitter location; and e. RF distribution or antenna radiation pattern. 	CLASS A
13.11	COVERAGE AREA AND FIELD STRENGTH	
13.11.1	Coverage Area	
13.11.1.1	A Broadcaster shall limit itself to only the coverage area prescribed by the terms of its Licence.	CLASS B
13.11.1.2	A Broadcaster shall not distribute signals not meant for the Nigerian territory.	CLASS A

13.11.2	Field Strength	
13.11.2.1	<p>A Broadcaster shall maintain specified minimum values of field strength within its assigned coverage area depending on its mode of transmission and its location. Accordingly, the acceptable minimum values shall be as indicated below:</p> <ul style="list-style-type: none"> a. Urban Areas. <ul style="list-style-type: none"> i. AM Sound Broadcasting 72dB ii. VHF-FM Sound Broadcasting 60dB iii. VHF-Television (Band III) 60dB iv. UHF-Television (Band IV) 46dB v. UHF- Television (Band V) 70dB b. Rural Areas. <ul style="list-style-type: none"> i. AM Sound Broadcasting 66dB ii. VHF-FM Sound Broadcasting 48dB iii. VHF-Television (Band III) 49dB iv. UHF-Television (Band IV) 58dB v. UHF- Television (Band V) 64dB 	CLASS B
13.12	BROADCASTING SYSTEMS	
13.12.1	<p>Broadcasting Band Designations are:</p> <ul style="list-style-type: none"> a. Medium Frequency MF or MW-RADIO (510 – 1605 KHz) b. High Frequency HFBC or SW –RADIO (5900 –26100 KHz) c. Band I Channels 2-4, VHF-TV (47 - 69MHz) d. Band II Channels, FM-RADIO (88 - 108MHz) e. Band III Channels 5-12, VHF-TV (174 – 230MHz) f. Band IV Channels 21-34, UHF-TV (470 - 582MHz) g. Band V Channels 35-48, UHF-TV (582 -694MHz) 	

- h. MMDS, (BSS Community Reception) (new band to be identified)(ceded to mobile)
- i. Direct Broadcast Satellite- Television Up-Link (5.845 – 6.645GHz) for C-Band
- j. Direct Broadcast Satellite Television Down-Link (3.4– 4.2GHz)for C-Band
- k. Direct Broadcast Satellite (Television) Up-Link (13.75 –14.50GHz) for KU-Band
- l. Direct Broadcast Satellite (Television) Down Link (11.4512.75GHz) for KU Band
- m. Direct Broadcast Satellite (Television) Down Link (33.75-40GHz) for KA Band
- n. Direct Broadcast Satellite (Television) Up Link (26.5- 32.75GHz) for KA Band
- o. Direct Broadcast Satellite (Audio) (1467 - 1492MHz) for L-Band.

13.14 **RADIO STANDARDS**

13.14.1 The approved modes of *sound* broadcasting are:

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

13.15 **Amplitude Modulated (AM) Band.**

13.15.1 HFBC or Short Wave (SW) in Nigeria shall be licensed by the Commission in adherence to the ITU Radio Regulations. Therefore:

- a. HFBC transmitters put into service after 1st January, 2012 shall have the capability to offer digital modulation

- b. the use of the HFBC bands 5900-26100KHz shall be based on principles given in Article 12 of the ITU Radio Regulations.
- c. an HFBC broadcaster shall, twice yearly, submit its projected seasonal broadcast schedule in the relevant frequency band
- d. all broadcasting requirements, national and international, shall be treated on an equal basis, with due consideration for the differences between these two kinds for broadcasting requirement.

13.16 **FREQUENCY MODULATED (FM) BAND**

13.16.1 The Frequency Modulated (FM) transmission in Nigeria shall be in compliance with ITU Recommendation 450-3.

13.17 **TELEVISION STANDARDS**

13.17.1 Television Transmission Standards in Nigeria shall include:

- a. DVB-T Digital Video Broadcast, (Terrestrial)
- b. DVB-T2 Digital Video Broadcast, 2nd Generation(Terrestrial)
- c. DVB-C Digital Video Broadcast (Cable/MMDS)
- d. DVB-C2 Digital Video Broadcast, Second Generation (Cable/MMDS)
- e. DTH Digital Broadcast Satellite (Direct to Home)
- f. DVB-S Digital Video Broadcast Satellite
- g. DVB-S2 Digital Video Broadcast, Second Generation Satellite
- h. DVB-M Digital Video Broadcast, Mobile (Technology Neutral)
- i. DVB-SH Digital Video Broadcast (Satellite-to-Handhed)
- j. DVB-RCS Digital Video Broadcast (Return Channel Satellite)

- k. DVB-IPDC Digital Video Broadcast (Internet Protocol Data Casting)
- l. IP- Radio (Internet Protocol Radio)
- m. IPTV (Internet Protocol Television)
- n. Other Digital Video Formats in use are:
 - i. ATSC (United States of America)
 - ii. DMB-T/H (China)
 - iii. ISDB-T (Japan, Brazil)

13.18 **Cable Television System (CATV & MMDS) Standards**

13.18.1 Cable Television shall be a pay-subscription service. Therefore, the modes of transmission shall include:

- a. Fibre Optics and/or Coaxial;
- b. Microwave Multipoint Distribution System (MMDS).

13.18.2 In (a) and (b) above, transmission in both modes shall be encrypted such that subscribers are addressable, (i.e. the station shall be able to remotely switch subscribers *on* and *off*).

13.18.3 **Other Requirements**

13.18.3.1 A Broadcaster shall ensure that:

- a) the maximum power per channel does not exceed 20 watts at each approved location.
- b) channels are used only for the services and purposes for which the Licence is specified.

13.18.3.4 A Broadcaster shall provide to the Commission such number of decoders as determined by the Commission for the purpose of monitoring.

<p>13.19 TRANSMISSION SYSTEMS</p> <p>13.19.1 Transmitters, Transposers, Repeaters and Beam Benders</p> <p>13.19.1.1 A Broadcaster shall obtain the approval of the Commission for the use of transmitters, repeaters, transposers and beam benders.</p> <p>13.19.1.2 A Broadcaster’s application for the use of repeaters transmitters, transposers and beam benders shall be accompanied with:</p> <p style="padding-left: 40px;">(a) technical feasibility study</p> <p style="padding-left: 40px;">(b) the proposed extension of coverage area.</p> <p>13.19.2 Studio-To-Transmitter Links</p> <p>13.19.2.1 A Broadcaster shall operate Studio-to-Transmitter links in accordance with the <i>CCIR Recommendation 402-2</i>.</p> <p>13.19.3 Transmitter Site</p> <p>13.19.3.1A Broadcaster shall keep at each transmitter site:</p> <p style="padding-left: 40px;">a. a stock of A-Level, B-Level and C-Level spares, the total worth of which shall not be less than 10% of the total cost of the transmitter;</p> <p style="padding-left: 40px;">b. a Programme Input Equipment rack that shall house programme processing, monitoring and test equipment;</p> <p style="padding-left: 40px;">c. an Engineering Log Book with recordings of daily, weekly, monthly, quarterly and yearly maintenance records.</p> <p>13.20 TRANSMISSION STANDARD</p> <p>13.20.1 A Broadcaster shall ensure a hitch-free transmission and avoid interference.</p> <p>13.20.2 A Broadcaster shall ensure that the equipment installed in a station is designed, constructed, maintained and used in such a way that its transmission does not cause interference to any other wireless equipment.</p>	<p>CLASS B</p> <p>CLASS B</p>
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13.20.3	<p>A Broadcaster shall ensure that precautionary measures are taken at all times, to keep radiated energy from the transmitter within the narrowest possible frequency bands by:</p> <ol style="list-style-type: none"> a. having regard to the class of emission in use; b. suppressing radiation harmonics and other spurious emissionsto such a level that they cause no interference; c. carrying out tests from time to time, with a view to meeting the requirements of these clauses. 	CLASS B
13.21	RADIATED ENERGY	
13.21.1	<p>A Broadcastershall radiate the approved power to enable transmission within the approved coverage area by:</p> <ol style="list-style-type: none"> a. employing all technical means to ensure that the radiation is kept within the limits. b. ensuring that out-of-band emission does not cause harmful interference to adjacent channels. 	CLASS B
13.22	FREQUENCY AND SPECTRUM REGULATIONS	
13.22.1	<p>A Broadcaster shall ensure that frequency usage conforms to the technical specifications contained in the Licence conditions.</p>	CLASS B
13.22.2	<p>A Broadcaster shall ensure conformity with specification by monitoring:</p> <ol style="list-style-type: none"> a. actual spectrum occupancy; b. frequency deviation; c. depth of modulation; d. centre frequency. 	
13.22.3	<p>The Commission reserves the right to conduct such other tests, including measurement of the transmissions to ensure non-interference.</p>	CLASS B

13.22.4	A Broadcaster shall ensure that its signal is limited to the geographical boundaries of the Federal Republic of Nigeria.	CLASS B
13.22.5	A Broadcaster whose signal constitutes a major interference to another shall eliminate such within 24 hours. Failure to comply with the above shall compel the Commission to shut down the station until it is able to eliminate such interference.	CLASS A
13.22.6	A Broadcaster that is shut down by the Commission shall have a seal of closure conspicuously displayed within the premises.	
13.23	DIGITAL TERRESTRIAL TELEVISION BROADCASTING SERVICE	
13.23.1	Digital broadcasting provides higher quality reception, more channels, and is amenable to value added services.	CLASS B
13.23.2	There are two types of terrestrial digital broadcasting networks. <ul style="list-style-type: none"> a. Multi-Frequency Network (MFN) The Network allows the same programme to be carried by individual transmitters using different frequencies. b. Single Frequency Network (SFN) The Network allows the same programme to be carried by individual transmitters operating on the same frequency. 	
13.24	STATION COMMISSIONING	
13.24.1	A Broadcaster shall ensure that the Commission is invited and present at all acceptance tests for new transmitting equipment.	CLASS B
13.24.2	A Broadcaster shall provide the Commission an accurate: <ul style="list-style-type: none"> a. block diagram of its complete installation; b. system diagram of all production facilities; 	CLASS B

	<ul style="list-style-type: none"> c. electrical wiring diagram of the installation; d. antenna radiation pattern; e. factory test result of the transmitter. 	
13.24.3	Broadcaster shall obtain the final approval of the Commission to commence full broadcast operations after the consideration of the report of its Test Transmission.	CLASS B
13.25	Test Transmission	
13.25.1	<p>Test Transmission shall be in two parts:</p> <ul style="list-style-type: none"> a. Technical Test transmission (On Dummy Load) entailing Transmitter alignment using Test Signals (Station Identification, Colour Identification, Colour Bars/Tone; Pulse& Bar/Tone. b. Content Test Transmission, without any advertisement. 	CLASS B
13.25.2	Throughout the period of test transmission the audience shall be adequately informed by announcing or scrolling that the Broadcaster is on test transmission, asking for feedback;	CLASS B
13.25.3	A Broadcaster shall inform its audience of its frequencies and feedback channels while on Test Transmission.	CLASS B
13.25.4	Both Technical and Content Test Transmission shall be for a period of four weeks.	CLASS B
13.25.5	A Broadcaster shall obtain approval of the Commission at all stages of installation leading to commencement of transmission.	CLASS A
13.26	TOOLS AND TEST GEAR	
13.26.1	<p>A Broadcaster shall provide adequate Electrical, Mechanical and IT test gear for inspection by the Commission. These include:</p> <ul style="list-style-type: none"> a. multimeter; b. spectrum analyzer; 	CLASS B

	<ul style="list-style-type: none"> c. frequency counters; d. oscilloscope; e. dummy load; f. modulation meter; g. power meter; h. vector scope; i. a computer as required for transmitter lineup; and j. signal generators. 	
13.26.2	A Network Broadcaster shall make available the tools in Section 12.26.1 in a mobile maintenance van for its operations.	CLASS B
13.27	TECHNICAL BREACHES	
13.27.1	A Broadcaster shall be liable if it commits any of the following technical breaches:	
	a. deviation from assigned frequency;	CLASS B
	b. transmission beyond assigned coverage area;	CLASS B
	c. operating a transmitter above approved power;	CLASS B
	d. consistently transmitting low quality signals, in contravention of the technical provisions of The Code ;	CLASS B
	e. non-compliance with the installation and safety specifications and standards;	CLASS A
	f. failure to comply with any of the technical standards and specifications;	CLASS B

- | | |
|---|---------|
| g. where the Broadcaster fails to eliminate interference caused to other users after being duly directed by the Commission. | CLASS B |
| h. installing a mast/tower above the approved height as specified by the Commission. | CLASS B |

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CHAPTER FOURTEEN

14.0 COMPLAINTS

14.0.1 The Commission shall receive, consider and investigate Complaints per Section 2(1)(f) of **the Act** and where necessary arbitrate or impose sanctions for non-compliance to any of the following:

- a. content of the broadcast
- b. conduct of the Broadcaster.
- c. terms, conditions and obligations of the broadcast licence
- d. **the Act, The Code** and any other regulation of the Commission.

14.1 COMPLAINTS FORMAT

14.1.1 A complaint to the Commission shall be in oral or written form and contain, amongst others, the following:

- a. ***name*** of the Broadcaster
- b. ***title*** of the programme
- c. ***date*** and ***time*** of the broadcast
- d. ***essence*** of the ***complaint*** or observation, such as the absence of fairness, obscenity, or technical shortcomings, etc.
- e. ***name, address, telephone number and/or email*** and ***signature*** of the complainant.

14.2 LIMITATION PERIOD FOR RECEIVING COMPLAINTS

14.2.1 Any person, group of persons or institution(s) aggrieved, may lodge a complaint with the Commission within 14 days of the occurrence of the act or omission.

14.2.2 A complaint received after the 14 days specified in paragraph 13.2.1 above, shall not be entertained by the Commission.

14.3 HANDLING COMPLAINTS

- 14.3.1 The Commission shall, on receipt of complaint(s):
- a. inform and require the Broadcaster to provide, within a specified period determined by the Commission, a response in writing and a recording of the relevant materials,
 - b. request copies of the relevant correspondence with the complainant;
 - c. promptly investigate and or arbitrate on the matter within a reasonable period, determined by the urgency of the matter;
 - d. notify the parties of the progress of the investigation, findings and action taken.
- 14.3.2 The Broadcaster's failure to supply the materials or make statements in response to the inquiries within the stipulated time limit shall be deemed as acceptance of the complaint(s), and the appropriate sanction shall be applied.
- 14.3.3 The Commission shall, where the complaint is upheld, direct the Broadcaster to, within 14 days, comply with its directives.
- 14.3.4 Where a Broadcaster fails to comply with the directives of the Commission, a higher sanction shall be applied.
- 14.3.5 The Broadcaster shall bear the administrative costs of the investigation if found liable.
- 14.3.6 The Commission may make the outcome of the Investigation public.
- 14.4 RIGHT OF REPLY**
- 14.4.1 A Broadcaster required to provide a Right of Reply as a result of a breach shall:

- a. implement the Right of Reply within 24 hours or in the next edition or episode of the programme;
- b. give the Right of Reply the same prominence as in the original programme;
- c. carry out other corrective actions as may be specified by the Commission.

14.5 **THE PUBLIC'S RIGHT TO COMPLAIN ABOUT A BROADCASTER**

14.5.1 A Broadcaster shall, pursuant to the provisions of Section 2(1)(d)(g)(h)(i) and (l), of the Act and in keeping with the need for the public's right to quality broadcasting:

- a. transmit at specific intervals covering all programme belts a standard announcement giving its audience the opportunity to complain about any aspect of its broadcast.
- b. make an announcement which shall include contact details of both the Broadcaster and the Regulator, and the complaint format provided in paragraph 14.1 above.

14.5.2 A Broadcaster operating multi-channel stations, shall make announcements in all the channels at least once during the morning and evening Belt.

CHAPTER FIFTEEN

15.0 SANCTIONS

15.1 SANCTIONING PROCESS AND PROCEDURE

A Broadcaster shall not breach any Provision of the Act, The Code and other rules and regulations made by the Commission from time to time.

Pursuant to Sections 2(1) (n) and 21 of the Act, the Commission shall apply sanctions for any breach of the Act, The Code or any other Regulation as may be issued by the Commission from time to time.

15.1.1 CLASSES OF SANCTION

A Broadcaster shall be subject to any of the following classes of sanctions where it commits a breach of the Code.

OR

The following classes of sanction shall apply for a breach of the Code committed by a Broadcaster.

15.1.2 CLASS A

15.1.2.1 The sanctions for Class A are:

- a. immediate order of suspension of broadcast services;
- b. suspension of licence and immediate shut down/seal up of transmitter; or
- c. revocation of licence, seizure and forfeiture of transmitting equipment.

15.1.3 In the case of suspension of a broadcast licence, the appropriate recommencement fee as stipulated in paragraph 15.3.1 shall apply.

15.1.4 CLASS B

15.1.4.1 The Sanctions for Class B are:

- a. Warning to remedy the breach within a reasonable time frame, failing which a penalty shall apply;

b. Failure to comply with the provision of sub-paragraph “a” above attracts a reduction of the daily broadcast hours. The re-commencement of full broadcast hours shall attract a heavy penalty;

c. Failure to comply with the provisions of sub-paragraph “b” above, attracts the suspension of the Broadcast Licence for a period of 30 days. The re-commencement of full broadcast shall attract a heavy penalty.

15.1.2 CLASS C

15.1.2.1 The Sanctions for Class C are:

- a. A verbal admonition to remedy the breach within 24hours;
- b. Failure to comply with the provision of sub-paragraph “a” above shall lead to issuance of a written warning;
- c. Failure to comply with the provisions of sub-paragraph “b” leads to a light penalty;
- d. Failure to comply with provisions of sub-paragraph “c” leads to a Class B sanction.

15.2 CONSEQUENCES OF REVOCATION

15.2.1 A Broadcaster whose licence is revoked shall not be absolved of its responsibilities or obligations, prior to the date of the revocation.

15.2.2 Where a Licence is revoked, re-application for a Broadcast Licence shall not be considered from the same Company or its shareholders.

15.2.3 Where the Commission issues a suspension or revocation order, the Licensee shall comply immediately.

15.2.4 where a licence is suspended or revoked, the police and other security agencies may assist the Commission to shut down the station.

15.2.5 where a licence is revoked, the police may prosecute the offender

15.3 **ILLEGAL BROADCASTING**

15.3.1 The police shall prosecute any person engaged in any form of broadcasting or in possession of any broadcast equipment or apparatus in the country without a licence or permit for the purpose.

15.3 PENALTIES

15.3.1 The following penalties shall apply in respect of a breach committed by a Broadcaster.

a. Light..... **₦250, 000 to ₦500,000;**

b. Heavy.....**₦2,000, 000 to ₦10,000,000**

c. Severe..... **₦20, 000,000 and above;**

15.3.2 The penalties in paragraph 14.3.1 above shall apply to all categories of broadcasting except Community broadcasting.

15.3.3 A Community Broadcaster shall be subject to a penalty of not more than N50,000.

DEFINITION OF TERMS

TERM	DEFINITIONS OF TERMS
Admonition	Verbal or written rebuke given in the first instance to a broadcaster to rectify a breach.
Advertising	Any form of communication about goods, services or facilities placed at a cost, before, within or after a programme with the intention of marketing said goods, services and facilities and attract patronage.
Affiliate	A member broadcaster of a broadcast Network.
Africa Channel	A channel which is compiled in, or uplinked from, any country in Africa or the adjacent Islands.
AM	Amplitude Modulation
Analogue	A system in which signals vary continually
Antenna	A device that collects, transmits and focuses electromagnetic energy i.e. contribute energy gain.
API	Access Programme Input
Auction	This is a form of spectrum pricing as well as a mechanism for spectrum assignment, where spectrum rights are assigned to the winners after a competitive process selected on the basis of bid price.
Bandwidth	Band which is sufficient to ensure the transmission of information at the rate with quality required under specified condition.
BLOG	A discussion or informational site published on the world wide web in which people can write on activities, personal opinions, and expressions.
BON	Broadcasting Organisations of Nigeria.
Boundary	A limit of frequency boundary allowed for a channel.
Bouquet	A collection of video and or audio channels marketed as a single package, often transmitted in a single data stream, or a thematic environment where channels are devoted to a specific programming genre.
Breach	Any action or inaction on the part of a broadcaster which constitutes violation of, or non-compliance with, any provision of the NBC Act No. 38 (as amended) or The Code and any other regulation made there-under.
Broadcasting Service	Any service which consists of the unidirectional transmission and distribution to television and/or sound broadcasting material by cable or wireless means from anywhere in Nigeria for reception by the public.
Broadcasting	Transmission of programmes, whether or not encrypted, by radio waves or other means of telecommunication for reception by the public by means of a receiving apparatus.

Broadcasting Licence	Licence granted and issued by the Commission in terms of the Act to a person for the purpose of providing a defined category of broadcasting service, or deemed by the Act to have been so granted and issued.
Broadband	A communication tool used for voice, data, radio and/or television which can take many forms, such as fibre, copper, wireless and satellite.
CA	Conditional Access.
Cable	Mode of broadcasting through fibre optics and/or co-axial cable.
Campus Broadcasting	A form of community broadcasting set up in an academic institution for training potential broadcasters or students and for the social well-being of the community.
Carrier Frequency	A frequency signal that is modulated to carry information.
Caution	A subtle verbal/written rebuke given to a broadcaster by the Commission for a non-serious breach.
C-band	The range of frequencies that includes 3.4 – 4.2GHz for downlink and 5.845 – 6.645GHz for uplink.
Channel	A single defined television programming service of a broadcaster.
Children	Persons who are below the age of 18 years.
Code	The regulatory document of the Commission as may be reviewed from time to time under the provisions of NBC Act 38 of 1992 and any amendment thereto.
City	An urban area where a large number of people live and work .
Commercial Broadcasting Service	A broadcasting service operating for profit entity but excluding a public broadcasting service.
Commission	The National Broadcasting Commission established by Section 1 of NBC Act 38 of 1992 .
Community Broadcasting Service	A broadcasting service provided by the members of a community in accordance with Chapter 9 of this <i>Code</i> to serve their communal, developmental, economic, social and cultural objectives.
Convergence	The delivery and/or reception of broadcast and communication signals through one device (ICT).
COREN	Council for the Regulation of Engineering practice in Nigeria. (Engineering Regulatory Body).
Current Affairs	A presentation of comments, opinions and analysis of topical events and issues.
DAB	Digital Audio Broadcasting vide digital data transmission.

Digital	A system in which signals vary in discrete steps.
Direct Satellite Broadcast (DSB)	A term commonly used to describe broadcast via satellite directly to end users.
DSL	Digital Subscriber Line, this is a family of technologies that provide digital data transmission over a local telephone network.
DTH	Direct-to-Home. It refers to individual satellite dishes serving one dwelling.
DTT	Digital Terrestrial Television
DVB	Digital Video Broadcasting.
DVB-C	Cable Television or Community Television Antenna (CATV).Cable is a system of providing television and radio programming to consumer via radio frequency signals.
DVB-H	Digital Video Broadcasting Handheld. It is a technical specification for bringing broadcast services to handheld receivers.
DVB-T	Digital Video Broadcasting Terrestrial and it is the DVB European consortium standard for the broadcast transmission of digital terrestrial television.
Editorial	An expression of the opinion of the broadcaster.
Electromagnetic field	A field that has both electrical and magnetic properties.
Electric Shock	Injury sustained as a result of human body allowing the flow of electric current
Emission	The production of radiation by a transmitting station.
Encryption	A method for changing a broadcasting signal in a systematic way so that the signal would be unintelligible without suitable receiving equipment.
EPG	Electronic Programme Guide.
ERP	Effective Radiated Power. Radio frequency power multiplied by the gain of the aerial in the horizontal plane.
Events of National interest	An event in which Nigeria participates as a nation, including events of specific cultural and social value, including sports, that have a cohesive function in Nigeria.
FM	Frequency Modulation.
Frequency band	The part of the electromagnetic radio frequency spectrum which is allocated for the use of broadcasting services by the International Telecommunication Union (ITU).
Free-to-air	Delivery of unencrypted broadcast signals.
Free-to-View	Channels that can be aired/viewed freely without encryption.

Hyping	A presenter engaging in intense promotion of a product especially containing misleading claims.
INEC	Independent National Electoral Commission.
Infomercials	Lengthy programme broadcast advertisement for products.
International Broadcasting Service	A service, the signal of which originates outside Nigeria and which is intended to be received in more than one country (excluding a broadcasting service whose signals are not intended for, or targeted at, Nigeria as contemplated in paragraph 11.15 of the Broadcasting Code).
Internet	An international computer network through which computer users communicate and exchange information.
IPTV	Internet Protocol Television is a system through which television services are delivered using internet.
ITU	International Telecommunication Union.
Jingle	Repetitious, lively musical piece, used for Commercials.
KU-band	The range of frequencies ranging from 11.7-11-2GHz
Laptop	A portable personal computer.
Logging	Process of sequentially keeping record of events.
Local Content	Production with substantially indigenous inputs in which Nigerians have editorial and creative control.
Licence	A broadcasting authority granted by the Commission to a person for the purpose of providing a defined category of broadcasting service in accordance with section 2 (1)(b) and 2(2) of NBC Act 38 (as amended)
Licensee	The holder of a licence or a broadcaster.
Major Sport	A sport which is played or watched by a substantial proportion of the Nigerian population either at the venue where it is played or on television
MMDS	Multi Microwave Distribution System.
Mast/Tower	Antenna support structure made of steel.
Must Carry	A regulation that states that cable companies must carry local channels on their bouquet.
NBC	National Broadcasting Commission.
Necessary Bandwidth	The width of the frequency band which is sufficient to ensure the transmission of information at the rate with the quality required under specified conditions.

Networking	Interlinking a chain of Affiliate/Associatebroadcasters to transmit the same programme simultaneously, whether permanently or on an occasional basis.
News	A presentation of a factual account of events and issues.
Newscast	An assemblage and presentation of news stories, news analysis, as well as commentaries and special reports.
News Analysis	A balanced examination of a current issue of public interest excluding the personal views of the analyst.
News Commentary or News Talk	An expression of opinion personal to the commentator.
News Interview and Discussion	An interview or discussion to elicit informed opinion or fact about a news item.
NGO	Non-Governmental Organisation.
Nigerian Channel	A channel that is compiled in or uplinked from Nigeria or which otherwise meets the definition of local content in Chapter 3 of The Code .
NOA	National Orientation Agency.
Obscenity	A graphic representation of lewd sexual activity, verbal or physical violence or bloodletting, portrayed in a socially offensive manner, especially if it is not indispensable in the total communication of an idea.
Out of Band Emission	Emission on a frequency immediately outside the necessary bandwidth resulting from modulation process, excluding spurious emission.
Pay Per View	Services that are similar to subscription based pay TV service in which a person must pay to have the access for viewing, but usually entail a one off payment for a single or time limited viewing.
Pay TV	Subscription based television services usually provided by digital cable.
Person	A natural or a juristic person
Pirate Radio	An illegal radio station
Pluralism	Diversity.
Pornography	Any obscene material capable of causing sexual excitement
Post Mortem	Usually refers to short programming project which is a review of the main project.
Programme	A unified presentation on radio or television that occupies a distinct period with a beginning and an end.

Promotion	Any item of advert, publicity or sales promotion inserted before, within or after a programme.
Public Broadcasting Service	A broadcasting service provided by the statutory body, or any person who receives his or her revenue, either wholly or partly, from licence fees levied in respect of the licensing of persons in relation to sound radio sets and in relation to television sets, or from the Federal or State Government of Nigeria.
Radiation	The outward flow of energy from a source in the form of radio waves
Radio Frequency	Complete range of frequencies used for transmission by electromagnetic waves.
Reprimand	Severe disapproval of a breach or a higher admonition.
Sanction	A penalty or enforcement measure applied to any breach of NBC Act No. 38 of 1992 (as amended), The Code or any other regulation made there-under.
Satellite	A body which revolves around another body of preponderant mass and whose motion is primarily and permanently determined by the force of attraction of that other body.
Satellite Broadcasting Service	A service which is broadcast by transmitters situated on a satellite.
Set-top Box	A device that connects to a television and some external source of signal, and turns the signal into content which displays on the screen usually for digital or satellite television.
SLA	Service Licence Agreement.
Social Media	Computer mediated tools that allow people to create, share, or exchange information, ideas and pictures/videos in virtual communities and networks.
Spectrum	The emitted energy of a radiant source as arranged in wavelengths.
Sponsorship	The payment of the whole or part of the cost of the production and for transmission of a programme by any person to promote its image, activities or any cause or public service.
“Sporting event of national resonance” or “Sporting event of major national “interest” or “Sporting event of national and Significance”	A sporting event – (a) in a major sport; (b) which is an event of major importance to the Nigerian society; (c) which involves the Nigerian national teams; (d) which in recent past, has been consistently broadcast live and in full by free-to-air broadcasters in Nigeria; (e) which is appropriate to broadcast live and in full on a free-to-air basis given its structure and duration; and (f) national/international sports body, which is played in Nigeria.
Spurious Emission	Emission on frequencies which are outside the necessary bandwidth and the level of which may be reduced without affecting

	corresponding transmission of information (these include harmonics, parasitic, intermediated products, frequency conversion, products, excluding out of bound).
Station	One or more transmitter or receiver or combination of both at one location for carrying out radio communication. A station is also referred to as a broadcaster.
Subscription	A service provided (usually a cable company) sells periodic access to a service or product.
Subscription Broadcasting Service	A broadcasting service provided to a subscriber upon payment of a subscription fee.
Syndication	An arrangement whereby a broadcaster or a programme supplier makes its programmes available to a chain of broadcasters for transmission simultaneously at mutually agreed charges.
Team	Excludes an individual in an individual event.
Terrestrial Television	The traditional method of broadcast. It works via radio waves transmitted through open space.
Trans-border Broadcast	Transmission of signals across one or more national boundaries.
Unfettered access to Sporting Events of National Importance	The provision of rights to sporting events of national importance/major national significance on mutually agreed terms on a live, delayed, delayed live, deferred or highlights basis.
VOIP	Voice Over Internet Protocol. Is a methodology and group of technologies for the delivery of voice communications and multimedia sessions over the internet.
Vox Pop	A news interview of ordinary people, randomly taken in the street, to comment on public issues.
Warning	Notice of sanction.
Watershed	A term of television scheduling beyond which airing of some programmes hitherto not allowed is permissible.
X-rated	A label for programmes that have adult content, such as acts of violence or sex, not suitable for children.

National Broadcasting Commission Act

**NATIONAL BROADCASTING COMMISSION ACT
CAP NII, LAWS OF THE FEDERATION OF NIGERIA, 2004
ARRANGEMENT OF SECTIONS**

Establishment, etc., of the National Broadcasting Commission

SECTION

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NATIONAL BROADCASTING COMMISSION ACT

An Act to establish the National Broadcasting Commission and for matters connected therewith.

[1992 No. 38]

[Commencement]

[24th August, 1992]

Establishment, etc., of the National Broadcasting Commission

1. Establishment of the National Broadcasting Commission

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

2. Powers of the Commission

(1) The Commission shall have responsibility of –

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

(b) receiving, processing and considering applications for the establishment, ownership or operation of radio and television stations including –

[1999 No. 55]

(i) Cable television services, direct satellite broadcast and any medium of broadcasting;

- (ii) Radio and television stations owned, established or operated by the Federal, State or local government;
- (c) recommending applications through the Minister to the President, for the grant of radio and television licences;
- (d) regulating and controlling the broadcasting industry;
- (e) undertaking research and development in the broadcasting industry;
- (f) receiving, considering and investigating complaints from individuals and bodies corporate or incorporate regarding the contents of a broadcast and the conduct of a broadcasting station;
- (g) upholding the principles of equity and fairness in broadcasting;
- (h) establishing and disseminating a national broadcasting code and setting standards with regard to the contents and quality of materials for broadcast;
- (i) promoting Nigerian indigenous culture, moral and community life through broadcasting;
- (j) promoting authenticated radio and television audience measurements and penetration;
- (k) initiating and harmonizing Government policies on trans-border direct transmission and reception in Nigeria;
- (l) regulating ethical standards and technical excellence in public, private and commercial broadcast stations in Nigeria;
- m. monitoring broadcasting for harmful emission, interference and illegal broadcasting;
- n. determining and applying sanctions including revocation of licences of defaulting stations which do not operate in accordance with the broadcast code and in the public interest;
- o. approving the transmitter power, the location of stations, areas of coverage as well as regulate types of broadcast equipment to be used;
- p. ensuring qualitative manpower development in the broadcasting industry by accrediting curricula and programmes for all tertiary training institutions that offer Mass Communication in relation to broadcasting;

[1999 No. 55]

q. intervening and arbitrating in conflicts in the broadcasting industry;

[1999 No. 55]

r. ensuring strict adherence to the national laws, rules and regulations relating to the participation of foreign capital in relation to local capital in broadcasting;

[1999 No. 55]

s. serving as national consultants on any legislative or regulatory issues on the broadcasting industry;

[1999 No. 55]

t. guaranteeing and ensuring the liberty and protection of the broadcasting industry with due respect to the law; and

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

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

3. Composition of the Commission

(1) The Commission shall consist of –

(a) a chairman;

(b) ten other members as may be approved or represent the following interests, that is –

(i) law;

(ii) business;

(iii) culture;

(iv) education;

(v) social science;

(vi) broadcasting;

(vii) public affairs;

- (viii) engineering;
 - (ix) State Security Service;
 - (x) The Federal Ministry of Information and National Orientation; and
- (c) the Director-General of the Commission

[1999 No. 55]

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

[1999 No. 55]

- (3) The chairman and other members of the Commission shall be citizens of Nigeria who shall be appointed by the President on the recommendation of the Minister.

[1999 No. 55]

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

[1999 No. 55]

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

[First Schedule]

4. Tenure of office, etc.

- (1) The Chairman and other members of the Commission shall hold office for three years renewable for one further period of three years only.
- (2) The chairman or a member of the Commission may resign his appointment at any time by notice in writing under his hand addressed to the President.
- (3) If a member of the Commission dies or resigns or otherwise vacates his office before the expiry of the term for which he is appointed, a fit and proper person shall be appointed for the remainder of the term of office of the predecessor, so however that the successor shall represent the same interest and shall be appointed by the President.
- (4) A member of the Commission may be removed from office by the President if he is satisfied that it is not in the interest of the Commission or the interest of the public that the member should continue in office.

Staff of the Commission

5. Director-General and other staff of the Commission

- (1) There shall be appointed for the Commission, a Director-General who shall be the chief executive of the Commission.
- (2) The Director-General shall be appointed by the President on the recommendation of the Minister.
- (3) The Director-General shall be a person with wide knowledge and experience in broadcasting.
- (4) The Director-General shall be responsible for the execution of the policies of the Commission and its day-to-day administration.
- (5) The Director-General shall hold office in the first instance for a period of five years and shall be eligible for re-appointment for such further periods as the President may, from time to time, determine.
- (6) Subject to this section, the Director-General shall hold office on such terms as to emolument and otherwise as may be specified in his letter of appointment and as may, from time to time, be approved by the President.
- (7) The Commission shall appoint a secretary to the Commission who shall keep records, conduct correspondence of the Commission and carry out and perform such other duties as the Commission or the Director-General may, from time to time, direct.
- (8) The Commission may appoint such other employees to assist the Director-General in the exercise of his functions under this Act.

6. Power of the Minister to give directives

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

7. Conditions of service

The Commission shall develop and submit to the President appropriate conditions of service covering remuneration, fringe benefits, pension scheme and other benefits for its employees.

8. Service in the Commission to be pensionable

- (1) Notwithstanding the provisions of the Pensions Act, service in the Commission shall be approved service for the purpose of that Act and, accordingly, officers and other persons employed in the Commission shall in respect of their service in the Commission be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the civil service of the Federation, so however that nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.

[Cap. P4]

- (2) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Commission and not by any other person or authority.

9. Power of the Commission to grant licences

- (1) The Commission shall, in the consideration of an application or a licence under this Act, be satisfied that the applicant –
- (a) is a body corporate registered under the Companies and Allied Matters Act or a station owned, established or operated by the Federal, State or local government;

[Cap. C20]

- (b) can demonstrate to the satisfaction of the Commission that he is not applying on behalf of any foreign interest;
- (c) can comply with the objectives of the National Mass Communication Policy as is applicable to the electronic media, that is, radio and television;
- (d) can give an undertaking, that the licensed station shall be used to promote national interest, unity and cohesion and that it shall not be used to offend the religious sensibilities or promote ethnicity, sectionalism, hatred and disaffection among the peoples of Nigeria.
- (2) The grant of a licence by the Commission under this Act shall be subject to availability of broadcast frequencies.

- (3) Compliance with the requirements specified in subsection (1) of this section shall not entitle an applicant to the grant of a licence but the grant of a licence by the Commission shall not be unreasonably withheld.
- (4) In determining the grant of a licence the Commission shall consider the following, that is-
- (a) The structure of shareholding in the broadcasting organizations;
 - (b) The number of shareholding in other media establishments;
 - (c) The distribution of those stations and establishments as between urban, rural, commercial or other categorisation.
- (5) It shall be illegal for any person to have controlling shares in more than two of each of the broadcast sectors of transmission.
- [1999. No. 55]**
- (6) Any broadcast station transmitting from Nigeria before the commencement of this Act shall be deemed to have been licensed under this Act and, accordingly, shall be subject to the provisions of this Act.

[1999 No. 55]

10. Persons disqualified from the grant of a licence

The Commission shall not grant a licence to –

- (a) a religious organisation; or
- (b) a political party.

11. Method of application for a licence

A request by a person for authority to own, establish or operate a radio, sound, television, cable or satellite station shall be by way of an application for a licence addressed to the Director-General of the Commission and in the form prescribed in the Second Schedule to this Act.

[Second Schedule]

12. Terms and conditions for a licence

The grant of licence shall be subject to the terms and conditions set out in the Third Schedule of this Act.

[Third Schedule]

13. Power of the Commission with respect to licences

(1) The Commission shall have power with respect to any licence granted under section 9 of this Act –

(a) To allocate to a licensed station, that is –

- (i) in the case of a radio station, Frequency Modulation, Medium Wave and Short Wave;
- (ii) in the case of television, Very High Frequency and Ultra High Frequency; and
- (iii) such other broadcast frequencies as the Commission may, from time to time, determine;

(b) to approve the location of a station;

(c) to regulate the technical specifications of equipment and standard of transmission;

(d) to approve the call signal of a station;

(e) to approve the area to be served by a station;

(f) to impose sanctions in accordance with paragraph 8 of the Third Schedule to this Act; and

[Third Schedule]

(g) to prescribe an appropriate fee payable.

(2) The Commission shall have the power to enter into the premises of any station and inspect or examine any apparatus of operation in the station in order to ascertain their conformity with the provisions of this Act.

(3) The Commission may exercise its power under this section of this Act through its agents.

Financial provisions

14. Fund of the Commission

- (1) The Commission shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Commission.
- (2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section –
 - (a) such percentage of fees and levy to be charged by the Commission on the annual income of licensed broadcasting stations owned, established or operated by private individual(s), Federal, State or local government;
 - (b) such moneys as may, from time to time, be lent or granted to the Commission by the Government of the Federation or of a State;
 - (c) all moneys raised for the purposes of the Commission by way of gifts, loans, grants-in-aid, testamentary disposition or otherwise;
 - (d) all other assets that may, from time to time, accrue to the Commission.
- (3) The fund shall be managed in accordance with rules made by the Commission and without prejudice to the generality of the power to make rules under this subsection, the rules shall in particular contain provisions:
 - (a) specifying the manner in which the assets or the fund of the Commission are to be held and regulating the making of payments into and out of the fund; and
 - (b) requiring the keeping of proper accounts and records for the purpose of the fund in such form as may be specified in the rules.
- (4) No person shall offer for sale, sell or have in his possession with a view to selling in the course of his business, any installation, mechanism, instrument, material or other apparatus –
 - (a) constructed for the purpose of; or
 - (b) intended to be used for,

wireless telegraphy except under and in accordance with a licence issued by the Commission in that behalf.

[1999 No. 55]

15. Radio and television licence fees

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The Commission shall –

- (a) collect and hold in trust for;

- (b) disburse on behalf of,
the broadcast houses such licence fees accruing from the ownership of radio
and television sets, as the Commission may prescribe.

16. Expenditure of the Commission

- (1) The Commission may, from time to time, apply the proceeds of the fund established pursuant to section 14 of this Act to –
- (a) the cost of administration of the Commission;
 - (b) the payments of salaries, fees and other remuneration, allowances, pensions, and gratuities payable to members or employees of the Commission.

17. Power to accept gifts

- (1) The Commission may accept gifts of money of other property and upon such terms and conditions, if any, as may be specified by the person or organization making the gift provided that such gifts are not inconsistent with the objectives and functions of the Commission under this Act.

18. Borrowing power

- (1) The Commission may with the consent of the Minister borrow, on such terms and conditions as the Commission may determine, such sums of money as the Commission may require in the exercise of the functions conferred on it under this Act.

19. Annual estimates, accounts and audit

- (1) The Commission shall, not later than 31 October in each year, submit to the President an estimate of its expenditure and income during the next succeeding financial year.
- (2) The Commission shall cause to be kept proper accounts of the Commission in respect of each year and proper records in relation thereto and shall cause its accounts to be audited not less than six months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

Miscellaneous and supplementary

20. Annual report

The Commission shall prepare and submit to the Minister not later than 30 June in each year, a report in such form as he may direct on the activities of the Commission during the immediately preceding year, and shall include in such report a copy of the audited accounts of the Commission for that year and Auditor-General's report thereon.

21. Liability to code of sanctions

Any station which contravenes the provisions of the National Broadcasting Code or any other order of the Commission shall be liable to the sanctions prescribed in The Code.

[1999 No. 55]

22. Indemnity etc., of the Commission and staff

(1) Every member of staff or other officer of the Commission shall be entitled to be indemnified by the Commission against losses or liabilities sustained or incurred in or about the execution of the duties attached to his office or otherwise in relation thereto, and no member, staff or other officer of the Commission shall be liable for any loss, damage or misfortune which may happen to or be incurred by the Commission in the execution of the duties of his office or in relation thereto unless the same happened through his willful neglect or default.

[1999 No. 55]

(2) The Commission shall not be liable or responsible for any infringement by a licensee in the exercise of his licence, of a copyright in any work or any law arising out of the exercise of the licence, and nothing in this Act shall affect the liability of the licensee in respect of any such act done by him.

[1999 No. 55]

23. Regulations

(1) The Commission may, with the approval of the Minister, make regulations generally for the purpose of giving effect to the provisions of the Act.

24. Savings

(1) Pursuant to the provisions of section 9 of this Act, the power hitherto exercised by the Minister in so far as they relate to the grant of licences in respect of cable television services shall be deemed to have been performed by the Commission established by this Act.

25. Repeal of certain sections of certain enactments

(1) Section 7 (1) of the Nigerian Television Act and section 6 (1) of the Federal Radio Corporation of Nigeria Act are hereby consequentially repealed.
[Cap N136. Cap. F18]

(2) The power under the Wireless Telegraphy Act and regulations made thereunder in so far as they relate to broadcasting shall, as from the commencement of the Act, vest in the Commission without further assurance than by this Act.

[Cap W5]

26. Interpretation

In this Act, unless the context otherwise requires –

“**chairman**” means the chairman of the Commission;

“**Commission**” means the National Broadcasting Commission established by section 1 of this Act;

“**member**” means a member of the Commission and includes the chairman;

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

“**secretary**” means the secretary to the Commission;

“**station**” means a place or organization established for the purpose of distribution of radio or television programmes to the public through wireless or cable means.

27. Short title

This Act may be cited as the National Broadcasting Commission Act.

SCHEDULES

FIRST SCHEDULE
[Section 3 (5)]

Supplementary provisions relating to the Commission

Proceedings of the Commission

1. The Commission shall meet for the conduct of its business at such times as the chairman may determine.
2. The principal officer of the Commission shall be in the Federal Capital Territory, Abuja where its general sessions shall be held.
[1999 No. 55]
3. The Commission shall have power to regulate its proceedings and may make standing orders for that purpose and subject to any such standing orders and to paragraph 4 of this Schedule, may function notwithstanding
 - (a) any vacancy in its membership or the absence of any member;
 - (b) any defect in the appointment of a member; or
 - (c) that a person not entitled to do so took part in its proceedings.
4. The quorum at any meeting of the Commission shall be a simple majority of the members.
5. Where standing orders made under paragraph 3 of this Schedule provide for the Commission to co-opt persons who are not members of the Commission, such persons may attend meetings of the Commission and advise it on any matter referred to them by the Commission but shall not count towards a quorum and shall not be entitled to vote at any meeting of the Commission.

Committees

6. The Commission may appoint one or more committees to advise it on the exercise and performance of its functions under this Act and shall have power to regulate the proceedings of its committees.
7. The Commission shall conduct its proceedings in such a manner as shall be best conducive to the proper dispatch of its business and the ends of justice.

[1999 No. 55]

8. Each vote and official act of the Commission shall be entered on record and its proceedings shall be made public upon request by any party interested.

[1999 No. 55]

9. The Commission may withhold publications of records or proceedings containing secret information affecting national defence and security

[1999 No. 55]

Miscellaneous

10. (1) Any contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be made under seal may be entered into or executed on behalf of the Commission by any person generally or specifically authorised in that behalf by the Commission.
- (2) Any member of the Commission or of a committee thereof, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Commission or a committee, as the case may be, shall not vote on any question relating to such contract or arrangement.
- (3) Any document purporting to be a document duly executed under the seal of the Commission shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
11. (1) The Common Seal of the Commission shall not be used or offered to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Commission and recorded in the minutes of the meeting.
- (2) The fixing of the Seal of the Commission shall be authenticated by the signature of the Chairman or some other members authorised generally or specifically by the Commission to act for that purpose.

SECOND SCHEDULE
[Section II]

Form for application for a grant of licence

1. Name of applicant
2. Address
3. Names and Nationalities of Directors
4. Names and nationalities of shareholders and shareholding
5. Equity Structure

6. Type of broadcast licence required (Radio/TV, Cable TV, etc.).....
7. Purpose of licence
8. Duration for which Licence is required
9. Location
10. Coverage area
11. Target audience/programme profile
12. Applicant's interest in any other media organization
13. Type and make of transmitters
14. Effective radiating power
15. Type of antenna and its characteristics
16. Distance between studio and transmitter station
17. Type of link system to be used
18. Method of reception (scramble or open broadcast)
19. Type, range and standard of programmes
20. Proportion of Nigerian content to the foreign content
21. Proposal for increase of local content over licenced period
22. Any special effort to promote indigenous talents
23. Evidence of financial and technical capabilities of applicant

Undertaking

24. I/We Hereby give an undertaking that upon a grant of a licence I/We shall abide by the terms and conditions upon which the licence is granted.

Signed

I/We..... possess, have read, understood and agreed with the Provisions of the Nigeria Broadcasting Code and hereby give an undertaking that upon a

grant of a licence, I/We..... shall abide by the Terms and Conditions upon which the licence is granted.

25. An application shall be accomplished by the following –

- (a) Certificate of Incorporation;
- (b) Certified copy of Articles and Memorandum of Association;
- (c) Project study including engineering design of system;
- (d) Evidence of the undertaking required under section 9(1) (d) of the Act.

THIRD SCHEDULE
[Section 12]

Terms of a licence

- 1. A licence shall be valid for a period of five years in the first instance.
- 2. An application for the renewal of a licence shall be made to the Commission within a period of six months before the expiration of the licence.
- 3. In considering an application for the renewal of a licence the Commission shall review the past conduct of the licensee.

[1999 No. 55]

- 4. The Commission may not renew a licence if, having regard to the past performance of the station, it is not in the national or public interest of the broadcast industry to do so.

[1999 No. 55]

- 5. A licence shall not be transferable and the licensed station shall not be changed without notifying the Commission of the intention and the reasons for such change.
- 6. A licensee shall be responsible for the contents of the station's broadcast.

[1999 No. 55]

7. A licence shall –

- (a) contain a schedule of proposed programmes over a given period of time e.g. quarterly;
- (b) a local programme content which shall not be less than 60 per cent local and not more than 40 per cent foreign for radio and television and not less

than 20 per cent local or more than 80 per cent foreign for cable satellite transmission;

[1999 No. 55]

(c) a schedule shall be accompanied by a synopsis of each of the programme plans.

8. Each station shall keep a daily log of its transmitted programmes and the station log book shall include a transmitter output power and radiating frequencies.

[1999 N. 55]

9. Each station shall make available for inspection by the inspectorate staff of the Commission, its broadcast facilities including equipment, station transmission log, programmes and transmission recordings which must be kept at least 3 months before being discarded.

[1999 No. 55]

10. A licence may be revoked by the Commission in the following cases, that is –

[1999 No. 55]

(a) where the prescribed fee has not been paid on the due date;

(b) where the licence has not been put to use within a period of two years after issuance;

[1999 No. 55]

(c) where it is found that the licence was obtained in breach of the provisions of section 13 of this Act or where it is found that the provisions of the said section are not being complied with;

[1999 No. 55]

(d) where in the opinion of the Commission the station has been used in a manner detrimental to national interest or where a complaint from the public has been upheld after a public hearing instituted by the Commission and whose decision is upheld by a majority of members of the Commission;

[1999 No. 55]

(e) for false statements knowingly made either in the application form or in any statement of fact which may be required pursuant to this Act;

[1999 No. 55]

(f) where the Commission discovers even after the issuance of a licence, authentic information or facts that would ordinarily preclude the granting of a licence to the licensee;

[1999 No. 55]

(g) where there is willful or repeated failure to operate substantially as set forth in the licence;

[1999 No. 55]

(h) where there is willful or repeated violation or willful or repeated failure to observe any provision of this Act or any rule or regulation of the

Commission authorized by this Act or by a treaty ratified by the Federal Republic of Nigeria;

[1999 No. 55]

(i) where there is violation of or failure to observe any cease and desist order issued by the Commission;

[1999 No. 55]

(j) where there is willful or repeated failure to allow reasonable access into the premises of any station; and

[1999 No. 55]

(k) where a provision of the National Broadcasting Code has been seriously breached.

[1999 No. 55]

11. The public hearing referred to in paragraph 10 (d) may be held at such places as the Commission may determine to be appropriate, and in making such determination, the Commission shall consider whether the public interest, convenience or necessity will be served by station in question.

[1999 No. 55]

12. Pursuant to paragraph 11, the Commission shall serve upon the licensee or person involved an order to show cause why an order of revocation, suspension, or any order should not be issued against him and the order to show cause shall contain a statement of the matter with respect to which the Commission is inquiring and shall call upon the said licensee or person to appear before the Commission at such time and place as may be stated in the order but not less than thirty days after the receipt of such order, to give evidence upon the matter specified therein.

[1999 No. 55]

13. If, after the hearing, the Commission determines that an order of revocation, suspension or any such other order should be issued, it shall issue such order, which shall include a statement of the findings of the Commission, the grounds and reasons for the findings and specify the effective date of the order, and cause same to be served on the said licensee or person.

[1999 No. 55]

14. The Commission may impose a lesser sanction such as a warning or the suspension of a licence as it may deem fit.

