

**BROADCASTING SERVICE OF  
EKITI STATE LAW**

**NO. 2 OF 2012**

**EKITI STATE OF NIGERIA**

**BROADCASTING SERVICE OF EKITI STATE**  
**ARRANGEMENT OF SECTIONS**

**Sections**

1. Establishment of the Corporation
2. Establishment, Membership and Functions of the Board
3. Power of the Corporation.
4. Duty of the Corporation as to Programme and Publications
5. Broadcasting of Advertisements and special programme
6. Arrangements between the Corporation and its Agents.
7. Power to receive and expenses.
8. Broadcasting of announcement during period of emergency
9. Power to receive and apply funds.
10. Administrative expenses.
11. Borrowing Power.
12. Director-General of the Corporation.
13. Departments and Directors of the Corporation.
14. Power to engage other staff, etc.
15. Account, Audit and Reports.
16. Power of entry on Land
17. Notice of entry on Land
18. Compensation for damage.
19. Interpretation.
20. Citation and Commencement.

**BROADCASTING SERVICE OF EKITI STATE LAW**

**NO. 2 OF 2012**

**EKITI STATE, NIGERIA**

**A LAW TO MAKE PROVISION FOR BROADCASTING SERVICES BY  
THE GOVERNMENT OF EKITI STATE OF NIGERIA AND TO  
ESTABLISH A CORPORATION FOR THAT PURPOSE AND FOR  
OTHER PURSES INCIDENTAL THERETO OR CONNECTED  
THEREWITH**

*Enacted by the House of Assembly of Ekiti State of Nigeria as follows:*

**Commencement [            ]**

**Establishment, Constitution and Functions of the Corporation.**

**1. Establishment of the Corporation**

- (1) There is hereby established for the purpose of this Law a Corporation to be known as the Broadcasting Service of Ekiti State (“hereinafter in this Law referred to as the Corporation”) and shall have such powers and duties as are conferred on it by virtue of the provision of this Law
- (2) The Corporation shall be a body corporate with perpetual succession and a Common Seal.
- (3) The Corporation may sue or be sued in its corporate name and may hold, acquire, manage and dispose and dispose of any property movable or immovable.

**2. Establishment, Membership and Functions of the Board**

- (1) There shall be constituted for the Corporation, a Management Board (in this Law referred to as “the Board”), which shall give guidelines for the Management of the affairs of the affair of the Corporation.

- (2) The Board shall consist of a part-time Chairman appointed by the Governor and two other part-time member comprising the following:
  - (a) a representative of the Ministry of information and Civic Orientation
  - (b) a representative of the Nigeria Union of Journalists, Ekiti State Chapter;
  - (c) two other persons nominated to represent the interest not otherwise represented: and
  - (d) the Director-General of the Corporation.
- (3) The Chairman shall be a professional media practitioner particularly one who has excelled in the specialized field of broadcasting
- (4) A person appointed as a member of the Board (not being ex-officio), shall hold office for a period of four years in the first instance and shall be eligible for reappointment for a further period of four years and not more.
- (5) The Board shall be responsible for the formulation of policy guidelines for the Corporation and shall ensure the effective implementation of such policies and programmes.
- (6) The Board shall have powers to make, amend or revoke any regulation, subject to the approval of the Governor, for the furtherance of its objectives and in particular to provide-
  - (a) for matter relating to the appointment, removal and resignation of the employees of the Corporation; and
  - (b) in consultation with the relevant agency of the State Government, the procedure for and terms and tenure of appointment, emoluments, allowances, discipline and the conditions of service of the employees of the Corporation.
- (8) The supplementary provisions contained in the schedule to this Law, shall have effect with respect to the proceedings of the Board and other matters mentioned therein.

- (9) The Corporation shall pay to each of its members in respect of his allowances as may be stated in his letter of appointment.
- (10) The provisions of the Schedule to this Law (which relate to other matters concerning the constitution and proceedings of the Board) shall have effect with respect to the Corporation.

### **3. Powers of the Corporation**

The Corporation shall, subject to the provisions of this have power to do all such things as are in its opinion necessary for or conducive to the proper discharge of its function as described in Section 3 in particular and without prejudice to the generality of the foregoing provisions, it shall for the purpose of discharging that functions have power:

- (a) to erect, maintain and operate transmitting and receiving stations;
- (b) to install and operate radio and television distribution services including satellite broadcasts;
- (c) to enter into arrangements with any person, body or authority for the purpose of obtaining licences, rights, privileges and concessions;
- (d) to produce, manufacture, purchase or otherwise acquire films, gramophone and other electronic or mechanical records and mechanical records and materials and apparatus for use in connection with films, records, tapes and compact discs and to use them in connection with the broadcasting services;

To provide and to receive from other persons matters to be broadcast;

- (e) to organize, provide and subsidies educational activities and public entertainment for the purpose of broadcasting;
- (f) to collect news and information in any part of the world and in any manner that may be thought fit and to establish and subscribe to news agencies;
- (g) to acquire copyrights;

- (h) to publish printed matter that may be conducive to the performance of any of the functions of the Corporation, including publication in book form of suitable programmes produced and broadcast by the Corporation.
- (i) to do anything for the purpose of advancing the skill of persons employed in the broadcasting service, or the manner in which that equipment is operated, including the provision by the Corporation or the assistance of the provision by the Corporation or the assistance of the provisions by others of facilities for training, education and research;
- (j) to form or participate in the formation of a Company limited by shares and incorporated in Nigeria under the Companies and Allies Matters Act, to nominate persons (including any of its member) to be Directors of any such Company, to provide capital and other monies for any such Company out of its funds in accordance with the terms and conditions attached to grant of those funds, and to hold shares in the capital of any such company:

Provision that the Memorandum of Association and the Articles of Association of any such company shall be subject to the approval of the Governor.

- (k) To make arrangement and enter into agreements with any person for the exercise or performance by that person as agent for the Corporation.

#### **4. Duty of the Corporation as to Programmes and Publications**

- (1) it shall be the duty of the Corporation to satisfy itself that, as far as possible, the programmes broadcast by the Corporation or on their behalf comply with following requirements:
  - (a) that nothing is included in the programmes which offends against good taste or decency or is likely to encourage or incite

crime or leads to disorder and/or offensive to public feeling or which, contains any offensive representation of or reference to a living person;

- (b) that the programmes maintain a proper balance in their subject matter and high general standard of quality;
- (c) that any news given in the programmes (in whatever form) is presented with due accuracy, impartiality and objective;
- (d) that due impartiality is preserved as regard matters of political or industrial controversy or relating to current public policy; and
- (e) subject as hereinafter provided in this subsection, that no matter designed to serve the interests of any political party is included in the programmes.

(2) Nothing in paragraph (e) of this subsection shall prevent.

- (a) the inclusion in the programmes of property balance discussions or debates where the persons taking part express opinions and put forward arguments of a political character; and
- (b) the inclusion in the programmes of party political broadcasting which seek to explain the views and policies of the various political parties in accordance with a scheme of such broadcasts which apportions the facilities and time allowed between the representatives of the political parties in such a manner as appears to the Corporation equitable to represent their respective claims to the interest of the members of the public of the State.

(3) The Corporation shall secure the exclusion from publications issued by it, or on its behalf, of all expressions of opinion, as to matters referred to in this Section.

- (a) the Corporation:

- (b) a member or officer of it; or
- (c) a Director or officer or its agent being a body corporate.

Except in relation to matters of editorials and fair commentaries on public issues.

## **5. Broadcasting of advertisements and special programmes.**

- (1) Subject to provisions of this section, the programmes broadcast by the Corporation or on its behalf may be sponsored and may include advertisements and sponsored announcements broadcast in consideration of payments by persons requiring such sponsored programmes, advertisements and announcement to be broadcast.
- (2) A special programme shall not be interrupted by any advertisement or sponsored announcement, but advertisement or classes of advertisements may immediately precede or immediately follow a special programme.
- (3) In the case of any programme specially broadcast for schools, the Director-General of the Corporation may designate the types or classes of advertisements or sponsored announcements that may immediately precede or immediately follow such programmes.
- (4) A special programme shall be broadcast if so directed by the Governor in any particular case.

## **6. Arrangements between the Corporation and its agents**

- (1) The arrangements between the Corporation and agent which it may appoint for the proper carrying out the provision of this Law shall be such as to ensure that the provisions of this Law are not contravened and are complied with in all respects.
- (2) These arrangements shall include:



- (a) the settling and adoption of a principles; and
- (b) standards of conduct a practice to be adopted and followed in matters relating to be broadcasting of programmes

## **PART 2**

### **CONTROL OF THE CORPORATION**

#### **7. Powers of the Governor**

Subject to the provisions of the Law, the Governor through the Commissioner may give the Corporation general or special directives as to the policy to be followed in the exercise and performance of its functions and Corporation shall comply with and give effect to all such directives.

#### **8. Broadcasting of announcements during period of emergency**

- (1) Where during the period of emergency, the Commissioner responsible for public order considers it in the public interest to do so, the Commissioner concerned may the approval of the Governor, by notice in writing, require the Corporation, or its duly authorized agent, to broadcast at such times, and such stations used by them such announcements as may be specified in that notice.
- (2) The Corporation and its duly authorized agent shall give effect to the notice free of charge.
- (3) Where the Corporation or its duly authorized broadcasts an announcement in pursuance of a notice under this section, the Corporation or the agent, as the case may be, shall announce that it is done in pursuance of that notice.

## **PART 3**

### **FINANCIAL PROVISIONS**

#### **9. Power to receive and apply funds**

The Corporation is hereby empowered:

- (a) to receive all funds which may time to time be appropriated by the House of Assembly of the State for the purpose of this Law and to apply such funds in accordance with the terms and conditions which may be attached to the grant thereof and in accordance with the provisions of this Law
- (b) to receive all other monies which may be obtained by or given to the Corporation or derived from any other source and to apply such monies exclusively in furtherance of the purposes of this Law and in accordance with any terms and conditions upon which such monies may be obtained, given or derived.

#### **10. Administrative Expenses**

Any administrative expenses incurred by the Governor for the purposes of this Law shall be defrayed out of monies appropriated for same.

#### **11. Borrowing Power**

- (1) Subject to the provisions of subsection (2) of this section, the Corporation may borrow sums required by it for meeting any of its obligations or discharging any of its functions.
- (2) The Corporation shall not borrow any sums whereby the aggregate amount outstanding at any one time exceeds ten million naira without the prior approval of the Governor as to the amount, the sources of the borrowing and the terms on which the borrowing may be affected.

- (3) An approval given in any respect for the purposes of subsection (2) may be either unconditional or subject to conditions.

## **PART 4**

### **OFFICERS AND OTHER STAFF OF THE CORPORATION.**

#### **12. Director-General of the Corporation**

- (1) There shall be an officer of the Corporation to be known as the Director-General who shall be appointed by the Governor.
- (2) He shall be holder of a recognized degree plus a professional qualification in the field of telecommunications, Radio and Television engineering, broadcasting or journalism and shall have at least fifteen years experience in broadcasting, one-half of which must have been spent in a Senior Management position in the Corporation or in a similar establishment.
- (3) The Director-General shall be the Accounting Officer and shall be responsible for the general administration of the Corporation, the execution of the policy of the Corporation and the transaction its day to day business.
- (4) The appointment of the Director-General shall be for a period of four years, renewable only once thereafter.

#### **13. Departments and Directors of the Corporation**

- (1) For the purpose of achieving the objectives of the Corporation, there shall be established seven departments and headed by a Director as follows:
  - (a) finance and Accounts,
  - (b) News and Current Affairs,

- (c) Commercial,
  - (d) Programmes, and
  - (e) Engineering.
  - (f) Planning, Research and Statistics
  - (g) Administration and Supplies
- (2) The Director-General shall be assisted in the discharge of his functions by heads of departments of the Corporation to be known as Director who shall be professionally qualified in the various fields as stated in the scheme of service of the Corporation and shall at least ten years experience in broadcasting, journalism or related field one-third of which must have spent in a Senior Management position.
- (3) The Director shall be responsible to the General-Manager for the coordination of the functions and the general supervision of their respective divisions of the Corporation, subject to the ultimate administrative director and control of the General-Manager.

**14. Power to engage staff, etc.**

- (1) The Corporation may-
- (a) from time to time engage or employ such other officers and servants as are deemed necessary for the due and proper execution of its functions under the provisions of this Law;
  - (b) grant pensions, gratuities or retiring benefits to any employee to contribute to any pension scheme or provident fund: and
  - (c) grant loans to any of its employees for such purpose as it may approve.
- (2) The Corporation may, with the approval of the Governor pay to its officers and servants such remuneration as may be determined from time to time and may require any officer to give security as it is deemed proper for the due execution of his office.

## **PART 5**

### **ACCOUNTS, AUDIT AND REPORTS**

#### **15. Accounts, Audits and Reports.**

- (1) The Corporation shall keep proper accounts and records in relation to the accounts and shall prepare in respect of each financial year a statement of account in such form as the Director-General with the approval of the Commissioner may direct, being a form which shall conform with the best commercial standards.
- (2) The accounts of the Corporation shall be audited by Auditors to be appointed by the Corporation with the approval of the State Auditor-General.
- (3) Not later than 31<sup>st</sup> of March of every financial year, the Corporation shall prepare an annual report of its proceedings year, and transit same to be Governor who shall consider it any lay copies thereof the Executive Council.

### **POWER OF ENTITY ON LAND**

#### **16. Power of entry on Land**

- (1) The Corporation shall have power through its servants and agents-
  - (a) to enter on any lands for the purpose of erecting, maintaining and Inspecting any installations or for the purpose of repairing altering or removing any installations and to remain there for the purpose of this Law.
  - (b) to cut and remove on each side of any proposed or existing installation such trees and under wood as may interfere or be likely to interfere with the construction of power working of any installation.

- (2) Except for the purpose of removing danger to life or property, this Section shall not authorize the corporation-
  - (a) to enter on any land which is a burial ground or cemetery or which contains any grave, grotto, area or thing held to be sacred or object of veneration: or
  - (b) to cut any tree or under wood held to be sacred or the object of veneration, unless the owners or occupiers or the persons in charge thereof have given their prior consent
- (3) If any doubt arises whether any land, tree under wood falls within the description contained in subsection (2) of the Section or as to the persons competent to give consent under the said subsection, the decision of the Governor shall be final for the purpose of this Section.

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

- (1) Subject to the provisions of this Section, before entering on any lands for the purposes mentioned in section 16, the Corporation shall give notice to the occupier of the land
- (2) The notice may be serve personally or by delivery of same at place of abode of the person to be served.
- (3) Where the condition of any installation is such as to endanger life or property, the Corporation may enter on the land where the installation is situated for any of the purposes mentioned in Section 16, without notice.

#### **18. Compensation for damage**

- (1) In the exercise of the power conferred by Section 16, the Corporation shall do as little damage as may be and the Corporation shall pay compensation for any damage done to any building, crops or economic tress:

Provided that if the Corporation exercises those power through any agent of the Corporation appointed to carry out the purposes of this

Law, the agent shall indemnify the Corporation against all losses, including payment of compensation to any person entitled thereto.

- (2) In the case of dispute as to the amount of compensation payable under this section, the amount of compensation may be determined by a Judge of the High Court of Ekiti State having Jurisdiction in respect of the place where the land is situated.

## 19. Interpretation

- (1) In the Law unless the context otherwise requires:

**“Broadcasting Services”** means services by which matter is sent by wireless telegraph for general reception or is distributed through a radio distribution service either in sound or in visual images with sound:

**“Commissioner”** means the Commissioner for Information and Civic Orientation.

**“The Corporation”** means the Broadcasting Service of Ekiti State established in accordance with this Law.

**“Governor”** means the Governor of Ekiti State of Nigeria

**“Installation”** means apparatus and equipment installed or to be installed on any site for any of the purposes specified in section 4 and fixed apparatus for wireless, telegraphy, electrical generation and radio distribution services;

**“Member”** means member of the Corporation and the Chairman:

**“Programmes”** mean programme broadcast under authority of this Law, and includes educational, entertainment, commercial, advertising and special programmes.

**Radio distribution services”** means services by means of which matter received from transmitting stations or other matter is

distributed from a receiving station for general reception over wires to the premises of subscribers:

**“Receiving station”** means a station for the receipt of messages or other matter transmitted from a transmitting station.

**“Special Programmes”** means any programme or class of programmes designated by the Corporation as being of special educational value or of special interest to the public in general or any section or class of the public;

**“Sponsored programme”** means any matter which provided as the expense of a sponsor, that is to say person other than the Corporation or its agent or the performers for the purposes of being broadcast and is the subject of a broadcast announcement mentioning the sponsor or his goods or services;

**“Station”** means a station for the transmission or receipt of wireless telegraphy of messages or other matter;

**“State Executive Council”** means the State Executive Council of Ekiti State of Nigeria.

**“Transmitting station”** means a system of communication as defined in the Wireless Telegraph Act, without the aid of any wire concerning the points from and at which the message or other matter are sent and received. [L.F.N.Cap. W5, 2004]

## **20. Citation and Commencement**

This Law may be cited as the Broadcasting Service of Ekiti State Law 2012.



## **Schedule**

### **[Section 2]**

#### **SUPPLEMENTARY PROVISIONS AS TO THE CORPORASTION TENURE AND VACATION OF OFFICE OF MEMBERS OF THE CORPORATION**

##### **1. Tenure of Office etc. of members of members of the Corporation**

- (1) The Chairman or any member, other than ex-officio, may at any time resign his office as such by notice in writing addressed to the State Government.
- (2) A member of the Corporation shall hold and vacate office as such in accordance with the terms of the instrument appointing appointment him to be member of Corporation.
- (3) A member of the Corporation holding office as aforesaid, unless he previously vacates it, shall vacate that office on the expiration of the period of four years beginning with the date of his appointment.
- (4) A person ceasing to hold office as a member of the Corporation otherwise than by removal for misconduct shall be eligible for re-appointment as a member,

##### **2. Power of the Governor to remove a member from the Corporation**

Notwithstanding anything contained in the instrument by which a member is appointed, the Governor may revoke the appointment if he is satisfied that the member:

- (a) has been absent from three consecutive meetings of the Corporation without the permission of the Chairman and if that member is the Chairman without the permission of the Governor.

- (b) holds any other office for profit under the Corporation except that of the Director General.
- (c) enter into any contract with the Corporation or is concerned or participates in the sharing of the profits of any contract with the Corporation;
- (d) is unable to pay his debts or had made an arrangement with his creditors:
- (e) is incapacitated by physical or mental illness;
- (f) has been convicted by a court of law in Nigeria or elsewhere for any offence involving dishonesty or moral turpitude; or
- (g) is otherwise guilty of any misconduct or unable or unfit to discharge the functions of a member:

### **3. Tenure of office of Chairman**

- (1) Subject as hereafter provided, the Chairman shall hold and vacate office as such in accordance with the terms of the instrument appointing him as Chairman.
- (2) The Chairman may at any time resign his office as such by notice in writing addressed to the State Governor.
- (3) If the Chairman ceases to be a member of the Corporation, he shall also cease to be Chairman.

## **POWER OF THE CORPORATION TO CO-OPT PERSONS**

### **4. Power to co-opt**

Where the Corporation desire to obtain advice of any person upon any matter, the Corporation may co-opt such upon any matter, the Corporation

may co-opt such person to be a member for such meetings as may be required and such person, whilst so co-opted, have all the rights and privileges of a member of the Corporation, save that he shall not be entitled to vote on any question or count towards a quorum.

## **PROCEEDINGS BY THE CORPORATION**

### **5. Meetings of the Corporation**

- (1) The Board shall hold such meetings as may be necessary for the fulfillment of the objectives of its functions, and shall have not more than four meetings in a year except in cases of emergency.
- (2) The Chairman shall preside at all meetings of the Corporation when he is present, and when he is not present such other member of the Corporation present at the meeting as the members may appoint for that meeting, shall preside at the meeting.
- (3) Subject to paragraph 6(2) of the Schedule, the quorum at any meeting of the Corporation shall be four including the Chairman or member presiding in his absent.
- (4) Where not less than four members of the Corporation request the Chairman, by notice in writing signed by them to convene an extraordinary meeting of the Corporation for the purposes specified in the notice, the Chairman, shall upon receipt of the such notice convene an extraordinary meeting of Corporation for those purpose at the earliest convenient date but not exceeding five days after receipt of the said notice.
- (5) Notwithstanding anything in the foregoing provisions of this paragraph, the first ordinary meeting of the Corporation shall be summoned by the Chairman who may give such directions as he thinks fit as to the procedure which shall followed at that meeting.
- (6) (1) All questions at the meeting of the Corporation shall be determined by a majority of vote of the members of the Corporation present and

voting, being members who under this paragraph are entitled to vote at such meeting .

- (2) At any meeting of Corporation, each member thereof shall have a deliberative vote and if there is equality of vote, the Chairman at the meeting shall if entitled to a deliberative vote, have a second or – casting vote.

**(7) Standing Orders, etc.**

- (1) Subject to the provisions of this Law and of this schedule, the Corporation may make standing orders with respect to the holding of meetings of the Corporation, time, notices to be given of such meetings, the proceeding thereat, the keeping of minutes of such proceedings and custody or the production for inspection of such minutes.
- (2) Subject as aforesaid and to any standing order made under sub-paragraph (1) above, the procedure of meeting shall be such as the Corporation may from time to time determine.

**8. Disclosure of Interests by members of the Corporation**

- (1) A member Corporation who is in anyway directly or indirectly in a transaction or project of the corporation shall disclose the nature of his interest at a meeting of the Corporation, and disclosure shall be recorded in minutes book of the Corporation and the member shall not take part in any deliberation or decision of the Corporation with respect to that transaction or project.
- (2) For the purpose sub-paragraph (1) above, a general notice at a meeting of the Corporation by a member of the Corporation to the effect that he is associated with any trade or business or is a member of a specified company or firm is to be regarded as interested as interested in any transaction or project of the Corporation concerning that trade,

business, company or firm and shall be regarded as sufficient disclosure of his interested in relation to that transaction or project.

- (3) A member of the Corporation need not attend in person at a meeting of the Corporation in order to make a disclosure which he is required to make under this paragraph if he takes reasonable steps to ensure that the disclosure is made by a notice which is brought up and at the meeting

## **OFFICES AND AGENCIES**

### **(9) Offices and Agencies**

- (1) The corporation shall have its principal office in Ado-Ekiti and may open branch offices in other divisions of Ekiti State in accordance with the decision of the Corporation .
- (2) The Corporation may as deemed fit by the Director- General, open branches or establish agencies of the Corporation outside Ekiti State
- (3) The Corporation shall with approval of the Governor establish repeater stations as deemed fit in appropriate locations within the State for purposes of quality reception.

### **(10) Common seal**

- (1) The seal of the Corporation shall be such as may be determined by Corporation; and the affixing of the seal shall be authenticated by the signatures of the Chairman and of the Director-General or of some other members authorizes generally or specified by the Corporation to act for that purpose.
- (2) All documents other than those required by Law to be under seal and all decisions of the Corporation may be signed under the hand of the Chairman or Director-General.

- (3) In the absence of the Chairman, the Director-General may however sign in place of the Chairman of the Corporation.

**11. Presumption as to execution of documents.**

Any document purporting to be a document executed under the seal of the Corporation authenticated as mentioned in paragraph (10) above shall be received in evidence and shall unless the contrary is proved, be deemed to be so executed.

**INSTRUMENTS OF THE CORPORATION**

**12. Execution of instruments**

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

**VALIDITY OF PROCEEDINGS**

**13. Validity of Proceedings**

The validity of any proceedings of the Corporation shall not be affected by any vacancy in the membership of the Corporation or any defect in the appointment of a member of the Corporation, by reason that a person not entitled to do so took part in proceedings.