

# FACTSHEET

**ON THE NBC (REPEAL  
AND RE-ENACTMENT) BILL,  
2023**



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*By*

Centre for Media and Society (CEMESO)  
3, Emina Crescent, Off Toyin Street,  
Ikeja, Lagos, Nigeria.

Phone:  
(+234) 813-709-2766

Emails:  
info@cemesong.org;  
cemesong@hotmail.com

Website:  
www.cemesong.org

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# INTRODUCTION

The broadcasting sector in Nigeria has long been central to shaping

public opinion,

strengthening democracy, and driving cultural and economic development. However, rapid technological innovation, the rise of digital platforms, and evolving audience needs have exposed significant gaps in the existing regulatory framework. The National Broadcasting Commission (Repeal and Enactment) Bill, 2023, seeks to address these gaps by overhauling the National Broadcasting Commission Act, Cap. N11, Laws of the Federation of Nigeria, 2004.

The Bill proposes a comprehensive restructuring of the National Broadcasting Commission (NBC), expanding its mandate beyond traditional broadcasting to include oversight of online content services, digital platforms, and emerging media technologies. It introduces reforms aimed at strengthening regulatory capacity, promoting inclusivity and innovation, and safeguarding the public interest in line with global best practices. At the same time, the Bill raises questions about regulatory overreach, institutional independence, and compliance with constitutional rights, particularly around freedom of expression and association.

This factsheet provides stakeholders with a clause-by-clause analysis of the Bill. It highlights the key objectives of each section, offers a brief summary of the proposed provisions, and assesses their potential practical, legal, and policy implications for broadcasting regulation in Nigeria. The factsheet also aims to facilitate informed engagement, advocacy, and reform-oriented dialogue among legislators, regulators, media professionals, civil society, and the broader public.

# STRUCTURE OF THE BILL

The Bill comprises three parts, 35 clauses, and four schedules:

- **Part A (Clauses 1–7):** Establishment, etc. of the National Broadcasting Commission;
- **Part B (Clauses 8–26):** Staff of the Commission;
- **Part C (Clauses 27–35):** Miscellaneous and Supplementary;

Schedules:

- **First:** Supplementary Provisions Relating to the Board of the Commission;
- **Second:** Forms for application for a grant licence;
- **Third:** Terms of licence;
- **Fourth:** Analogue to digital terrestrial broadcasting;

## CLAUSE TO CLAUSE ANALYSIS OF THE NATIONAL BROADCASTING COMMISSION (REPEAL AND ENACTMENT) BILL, 2023 (SB 134)

| SECTION                                                                    | OBJECTIVE                                                   | SUMMARY                                                                                                                                                          | IMPLICATION                                                                                                                                                               |
|----------------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PART A: ESTABLISHMENT, ETC. OF THE NATIONAL BROADCASTING COMMISSION</b> |                                                             |                                                                                                                                                                  |                                                                                                                                                                           |
| 1                                                                          | Establishment of the National Broadcasting Commission (NBC) | Legal establishment of the NBC as a statutory body corporate with perpetual succession and legal capacity                                                        | NBC can sue/be sued, own property, and function as a legal entity; foundational for all regulatory activities. It also grants NBC legal status to function independently. |
| 2                                                                          | Set out the objectives of the Bill                          | Articulates the national objectives of broadcasting regulation, and sets a comprehensive vision for inclusivity, innovation, and public interest in broadcasting | Establishes the policy vision and scope, and provides direction for regulatory interpretation and enforcement.                                                            |

|   |                                               |                                                                                                                                |                                                                                                                                                                                  |
|---|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3 | Grant regulatory powers                       | Empowers NBC to formulate policy, monitor, issue directions, negotiate treaties, and represent Nigeria                         | Centralizes authority and enables NBC to act nationally and internationally. However, risks over-concentration of power. It also legally empowers NBC as the national regulator. |
| 4 | Functions of the NBC                          | Details operational roles: licensing, content regulation, spectrum management, complaints, sanctions, etc.                     | Gives comprehensive regulatory reach, and ensures NBC can address all aspects of broadcasting, but may overlap with other agencies                                               |
| 5 | Establishes Board composition                 | Specifies Board composition (Chairman + 9 reps from various sectors) and appointment by President on Minister's recommendation | Ensures multi-sectoral input, but centralized appointment may reduce independence and stakeholder diversity                                                                      |
| 6 | Set Board tenure and removal                  | Members serve 3 years (renewable once); removal by President on Minister's advice or public interest                           | Provides for continuity and renewal, but vague removal grounds risk politicization and instability                                                                               |
| 7 | Define Board's functions and responsibilities | Board sets policy, approves staff actions, ensures compliance with Minister's directives                                       | Clarifies oversight and management. However, ministerial directives may compromise Board autonomy                                                                                |

## PART B: STAFF OF THE COMMISSION

|   |                                                          |                                                                                                                     |                                                                                 |
|---|----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| 8 | Appointment of Director General of the Commission        | DG is Chief Executive, appointed by President on Minister's recommendation. He must also have 18+ years' experience | Ensures experienced leadership. However, appointment process may be politicized |
| 9 | Appointment of other staff & Secretary of the Commission | Board appoints Secretary (who is also Board Secretary) and other staff as needed                                    | Gives more administrative clarity.                                              |

|    |                                                   |                                                                                            |                                                                                                                                                                 |
|----|---------------------------------------------------|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10 | Powers of the Minister                            | Minister may issue policy directives but must not compromise NBC's independence            | Aligns NBC with government policy, but lacks enforcement mechanisms for independence. It also attempts to balance regulatory autonomy with political oversight. |
| 11 | Conditions of service for staff of the Commission | NBC develops staff terms, subject to Board approval                                        | Standardizes employment practice with public service norms, but may lack uniformity or oversight.                                                               |
| 12 | Make service in the Commission pensionable        | NBC staff entitled to pension in accordance with the Pensions Reform Act                   | Protects staff welfare and Compliance with pension laws.                                                                                                        |
| 13 | Grant licencing authority                         | Only NBC can license broadcasting operations                                               | Centralizes control and authority in the NBC and ensures regulatory oversight. However, the provision lacks clear appeal process for denied/revoked licenses.   |
| 14 | Broadcasting code                                 | NBC is empowered to issue a Broadcasting Code for content, ethics, and technical standards | Provides basis for ethical and professional standards. However, enforcement mechanisms was not detailed.                                                        |
| 15 | Licence application process                       | Outlines how applications for license are submitted and processed                          | Improves procedural clarity and access                                                                                                                          |
| 16 | Licence eligibility criteria                      | Stipulates who qualifies for a licence                                                     | Ensures only qualified applicants and sets minimum standards for market entry.                                                                                  |
| 17 | Persons disqualified from the grant of licence    | Prohibits political and religious organisations from holding broadcast licences.           | May conflict with constitutional rights to expression and association. (Section 39 1999 CFRN)                                                                   |

|    |                                  |                                                                                                                                                                                          |                                                                                                                               |
|----|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| 18 | Licence terms and conditions     | NBC shall define the scope, validity, and obligations of each licence.                                                                                                                   | Enhances regulatory certainty and enforceability. However, terms maybe changed unilaterally as it lacks procedural safeguards |
| 19 | NBC licensing authority          | Grants NBC power of free entry to inspect or examine any apparatus of operation, and may suspend or revoke licences for any violations of this provision as stated in the third schedule | Reinforces compliance and enforcement powers                                                                                  |
| 20 | Establishes NBC Fund             | Creates a dedicated fund for NBC operations                                                                                                                                              | Ensures operational funding. However, financial independence was not fully guaranteed.                                        |
| 21 | Tax collection                   | Mandates the Federal Inland Revenue Service (FIRS) to collect levies on NBC's behalf and pays into the Fund                                                                              | Streamlines revenue Generation and accountability. However, coordination with FIRS may be complex.                            |
| 22 | Create Digital Access Fund (DAF) | Establishes a fund to promote digital access and local content. It is also a Fund for digital migration and access initiatives                                                           | Supports broadcasting equity and innovation                                                                                   |
| 23 | Ownership rate                   | NBC shall collect ownership rates for radio and TV sets                                                                                                                                  | Generates public funding for broadcasting                                                                                     |
| 24 | Use of NBC funds                 | Outlines how NBC can spend funds                                                                                                                                                         | Ensures transparency in the use of public funds                                                                               |
| 25 | Borrowing powers                 | NBC can borrow funds for its operations subject to the approval of the Minister                                                                                                          | Enables capital investment and infrastructural development. However, there is a risk of debt accumulation.                    |



|                                                |                       |                                                                                                |                                                                                                                      |
|------------------------------------------------|-----------------------|------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| 26                                             | Budgeting and audit   | Mandates annual budgeting and external audit                                                   | Strengthens financial Discipline and accountability.                                                                 |
| <b>PART C: MISCELLANEOUS AND SUPPLEMENTARY</b> |                       |                                                                                                |                                                                                                                      |
| 27                                             | Annual reporting      | NBC must submit reports to the Minister annually                                               | Promotes institutional transparency and oversight                                                                    |
| 28                                             | Enforcement sanctions | NBC can impose sanctions prescribed in the Code                                                | Ensures compliance with regulatory provisions. However, appeal process for sanctions enforced was not clearly stated |
| 29                                             | Indemnity             | Protects NBC officers acting in good faith from legal liability                                | Encourages lawful, Confident execution of duties.                                                                    |
| 30                                             | Pre-action notice     | Any legal action against NBC requires prior notice (15 days)                                   | Allows dispute resolution opportunities before litigation, and it reduces frivolous litigation.                      |
| 31                                             | Regulations           | Empowers NBC to make regulations to implement the Act.                                         | Enables flexible response to regulatory developments.                                                                |
| 32                                             | Transitional savings  | Maintains existing licences and agreements pending review.                                     | Ensures continuity and avoids regulatory vacuum                                                                      |
| 33                                             | Repeals               | Repeals National Broadcasting Commission Act Cap. N11, Laws of the Federation of Nigeria, 2004 | Clears the legal framework for implementation of the new law.                                                        |
| 34                                             | Interpretation        | Provides definitions for key terms used in the Act                                             | Promotes legal clarity and consistency in interpretation. However, some terms may need further clarification.        |
| 35                                             | Citation              | States the short title of the Act.                                                             | Facilitates legal citation and reference                                                                             |



## SCHEDULES

|                 |                                                                  |                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                  |
|-----------------|------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| First Schedule  | Supplementary Provisions Relating to the Board of the Commission | Lays out provisions related to the internal organization and operation of the NBC Board, including the tenure, meetings, quorum, voting, and resignation/removal of members. It also includes protocols for how vacancies should be filled, rules for decision-making, and conduct expectations for Board members. | Ensures administrative continuity and legal certainty in NBC's internal governance. However, the continued influence of the Minister in appointments and decision-making may limit functional independence unless amended to ensure accountability and autonomy. |
| Second Schedule | Form for the application of a grant of licence                   | Includes detailed content that is to be filled and submitted                                                                                                                                                                                                                                                       | Provides uniformity and transparency in the licensing process.                                                                                                                                                                                                   |
| Third Schedule  | Terms of Licence                                                 | Authorizes NBC to take measures such as suspension or revocation of licences, imposition of fines, and take-down orders for breaches of the Act or Broadcasting Code. It also allows for inspection of Broadcast premises and                                                                                      | Strengthens NBC's regulatory enforcement capability, enabling swift action against violators. However, the lack of explicit procedural safeguards such as the right to a hearing, appeal timelines, or judicial                                                  |
|                 |                                                                  | equipment, and the issuance of cease-and-desist orders. Notably, it does not expressly provide for an appeal process.                                                                                                                                                                                              | review, raises due process and constitutional concerns under Section 36 of the 1999 Constitution. The inclusion of an independent appeals mechanism would enhance fairness.                                                                                      |

|                 |                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Fourth Schedule | Analogue to digital terrestrial broadcasting | Outlines Nigeria's Digital Switch Over (DSO) policy, mandating the separation of content provision from signal distribution. It introduces the concept of Broadcast Signal Distributors (BSDs) as licensed entities responsible solely for the technical transmission of content. It also sets out timelines (5 years duration) and obligations for digital migration, including the use of shared infrastructure and content multiplexing | Aligns Nigeria's broadcasting framework with international digital standards and supports a more efficient and competitive broadcasting ecosystem. The BSD model promotes infrastructure sharing and can reduce market entry barriers for smaller broadcasters. However, clarity is needed on the governance of DSO implementation and conflict resolution mechanism between content providers |
|-----------------|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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### CEMESO Head Office:

3, Emina Crescent, Off Toyin Street,  
Ikeja, Lagos, Nigeria. (+234) 813-709-2766  
[info@cemesong.org](mailto:info@cemesong.org); [cemeso2004@hotmail.com](mailto:cemeso2004@hotmail.com)  
[www.cemesong.org](http://www.cemesong.org)