UNCONVENTIONAL REPORTAGE

5.6.0 In contemporary times, the impact of mass-media technology has significantly enriched citizens’ contributions to journalism, which, in turn, is beneficial to the broadcasting. This genre of Citizen Reportage, displays such facilities as "User Generated Content" (UGC), providing instantaneous eyes-witness account of events. Such technological benefits further demand on the Broadcaster to be more cautious of its editorial responsibility.

5.6.1 The Broadcaster shall approach with restraints, the use of materials from user generated sources to order not to embarrass individuals, organizations, government or cause defamatory, incite to panic or rift in the society at large.

5.6.2 The Broadcaster shall verify news materials emanating from unconventional sources or fake news is prohibited.

5.6.3 The Broadcaster shall ensure that materials from user generated sources meet all provisions of the Code.

5.6.4 The Broadcaster shall ensure that news materials sent in by the public are vetted to ensure editorial responsibility.

5.6.5 The Broadcaster shall ensure that UGC and sources are closely identified.

5.6.6 The Broadcaster shall avoid infringing privacy rights when materials are sent in from a user generated sources.

5.6.7 The Broadcaster shall be particularly careful when handling crises situations, crashes, earthquakes, etc. so as not to cause panic or trauma to relatives of victims.

5.6.8 The Broadcaster shall be held liable for any breach of the Code emanating from the use of materials from user generated sources.

SECTION 6 - PRINCIPLE

It is the policy of the Nigerian government to promote local entrepreneurship in the creative industry in Nigeria. In the actualization of this policy the broadcasting industry in Nigeria shall promote the full exploitation of Rights of Persons for their programming content for the benefit of Nigerians. Therefore, the obtaining of rights when acquired is not permissible in Nigeria.

6.0. SPORTS RIGHTS

6.1 Sports are useful in the physical and mental development of a person and pertinent to broadcasting. Sports serve as instruments of national unity and cohesion.

Since broadcasting is critical to the development of sports, the Broadcaster shall:
(a) Uphold the principles of equity and fairness in the acquisition of sports rights and coverage;
(b) Provide the widest coverage for all sporting activities; and,
(c) Use sport to promote national unity and cohesion by paying special attention to sporting events and national importance.

6.2 ACQUISITION OF SPORTS RIGHTS

6.2.1 The Broadcaster is mandated in the same basket with other countries in the sale of football rights.

6.2.2 The final bid for the acquisition of rights to sporting events for Nigeria shall be reasonable in comparison with other territories of similar economic indices.

6.2.3 The Broadcaster shall submit the rights to the sporting events to the Commission for ratification within two weeks.

6.2.4 In the event the Broadcaster fails to submit the rights to the sporting events to the Commission in accordance, the rights shall be null and void. The event shall not be broadcast within the Nigerian territory.

6.2.5 To ensure fair and effective competition on all platforms at an agreed fee, rights owner to Live Foreign Sporting Events shall offer the rights to Broadcaster on the following platforms stated below:
(a) Satellite (DTH)
(b) Multi-screen Digital Satellite System (MDS)
(c) Cable (Fiber Optic)

6.2.6 In the event that the Broadcaster acquires sports rights for a Live Foreign Sporting Event for the Nigerian territory, that does not take cognizance of the available broadcast platforms stated in 6.2.5, the rights shall be made available to Broadcaster on other platforms at commercially agreeable terms.

6.2.7 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 binding.

6.2.8 In the broad national interest, endorsement of sporting rights in Nigeria is prohibited.

6.2.9 Warehousing of sports rights (acquiring rights and not using them) is prohibited.

6.2.10 No Prime Foreign Sports Content shall be transmitted in the Nigerian territory unless the owner of such content has acquired Prime Local Sport Content of the same category with a minimum of 30% of the cost of the acquiring the Prime Foreign Sports Content.

6.2.11 Advertisement of products and services during prime foreign sports contents shall not be broadcast unless the advertiser equally sponsors, and/or advertises such products and services in the broadcast of prime local sports content in the same category, where such local sports contents produced in Nigerian are available.

6.2.12 The provisions of 6.2.10 and 6.2.11 shall be in compliance with other provisions of advertising in the Code.

6.2.13 Where a Broadcaster acquires the broadcast rights to such Prime Local Sports Content as stated in Section 6.2.10 above, such content shall be given special prominence on other contents.

6.2.14 In making a determination of compliance or any other relevant matter regarding the stipulated proportion of monies paid for the acquisition of Prime Foreign Sports Content relates to Prime Local Sports Content of the same category, the Commission shall rely on the original or certified true copy of agreements and other documents by whomever has acquired directly from the owner, producers or distributors of broadcast in Nigeria.

6.2.15 In the determination of local sports content of the same category as indicated in Section 6.2.10 above, preference shall be given to local sports content to the extent of Preference order of National, State, Local and private sports content and in the event that it is proved that the aforementioned order of preference has been breached and/or a lower category chosen in defiance of the order of preference stated above, the local sport content requirement would be deemed unfilled.

6.2.16 The carriage of any local channel in Nigeria will not be considered in fulfillment of the carriage requirements.

6.2.17 A Broadcaster, in relation to the provision of Section 6.2.18 above shall provide the Commission, within 14 days of demand, with the original or certified true copy of agreements and other documents by whomever has acquired.

6.2.18 In the event of the failure, negligence or refusal of the broadcaster to adhere to any of the provisions of Sections 6.2.10 to 6.2.17 above, the Commission shall direct that such content not be broadcast in Nigeria.

6.2.19 In the determination of local sports content of the same category as indicated in Section 6.2.12 above, preference shall be given to local sports content in the strict order of National, State, Local Area and private sports content and in the event that it is proved that the aforementioned order of preference has been breached and/or a lower category chosen in defiance of the order of preference stated above, the local sport content requirement would be deemed unfilled.

6.2.20 The carriage of any local channel in Nigeria will not be considered in fulfillment of the carriage requirements of Section 6.2.17 above.
original or certified true copy of agreements and of other documents by which such content has been acquired.

6.2.3.1 In the event of the failure, negligence or refusal of the Broadcaster to adhere to any of the provisions of Sections 6.2.15 to 6.2.19 above, the Commission shall direct that such content not be broadcast in Nigeria until compliance.

7 PRODUCTION OF ADVERTISING FOR LOCAL GOODS AND SERVICES.

OBJECTIVE: The intention is to stimulate growth in the advertising spend which accrues to the Broadcaster industry through the following:

(a) Deliberate utilization of Nigerian human resources, goods, works and services in the industry.
(b) Avoiding all levels of the complexity to involve Nigeria people and expertise.
(c) Building capabilities in Nigeria to support increased investment in the technology surrounding Advertising on Broadcast infrastructure and assets.
(d) Leveraging existing and future investments in the sector in an effort to stimulate the growth of Nigerian and Nigeria’s local enterprises.
(e) Ensure that Broadcasters, Channel owners, Content developers and Producers get their fair share of advertising spend.

7.2.5 In furtherance of the intent stated above, the Broadcaster

(a) shall ensure that all advertisement and radio advertisements on air on all broadcast platforms, whether on Free or Pay platforms or on channels being up-linked or broadcast from Nigeria and pertaining to products and services manufactured, grown, processed, developed, created and originating from Nigeria, shall be wholly produced in Nigeria.
(b) shall not transmit adverts produced by foreign entities, companies or organizations for the Nigerian market.

c) shall demand compliance with Section 7.2.4 (a) and (b) above and any breach of the above in ensuring compliance shall incur a penalty and such sums shall be invested into the Local Content Development Fund.

7.9.1 UNPAID ADVERTISING RATES

This provision applies to all advertisements on all broadcast media to be aired in Nigeria.

7.9.1.4 The Broadcaster shall notify the Commission of outstanding and unpaid invoices whether issued by itself or on its behalf, any advertisement on their platform after it has remained unpaid for a period of 45 days without any response.

The Commission shall, thereafter send a notice of default in its prescribed form, to all of its Licenses with a notice to demand from accepting any form of advertising both from the stated Advertiser and/or Agency.

(a) A Broadcaster shall not broadcast any advertisement or broadcast events of any Agent, Agency or Advertiser in breach of 7.9.1.4 after the expiration of 40 days thereafter or upon notification by the Commission based on the complaint from other Broadcasters, Licensees or Third Parties of non-compliance.
(b) Any Broadcaster in default of compliance with the above provision shall be sanctioned by the Commission.

(c) The Broadcaster shall be sanctioned who fails to comply with the following:

i. Investigates complaints regarding non-compliance with advertising provisions of the Code.
ii. Monitors and stops any advert, sponsored programme or broadcast event which does not comply with regulations contained herein; or
iii. Makes a statement that is false in material facts in purported compliance with the provisions in this Section 7.9.1.

8 ANTI- COMPETITION

8.1.1.8 WIDESEAS OFFER

For the purpose of ensuring the widest possible distribution and visibility of content considered critical to the success and sustainability of new entrants in the Pay TV Industry in Nigeria, the Broadcaster shall ensure access by all Pay TV platforms to premium content in the Sports and News genre to generate effective competition at the wholesale level for such genres.

8.1.1.2 In furtherance thereof, a Broadcaster shall offer the Sports and News programmes and/or channels to other broadcasters (or retail to residential subscribers in Nigeria on the following terms:

a) Upon reasonable request in writing
b) Within a reasonable time
c) On a non-exclusive basis

8.1.1.3 Without prejudice to the generality of the foregoing provisions, if the Commission is of the opinion that any person is infringing, likely to infringe, or has infringed any provision of this Part or of any code of practice, the Broadcaster shall:

1. Comply with that provision or cease infringing that provision;
2. Pay a fine provided that if the infringement relates to any act or deed to be done purposely and/or covertly or to prevent or restrict any licensed broadcaster from entering into the media market or from obtaining a broadcasting right by preventing competition in Nigeria, any broadcast licensee found culpable upon investigation shall be liable to a fine not below the sum of 20,000,000 (Twenty Million Naira) in addition or apart from any requirement under this section.

3. As the Commission considers appropriate or be liable to such other restructuring;
4. Comply with the misdirection or termination of any agreement, decision or concerted practice.
5. Comply with the modification or execution of any code in question.

8 NATIONAL EMERGENCIES

A new provision on mandatory allotment for national emergencies: Section 8.5.3 is amended thus:

“The private/commercial broadcasters shall ensure that it allows a minimum of 20 percent of weekly broadcast hours to public service programmes on emergencies, current trends and issues. Such programmes shall be given prominence during family time and shall not be less than 20 minutes per transmission day.”

11.5.1 The broadcaster or broadcast service provider shall ensure that all Set-Top-Boxes are secured locally to encourage the growth of indigenous industries.

11.5.4 The Broadcaster shall, at times of national emergency comply with any Decryption or Encryption order from the Commission.

(a) Amendment to Sections 10.1.5:

(i) Light:.... N200,000.00 - N300,000.00
(ii) Heavy:.... N500,000.00 - N849,999.00
(iii) Severe:.... N1,000,000.00 and above

(c) Furthermore, Section 15.2.2.2 is amended to read: The Sanctions for Class B are:

(x) Written warning to remedy/rectify a breach within a reasonable time frame, failing which a penalty shall be imposed;
(xi) Failure to comply with the Provision of “x” above shall attract a reduction of daily broadcast hours for a given period. The commencement of fill-in broadcast hours shall be subject to a heavy penalty for public and commercial broadcasters and light penalty for Community broadcasters.

Sign: MANAGEMENT

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