

NATIONAL MEDIA COMMISSION
COMPLAINTS SETTLEMENT PROCEDURE
REGULATIONS, 1994

In exercise of the powers conferred on the National Media Commission under section 24(1) of the National Media Commission Act, 1993 (Act 449) these Regulations are made this Tenth day of March, 1994.

1. Where the complaint is lodged with the National Media Commission in pursuance of section 13 (1) of the National Media Commission Act 1993 (Act 449) the provisions of those regulations shall apply.
2.
 - (1) The Settlement Committee shall meet at such times and at such places as the Chairman of the Commission may determine but shall meet at least four times in a year.
 - (2) Notice of any meeting shall be sent to the members at least four days before the date of the meeting except that where the circumstances so require a shorter notice may be given.
 - (3) The Settlement Committee shall be duly constituted for the performance of its functions by not less than four of its membership.
 - (4) The determination of any question before the Settlement Committee shall be by a simple majority of the members present.
3.
 - (1) There shall be specified in a complaint lodged with the Commission:
 - (a) the full name and contact address of the complainant;
 - (b) the name and address of the persons, against whom the complaint is made;
 - (c) the nature of the complaint together with copies of any relevant documents in support of the complaint; and
 - (d) the relief sought.
 - (2) A person who lodges a complaint with the Commission on behalf of another person shall state the capacity in which he does so and the reason for so doing.
4.
 - (1) A complaint lodged with the Commission shall be referred to the Settlement Committee as soon as practicable after receipt by the Commission.

- (2) Where a complaint lodged with the Commission is referred to the Settlement Committee, the Executive Secretary of the Commission shall within seven days of the reference serve on the person against whom the complaint is made, a copy of the complaint inviting the person to submit his comments or answer within seven days from the date of the service of the copy of the complaint.
 - (3) Any response or comment received from the person against whom the complaint is made shall be submitted to the complainant who shall be requested to indicate in writing within seven days of the submission to him of the response or comment whether the response or comment disposes of his complaint to his satisfaction or he intends to proceed further with the complaint.
 - (4) Where under sub-regulation (3) of this regulation, the complaint is not pursued further, a report of that fact shall be made by the Executive Secretary to the Settlement Committee at its next meeting and the Settlement Committee shall take such decision as it considers appropriate on the matter.
5.
 - (1) Where a complaint rejects as unsatisfactory a response or comment made to his complaint under regulation 4 and indicates his intention to pursue the complaint, the chairman of the Settlement Committee shall cause to be served on every member of the Settlement Committee:
 - (a) a copy of the complaint;
 - (b) copies of response or comment received from the person against whom the complaint is made; and
 - (c) notice of a meeting of the Committee for the purpose of considering the complaint.
 - (2) If after considering the nature of the Complaint, it appears to the Settlement Committee that the matters alleged would, if proved, constitute conduct that would render the person against whom the complaint is made, liable under Section 13 or 14 of the Act, the Settlement Committee shall direct that further and formal investigation shall be conducted into the complaint.
6.
 - (1) For the purpose of investigating a complaint under sub-regulation 5(2) of these Regulations, the Settlement Committee shall serve on the person against whom the complaint is made a notice specifying as far as practicable:-
 - (a) the particulars and details of the allegations that form the subject matter of the investigation; and

- (b) the date, time and place at which the investigation is to be held except that the date fixed for the investigation shall not be less than seven days from the date of the service of the notice.
 - (2) Copies of the documents specified in sub-regulation (1) of this regulation shall also be served on the complaint who shall be invited to attend the investigation.
 - (3) The Settlement Committee shall not proceed with an investigation under this regulation in the absence of the person against whom the complaint has been made unless it is satisfied that notice served for that purpose has been received by him.
 - (4) The Settlement Committee may in the course of any investigation under these Regulations receive and consider both documentary and oral evidence that may be provided by the persons affected in support of their case and shall rule on the issue as it considers just in all the circumstances of the case.
7. Persons appearing before the Settlement Committee in any investigation may appear in person or be represented by counsel.
8. (1) An investigation into a complaint under these Regulations shall be held in private unless in the interest of justice or for any sufficient case the Settlement Committee directs the hearing to be held in public.
- (2) Record on the investigation shall be kept in writing.
- (3) Statements made by parties concerned in any formal investigation by the Settlement Committee shall be given on oath or affirmation.
9. Without prejudice to the other provisions of these Regulations, the Commission may where it considers it Act, refer to the Settlement Committee for formal investigation any publication, act or omission of any journalist, newspaper proprietor, publisher or any other person in respect of any publication in the media and the relevant provisions of these Regulations shall apply to the investigation.
10. (1) At any time after the commencement of a formal investigation by the Settlement Committee, the complaint may withdraw the complaint and discontinue with the investigation.
- (2) The Chairman of the Settlement Committee shall on such withdrawal direct that the complaint be struck out and all proceedings in respect of the investigation shall cease.

- (3) Notwithstanding the provisions in sub-regulations 91) and (2) of this regulation, where a withdrawal is put before the Settlement Committee and the Committee is of the opinion that the withdrawal is not made in good faith or voluntarily the Committee shall continue with the investigation.
11. An admission made by a person at a formal investigation of a complaint before the Commission in respect of any mediation or settlement under these Regulations shall not, unless the person making the admission consents in writing, be used for any other purpose that is legally binding.
12. A notice authorized or required by these Regulations to be served, may be sent by post, by hand delivery or any other generally accepted and recognized means of communication.
13. Anything required to be done under these Regulations by the chairman of the Settlement Committee may in the absence of the chairman or in the event of his temporary inability to act, be done by any other member of the Settlement Committee authorized for that purpose by the chairman of the Commission.
14. In these Regulations unless the context otherwise requires:-
"Act" means the National Media Commission Act, 1993 (Act 449)

"Commission" means the National Media Commission established under Section 1 of the Act.

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