

# A BILL

## FOR

AN ACT TO REDUCE THE INCIDENCE OF UNSOLICITED TELEPHONE CALLS AND TEXTS RECEIVED BY CONSUMERS; AND FOR OTHER CONNECTED PURPOSE

*Sponsored by Hon. Aliyu Sani Madaki*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria-

- 1                   1.-(1)A service provider shall neither transmit nor instigate the In appropriate
- 2                   transmission of- recorded voice
- 3                                 (a) Communications comprising recorded voice by means of an or text message
- 4                                 automated calling or communication system,;
- 5                                 (b) unsolicited text messages by means of a facsimile machine; or
- 6                                 (c) unsolicited communication by means of electronic mails for the
- 7                                 purpose of inappropriate recorded voice or their text messages(s).
- 8                   (2) A person shall neither use, nor instigate the use of a
- 9                   communication service to make or attempt to make Unsolicited calls for the
- 10                   purpose of marketing.
- 11                   2. Online telemarketing is prohibited except with the prior consent Internet
- 12                   or application of a subscriber. telemarketing
- 13                   3. The telemarketing organisations are required to display their Disclosure
- 14                   phone number, name or the phone number and name of the companies for
- 15                   which are marketing.
- 16                   4. Service provides are exempted whose the calls do not include a Exemption
- 17                   solicitation to purchase goods or service, unless the consumer has provided
- 18                   prior express consent.
- 19                   5. Where any call party receives unsolicited advertisement, text DO-NOT call
- 20                   messages or inappropriate recorded voice may wise to stop further call or register

	1	text messages by requesting to be placed on "DO NOT - call Register list ",
	2	which shall commence at the expiration list 2, which shall commence at the
	3	expiration of 30 days after the last call or solicitation.
Regulations	4	6. The Nigeria communication commission (herein called the
	5	commission) shall issue regulations to service providers on the operations of
	6	telemarketing business in Nigeria.
Civil claim	7	7. Any call party aggrieved by any inappropriate recorded voice, text
	8	messages or any unsolicited advertisement may sue for civil damages before a
	9	court of competent jurisdiction.
Court of Jurisdiction	10	8. The Federal High Court or High Court of a state shall be the
	11	competent court for the purpose of claim under this bill.
Offence	12	9. Any service provider that call or send an unsolicited text message to
	13	any of its subscribers shall be guilty of an offence and liable on conviction to a
	14	fine of N5,000,000,000 (Five Million Naira) ,unless the service provider prove
	15	unsolicited calls text messages for goods n services.
Interpretation	16	10. In this bill:
	17	"commission" means the Nigerian communication commission;
	18	"unsolicited advertisement" means any material advertising the commercial
	19	viability or quality of any Good or services which is transmitted to any call
	20	party without party consent or permission;
	21	"telemarketing "means marketing conducted over telephone and includes text
	22	messages howsoever;
	23	"high court of a state" include a high court of the federal capital territory;
	24	"Service provider" means the telecommunication companies offering mobile
	25	telephone services.
Short title	26	11. This Bill may be cited as the Communications (Reducing
	27	unsolicited phone calls and text) Bill, 2016.
	28	EXPLANATORY NOTE
	29	This Bills seeks to enact a law to reduce the incidences of unsolicited telephone
	30	calls and text messages in Nigeria.