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**CHAPTER 49**

**CINEMATOGRAPH ACT**

**ARRANGEMENT OF SECTIONS**

SECTION

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## CHAPTER 49

## CINEMATOGRAPH ACT

1963 No. 7.

**An Act to make better provision for the censorship of films for public exhibition and for related matters.**

[20th May, 1963]

Commence-  
ment.

## PART I—FEDERAL CENSORSHIP OF FILMS

Cinematograph films to be approved for exhibition.

1. (1) Subject to the provisions of this Act, no person shall exhibit or cause or allow to be exhibited any film without the approval for exhibition in Nigeria given by the federal board of film censors under this Act.

(2) Nothing in this section shall apply—

- (a) to any exhibition given in premises to which the public are not admitted;
- (b) to any film exempted by the board under this Act and imported, produced or issued by or by the direction of—

- (i) the Federal Government or any State Government,

- (ii) the diplomatic representative of any Commonwealth or foreign country,

- (iii) the United Nations Organisation or any organ of that organisation,

- (iv) any educational, scientific or cultural body or society including any broadcasting and television organisation.

(3) Any person who—

- (a) exhibits or causes or allows to be exhibited any film contrary to the provisions of this section; or
- (b) being the owner of a cinematograph or occupier of premises uses or allows the cinematograph or premises to be used in contravention of this section.

commits an offence and is liable on conviction to a fine of four hundred naira, and where the offence is a continuing one shall for each day during which the offence continues, be liable to a further fine of twenty naira for every such day.

2. (1) Where the Minister of Internal Affairs after consultation with the President is satisfied that it is in the public interest of Nigeria so to do, and notwithstanding that a film has already been approved for exhibition under any enactment or Law, or that provision is there made for appeals by persons aggrieved, he may by such means (including sound or television broadcast) as he thinks fit, give public notice of the cancellation of the approval; and the cancellation shall have immediate effect and no appeal shall lie therefrom in respect of the cancellation.

Power of Minister of Internal Affairs to cancel approval of exhibition. 1969 No. 24.

(2) If public notice has been given of the cancellation otherwise than by publication in the *Federal Gazette*, notice of such cancellation shall forthwith thereafter be published in the *Federal Gazette* aforesaid; and the Minister of Internal Affairs shall as soon as may be inform the National Council of Ministers of the reasons for his action.

(3) The failure to comply with the requirement of the Minister of Internal Affairs under this section shall be an offence punishable on conviction by a fine of not less than one thousand naira and if the offence is a continuing one by an additional penalty of two hundred naira for every day during which the offence continues.

(4) The question whether any consultation was in fact held and the decision come to thereat shall not be inquired into by any court or person.

3. (1) Where a police officer or any person authorised in that behalf by the Minister in writing has reasonable cause to believe that an exhibition is or is about to be given, he may on production of his pass or other proper authority, enter on the premises for the purposes of compelling compliance by the occupier with the provisions of this Act or of any regulations made thereunder.

Power to enter and view premises for exhibition of films.

(2) Any person who obstructs or otherwise prevents the entry by any person authorised under this section to enter on premises shall be guilty of an offence, and liable on conviction to a fine of forty naira.

(3) For the avoidance of doubt, the expression "Minister" as used in this section shall, in a State, mean the Commissioner in that State charged with responsibility for the control of the exhibition of films.

Federal  
censorship  
board.

4. (1) The Minister may from time to time obtain the names of fit persons and organisations representing the thought and opinion of persons resident in Nigeria and from such names the Minister may compile a panel of film censors.

(2) The panel of film censors may at any time be amended, and if it is compiled, the Minister may by regulations establish a federal board of film censors with headquarters in the Federal Territory; and such board while it continues to operate shall have all powers for the censorship of films as may from time to time be conferred upon it by any such regulations.

(3) Without limiting the generality of the power to make regulations under this section, regulations may be made—

- (a) for prescribing the procedure to be followed for the censorship generally of any film submitted to the board and the fees to be paid;
- (b) for providing the form of approval to be given by the board and the conditions and limitations on exhibition which may be imposed and the method of display or publication of the approval of the board;
- (c) for prescribing the powers and duties of the president, the secretary, and members of the board;
- (d) for providing exemption from censorship of such classes of film as the board may think fit or of any film intended to be exhibited before any particular group or groups of persons;
- (e) for the retention of film or any part of film if approval is withheld and for the imposition of restrictions on the possession or disposal of any such film or part;

*Cinematograph Act*

- (f) for prescribing the method of review of a decision of the board by appeal to the Minister;
- (g) for approving posters and advertisements for display in connection with any exhibition;
- (h) for prescribing offences and penalties not exceeding a fine of one hundred naira and in the case of a continuing offence a fine of forty naira for each day in respect of which an offence continues.

## PART II—FEDERAL TERRITORY PROVISIONS

5. (1) Notwithstanding that any film has been approved for exhibition under the provisions of Part I of this Act, it shall not be exhibited in the Federal Territory if the film is inflammable or of any otherwise dangerous nature except on premises licensed for the purpose under this Part of this Act.

Exhibition of  
films in  
Federal  
territory.

(2) The Minister may in his discretion license or refuse to license premises for the purpose of exhibiting inflammable or otherwise dangerous film and, subject to the provisions of any regulation made under this Part of this Act, licences if issued shall be on and subject to such terms, conditions and regulations as the Minister may prescribe; and any such licences may at any time be amended, varied, or revoked.

(3) No licence shall be granted in respect of any premises unless the Minister is satisfied that the premises are safe and otherwise suitable for the exhibition of films.

(4) A licence under this section unless previously revoked shall continue in force for the period for which it was granted, and if no time is stated it continues in force for the period of one year.

(5) Any person who exhibits or causes or allows to be exhibited any inflammable or otherwise dangerous film contrary to the provisions of this section shall be guilty of an offence and liable on conviction to a fine of four hundred naira or to imprisonment for a term of two years or to both; and where the offence is a continuing one, the offender shall in addition be liable to a fine of ten naira for each day during which the offence continues.

(6) For the purposes of this section, "premises" includes any vehicle, or being a ship, includes any vessel used in navigation whether or not propelled by oars.

Exhibitions  
under special  
control.

6. (1) Where the Minister has issued a licence upon the condition that an exhibition is to be conducted under special superintendence, the person superintending the exhibition may at any time direct the stopping of the exhibition, or if he thinks fit, give any other direction necessary to ensure the safety of persons attending the exhibition or the safety from fire of the premises.

(2) Any person who hinders or obstructs the person superintending the exhibition shall be guilty of an offence and liable on conviction to a fine of one hundred naira.

Regulations.

7. The Minister may make regulations generally for the purposes of this Part of this Act, and without limiting the generality of such power regulations may be made—

- (a) for prescribing the procedure and fees payable on application for a licence and the terms, conditions and restrictions to be imposed;
- (b) for controlling and regulating the production of any film intended for exhibition so as to prevent the performance of undesirable or dangerous acts or the exhibition of any film not otherwise approved under this Act;
- (c) for prescribing fire safety conditions to be observed on premises within the meaning of this Part of this Act where exhibitions are given, and conditions to be observed for the safety and control of persons attending any exhibition;
- (d) for prescribing any particular make or description of film as inflammable or of a dangerous nature;
- (e) for prescribing the penalties to be imposed for the breach of regulations under this Part of this Act, not exceeding a fine of four hundred naira or imprisonment for two years or for both; and in addition, where the offence is a continuing one, for a fine not exceeding ten naira for each day during which the offence continues.

8. Nothing in this Part of this Act shall apply to any exhibition on premises to which the public are not admitted. Exemption for certain exhibitions.

PART III.—SUPPLEMENTAL

9. In this Act, unless the context otherwise requires— Interpretation.  
“the board” means the federal board of film censors under Part I of this Act;

“celluloid” includes substances containing nitrated solutions or other nitrated products;

“cinematograph” includes any apparatus for the projection of enlarged images by means on a screen or elsewhere;

“exhibition” means the display or showing of pictures or other optical effects by means of a cinematograph;

“film” means a film designed for use with a cinematograph (not being a film of eight millimetres or less in width) and includes film containing celluloid or other materials of an inflammable or dangerous nature as may be prescribed by regulations under this Act;

“Minister” means the Minister charged with responsibility for the control of the exhibition of films;

“occupier” with reference to premises includes any manager or any person who receives the rent of premises;

“premises” includes land, buildings, and any ship.

10. (1) This Act may be cited as the Cinematograph Act. Short title and application.

(2) Nothing in this Act shall be construed so as to restrict or limit the right of the legislature of a State to make provision for the censorship and control of the exhibition of any film in a State additional to that prescribed by Part I of this Act so however that where a State, in the exercise of its powers, makes provision for censorship and control of the exhibition of a film inconsistent with this Act, any such provision shall be construed and have effect subject to this Act.

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**CHAPTER 49**

**SUBSIDIARY LEGISLATION**

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*No Subsidiary Legislation*