

S.I. 25 OF 2008

**NATIONAL FILM AND VIDEO CENSORS BOARD ACT, 1993
(CAP N40 LFN 2004)**

**NATIONAL FILM AND VIDEO CENSORS BOARD
REGULATIONS, 2008**

(15TH AUGUST, 2008)

Commencement

In exercise of the powers conferred on the Board by section 65 of the National Film and Video Censors Board Act, 1993 and of all other powers enabling Board in that behalf, THE NATIONAL FILM AND VIDEO CENSORS BOARD with the approval of the Honourable Minister of Information and Communications hereby make the following Regulations

*Declaration of
copyright Ownership
and authorization*

1. (1) The production or presentation of a film or video work brought before the Board for registration, censorship, classification and approval shall
 - (a) show evidence of copyright ownership; and
 - (b) the date of the end of such production, before the issuance of a letter of approval for public release from the Board.
- (2) In the case of foreign films, copyright authorization from the original right owner, customs release certificate and import permit from the Board shall be attached to the application.
- (3) Plots, story lines, musical compositions and inserts used in films and video works which are not original to the presenter or the producer shall be backed by copyright authorization from the original owners of the said plot, story lines, musical compositions and inserts.
- (4) The original ownership of copyright materials, specified in sub-regulation (1) of this regulation shall be acknowledged in the credits of the presentation or production of the film or video works.
2. (1) For the purposes of establishing the authenticity of a registered film, a Classification or Registration Seal shall be affixed on the body of the film storage medium.

Seal of registration

- (2) The presence of a registration seal on a film storage medium shall be prima facie evidence of registration of the film.
3. The Board shall have power to withdraw an approval for a registered film or video work if a case of piracy and plagiarizing of plots, story lines, musical compositions and inserts is discovered or proven against a producer or presenter of a film or video work while a report for appropriate action shall be filed with the Nigerian Copyrights Commission. *Withdrawal of approval*
4. (1) If any film or promotional material in circulation or published is supplied in breach of classification, altered in any material respect from what was approved by the Board or does not have appropriate classification symbol, synopsis, advisory message on the jacket, promotional material, disc and cartridge of the film the distributor or importer of the film shall *Withdrawal of unclassified or altered films, computer games, etc from circulation*
- (a) withdraw such film from circulation;
- (b) publish a quarter-page notice of such withdrawal in at least two national dailies, national television and national radio service and;
- (c) carry out such other actions as shall be directed by the Board.
- (2) The provisions of paragraphs (a),(b) and (c) of sub-regulation (1) of this regulation shall be discharged within 14 days of receipt of notice from the Board to do so.
- (3) The Board shall monitor such withdrawal to ensure compliance.
- (4) Expenses incurred by the Board to monitor the withdrawal of such film or material shall be borne by the distributor or importer of the film.
5. (1) No one shall exhibit, distribute, cause or allow to be exhibited or distributed a musical video unless a censorship certificate has been issued by the Board. *Censorship of musical videos*
- (2) Each musical video track in a musical video recording shall be considered a short length film to be censored and classified independently.

Provided that a musical video shall be considered a feature film if the tracks in the musical video recording are compiled in such a way that the distinction between each track is removed or the tracks are weaved together in such a manner as to create the impression of a feature film.

- (3) Application for censorship and classification of musical videos shall be as prescribed in Form 3 of the First Schedule to these Regulations
- (4) The censorship and classification fees for musical videos shall be as prescribed in Part III of the Second Schedule to these Regulations.
6. (1) Every film submitted for censorship and classification shall have an advisory message on the predominant theme displayed on its jacket and poster designs submitted for approval. *Advisory message and alert signal*
- (2) A vocal alert shall be inserted at the beginning of each classified and approved film stating both the advisory message and appropriate classification of the film before distribution.
7. The censorship and classification fees for film and video works shall be as prescribed in the Second Schedule to these Regulations *Censorship and classification fees*
8. No premises shall be used for the distribution of films or video works unless it is registered with the Board. *Registration of film distribution premises*
9. (1) An application for registration or licensing of a video club, association, video distribution company, video viewing centre, cinema hall or other related corporate entities in the film and video industry shall be submitted to the Board with copies of the certificate of incorporation. *Application for registration for licence*
- (2) An application for censorship and approval for the exhibition of a film or video work shall
- (a) be made on the letter-headed paper of the applicant;
- (b) include 8 copies of the synopsis of the film or video work;
- (c) include 3 posters of the film or video work; and
- (d) include 3 cassette jackets and the trailer.
- 10 (1) When in the course of monitoring, officers of the Board discover an
- (a) outlet in use by an unlicensed distributor;
- (b) unregistered retail outlet;
- (c) unregistered rental outlet; or
- (d) unlicensed exhibition premises *Sealing of unlicensed outlets and premises*

Such officers shall –

- (i) seal such outlet or unlicensed premises; and
- (ii) do such other things that are necessary or expedient, including impounding items of trade to ensure compliance with the National Film and Video Censors Board Act and any Regulations made thereunder.

(2) Any item impounded pursuant to regulation 10 (ii) of these Regulations shall be disposed off by the Board after six months from the date of seizure if the owner fails to comply with the requirements of the Act

Film format

11 (1) For the purposes of classification, films are divided into two formats

- (a) Home entertainment format which is intended for home viewing including video cassettes, video disks and other film storage media designed for home viewing; and
- (b) Public exhibition format which includes films intended for screening in cinemas and theatres or in any other public exhibition centre

(2) No person shall distribute a film, cause or allow a film to be distributed in a format other than the format approved by the Board for the film

12 (1) The Board shall not classify or approve any film or video work that has an incomplete line

Films with incomplete story line

(2) For the purposes of regulation 12(1), each part of a multi-part film or video work is a distinct film or video work

13 (1) The following classification symbols shall be used by film and video work operators in the film and video work industry to complement those in the Act

Classification symbols used by film and video work operators

- (a) PG to indicate parental guidance;
- (b) 12 to indicate not suitable for persons less than 12 years;
- (c) 12A indicate not suitable for persons less than 12 years unless accompanied by an adult; and
- (d) 15A to indicate not suitable for persons less than 15 years unless accompanied by an adult

(2) The following colour codes shall apply

- (a) C : : “Green” colour code;
- (b) G : : “Green” colour code;
- (c) PG : : “Yellow” colour code;
- (d) 12 : : “Orange” colour code;
- (e) 12A : : “Orange” colour code;
- (f) NC : : “Blue” colour code;
- (g) 15 : : “Blue” colour code;
- (h) 18 : : “Red” colour code;
- (i) RE : : “Purple” colour code;

(3) Every film or video work approved by the Board shall have the relevant classification symbol displayed on its jacket, promotional materials, disc and cartridge

(4) Classification given to a title in one format by the Board may not necessarily apply to the same title in another format

- 14 Every cassette package and spool shall carry the classification symbols of the video work for case of reference as follows
- (1) bottom right of front of package;
 - (2) above the title on spine of package when vertical;
 - (3) after the title on top of cassette spool;
 - (4) after title on spine of cassette spool;
 - (5) symbol plus explanatory statement in box on lower back of package

Labelling of cassette packages and spools

- 15 (1) The distributor shall, before distributing a film, submit to the Board a market copy of the classified and approved film for verification
- (2) Where a distributor fails, refuses or neglects to comply with regulation

Submission of market copy of movies

15(1), he shall pay a penalty as shall be determined by the Board

- 16 (1) The producer or presenter of a film or video work is unable to honour a preview appointment scheduled by the Board shall give to the Board 14 days prior notice of inability to honour the scheduled preview appointment

Preview session on films and video works

- (2) Failure to give notice as required under regulation 16 (1) shall result in the cancellation of the appointment, forfeiture of preview fees paid and the producer or presenter be required to book a new preview date.
- (3) The producer or presenter of a film or video work shall be responsible of the following expenses incurred at a preview session
- (a) The rentage of specialized electronic equipment;
 - (b) The rentage of a cinema hall; and
 - (c) The transportation costs.
- (4) The presentation of a film of video work to the Board on behalf of a producer or presenter shall be done by a presentation team duly constituted in accordance with the provisions of regulation 17.

17. (1) A presentation team scheduled to appear at a preview session shall be made up of at least two persons, one of whom shall be a member of a production crew of the film or video work who shall have full technical knowledge of the presentation.

Membership of presentation team

(2) only registered members of the professional associations of operators within the film and video industry shall be eligible to present finished films and video works to the Board for preview and registration.

(3) Registered membership shall be on the presentation of an identification card to that effect.

18 The producer or presenter of a video work shall cause to be deposited with the Board a preview copy of the video work at the end of preview presentation within 30 days thereafter deposit the retail copy of the video work with its approved packaging with the Board.

Retention of preview and approved copies of the video work by the Board

19. (1) Every distributor, importer, exporter and exhibitor of films of video works shall submit to the Board a quarterly films or video works shall submit to the Board a quarterly report stating the following-:

- (a) sources of stock acquired;
- (b) a comprehensive list of titles imported or exported stating the source and destination respectively;

Quarterly reports.

- (c) a comprehensive list of buyers, if a distributor or an importer;
 - (d) Number of individual titles sold, acquired or exhibited; and
 - (e) Any other information that the Board may require from time to time.
20. (1) Any person who intends to import or export films or video works shall first obtain a permit from the Board *Importation and exportation of films*
- (2) application for such permit shall be as in the prescribed form in Forms 1 and 2 in the First Schedule on payment of the appropriate fee.
- (3) The application for permit shall be submitted to the Board not less than 30 days to the date of such importation or exportation.
21. (1) For the purposes of section 53 of the Act, the Board shall issue an exemption certificate in respect of any video work or recording which, in the opinion of the Board, is exempted in accordance with section 53(2) of the Act. *Exempted video work or recording*
- (2) The production of a certificate of exemption issued by the Board shall be a prima facie proof of exemption.
22. Language films shall be titled in the language of production of the film or video work and no translation of the title into another language shall be made without the prior written approval of the Board. *Double titles*
23. Credits displayed in Nigerian Language films and video works shall be in the language of production *Credits in language of production*
24. (1) In classifying an exhibition outlet, the Board shall consider the capacity and location of the Exhibition Outlet. *Exhibitors and exhibition premises*
- (2) For the purposes of licensing, exhibitors and exhibition premises are categorized as prescribed in Part 1 of the Third Schedule to these Regulations.
- (3) The exhibition premises license fees are as prescribed in Part II of the Second Schedule to these Regulations.

- (4) For the purposes of licensing, distributors are categorized as prescribed in Part II of the Third Schedule to these Regulation.
- (5) The license fee for distributors is as prescribed in Part II of the Second Schedule.
- 25 (1) All broadcast houses shall-
 (a) maintain an on-screen display of the classification approved for a film by the Board which shall be represented by the classification symbol throughout the duration of the broadcast of the film; and
 (b) submit to the Board a detailed schedule of movies to be exhibited for approval, at least 30 days prior to broadcast. *Exhibition of films by broadcast stations*
26. (1) Trailers of films classified 18 or higher shall not be broadcast on television stations before 10pm unless approved by the Board. *Film advertisement*
- (2) Films classified 18 or higher shall not be advertised in publication directed to person under the age of 18.
- (3) Posters advertising films classified 18 or higher shall not be placed near schools or other places which cater for person below the age of 18 years.
- (4) Trailers of films with higher classification shall not be inserted in films with lower classification.
- (5) A feature film shall not contain more than 4 trailers and each trailer shall not exceed 60 seconds.
- (6) The fees for classification of trailers is as prescribed in Part II of the Second Schedule to these Regulations
- 27 Distribution and Exhibition license fees shall be as prescribed in the Table set out in Part II of the Second Schedule of these Regulations. *Distribution and exhibition license fees*
- 28 Where any duty or obligation is imposed on a person by these regulations and the person fails to perform it or contravenes any of the provisions of these Regulations, such person shall be liable on conviction to 6 months imprisonment or a fine of N300,000 or to both *Penalty*

29. The Preview of Films and Video Works Regulations 2000 is hereby repealed *Repeal*
30. **“Act”** means the National film and Video Censors Board Act, Cap N40, laws of the federation of Nigeria 2004 *Interpretation*
- “branch outlets”** remote offices of a distributor, which must not be a distinct legal personality from the distributor;
- “distributor”** shall have the same meanings as in the Act;
- “exhibitor”** means a person who engages in the public presentation of motion pictures produced on a screen by means which include the projection of light;
- “Fast track”** means censorship out of turn;
- “feature film”** means a full length motion picture;
- “film”** shall include video work and musical video films;
- “Incomplete story line”** means a story line that terminates abruptly purposely for a sequel
- “trailer”** means a brief excerpt or series of excerpts from a film used as an advertisement for the film
31. These Regulations may be cited as the National Film and Video Censors Board Regulations, 2008 *Short title*

SECOND SCHEDULE**regulation 7****PART 1****SCALE OF CHARGES [CENSORSHIP AND CLASSIFICATION]****I. FILMS**

<i>Item</i>	<i>Run Time of Films</i>	<i>Nigerian films in Local Language</i>	<i>Nigerian Films in English Language</i>	<i>Foreign Films</i>	<i>Films meant for Public exhibition</i>
1	0-15	₦10,000	₦20,000	₦25,000	+30% of applicable fee
2	16-30	₦20,000	₦30,000	₦40,000	+30% of applicable fee
3	31-60	₦30,000	₦40,000	₦50,000	+30% of applicable fee
4	61-90	₦40,000	₦50,000	₦60,000	+30% of applicable fee
5	91-120	₦45,000	₦60,000	₦70,000	+30% of applicable fee
6	121-150	₦50,000	₦70,000	₦80,000	+30% of applicable fee
7	151-200	₦60,000	₦80,000	₦90,000	+30% of applicable fee
8	201-300	₦75,000	₦90,000	₦100,000	+30% of applicable fee
9	More than 300 mins	₦85,000	₦100,000	₦150,000	+30% of applicable fee
10	Fast Track	+₦50,000	+₦50,000	+₦50,000	+₦50,000

II. TRAILERS**regulation 26(6)**

<i>Item</i>	<i>Category</i>	<i>Nigerian films in Local Language</i>	<i>Nigerian Films in English Language</i>	<i>Foreign Films</i>
1	Classification of trailers	₦5,000	₦7,500	₦7,500

III. MUSICAL VIDEOS**regulation 5**

<i>Item</i>	<i>Category</i>	<i>Musical Video Tracks (Foreign)</i>	<i>Musical Video Tracks (Local)</i>	<i>Musical Videos Films</i>
1.	Censorship and Classification of Musical video	₦2,500	₦2,000	Censorship and Classification fees as above applicable

IV OTHERS

<i>Item</i>	<i>Category</i>	<i>Nigerian films in Local Language</i>	<i>Nigerian Films in English Language</i>	<i>Foreign Films</i>	<i>Public Exhibition</i>
1	Cost of Appeal	₦5,000 application fee + The cost of constituting a review committee			
2	Application for Exemption	50% of applicable fee			
3	Title Change	₦10,000	₦10,000	₦10,000	₦10,000

PART II

DISTRIBUTION AND EXHIBITION LICENSE FEE regulation 18

I. License Fee for Distributors

The License fees for Distributors shall be as follows:

* National	N500,000.00
* Regional	N250,000.00
* State	N35,000.00
* LGA/Community	N25,000.00

II. Exhibitor's License Fees

The license fees for Exhibitors shall be as follows:

a. National Exhibitors	N300,000.00
b. City Exhibitors	N200,000.00
c. Sub-Urban Exhibitors	N50,000.00
d. Community Exhibitors	N10,000.00

III. Exhibitors Premises License Fees

Exhibitors premises shall attract the following license fees

a. Major Cinemas	N150,000.00
b. Medium Cinemas	N100,000.00
c. Small Cinemas	N80,000.00
d. Viewing Centres	N15,000.00

THIRD SCHEDULE

regulation 24

PART I

For the purposes of licensing, Exhibitors and Exhibition Premises are categorized as follows

1. Categories of Exhibitors
 - a. National Exhibitor - An Exhibitor operating on National Level
 - b. City Exhibitor - An Exhibitor operating within a specified city
 - c. Sub Urban Exhibitor - An Exhibitor operating within a specified sub urban location
 - d. Community Exhibitor - An Exhibitor operating within a specified community particularly those operating viewing centres

2. *Categories of Exhibition Premises or Cinemas*
 - a. Major Cinemas - Located in cosmopolitan areas with high level of public infrastructure
 - b. Medium Cinemas - Located in urban areas with medium level of public infrastructure
 - c. Small Cinemas - Located in sub urban areas with low level of public infrastructure
 - d. Viewing centres - Located in rural communities with poor level of public infrastructure

PART II
DISTRIBUTORS

For the purposes of licensing, distributors are categorized into four

1. *Categories of Distributors*

- a. National - To distribute and market films and video works across the country
- b. Regional - To distribute and market films in States within a demarcated region
- c. State - To engage in the business of selling or leasing of films and video works within a specified communities in a State
- d. LGA/Community - To engage in the business of selling or leasing films within specified communities in a State

2. *Types of Distributors*

- (a) Chain Distributors: these are licensed with structures, staffing and presence within areas covered by their license
- (b) Independent Distributors: These are stand alone entities networking and using business alliance with other Distributors to distribute and market films and video works within their territory

MADE at Abuja this 15th day of August, 2008

MR. EMEKA MBA
Executive director,
National Film and Video Censors Board