

NATIONAL COUNCIL FOR ARTS AND CULTURE ACT

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An Act to establish the National Council for Arts and Culture to be vested with responsibility to assist the Federal Government in the planning, co-ordination and encouragement of arts and cultural activities in the country and other related matters.

[1975 No. 3.]

[21st February, 1975]

[Commencement.]

1. Establishment of the National Council for Arts and Culture

There is hereby established a body to be known as the National Council for Arts and Culture (in this Act referred to as "the Council"), which shall be a body corporate with perpetual succession and may sue and be sued in its corporate name.

1. Constitution of the Council

(1) The Council shall consist of the following members, that is-

- (a) a chairman and four other persons, at least one of whom shall be a woman, to be appointed by the President;
- (b) the chairman of the Arts Council of each State of the Federation;
- (c) five persons to represent the universities in Nigeria, being persons qualified or having special interest in Nigerian arts and culture, to be appointed by the President;
- (d) one representative of the Federal Radio Corporation of Nigeria;
- (e) one representative of the Federal Ministry charged with the responsibility for matters relating to education;
- (f) one representative of the Federal Ministry charged with the responsibility for matters relating to the Council;
- (g) two persons to be appointed by the President to represent traditional institutions in Nigeria; and
- (h) the Director of the Council.

(2) The provisions of the Schedule to this Act shall have effect with respect to the matters therein mentioned.

[Schedule.]

3. Functions of the Council

(1) The functions of the Council shall be-

- (a) to promote and foster the appreciation, revival and development of Nigerian arts and culture;
- (b) to plan and coordinate cultural activities in Nigeria and foster the development of literary, visual and the performing arts in Nigeria;

- (c) to assist the National Commission for Museums and Monuments established under section I of the National Commission for Museums and Monuments Act in the creation, acquisition and preservation of artistic works, cultural monuments and depositories;
- (d) to organise and promote exhibition in visual, performing and literary art, as may be determined, from time to time, by the Minister;
- (e) to coordinate inter-State cultural exchange activities;
- (f) to render assistance to the States in the field of arts and culture; and
- (g) to promote the development of music, traditional dancing, drama, opera, cinema, films, photography, folklore, oral tradition, literature, poetry, painting, sculpture, architecture, town planning and general arts, woodwork, embroidery, weaving and similar crafts.

4. Powers of the Council

The Council shall have power to-

- (a) establish, with the approval of the Minister; cultural centres, theatres, art galleries and craft centres, for the promotion of arts and culture;
- (b) establish, for the purposes of carrying out its functions under this Act, a national endowment fund for art;
- (c) acquire, hold and manage movable or immovable property with the approval of the Minister;
- (d) sell, let, lease or otherwise dispose of any property vested in the Council;
- (e) invest its funds in such manner and to such extent as it thinks fit; and
- (f) do anything which in its opinion is calculated to facilitate the carrying out of its functions under this Act.

5. Power of the Council to raise funds

- (1) The Council may receive donations and gifts and may engage in fund raising activities, but no funds may be raised outside Nigeria without the prior approval of the Minister.
- (2) The Council shall not have power to borrow money from any source.

1. Appointment, etc., of Director and other staff of the Council

- (1) There shall be a Director of the Council who shall be appointed by the Minister, with the approval of the President.
- (2) The Director shall be the chief executive of the Council and shall be responsible for the execution of the policy of the Council and of its day-to-day business.

(3) There shall be a secretary to the Council who shall be appointed by the Council.

(4) The secretary shall perform such duties as the Council or Director may, from time to time, assign to him.

(5) The Council may appoint such other staff and agents, as it may deem necessary for the efficient performance of the Council's duties under this Act.

7. Pension

(1) It is hereby declared that service in the Council shall be approved service for the purposes of the Pensions Act and, accordingly, officers and other persons employed in the Council shall in respect of their service in the Council be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder, so however that nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefit in respect of that office.

[Cap. P4.]

(2) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation (not being the power to make regulations under section 23 thereof), is hereby vested in and shall be exercisable by the Council and not by any other person or authority.

1. Removal from office of members of the Council

(1) If it appears to the Council that a member of the Council should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall, after consultation with the interests, if any, represented by that member, make a recommendation to that effect to the Minister, and if the Minister approves the recommendation he may declare, in writing, the office of that member vacant.

(2) Without prejudice to subsection (1) of this section-

(a) any member who is absent from two consecutive ordinary meetings of the Council, shall file his explanation in writing with the Secretary for consideration by the Council and if the explanation is not accepted by the Council, the Council shall recommend to the Minister that the member be removed from office and the Minister may declare, in writing, the office of that member vacant;

(b) where the Council is satisfied that the continued presence on the Council of any member is not in the national interest or the interest of culture or of the Council, the Council may recommend to the Minister that the member be re-

moved, and the Minister may declare, in writing, the office of that member vacant.

1. Annual report and estimates

(1) The Council shall on or before 1 October each year, prepare and present to the Minister a report of its proceedings and operations during the period of twelve months ending on 31 March in that year, and the report shall be accompanied by a certified copy of the audited accounts of the Council for that period.

(2) The Minister shall as soon as may be after receipt thereof, submit a copy of every such report together with the audited accounts to the President.

(3) The Council shall not later than 1 August in each year or as soon thereafter as the Minister may in a proper case allow, submit to the Minister for approval its estimates of revenue and expenditure in respect of the year beginning with 1 January in the following year.

10. Accounts and audit

The Council shall keep proper accounts in a form which conforms with accepted commercial standards of its receipts, payments, assets and liabilities and shall submit the same from time to time, but not less frequently than annually, for auditing by a qualified auditor, approved annually in that behalf by the Minister for Finance.

11. Funds of the Council

The funds of the Council shall consist of-

(a) such funds as may, from time to time, be provided by the Federal Government and the State Governments;

(b) such funds as may be collected or received by the Council from other sources either in the execution of its functions or in respect of any property vested in the Council or otherwise

howsoever.

12. Members not personally liable

No member of the Council shall be personally liable for any act or omission done or made in good faith while engaged on the business of the Council.

13. Power to make standing orders

(1) The Council may make standing orders relating to any of its internal and domestic matters and particularly to matters mentioned in paragraph 8 of the Schedule to this Act.

(2) All such standing orders shall be in writing and shall come into force when sealed with the seal of the Council, unless some other date for commencement be therein prescribed.

(3) Nothing in subsection (2) of this section, shall make it obligatory for the Council to publish any of the standing orders in the Federal *Gazette*.

14. Power of Minister to give directions, etc.

(1) The Minister may give to the Council directions of a general or special nature with respect to any of the functions of the Council under this Act and it shall be the duty of the Council to comply with such directions.

(2) The Minister may require the Council to supply him information or returns, in respect of any of the activities (actual or proposed) of the Council and it shall be the duty of the Council to supply such information or returns.

15. Dissolution of the Nigerian Arts Council and transfer of its property

The body known as the Nigerian Arts Council is hereby dissolved and all property (movable and immovable) held by or on behalf of that body, shall as from the commencement of this Act and without further assurance vest in the Council.

16. Interpretation

In this Act, unless the context otherwise requires-

“**chairman**” means the chairman of the Council appointed under section 2 (2) of this Act;

“**functions**” includes powers and duties;

“**the Minister**” means the Minister charged with matters relating to culture;

“**public officer**” means a member of the public service of the Federation;

“**the secretary**” means the secretary to the Council appointed pursuant to section 6 (1) of this Act.

17. Shorttitle

This Act may be cited as the National Council for Arts and Culture.

SCHEDULE

[Section 2 (5).]

Supplementary provisions relating to the Council, etc.

Terms of service

1. (1) A member who is not a public officer shall hold office on first appointment for a period of three years beginning with the date on which he was appointed.

(2) The remuneration, terms and conditions of service of the chairman shall be determined by the Minister.

(3) Every notice of appointment to, or change in the membership of, the Council may be published in the *Federal Gazette*.

(4) A member of the Council other than the chairman or a public officer may, by notice in writing addressed to the Minister through the chairman, resign his office and that member shall on the day of the receipt of the notice by the Minister, cease to be a member.

(5) The chairman may resign his membership by notice in writing addressed to the Minister and unless the Minister rejects the notice, the chairman shall, on the day of the receipt of the notice by the Minister, cease to be a member.

(6) A person ceasing to hold office as a member of the Council otherwise than by removal for misconduct or for inability to perform the functions of his office shall be eligible for reappointment.

2. (1) Members of the Council other than *ex-officio* members shall be paid such remuneration and allowances as may from time to time be approved by the President.

[1987 No. 5.]

(2) In the case of members representing States' Arts Councils, all travelling expenses incurred by members travelling in both directions to and from their respective States to attend meetings of the Council or of the Executive Committee shall be met by their respective States' Arts Councils; but all residential, boarding and travelling expenses incurred by members at the venue of any of the said meetings shall be met by the Council.

(3) The provisions of this paragraph shall not apply to members of the armed forces or the Nigeria Police Force or to a member who is a public officer.

3. (1) Where a vacancy occurs in the membership of the Council, that vacancy shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his

predecessor, so however that the successor shall represent the same interest and shall be appointed by the same authority as his predecessor.

(2) The Council may act notwithstanding any vacancy in its membership or any defect in the appointment of a member or the absence of a member.

Committees

4. (1) The Council may appoint one or more committees (other than standing committees) to advise it on the exercise and performance of its functions.

(2) Every such committee shall consist of-

(a) a chairman who shall be appointed by the Council From among the members of the Council;

(b) not more than five persons (who mayor may not be members of the Council), so however that any non-member of the Council eo-opted to serve on any

committee shall enjoy all the rights and privileges of a member except the right to vote and to count towards a quorum.

(3) In this paragraph, "**chairman**" means chairman of a committee.

Proceedings of the Council

5. (1) The Council shall meet for the conduct of business at such times, places and on such days as the chairman may appoint but shall meet not less than twice a year.

(2) The chairman may at any time, and shall at the request in writing of the Commissioner or of not less than four members, one each from a different State, summon a meeting; and if the chairman fails so to do, the Minister may himself summon a meeting.

(3) Particulars of the business to be transacted at any meeting shall be circulated to members with the notice of the meeting.

6. (1) Every question put before the Council at a meeting shall be decided by a majority of the votes of the members present and voting.

(2) The quorum at any meeting of the Council shall be twelve, at least three of whom shall be chairmen of the Arts Councils of the States.

[1985 No. 5.)

(3) The chairman shall, at any meeting, have a vote and, in the case of an equality of votes, may exercise a casting vote.

7. (1) The chairman shall preside at all meetings of the Council, but if he is absent from any meeting of the Council, the members present shall elect one of their number to preside at that meeting.

(2) During the chairman's absence on leave or if the chairman is otherwise not available, or is unable to perform his functions, the Minister may appoint any member of the Council to act as chairman for a specified period.

8. Subject to the provisions of this Act, the Council may make standing orders with respect to the holding of meetings, the nature of notice to be given, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

Miscellaneous

9. (1) Any contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal, may be entered into or executed on behalf of the Council by any person generally or specifically authorised in that behalf by the Council.

(2) Any member of the Council or of a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or the committee, shall forthwith disclose his interest to the Council or the committee and shall not vote on any question relating to such contract or arrangement.

10. (1) The common seal of the council shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Council and recorded in the minutes of the meeting.

(2) The fixing of the seal of the Council shall be authenticated by the signature of the chairman or some other member authorised generally or specifically by the Council to act for that purpose.

(3) Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation