

NATIONAL ENDOWMENT FOR THE ARTS ACT

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CHAPTER N35

NATIONAL ENDOWMENT FOR THE ARTS ACT

An Act to provide for National Endowment for the Arts.

[1991 No. 52.]

[23rd November, 1991]

[Commencement.]

1. Establishment of the National Endowment for the Arts

(1) There is hereby established an endowment to be known as the National Endowment for the Arts (in this Act referred to as “the Endowment”).

(2) The Endowment shall have its office within the premises of the National Council for Arts and Culture and shall operate through a Board of Trustees.

1. Objectives of the Endowment

The objectives of the Endowment shall be-

- (a)** to support every medium and area of creative activity in the field of art as a service to the Nigerian community;
- (b)** to support the exchange of knowledge and practice in the arts;
- (c)** to preserve Nigeria's rich cultural heritage for present and future generations of Nigerians;
- (d)** to foster understanding amongst cultural organisations in order to strengthen cultural ties amongst them;
- (e)** to support creativity among talented artists in Nigeria in order to ascertain and pick, for the development of cultural activities, the best talents among Nigerians; and
- (j)** to foster professional excellence in the arts and create a climate in which it might flourish and be enjoyed by the generality of Nigerians.

1. Establishment and membership of the Board of Trustees

(1) Subject to the provisions of this Act, the management of the funds of the Endowment and the responsibility for carrying out the objectives of the Endowment shall be vested in a Board of Trustees (in this Act referred to as "the Board").

(2) The Board shall consist of-

- (a)** a chairman;
- (b)** three eminent Nigerians to represent the arts, legal and business interests; and
- (c)** three other persons to represent the Association of Artists, Writers and Designers, no two of whom shall be chosen from one Association.

(3) The members of the Board shall be appointed by the Council of the National Council for Arts and Culture with the approval of the Minister.

(4) The supplementary provisions contained in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters contained therein.

[Schedule.]

4. Functions of the Board

Without prejudice to section 2 of this Act, the Board shall have the following functions, that is-

- (a)** encouragement of the cultural heritage and creativity of Nigerians;
- (b) disbursement of funds to individuals and institutions in the fields of culture and the arts; and
- (c)** investment of funds of the Endowment in profit-making ventures as may be approved by the Minister.

1. Tenure of office of members

Members of the Board shall be appointed for a period of three years in the first instance, on such terms and conditions as may be specified in their letters of appointment, so however, that not more than three members of the Board may be replaced at the end of each period.

1. Secretary of the Board and other staff

(1) The chief executive of the National Council for Arts and Culture shall act as the secretary to the Board and be responsible for the execution of the day-to-day policy of the Board.

(2) The National Council for Arts and Culture shall post to the Board such other staff as the Board may require for the purpose of this Act.

1. Sources of the fund of the Endowment

The Endowment shall draw its funds from the following sources, that is-

- (a)** such sums as may be provided, from time to time, by the Government of the Federation or of a State or Local Government;
- (b)** such sums as may be paid by way of contribution under or pursuant to the provisions of this Act or any other enactment;
- (c)** contributions from commercial firms which shall be exempted from profit tax;
- (d)** profits from investment of funds of the Endowment;
- (e)** matching grants from business houses and philanthropic organisations;

(f) money collected through fund raising programmes and other gifts that are not tied to specific projects; and

(g) subject to section 8 of this Act, all sums accruing to the Endowment by way of gifts, testamentary disposition, contributions from philanthropic persons or organisations or otherwise howsoever.

1. **Power to accept gifts**

The Endowment may accept gifts of money or other property and upon such terms and conditions, if any, as may be specified by the person or organisation making the gift provided that such gifts are not inconsistent with the objectives and functions of the Endowment under this Act.

1. **Beneficiaries of the Endowment**

The Endowment shall-

(a) award grants to individuals of exceptional talents;

(b) award grants to non-profit tax-exempt organisations presenting the highest quality in the field of-

(i) architecture and environmental arts;

(ii) crafts;

(iii) dance;

(iv) folk arts;

(v) literature;

(vi) museums;

(vii) music;

(viii) media; and

(ix) theatre and visual arts;

(c) award fellowships to professional artists of exceptional talent to enable them advance their careers and such fellowships shall be awarded to-

(i) musicians;

(ii) composers;

(iii) music arrangers;

(iv) art critics;

(v) choreographers;

(vi) craftsmen;

(vii) designers;

(viii) film makers;

(ix) musicologists;

(x) photographers; and

(xi) creative writers;

(d) award grants to non-profit, tax-exempt cultural organisations, such as-

(i) museums;

(ii) music, dance or theatre companies to pursue programmes aimed at participating at conferences or workshops;

(e) provide technical assistance to architects and town planners, to enable them produce exemplary models to produce design and solutions for making cultural facilities accessible to all people, including the disabled and physically handi-capped;

(f) provide financial assistance to museums and art galleries;

(g) institute an annual award scheme for the arts, architectural design and environmental planning;

(h) provide support for training and research schemes in the arts;

(i) provide support for the organisation of art festivals;

(j) provide bursaries and aids for art publications; and

(k) provide grants for supporting acquisitions and commissioning of art work for public places.

10. Accounts, audit, etc.

(1) The Board shall prepare and send to the Minister through the Council of the National Council for Arts and Culture, not later than 30 September in each year, an estimate of its expenditure and income during the next succeeding year.

(2) The Board shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause the accounts to be audited not later than three

months after the end of each year by auditors appointed by the Board from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

11. Annual report

(1) The Board shall prepare and submit to the Minister, through the Council of the National Council for Arts and Culture in each year, a report in such form as the Minister may determine, of its activities during the preceding year and shall include in the report a copy of the audited accounts of the Endowment for the year and of the auditor's report thereon.

(2) The Minister shall cause a copy of the report submitted to him under subsection (1) of this section to be laid before the President.

12. Regulations

The Minister may make regulations generally for the better carrying on of the purpose of this Act and, without prejudice to the generality of the foregoing, such regulations may make provisions for-

(a) anything which is to be or which may be prescribed under this Act; and

(b) the form of any contributions made or raised under section 7 of this Act and which may be considered as deductible expenses in computing business profit for tax purposes.

13. Interpretation

In this Act, unless the context otherwise requires-

"Board" means the Board of Trustees of the National Endowment for the Arts established by section 3 of this Act;

"Endowment" means the National Endowment for the Arts established by section of this Act;

"Minister" means the Minister charged with responsibility for matters relating to arts and culture; and

"National Council for Arts and Culture" means the National Council for Arts and Culture established under to the National Council for Arts and Culture Act.

[Cap. N25.]

14. Short title

This Act may be cited as the National Endowment for the Arts Act.

SCHEDULE

[Section 3 (4).]

Supplementary provisions relating to the Board

Proceedings of the Board

1. Subject to this Act and to section **27** of the Interpretation Act, the Board may make standing orders to regulate the proceedings of the Board and of any committee thereof.

[Cap. 123.]

2. (1) The Board shall meet not less than two times in every year for the despatch of business and at such times and places as its chairman may, from time to time, appoint.

(2) The chairman shall, if required to do so by notice in writing signed by not less than five other members, call a special meeting of the Board to be held within 28 days from the date on which the notice is given.

(3) Any notice given under sub-paragraph (2) of this paragraph shall state the matters to be discussed at the special meeting.

(4) At every meeting of the Board, the chairman shall preside and in his absence, the members present shall appoint one of their number to preside at that meeting.

(5) The Board may act notwithstanding any vacancy in its membership or any defect in the appointment of a member or the fact that any person not entitled to do so took part in the proceedings.

(6) The quorum at a meeting of the Board shall be four members.

General

3. (1) The seal of the Board shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Board.

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

(3) Any contract or instrument which, if made or executed by a person, not being a body corporate, would not be required to be under seal, may be made and executed on behalf of the Board by any person generally or specifically authorised to act for that purpose by the Board.

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

(5) Members of the Board who are not public officers shall be paid out of money at the disposal of the Board such travelling and other allowances in accordance with such scales as may be approved, from time to time, by the Minister.

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

SUBSIDIARY LEGISLATION

No Subsidiary Legislation