

NIGERIAN FILM CORPORATION ACT

ARRANGEMENT OF SECTIONS

Establishment of Nigerian Film Corporation

SECTION

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An Act to establish the Nigerian Film Corporation to be charged with responsibility for the development of the film industry in Nigeria, produce films both for domestic consumption and for export and to encourage local talents by way of training, financial support and other related matters.

[1979 No. 61.]

[See section 15]

[Commencement.]

Establishment of Nigerian Film Corporation

1. Establishment of Nigerian Film Corporation

(1) There is hereby established a body to be known as the Nigerian Film Corporation (in this Act referred to as "the Corporation") which shall have the functions conferred on it under or pursuant to this Act.

(2) The Corporation shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.

1. Membership and tenure of office

(1) The Corporation shall consist of a chairman and the following other members to be appointed by the President on the recommendation of the Minister, that is-

(a) a representative of the Federal Ministry of Information and National Orientation;

(b) a representative of the Federal Ministry of Education;

(c) a representative of the Nigerian Television Authority;

(d) one person to represent Nigerian women's interests;

(e) three persons with requisite experience in-

(i) the performing arts;

(ii) the literary arts; and

(ii) commerce and industry;

(f) a representative of Nigerian film makers; and

(g) the general manager of the Corporation.

(2) Subject to the provisions of this Act, a person appointed to be a member of the Corporation (not being an *ex-officio* member) shall hold office for a period of three years from the date of his appointment and shall be eligible for reappointment for one further period of three years.

(3) Any member (not being an *ex-officio* member) may resign his appointment by a letter addressed to the Minister and his resignation shall take effect on the date of receipt by the Minister of such letter.

(4) Members of the Corporation (not being *ex-officio* members) shall be paid such remuneration and allowances in accordance with such scales as may be determined, from time to time, by the President.

(5) The supplementary provisions contained in the Schedule to this Act shall apply in relation to the proceedings of the Corporation and the other matters therein mentioned.

[Schedule.]

1. Functions of the Corporation

The Corporation shall carry out the following functions, that is-

- (a) the production of films for domestic consumption and for export;
- (b) the establishment and maintenance of facilities for film production;
- (c) the encouragement of production by Nigerians of films through financial and other forms of assistance;
- (d) the encouragement of the development of cinematograph theatres by Nigerians by way of financial and other forms of assistance;
- (e) the acquisition and distribution of films;
- (f) the establishment and maintenance of national film archives;
- (g) the provision of facilities for training and advancing the skills and talents of persons employed in the Nigerian film industry generally and the conduct of research into the matters pertaining to film production and the film industry as a whole; and
- (h) the carrying out of such other activities as may be necessary or expedient for the full discharge of all or any of the functions conferred on it under or pursuant to this Act.

1. Power of the Minister to give directions

The Minister may give to the Corporation directions of a general character or relating generally to particular matters but not to any individual or case, with regard to the exercise by the Corporation of its functions under this Act, and it shall be the duty of the Corporation to comply with such directions.

5. Appointment of general manager and other employees of the Corporation

(1) There shall be an official of the Corporation to be known as the general manager who shall be the chief executive officer of the Corporation and shall be responsible for

the execution of the policy of the Corporation and its day-to-day business.

(2) The general manager shall be appointed by the Minister with the prior approval of the President.

(3) The Corporation shall appoint a secretary who shall keep the records and conduct the correspondence of the Corporation and perform such other duties as the Corporation or the general manager may, from time to time, direct.

(4) The Corporation may appoint such other employees and agents as it may deem necessary for the efficient performance of the functions conferred on it under or pursuant to this Act.

Financial provisions

1. Funds of the Corporation

The Corporation shall establish a fund which shall consist of-

(a) such sums as may be provided to it by the Government of the Federation for the running expenses of the Corporation;

(b) such sums as may, from time to time, be lent to the Corporation by any person;

(c) such sums as may be collected or received by the Corporation for services rendered by the Corporation;

(d) subject to section 8 of this Act, all sums accruing to the Corporation by way of gifts, testamentary disposition and endowments or contributions from persons or philanthropic organisations;

(e) such sums as may be received by the Corporation from the National Film and Video Censors Board; and

(f) all other assets from time to time accruing to the Corporation in the discharge of its functions under or pursuant to this Act.

7. Expenditure of the Corporation

The Corporation may, from time to time, apply the proceeds of the fund established in pursuance of section 6 of this Act-

(a) to the cost of administration of the Corporation;

(b) for reimbursing members of the Corporation or of any committees set up by the Corporation for such expenses as may be authorised by the Corporation

and in accordance with the rates approved in that behalf by the President;

- (c) to the payment of salaries, fees or other remuneration or allowances and pensions, gratuities and other retiring benefits payable to the employees of the Corporation;
- (d) for the maintenance of any property acquired or vested in the Corporation; and
- (e) for and in connection with all or any of the functions of the Corporation under this Act.

1. Power to accept gifts

- (1) The Corporation may accept gifts of land, money or other property upon such terms and conditions, if any, as may be specified by the person or organisation making the gift.
- (2) The Corporation shall not accept any gift if the conditions attached by the person or organisation making the gift to the acceptance thereof are inconsistent with the functions of the Corporation.

9. Borrowing power

- (1) Subject to subsection (2) of this section, the Corporation may, from time to time, borrow such sums as it may require in the discharge of its functions under this Act.
- (2) The Corporation shall not without the approval of the President borrow any sum of money whereby the amount in aggregate outstanding on any loan, or on all loans at anyone time, exceeds N250,000, or such other limit as the President may specify from time to time.
- (3) Notwithstanding subsection (2) of this section, a person lending money to the Corporation shall not be bound to enquire whether the borrowing is within the power of the Corporation or not.

10. Annual estimates, accounts and audit

- (1) The Corporation shall submit to the Minister not later than 31 December in each financial year (or such other date as the Minister may appoint in respect of the first year of the existence of the Corporation) an estimate of its expenditure and income during the next succeeding financial year.
- (2) The Corporation shall keep proper accounts and proper records in relation thereto and shall prepare in respect of each financial year a statement of accounts in such form as the Minister may direct.
- (3) The accounts of the Corporation shall be audited as soon as may be after the end of each financial year by auditors appointed by the Corporation, with the approval of the President, from the list and in accordance with the guidelines supplied by the Auditor-

General for the Federation and the fees of the auditors and the expenses of the audit generally shall be paid from the funds of the Corporation.

(4) Before appointing any auditor pursuant to subsection (3) of this section, the Corporation shall consult the Minister of Finance.

Miscellaneous and supplementary

11. Annual reports

The Corporation shall, not later than 30 June in each year submit to the Minister a report on the activities of the Corporation during the immediately preceding year and shall include in such report the audited accounts of the Corporation.

12. Staff regulations as to conditions of service of employees

(1) The Corporation may, with the approval of the Minister, make staff regulations relating generally to the conditions of service of the employees of the Corporation; and without prejudice to the generality of the foregoing, such regulations may provide for-

(a) the appointment, promotion and disciplinary control of the employees of the Corporation; and

(b) appeals by such employees against dismissal or other disciplinary measures,

and until such regulations are made, any instrument relating to the conditions of service of persons in the public service of the Federation shall, with such modifications as may be necessary, be applicable to the employees of the Corporation.

(2) Staff regulations made under subsection (1) of this section shall not have effect until approved by the Minister; and when so approved they may not be published in the *Federal Gazette* but the Corporation shall cause them to be brought to the notice of all affected persons in such manner as it may, from time to time, determine.

13. General regulations

The President may make regulations generally for the proper carrying into effect of the provisions of this Act and the due administration thereof.

14. Interpretation

In this Act, unless the context otherwise requires-

“**chairman**” means the person appointed for the time being as the chairman of the Corporation pursuant to section 2 of this Act;

“cinematograph” has the meaning assigned thereto by the Cinematograph Act;

“Corporation” means the Nigerian Film Corporation established pursuant to section 1 of this Act;

“general manager” means the general manager of the Corporation appointed pursuant to section 5 of this Act;

“member” means a member of the Corporation including the chairman;

“Minister” means the Minister charged with responsibility for information.

15. Short title and commencement

This Act may be cited as the Nigerian Film Corporation Act and shall come into force on such day as may be appointed by the Minister by order published in the Federal Gazette.

SCHEDULE

[Section 2 (5).]

Supplementary provisions relating to the Corporation

Proceedings

1. Subject to this Act and section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the person presiding to have a second or casting vote), the Corporation may make standing orders regulating the proceedings of the Corporation or any committee thereof.

[Cap. 123.]

2. Every meeting of the Corporation shall be presided over by the chairman or, if the chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their number to preside at the meeting.

3. The quorum at a meeting of the Corporation shall consist of the chairman (or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and four other members of whom at least two shall be members appointed pursuant to paragraphs (a), (b) and (c) of section 2 (1) of this Act.

4. Where upon any special occasion the Corporation desires to obtain the advice of any person on a particular matter, the Corporation may co-opt that person to be a member for as many meetings as may be necessary, and that person while so co-opted shall have all the rights and privileges of a member except that he shall not be entitled to vote.

Committees

5. (1) Subject to its standing orders, the Corporation may appoint such number of standing and *ad hoc* committees as it thinks fit to consider and report on any matter with which the Corporation is concerned.

(2) Every committee appointed under the foregoing provisions of this paragraph shall be presided over by a member of the Corporation and shall be made up of such number of persons, not necessarily members of the Corporation, as the Corporation may determine in each case.

(3) The quorum of any committee set up by the Corporation shall be as may be determined by the Corporation.

6. Where standing orders made pursuant to paragraph 1 of this Schedule provide for a committee of the Corporation to consist of or co-opt persons who are not members of the Corporation, the committee may advise the Corporation on any matter referred to it by the Corporation.

Miscellaneous

7. The fixing of the seal of the Corporation shall be authenticated by the signature of the chairman or of the general manager of the Corporation.

8. Any contract or instrument which, if made by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Corporation by the general manager or by any other person generally or specially authorised to act for that purpose by the Corporation.

9. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Corporation shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.

10. The validity of any proceedings of the Corporation or of a committee thereof shall not be affected-

(a) by any vacancy in the membership of the Corporation, or any committee thereof; or

(b) by any defect in the appointment of a member of the Corporation or any committee thereof.

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

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

SUBSIDIARY LEGISLATION

No Subsidiary Legislation