



THE NATIONAL ASSEMBLY
FEDERAL REPUBLIC OF NIGERIA

NIGERIAN FILM COMMISSION BILL, 2019

A BILL
FOR

AN ACT TO REPEAL THE NIGERIAN FILM CORPORATION ACT, CAP. N109, LAWS OF THE
FEDERATION OF NIGERIA, 2004 AND RE-ENACT THE NIGERIAN FILM COMMISSION ACT,
2018, TO REGULATE AND DEVELOP THE FILM INDUSTRY IN NIGERIA; AND FOR RELATED
MATTERS

THIS BILL WAS PASSED BY THE SENATE ON THURSDAY, 5TH JULY, 2018

FURTHER ADOPTED BY THE SENATE ON TUESDAY 27TH NOVEMBER, 2018

FURTHER ADOPTED BY THE SENATE ON THURSDAY, 25TH APRIL, 2019

NIGERIAN FILM COMMISSION BILL, 2019



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[] Commencement.

ENACTED by the National Assembly of the Federal Republic of Nigeria—

1. (1) There is established a body to be known as the Nigerian Film Commission (in this Bill referred to as the "Commission").

Establishment of
Nigerian Film
Commission.

(2) The Commission:

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

(b) may acquire, hold or dispose of any property, movable or immovable in its corporate name, for the purpose of carrying out its functions under this Bill.

(3) Objects of the Commission:

(a) develop and regulate a result oriented productivity commission geared towards revenue generation that will reduce total dependence on Government subvention;

(b) provide and create a framework for a viable sustainable growth and orderly development of a globally competitive Nigerian film and video industry.

(c) project and protect the rich cultural heritage and the values of the people of Nigeria by encouraging the production of high quality Nigerian films and videos for both domestic consumption and for export;

2. (1) The Board of the Commission shall consist of a Chairman and the following members appointed by the President on the advice of the Minister.

The Board of the
Commission.

(a) three persons who by reasons of their ability, experience or specialized knowledge of the film industry or of business or professional attainment are capable of making useful contributions to the work of the Commission;

(b) one representative of the Federal Ministry in charge of Information and Culture matters;

(c) two most Senior Directors of the Commission;

(d) the Director General of the Commission;

(e) members of the Board other than the Director General and the two Directors of the Commission shall be part-time members.

(2) The Board shall:

(a) regulate its proceedings and make standing orders with respect to the holding of its meetings; notices to be given, the keeping of minutes of its proceedings and such other matters as the Board may, from time to time

determine.

- (b) develop performance measurement criteria and targets for Management;
- (c) recommend the appointment, discipline and removal of the Director General to the President through the supervising Minister;
- (d) approve Financial and Banking Policies including borrowings;
- (e) approve appropriation to be done in accordance with the constitution and powers of the National Assembly;
- (f) determine tariffs and charges for goods or services produced or rendered within the Utilities Charges Commission's limitations;
- (g) appoint, promote and discipline senior Staff as recommended by Management;
- (h) do such other things which in its opinion are necessary to ensure the efficient performance of the objects of the Commission.

(3) Subject to the provisions of this Bill, a person appointed a member of the Commission (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.

(4) Any 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.

(5) The office of the Chairman and Members of the Board shall become vacant where —

- (a) he resigns his office by notice in writing under his hand addressed to the President;
- (b) he becomes of unsound mind or incapable of carrying out his duties;
- (c) he becomes bankrupt or makes compromise with his creditors;
- (d) he is found guilty of gross misconduct relating to his duties;
- (e) the President is satisfied that it is not in the interest of the Commission or of the public for the person appointed to continue in office;
- (f) members of the Board shall be entitled to sitting allowances; travel expenses and such other benefits as may be determined from time to time by the appropriate authority.

3. (1) The Commission shall carry out the following functions, that is -

- (a) initiate and implement national film policies and establish the framework for the growth and development of the film sector in collaboration with development partners;
- (b) ensure that the guidelines and standards set by the appropriate agencies of government on the establishment of film and video infrastructure such as film schools, film villages, film production studios and film multi-media centres by the public and private sector are complied with;

Powers and
Functions of the
Commission.

(c) encourage the establishment of film production facilities such as studios, film villages and cinema theatres across the country in collaboration with Federal agencies, States, Local Governments and private investors;

(d) advise the Federal Government generally on regulatory and developmental matters relating to the film and video industry;

(e) manage, disburse and monitor the proper application of the National Film Development Fund and other government interventions and grants for the film sector;

(f) source for and provide grants from government and other sources to any person, organization or institution for the development and promotion of the film and video industry;

(g) use lottery as a means of raising funds for the development of the film industry;

(h) maintain a database of persons, organizations, institutions, equipment facilities connected with the film and video industry;

(i) provide and encourage the provision of facilities for training and advancing the skills and talents of persons employed in the Nigerian film and video industry;

(j) encourage, organize and participate in national and international film festivals, fairs, markets and similar activities to rebrand and enhance the exposure of Nigerian film and video industry;

(k) issue shooting licenses to foreign crew upon accreditation by the Ministry and the Commission will intervene to resolve permit dispute in accordance with the guidelines;

(l) acquire, distribute and exhibit films of national interest for training and educational purposes; and

(m) perform any other functions that are necessary or expedient for the full discharge of all or any of its functions under this Bill.

(2) The Commission shall have powers to:

(a) produce films for domestic and international consumption;

(b) establish a Directorate of Film Festival that will be responsible for the organization and sustenance of international film festival of Nigeria and participation in other international film festivals and markets;

(c) establish a National Film, Video and Sound Archive as a mandatory depository of all films and video related materials

(d) establish the National Film Institute and Media Arts Studies (NAFIMAS) (in this Bill referred to as the "Institute", which shall:

(i) provide training and capacity building for The Nigerian Motion Picture Industry for the development of highly technical and professionally competent film practitioners,

(ii) award degrees, diplomas, certificates and other distinctions,

(iii) establish other teaching and research campuses and centers subject to the approval of the relevant government agencies,

(iv) to do all such acts or things, whether or not incident to the foregoing powers as may advance the objects of the Institute;

(e) to encourage professionalism in the motion picture industry by ensuring the proper take off of the body for the regulation of motion picture practices;

(f) establish a Fund for the development of the film and video industry which shall be known as the National Film Development Fund (NFDF):

(i) the Fund shall be the repository of all government grants, funds and financial incentives to the film and video industry as well as monies, donations and grants from other sources as may be received on behalf of the Fund and shall be administered by a Committee set up by the Commission.

(ii) the Fund Committee shall have a Chairman, appointed by the Commission, who shall be a person, with experience and specialized knowledge in any of the trades of the film and video industry or business or professional attainment capable of contribution to the Fund.

(iii) the Fund Committee shall be made up of two representative from the Commission & one each from the Federal Ministry of Information, one each from MOPICON and two members representing the Guilds and Associations;

(g) the Committee shall recommend projects to be funded from the fund.

4. The Minister may, after consultation with the Commission, give to the Commission directions of a general character as to the discharge by the Commission of its functions in relation to matters appearing to the Minister to affect the public interest.

Powers of the Minister.

5. (1) There shall be for the Commission a Director General who shall be appointed by the President on the recommendation of the Minister in charge of Information and Culture matters, who shall:

Appointment of the Director General and Other Staff of the Commission.

(a) be the chief executive and accounting officer of the Commission;

(b) be responsible for the day to day administration of the Commission; and

(c) shall hold office for a period of four years and may be re-appointed for another term of four years and no more.

(2) The Commission, shall —

(a) employ such number of employees as may in its opinion be expedient and necessary for the proper and efficient performance of the objects of the Commission;

(b) determine the terms and conditions of service including disciplinary measures on the employees of the Commission;

(c) fix a competitive remuneration, allowances and benefits for the employees of the Commission;

(3) (a) There shall be a Secretary to the Commission appointed by the Board who shall also be the Legal Adviser to the Commission.

(b) The Secretary shall be a legal practitioner of not less than ten years post call cognate experience.

(c) The Secretary shall:

- (i) have custody of the Commission's seal;
- (ii) keep the records and conduct the correspondences of the Board;
- (iii) render legal advisory services to the Commission; and
- (iv) perform such other functions as the Board may from time to time direct.

(4) The Commission shall appoint, Heads of various Departments who shall together with the Director General form the Management of the Commission.

(5) The Commission may, from time to time, appoint such other staff as may be required for the purposes of the efficient performance of the functions conferred on the Commission.

(6) The Board may delegate to the Director General, generally or specifically, the power to appoint such categories of staff of the Commission as the Commission may from time to time specify.

6. (1) The Commission shall maintain a fund into which shall be paid:

Financial Provisions
of the Commission.

- (a) such sums as may be provided to it by the government of the federation;
- (b) such sum as may from time to time be lent to it by any person;
- (c) 1% of proceeds from value added tax (VAT) or film and entertainment related activities and services;
- (d) fees from the licensing of foreign production companies; and from the issuance of permits to foreign crews;
- (e) fees from the issuance of import permits to any importer of film equipment, film facilities, films and video works;
- (f) 2% of revenue from levy charged on admission tickets for film screenings, rentals, and sale of local and foreign films;
- (g) monies paid to the Commission by users of its services;
- (h) donations, contributions and endowments;
- (i) grants to the Commission including contributions from philanthropic organizations and development partners;
- (j) income from investments;
- (k) 1% of the proceeds from licenses of the National Lottery Commission of Nigeria;
- (l) such revenue generated by the Commission through the discharge of its functions.

(2) Funds of the National Film Development Fund:

(a) take-off Grant for the establishment of the fund and sustainable funding interventions by the Federal Government.

(b) 10 % revenue generated by the Commission on film related activities.

(c) 10% of all the levies collected by the National Film and Video Censors Board from licensing of Distributors and Exhibitors of film works

(d) development support loans from international finance and investment institutions and special development agencies in Nigeria.

(e) grants and endowments from foreign and local donors, foundations, agencies, multi-national companies and conglomerates; and local councils;

(f) any other source that may be identified from time to time by the Fund.

7. The Commission may, from time to time, apply the proceeds of the Fund established in pursuance of section 15: Expenditure of the Commission.

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

(b) for the execution of approved capital projects of the Commission;

(c) for reimbursing members and staff of the Commission or any Committees set up by the Commission and in accordance with the rates approved in that behalf of the Commission; and

(d) to the payment of fees, salaries and other remunerations or allowances and pensions and other retirement benefits payable to the employees of the Commission; and

(e) for the maintenance of the Commission's property.

8. (1) The Commission may accept gifts of land, money or other property upon such terms and conditions, if any, as may be specified by the person or organization making the gift. Power to accept gifts.

(2) The Commission shall not accept any gift if the conditions attached by the person or organization making the gift are inconsistent with the objects of the Commission.

9. The borrowing power of the Commission is subject to the Federal Government financial regulations that may be given, from time to time, by the relevant government agencies. Borrowing power.

10. (1) The Commission shall submit its audited annual account within three months of the end of the financial year to the Supervising Ministry and Auditor General of the Federation. Annual estimates account and audit.

(2) The Commission shall keep proper accounts and 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 Commission shall be audited at the end of each financial year by auditors appointed by the Commission and the fees of the auditors and the expenses of the audit generally shall be paid from the funds of the Commission.

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

Annual report.

12. (1) Service in the Commission shall be pensionable under the Pension Reform Act and accordingly employees of the Commission shall, in respect of their services, be entitled to pension and other retirement benefits.

Staff regulations and pension.

(2) Notwithstanding the provisions of subsection (1) of this section, nothing shall prevent the appointment of a person to any office on terms which preclude the grant of pension in respect of that office.

(3) The Commission may, with the approval of the Board make staff regulations relating generally to the conditions of service of the employees of the Commission and without prejudice to the generality of the foregoing, such regulations may provide for the appointment, promotion and disciplinary control of the employees of the Commission and appeals by such employees against dismissal or other disciplinary measures;

(4) Staff regulations made under subsection (3) of this section shall not have effect until approved by the Board, the Commission 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. The Commission may, with the approval of the Board make regulations and guidelines generally for the purpose of giving effect to the provisions to this Bill.

Regulations.

14. (1) No suit against the Commission or against a member of staff of the Commission for any act done in pursuance or execution of any enactment of law, or of any public duties of the Commission or in respect of alleged neglect, or default in the execution of enactment of law, shall lie or be instituted in any court unless it is commenced within twelve months of the neglect or default complained of and in the case of a continuance of damage or injury, within twelve months next after the ceasing thereof.

Limitation of suits.

(2) No suit shall be commenced against the Commission before the expiration of a period of one month after a written notice of intention to commence the suit shall have been served upon the Commission by the intending plaintiff or his agent.

(3) The notice referred to in subsection 2 of this section shall clearly state the:

- (a) Cause of action;
- (b) Particulars of the claim;
- (c) Name and place of abode of the intending plaintiff;
- (d) Relief which the plaintiff claims.

15. The notice referred to in section 14 and any summons or other documents required or authorized to be served on the Commission under the provisions or any other enactment or law may be served by:

Service of documents.

- (a) delivering the same to the Director General of the Commission ;or
- (b) sending it by registered post addressed to the Director General at the Head Office of the Commission.

16. (1) Any person in breach of a provision of this Bill for which no specific penalty is imposed under this Bill, if found guilty shall be liable on conviction to a fine of not less than Five Hundred Thousand Naira (N 500,000.00) or one year imprisonment or both.

Offences and Penalties.

(2) Any person who aids or abets the Commission of any offence under this Bill shall be guilty of an offence and if found guilty on conviction, shall be liable to a fine of One Million Naira (N 1,000,000.00) or two years imprisonment or both for each of the person(s) found liable.

(3) In the case of a corporate body, where an offence is proved to have been committed with the consent or connivance of, or to be attributed to any neglect on the part of a Director, Manager, Secretary, or any person (s) who was purporting to act in any such capacity, he as well as the Corporate body shall be guilty after investigations and prosecuted and if found guilty, liable to a fine of One Million Naira (1,000,000.00) or two years imprisonment or both for each of the person(s) found liable.

(4) Any foreign production company carrying out shooting activities in Nigeria without obtaining a shooting license from the Commission shall be guilty of an offence and liable on conviction to a fine of Two Million Naira (N2, 000,000.00) or four years imprisonment.

(5) Any Nigerian company or individual aiding or collaborating with any foreign production company to carry out shooting activities in Nigeria without securing a shooting license for the foreign production company from the Commission shall be guilty of an offence and liable on conviction to a fine of One Million Naira or two (2) years imprisonment.

(6) Any film school, film village, production studio and festival held or established in Nigeria without following the necessary guidelines or set standards provided by the Commission and obtaining the license or register with the Commission shall be guilty of an offence and liable on conviction to a fine of Two Million Naira (N2,000,000.00) or two year imprisonment.

(7) Any person who contravenes the rules and regulations in accordance with the National Film policy for the development of film in Nigeria shall be guilty of an offence and liable on conviction to a fine of One Million Naira (N1, 000,000.00) or one year imprisonment.

(8) It is an offence under this Bill for any person(s) to neglect or refuse to follow the rules and regulations in respect of acquisition, preservation and usage of the materials in all the audiovisual archives in Nigeria without maintaining a database of these materials.

(9) The Commission shall have power to prosecute any of the offences created by and defend actions arising from carrying out the provisions of this Bill, subject to the powers of the Attorney-General.

Repeal and Savings.

17. (1) The Nigerian Film Corporation Act is repealed.

(2) The Nigerian Film Corporation established by the Nigerian Film Corporation Act is hereby dissolved.

(3) From the Commencement of this Bill, all assets, funds, resources and other movable or immovable property which immediately before the commencement of this Bill were vested in the Nigerian Film Corporation (the Corporation) shall be vested in the Commission.

(4) All rights, interests, obligations and liabilities of the Corporation existing immediately before the commencement of this Bill, shall by virtue of this Bill be assigned to and vested in the Commission.

(5) A person in the employment of the Corporation immediately before the

commencement of this Bill shall be deemed to hold the employment in the Commission under this Bill.

18. In this Bill:

Interpretation.

"Board" means the Governing Board established pursuant to section 2 of this Bill;

"Chairman" means the person appointed as the Chairman of the Commission pursuant to section 2 (1) of this Bill;

"Commission" means the Nigerian Film Commission;

"Director General" means the Director General of the Commission appointed pursuant to section 9(1) of this legal framework;

"Ex-Officio" means members of the Board appointed by virtue of their position in the Commission;

"Film and Video" means all media of projected images, notwithstanding whether the medium of projection is the small screen (video) or the large screen of the cinema (celluloid);

"film and video industry" means all trades, practices, specialization, branches, disciplines concerned with the film and video including all aspects of production, distribution, exhibition, instruction, documentation and research;

"member" means a member of the Commission including the Chairman;

"Minister" means the Federal Minister in charge of information and culture matters;

"Ministry" means the Federal Ministry in charge of information and culture matters;

"Practitioner" means anyone who practices any of the trades or specializations in any of the branches of the motion picture industry and registered with any guild or association.

19. This Bill may be cited as the Nigerian Film Commission Bill, 2018.

Citation.

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION
Proceedings of the Commission

1. (1) Subject to the provisions of this Bill and Section 27 of the Interpretation Act, the Commission may make standing orders regulating its proceedings or those of any of its Committees.

(2) The quorum of the Commission shall be the Chairman or the person presiding at the meeting and three other members of the Commission and the quorum of any committee of the Commission shall be determined by the Commission.

Meetings

2. (1) The Commission shall meet not less than four times in each year and subject thereto, the Commission shall meet whenever it is summoned by the Chairman; and if the Chairman is required to do so by notice given to him by not less than three other

members, he shall summon a meeting of the Commission to be held within twenty-eight days from the date on which the notice is given.

(2) At any meeting of the Commission, the Chairman shall preside, but if he is absent, the members present shall appoint one of their members to preside at that meeting.

(3) Where the Commission desires to obtain the advice of any person on a particular matter, the Commission may co-opt him as a member for such period as it deems fits, but a person who is a member by virtue of this subparagraph shall not be entitled to vote at any meeting of the Commission and shall not count towards a quorum.

Committees

3. (1) The Commission may appoint one or more committees to carry out on behalf of the Commission such functions as the Commission may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Commission and a person shall hold office in the committee in accordance with the terms of his appointment.

(3) A decision of a committee shall be of no effect until it is confirmed by the Commission.

Miscellaneous

4. (1) The fixing of the seal of the Commission shall be authenticated by the signature of the Chairman, Director-General or any other person authorized generally or specially by the Commission to act for that purpose.

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

(3) The validity of any proceedings of the Commission or committee shall not be adversely affected by-

- (a) a vacancy in membership of the Commission or committee;
- (b) a defect in the appointment of a member of the Commission or committee; or
- (c) the reason that a person not entitled to do so took part in the proceedings Commission or committee.

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