

A BILL

FOR

AN ACT TO REPEAL THE NIGERIAN FILM CORPORATION ACT CAP. N109 LAWS OF THE FEDERATION OF NIGERIA 2004 AND TO ENACT THE NIGERIAN FILM COMMISSION ACT, 2014 TO REGULATE THE FILM INDUSTRY IN NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon Umar Jibrin

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

PART I - ESTABLISHMENT AND OBJECTIVES OF THE NIGERIAN FILM COMMISSION

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

Establishment of
the Nigerian Film
Commission

3 (2) The Commission:

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

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

9 (3) objects of the Commission:

10 (a) develop a result oriented productivity commission geared
11 towards profit making and revenue generation that will reduce total
12 dependence on Government subvention;

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

16 (c) project and protect the rich cultural heritage and the values of
17 the people of Nigeria by encouraging the production of high quality

1 Nigerian films and videos for both domestic consumption and for export;
2 (d) ensure the professionalization of the film industry, by regulating
3 the activities of guilds and associations in the film industry for the orderly
4 development of the industry; and

5 (e) encourage the standardisation of film and video production,
6 distribution and exhibition, facilities.

The Board of
the Commission

7 2.-(1) The Board of the Commission shall consist of a Chairman and
8 the following members appointed by the President on the advice of the
9 Minister:

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

14 (b) one representative of the Federal Ministry in charge of
15 Information matters;

16 (c) one representative of the Federal Ministry in charge of Culture
17 matters

18 (d) the Director General of the Commission;

19 (e) Members of the Board other than the Director General of the
20 Commission shall be part-time members.

21 (2) The Board shall:

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

26 (b) develop performance measurement criteria and targets for
27 Management;

28 (c) recommend the appointment, discipline and removal of the
29 Director General to the President through the supervising Minister;

30 (d) approve Financial and Banking Policies including borrowings;

1 (e) approve budgets, both recurrent and capital, and annual
2 account;

3 (f) approve acquisition and disposal of fixed assets and awarding
4 of Contracts within certain financial limits;

5 (g) determine tariffs and charges for goods or services produced or
6 rendered within the Utilities Charges Commission's limitations;

7 (g) appoint, promote and discipline senior Staff as recommended
8 by Management;

9 (h) Perform the role of Shareholder of Government holdings in the
10 Commission

11 (i) Do such other things which in its opinion are necessary to ensure
12 the efficient performance of the objects of the Commission.

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

17 (3) Any member may resign his appointment by a letter addressed
18 to the Minister and his resignation shall take effect on the date of receipt by
19 the Minister of such letter.

20 (4) The office of the Chairman and Members of the Board shall
21 become vacant where-

22 (a) he resigns his office by notice in writing under his hand
23 addressed to the President;

24 (b) he becomes of unsound mind or incapable of carrying out his
25 duties;

26 (c) he becomes bankrupt or makes compromise with his creditors;

27 (d) he is found guilty of gross misconduct relating to his duties;

28 (e) the President is satisfied that it is not in the interest of the
29 Commission or of the public for the person appointed to continue in office;

30 (f) Members of the Board shall be entitled to sitting allowances;

Powers and
functions of the
Commission

1 travel expenses and such other benefits as may be determined from time to time
2 by the appropriate authority.

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

5 (a) initiate and implement national film policies and establish the
6 framework for the growth and development of the film sector in collaboration
7 with development partners;

8 (b) provide guidelines and set standards for the establishment of film
9 and video infrastructure such as film schools, film villages, film production
10 studios and film multi-media centres by the public and private sector;

11 (c) establish and participate in the establishment of cinema theatres
12 across the country in collaboration with Federal agencies, States, Local
13 Governments and private investors;

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

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

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

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

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

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

29 (j) encourage, organize and participate in national and international
30 film festivals, fairs, markets and similar activities to rebrand and enhance the

- 1 exposure of Nigerian film and video industry;
- 2 (k) issue shooting licenses to foreign crew upon accreditation by
- 3 the Ministry;
- 4 (l) acquire, distribute and exhibit films in Nigeria; and
- 5 (m) perform any other functions that are necessary or expedient for
- 6 the full discharge of all or any of its functions under this Act.
- 7 (2) The Commission shall have powers to;
- 8 (a) establish a Production Services that will produce films and also
- 9 be the sole mandatory producer of the Federal Government films and
- 10 documentaries;
- 11 (b) establish a Directorate of Film Festivals that will be responsible
- 12 for the organization and sustenance of international film festivals of Nigeria;
- 13 (c) establish a National Film, Video & Sound Archive as a
- 14 mandatory depository of all film and video related materials;
- 15 (d) Establish the National Film Institute Jos (in this Bill referred to
- 16 as The 'Institute, which shall;
- 17 (i) provide training and capacity building for The Nigerian Motion
- 18 Picture Industry for the development of highly technical and professionally
- 19 competent film practitioners to acquire, skills and techniques in film
- 20 production, management, finance, markets and exhibition; expose each of
- 21 its students to a balanced curriculum in film arts and film related activities;
- 22 (ii) have a governing Board which shall consist of a Chairman who
- 23 shall be the Director General of the Commission; and a representative of the
- 24 Board of Directors; the Rector of the Institute; a representative of the
- 25 Federal Minister in charge of Information matters; a representative of the
- 26 Commission; a representative of the Motion Picture Council of Nigeria
- 27 (MOPICON); and a representative of each of National University
- 28 Commission and National Board for Technical Education;
- 29 (iii) Award degrees, diplomas, certificates and other distinctions to
- 30 persons who have pursued a course of study approved by the Institution and

1 have satisfied such other requirements as the Institute may lay down from time
2 to time subject to the directive and guidance of the National Universities
3 Commission and National Board for Technical Education;

4 (v) Erect, provide, equip and maintain libraries, film studios, film
5 archives, laboratories, lecture halls" hall of residence, refectories, sports
6 grounds, playing fields and other buildings or things necessary or suitable or
7 convenient for any of the Institute and the Commission objectives:

8 (vi) Establish other teaching and research campuses and centers
9 subject to the approval of the National Universities Commission and National
10 Board for Technical Education as the case may be;

11 (vii) Accept gifts, legacies and donations on behalf of the Institute, but
12 without obligations to accept for a particular purpose unless it approves the
13 terms and conditions thereto;

14 (viii) To do all such acts or things, whether or not incident to the
15 foregoing powers as may advance the objects of the Institute.

16 (e) establish a body responsible for regulating the professional
17 practice and ethics in the film and video industry which shall be known as the
18 Motion Picture Council of Nigeria (MOPICON) which shall.

19 (i) be the umbrella body of all Guilds and Associations practicing in
20 the film and video industry.

21 (ii) have a Chairman appointed by the Commission.;

22 (iii) be made up of three representatives from the Guilds of Directors,
23 Screen writers, Actors, Producers, Marketers/Distributors,

24 (iv) one representative of the National Film Video Censors Board,

25 (v) one reps of Federal Ministry of Information,

26 (vi) Representatives of the Nigerian Film Commission.

27 (vii) A Registrar who shall be a staff of the Commission.

28 (f) Establish a Fund for the development of the film and video
29 industry which shall be known as the National Film Development Fund
30 (NFDF).

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

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

9 (iii) The Fund Committee shall be made up of one representative
10 each from the Commission, Federal Ministry of Information, National Film
11 and Video Censors Board, and three members representing the Guilds and
12 Associations of Marketers, Exhibitors; and Film Schools/Academy.

13 (g) establish and maintain subsidiaries in form of special purpose
14 vehicles for the discharge of such functions as the Commission may
15 determine;

16 4.-(1) The Minister may, after consultation with the Commission,
17 give to the Commission directions of a general character as to the discharge
18 by the Commission of its functions in relation to matters appearing to the
19 Minister to affect the public interest.

Powers of the
minister

20 5.-(1) There shall be for the Commission a Director General who
21 shall be appointed by the President on the recommendation of the Minister
22 in charge of Information matters who shall:

Appointment of
the Director-
General and other
staff of the
Commission

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

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

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

29 (2) The Commission, shall:

30 (a) employ such number of employees as may in its opinion be

1 expedient and necessary for the proper and efficient performance of the objects
2 of the Commission;

3 (a) determine the terms and conditions of service including
4 disciplinary measures for the employees of the Commission;

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

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

9 (b) The Secretary shall be a legal practitioner with not less than ten
10 years post call cognate experience;

11 (c) The Secretary shall:

12 (i) have custody of the Commission's seal;

13 (ii) keep the records and conduct the correspondences of the Board;

14 (iii) render legal advisory services to the Commission; and

15 (iv) perform such other functions as the Board may from time to time
16 direct.

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

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

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

Financial
provisions of
the Commission

26 6.-(1) The Commission shall maintain a fund into which shall be paid:

27 (a) monies raised from the local Capital Market;

28 (b) monies raised from the external Capital market through multi-
29 lateral and bi-lateral institutions;

30 (c) 1% of proceeds from value added tax (VAT) or film and

- 1 entertainment related activities and services.
- 2 (d) fees from the licensing of foreign production companies; and
- 3 from the issuance of permits to foreign crews;
- 4 (e) fees from the issuance of import permits to any importer of film
- 5 equipment, film facilities, films and video works;
- 6 (f) revenue from levy charged on admission tickets for the film
- 7 screenings, rentals, and sale of local and foreign films;
- 8 (g) 10% of all the levies collected by the National Film and Video
- 9 Censors Board from licensing of Distributors and Exhibitors of film works;
- 10 (h) monies paid to the Commission by users of its services;
- 11 (i) donations, contributions and endowments;
- 12 (j) grants to the Commission including contributions from
- 13 philanthropic organizations and development partners;
- 14 (k) income from investments;
- 15 (l) 5% of the proceeds from telecommunication companies in
- 16 Nigeria on film related matters;
- 17 (m) 5% of the proceeds from the National Lottery Commission of
- 18 Nigeria;
- 19 (n) Such revenue generated by the Commission through the
- 20 discharge of its functions.
- 21 (ii) Funds of the National Film Development Fund:
- 22 (a) Initial seed money (Take-Off Grant) and sustainable funding
- 23 interventions by the Federal Government;
- 24 (b) 10% of the Commission funds;
- 25 (c) 5% of the National Film and Video Censors Board;
- 26 (d) Proceeds from Value Added Tax (VAT) on film related
- 27 activities;
- 28 (e) Development support loans from international finance and
- 29 investment institutions and special development agencies in Nigeria;
- 30 (f) Grants and endowments from foreign and local donors,

1 foundations, agencies, multi-national companies and conglomerates; and local
2 councils;

3 (g) Capital market;

4 (h) Proceeds from the Fund's investments and also interest on loans;

5 (i) Any other source that may be identified from time to time by the
6 Fund.

Expenditure of
the Commission

7 7.-(1) The Commission may from time to time apply the proceeds of
8 the Fund established in pursuance of section 15:

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

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

11 (c) for reimbursing members and staff of the Commission and
12 Committees set up by the Commission and in accordance with the rates

13 approved in that behalf of the Commission;

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

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

Power to accept
gifts

18 8.-(1) The Commission may accept gifts of land, money or other
19 property upon such terms and conditions, if any, as may be specified by the
20 person or organization making the gift.

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

Borrowing
power

24 9.-(1) Subject to subsection (2) of this section, the Corporation may,
25 from time to time, borrow such sums as it may require in the discharge of its
26 functions under this Act.

27 (2) The Commission may issue debenture stocks and borrow such
28 sums as it may require in the discharge of its functions with the approval of the
29 Board.

1 **10.**-(1) The Commission shall submit its audited annual account
2 within three months of the end of the financial year to the Annual General
3 Meeting (AGM). Such account should be published in 3 National Dailies
4 with copies sent to the Auditor General of the Federation, Supervising
5 Ministry, Federal Office of Statistic and the Bureau for Public Enterprise
6 (BPE).

Annual estimates
account and audit

7 (2) The Commission shall keep proper accounts and records in
8 relation thereto and shall prepare in respect of each financial year a
9 statement of accounts in such form as the Minister may direct.

10 (3) The accounts of the Commission shall be audited at the end of
11 each financial year by auditors appointed by the Shareholders and the fees of
12 the auditors and the expenses of the audit generally shall be paid from the
13 funds of the Commission.

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

Annual report

18 **12.**-(1) Service in the Commission shall be pensionable under the
19 Pension Reform Act and accordingly employees of the Commission shall, in
20 respect of their services, be entitled to pension and other retirement benefits.

Staff Regulations
and Pension

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

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

30 (4) Staff regulations made under subsection (1) of this section shall

1 not have effect until approved by the Board, the Commission shall cause them
2 to be brought to the notice of all affected persons in such manner as it may, from
3 time to time, determine.

4 **13.**-(1) The President may make regulations generally for the proper
5 carrying into effect of the provisions of this Act and the due administration
6 thereof.

Interpretation

7 **14.** In this legal framework, unless the context otherwise requires:

8 "Board" means the Governing Board established pursuant to section 2 of this
9 legal framework;

10 "Chairman" means the person appointed as the Chairman of the Commission
11 pursuant to section 2(I) of this legal framework;

12 "Commission" means the Nigerian Film Commission;

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

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

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

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

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

24 "Minister" means the Federal Minister in charge of information matters;

25 "Ministry" means the Federal Ministry in charge of information matters;

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

29 **15.**-(1) An Act to Repeal the Film Corporation Act CAP NI09 Laws
30 2004 and enact the Nigerian Film Commission Act 2014.