

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, 2019, TO REGULATE AND DEVELOP THE FILM INDUSTRY IN NIGERIA; AND FOR RELATED MATTERS

Sponsored by Hon. Odebunmi Olusegun

[] Commencement

BE IT ENACTED by the National Assembly of the Federal republic of Nigeria:

1 1.-(1) There is established, the Nigerian Film Commission (in this
2 Act referred to as the "Commission").

Establishment of
Nigerian Film
Commission

3 (2) The Commission:

4 (a) shall be a body corporate with perpetual succession and a
5 common seal

6 (b) may sue or be sued in its corporate name; and

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

10 (3) Objects of the Commission:

Objects of the
Commission

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

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

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

Establishment
of Governing
Board of the
Commission

- 1 2.-(1) There is established a Governing Board for the Commission (in
2 this Act referred to as "the Board").
- 3 (2) The Board of the Commission shall consist of:
- 4 (a) a Chairman;
- 5 (b) three persons who by reasons of their ability, experience or
6 specialized knowledge of the film industry, business or professional attainment
7 are capable of making useful contributions to the work of the Commission;
- 8 (c) one representative of the supervising Federal Ministry;
- 9 (d) two most Senior Directors of the Commission;
- 10 (e) the Director General of the Commission;
- 11 (3) Members of the Board other than the Director General and the two
12 Directors of the Commission shall be appointed by the President on the
13 recommendation of the supervising Minister to serve on a part-time basis.
- 14 (4) The Board:
- 15 (a) shall regulate its proceedings and make standing orders with
16 respect to the holding of its meetings; notices to be given, the keeping of
17 minutes of its proceedings and such other matters as the Board may determine;
- 18 (b) shall develop performance measurement criteria and targets for
19 Management;
- 20 (c) shall recommend the appointment, discipline and removal of the
21 Director General to the President through the supervising Minister;
- 22 (d) shall approve Financial and Banking Policies including
23 borrowings for the Commission;
- 24 (e) shall approve appropriation to be done in accordance with the
25 Constitution and powers of the National Assembly;
- 26 (f) may determine tariffs and charges for goods or services produced
27 or rendered within the Utilities Charges limitations of the Commission
28 limitations;
- 29 (g) may appoint, promote and discipline senior Staff as recommended
30 by Management; and

1 (h) may do such other things which in its opinion are necessary to
2 ensure the efficient performance of the functions of the Commission.

3 (5) Subject to the provisions of this Act, a person appointed a
4 member of the Board, not being an ex-officio member shall hold office for a
5 term of three years from the date of his appointment and may be eligible for
6 reappointment for another term of three years and no more.

7 (6) A member may resign his appointment by a letter addressed to
8 the Minister and his resignation shall take effect on the date of receipt by the
9 Minister.

10 (7) The office of the Chairman and Member of the Board becomes
11 vacant when:

12 (a) he resigns his appointment by notice in writing under his hand
13 addressed to the President;

14 (b) he becomes of unsound mind or incapable of discharging his
15 duties;

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

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

18 (e) the President is satisfied that it is not in the interest of the
19 Commission or public for the person appointed to continue in office.

20 (8) Members of the Board shall be entitled to sitting allowances,
21 travel expenses and such other benefits as may be determined from by the
22 appropriate authority.

23 (9) The supplementary provisions set out in the Schedule to this
24 Act shall have effect with respect to the proceedings of the Board.

25 PART II - FUNCTIONS AND POWERS OF THE COMMISSION

26 3.-(1) The functions of the Commission are to:

27 The Commission shall carry out the following functions, that is:

28 (a) initiate and implement national film policies and establish the
29 framework for the growth and development of the film industry in
30 collaboration with development partners;

Functions and
powers of the
Commission

1 (b) ensure that the guidelines and standards set by the appropriate
2 agencies of government on the establishment of film and video infrastructure
3 such as film schools, film villages, film production studios and film multi-
4 media centers by the public and private sector are complied with;

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

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

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

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

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

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

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

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

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

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

1 (m) perform such other functions that are necessary or expedient
2 for the full performance of all or any of its functions under this Act.

3 (2) The Commission shall have powers to:

4 (a) produce films for domestic and international consumption;

5 (b) establish a Directorate of Film Festival that is responsible for
6 the organisation and sustenance of international film festival of Nigeria and
7 participation in other international film festivals and markets;

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

10 (d) establish the National Film and Arts Institute (NAFAI) (in this
11 Bill referred to as "the Institute"), which shall:

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

15 (ii) award degrees, diplomas, certificates and other distinctions.;

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

18 (iv) do all such acts or things, whether or not incidental to the
19 powers as may advance the objects of the Institute.

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

23 (f) establish the National Film Development Fund (NFDF) (in this
24 Act referred to as "the Fund") for the development of the film and video
25 industry and shall:

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

30 (ii) have a Committee headed by a Chairman, appointed by the

1 Commission, who shall be a person, with experience and specialised
2 knowledge in any of the trades of the film and video industry, business or
3 professional attainment capable of contribution to the Fund.

4 (iii) be made up of two representative from the Commission and one
5 each from the supervising Ministry, and Motion Picture of Nigeria
6 (MOPICON) and two members representing the Guilds and Associations.

7 (3) The National Film Development Fund (NFDF) Committee shall
8 recommend projects to be funded from the fund.

Powers of the
Minister

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

Appointment of
the Director
General and other
Staff of the
Commission

13 5.-(1) The President shall, on the recommendation of the supervising
14 Minister appoint for the Commission a Director-General who shall:

15 (a) be the chief executive and accounting officer of the Commission;
16 (b) be responsible for the day to day administration of the
17 Commission; and

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

20 (2) The Commission, shall:

21 (a) employ such number of employees as may, in its opinion, be
22 expedient and necessary for the proper and efficient performance of its
23 functions;

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

26 (c) fix a competitive remuneration, allowances and benefits for its
27 employees.

28 (3) The Board may delegate to the Director-General, generally of
29 specifically, the power to appoint such categories of staff of the Commission as
30 the Commission may specify.

1 (h) grants to the Commission including contributions from
2 philanthropic organizations and development partners;

3 (i) income from investments;

4 (j) such revenue generated by the Commission through the discharge
5 of its functions.

6 (2) Funds of the National film Development Fund shall be:

7 (a) a take-off grant for the establishment of the fund and sustainable
8 funding interventions by the Federal government;

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

11 (c) development support loans from international finance and
12 investment institutions and special development agencies in Nigeria;

13 (d) grants and endowment from foreign and local donors,
14 foundations, agencies, multi-national companies and conglomerates; and local
15 councils; and

16 (e) any other source that may be identified by the Fund.

Expenditure of
the Commission

17 8.-(1) The Commission may apply the proceeds of the Fund
18 established under section 7(1):

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

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

21 (c) for reimbursing members and staff of the commission or any
22 Committees set up by the Commission and in accordance with the rate
23 approved on behalf of the Commission;

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

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

Power to accept
gifts

28 9.-(1) The Commission may accept gifts of land, money, or other
29 property upon such terms and conditions, if any, as may be specified by the
30 person or organisation making the gift.

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

4 10. The borrowing power of the Commission is subject to the
5 financial regulations that may be given, by the relevant government
6 agencies.

Borrowing
Power

7 11.-(1) The Commission shall submit its audited annual account
8 within three months of the end of the financial year to the Supervising
9 Ministry and Auditor General of the Federation.

Annual Estimates
Account and Audit

10 (2) The Commission shall keep proper accounts and records and
11 shall prepare in respect of each financial year a statement of accounts in such
12 form as the Minister may direct.

13 (3) The accounts of the Commission shall be audited at the end of
14 each financial year by auditors appointed by the Commission in accordance
15 with the guidelines supplied by the Auditor-General for the Federation and
16 the fees of the auditors and the expenses of the audit generally shall be paid
17 from the funds of the Commission.

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

Annual Report

22 13.-(1) Service in the Commission shall be pensionable under the
23 Pension Reform Act, and employees of the Commission are, in respect of
24 their services, entitled to pension and other retirement benefits.

Staff Regulations
and Pension

25 (2) Nothing in subsection (1) prevents the appointment of a person
26 to any office on terms which preclude the grant of pension in respect of that
27 office.

28 (3) The Commission may, with the approval of the Board, make
29 staff regulations relating generally to the conditions of service of the
30 employees of the Commission and without prejudice to the generality of the

1 foregoing, such regulations may provide for the appointment, promotion and
2 disciplinary control of the employees of the Commission and appeals by such
3 employees against dismissal or other disciplinary measures;

4 (4) Staff regulations made under subsection (3) shall not have effect
5 until they are approved by the Board, and the Commission shall cause them to
6 be brought to the notice of all affected persons in such manner as it may
7 determine.

General
Regulations

8 14. The Commission, may, with the approval of the Board, make
9 regulations and guidelines generally for the purpose giving effect to the
10 provisions of this Act.

Legal Proceedings

11 15.-(1) No suit against the Commission or a member of staff of the
12 Commission for any act done in pursuance or execution of any enactment, law,
13 or any public duty of the Commission, or in respect of alleged neglect or default
14 in the execution of enactment or law, shall lie or be instituted in any court unless
15 it is commenced within 12 months of the neglect or default complained of and,
16 in the case of a continuance of damage or injury, within 12 months next after the
17 ceasing thereof.

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

22 (3) The notice referred to in subsection (2) shall clearly state the:

23 (a) cause of action;

24 (b) particulars of the claim;

25 (c) name and place of abode of the intending plaintiff; and

26 (d) relief which the plaintiff claims.

27 16. The notice referred to in section 14 and any summons or other
28 documents required or authorised to be served on the Commission under the
29 provisions or any other enactment or law may be served by:

30 (a) delivering the same to the Director-General of the Commission; or

1 (b) sending it through registered post addressed to the specified
2 Director at the Head office of the Commission.

3 PART IV - MISCELLANEOUS PROVISIONS

4 17.-(1) A person who contravenes a provisions of this Act for
5 which no specific penalty is imposed under this Act, commits an offence and
6 is liable on conviction to a fine of at least Five Hundred Thousand Naira or
7 imprisonment for a term of one year or both.

Offences and
Penalties

8 (2) A person who aids or abets the Commission of any offence
9 under this Act commits an offence and is liable on conviction to a fine of One
10 Million Naira or imprisonment for a term of two years or both.

11 (3) In the case of a corporate body, where an offence is proved to
12 have been committed with the consent or connivance of, or to be attributed
13 to any neglect on the part of, a director, manager, secretary, or any person
14 who was purporting to act in any such capacity, the person as well as the
15 corporate body, after investigations are liable on conviction to:

16 (a) in the case of the corporate body, a fine of One Million Naira;

17 (b) in the case of an individual, a fine of One Million Naira.

18 (4) A foreign production company or an individual that carries out
19 shooting activities in Nigeria without obtaining a shooting license from the
20 Commission, commits an offence and is liable on conviction to:

21 (a) in the case of the foreign production company, a fine of Two
22 Million Naira; and

23 (b) in the case of an individual, a fine of Two Million Naira or
24 imprisonment for a term of Four years or both.

25 (5) A Nigerian company or an individual who aids or collaborate
26 with any foreign production company to carry out shooting activities in
27 Nigeria without securing a shooting license from the Commission commits
28 an offence and is liable on conviction to:

29 (a) in the case of a company, a fine of One Million Naira or an
30 imprisonment to a term of Two years of both; and

1 (b) in the case of an individual, a fine of One Million Naira or
2 imprisonment for a term of two years or both.

3 (6) A film school, film village, production studio and festival held or
4 established in Nigeria without following the necessary guidelines or set
5 standard provided by the Commission and obtaining the license or registration
6 with the Commission, commits an offence and is liable on conviction to a fine
7 of Two Million Naira.

8 (7) A person who contravenes the rules and regulations set out by the
9 National Film Policy for the development of film in Nigeria, commits an
10 offence and is liable on conviction to a fine of One Million Naira or
11 imprisonment to a term of One year.

12 (8) A person who neglects or refuses to follow the rules and regulation
13 in respect of acquisition, preservation and usage of the materials in all
14 audiovisual archives in Nigeria without maintaining a database of these
15 materials, commits an offence under this Act., and is liable on conviction to a
16 fine of One Million Naira.

17 (9) The Commission shall have powers to prosecute any of the
18 offences created by and defend actions arising from carrying out the provisions
19 of this Act, subject to the powers of the Attorney-General of the Federation

20 **18.-(1)** The Nigerian Film Commission Act Cap, N109, Laws of the
21 Federation of Nigeria, 2004 is repealed.

22 (2) From the commencement of this Act, all assets, funds, resources
23 and other movable or immovable property which immediately before the
24 commencement of this Act were vested in the Nigerian Film Corporation by
25 virtue of this Act, shall be vested in the Commission

26 (3) From the Commencement of this Act, all rights, interest,
27 obligations and liabilities of the Corporation existing immediately before the
28 commencement of this Act, shall, by virtue of this Act, be assigned to and
29 vested in the Commission.

30 (4) A person in the employment of the Corporation immediately

1 before the commencement of this Act is deemed to be an employee of the
2 Commission under this Act.

3 19. In this Act:

Interpretation

4 "Board" means the Governing Board established under section 2(1) of this
5 Act;

6 "Chairman" means the Chairman of the Commission appointed under
7 section 2(2)(a) of this Act;

8 "Commission" means the Nigerian Film Commission established under
9 section 1(1) of this Act;

10 "Director General" means the Director General of the Commission
11 appointed under section 5(1) of this Act;

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

14 "film and video" includes all media of projected images, notwithstanding
15 whether the medium of projection is the small screen (video) or the large
16 screen of the cinema (celluloid);

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

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

22 "Minister" means the supervising Minister;

23 "Ministry" means the supervising Ministry;

24 "Practitioners" means anyone who practices any of the trades or
25 specialisations in any of the branches of the motion picture industry and
26 registered with any guild or association.

27 20.-(1) The Nigerian Film Corporation Act is repealed.

Repeal

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

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OFFENCES AND PENALTIES

SECS 3

1 Offences and Penalties

2 3.-(i) Any person in breach of a provision of this Act for which no
3 specific penalty is imposed under this Act, if found guilty shall be liable on
4 conviction to a fine of not less than Five Hundred Thousand Naira
5 (N500,000.00) or one (1) year imprisonment or both;

6 (ii) Any person who aids or abets the commission of any offence
7 under this Act shall be guilty of an offence and if found guilty on conviction,
8 shall be liable to a fine of One Million Naira (N1000,000.00) or two (2) years
9 of imprisonment or both for each of the person(s) found liable;

10 (iii) In the case of a corporate body, where offence is proved to have
11 been committed with the consent or connivance of, or to be attributed to any
12 neglect on the part of a Director, Manager, secretary, or any person(s) who
13 was purporting to act in any such capacity, he as well as Corporate Body shall
14 be guilty after investigations and prosecuted and if found guilty, liable to a
15 fine of One Million Naira (N1000,000.00) or two (2) years imprisonment or
16 both for each of the person(s) found liable;

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

21 (v) Any Nigerian company or individual aiding or collaborating
22 with any foreign production company to carry out shooting activities in
23 Nigeria without securing a shooting license for foreign production company
24 from the Commission shall be guilty of offence and liable on conviction to a
25 fine of One Million Naira (N1000,000.00) or two (2) years imprisonment;

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

1 imprisonment;

2 (vii) Any person who contravenes the rules and regulations in
3 accordance with the National Film policy for the development of film in
4 Nigeria shall be guilty of an offence and liable on conviction to a fine of One
5 Million Naira (N1000,000.00) or one (1) year imprisonment;

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

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

13 *Savings*

14 4.-(1) From the commencement of this Act, all assets, funds,
15 resources, and other movable or immovable property which immediately
16 before the commencement of this Act were vested in the Nigerian Film
17 Corporation (the Corporation) shall be vested in the Commission.

18 (2) From the commencement of this Act, all rights, interests,
19 obligations and liabilities of the Corporation existing immediately before the
20 commencement of this Act, shall by virtue of this Act be assigned to and vested
21 in the Commission.

22 (3) A person in the employment of the Corporation immediately
23 before the commencement of this Act shall be deemed to hold the employment
24 in the Commission under this Act.

25 *Power to make Regulations*

26 5. The Commission, may, with the approval of the Board, make
27 regulations and guidelines generally for the purpose of giving effect to the
28 provisions of its laws.

1 SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION'S
2 COMMITTEE MEETINGS AND PROCEEDINGS

3 *Proceedings of the Commission*

4 6-(1) Subject to this Act and section 27 of interpretation Act, the
5 Commission may make standing orders regulating its proceedings or those
6 of any of its committees.

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

11 *Meetings*

12 7-(1) The Commission shall meet not less than four times in each
13 year and subject thereto, the Commission shall meet whenever it is
14 summoned by the Chairman, and if the Chairman is required to do so by
15 notice given to him by not less than three other members, he shall summon a
16 meeting of the Commission to be held within 28 days from the date on which
17 the notice is given.

18 (2) The Chairman shall preside over any meeting of the
19 Commission, but if he is absent, the members present shall appoint one out
20 of them to preside at the meeting.

21 (3) Where the Commission desires to obtain the advise of any
22 person on a particular matter, the Commission may co-opt him for such
23 period as it deems fit, but a person who is in attendance by virtue of this
24 subparagraph shall not be entitled to vote at any meeting of the Commission
25 and shall not count towards a quorum.

26 *Committees*

27 8-(1) The Commission may appoint one or more Committees to
28 carry out, on behalf of the Commission, such functions as the Commission
29 may determine.

30 (2) A Committee appointed under this paragraph shall consist of

1 such number of person as may be determined by the Commission and a person
 2 shall hold office in the Committee in accordance with the terms of his
 3 appointment.

4 (3) A decision of a Committee shall be of no effect until it is confirm
 5 by the Commission.

6 *Miscellaneous*

7 9.-(1) The fixing of the seal of the Commission shall be authenticated
 8 by the signature of the Chairman, Director-General, or any other person
 9 authorised generally or specifically by the Commission to act for that purpose.

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

13 (3) The viability of any proceeding of the Commission or of a
 14 Committee shall not be adversely affected by the:

15 (a) a vacancy in the membership of the Commission or Committee;

16 (b) a defect in the appointment of a member of the Commission or
 17 Committee; or

18 (c) the reason that a person not entitled to do so took part in the
 19 proceedings of the Commission or Committee.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Nigerian Film Corporation Act Cap. N109, LFN.,
 2004 and To Enact the Nigerian Film Commission Act, 2019 to Regulate and
 develop the Film Industry in Nigeria.