

# A BILL

## FOR

AN ACT TO REPEAL THE NATIONAL FILM AND VIDEO CENSORS BOARD ACT, CAP N40 LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE NATIONAL FILM AND VIDEO CENSORSHIP, CLASSIFICATION AND EXHIBITION REGULATORY COMMISSION ACT 2019 FOR CLASSIFICATION OF FILMS, VIDEO WORKS, MUSICAL VIDEOS AND VIDEO GAMES AND FOR THE REGULATION OF THEIR SALES, RENTALS, DISTRIBUTION, EXHIBITION AND FOR RELATED MATTERS

*Sponsored by Hon. Odeburmi Ohusegun*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows -Act:

1 PART 1 - ESTABLISHMENT OF THE NATIONAL FILM AND VIDEO  
2 CLASSIFICATION COMMISSION

3 1.-(1) There is established a body to be known as the National Film  
4 and Video Classification Commission (in this Act referred to as "the  
5 Commission").

Establishment of the Commission

6 (2) The Commission:

7 (a) shall be a body corporate with perpetual succession and  
8 common seal;

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

10 (c) may acquire, hold or dispose of any property, movable or  
11 immovable, for the purpose of carrying out any of its functions under this  
12 Act.

13 2. The Commission shall:

14 (a) Examine and classify films and video works, musical videos  
15 and video games;

Functions of the Commission

16 (b) License;

- 1           **(i) a person to sell, hire, rent or supply films and video works, musical**
- 2 **videos and video games,**
- 3           **(ii) a premises for the purposes of exhibiting films and video works,**
- 4 **musical videos and video games,**
- 5           **(iii) a person to exhibit films and video works, musical videos and**
- 6 **video games,**
- 7           **(iv) online platforms engaged in sales, rentals, leasing, distribution or**
- 8 **exhibition of films and video works, musical videos and video games.**
- 9           **(c) register all:**
- 10           **(i) film and video exhibition premises,**
- 11           **(ii) film and video distributor and retailers;**
- 12           **(iii) video shops, video clubs cinemas and viewing centres;**
- 13           **(iv) films and video works, musical videos and video games censored**
- 14 **and classified;**
- 15           **(d) approve materials for the advertisement of a film and video work,**
- 16 **musical video and video game;**
- 17           **(e) keep record of all films and video works, musical videos and video**
- 18 **games:**
- 19           **(i) submitted for approval;**
- 20           **(ii) approved;**
- 21           **(iii) refused approval;**
- 22           **(f) keep a record of all necessary information on a film and video**
- 23 **producer; whose work is to be sold, hired, rented or supplied or exhibited in**
- 24 **Nigeria and abroad;**
- 25           **(g) keep records of all changes in any register belonging to the Board;**
- 26           **(h) regulate and control cinematographic exhibitions;**
- 27           **(i) regulate the import of foreign films, video works, musical videos**
- 28 **and video games, and export of Nigerian films, video works, musical videos**
- 29 **and video games for classification;**
- 30           **(j) receive and investigate complaints from licensees, consumers and**

1 other persons concerning censorship and classification in the film industry;

2 (k) be responsible for the protection of the public interest by  
3 ensuring that operators in the industry carry out their trade with due regard to  
4 public interest;

5 (l) advise the Federal Government generally on all censorship and  
6 classified matters concerning or relating to the film and video industry in  
7 Nigeria;

8 (m) perform such other functions as are necessary or expedient for  
9 the discharge of all or any of the functions under this Act;

10 3.-(1) The Board shall consist of:

11 (a) a Chairman; who shall be an eminent Nigerian with sound  
12 knowledge of the Nigerian arts and culture and requisite experience in the  
13 film related discipline, appointed by the President on the recommendation  
14 of the Minister;

15 (b) a representative of each of the six geographical zones of Nigeria  
16 excluding the zone represented by the Chairman, who shall have sound  
17 knowledge of the Nigerian arts and culture and requisite experience in a film  
18 related discipline;

19 (c) a representative of the Nigerian copyright Commission;

20 (d) the Director General of the Commission.

21 (2) The provision of the first Schedule to this Act shall have effect  
22 with respect to the proceedings of the Board

23 (3) The Chairman and other members of the Board shall be persons  
24 of proven integrity who by reason of their professional or business  
25 attainments are in the opinion of the Minister capable of making useful  
26 contributions to the work of the Commission.

27 (4) The members of the Board, other than the Director-General  
28 shall be part-time.

29 4.-(1) A member of the Commission may be removed from office  
30 by the President if he is satisfied that it is not in the interest of the

Membership of  
the Governing  
Board of the  
Commission

Cessation of  
Members

1 Commission or the public that the member should continue in office.

2 (2) A member shall resign his appointment by a letter addressed to the  
3 President, through the Minister

4 (3) Whenever a vacancy occurs in the membership of the  
5 Commission, it shall be filled by the appointment of a successor to hold office  
6 for the remainder of the term of office of his predecessor, the successor shall  
7 represent the same interest as his predecessor.

Tenure of Office

8 5. Subject to the provision of this Act, a member of the Board other  
9 than an ex-officio member shall hold office for a period of three years from the  
10 date of his appointment and may be reappointed for another term of three years  
11 only.

Allowances

12 6. Members of the Board appointed under subsection (1) (a) (b) and  
13 (c) of section 3 of this Act shall be paid such allowances as the Government  
14 may determine

15 PART II - STAFF OF THE COMMISSION

Director-General

16 7. There shall be a Director General for the Commission to be  
17 appointed by the President on the recommendation of the Minister. The  
18 Director General Shall;

19 (i) be a person with reasonable knowledge or experience in media the  
20 film Industry;

21 (ii) be the Chief Executive and Accounting officer of the Commission  
22 and shall be;

23 (iii) be responsible for the execution of the policies of the  
24 Commission and its day to day administration;

25 (iv) hold office for a term of four years and may be re-appointed for  
26 another term of four years only.

Secretary/Legal  
Adviser to the  
Commission

27 8.-(1) The Board shall appoint a Secretary/Legal Adviser  
28 recommended by the Director- General to the Commission who shall.  
29 Amongst other things, keep records, conduct the correspondence of the  
30 Commission, give legal advice/opinion, organise Board and Management

1 meetings and carry out such other duties as the Commission or Director-  
2 General may from time to time; direct.

3 (2) The Secretary/Legal Adviser shall have at least 10 years post-  
4 call experience as a lawyer.

5 (3) The Legal Adviser and other Legal Officers of the Commission  
6 shall have powers to prosecute, conduct or defend before a court of law any  
7 charge, information, complaint or other proceedings arising from the  
8 implementation of the provisions of this Act.

9 9. The Board may appoint such other persons as employees of the  
10 Commission as it may consider necessary

Other Staff of  
the Commission

11 10. The Board may create such number of departments or units as  
12 may be necessary for the efficient management of the Commission.

Creation of  
Departments  
and Units

13 11.-(1) The terms and conditions of service including terms and  
14 conditions as to remuneration, allowances, retirement and other benefits of  
15 officers and other employees of the Commission shall be as may be  
16 determined by the Board.

Conditions of  
Service

17 (2) The Board may, subject to the provisions of this Act, make staff  
18 regulations relating generally to the conditions of service of the employees  
19 of the Commission and without prejudice to the foregoing, such regulation  
20 may provide for:

21 (a) the appointment, promotion and disciplinary control (including  
22 dismissal) of employees of the Commission; and

23 (b) appeals by such employees against dismissal and other  
24 disciplinary measures.

25 (3) until such regulations are made, any instrument relating to the  
26 conditions of service of officers in the civil service of the Federation shall be  
27 applicable.

28 (4) employees of the Commission shall be entitled to pensions, and  
29 other retirement benefits as prescribed under the Pension Act.

1 PART III - FINANCIAL PROVISIONS

Funds of the  
Commission

2 12.-(1) The Commission shall establish and maintain a fund, which  
3 shall consist of:

4 (a) such sums as may be appropriated to the Commission by the  
5 Federal, Government;

6 (b) fees and charges for services rendered by the Commission or  
7 publications made by the Commission;

8 (c) all other sums of money accruing to the Commission by way of  
9 gift, disposition or otherwise;

10 (2) The Commission shall after the National Assembly approval from  
11 time to time apply the proceeds of the fund established pursuant to subsection  
12 (1) of this Section to the cost of the administration of the Commission.

Borrowing  
Power

13 13. The Commission may, with the consent of and in accordance with  
14 the general authority given by the Minister, borrow such sums of money as the  
15 Commission may require in the exercise of its functions under this Act

Annual Estimates

16 14. The Commission shall not later than 30<sup>th</sup> September in each year  
17 submit to the Minister, for National Assembly approval, an estimate of its  
18 expenditure and income for the next year

Audit or  
Accounts

19 15. The Commission shall keep proper accounts in respect of each  
20 year and proper records in relation to those accounts and shall cause its  
21 accounts to be audited within six months after the end of each year by auditors  
22 appointed from the list in accordance with the guidelines supplied by the  
23 Auditor-General for the Federation.

24 PART IV - JUDICIAL PROCEEDINGS

Jurisdiction of  
Court

25 16. The Federal High Court shall have exclusive jurisdiction over  
26 any matter under this Act.

Limitation of  
Suits

27 17.-(1) Notwithstanding anything in any other enactment, no suit  
28 against the Commission or member of staff of the commission for any act done  
29 in pursuance of the provisions of this Act, or of any public duty of the  
30 Commission or in respect of alleged neglect or default in the execution of such

1 enactment or law, duties or authority, shall lie or be instituted in court unless  
2 it is commenced within twenty four months next after the act, neglect or  
3 default complained of and in the case of continuance of damage or injury,  
4 within three months next after the ceasing thereof.

5 (2) No suit shall be commenced against the Commission before the  
6 expiration of a period of one months after written notice of intention to  
7 commence the suit shall have been served upon the Commission by the  
8 intending plaintiff or his agent; and the notice shall clearly and explicitly  
9 state the cause of action, the particulars of claims, the name and place of  
10 abode of the intending plaintiff and the relief which he claims.

11 (3) The notice referred to in sub-section (2) of this Section, any  
12 other notice, summon, process, document required or authorized to be  
13 served upon the Commission under the provisions of this Act or any other  
14 enactment or law shall be served by delivering the same to the Director-  
15 General of the Commission at the head office of the Commission.

16 18. Every member, agent, auditor or employee of the Commission  
17 shall be indemnified by the Commission against any liability incurred in the  
18 course of carrying out official duties

Indemnity of  
members and  
employees of  
the Commission

19 PART V - LICENSING OF PREMISES AND EXHIBITORS

20 19.-(1) Subject to the provisions of this Act, no person shall exhibit  
21 a film, video work or video game unless he is a holder of a licence granted by  
22 the Commission under this Act.

23 (2) No premises shall be used for film or video exhibition except in  
24 accordance with a licence granted under this Act.

25 (3) An application for licence as exhibitor shall be accompanied  
26 with evidence of payment of the prescribed fee.

27 (4) The provisions of this section shall not apply to:

28 (a) a film or video exhibition in a premises to which the public is  
29 not admitted, provided such films and videos are classified and approved by  
30 the Commission;

1 (b) premises employed by the Federal, State or Local Government for  
2 cinematographic purposes;

3 (c) premises owned by Federal, State or Local Government but not  
4 used for commercial purposes, and

5 (d) a film or video exhibition aimed at educating, instructing or  
6 enlightenment purposes.

General Safety  
Provisions

7 **20.-(1)** No premises shall be licensed for carrying on the business of  
8 film or video exhibition unless:

9 (a) the premises are provided with such means of escape in case of  
10 fire, as the Federal or State fire service may reasonably require and such means  
11 of escape are maintained in good condition and free from obstruction; or

12 (b) where the premises forms part of a building and such part is either:

13 (i) separated from any other part of the building by fire-resisting  
14 partitions (including fire-resisting ceilings and floors) and fire-resisting self  
15 closing doors; or

16 (ii) so constructed that a fire occurring thereon is not likely to spread  
17 to other parts of the building and its use for the purposes to which this Act  
18 applies are sanctioned in writing by the Commission and any conditions  
19 attached thereto are complied with; the premises are provided with adequate  
20 means of extinguishing fire having regard to the amount of inflammable  
21 materials in the premises;

22 (c) the furniture and apparatus in the premises are so arranged as to  
23 afford free access to persons in the premises in the event of fire the fittings are  
24 as far as is practicable, of non- inflammable or fire-resisting materials;

25 (d) there is kept posted up in large characters in the premises,  
26 instructions as to the action to be taken in case of fire and full directions as to the  
27 means of escape from the premises in case of fire; and

28 (e) the fittings of the store-room are as far as practicable, of non  
29 inflammable or fire-resisting materials.



1           21. An application for the grant of a licence to use a premises for  
2 the purpose of a film or video exhibition shall contain or be accompanied by;

Application for  
Licences of  
Exhibition  
Premises

3           (a) such information, documents and other materials the  
4 Commission may from time to time prescribe;

5           (b) a certificate issued by the Federal or State Fire Service stating  
6 that the premises conforms with the necessary safety regulations; and

7           (c) evidence of the payment prescribed fee.

8           22. The Commission shall issue a license to the applicant in  
9 respect of the premises with such conditions as may be imposed or attached  
10 there, having satisfied that:

Issuance of  
Licence

11           (a) an application for a licence has been made in the prescribed  
12 manner and contains all information or accompanied by all documents  
13 required under Section 21 of this Act;

14           (b) the premises are constructed and equipped to such standards as  
15 may be prescribed;

16           (c) the applicant is capable of complying with such conditions as  
17 may be imposed or attached to the licence.

18           23. Notwithstanding the provisions of section 22 and any other  
19 section of this Act, the Commission may in case of violation of the license  
20 requirement and attached condition with the existing licensee:

Variation,  
revocation etc of  
license by the  
Commission

21           (a) refuse to grant a licence; or

22           (b) at any time modify or vary the terms, conditions and restrictions  
23 of a licence; or

24           (c) revoke any licence already granted under this Act.

25           24.-(1) Unless a licence is revoked under section 23 of this Act, it  
26 shall remain in force for two years or for such shorter period as the  
27 Commission may, on the grant of the licence determine and such licence  
28 shall not be transferable.

Validity of  
Licence

29           (2) Where, before the date of expiry of a licence, an application has  
30 been made for renewal of the licence, the licence shall be deemed to remain

1 in force or as the case may require, having effect with any such necessary  
2 modifications until the determination of the application by the Commission.

Entry, Search  
and Seizure

3 25.-(1) If the court is satisfied by information on oath that:

4 (a) there is reasonable ground for suspecting that an offence under this  
5 Act has been or is being committed on any premises, or

6 (b) there is evidence that an offence has been or is being committed on  
7 any premises, the court may issue a warrant authorizing the person applying for  
8 the warrant to enter and search the premises.

9 (2) A police officer or any other person authorized in that behalf to  
10 enter or search any premises in pursuance of a warrant under subsection (1) of  
11 this Section, and seize anything found therein which he has reasonable grounds  
12 to believe may be required to be used in evidence in any proceedings for an  
13 offence under this Act.

14 (3) where any property is seized under the provision of this Act, the  
15 property shall be in the custody of the Commission pending the completion of  
16 investigation or the determination of the case in the case of a prosecution.

17 (4) if a police officer or any other person authorized in that behalf has  
18 reasonable grounds for suspecting that a person has committed an offence  
19 under this section, he may require the suspect to give his or her name and  
20 address, and if that suspect refuses or fails to do so or gives a name or address  
21 which the police officer or the person authorized in that behalf reasonably  
22 suspects to be false, the police officer or the person so authorized in that behalf  
23 may arrest the suspect for prosecution.

Sealing of video  
outlet

24 26. Officers of the Commission shall have the powers to seal up any  
25 premises not licensed or registered with the Commission or in which  
26 unclassified films or video works, musical videos and video games are  
27 exhibited or sold, hired, rented or supplied.

Registrar of  
Films, Video  
works and video  
games

28 27. An exhibitor of films or video works and video games shall cause  
29 to be kept at his registered office the film or video work exhibited by him and a  
30 register containing:

(a) the title and registered length of the film or video work, video game;

(b) information regarding the origin of the film or video work or video game;

(c) the details of approval for the film, video work or video game;

(d) the respective dates on which or the period during which the film, video work or video game has been exhibited to the public; and

(e) such other particulars with respect to the film, video work or video game as may be prescribed for the purpose of identification in accordance with guidelines by the Commission.

PART VI - LICENSING OF DISTRIBUTOR AND RETAILERS

28-(1) No person shall:

(a) carry on the business of distributing, retailing or renting of any film or video work; musical video, video game; or

(b) display any film or video work anywhere for the purpose of soliciting patronage, without evidence of censor and classification of such work from the Commission pursuant to this Act.

(2) An application for licence as a distributor or retailer of films or video works, musical videos and video games shall be accompanied with evidence of payment of the prescribed fee.

(3) A licence granted under the provisions of this section shall specify the area within which the applicant is expected to operate.

29-(1) A distributor of films or video works, musical videos and video games shall cause to be kept in the premises at which the film, video work, musical video or video game is delivered for distribution, a register containing:

(a) the title and registered length of the film, video work, musical video or video game;

(b) information regarding the origin of the film, video work, musical video or video game;

Licensing of Distributor and retailers

Records to be kept by a distributor and retailer

1 (c) the details of the classification approval of the film, video work,  
2 musical video or video game; and

3 (d) such other particulars with respect to the film, video work, musical  
4 video or video game as may be prescribed for the purpose of identification in  
5 accordance with guidelines by the Commission.

6 (2) A retailer of films, video works, musical videos or video games  
7 shall cause to be kept in the premises at which the film, video work, musical  
8 video or video game is delivered for sales or rentals, a register containing:

9 (a) the title of film, video work, musical video or video game;

10 (b) the source of his supply;

11 (c) the quantity of each title he received, and

12 (d) the quantity of each title he has sold or rented.

13 (3) A distributor or retailer of a film or a video work shall, whenever  
14 requested by a person authorized in that behalf by the Commission, produce to  
15 that person, such books or other relevant documents.

16 PART VII - REGISTRATION OF FILMS, VIDEO WORKS, MUSICAL VIDEOS  
17 AND VIDEO GAMES

Registration  
of a film or  
video work,  
musical video  
or video persons

18 30.-(1) No person shall sell, hire, rent or supply or exhibit a film or  
19 video work, musical video or video game that is not registered with the  
20 Commission.

Register of Films  
and Video works,  
musical videos  
and video games

21 31.-(1) There shall be kept by the Commission a register of films and  
22 video works, musical videos and video games containing particulars in relation  
23 to each film or video work.

24 (2) The register shall be opened for inspection by members of the  
25 public on payment of the prescribed fee.

26 (3) On a request by any person and on payment of the prescribed fee,  
27 the Commission through its designated officer shall furnish that person a  
28 Certified True Copy of the entry in the register relating to a particular film or  
29 video work.



1  
2

3 this Act, the relevant Government Agency regulating the platform on which  
4 such online distribution and exhibition of film, video work, musical video or  
5 video game are done shall take all necessary actions to ensure that the  
6 provisions of this Act are complied with.

Classification  
Certificate

7 **35.-(1)** No person shall exhibit, sell, hire, rent, market, supply or  
8 cause or allow to be exhibited, sold, hired, rented or supplied a film, video  
9 work, musical video or video game without classification and release  
10 certificates issued by the Commission in respect of the film, video work,  
11 musical video or video game.

12

13 **(2)** An application for the examination and classification of a film,  
14 video work, musical video or video game shall be accompanied with the  
15 evidence of payment of the prescribed fee.

Exempted  
Exhibition

16 **(3)** An application for a Release Certificate shall be made after the  
17 film has been registered by the Commission.

18 **36.-(1)** Nothing in section 35 of this Act shall apply to any  
19 documentary film or video work imported, produced or issued by or on the  
20 direction of  
21 (a) the Federal, State or Local Governments;  
22 (b) the diplomatic representative of a commonwealth or any other  
23 foreign country so long as it is not for commercial purposes;

24 (c) the United Nations, African Union or any other global or regional  
25 organization or any organ of such organizations; and  
26 (d) an educational, scientific or cultural body or society including any  
27 broadcasting and television organization.

28 **(2)** For the purposes of exempting an imported film, video work,  
29 musical video or video game under the provisions of subsection (1) of this  
30 section, a notice of importation of the film, video work, musical video or video  
31 game shall be given to the Commission within 14 days of such importation for  
32 its due registration by the Commission.

33 **(3)** A video shall not be classified as an exempted work for the purpose

1 An of subsection (2) of this section if, to any significant extent, it;

2 (a) depicts explicit sexual activities or acts of force or restraint  
3 associated with such activities;

4 (b) depicts mutilation or torture of or other acts of gross violence  
5 towards humans or animals;

6 (c) depicts human genital organs or human urinary or excretory  
7 functions;

8 (d) is designed to stimulate or encourage anything falling within  
9 paragraph (a) of this section or in the case of anything falling within  
10 paragraph (b), it is designed to any extent to do so;

11 (e) is religious; or

12 (f) contains ethnic prejudice either by word or action.

13 (4) An application for exemption from classification and approval  
14 for exhibition of the film shall be accompanied with evidence of payment of  
15 the prescribed fee.

16 (5) The Commission may, if it deems fit in each circumstance,  
17 arrange the viewing of a film or video work or verify any information given  
18 to it by the applicant;

19 (6) Where the Commission is satisfied that a film or video is of the  
20 type to be subjected to examination, the Commission shall apply the  
21 provisions of this Act as they relate to examination of film and video.

22 (7) The production of an exemption certificate shall be prima facie  
23 evidence of such exemption.

24 37.-(1) The Commission shall set up Examination and  
25 Classification Committees to be known as the "Classification Committee" Examination  
and Classification  
Committees  
26 for the purpose of examining and classifying films, video works, musical  
27 videos and video games.

28 (2) The Committee shall be charged with the duty of examining the  
29 contents of films, video works, musical videos and video games in  
30 accordance with section 38 of this Act.

1 (3) The Committee shall assign a classification to a film, video work,  
2 musical video or video game having regard to the classification categories  
3 contained under this Act.

4 (4) No person, other than members of the Committee shall be present  
5 when a film or video work, musical video or video game is shown for  
6 examination classification purposes except the presenter and such other person  
7 as may be specifically authorized by the Director General.

8 (5) The Committee shall not later than 7 days after its decision notify  
9 an applicant of its decision.

Examination  
Criteria

10 **38.-(1)** The Committee in reaching a decision on a film, video work,  
11 musical video or video game shall ensure that:

12 (a) such a film, video work, musical video or video game has  
13 educational or entertainment value apart from promoting Nigerian culture,  
14 unity and interest; and

15 (b) such film, video work, musical video or video game is not likely  
16 to:

17 (i) undermine national security;

18 (ii) induce or reinforce the corruption of private or public morality;

19 (iii) Encourage or glorify the use of violence;

20 (iv) Expose the people of African heritage to ridicule or contempt;

21 (v) encourage illegal or criminal acts;

22 (vi) encourage racial, religious or ethnic discrimination or conflict;

23 (vii) by its contents, to be blasphemous or obscene; or

24 (viii) denigrate the dignity of womanhood.

25 (2) The Committee shall not approve a film, video work, musical  
26 video or video game, which in its opinion depicts any matter, which is:

27 (a) indecent, obscene or likely to be injurious to morality;

28 (b) likely to incite or encourage public disorder or crime;

29 (c) undesirable in the public interest; or

30 (d) an institutional misrepresentation.



1                   39.-(1) A film, video work, musical video or video game shall be  
2 sold, hired, rented, supplied or exhibited in exactly the same form, with the  
3 same contents, name and promotional materials with which it was classified  
4 and registered by the Commission without alteration.

Alteration and  
Excision

5                   (2) A film, video work, musical video or video game as well as its  
6 promotional materials to which any matter has been added or removed after  
7 it had been approved by the Commission shall be re-submitted for  
8 examination and classification and the previous classification shall be  
9 deemed to have been withdrawn.

10                  (3) The Commission may, at any time, order the withdrawal of a  
11 film, video work, musical video or video game from circulation,  
12 distribution, sale, rental or exhibition for the purpose of further examination  
13 if it is satisfied that such withdrawal is necessary in the public interest.

14                  (4) The Commission shall retain any excised portion of a film,  
15 video work, musical video or video game as long as it deems fit.

16                  (5) the Commission may in its discretion, retain in its custody, film,  
17 video work, musical video or video game which it has not approved for sale,  
18 supply, rental or exhibition, and in the case of imported film, video work,  
19 musical video or video game, until it is ready for exportation back to the  
20 country of origin or its decision is set aside on appeal.

21                  (6) the Commission shall reserve the right to revoke, withdraw or  
22 vary any certificate issued by it in respect of a film, video work, musical  
23 video or video game if certain conditions attached to the certificate are not  
24 complied with or because of new facts that have come to its knowledge and  
25 notice of such revocation, withdrawal or variation shall be communicated to  
26 the presenter within 7 days of such decisions.

27                  40.-(1) Where the Commission approves a film, video work,  
28 musical video or video game, it shall state in the certificate issued either in  
29 full or by the use of appropriate symbols, the classification of the film, video  
30 work, musical video or video game as follows:

Classification  
categories of  
Film or Video  
Work

- 1 (a) "G" to indicate for General Exhibition;
- 2 (b) "PG" to indicate Parental Guidance;
- 3 (c) "12" to indicate not recommended for children below the age of 12
- 4 years;
- 5 (d) "12A" for public exhibition, to indicate not suitable for persons
- 6 under 12 years unless accompanied by an adult
- 7 (e) "15A" for public exhibition, to indicate not suitable for persons
- 8 under 15 years unless accompanied by an adult;
- 9 (f) "18" to indicate for mature audience;
- 10 (g) "RE" to indicate restricted exhibition for selected audience
- 11 approved by the Commission.

12 (2) The Commission may by regulations make such other  
13 classifications as may from time to time be necessary.

14 (3) Every copy of a film, video work, musical video or video game to  
15 be distributed, supplied, retailed, leased or hired out shall be affixed with a  
16 classification authentication label which shall be obtained from the  
17 Commission upon payment of fee.

Reproduction  
of certification  
of approval to  
be projected

18 41.-(1) A person who exhibits or causes to be exhibited a film or video  
19 approved by the Commission shall, immediately before the exhibition of such  
20 film or video, cause to be projected on the screen on which the picture is to be  
21 exhibited, a reproduction of the certificate of classification approved by the  
22 Commission for the film or video and the projection on the screen shall be  
23 clearly visible throughout the registered premises.

24 (2) Market copies of approved and classified films, video works,  
25 musical videos and video games shall have the appropriate advisory at the  
26 beginning of the film or video work.

Samples Copies  
of Posters, etc

27 42.-(1) An application for the classification of a film, video work,  
28 musical video or video game shall in addition to the film submitted be  
29 accompanied by a sample copy of the disc jacket and poster for its  
30 advertisement.

1 (2) The powers of the Commission under Section 38 of the Act  
2 shall apply to the disc jacket and poster of a film, video work, musical video  
3 or video game work submitted for approval.

4 43.-(1) A poster approved by the Commission, in connection with  
5 the sale, supply, rental or exhibition of the film or video work shall, for the  
6 purpose of such sale, supply, rental or exhibition, be exactly in the form in  
7 which it was approved and without any alteration.

Poster Exhibited  
as approved

8 (2) If an approved poster is altered it shall be deemed unapproved  
9 and shall be re-submitted to the Commission for approval.

10 44.-(1) Any advertisement in respect of a film, video work, musical  
11 video or video game contained in other films or video works, musical videos  
12 and video games or in any medium such as radio, television, newspaper,  
13 online platforms, etc., shall state the classification of the film, video work,  
14 musical video or video game in full or by the use of the symbols under  
15 Section 40(1) of this Act.

Advertisement

16 (2) the classification shall be clearly visible or audible having  
17 regard to the means of communication and the advertisement shall comply  
18 with such other requirements as may be prescribed from time to time by  
19 regulations made pursuant to this Act by the Commission.

20 (3) Advertisements of film, video work, musical video or video  
21 game under subsection (1) of this section shall be approved and registered  
22 with the Commission on payment of the prescribed fee.

23 45. The Commission may issue a certified true copy of a film,  
24 video work, musical video or video game after payment of the prescribed fee  
25 if it is satisfied, on the declaration made by the person who submitted the  
26 film, video work, musical video or video game for examination, that the  
27 film, video work, musical video or video game described in the declaration  
28 is a duplicate or identical in details, length and in all other aspects to the film,  
29 video work, musical video or video game which has been approved by the  
30 Commission or exhibition.

Certified true  
copy of a film,  
video work,  
musical video  
or video game

Appeal against  
committee's  
decision

1                   46.-(1) An applicant dissatisfied with the decision of the Film  
2                   Classification Committee may request for a review of the decision, within 30  
3                   days of being notified, by giving notice to the Commission after payment of the  
4                   prescribed fee.

5                   (2) On receipt of the notice referred to in subsection (1) of this  
6                   Section, the Director General shall within 7 days set up a Review Panel to  
7                   determine the appeal of the aggrieved applicant.

Review Panel

8                   47.-(1) Members of the review Panel shall be appointed by the  
9                   Director-General and shall not include any member of the Committee whose  
10                  decision is the subject of review or appeal.

11                  (2) The Review Panel shall include the Director-General and any  
12                  other Management Staff selected by the Director General.

13                  (3) The Director-General or other person authorised by him shall  
14                  preside over all Appeals and Review Panels.

15                  (4) The decision of the Review Panel shall be by simple majority.

16                  (5) No decision of the Commission shall preclude an applicant or a  
17                  dissatisfied party from seeking redress in the court.

18                  PART IX - IMPORTATION AND EXPORTATION OF FILMS, VIDEO WORKS,  
19                  MUSICAL VIDEOS AND VIDEO GAMES

20                  48. All films, video works, musical videos and video games imported  
21                  into Nigeria shall be:

22                  (a) classified and registered by the Commission before being sold,  
23                  hired, rented, supplied or exhibited; and

24                  (b) ) an application for classification shall be accompanied by the  
25                  following documents:

26                  (i) Import permit issued by the Commission;

27                  (ii) Customs duties release certificate;

28                  (iii) Classification certificate from country of importation;

29                  (iv) Copyright transfer (where applicable); and

30                  (v) Evidence of payment of the prescribed fee.

1           49.-(1) Every importer of film, video work, musical video or video  
2 game shall notify the commission of any intention to import such film, video  
3 work, musical video or video game.

Notification of  
Intention to Import  
a Film, Video  
Work, Musical  
Video and Video  
Game

4           (2) Notwithstanding anything to the contrary in any other law, any  
5 person found in possession of a reasonable quantity of foreign films, either  
6 of the same title or different titles, shall be deemed to be their importer for  
7 the purposes of this Act, except he is able to present the importer to the  
8 Commission.

9           50.-(1) Any film, video work, musical video or video game to be  
10 exported from Nigeria for commercial purpose shall be duly classified,  
11 registered and granted an export permit by the Commission upon an  
12 application by the exporter.

Commission to  
Grant Permit for  
Exportation

13           (2) The exported copy or copies shall be the same in all material  
14 particular as the one which was classified and registered by the Commission

15           PART X - OFFENCES AND PENALTIES

16           51. If at any premises in respect of which a licence is required  
17 under this Act, a film or video is exhibited without such a licence:

Exhibition without  
Licence

18           (a) The person responsible for the organization or management of  
19 the exhibition; or

20           (b) Any other person who, knowing or having reasonable cause to  
21 suspect that such exhibition would be made at the premises allowed the  
22 premises to be used for the film or video work exhibition commits an  
23 offence and is liable on conviction to a fine of one million naira only or one  
24 year imprisonment or both.

25           52. Where the holder of a licence is convicted of an offence under  
26 this Act, in addition to any other penalty prescribed in this Act, the Court  
27 may order that any unwholesome or illegal film, video work, musical video  
28 or video game seized by the Commission be destroyed

Seized articles  
to be destroyed

29           53. Anybody who intentionally obstructs any person acting  
30 pursuant to sections 25 or 26 of this Act commits an offence and is liable on

Obstruction of  
entry into premises

1 conviction to a fine of Five Hundred thousand Naira only or one year  
2 imprisonment.

Exhibition,  
supply, sale, etc,  
without  
classification  
certificate

3 **54.** Any person who contravenes the provisions of section 35 of this  
4 Act commits an offence and is liable on conviction to a fine of One million  
5 Naira only or two years imprisonment.

Refusal to  
withdraw from  
circulation of  
film, video work,  
musical video  
or video game

6 **55.** Any person who refuses or neglects to withdraw from circulation  
7 or exhibition, a film, video work, musical video or video game, or refuses or  
8 neglects to submit the film, video work, musical video or video game to the  
9 Commission for the purpose of further examination and classification under  
10 section 39 of this Act, commits an offence and liable on conviction to a fine of  
11 One Million Naira only or one year imprisonment or both.

Supplying video  
recording without  
classification  
certificate

12 **56.** Where a video recording contains a film or video work in respect  
13 of which no classification certificate has been issued, any person who supplies,  
14 sells, hires, rents, or exhibits such film or video work commits an offence  
15 punishable under this Act and liable on conviction to a fine of One Million  
16 Naira only or One year imprisonment.

Supplying video  
recording of  
classified work  
in breach of  
classification

17 **57.** It is an offence punishable under this Act, to sell, hire, rent, supply  
18 or exhibit a film, video work, musical video or video game classified for a  
19 certain age to a person or persons who have not attained that age. Any person  
20 who commit this offence is liable on conviction to a fine of Five Hundred  
21 Thousand Naira only or six months imprisonment.

Spool, case etc  
of video recording  
to conform with  
regulations

22 **58.** Any person who supplies, sells, rents or offers to supply, sells or  
23 rents a video recording or any spool, case or other thing on or in which the  
24 recording is kept, which does not satisfy the requirement of any regulations  
25 made pursuant to this Act, unless the supply is an exempted supply, commits an  
26 offence liable on conviction to a fine of Five Hundred Thousand Naira only or  
27 six months imprisonment.

False  
classification

28 **59.** Any person who supplies or offers to supply a film or video  
29 recording containing a video work, musical video or video game in respect of  
30 which no classification certificate has been issued and the film, video, any

1 spool, case or other thing on or in which the recording is kept contains any  
2 indication that a classification certificate has been issued in respect of that  
3 film or video, commits an offence and liable on conviction to a fine of Five  
4 Hundred Thousand Naira or Six months imprisonment.

5 60. Any person who contravenes the provisions of section 40 of  
6 this Act commits an offence and is liable on conviction to a fine Five  
7 Hundred Thousand Naira only or one year imprisonment or both.

Classification of  
film to be stated  
in the certificate

8 61. Any person who contravenes the provisions of sections 41 or  
9 42 of this Act commits an offence and is liable on conviction to a fine of Five  
10 Hundred Thousand Naira or a one year imprisonment for each of the  
11 offences for which he is convicted.

Refusal to project  
certificate of  
classification  
before exhibition

12 62. Any person who contravenes the provisions of section 43 or  
13 44 of this Act commits an offence and is liable on conviction to a fine of Two  
14 Hundred Thousand Naira for a first offender and One Million Naira or One  
15 Year imprisonment for a second offender.

Poster, photographs  
etc of film or video  
work to state  
classification

16 63. Any person who makes a declaration under section 45 of this  
17 Act which is false or incorrect in any material particular commits an offence.

False declaration  
as to details of  
film, video work,  
musical video or  
video game

18 64. Any person, who produces, makes, sells, hires, rents, exhibits,  
19 publishes or supplies pornographic films, video works, musical videos and  
20 video games in Nigeria, commits an offence and is liable on conviction to a  
21 term of imprisonment not exceeding two years or fine of One Million Naira  
22 or both.

Pornographic  
films and videos

23 65. Any person who imports into Nigeria a film, video work,  
24 musical video or video game, contrary to the provisions of section 48(b) of  
25 this Act, commits an offence and is liable on conviction to a fine of Two  
26 Million Naira only or four years imprisonment for each title imported.

Imported films  
without accompany  
documents

27 66. Any person who sells, hires, rents, supplies or exhibits, a film,  
28 video work, musical video or video game imported into the country, other  
29 than exempted work, without classification and registration by the  
30 Commission commits an offence and is liable on conviction to a fine of Two

Sale, rental, supply  
or exhibition of  
imported film,  
video work,  
musical video or  
video game without  
registration or  
classification

1 Million Naira only or four years imprisonment.

Importation of  
films or video  
works, musical  
videos and video  
games without  
notification

2 67. Any person who imports a film, video work, musical video or  
3 video game into Nigeria, contrary to the provisions of section 49 of this Act,  
4 commits an offence and is liable on conviction to a fine of Two Million Naira  
5 only or four years imprisonment or both.

Exportation of  
films or video  
works, musical  
videos and video  
games without  
classification,  
permit etc.

6 68. Any person who contravenes the provisions of section 50 of this  
7 Act, commits an offence and is liable on conviction to a fine of Two Million  
8 Naira only or four years imprisonment or both.

Aiding and  
abetting

9 69. Any person who aids or abets the commission of any offence  
10 under this Act commits an offence and is liable on conviction to a fine of Two  
11 Million Naira only or Two years imprisonment or both.

General Penalty

12 70. Any person who is in breach of a provision of this Act for which  
13 no specific penalty is imposed under this Act, if found guilty, shall be liable on  
14 conviction to a fine of Five Hundred Thousand Naira only or 1 year  
15 imprisonment or both.

Corporate bodies

16 71. In the case of a corporate body, where an offence is proved to have  
17 been committed with the consent or connivance of, or attributable to any  
18 neglect on the part of a director, manager, secretary, or person who was  
19 purporting to act in any such capacity, he as well as the body corporate shall be  
20 liable to a fine of One Million Naira only or Two years imprisonment or both.

21 PART XI - MISCELLANEOUS

Regulations

22 72. The Commission may, with approval of the Minister, make  
23 censorship and classification code or regulation generally for the purpose of  
24 giving effect to the provisions of this Act.

Repeal of Cap.  
N40 LFN, 2004

25 73. The National Film and Video Censors Board Act 2004 is hereby  
26 repealed.

Savings

27 74.-(1) A person who at the commencement of this Act was a member  
28 of staff or an employee of the National Film and Video Censors Board shall as  
29 from the commencement of this Act become a member of staff or employee of  
30 the Commission with the status, rank, designation and functions which



1 corresponds as far as possible to those which appertained to him as a  
2 member of staff or employee of the national Film and Video Examines  
3 Board.

4 (2) All assets, rights, liabilities and obligations which immediately  
5 before the commencement of this Act were assets, rights, liabilities and  
6 obligations of the National Film and Video Censors Board shall by virtue of  
7 this Act, be taken over by the Commission.

8 (3) Anything made or done or having effect before the  
9 commencement of this Act by the National Film and Video Censors Board  
10 and having any resulting or continuing effect shall be treated as from the  
11 commencement of this Act, as if it were made or done by the Commission.

12 75. In this act:

Interpretation

13 "Chairman" means Chairman of the Governing Board;

14 "Commission" means the National Film and Video Regulatory Commission  
15 established by of section 1 of this Act;

16 "Distributor" means a person for the time being licensed by the Commission  
17 to engage in the business of supplying or distributing films, video works,  
18 musical videos or video games;

19 "Director-General" means the Director-General of the Commission  
20 appointed under section 7(1) of this Act;

21 "Exhibit" means show, display, put on view, film or video work or its  
22 contents to the public;

23 "Exhibitor" means a person who engages in the public exhibition of films or  
24 video works, musical videos and video games produced on a screen with or  
25 without the projection of light;

26 "Film" includes any record, however made of a sequence of visual Images,  
27 which is a record capable of being used as a means of showing that sequence  
28 as a moving picture;

29 "member" means a member of the Commission and includes the chairman  
30 of the Government Board;

- 1 "Minister" means the Minister charged with responsibility for film matters
- 2 "Picture" means a visual image or other graphic representation exhibited or
- 3 capable of being exhibited from a film or video work;
- 4 "Premises" means any place where any film or video work is exhibited, leased,
- 5 hired, sold, supplied to which admission may or may be procured by payment
- 6 of money or by ticket or by other means or consideration;
- 7 "Prescribed fees" means fees prescribed in this Act or by Regulations made
- 8 pursuant to this Act;
- 9 "Producer" in relation to a film or video work, means the person making the
- 10 arrangements necessary for the production of a film or video work and for the
- 11 organization and direction of the scenes to be depicted in the film or video
- 12 work;
- 13 "Registered premises" means any premises approved for registration pursuant
- 14 of this Act;
- 15 "Retailer" means a person for the time being licensed by the Commission to
- 16 engage in the business of selling, renting, leasing or hiring out film, video
- 17 works, musical video or video games to final consumers;
- 18 "Sell, hire, rent or supply" without derogating from the ordinary meaning of the
- 19 words includes selling, hiring out or offering for sale or supplying films, video
- 20 works, musical videos or video games;
- 21 "Video" any reference to Video in this Act means video works, musical videos
- 22 and/or video games, as the context may allow;
- 23 "Video game" means an electronic game in which players control images on a
- 24 television or computer screen and often emphasized fast action;
- 25 "Video recording" means any disc or magnetic device containing information
- 26 by the use of which the whole or a part of a video work may be produced;
- 27 "Video Work" means visual image with or without sound:
- 28 (a) Produced electronically by the use of information contained on
- 29 any disc or magnetic device; and shall include musical videos, video games and
- 30 all other types of video recordings;

1 (b) Shown as a moving picture;  
2 "Supply" means supply in any manner, whether or not for reward, and  
3 includes supply by way of sale, letting or hiring, exchange or loans and  
4 references to a supply shall be construed accordingly;  
5 "Trailer" means a brief excerpt or series of excerpts from a film.

6 76. This Bill may be cited as the National Film and Video Citation  
7 Censorship, Classification and Exhibition Regulatory Commission Bill,  
8 2019.

9 SCHEDULES

10 FIRST SCHEDULES

11 PROCEEDINGS OF THE GOVERNING BOARD

12 1.-(1) Subject to this Act and Section 27 of the interpretation Act,  
13 the Board may make standing orders regulating its proceedings or those of  
14 any of its Committees.

15 (2) The quorum of the Board shall be by simple majority and the  
16 quorum of any Committee of the Board shall be determined by the  
17 Commission

18 (3) The Board shall meet not more than four times in each year and  
19 subject thereto, the Board shall meet whenever it is summoned by the  
20 Chairman on the advice of the Director General.

21 (4) At any meeting of the Board, the chairman shall preside but if he  
22 is absent, the members present at the meeting shall appoint one of their  
23 number to preside at that meeting.

24 (5) Where the Board desires to obtain the advice of any person on a  
25 particular matter, the Board may co-opt him as a member to obtain the  
26 advice. Any person who is a member by virtue of this paragraph shall not be  
27 entitled to vote at any meeting of the Board and shall not count towards a  
28 quorum.

29 (6) All decisions of the Board shall be by a simple majority and  
30 where there is a tie, the Chairman shall have a casting vote Committee.

1           (7) (a) The Board may appoint one or more Committees to carry out,  
2 on behalf of the Board, such of its functions as the Board may determine;

3           (b) A Committee appointed under this paragraph shall consist of such  
4 number of persons (not necessarily members of the Board) as may be  
5 determined by the Board;

6 and a person other than a member of the Board shall hold office on the  
7 Committee in accordance with the terms of his appointment

8           (c) A decision of a Committee of the Board shall be of no effect until  
9 ratified by the Board.

10          (8) The validity of any proceedings of the Board or of a Committee  
11 thereof shall not be affected by any vacancy in the membership of the Board or  
12 Committee, or by any defect in the appointment of a member of the Board or of  
13 a Committee, or by reason that a person not entitled to do so took part in the  
14 proceedings of the Board or a Committee thereof.

15          (9) Any member of the Board or any person holding office in a  
16 Committee of the Board, who has a personal interest in any contract or  
17 arrangement entered into or proposed to be considered by the Board or a  
18 Committee thereof shall forthwith disclose his interest to the Board and shall  
19 not vote on any question relating to the contract or arrangement.

20          (10) At any time while the office of the Chairman is vacant or the  
21 Chairman is in the opinion of the Board temporarily or permanently unable to  
22 perform the functions of his office, a member of the Board duly appointed by  
23 the Board shall perform those functions and references in this Act to the  
24 Chairman shall be construed accordingly.

25          (11) At any meeting of the Board, the Chairman or in his absence, any  
26 member duly appointed by the Board shall preside at the meeting.

27          (12) The fixing of the seal of the Commission shall be authenticated  
28 by the signature of the Director-General (or whoever is authorized to act in his  
29 absence) and any other officer of the Commission authorized generally or  
30 specially to act for that purpose by the Board.

1                   (13) (a) Any contract or instrument which, if made or executed by a  
2                   person not being a body corporate, would not be required to be under seal  
3                   may be made or executed on behalf of the Board by the Director-General or  
4                   any officer of the Commission generally or specially authorized to act for  
5                   that purpose by the Commission;

6                   (b) Any document purporting to be a document duly executed  
7                   under the seal of the Commission shall be received in evidence and shall  
8                   unless and until the contrary is proved be presumed to be so executed.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the National Film and Video Censors Board Act, Cap N40 Laws of the Federation of Nigeria, 2004 and to Enact the National Film and Video Censorship, Classification and Exhibition Regulatory Commission Act 2019 for Classification, Sales, Rentals, Distribution and Exhibition of Films, Video Works, Musical Videos and Video Games in Nigeria.

