

A BILL

FOR

AN ACT TO REPEAL THE NIGERIA FILM CORPORATION ACT, CAP. N109, LAW OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE NIGERIA CREATIVE DEVELOPMENT CORPORATION FOR THE PURPOSES OF FINANCING AND STRENGTHENING THE NIGERIAN CREATIVE INDUSTRY TO SPARK JOB CREATION AND ECONOMIC GROWTH; TO PROVIDE FOR THE MANAGEMENT OF THE CORPORATION; AND TO PROVIDE FOR RELATED MATTERS

Sponsored by Hon. Yusuf Ahmed Tijani Damisa

[] Commencement

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

PART I - ESTABLISHMENT

1. There is established a body to be known as the Nigeria Creative Development Corporation (in this Bill referred to as the "Development Corporation").

Establishment of
the Nigeria Creative
Development
Corporation

(2) The Development Corporation-

The Development Corporation shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name, be capable of-

(a) suing and being sued;

(b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;

(c) borrowing money or making investments;

(d) entering into contracts; and

(e) doing or performing all other acts or things for the proper performance of its functions under this Bill which may lawfully be done or performed by a body corporate.

1 2. The headquarters shall be located in the Federal Capital Territory,
2 Abuja.

3 **3.** The object of the Development Corporation is-

(a) to provide financial and other assistance to the Creative Industry in carrying out the industry's activities in Nigeria and to disseminate information about those activities;

(b) to provide financial and other assistance for persons in the industry whose work merits encouragement;

9 (·) to provide financial and other assistance for project development
10 for the industry;

11 (d) to contribute, financially and otherwise, to the work of film
12 festivals and markets;

(e) to assist in the promotion of public interest in film, music and comedy, media, amusement parks, theatre, fashion, art exhibitions and fairs, museums, dance, sports, and live event venues as a medium of communication and as an art form and in the development of an informed and critical audience:

17 (f) to provide policy and support services and advice to Government
18 agencies on the production of films and sound recordings; and

(g) to provide monies to support all creative activities and programmes for the promotion of education as the Minister in consultation with the Board may determine.

PART II - BOARD

23 4.-(1) There is established for the Development Corporation, a Board
24 (in this Bill referred to as "the Board") which shall consist of-

25 (a) a chairman who shall be appointed by the President on the
26 recommendation of the Minister;

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

29 (c) one representative of each geo-political zones of the Federation;

30 (d) one representative of each sector of the creative industry;

- 1 (e) Director General, who shall serve as the secretary of the Board;
2 (f) other than the ex-officio members, each hold office for a term of
3 4 years in the first instance and may be eligible for reappointment for a
4 further term of 4 years and no more.

5 **5. The Board shall-**

- 6 (a) pursue policies to achieve the object of the Development
7 Corporation;
8 (b) develop performance measurement criteria and target for
9 management;
10 (c) approve financial and banking policies including borrowing;
11 (d) update the Federal Government on its activities and progress
12 through annual and audited reports;
13 (e) review progress and suggest improvement within the
14 provisions of this Bill; and
15 (f) perform any other function conferred on it under this Bill or
16 incidental to the achievement of the object of the Development Corporation.

Functions of
the Board

17 **6.-(1)** The Board shall meet for the dispatch of business at a time
18 and place determined by the Board but shall meet at least once every three
19 months.

Meetings of the
Board

20 **(2)** The chairman shall upon the request of not less than five
21 members of the Board convene a special meeting of the Board. The quorum
22 at a meeting of the Board shall be ten members and shall include the Director
23 General.

24 **(3)** The chairman shall preside at every meeting at which he is
25 present and in his absence a member of the Board elected by the members
26 present from among their number shall preside.

27 **(4)** Questions before the Board shall be decided by a majority of the
28 members present and voting.

29 **(5)** The person presiding at a meeting of the Board shall in the event
30 of equality of votes have a second or casting vote.

1 (6) The Board may co-opt any person to act as an adviser at its
2 meetings but no co-opted person is entitled to vote at the meeting.

3 (7) The validity of the proceedings of the Board shall not be affected
4 by a vacancy among its members or by a defect in the appointment or
5 qualification of a member.

6 (8) Except as otherwise provided under this section, the Board shall
7 determine and regulate the procedure for its meetings.

Allowances for
members of the
Board

8 7. The chairman and the other members of the Board shall be paid by
9 the Development Corporation such allowances as the Minister in consultation
10 with the Minister of Finance may determine.

Tenure of members
of the Board

11 8.-(1) The chairman or any other member of the Board and the
12 Director General shall hold office for a period four years and eligible for re-
13 appointment, except that no member shall serve for more than two consecutive
14 terms.

15 (2) A member of the Board other than the Director General may at any
16 time by letter addressed to the President through the Minister resign from office.

17 (3) A member who is absent from four consecutive meetings of the
18 Board without sufficient cause ceases to be a member of the Board.

19 (4) The chairman or any other member of the Board may be removed
20 from office by the President for inability to perform the functions of his office,
21 for stated misbehaviour or for any other just cause.

22 (5) The chairman of the Board shall notify the Minister of vacancies
23 that occur in the membership of the Board within one month of the occurrence
24 of the vacancy.

25 (6) Where a person is appointed to fill a vacancy, that person shall
26 subject to the provisions of this Bill be eligible for re-appointment.

Disqualification
from membership
of Board

27 9.-(1) A person may not be appointed as or remain a member of the
28 Board, as the case may be, if that person-

29 (a) is an insolvent or becomes insolvent and the insolvency results in
30 the sequestration of that person's estate;

1 (b) has been convicted, in Nigeria or elsewhere, of theft, fraud,
2 forgery, perjury or any other offence involving corruption;

3 (c) has been convicted of any other offence, whether in Nigeria or
4 elsewhere; and

5 (d) has been, or is, removed from an office of trust on account of
6 misconduct in respect of fraud or the misappropriation of money.

7 (2) A member of the Board may be removed from office by the
8 President if he is satisfied that it is not in the interest of the Board or Public
9 that the member should continue in that office.

10 (3) A member of the Board, other than an ex-officio, may resign his
11 appointment by a notice in writing under his hand, addressed to the
12 President.

13 (4) Where a vacancy occurs in the membership of the Board, it
14 shall be filled by the appointment of a successor to hold office for the
15 remainder of the term of office of his predecessor, so that the successor shall
16 represent the same interest and shall be appointed by the President.

17 PART III - APPOINTMENT OF THE DIRECTOR GENERAL, INTERNAL
18 AUDITOR AND OTHER STAFF OF THE DEVELOPMENT CORPORATION

19 10.-(1) There shall be appointed by the President in accordance Director General
20 with the advice of the Board given in consultation with the Federal Civil
21 Service Commission a Director General.

22 (2) The Director General shall be the head of the secretariat of the
23 Development Corporation.

24 (3) Subject to the directives of the Board, the Director General
25 shall be responsible for the day to day management of the Development
26 Corporation and shall ensure the implementation of the decisions of the
27 Board.

28 (4) The Director General may subject to such conditions as he may
29 determine, delegate some functions of his office to any officer of the
30 Development Corporation except that he shall be relieved from ultimate

1 responsibility for the discharge of the delegated functions.

Internal Auditor

2 11.-(1) There shall be appointed an internal auditor for the
3 Development Corporation who shall be responsible for the internal audit of the
4 Development Corporation.

5 (2) The internal auditor shall at the end of every three months submit a
6 report of the audit of the Development Corporation carried out by the auditor in
7 respect of that period to the chairman of the Board.

8 (3) The chairman of the Board shall submit a copy of the report to the
9 Minister and the Minister responsible for Finance.

Other Staff

10 12. The Board shall have power to-

11 (a) employ either directly or on transfer or secondment from any civil
12 service in the Federation such number of employees as may, in the opinion of
13 the Board, be required to assist the Board and the Director General in the
14 discharge of their functions under this Bill; and

15 (b) pay to persons so employed such remuneration (including
16 allowances) as the Board may, with the approval of the National Salaries,
17 Incomes and Wages Commission, determine.

18 PART IV - FINANCIAL PROVISION

Sources of money
fro the Development
Corporation

19 13. The sources of money for the Development Corporation shall
20 include-

21 (a) the initial take-off grant and sustainable funding interventions by
22 the federal government;

23 (b) 10% revenue generated by the Development corporation on
24 creative related activities;

25 (c) 10% of all the levies collected by the national film and video
26 censors board from licensing of distributors and exhibitors of creative works;

27 (d) development support loan from international finance and
28 investment institutions and special development agencies in Nigeria;

29 (e) fees and other charges received by the Development Corporation
30 pursuant to this Bill;

1 (f) money that accrues to the Development Corporation from
2 investment made by the Board;

3 (g) grants, donations, gifts and other voluntary contributions to the
4 Development Corporation; and

5 (h) other sums or property that may in any manner become lawfully
6 payable and vested in the Board for the Development Corporation.

7 14.-(1) Monies of the Development Corporation shall vest in the
8 Board and shall be paid into bank accounts that shall be opened by the Board
9 with the approval of the Accountant-General.

Bank account
for the Development
Corporation

10 (2) The Federal Inland Service shall within 30 days of receipt of
11 Value Added Tax revenue pay directly into the bank accounts opened under
12 Subsection (1) the proportion of the Value Added Tax revenue that is
13 required to be paid into the Development Corporation's account.

14 (3) The Service shall pay the tax collected under this Bill into the
15 Development Corporation's account and shall, when doing so, submit to the
16 Development Corporation, in such form as the Board shall approve, a return
17 showing-

18 (a) the name of the company making the payment;

19 (b) the amount collected;

20 (c) the assessable profit of the company for the accounting period;

21 and

22 (d) such other information as may be required by the Development
23 Corporation for the proper administration of the tax.

24 15. The Development Corporation shall, before disbursement of
25 the amount in the Development Corporation's account, set aside in each
26 year, an amount not exceeding 5 percent of the total monies accruing to the
27 Development Corporation in the preceding year which shall be applied-

28 (a) for the cost of administration and management of the
29 Development Corporation;

30 (b) for the maintenance of any property acquired by or vested in the

1 Development Corporation and generally to pay for services rendered to the
2 Development Corporation;
3 (c) for project monitoring;
4 (d) to meet all the needs of the Development Corporation necessary
5 for the due administration and implementation of the purpose of this Bill.

Expenses of
the Fund

6 16.-(1) The salaries of employees of the Fund shall be the same as
7 those applicable to employees of equivalent status in the Civil Service and shall
8 be paid out of such monies as may be allocated by Parliament from the Fund.

9 (2) All administrative expenses of the Fund shall be paid out of the
10 Fund subject to the approval of the Minister acting in consultation with the
11 Minister for Finance.

Pension

12 17.-(1) Service in the Development Corporation shall be approved
13 service for purposes of Pension.

14 (2) Employees of the Development Corporation shall be entitled to
15 pension, gratuity and other retirement benefits as are enjoyed by persons
16 holding equivalent grades in the Civil Service of the Federation.

17 (3) Notwithstanding in Subsection (1) or (2) of this section, nothing in
18 this Bill shall prevent the appointment of a person to any office on terms which
19 preclude the grant of pension and gratuity in respect of that office.

Administration
expenses

20 18. The administration expenses incurred pursuant to this Bill shall
21 be paid by the Minister of Finance to the Development Corporation from the
22 Federation Account of the Federal Government and are not a charge upon the
23 Development Corporation.

Gifts to the
Fund

24 19.-(1) The Development Corporation may accept gifts of land,
25 money or other property on such terms and conditions, if any, as may be
26 specified by the person or organisation making the gift.

27 (2) The Development Corporation shall not accept any gift if the
28 conditions attached by the person or organisation making the gift are
29 inconsistent with the functions of the Development Corporation under this
30 Bill.

1 (21) Amounts transferred to Corporation:

2 The Accountant-General, upon the recommendation of the Minister, may
3 from time to time transfer to the Development Corporation such amounts as
4 are considered necessary for the purposes of this Bill.

5 20. The system of accounting and the books and records of the Accounting
6 Development Corporation are subject to the approval of the Minister of
7 Finance and subject to audit by the Auditor General or any person
8 designated by the President.

9 21. The Development Corporation shall, not later than the thirtieth Financial
10 day of September in each year, prepare and submit to the Minister a financial
11 statement setting forth the assets and liabilities of the Development
12 Corporation, the income and expenditures of the Development Corporation
13 for the previous fiscal year, together with a report concerning the work and
14 activities of the Development Corporation during the previous fiscal year,
15 and such report shall be tabled by the Minister at the next ensuing session of
16 the Legislature.

17 22. The Development Corporation shall prepare and submit to the Business plans
18 Minister for approval a detailed business plan for the following fiscal year
19 including estimates of budgetary requirements.

20 23. The Development Corporation shall, at the end of every Quarterly report
21 quarter in each year, submit to the President, through the Minister, report on
22 the activities and administration of the Development Corporation.

23 24. The Board shall prepare and submit to the President, through Annual report
24 the Minister, not later than 30th June in each year, a report in such form as the
25 Minister may direct on the activities of the Development Corporation during
26 the immediately preceding year, and shall include in the report a copy of the
27 audited accounts of the Development Corporation for that year and the
28 auditor's report thereon.

29 PART V - REPEAL AND SAVING

30 25. (a) The Nigeria Film Corporation Act is hereby repealed; Repeal and
Saving

1 (b) The Nigeria Film Corporation established by the Nigeria Film
2 Corporation Act is hereby dissolved;

3 (c) From the commencement of this Bill, all assets, funds and
4 resources and other movable or immovable property which immediately
5 before the commencement of this Bill were vested in the Nigeria Film
6 Corporation (the Corporation) shall be vested in the Development
7 Corporation;

8 (d) All rights, interests and obligation and liability of the
9 Development Corporation, shall by virtue of this bill be assigned to and vested
10 obligation;

11 (e) A person in the employment of the Development Corporation
12 immediately before the commencement of this bill shall be deemed to hold the
13 employment in the corporation under this Bill.

14 PART VI - INTERPRETATION

Interpretation

15 26. In this Bill, unless the context otherwise requires-

16 "Bill" means Nigeria Creative Development Corporation Bill;

17 "Development Corporation" means the Nigeria Creative Development
18 Corporation established by Section 3;

19 "industry" means Nigerian Creative Industry;

20 "creative industry" means an industry that is active in the fields of film, music,
21 comedy, media, amusement parks, theatre, fashion, art exhibitions and fairs,
22 museums, dance, sports, live event venues or any other field that involves
23 digital, audio-visual, sound recording or performance art;

24 "film" means a recording in or on any material from which images, with or
25 without associated sounds, may be produced and includes a film made for
26 television or for any other means of dissemination;

27 "music" means a vocal or instrumental sound, or both, combined in such a way
28 as to produce beauty of form, harmony, and expression of emotion, may be
29 produced and includes a music made for television or for any other means of
30 dissemination;

1 "comedy" means an entertainment consisting of jokes and satirical sketches,
2 in which a comedian performs in front of a live audience, speaking directly
3 to them in order to make them laugh, may be produced and includes a
4 comedy made for television or for any other means of dissemination;

5 "Board" means the governing board of the Corporation established by
6 Section 6;

7 "Director General" means the Director General of the Corporation;

8 "Service" means the Federal Inland Revenue Service;

9 "Minister" means the Minister of Information and Culture;

10 "President" means the President of the Federal Republic of Nigeria;

11 "Accountant-General" means the Accountant-General for the Federation;

12 "Auditor-General" means the Auditor-General for the Federation;

13 "Federation" means the Federation of Nigeria;

14 "employee" means a person employed for wages or a salary and includes an
15 apprentice, intern and indentured learner;

16 "the talents" means people with a high degree of aptitude for either film,
17 music, comedy, media, fashion, sports, dance and art exhibition as referred
18 in Section 41;

19 "film industry" means cinematography, television programme, film
20 production, documentary, scriptwriting, pre-production, post-production,
21 film festivals, distribution, actors, film directors, and other film crew;

22 "music industry" consists of the companies and individuals that create live
23 music performances, sound recordings and music videos of songs and
24 instrumental pieces;

25 "comedy industry" means stand-up comedy, radio comedy, and audio
26 comedy.

27 27. This Bill may be cited as the Nigeria Creative Development Corporation Bill, 2019. Citation
28

EXPLANATORY NOTE

This Bill seeks to establish Nigeria Creative Development Corporation for the purposes of financing and strengthening the creative industry to spark job creation and economic growth; to provide for the management of the Corporation.