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").

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

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;

(c) to provide financial and other assistance for project development for the industry;

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

(e) to assist in the promotion of public interest in film, music and comedy, media, amusement parks, theatre, fashion, arts 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;

(f) to provide policy and support services and advice to Government 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

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

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

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

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

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

(e) a representative of the Nigeria Broadcasting Corporation.
(e) Director General, who shall serve as the secretary of the Board;

(f) other than the ex-officio members, each hold office for a term of

4 years in the first instance and may be eligible for reappointment for a

further term of 4 years and no more.

5. The Board shall-

(a) pursue policies to achieve the object of the Development

Corporation;

(b) develop performance measurement criteria and target for

management;

(c) approve financial and banking policies including borrowing;

(d) update the Federal Government on its activities and progress

through annual and audited reports;

(e) review progress and suggest improvement within the

provisions of this Bill; and

(f) perform any other function conferred on it under this Bill or

incidental to the achievement of the object of the Development Corporation.

6.- (1) The Board shall meet for the dispatch of business at a time

and place determined by the Board but shall meet at least once every three

months.

(2) The chairman shall upon the request of not less than five

members of the Board convene a special meeting of the Board. The quorum

at a meeting of the Board shall be ten members and shall include the Director

General.

(3) The chairman shall preside at every meeting at which he is

present and in his absence a member of the Board elected by the members

present from among their number shall preside.

(4) Questions before the Board shall be decided by a majority of the

members present and voting.

(5) The person presiding at a meeting of the Board shall in the event

of equality of votes have a second or casting vote.
(6) The Board may co-opt any person to act as an adviser at its meetings but no co-opted person is entitled to vote at the meeting.

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

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

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

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

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

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

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

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

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

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

(a) is an insolvent or becomes insolvent and the insolvency results in the sequestration of that person's estate;
(b) has been convicted, in Nigeria or elsewhere, of theft, fraud, forgery, perjury or any other offence involving corruption;
(c) has been convicted of any other offence, whether in Nigeria or elsewhere; and
(d) has been, or is, removed from an office of trust on account of misconduct in respect of fraud or the misappropriation of money.

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

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

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

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

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

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

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

(4) The Director General may subject to such conditions as he may determine, delegate some functions of his office to any officer of the Development Corporation except that he shall be relieved from ultimate
11.-(1) There shall be appointed an internal auditor for the Development Corporation who shall be responsible for the internal audit of the Development Corporation.

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

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

12. The Board shall have power to-

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

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

PART IV - FINANCIAL PROVISION

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

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

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

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

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

(e) fees and other charges received by the Development Corporation pursuant to this Bill;
(f) money that accrues to the Development Corporation from investment made by the Board;

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

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

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

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

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

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

(b) the amount collected;

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

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

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

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

(b) for the maintenance of any property acquired by or vested in the
Development Corporation and generally to pay for services rendered to the
Development Corporation;
(c) for project monitoring;
(d) to meet all the needs of the Development Corporation necessary
for the due administration and implementation of the purpose of this Bill.

16.- (1) The salaries of employees of the Fund shall be the same as
those applicable to employees of equivalent status in the Civil Service and shall
be paid out of such monies as may be allocated by Parliament from the Fund.
(2) All administrative expenses of the Fund shall be paid out of the
Fund subject to the approval of the Minister acting in consultation with the
Minister for Finance.

17.- (1) Service in the Development Corporation shall be approved
service for purposes of Pension.
(2) Employees of the Development Corporation shall be entitled to
pension, gratuity and other retirement benefits as are enjoyed by persons
holding equivalent grades in the Civil Service of the Federation.
(3) Notwithstanding in Subsection (1) or (2) of this section, nothing in
this Bill shall prevent the appointment of a person to any office on terms which
preclude the grant of pension and gratuity in respect of that office.

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

19.- (1) The Development Corporation may accept gifts of land,
money or other property on such terms and conditions, if any, as may be
specified by the person or organisation making the gift.
(2) The Development Corporation shall not accept any gift if the
conditions attached by the person or organisation making the gift are
inconsistent with the functions of the Development Corporation under this
Bill.
(21) Amounts transferred to Corporation:

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

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

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

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

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

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

PART V - REPEAL AND SAVING

25. (a) The Nigeria Film Corporation Act is hereby repealed;
(b) The Nigeria Film Corporation established by the Nigeria Film Corporation Act is hereby dissolved;

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

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

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

PART VI - INTERPRETATION

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

"Bill" means Nigeria Creative Development Corporation Bill;

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

"industry" means Nigerian Creative Industry;

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

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

"music" means a vocal or instrumental sound, or both, combined in such a way as to produce beauty of form, harmony, and expression of emotion, may be produced and includes a music made for television or for any other means of dissemination;
"comedy" means an entertainment consisting of jokes and satirical sketches, in which a comedian performs in front of a live audience, speaking directly to them in order to make them laugh, may be produced and includes a comedy made for television or for any other means of dissemination;

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

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

"Service" means the Federal Inland Revenue Service;

"Minister" means the Minister of Information and Culture;

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

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

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

"Federation" means the Federation of Nigeria;

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

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

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

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

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

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