

NATIONAL COUNCIL FOR ARTS AND CULTURE

DECREE 1975



Decree No. 3

[See section 16 (2)]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

Establish-
ment of
National
Council for
Arts and
Culture.

1.—(1) There is hereby established a body to be known as the National Council for Arts and Culture (hereinafter referred to as "the Council") which shall be a body corporate with perpetual succession and may sue and be sued in its corporate name.

(2) There is also hereby established a body to be known as the Executive Committee of the Council (hereinafter referred to as "the Executive Committee") which shall, in accordance with policy laid down by the Council, be responsible for the day to day administration of the affairs of the Council.

Constitution
of the Council
and of the
Executive
Committee.

2.—(1) The Council shall consist of the following members :—

- (a) a Chairman ;
- (b) the head of the Cultural Division of the Federal Ministry of Information ;
- (c) two representatives of the Federal Ministry of Education ;
- (d) the Director-General of the Nigerian Broadcasting Corporation ;
- (e) the Director-General of the National Theatre ;
- (f) one representative of each university in Nigeria ;
- (g) three representatives of the Nigerian Armed Forces and the Nigeria Police Force ;
- (h) four persons representing women's cultural associations ;
- (i) the chairman of the Arts Council in each State being one established or approved for the State by the Government of the State concerned ;
- (j) eleven persons qualified or having special interest in arts and culture and who are associated with any of the following, that is to say—
 - (i) music,
 - (ii) traditional dancing,
 - (iii) drama and opera,
 - (iv) cinema and films,
 - (v) photography,
 - (vi) folklore and oral tradition,
 - (vii) literature and poetry,

- (viii) painting,
- (ix) sculpture,
- (x) architecture and town planning,
- (xi) general arts and crafts (woodwork, embroidery, weaving and the like); and
- (k) six persons representing traditional institutions and bodies concerned with the preservation and development of Nigerian culture.

(2) The appointment of members of the Council under paragraphs (a) and (f) to (k) of subsection (1) above shall be made by the Commissioner with the approval of the Federal Executive Council.

(3) The following members of the Council shall constitute the Executive Committee :—

- (a) the Chairman ;
 - (b) the head of the Cultural Division of the Federal Ministry of Information ;
 - (c) a representative of the Federal Ministry of Education ;
 - (d) the Director-General of the Nigerian Broadcasting Corporation ;
 - (e) the Director-General of the National Theatre ;
 - (f) four of the chairmen of the States' Arts Councils ;
 - (g) one of the representatives of the universities ;
 - (h) one of the representatives of the Nigerian Armed Forces and the Nigeria Police Force ;
 - (i) one of the representatives of women's cultural associations ;
 - (j) three of the persons appointed to represent arts and culture generally ;
- and
- (k) one of the persons representing traditional institutions.

(4) The appointment of members of the Executive Committee under paragraphs (f) to (k) of subsection (3) above shall be made by the Commissioner.

(5) The provisions of the Schedule to this Decree shall have effect with respect to the matters therein mentioned.

Functions
of the
Council.

3. The functions of the Council shall be—

- (a) to promote and foster the appreciation, revival and development of Nigerian arts and culture ;
- (b) to plan and co-ordinate cultural activities in Nigeria and foster the development of literary, visual and the performing arts in Nigeria ; and
- (c) to assist the Antiquities Commission established under section 3 of the Antiquities Act in the creation, acquisition and preservation of artistic works, cultural monuments and depositories.

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General
powers of the
Council.

4. Subject to this Decree, the Council shall have power to do anything which in its opinion is calculated to facilitate the carrying out of its activities including (without prejudice to the generality of the foregoing) the power—

- (a) to acquire, hold and manage movable or immovable property ;

(b) to sell, let, lease or otherwise dispose of any property vested in the Council; and

(c) to invest its funds in such manner and to such extent as it thinks fit.

5.—(1) The Council may receive donations and gifts and may engage in fund raising activities but no funds may be raised outside Nigeria without the prior approval of the Commissioner.

Power of the Council to raise funds.

(2) The Council shall not have power to borrow money from any source.

6.—(1) There shall be a Secretary to the Council who shall also be the Secretary to the Executive Committee.

Appointment, etc. of Secretary and other staff of the Council.

(2) In the absence of the Secretary the Chairman may appoint a suitable person to act as Secretary for any particular meeting.

(3) The Secretary or any person appointed to act in his place shall not be entitled to vote on any question before the Council or the Executive Committee.

(4) The Secretary shall be appointed by the Commissioner with the approval of the Federal Executive Council.

(5) The Secretary shall be the chief administrative officer of the Council and shall, subject to the overall control and direction of the Council, exercise general authority and disciplinary control over the staff of the Council.

(6) The Council may with the approval of the Federal Executive Council appoint such other staff and agents as it may deem necessary for the efficient performance of the Council's duties under this Decree.

7.—(1) If it appears to the Council that a member of the Council should be removed from office on the ground of misconduct or inability to perform the functions of his office, the Council shall after consultation with the interests, if any, represented by that member make a recommendation to that effect to the Commissioner, and if the Commissioner approves the recommendation he may declare, in writing, the office of that member vacant.

Removal from office of members of the Council.

(2) Without prejudice to subsection (1) above—

(a) any member who is absent from two consecutive ordinary meetings of the Council shall file his explanation in writing with the Secretary for consideration by the Council and if the explanation is not accepted by the Council, the Council shall recommend to the Commissioner that the member be removed from office and the Commissioner may declare, in writing, the office of that member vacant;

(b) where the Council is satisfied that the continued presence on the Council of any member is not in the national interest or the interest of culture or of the Council, the Council may recommend to the Commissioner that the member be removed, and the Commissioner may declare, in writing, the office of that member vacant.

8.—(1) The Council shall on or before 1st October each year prepare and present to the Commissioner a report of its proceedings and operations

Annual report and estimates.

during the period of twelve months ending on 31st March in that year, and the report shall be accompanied by a certified copy of the audited accounts of the Council for that period.

(2) The Commissioner shall as soon as may be after receipt thereof lay a copy of every such report together with the audited accounts before the Federal Executive Council.

(3) The Council shall not later than 1st August in each year or as soon thereafter as the Commissioner may in a proper case allow, submit to the Commissioner for approval its estimates of revenue and expenditure in respect of the year beginning with 1st April in the following year.

Accounts
and audit.

9. The Council shall keep proper accounts, in a form which conforms with accepted commercial standards, of its receipts, payments, assets and liabilities and shall submit the same from time to time but not less frequently than annually for auditing by a qualified auditor approved annually in that behalf by the Federal Commissioner for Finance.

Funds of the
Council.

10. The funds of the Council shall consist of—

(a) such funds as may from time to time be provided by the Federal Military Government and the State Governments ;

(b) such funds as may be collected or received by the Council from other sources either in the execution of its functions or in respect of any property vested in the Council or otherwise howsoever.

Members
not
personally
liable.

11. No member of the Council shall be personally liable for any act or omission done or made in good faith while engaged on the business of the Council.

Power to
make stand-
ing orders.

12.—(1) The Council may make standing orders relating to any of its internal and domestic matters and particularly to matters mentioned in paragraph 8 of the Schedule to this Decree.

(2) All such standing orders shall be in writing and shall come into force when sealed with the seal of the Council, unless some other date for commencement be therein prescribed.

(3) Nothing in subsection (2) above shall make it obligatory for the Council to publish any of the standing orders in the *Gazette*.

Power of
Commis-
sioner to give
directions,
etc.

13.—(1) The Commissioner may give to the Council directions of a general or special nature with respect to any of the functions of the Council under this Decree and it shall be the duty of the Council to comply with such directions.

(2) The Commissioner may require the Council to supply him information or returns in respect of any of the activities (actual or proposed) of the Council and it shall be the duty of the Council to supply such information or returns.

Dissolution
of the
Nigerian
Arts Council
and transfer
of its
property.

14. The body known as the Nigerian Arts Council is hereby dissolved and all property (movable and immovable) held by or on behalf of that body shall as from the commencement of this Decree and without further assurance vest in the Council.

Interpreta-
tion.

15. In this Decree, unless the context otherwise requires—

“the Chairman” means the Chairman of the Council appointed under section 2 (2) of this Decree ;

"the Commissioner" means the Federal Commissioner charged with responsibility for matters relating to culture ;

"functions" includes powers and duties ;

"public officer" means a member of the public service of the Federation ;

"the Secretary" means the Secretary to the Council appointed pursuant to section 6 (1) of this Decree.

16.—(1) This Decree may be cited as the National Council for Arts and Culture Decree 1975.

Citation and commencement.

(2) This Decree shall come into force on such day as the Commissioner may by order published in the *Gazette* appoint.

SCHEDULE

Section 2 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

Terms of Service

1.—(1) A member of the Council who is not a public officer shall hold office for a period of three years beginning with the date on which he was appointed.

(2) The remuneration, terms and conditions of service of the Chairman shall be determined by the Commissioner.

(3) Every notice of appointment to, or change in the membership of, the Council may be published in the *Gazette*.

(4) A member of the Council other than the Chairman or a public officer may, by notice in writing addressed to the Commissioner through the Chairman, resign his office and that member shall, on the day of the receipt of the notice by the Commissioner, cease to be a member.

(5) The Chairman may resign his membership by notice in writing addressed to the Commissioner and unless the Commissioner rejects the notice, the Chairman shall, on the day of the receipt of the notice by the Commissioner, cease to be a member.

(6) A person ceasing to hold office as a member of the Council otherwise than by removal for misconduct or for inability to perform the functions of his office shall be eligible for re-appointment.

2.—(1) Members of the Council (other than the Chairman, the Secretary and the members of the Executive Committee) shall receive no remuneration but may be paid such travelling and other allowances as may from time to time be approved by the Commissioner.

(2) In the case of members representing States' Arts Councils all travelling expenses incurred by members travelling in both directions to and from their respective States to attend meetings of the Council or of the Executive Committee shall be met by their respective States' Arts Councils ; but all residential, boarding and travelling expenses incurred by members at the venue of any of the said meetings shall be met by the Council.

(3) The provisions of this paragraph shall not apply to members of the Nigerian Armed Forces or the Nigeria Police Force or to a member who is a public officer.

3.—(1) Where a vacancy occurs in the membership of the Council, that vacancy shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however that the successor shall represent the same interest and shall be appointed by the same authority as his predecessor.

(2) The Council may act notwithstanding any vacancy in its membership or any defect in the appointment of a member or the absence of a member.

Committees

4.—(1) The Council may appoint one or more committees (other than standing committees) to advise it on the exercise and performance of its functions.

(2) Every such committee shall consist of—

(a) a chairman who shall be appointed by the Council from among the members of the Council ;

(b) not more than five persons (who may or may not be members of the Council), so however that any non-member of the Council co-opted to serve on any committee shall enjoy all the rights and privileges of a member except the right to vote and to count towards a quorum.

(3) In this paragraph "chairman" means chairman of a committee.

Proceedings of the Council

5.—(1) The Council shall meet for the conduct of business at such times, places and on such days as the Chairman may appoint but shall meet not less than twice a year.

(2) The Chairman may at any time, and shall at the request in writing of the Commissioner or of not less than four members one each from a different State, summon a meeting ; and if the Chairman fails so to do, the Commissioner may himself summon a meeting.

(3) Particulars of the business to be transacted at any meeting shall be circulated to members with the notice of the meeting.

6.—(1) Every question put before the Council at a meeting shall be decided by a majority of the votes of the members present and voting.

(2) Fifteen members, four of whom shall be chairmen of States Arts Council, shall form a quorum at any meeting of the Council.

(3) The Chairman shall, at any meeting, have a vote and, in the case of an equality of votes, may exercise a casting vote.

7.—(1) The Chairman shall preside at all meetings of the Council, but if he is absent from any meeting of the Council, the members present shall elect one of their number to preside at that meeting.

(2) During the Chairman's absence on leave or if the Chairman is otherwise not available, or is unable to perform his functions, the Commissioner may appoint any member of the Council to act as Chairman for a specified period.

8. Subject to the provisions of this Decree, the Council may make standing orders with respect to the holding of meetings, the nature of notice to be given, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

Miscellaneous

9.—(1) Any contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal may be entered into or executed on behalf of the Council by any person generally or specifically authorised in that behalf by the Council.

(2) Any member of the Council or of a committee thereof, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or the Committee, shall forthwith disclose his interest to the Council or the Committee and shall not vote on any question relating to such contract or arrangement.

10.—(1) The common seal of the Council shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Council and recorded in the minutes of the meeting.

(2) The fixing of the seal of the Council shall be authenticated by the signature of the Chairman or some other member authorised generally or specifically by the Council to act for that purpose.

(3) Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

MADE at Lagos this 17th day of January 1975.

GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purpose)

The Decree establishes a National Council for Arts and Culture and vests it with the function, among other things, of assisting the Federal Government in the planning, co-ordination and encouragement of arts and cultural activities in the country and in the promotion, revival and development of Nigerian culture.

BIGHT OF BONNY DECREE 1975



Decree No. 4

[17th January 1975]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1. The bight on the south-eastern coast of Nigeria hitherto known as the Bight of Biafra shall from henceforth and for all purposes be known as the Bight of Bonny, and all references to the Bight of Biafra in any law however made having effect in Nigeria or in any instrument, map or document whatsoever shall be construed as references to the Bight of Bonny.

New name
for Bight of
Biafra.

2. This Decree may be cited as the Bight of Bonny Decree 1975.

Citation.

MADE at Lagos this 17th day of January 1975.

GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*