

**MOTION PICTURE COUNCIL OF NIGERIA  
(MOPICON)**

**DRAFT BILL  
2006**

Posted by  
Mahmood Ali-Balogun

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# MOTION PICTURE COUNCIL OF NIGERIA

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## List of Sections

### **PART 1 - THE MOTION PICTURE COUNCIL OF NIGERIA**

1. Establishment of the Motion Picture Council of Nigeria
2. Functions of the Council
3. Composition of the Council
4. Qualification and tenure of members of the Council
5. Appointment of the Chairman
6. Appointment of the Registrar and other staff of the Council
7. Application of Pensions Act. Cap 346
8. Proceedings of the Council
9. Control of Council by Minister
10. Fund of Council
11. Application of the Fund
12. Income and Expenditure
13. Account and Audit
14. Financial Year of the Council

### **PART II REGISTERS AND REGISTRATION**

15. Preparation and maintenance of the Registers
16. Particulars and divisions of the Register of Motion Picture Practitioners
17. Particulars in the Register of Guilds/Associations
18. Rules of keeping the Registers
19. Alteration

20. Publication of Registers and list of correction
21. Division of Register
22. Membership
23. Fellowship
24. Special Registration
25. Reciprocal and Temporary Registration of Non-Citizens.

**PART III - PROFESSIONAL TRAINING, QUALIFICATION AND EXPERIENCE**

26. Approval of Courses, Qualifications and Institutions
27. Supervision of Instructions and Examinations leading to Approved Qualifications
28. Recognition, Acceptance of Foreign Courses, Qualifications and Institutions.

**PART IV - PRIVILEGES OF REGISTERED PERSONS AND PROHIBITION OF NON-REGISTERED PERSONS**

29. Certificate and Status of Registration
30. Entitlement to Practice
31. Recovery of Fees and Charges, etc
32. Prohibition of Practice by Non-Registered Persons

**PART V - THE MOTION PICTURE SECTORAL GUILDS/ASSOCIATIONS**

33. Registration of Sectoral Guilds/Associations
34. Accreditation of Guilds/Associations by the Council
35. Privileges of the Guilds/Associations
36. Registration of Film and Video Distributors, Exhibitors and Marketers

**PART VI - PROFESSIONAL DISCIPLINE**

37. Establishment of the Disciplinary Arbitration
38. Establishment of the Investigating Panel
39. Proceedings of the Arbitration and the Panel
40. Penalties for Unprofessional Conduct
41. Restoration of Registration
42. Striking off entries from register on grounds of fraud or error.
43. Appeal to the Court of Appeal

**PART VII- MISCELLANEOUS**

44. Practising and other fees, dues, etc
45. Offences
46. Burden of Proof
47. Regulations, rules and orders
48. Transitional Provisions
49. Limitation of suits against the Council and service of document, etc
50. Restriction on execution against the property of the Council.
51. Indemnity of members and employees of the Council
52. Interpretation
53. Short Title

# MOTION PICTURE COUNCIL OF NIGERIA

(.....200.....) Commencement

## ACT TO REGULATE THE PROFESSION OF MOTION PICTURE AND FOR RELATED MATTERS

**BE IT ENACTED** by the Legislature of the Federal Republic of Nigeria in the present assembly and by the authority of the same as follows:-

### **PART 1- THE MOTION PICTURE COUNCIL OF NIGERIA**

**1.**

(1) There is hereby established under this Act a body to be known as the Motion Picture Council of Nigeria (MOPICON) (hereafter in this Act referred to as “The Council”)

*Establishment of the Motion Picture Council of Nigeria*

(2) The Council shall be

(a) a body corporate with perpetual succession and a common seal;

(b) capable of suing and being sued in its corporate name; and

(c) capable of acquiring, holding or disposing of any property, movable or immovable, for the purpose of carrying out its functions

**2.** The Council shall be charged with the duty of:

*Functions of the Council*

(a) determining who are Motion Picture Practitioners

(b) determining what standards of knowledge and skills are to be attained by persons seeking to become registered as Motion Picture Practitioners and reviewing those standards from time to time;

(c) securing in accordance with the provisions of this Act, the establishment and maintenance of a register of persons entitled to practice as professionals in the motion picture industry, and the publication, from time to time, of lists of those persons;

- (d) securing in accordance with the provisions of this Act, the establishment and maintenance of a register of National guilds of practitioners of the trades and specializations within the profession, as well as associations of Motion Picture Producers, distributors and exhibitors/ marketers;
- (e) regulating and controlling professional practice in the motion picture industry;
- (f) ensuring that practitioners maintain the ethics of the profession as contained in the Code of Ethics;
- (g) fostering the achievement and maintenance of the highest professional and commercial standards in the motion picture industry;
- (h) ensuring the protection of the rights and privileges of motion picture practitioners in the lawful exercise of their profession;
- (i) inquiring into complaints about the conduct of any motion picture practitioner and the conduct of any person or organizations towards the practitioner, and exercising powers conferred by this Act in respect of such complaints; and
- (j) performing such other functions as are conferred on the Council by this Act.

3. The Council shall consists of

*Composition of  
the Council*

- (a) a Chairman to be elected by members of the council (who are representatives of various National Guilds and Associations).
- (b) At least 1 member from each of the recognized national guilds and associations.

**Guilds:**

- Writers
- Directors
- Actors
- Cinematographers
- Editors
- Creative Designers

- Sound
- Technicians and Artisan
- Lighting

**Associations**

- Distribution/marketers
- Producers

- (c) the Managing Director of the Nigerian Film Corporation;
- (d) a representative of the Nigerian Copyright Commission;
- (e) a representative of the National Film and Video Censors Board;
- (f) a representative of the Federal Ministry of Information and National Orientation;
- (g) a representative of the National Broadcasting Commission,
- (h) a representative of the National Council for Arts and Culture,
- (i) Ex-officio, who shall be the immediate past Council Chairman
- (j) the Registrar, who shall serve as Secretary

4.

- (1) A person as a member of the Council shall hold office for two years and shall be eligible for re-election for one further term of two years only.
- (2) The members of the Council except the Registrar shall be part-time members.
- (3) Any member of the Council shall cease to hold office if:
  - (a) he becomes of unsound mind or is incapable of carrying out his duties;

***Qualification and  
Tenure of members  
of the Council***

- (b) he is convicted of felony or any offence involving dishonesty;
- (c) he becomes bankrupt.
- (d) he is guilty of serious misconduct relating to his duties; or
- (e) in the case of a person representing his Guild/ Association, he ceases to function, for any reason whatsoever, in such Guild/ Association.

(4) Without prejudice to the generality of the foregoing Subsections of this section, Part 1 of the First Schedule shall have effect with respect to qualifications tenure of office and other matters therein stated.

***Part 1 of First Schedule***

5. (1) The Chairman so elected shall be a person who is:-

***Confirmation of the Chairman***

(a) a person who by reason of his ability, experience or specialized knowledge of any of the trades or specializations in the motion picture industry or professional attainments is capable of making outstanding contributions to the profession.

(2) (b) There shall be elected by the Council at its first meeting and from among its members, three (3) persons, each designated as 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Vice Chairman respectively, each to hold office for a term of 2 years subject to one renewal of two years only.

(c) Each Vice Chairman to be so elected shall:

- (i) be registered as a member of the Guilds/Associations
- (ii) in the absence of the Chairman, the 1<sup>st</sup> Vice Chairman to act for the Chairman.
- (iii) carry out such other functions and play such other roles as the Council or the Chairman or Council may direct.
- (iv) ceases to be Vice Chairman if he ceases to be a registered member of the profession

6. (1) There shall be employed by the Council a Registrar.

***Employment of the Registrar and other***



*staff of the  
Council.*

- (2) The Registrar shall be a trained Motion Picture Practitioner with wide knowledge in the Industry, and registered as a member of a guild/association and with proven administrative competence or be eligible to be so registered. He must not be a pensionable staff of the Nigerian Film Corporation, Federal, State or Local Government.
- (3) The Registrar shall be the Chief Executive and shall be responsible to the Chairman for the day-to-day running of the affairs of the Council.
- (4) The Registrar shall, in addition to his other functions under this Act, be the Secretary to the Council, keep the seal of the Council and, on the instructions of the Chairman of the Council, convene and keep minutes of the proceedings at all meetings of the Council.
- (5) The Registrar shall keep records and conduct the correspondence of the Council and perform such other functions as the Council and/or the Chairman may from time to time direct for the purpose of this Act.
- (6) The Council may, whenever the Registrar is absent or for any other reason is unable to discharge the functions of the office, appoint an Acting Registrar to discharge his functions.
- (7) The Registrar shall be the Secretary to the Disciplinary, Committee set up under Section 38 of this Act.
- (8) The Council may appoint such other person to be employees of the Council as the Council may determine to assist the Registrar in the exercise of his functions under this Act.
- (9) The Registrar and other employees of the Council shall hold office on such terms and conditions as the Council may, determine in line with guidelines of the Ministry in charge of motion picture matters.

7. (1) It is hereby declared that service in the Council shall be public service for the purpose of the Pensions Act and accordingly, officers and other persons employed in the Council shall in respect of their service in the Council be entitled to pensions, gratuities and other retirement benefits as are prescribed

*Application of  
Pensions Act. Cap  
346*

thereunder so however that nothing in this act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office.

(2) For the purpose of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation (not being the power to make regulations under Section 23 thereof) is hereby vested in and shall be exercisable by the Council and not by any other person or authority.

8. The provisions of part II of the First Schedule to this Act shall have effect with respect to the proceedings of the Council and other matters therein mentioned. *Proceedings of the Council (Part II of the Schedule)*

9. (1) The Minister in charge of motion picture matters may give to the Council, directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the Council of its functions under this Act. *Ministerial Directives*

(2) Before giving a direction under subsection (1) of this section, the Minister shall serve a copy of the proposed direction on the Council and shall afford the Council an opportunity of making representations to him with respect to the direction and after considering any representations made to him in pursuance of this subsection, the Minister may give the direction either without modification, or with such modifications as appear to him to be appropriate having regard to the representations.

(3) Any direction given by the Minister under this section shall be published on the Council's annual report. Provided that where in the opinion of the Minister under his hand and with the consent of the Council confirmed in writing such publication is contrary to the national interest the written publication may be restricted to the Council records only.

10. (1) The Council shall establish and maintain an account for the purposes of this Act, and the account shall be funded through; *Funds of the Council*

(a) Such monies as the Federal Government may pay to the Council by way of subvention grant, loan or otherwise,

(b) Donations/grants etc by state or local governmental

and NGOs, governments and other governmental and Donor Agencies, recognized agencies, Institutions and Corporate bodies.

- (c) Foreign aids subject to the laws of the Federation.
- (d) Such contributions, fees and other monies as the Council may from time to time require of the members or guilds/associations registered with or affiliated to the Council;
- (e) Any fees and charges for services rendered by the Council or publications made by the Council;
- (f) All other assets that may from time to time accrue to the Council.
- (g) And any other sources of fund for the purpose of this act.

**11.** The Council shall, from time to time, apply the proceeds of the fund established pursuant to Section 10 - ***Application of the Funds***

- (a) to the cost of administration of the Council;
- (b) for all approved capital projects of the Council;
- (c) for reimbursing members of the Council or any Committee of the Council for such expenses as may be expressly authorized by the Council in accordance with the rates approved by the Ministry in charge of motion picture matters; and
- (d) to the payment of salaries, fees or other remuneration or allowances and pensions, gratuities, payable to staff of the Council.
- (e) the payment of allowances to council members.

**12.** The Registrar shall prepare and submit through the council to the Minister in-charge of Motion Picture Matters not later than 30th June of each year statement of accounts of the council. ***Income and Expenditure***

**13. (1)** The Council shall keep proper accounts and proper records in relation thereto, and shall prepare in respect of ***Account and Audit***

each financial year a statement of accounts in compliance with supervising Ministry Guidelines.

- (2) The Council shall as soon as possible after the end of the financial year to which the accounts relate cause the accounts to be audited by auditors in accordance with Federal Government Rules and Regulations.
- (3) The auditors shall on the completion of the audit of the accounts of each financial year prepare and submit to the Council a report setting out their observations and recommendations on all aspects of the accounts of the Council for that year; and the Council shall forward a copy of the report to the Ministry in charge of motion picture matters.

**14.** For all the purposes of the Council, the financial year shall commence on 1<sup>st</sup> January and end on the 31<sup>st</sup> of December of each year. *Financial Year of the Council*

## **PART II – REGISTERS AND REGISTRATION**

**15.** The Registrar shall prepare and maintain in accordance with rules made by the Council under this part of the Act the following registers; *Preparation and Maintenance of the Registers*

- (a) register of Motion Picture Practitioners who are human persons that derive their membership from the guilds/associations entitled in accordance with the provisions of this Act to be registered as members of the profession;
- (b) register of Motion Picture non human performers which derive their membership as in (a) above;
- (c) register of Guilds/Associations (who are bodies corporate) entitled in accordance with the provisions of this Act to be accredited by, affiliated to and registered by the Council;

**16.** (1) Membership Categories: Three categories shall be recognized: *Particulars and categories of the Register of Motion Picture*

- a.** Associate member

- b. Full member**
- c. Fellow member**

**a. Associate Member**

- i. A person shall be entitled to be registered as an Associate Member during the period of training or mentoring in Motion Picture Production in a production company or by full member of 10 years experience recognized and accredited/registered by the council.
- ii. The training programme or mentoring must be at least a minimum of 3 years of intensive practical exposure to all phases of Motion Picture Production.
- iii. A person who is so registered as an Associate Member is expected to actively participate and be engaged in Motion Picture Productions undertaken by the said company training him/her or his/her mentor, and other production company or professionals who might need his/her services.
- iv. The said production company providing the training or the mentor shall keep and submit a record of the training programme, production credits and other relevant data of the associate member who at the end of the 3 year training period or mentoring shall be eligible to sit and write a qualifying Full Membership exam to be conducted by the council. A successful associate member shall then become a full member.

**FULL MEMBER**

- (i) A person shall be entitled to be registered as a full member after undergoing training in Motion Picture Production recognized by the Council in accordance with sections 26, 27 and 28 of this Act.
- (ii) The programme must be at least a year of Motion Picture Production Course of Studies taken at a stretch.
- (iii) A person who has acquired skill and expertise in Motion Picture Practice for a period not less than 3 years, (exception is given to those in practice 3 years prior to this act);
- (iv) A person who is so registered as FULL MEMBER would be eligible to produce and make projects in the Motion Picture Industry.

## FELLOW MEMBER

- (1) Qualified practitioners shall apply to be considered for Fellowship based on the criteria to be set by the Privileges and Ethics Committee.
  - (2) The Register of the Motion Picture Practitioners shall contain the names, addresses, approved qualifications and such other particulars as may from time to time be required of all persons entitled in accordance with the provisions of this Act or the rules made thereunder to be registered as:
    - a. members;
    - b. fellowsof the profession and who apply in the manner prescribed by this Act or the rules aforesaid to be so registered.
  - (3) The Register maintained under this section shall consist of two(2) parts:
    - a. one part in respect of full members who shall register directly with the Council; and
    - b. one part in respect of fellows.
- 17.** The Register of Motion Picture Guilds/Associations shall contain, in respect of each Guild to which part V of this Act relates the name of the trade or specialization, the registered office, the names and addresses of Principal Officers for the time being, the number of members supported by a list of their names and such other particulars as may be required in this Act or as the Council may specify of all bodies which are entitled in accordance with the provisions of this Act to be registered as Guilds/Associations within the profession. *Particulars in the register of Guilds/Associations*
- 18.** (1) Subject to the provisions of this section the Council shall make rules with respect to the form of keeping the Registers and the making of entries therein, and in particular: *Rules for keeping the Registers*
- (a) regulating the making of applications for registration and providing for the evidence to be produced in support of applications;
  - (b) providing for the notification to the Registrar by the person or Guilds/Associations to whom Any registered particulars relate of any change in those particulars;

(c) authorizing a registered person to have any qualification which is, in relation to his specialization within the profession, an approved, accepted or recognized qualification within Part III of this Act, registered in relation to his name in addition to or, as he may elect, in substitution for any other qualifications so registered;

(d) specifying the fees including any annual subscription, to be paid to the Council in respect of the entry of names on the register and authorizing the Registrar to refuse to enter a name on the Register until any fees specified for entry has been paid;

(2) Rules made for the purposes of this section may be modified from time to time by the Council

(3) Rules made or modified pursuant to this section shall not come into force until they are confirmed at a special meeting of the Council convened for the purpose thereafter.

(4) The rules confirmed under subsection (3) of this section shall be published in the Gazette.

**19.** (1) It shall be the duty of the Registrar

*Alteration*

(a) to correct, in accordance with the directions of the Council, any entry in the Registers which the Council directs him to correct as being in the opinion of the Council an entry which was incorrectly made;

(b) to remove from the register the name of any registered person who has died, has become insane or has committed an act of gross misconduct.

(2) If the Registrar-

(a) should send by post any registered person a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to that letter within three months from date of posting it; and

- (b) upon the expiration of the period send in like manner to the person in question a second letter and receives no reply to that letter within three months from the date of posting;

The Registrar may remove the particulars relating to the person in question from the Register but the Council may on proper investigation direct the Registrar to restore to the Register any particulars removed under this subsection.

20. (1) It shall be the duty of the Registrar:

***Publication of  
Registers and lists  
of correction***

- (a) to cause the Registers to be printed, published and put on sale to members of the public not later than six months from the beginning of the year in which this Act comes into force;
- (b) in each year after that in which a Register is first published under paragraph (a) of this section, to cause to be printed, published and put on sale as aforesaid either a corrected edition of the Register or a list of alterations made to each Register since it was last printed;
- (c) to cause the list of persons entitled to practice to be released two times a year (every 6 months) to the following establishments throughout Nigeria.
  - i. Nigerian Film Corporation
  - ii. National Film and Video Censors Board (NFVCB).
  - iii. Motion Picture Distributors/Marketers
  - iv. National Broadcasting Commission
  - v. Nigerian Copyright Commission
  - vi. Broadcasting Organisation of Nigeria
  - vii. Advertising Practitioners Council of Nigeria
  - viii. Nigerian diplomatic missions abroad,
  - ix. Guilds/Associations

The list shall indicate the registered persons who can make and produce projects for Motion Picture Industry

- (d) To cause a print of each edition of the Registers



and of each list of corrections to be deposited at the principal office of the Council, and it shall be the duty of the Council to keep each Register and lists, so deposited open at all reasonable times for inspection by members of the public.

- (2) A document purporting to be a print of an edition of a Register published under this section by authority of the Registrar in the current year or documents purporting to be prints of an edition of a Register so published in the current year, shall (without prejudice to any other mode of proof) not be admissible in any proceedings as evidence that any person or guilds/associations specified in the document, or the document read together, as being registered is so registered and that any person or guilds/associations not so specified is not registered.

**21.** The Register of the Practitioners shall consist of three parts: *Division of Register*

- a. one part in respect of associate members
- b. one part in respect of Full members who shall register directly with the Council;
- c. one part in respect of Fellows

**22.** A person shall be entitled on proper application to be registered as a member of the profession if: *Membership*

- (a)
  - (i) he is a citizen of Nigeria;
  - (ii) he is of good character
    - 1) he is not a person of unsound mind so found by a court of law;
    - 2) he has not been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty;
    - 3) he is not an undischarged bankrupt; and
    - 4) he has attained the age of 18 years
- (b) he holds a degree, diploma, certificate or other approved or accepted qualification from any tertiary institution approved or recognized by the Council for conducting a course of training approved by the Council in accordance with Sections 26, 27 and 28 of this Act.

**23.** A person registered as a full member shall be recommended to the Council by Guilds/Associations to be conferred with the Fellowship of MOPICON if: *Fellowship*

- (a) he continues to fulfill the conditions for registration as a Full Member under Section 22(a) and (b);
- (b) he satisfies the Council that, in the fifteen year immediately preceding the date of his consideration, has been in continuous active practice as a motion picture practitioner.

24. (1) There would be special registration for those that have not received formal academic and professional training in Motion Picture Production but have undertaken recommended four courses of training, separately over a period of time while working in the motion picture industry, as stated below:

***Special  
Registration***

- (2) An applicant shall be entitled on proper application to be registered as a Full Member of the profession if:
  - (a) he fulfills the condition for registration as a Member under Section 22 (a); and 16.1(i-iii)
- (3) A person registered as a full member shall be recommended to the Council by the Guilds/Associations to be conferred with the Fellowship of the MOPICON:
  - (a) he fulfils the conditions for registration as a Member under Section 22(a); and 16.1.(i-iii)
  - (b) he satisfies the Council that, in the fifteen year immediately preceding the date of consideration, has been in continuous active practice.

25. (1) Subject to the next succeeding subsection where the Council is satisfied that reciprocal arrangements are in existence between Nigeria and any other country whereby citizens or nationals of that country and those of Nigeria are entitled to practice in that other country as Motion Picture Practitioners on the same or nearly similar terms and conditions, a national or citizen of that other country shall; if resident in Nigeria for not less than five years preceding the date of his application for registration and on due compliance with any other requirements of

***Reciprocal and  
temporary  
registration of  
Non-Citizens***

the Council, be entitled to be registered as Motion Picture Practitioner under this Act, to the same extent and with the same rights and privileges as are allowed to Nigerians of comparable qualifications and experience in his own country.

(2) Where any person not a citizen of Nigeria would, but for this subsection, be required to satisfy the Council as to reciprocal arrangements made and as to his residential qualification and that person on or after the commencement of this Act satisfies the Council that:

(a) he has been selected for any employment for a specified period in a capacity in which a person registered as a member, or fellow under this Act is qualified to be employed and that he is or intends to be in Nigeria temporarily for the purpose of serving for that period in the employment in question; and

(b) he holds a qualification, has acquired experience or has passed examinations necessary for obtaining some qualifications granted outside Nigeria which is for the time being accepted or recognized by the Council as regards the capacity in which if employed he is to serve, the Council, may if it thinks fit and after receipt by it of an application for registration duly made by any person so employed, and upon payment of the prescribed fee but without requiring to be satisfied as to any such reciprocal arrangements and residential qualification, give a direction that he shall be temporarily registered.

(3) The temporary registration of a person shall continue only while he is in such employment as is mentioned in subsection (2) (a) of this section and shall cease at the end of the period of the employment specified to the Council under that subsection or at the prior determination of the employment whichever first occurs; Provided that nothing in this subsection shall preclude the Council from giving a further direction under subsection (2) of this section in respect of a specified period whose commencement coincides with the termination of another such employment.

(4) A person who is temporarily registered shall, in relation to

his employment as mentioned in subsection (2)(a) of this section and to things done or omitted to be done in the course of that employment, be deemed to be fully registered, but in relation to all other matters he shall be treated as not registered.

- (5) In case of doubt as to whether a person's employment has been terminated, the decision of the Council shall be conclusive for the purpose of subsection (3) of this section.
- (6) The Registrar shall remove from the Register the name of any person where the principles of reciprocity between the country of that person and Nigeria has ceased.

### **PART III – PROFESSIONAL TRAINING, QUALIFICATION AND EXPERIENCE**

**26.** (1.) MOPICON shall have a standing relationship with such supervising education authorities as National Universities Commission, National Board for Technical Education, etc for the purposes of curricula accreditation to ensure; *Approval of Courses, Qualifications, Institutions.*

- (a) Qualitative manpower development in the Motion Picture Industry by accrediting curricula and programmes of all tertiary Institutions that offer communication studies in relation to Motion Picture.
- (b) Serve as national consultants of any legislative or regulatory body on issues on the Motion Picture Industry.
- (c) approve any course of training which is intended for persons who are seeking to become, or are already members of the profession and which the Council considers is designed to confer on persons completing it sufficient knowledge and skill for the practice of that profession or for practice as members of a specialized branch of the profession;
- (d) any Institution in Nigeria which the Council considers is properly organized and equipped for conducting the whole or any part of course of training approved by the Council;
- (e) any qualification which, as a result of an examination taken in conjunction with a course of training approved by the Council under this section, is granted to candidates reaching a

standard at the examination indicating, in the opinion of the Council, that they have sufficient knowledge and skill to practice the profession in question or to practice as members of a specialized branch of that profession.

(2) The Council may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution, but before withdrawing such an approval, the Council shall:

- (a) give notice that it proposes to do so to each person by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be;
- (b) afford each such person an opportunity of making to the Council representations with regard to the proposal; and
- (c) take into consideration any representations made as respects the proposal in pursuance of paragraph (b) of this subsection;

(3) In respect of any period during which the approval of the Council under this section for a course, qualification or institution is withdrawn; the course, qualification or institution shall not be treated as approved under this section, but the withdrawal of such an approval shall not prejudice the registration of any person who by virtue of the approval was registered or eligible for registration (either unconditionally or subject to his obtaining a certificate) immediately before the approval was withdrawn.

(4) The giving or withdrawal of an approval under this section shall have effect from such date, either before or after the execution of the instrument signifying the giving or withdrawal of approval, as the Council may specify in the instrument, and the Council shall:-

- i. as soon as may be, publish a copy of every such instrument.
- ii. not later than seven days before its publication as aforesaid, send a copy of the instrument to the supervising Ministry, National Universities Commission, National Board for Technical Education, etc

27. (1) It shall be the duty of the Council to keep itself informed of the nature of:

- (a) the instructions given at approved institutions to persons attending approved courses of training; and
- (b) the examinations as a result of which approved qualifications are granted;

and for the purpose of performing that duty the Council may appoint, either from among its own members or otherwise, persons to visit approved institutions or to attend such examinations at least once in two years.

(2) It shall be the duty of the council or its appointee appointed under subsection (1) of this section to report to the Council on:

- (a) the sufficiency of the instructions given to persons attending approved courses of training at institutions visited by him;
- (b) the sufficiency of the examinations attested to by him; and
- (c) any other matters relating to the institutions or examinations on which the Council, may, either generally or in a particular case, request him to report, but no appointee shall interfere with the giving of any instruction or the holding of any examination.

(3) On receiving a report made in pursuance of this section, the Council shall as soon as may be send a copy of the report to the persons appearing to the Council to be in charge of the institution or responsible for the examinations to which the report relates requesting that person to make observations on the report to the council within such period as may be specified in the request, not being less than one month beginning with the date of the request.

(4) It shall be the duty of the person in charge of each approved tertiary institution in the Federation having

***Supervision of  
Institutions  
and  
Examinations  
leading to  
Approved  
Qualifications.***

attached thereto a Faculty or other unit by whatsoever name called, at which there is held a course or training intended for persons who are seeking to become registered as Motion Picture Practitioners under this Act, to furnish to the Registrar, not later than the 31<sup>st</sup> day of March in every year, a list of the names and such other particulars as the Council may specify of all persons who attended any such course at the institution in question at any time during the last preceding year.

28. (1) The Council may, in its absolute discretion, accept without condition or subject to conditions specified in writing, foreign qualifications recognized by the government of the countries from where such qualifications were obtained and adjudged to be comparable with those approved by the Council in Nigeria *Recognition, acceptance of foreign courses, qualifications and institutions.*
- (2) The Council may, if it thinks fit, in appropriate cases require assessment, certification, interpretation, or other forms of ascertainment of quality, standard and authenticity of a qualification obtained outside Nigeria for the purpose of this Act.
- (3) The Council may institute an assessment examination for holders of foreign qualifications to be recognized or accepted.
- (a) For the avoidance of doubt, the conditions to be specified under subsection (1) of this section may include the undergoing of additional or supplementary courses in approved institutions in Nigeria.

#### **PART IV - PRIVILEGES OF REGISTERED PERSONS AND PROHIBITION OF NON-REGISTERED PERSONS.**

29. (1) On the approval of the application of a person entitled to be registered and upon entering his particulars into the applicable part of the register of Motion Picture Practitioners under Part II of this Act, the Council shall certify under its seal that as from the date of registration mentioned in the Certificate of Registration, the person is a registered member of the profession in the status therein indicated.

(2) A Certificate containing the particulars of the member and the status of his membership shall be delivered unto the member by the Council.

(3) The Certificate issued to a person under this section may be withdrawn and cancelled if the name of the person is removed from the register in accordance with the Provisions of this Act or regulations made thereunder.

**30.** As from the date indicated on the Certificate the person registered as a member or fellow shall not be entitled to practise unless the person is a member of a recognized Guild/Association.

**31.** (1) Subject to the Provisions of this Act and to any rule of law whereby a contract may be avoided for inconsistency with an enactment, no person other than a Motion Picture Practitioner registered as a member or fellow shall be entitled to recover by process of law fees, charges or other valuable consideration whatsoever in respect of any act, matter or thing done or omitted to be done by him in intended pursuance of any contract while purporting to act as a registered Motion Picture Practitioner.

(2) Subject as aforesaid, a Motion Picture Practitioner shall not be entitled to begin an action to recover his charges unless:

- (a) a bill for the charges containing particulars of the principal items included in the bill and signed by him, or in the case of a firm, by one of the partners or in the name of the firm, has been served on the client; and
  - (b) the period of one month beginning with the date of delivery of the bill has expired.
- (3) In any case in which a Motion Picture Practitioner satisfies the court, on an application made either “*ex parte*” or if the court so directs after giving the prescribed notice:
- (a) that he has delivered a bill of charges to a client; and
  - (b) that on the face of it the charges appear to be proper in the circumstances; and



- (c) that there are circumstances indicating that the client is about to do some act which would probably prevent or delay the payment to the practitioner of the charges, then, notwithstanding that the period mentioned in paragraph (b) of subsection (2) of this section has not expired, the court may direct that the practitioner be authorized to bring and prosecute an action to recover the charges unless before judgment in the action the client gives such security for the payment of the charges as may be specified in the direction.
- (4) The Court may, if it thinks fit, on the application of a client
- (a) order a Motion Picture Practitioner to deliver his bill of charges to the client;
  - (b) make an order for the delivery up of or otherwise in relation to any scripts, sketch, materials, equipment or other effects in the control of the practitioner which belong to or were received by him from or on behalf of the client and without prejudice to the generality of the powers of the court to punish for contempt or to the provision of this Act relating to the discipline of Motion Picture Practitioners, the court may punish for contempt any practitioner who refused or fails to comply with an order under this subsection.

**32.** (1) A person not registered as a MEMBER with the Council is prohibited from producing and making projects for both the Cinema and Home Video Market plus Television Stations and Networks for gains as ***Prohibition of practice by non-registered persons.***

- (a) Producer, Deputy Producer, and Unit Producers;
- (b) Director, Unit Director, Associate Director and Assistant Director, and
- (c) Unit Director of Photography, Associate Director of Photography, Assistant Director of Photography and Deputy Director of Photography

(3) A person in breach of the provisions of paragraphs (a) (b) (c) of subsection (1), and paragraph (a) (b) (c) of subsection (2) of this section, is guilty of an offence and liable on conviction to a fine of N100,000 or to imprisonment for a term of two years.

**PART V – THE MOTION PICTURE SECTORAL GUILDS/ASSOCIATIONS**

**33. (1)** List of Guilds/Associations –

*Formation and  
Registration of  
Guilds/  
Associations*

**Guilds:**

- Writers,
- Directors
- Actors
- Cinematographers
- Editors
- Creative Designers
- Sound
- Technicians and Artisan
- Lighting Technicians

**Association:**

- Distributors/marketers
- Producers

(2) Persons practicing the same trade, specialization or related fields in the profession and are registered or entitled to be registered under this Act in any category of membership as Motion Picture Practitioners shall be organized into Sectoral associations which shall be registered with the Council such members that have been registered directly with the Council shall not be eligible to practise unless they are members of recognized Sectoral Associations.

a. A practitioner can only be registered as a Full member of one guild by the council but may be recognized as associate member in any other guilds;

b. and would be registered as full member of the Producer Association

c. only corporate bodies would be registered as distributors/marketers/exhibitors/production companies

(3) A Sectoral Guild/Association shall be entitled to be registered with the Council and being so registered to receive a

certificate of registration on the approval of the application submitted in accordance with subsection (4) of this section.

(4) An application for registration by a guild/ association shall state or be supported by the following:

- (a) Certificate(s) of accreditation obtained in accordance with Section 34 of this Act;
- (b) list of not less than 50 members enrolled by the Guild/ Association;
- (c) address of the registered office of the Guild/Association;
- (d) constitution of the Guild/ Association;
- (e) code of conduct for the members of the Guilds/Association.
- (f) minimum equity contract or approved scale of charges for services rendered in the trade or specialization; and
- (g) such other information as the Council may from time to time require.

(5) Without prejudice to any specific mention of Guilds/Associations in other parts of this Act, the provisions of Part II concerning the preparation and maintenance of Register, the particulars of registers, Registration, alteration, publication or Registers and lists of correction and other matters therein stated shall apply to the Guilds with such modification as the nature and functions of Guilds/Associations may necessitate or otherwise allow.

**34.** (1) (a) The Guilds/Associations here recognized by the Council for the purpose of this Act shall be sectorial groups of the Council

***Accreditation  
of Guilds/  
Associations  
by the Council***

(b) Every Guilds/Associations seeking to be registered with the Council shall first be accredited, by the Council.

(2) An application by an Guild/Association to the Council for accreditation under this Section shall be

accompanied by lists, descriptions, particulars and such other information as the Council may require as minimum standard recommended by the Guild/Association with respect to some of the other items set out in subsection (3) of this section concerning the trade or specialization of the Guild/Association for the purposes of approval, acceptance, recognition or other matters under Part III of this Act.

- (3) The items to which sub-section (2) refers are:
  - (a) courses
  - (b) qualifications
  - (c) institutions within Nigeria
  - (d) foreign qualifications and institution
  - (e) scheme of practical training and mode of acquiring skills and experience at every level requiring certificate of training, instruction or experience.
  
- (4) For the purpose of accreditation, the Council shall set-up accreditation committee which shall satisfy itself that the standards set and the principles established and recommended by the Guild/Association for the specialization is current, sufficient or in accordance with known standard in the field for the fulfillment of the duties and services performed or rendered in the specialization and shall verify other matters connected with the application for accreditation and affiliation.
  
- (5)
  - (a) Every Guild/Association that has successfully been accredited shall be issued a Certificate of Accreditation by the Council duly sealed with the seal of the Council.
  
  - (b) The renewal of accreditation of every guild/association affiliated to the Council shall be carried out at such regular intervals as the Council shall from time to time determine.
  
  - (c) The Council shall have power to withdraw or suspend accreditation granted under this section and, accordingly, cancel the affiliation to which this section refers if in its opinion the Council is satisfied that the standard in the specialization is below the approved minimum.

- (6) For the avoidance of doubt the Council shall have power in the performance of its duties under Part III of this Act pertaining to professional training, qualification and experience to modify or otherwise set standards higher than those recommended in accordance with this section by the Guild/Association.

35. (1) On the approval of the application of the Guild / Association entitled to be registered and upon entering its particulars into the register of Guilds / Associations under section 17 of this Act the Council shall certify under its seal that as from the date of registration mentioned in the certificate of registration containing the particulars of the Guild/Association shall be delivered unto the Guild/Association on the payment of the appropriate registration fees.

***Privileges of  
the Guild/  
Association***

(2) A certificate of registration when granted to the Guild/Association shall be 'prima facie' evidence that all the requirements of this Act in respect of registration including accreditation of the Guild/Association have been complied with and the registration mentioned in such certificate shall be deemed to be the date on which registration has taken place.

(3) As from the date indicated in the certificate of registration, the Guild/Association shall be recognized for all the purposes of this Act and other laws as the sole body to deal with in respect of the trade or specialization with which the Guild/Association is concerned within the profession.

(4) As from the date indicated in the certificate of registration any list, recommendation, nomination, representation, certificate or other documents or act required to be made, supplied or otherwise done by the Guild/Association shall be deemed validly done if executed under the seal of the Guild/Association by the officers named in the records of the Guilds/Association for the time being lodged with the Council.

(5) The Guild/Association accredited by the Council shall have the privilege to reflect the accreditation in any of its modes of identification including sign-post, letter-head, badges, certificate, etc. by the inscription "Accredited by the Motion Picture Council of Nigeria"

and accordingly insert the logo or mark of the Council on such modes of identification but only in addition to other modes of its own.

- (6) Subject to other provisions of this Act, a Guild/Association shall not be registered by the Council unless it is accredited by the Council.

**36.** (1) (i) For the purpose of affirmation and assertion of the prohibition of practice by non-registered persons and as provided for in Section 20, Sub-section (1), paragraph (c) of this Act, the following establishments must be accredited members of their respective Guilds/Associations recognized by the Council.

***Motion Picture  
Distributing,  
Exhibition and  
Marketing.***

- (a) Cinema Houses
  - (b) Retail/VCD - videogramme retail shops
  - (c) Video/CD Centres – videogramme viewing centres
  - (d) VCD/Video rental outlets – Videogramme rental outlets
  - (e) Every Hotel with multipurpose hall that can serve as Cinema Hall where film and video are screened for financial gains.
  - (f) Every multipurpose City, Town, Institution of Learning and Community Hall that can serve as Cinema Hall where film and video are screened for financial gains.
  - (g) Every commercial vehicle, vessel or craft – that screens motion picture
  - (h) Any other organization engaged in the retail of home entertainment by mechanical or electronic device.
- (ii) It shall be the duty of MOPICON to furnish the NFVCB with the list of practitioners to be licensed in accordance with the National Film and Video Censors Board Act.
- (iii) The NFVCB shall issue licenses to practitioners as contained in the list submitted by MOPICON subject to

the provisions of the NFVCB Act.

- (2) For the purpose of project's Posters, Handbills, Billboards, Newspapers and Magazines advertisements, at least, the names of the key personnel, that is, the Producer, the Director and the Director of Photography, of each project for the Cinema, Home Video and Television must be printed on the concerned Posters, Handbills, Billboards, Newspapers and Magazines Advertisements. ***(Projects' Advertisement)***
- (3) For the purpose of project's Radio and Television Commercials, at least, the names of the key personnel, that is, the Producer and the Director, of each project for the Cinema, Home Video and Television, must be mentioned (and contained in tapes, Cassettes, disc, etc.) when advertising the concerned project on Radio and Television Stations locally and nationally.

#### **ETHICS PART IV – PROFESSIONAL DISCIPLINE**

- 38.** (1) There shall be a Arbitration to be known as Motion Picture Practitioners Disciplinary Arbitration (hereafter in this Act referred to as “the Arbitration”) which shall be charged with the duty of considering and determining any case referred to it by the panel established by the following provisions of this Part and any other case of which the Arbitration has cognizance under the provisions of this Act. ***Establishment of the Disciplinary Arbitration***
- (2) The Arbitration shall consist of:
    - (a) the Chairman of the Council; who shall preside:
    - (b) Registrar of the Council; who shall be the Secretary to the Disciplinary Arbitration;
    - (c) Five other members of the Council appointed by the Council and who shall include:
      - (I) the representative on Council of the Guild/Association to which the person(s) who is subject of the proceedings belong(s):
    - (d) three persons registered as fellows but from

outside the Council.

39. (1) There shall be a body to be known as the Motion Picture Practitioners Investigating Panel (hereafter in this Act referred to as “the Panel”), which shall be charged with the duty of: *Establishment of the Investigating Panel*
- (a) conducting a preliminary investigation into any case where it is alleged that a person registered has misbehaved in his capacity as a Motion Picture Practitioner, or should for any other reason be the subject of proceedings before the Arbitration; and
  - (b) deciding whether the case should be referred to the Arbitration.
- (2) The panel shall be appointed by the Council and shall consist of
- (a) a Chairman and four members,
  - (b) two fellows who are not members of the Council; one of whom shall be a listed member of the Guild/Association to which the person(s) concerned belong(s)
40. (1) The Chairman of the Arbitration or the Panel shall preside at any meeting of the body, or in his absence the members present at the meeting shall appoint one of their members to preside at the meeting. *Proceedings of the Arbitration and the Panel*
- (2) Any question proposed for decision by the Arbitration or the Panel shall be determined by the majority of the members present and voting at a meeting at which a quorum is present. The quorum of the Arbitration shall be four (4).
  - (3) At all meetings of the Arbitration or the Panel each member present shall have one vote on a question proposed for decision and in the event of a tie, the chairman shall have a casting vote.
  - (4) The Provisions of the Second Schedule to this Act shall,



in so far as is applicable to the Arbitration and the Panel respectively, have effect with respect to those bodies.

***(Second  
Schedule)  
Penalties for  
Unprofessional  
Conduct.***

41. (1) Where –
- (a) a person registered under this Act is judged by the Arbitration to be guilty of infamous conduct in any professional respect; or
  - (b) the Arbitration is satisfied that the name of any person has been fraudulently registered; or
  - (c) A person registered in any status under this Act is convicted by any court in Nigeria or elsewhere having power to award imprisonment, of an offence (whether or not an offence punishable, with imprisonment) which in the opinion of the Arbitration is incompatible with the status of a Motion Picture Practitioner; the Arbitration may, if it thinks fit, give any of the directions mentioned in subsection (2) of this section.
- (2) The Arbitration may give a direction under subsection (1) of this section
- (a) ordering the Registrar to strike the person's name off the relevant part of the register;
  - (b) suspending the person from practice for such period as may be specified in the direction;
  - (c) reprimanding the person;
  - (d) ordering the person to pay to the Council any costs of any incidentals to the proceedings or any other sums of money whatsoever incurred by the Council; or
  - (e) cautioning the person and postponing for a period not exceeding one year any further action against him on one or more conditions as to his conduct during that period;

and any such direction may, where appropriate, include provisions requiring the refund of moneys paid or the

handing over of documents or any other things, as the case may require.

- (3) The Arbitration may, if it thinks fit, defer or further defer its decision as to the giving of direction under subsection (1) of this section until a subsequent meeting of the Arbitration; but –
  - (a) no decision shall be deferred under this subsection for periods exceeding two years in the aggregate; and
  - (b) no person shall be a member of the Arbitration for the purpose of reaching a decision which has been deferred or further deferred unless he was present as a member of the Arbitration when the decision was deferred or further deferred.
- (4) For the purposes of subsection (1) of this section a person shall not be treated as convicted as mentioned in paragraph (c) of that subsection unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be brought in connection with the conviction.
- (5) In any inquiry, under this section, any finding of fact which is shown to have been made in –
  - (a) any criminal proceedings in a court in Nigeria; or
  - (b) any civil proceedings in a court in Nigeria shall be conclusive evidence of the fact found.
- (6) If, after due enquiry, the Arbitration is satisfied that during the period of any postponement under paragraph (e) of subsection (2) of this section, a person has not complied with the conditions imposed thereunder, the Arbitration may, if it thinks fit, impose any one or more of the penalties mentioned in paragraph (a), (b), (c) or (d) of that subsection.
- (7) When the Arbitration gives a direction under subsection (1) of this section, the Arbitration shall cause notice of the direction to be served on the person to whom it relates and the direction shall take effect –
  - (a) where no appeal as allowed in this Act is brought

against the direction within the time limited for the appeal, on the expiration of that time;

- (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal of striking out of the appeal;
- (c) where such an appeal is brought and is not withdrawn or struck out as aforesaid, if and when the appeal is dismissed.

42. (1) Where the name of a person has been struck off from the Register in pursuance of a direction given under section 41 of this Act the Arbitration may, if it thinks fit, at any time direct the restoration of his name to the register. ***Restoration of Registration***

(2) An application for the restoration of a name to Register under subsection (1) of this section shall not be made to the Arbitration before the expiration of such period from the date of the striking off (and where he has made such an application, from the date of his last application) as may be specified in the direction.

(3) There shall be payable to the Council by any person on the restoration of his name to the Register in pursuance of a direction given under this section twice the like fees as would for the time being be payable by persons of his status on first becoming registered in the Register.

43. (1) If it is proved to the satisfaction of the Arbitration that any entry made in the Register has been fraudulently or incorrectly made, the Arbitration may direct that the entry shall be struck off from the Register ***Striking off Entries from the Register on Grounds of Fraud or Error.***

(2) A person may be registered in pursuance of any provisions of this Act notwithstanding that his name had been struck off in pursuance of a direction given under subsection (1) of this section, but if it was so struck off on the ground of fraud he shall not be registered except an application on that behalf is made to the Arbitration and on any such application the Arbitration may, if it thinks fit, direct that he shall be registered or shall not be registered until the expiration of such period as may be specified in the direction.

- (3) Any reference in this Act to the striking off from or the restoration to the Register of the name of a person shall be construed as including a reference to the striking off from or the restoration to the Register of any other registrable particulars relating to that person.

44. (1) Where the Arbitration – *Appeal to the Court of Appeal*

- (a) makes a finding and imposes a penalty on a registered person under Section 41 of this Act; or
- (b) rejects an application for restoration of a name to the Register under section 42 of this Act; or
- (c) directs the striking off of an entry from the Register under Section 43 of this Act; the Registrar shall give the person to whom the proceedings relate notice in writing thereof and such person(s) may, within twenty eight days from the date of service on him of the notice, appeal to the Court of Appeal.

(2) On any appeal under this section the Council shall be the respondent.

- (3) No direction for the striking off of the name of a registered person from the Register under section 41 of this Act shall take effect until the expiration of the time for appealing or if an appeal is brought, until such time as the appeal is disposed of, withdrawn or struck out for want of prosecution, as the case may be.

(4) The Court of Appeal, may, on an appeal under this section

- 
- (a) confirm, vary or set aside any findings of fact, penalty imposed or direction given by the Arbitration;
- (b) confirm the rejection by the Arbitration of the application for restoration or direct the restoration of the name to the Register;
- (c) remit the matter to the Arbitration for further consideration; or

- (d) make such other order as to costs or otherwise as may to it seem just, but no proceedings before the Arbitration shall be set aside by reason only if informality in those proceedings which did not embarrass or prejudice the appellant.

## **PART VII – MISCELLANEOUS**

- 45.** (1) All persons registered as Motion Picture Practitioners under this Act shall pay such fees, dues, funds and other monies including Practicing Fees as may from time to time be determined by the Council *Practising and other Fees, Dues, etc.*
- (2) Without prejudice to the generality of subsection (1) of this section all persons registered as members, shall pay in respect of each year a practicing fee the amount of which may be reviewed from time to time by the Council so however that higher rates shall be paid in accordance with the length of practice of the profession.
- (3) All Practitioners shall pay professional fees annually as prescribed by the Council.
- (4) All registered distribution, exhibition and marketing outfits under this Act shall pay in respect of each year fees and monies as may from time to time be determined and may be reviewed by the Council.
- (b) All fees, dues, funds and other monies fixed or reviewed by the Council shall be published in the form of a rule in accordance with the Provisions of the Act.
- 46.** (1) Any person, not being registered as a Motion Picture Practitioner or ceasing to be entitled to such registration and authorized in that regard under this Act who - *Offences*
- i. for or in expectation of reward, practices or holds himself out to practise as such; or
  - ii. without reasonable excuse takes or uses any name, title, addition or description implying that he is authorized by law to

practise as a Motion Picture Practitioner,  
shall be guilty of an offence under this  
Act.

- (2) If any person, for the purpose of procuring the registration of any name, qualification or other matter –
  - (a) makes a statement which he believes to be false in a material particular; or
  - (b) recklessly makes a statement which is false in a material particular; he shall be guilty of an offence under this Act.
- (3) If the Registrar or any other person employed by the Council willfully makes any falsification in any matter relating to the register, he shall be guilty of an offence under this Act.
- (4) Any person on the temporary Register who –
  - (a) for or in expectation of reward, practices or holds himself out to practise in a private capacity as a Motion Picture Practitioner outside the specific employment for which he is registered in Nigeria, or
  - (b) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorized by law to practise generally as a Motion Picture Practitioner outside the specific employment for which he is registered, shall be guilty of an offence under this Act.
- (5) A person guilty of an offence under this Act shall be liable –
  - (a) on conviction in a Federal High Court, to a fine not exceeding N20,000 plus costs or imprisonment for a term not exceeding two years or both and, where the offence is a continuing one, to a further fine not exceeding N800 for each and every day that the offence continues.

Where an offence under this section has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any

neglect on the part of, any director, manager, secretary, or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

47. In any criminal proceedings against any person upon a charge of having performed an act which constituted an offence if performed by an unregistered person, the person charged shall be deemed to be unregistered unless he proves the contrary. ***Burden of Proof.***
48. (1) Any power to make regulations, rules and orders conferred under this Act shall include the power to make - ***Regulations, Rules and Orders.***
- (a) provisions for such incidental and supplementary matters as the authority making the instruments considers expedient for the purposes of the instruments; and
- (b) different provisions for different circumstances.
- (2) Any Regulations made under this Act shall be published in the Federal Gazette as soon as may be after they are made; and a copy of any such regulations before each House of the National Assembly as soon as may be after they are so published; for record purposes.
49. (1) Any person who at the time of coming into force of this Act not being a registered member of the profession who, but for this Act would have been qualified to apply for and obtain membership of the Council may within the period of six months beginning with the appointed day apply for membership of the Council in such manner as may be prescribed by the Council and if approved, he shall be registered according to his qualifications and experience. ***Transitional Provisions***
50. (1) Notwithstanding anything to the contrary contained in any other enactment, no suit against the Council, a member nor any employee of the Council, for any act done in pursuance or execution of any enactment or law, or of any public duty or authority, or in respect of an alleged negligence or default in the execution of such enactment or law, duty or authority, shall lie or be ***Limitation of Suits against the Council and Service of Document, etc.***

instituted in any court unless it is commenced within 12 months next after the act, negligence, complained of or in the case of a continuing damage or injury, within 12 months next after the ceasing thereof.

(2) No suit shall be commenced against the Council before the expiration of a period of one month of intention to commence the suit shall have been served upon the Council by the intending Plaintiff or his authorized agent and the notice shall clearly and explicitly state:-

- (a) the cause of action;
- (b) the particulars of the claim;
- (c) the name and place of abode of the intending plaintiff; and
- (d) the relief which he claims.

(3) The notice referred to in subsections (1) and (2) of this section and any summon, notice or other document required or authorized to be served upon the Council under the provisions of this Act or any other enactment or law may be served by delivering the same to the Chairman or the Registrar of the Council or by sending it by registered postal address to the Registrar at the principal office of the Council.

51. In any action or suit against the Council, no execution or attachment or process in the nature thereof shall be issued against the Council; but any sums of money which may be judgment of the court be awarded against the Council shall, subject to any directives given by the Court where notice of appeal has been given by the Council in respect of the said judgment, be paid by the Council from the fund of the Council. ***Restriction on Execution against the Property of the Council.***

52. Every member, agent, auditor or employee for the time being of the Council shall be indemnified out of the assets of the Council against any liability incurred by him in defending any proceedings, whether civil or criminal in which judgment is given in his favour or in which he is acquitted, if any such proceedings has been brought against him in his capacity as such a member, agent, auditor or employee. ***Indemnity of Members and Employees of the Council.***

53. (1) In this Act, unless the context otherwise requires ***Interpretation***



**“accepted”** when used in relation to courses, qualifications, and institutions means accepted by the Council for the time being for the purpose of Part III of this Act.

**“appointed day”** means the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_

**“approved qualification”** means a qualification which is approved by the Council under this Act.

**“Council”** means Motion Picture Council of \_\_\_\_\_ Nigeria established by section 1 of this Act.

**“fees”** include annual subscription and payments for the issuance of documents or performance of acts by the Council in connection with the \_\_\_\_\_ purpose of this Act.

**“film and video”** means projected motion pictures on large or small screen.

**“motion picture industry”** includes all trades, practices, specializations, branches, disciplines concerned with film and video – including all aspects of production, distribution, exhibition, instruction, documentation and research.

**“Guild/Association”** means a motion picture guild recognized in accordance with Part V of this Act.

**“Minister”** means the Minister for the time being charged with responsibility for matters relating to Motion Picture.

**“Panel”** means the Motion Picture Practitioners Investigating Panel established by section 39 of this Act.

**“prescribed”** means prescribed by this Act or regulation, rules or orders made under it.

**“profession”** means any or all of the trades, specializations or branches, recognized within the motion picture industry and whose \_\_\_\_\_ Guild/Association are accredited by, affiliated to and registered with the Council under the provisions of this Act and the terms “professional” and “non-professional” shall be construed accordingly.

**“recognized”** means recognized for the time being by the Council.

“**register**” means any of the register or part thereof maintained under this Act in respect of those entitled to practice the profession and;

“**registered and registration**” shall be construed accordingly.

“**Registrar**” means the Chief Executive appointed in pursuance of section 6 of this Act.

“**regulation**” means regulation made by the Council as approved by the Minister.

“**rules**” means instruments made by the Council and confirmed by the Minister.

“**Arbitration**” means the Motion Picture Practitioners Disciplinary Arbitration established by section 38 of this Act.

(2) References in this Act to service under or employment by a Government include references to service under or employment by a Federal or State or Statutory Corporation or a company wholly or partly owned or controlled by Government or service under a Local Government Council.

(3) Any approval, consent, direction, notice, observation, report, representation or request authorized or required to be given or made by or under this Act shall be in writing and may, without prejudice to any other method of service but subject to provisions of rules made under or pursuant to the Second Schedules of this Act be served by post.

**54.** This Act may be cited as the Motion Picture Council of Nigeria *Short Title* Act.

## **SCHEDULES**

### **FIRST SCHEDULE [Section 4 (4) ]**

#### **SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL**

##### **PART 1 – Qualifications of Tenure of Office of Members**

1. A person under Section 3 of this Act shall not be a member of the Council unless he is a citizen of Nigeria.
2. Subject to the provisions of this paragraph, a member of the Council, other than a public office holder, shall hold office for a period of two years from the date of his election and shall be eligible for re-election for a further period of two years, thereafter he shall no longer be eligible for re-election.
3. A member of the Council other than a public office holder may resign his appointment by a letter under his hand addressed to the Minister and copied to the Chairman, or in the case of the Chairman, copied to the Registrar, and shall take effect from the date of the receipt of the letter by the Minister.
4. Where a member of the Council ceases to hold office before the date when his term of office would have expired by effusion of time, the body or person by whom he was appointed or elected shall as soon as may be, appoint or, as the case may be, elect another person to fill the vacancy for the residue of the term aforesaid, so however that the foregoing provision of this paragraph shall not apply where a person holding office as a member of the Council ceases to hold office at the time when the residue of his term does not exceed six months.
5. The guild/association may appoint or approve the appointment, of any person who is registered as a member or a fellow to be a temporary member of the Council during an absence or the temporary incapacity by illness lasting not less than six months of any member; and that person shall, while the appointment subsists, exercise the functions of a member under this Act.
6. The foregoing provisions of this Schedule shall be without prejudice to the provisions of Section 11 of the Interpretation Act (Cap 192 LFN) which relates to appointment.
7. Any registered member of the profession who ceases to be such registered member shall, if he is also a member of the Council, cease to hold his position on the Council.
8. A person who is a member by virtue of occupation of a particular office shall cease to be a member if he ceases to occupy the particular office outside the Council.

## **PART II – Proceedings**

### **[Section 8]**

1. Subject to the provisions of this Act and of Section 27 of the Interpretation Act (Cap. 192 LFN) (providing for decisions of a body to be taken by a majority of the members of the body and for the Chairman to have a second or casting vote), the Council may make standing orders regulating the proceedings of the Council or any committee thereof.
2. The Council shall meet at least four times in a year and at such other times as the Chairman may from time to time determine and in any case, shall not meet more than six times in a year.
3. Every meeting of the Council shall be presided over by the chairman of the council and if the Chairman is unable to attend any particular meeting, a Vice Chairman or in their absence a member may be appointed by the members present to act as Chairman for that particular meeting.
4. The quorum at any meeting of the Council shall be two-third of the membership.
5. Where standing orders made under paragraph 1 of this Part of this Schedule provide for the Council to co-opt persons who are not members of the Council, such persons may advise the Council on any matter, referred to them by the Council but shall not be entitled to vote at a meeting of the Council or count towards a quorum.
6. Notwithstanding anything in the foregoing provisions of this Schedule, the inauguration of the Council shall be summoned by and presided over by the Minister.

### **Committees**

7. Subject to the standing orders, the Council may appoint such number of standing and ad-hoc committees as it thinks fit to consider and report on any matter with which the Council is concerned.
8. Every Committee appointed under paragraph 7 of this Schedule shall be presided over by a member of the Council and shall be made up of such number of persons, not necessarily members of the Council, as the Council may determine in each case.

9. The quorum of any Committee set up by the Council shall be as may be determined by the Council.
10. Where standing orders made pursuant to paragraph 1 of this Part of this Schedule provide for a committee of the Council to consist of or to co-opt persons who are not members of the Council, the Committee may advise the Council on any matter referred to it by the Council.
11. A decision of a committee shall be of no effect until it is confirmed by the Council.

### **Miscellaneous**

12. The fixing of the seal of the Council shall be authenticated by the signature of the chairman and of any other person authorized in that behalf by the Council.
13. Any contract or instrument which, if made or executed by any person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Council by any person, generally or specially authorized in writing to act for that purpose by the Council.
14. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Council shall be received in evidence and shall unless the contrary is proved, be presumed to have been so signed and sealed.
15. The validity of any proceedings of the Council shall not be adversely affected by -
  - (a) any vacancy in the membership of the Council; or
  - (b) any defect in the appointment of a member of the Council; or
16. Any member of the Council and any person holding a position on a Committee of the Council who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or Committee shall not be present at the discussion relating to the contract or arrangement.

17. A person shall not, by reason only of his membership of the Council, be treated as holding an office of emolument under the Federal Republic of Nigeria or any State or Local Government thereof.

## SECOND SCHEDULE [Section 41(4)]

### SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY ARBITRATION AND INVESTIGATING PANEL

#### The Arbitration

1. The quorum of the Arbitration shall be four.
2. (1) The Chief Justice of Nigeria shall make rules as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Arbitration.
- (2) In particular, such rules as to be made under paragraph 2(1) above shall contain provisions -
  - (a) for securing that notice of the proceedings shall be given, at such time and in such manner as may be specified by the rules to the person who is the subject of the proceedings;
  - (b) for determining who, in addition to the person aforesaid, shall be a party to the proceedings;
  - (c) for securing that any party to the proceeding shall, if he so requires, be entitled to be heard by the Arbitration.
  - (d) for enabling any party to the proceedings to be represented by a legal practitioner;
  - (e) subject to the provisions of section 41 (2) (d) of this Act, as to the costs of proceedings before the Arbitration;
  - (f) for requiring, in a case where it is alleged that the person who is the subject of the proceedings is guilty of infamous conduct in any professional respect, where the Arbitration adjudges that the allegation has not been proved, it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates; and
  - (g) for publishing in the Federal gazette notice of any direction of the Arbitration which has taken effect providing that person's name shall be struck off.

3. For the purposes of any proceedings before the Arbitration, any member of the Arbitration may administer oaths and any party to the proceedings may issue out of the registry of the High Court as the case may require, 'writs or subpoena and testificandum' and 'ducas tecum', but no person appearing before the Arbitration shall be compelled -

(a) to make any statement before the Arbitration tending to incriminate himself; or

(b) to produce any document under such a writ which he could not be compelled to produce at the trial of an action.

4. (1) For the purpose of advising the Arbitration on questions of law arising in proceedings before it, there shall in all such proceedings be an assessor to the Arbitration who shall be appointed by the Council on the nomination of the Chief Justice of Nigeria and shall be a legal practitioner of not less than seven years standing.

(2) The Chief Justice of Nigeria shall make rules as to the functions of assessors appointed under this paragraph, and in particular such rules shall contain provisions for securing -

(a) that where an assessor advises the Arbitration on any question of law as to evidence, procedure or any other matter specified by the rules, he shall do so in the presence of every party or person representing a party to the proceedings who appears there at or if the advice is tendered while the Arbitration is deliberating in private, that every such party or person as aforesaid shall be informed as to what advice the assessor has tendered; and

(b) that every such party or person as aforesaid shall be informed if the Arbitration does not in any case accept the advice of the assessor on such a question as aforesaid.

(3) An assessor may be appointed under this paragraph either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

### **The Panel**

5. The quorum of the Panel shall be four



6. (1) The Panel may, at any meeting attended by not less than five members thereof, make standing orders with respect to the Panel.

(2) Subject to the provisions of any such standing orders the Panel may regulate its own procedure.

### **Miscellaneous**

7. (1) A person ceasing to be a member of the Arbitration or the Panel shall be eligible for re-appointment as a member of that body.

(2) A person may, if otherwise eligible, be a member of both the Arbitration and the Panel; but no person who acted as a member of the Panel with respect to any case shall act as a member of the Arbitration with respect to that case.

8. The Arbitration or the Panel may act notwithstanding any vacancy in its membership; and the proceedings of either body shall not be invalidated by any irregularity in the appointment of a member of that body.

9. The Arbitration and the Panel may each sit in two or more divisions

10. Any expenses of the Arbitration or the Panel shall be defrayed by the Council.

11. Any document authorized or required by virtue of this Act to be served on the Arbitration or the Panel shall be served on the Registrar.

12. Any person shall not, by reason only of his appointment as an assessor to the Arbitration or as a member of the Panel, be treated as holding an office in the Arbitration.