

CHAPTER 12 - ARTS COUNCIL

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CHAPTER 12 ARTS COUNCIL

[2 January 1981]

An Edict to Re-establish the Arts Council in Gongola State

PART I—PRELIMINARY

1. This Edict may be cited as the Gongola State Arts Council Edict.
2. In this Edict, unless the context otherwise requires:-

"arts" includes drawing, architecture, sculpture, painting, poetry, literature, music, dancing, drama and any other form of arts;

"Chairman" means the Chairman of the Council; "Commissioner" means the Commissioner charged with the responsibility for Arts and Culture in the State;

"Council" means the Gongola State Arts Council established under section 3 of this Edict;

"financial year" means a period of twelve calendar months commencing from the 1st day of January;

"Governor" means the Governor of the State;

"member" means a member of the Council and includes the Chairman;

"State" means the Gongola State of Nigeria.

PART II—ESTABLISHMENT OF GONGOLA STATE ARTS COUNCIL

3.—(1) There is established a body to be known as the Gongola State Arts Council.

(2) The Council shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

4.—(1) The Council shall consist of the following members all of whom shall be appointed to the Council by the Governor:-

(a) a Chairman;

(b) the Director appointed under section 13 of this Edict;

(c) two persons who are outstanding in artistic and literary creativity;

(d) two persons well known for their interest in, and association with, arts and culture; and

(e) three other persons.

(2) The appointment of every member, other than the Director, shall be on a part-time basis.

5.—(1) No person shall be qualified to be a member who:-

(a) has been convicted:

(i) for an offence involving the security of the State, fraud, dishonesty or moral turpitude; or

(ii) for any other offence,

and has not been granted a free pardon; or

(b) is under sentence of death or sentence of imprisonment imposed upon him by any Court; or

(c) has financial or other interest in the operation of the Council or otherwise as in the opinion of the Council is likely to affect prejudicially the discharge by him of his functions as a member.

(2) Without prejudice to subsection (1) of this section, a member shall cease to be a member if he is absent from three consecutive meetings of the Council without the permission of:-

(a) the Governor in the case of the Chairman; or

(b) the Chairman in the case of any other member.

6.—(1) Every member, other than the Director and an *ex-officio* member shall hold office for a Period of three years from the date of his appointment.

(2) A member, other than the Director and the *ex-officio member*, may resign his office by notice in writing addressed to the Governor, and upon receipt of such resignation by the Governor, the appointment of such member shall be terminated.

(3) Where the office of a member, other than the Director and an *ex-officio* member, becomes vacant before the expiration of his term of office under subsection (1) of this section or by his

death, the Chairman shall notify the Governor of the occurrence of such event and the Governor shall appoint another person in his place and to hold office for the unexpired portion of his term of office.

(4) Where it appears to the Governor, on the recommendations of the Chairman, that a member is incapacitated by absence from the State or illness or any other sufficient cause from performing the duties of his office, the Governor shall appoint another person to hold office in his place until such time as the Governor is satisfied that the incapacity of that person has terminated or until the term of such member expires whichever first occurs.

(5) A member, other than the Director and a member who has resigned his office under subsection (2) of this section and an *ex-officio* member, on ceasing to be a member, shall subject to section 5 of this Edict, be eligible for re-appointment.

(6) A member, other than the Director and an *ex-officio* member, appointed to the Council under section 4 of this Edict, as well as a person or persons co-opted to the Council under subsection (7) of section 10 of this Edict, may be paid such remuneration as the Governor may determine.

7.—(1) The Governor may revoke the appointment of a member if he is satisfied:-

(a) that circumstances have arisen that if the member were not a member would have caused him to be disqualified for appointment as such member;

(b) that the member is otherwise unable or unfit to discharge the functions of a member.

(2) Notwithstanding subsection (1) of this section, the Governor may at any time remove a member from his office.

8. A member shall not be personally liable for:-

(a) an act; or

(b) an omission to do an act; or

(c) a default,

of the Council if the act or omission or default is in the course of the operations of the Council and in good faith.

PART III—FUNCTIONS OF COUNCIL GENERAL

9.—(1) Subject to this Edict, it shall be the duty of the Council to foster, encourage and promote the arts in the State.

(2) Without prejudice to the general effect of subsection (1) of this section, the Council is empowered under that subsection to carry out the following functions:-

(a) organise or assist, financially or otherwise, the holding of exhibitions, performances or festivals of the arts or any of them, and to admit the public thereto, either with or without a charge;

(b) organise and undertake the functions of a culture centre for the State;

(c) lay down the rules under which competitions in the arts shall be held and award prizes for such competitions;

(d) award bursaries or scholarships in relation to the arts or any of them;

(e) organise or conduct lectures or demonstrations or provide instruction in the arts or any of them;

(f) publish or sponsor the publication of any literature, periodical or newspaper in relation to the arts or any of them;

(g) co-operate with any other body or person engaged in, or connected with, the arts in Nigeria;

(h) acquire, purchase, lease, mortgage, hold, construct or maintain any movable or immovable property, whether by investment or otherwise, required for, or in connection

with, the discharge of any of its functions and sell, dispose of or otherwise, deal with such property;

(i) enter into a contract or other transactions for the discharge of any of its functions;

(j) accept, hold and administer subscriptions or any gift or property for any purpose connected with the arts; and

(k) do all other acts as are incidental or conducive to the attainment of the purposes of this Edict.

10.—(1) The Council shall ordinarily meet for the dispatch of business at such times and at such places as the Council may determine but shall meet at least once in every three months.

(2) A special meeting of the Council shall be called upon a written request signed by the Chairman or by a majority of the members addressed to the Secretary of the Council.

(3) The Chairman shall preside at any meeting of the Council at which he is present.

(4) In the absence at any meeting of the Council of the Chairman a member elected by the members present and voting shall preside at that meeting.

(5) Questions proposed at a meeting of the Council shall be determined by a simple majority of members present and voting and in the event of an equality of votes the person presiding shall have a second or casting vote.

(6) The quorum at any meeting of the Council shall be five.

(7) The Council may at any time co-opt any person or persons to act as an adviser or advisers at any of its meetings, but no person so co-opted shall be entitled to vote at any such meeting on any matter for decision by the Council.

(8) A member who has an interest in any:-

(a) company or undertaking with which the Council proposes to make a contract; or

(b) contract which the Council proposes to make,

shall disclose in writing to the Council the nature of his interest and shall unless the Council otherwise directs, be disqualified from participating in any deliberations of the Council on the contract and shall in any case be disqualified from voting in any decision of the Council on such contract and any member who infringes this subsection shall be liable to be removed from the Council.

(9) The validity of any proceedings of the Council shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

(10) Except as otherwise expressly provided under this section, the Council shall prescribe the procedure for its meeting.

11.—(1) Subject to subsection (2) of this section, the Council may, by resolution, appoint one or more committees comprising members or non-members for the purpose of performing its functions under this Edict as may be specified in the resolution.

(2) The members of a committee appointed under subsection (1) of this section shall comprise at least one-third of the members of the Council.

(3) Where a committee has been appointed under subsection (1) of this section, the committee shall perform any of the functions specified in the resolution in the name and on behalf of the Council.

(4) A committee appointed under subsection (1) of this section may regulate its own procedure and may, with the approval of the Council, make standing-orders for this purpose.

(5) A committee appointed under subsection (1) of this section shall submit minutes of its proceedings to the Council at the next meeting of the Council following that to which the minutes relate.

PART IV—MANAGEMENT AND STAFF OF COUNCIL

12. The Council shall, subject to this Edict, have general control over matters of policy.

13.—(1) The Council shall have an officer to be designated "the Director of Arts and Culture" referred to in this Edict as "the Director" who shall be the Chief Executive of the Council.

(2) The Director shall be appointed by the Governor and shall hold office upon such terms and conditions as may be specified in his instrument of appointment.

(3) Where the office of the Director becomes vacant, the Council shall notify the Governor of the occurrence of the vacancy.

(4) Where the Director is incapacitated from the performance of his functions under this Edict, the Council may, subject to subsection (4) of section 6 of this Edict, authorise any employee of the Council to perform those functions for the duration of the incapacity.

(5) Subject to this Edict, the Director shall, subject to the general control of the Council on matters of policy, be charged with the direction and day-to-day business of the Council and of its administration and the organisation and control of all the employees of the Council.

(6) Subject to this section and subject to the approval of the Council the Director may delegate to any employee of the Council any of his functions under this Edict as he may think fit.

14.—(1) The Chairman shall, in his capacity as Chairman, have no other functions in relation to the Council except as otherwise expressly conferred on him by this Edict.

(2) The Chairman shall be charged with the general oversight on behalf of the Council of the implementation of the Council's policy decisions between Council meetings.

15.—(1) The Council may, from time to time, engage such employees as may be necessary for the proper and efficient conduct of the business and functions of the Council.

(2) Such employees may be engaged upon such terms and conditions as the Council may determine.

(3) Public officers may be transferred or seconded to the Council or may otherwise give assistance to the Council.

16.—(1) There shall be an officer of the Council to be designated "the Secretary."

(2) The Secretary shall be appointed by the Council and shall hold office upon such terms and conditions as may be determined by the Council.

(3) The Secretary shall act as Secretary to the Council at its meetings and shall, subject to the directions of the Council, arrange the business for the cause to be recorded and kept minutes of all meetings of the Council.

(4) The Secretary shall also perform such other functions as the Council may by writing direct or as the Director may by writing delegate to him and shall be assisted in his functions by such of the employees of the Council as the Council may, on the recommendations of the Director, direct.

17.—(1) The use of the common seal of the Council shall be authenticated by two signatures, namely:-

(a) the signature of the Director or some other member authorised by the Council to authenticate the application of the seal; and

(b) the signature of the Secretary or some other officer authorised by the Council to act in the Secretary's place for the purpose.

(2) The Council may by instrument in writing under its common seal empower any person either generally or in respect of specific matters as its attorney to execute deeds on its behalf in a place outside the State; and every deed signed by such attorney on behalf of the Council and under his seal, shall be binding on the Council and have the same effect as if it were under the common

seal of the Council.

(3) Subject to subsection (4) of this section, an instrument or contract which, if executed or entered into by a person other than a body corporate would not require to be under seal may be executed or entered into on behalf of the Council by the Director or a member of the Council if the person has previously been authorised by a resolution of the Council to execute or enter into that particular instrument or contract.

(4) The Council may, if it thinks fit, by writing under its common seal appoint a person outside the State as agent to execute or enter into the instrument or contract and the instrument or contract if executed or entered into on behalf of the Council shall have effect as if it had been duly executed or entered into as prescribed for the purposes of this subsection.

(5) Every document purporting to be an instrument executed or issued by or on behalf of the Council and to be:-

(a) sealed with the common seal of the Council authenticated in the manner provided by subsection (1) of this section; or

(b) signed by and under the seal of a person appointed as attorney under subsection (2) of this section; or

(c) signed by the Director or by a member or other person authorised in accordance with subsections (3) and (4) of this section to act for that purpose, shall be deemed to be so executed or issued until the contrary is proved.

PART V—FINANCIAL PROVISIONS

18.—(1) The funds of the Council shall include:- Funds.

(a) all moneys accruing to the Council by way of loan, endowment, grant, gift or otherwise;

(b) all moneys raised for the general purposes of the Council;

(c) all charges or fees received by the Council;

(d) all interest on moneys invested by the Council; and

(e) all other sums of money or property which may in any manner become payable to, or vested in, the Council in respect of any matter incidental to its functions.

(2) The funds of the Council shall be applied by the Council in pursuance of its functions and as laid down in this Edict.

19.—(1) The Council may have bank accounts in such banks as the Council may approve.

(2) Money standing to the credit of the Council may from time to time be invested in securities approved either generally or specifically by the Commissioner and the Council may from time to time sell any or all of such securities with the approval of the Commissioner.

20.—(1) The Council shall keep proper accounts and proper records in relation to the accounts in respect of each financial year and shall within three months after the end of each year cause the accounts to be audited by an auditor authorised by the State Director of Audit who shall make a report thereon.

(2) The Council shall pay in respect of such audit such fees (if any) as the State Director of Audit may agree.

21.—(1) The Council may grant pensions, gratuities or retiring provisions, allowances to employees of the Council, and may require the employees to contribute to a pension or contributory scheme.

(2) The Council may also grant loans to employees of the Council for such purposes as the Council may approve with a view to enhancing the welfare of the employees.

(3) The operation of any pension or contributory scheme and the grant of loans shall be subject

to such bye-laws as the Council may make under section 25 of this Edict.

PART VI—GENERAL PROVISIONS

22.—(1) The Council shall within three months after the end of each financial submit to the commissioner an annual report dealing generally with the activities and operations of the Council within that year.

(2) The annual report (which shall include a certified true copy of the audited accounts of the Council together with the State Director of Audit's report thereon) shall be laid before the State Executive Council and shall thereafter be published in the State Gazette.

23. The Governor may, after consultation with the Council, give to the Council in writing directions of a general or special character not being inconsistent with the provisions of this Edict or with the contractual or other legal obligations of the Council relating to the exercise by the Council of its functions under this Edict and the Council shall give effect to such directions.

24.—(1) The Governor may make regulations providing for any matter as he may think fit for the purpose of giving effect to the provisions of this Edict.

(2) Regulations made by the Governor under subsection (1) of this section shall be approved by the State Executive Council.

25. The Council may from time to time issue bye-laws or administrative instructions in writing for regulating the internal operations of the Council including, but without prejudice to the general effect of the regulation of the internal operation, the regulation of the conditions of service of the employees of the Council and the operation of pension or contributory scheme and the grant of loans to employees of the Council.