

CHAPTER C11 - CINEMATOGRAPH (CENSORSHIP) LAW

ARRANGEMENT OF SECTIONS

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CINEMATOGRAPH (CENSORSHIP) LAW

A Law to make provision for the censorship in Kwara State of films for exhibition and for purposes connected therewith.

[NN 17 of 1964, No. 4 of 2006.]

[Date of commencement: 9th September, 1965]

1. Short title

This Law may be cited as the Cinematograph (Censorship) Law.

2. Interpretation

In this Law—

"Board" means the Kwara State Board of Film Censors established under the provisions of this Law;

"Commissioner" means the State Commissioner assigned for the time being with responsibility for Social Welfare;

"exhibition" means any exhibition of pictures or other optical effects produced by means of a cinematograph or similar apparatus;

"film" means a film exceeding eight millimeters (8 mm.) in width designed for use with a cinematograph or other similar projection apparatus;

"mobile cinema" means any cinematograph or other similar projection apparatus which is operated in, on or from a vehicle or which is carried from place to place for the purpose of being used for occasional exhibitions;

"premises" includes buildings, lands and a mobile cinema;

"State" means the Kwara State of Nigeria.

3. Establishment of Board of Film Censors

(1) The Commissioner may appoint a board of film censors to be called the Kwara State Board of Film Censors in accordance with regulations made under section 7.

(2) The Board shall have the powers conferred upon it by this Law or by any regulations made under section 7.

4. Films to be approved for exhibition

(1) Subject to the provisions of subsection (3), no person shall exhibit or cause or allow to be exhibited any film, approved for exhibition in Nigeria by the Federal Board of Film Censors under the provisions of the Cinematograph Act, unless the exhibition of such film in the State has also been approved by the Board.

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(2) The Board may approve, or refuse to approve, the exhibition of any film and, when granting any such approval, the Board may impose such conditions as it thinks fit upon the exhibition of the film in the State.

(3) Nothing in this section shall apply to any film exempted by the Board under this Law and imported, produced or issued by the direction of—

- (i) the Federal Government or any State Government;
- (ii) the diplomatic representative of any commonwealth or foreign country; or
- (iii) the United Nations Organisation or any organ of that organisation.

(4) Any person who—

(a) exhibits or causes or allows to be exhibited any film in contravention of the provisions of this section;

(b) infringes or fails to comply with any condition imposed under the provisions of subsection (2); or

(c) being the owner of a cinematograph or occupier of premises (which expression in this section includes the person managing or receiving the rent thereof) uses or allows such cinematograph or premises to be used in contravention of the provisions of this section or of any condition imposed under the provisions of subsection (2),

shall be guilty of an offence and liable on conviction to a fine not exceeding, five thousand naira or to imprisonment for a term not exceeding one year or to both such fine and imprisonment, and, where the offence is a continuing one, shall for each day during which the offence continues, be liable to a further fine of five hundred naira or to two months imprisonment or to both such fine and imprisonment for every such day.

* The Cinematograph (Amendment) Act, (24 of 1969) empowers the Federal Minister for Internal Affairs to cancel approval of a film for exhibition if he is satisfied that it is in the interest of Nigeria to do so.

[No. 4 of 2006.]

5. Right of appeal

(1) Any person aggrieved by any decision of the Board under the provisions of this Law

may appeal to the Commissioner in such manner and within such time as may be prescribed by regulations made under section 7.

(2) On any appeal under subsection (1) the Commissioner may give such direction as he may think proper and such direction shall be final and conclusive.

6. Right of entry

(1) Any police officer of or above the rank of an Assistant Superintendent of Police, or any other person authorised in writing in that behalf by the Commissioner, may at any time enter any premises in which he has reason to believe that an exhibition is being, or is about to be, given with a view to seeing whether the provisions of this Law or any regulations made thereunder have been complied with.

(2) Any person who obstructs or otherwise prevents the entry of any officer or person referred to in subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand naira or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

[No. 4 of 2006.]

7. Regulations

The Governor may make regulations prescribing or providing for—

- (a) the appointment of the Board by the Commissioner, the composition and procedure of the Board at its meetings and the payment to the members of the Board of travelling or subsistence allowance and the refund to them of out-of-pocket expenses;
- (b) the procedure to be followed for the censorship generally of any film submitted to the Board and the fees to be paid;
- (c) the form of approval which may be given by the Board and the method and display or publication of such approval;
- (d) the powers and duties of the Chairman, members and Secretary of the Board;
- (e) the exemption from censorship of such classes of film as the Board may think fit or of any film intended to be exhibited before any group or groups of persons;
- (f) the retention of film or any part of film in respect of which approval is withheld and for the imposition of restrictions on the possession or disposal of any such film or part of such film;
- (g) the submission to the Board of posters and advertisements for display in connection with any exhibition and the prohibition by the Board of the display of such posters and advertisements, or for the approval thereof by the Board in such form and subject to such conditions as it thinks fit;
- (h) the method of review of a decision of the Board by appeal to the Commissioner;
- (i) offences and penalties for the breach of any regulation such penalties not to exceed a fine of five thousand naira or imprisonment for a term of six months or to both such fine

and imprisonment, and, in the case of a continuing offence, a fine of five hundred naira or two months imprisonment or to both such fine and imprisonment for each day in respect of which the offence continues; and

(j) generally carrying into effect the provisions of this Law.

[No. 4 of 2006.]