

CHAPTER C22 - COUNCIL FOR ARTS AND CULTURE LAW

ARRANGEMENT OF SECTIONS

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GENERAL NOTE. The expression "chief cultural officer" is substituted with the expression "Director of Arts and Culture" wherever it appears in this Law, by Law No. 4 of 2006.

COUNCIL FOR ARTS AND CULTURE LAW

A Law to promote and encourage the development of indigenous culture and arts.

[KWS 1 of 1976, KWS LN 1 of 1982, No. 4 of 2006.]

[Date of commencement: 1st *September*, 1973]

1. Short title

This Law may be cited as the Council for Arts and Culture Law, 1976, and shall be deemed

to have come into operation on 1st day of September, 1973.

2. Interpretation

In this Law, unless the context otherwise requires—

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

"Chairman" means the Chairman of the Council;

"Commissioner" means the member of the Executive Council of the State for the time being charged with responsibility for the Council;

"Council" means the Kwara Council for Arts and Culture;

"culture" includes the customs, religions and life pattern of the people of the State;

"Government" means the Government of the State; **"Governor"** means the Governor of the State;

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

"State" means the Kwara State of Nigeria.

3. Establishment of the Council

There is hereby established for the State a body to be known as the Council for Arts and Culture which shall be a body corporate with perpetual succession and a common seal and shall have power to sue and be sued in its corporate name.

[No. 4 of 2006.]

4. Constitution of the Council

(1) The Council shall consist of a chairman, a vice-chairman and not less than twenty but not more than thirty-two other members.

(2) The Chairman, the Vice-Chairman and other members shall be appointed by the Governor, acting on the advice of the Commissioner and such appointment shall be published in the State Gazette.

5. Organisation of the Council

(1) For purposes of administration, the Council shall—

- (a) constitute itself into a governing body with its head office located in the capital of the State; and
- (b) establish an office (hereinafter called Divisional Committee for Arts and Culture) in each of the Local Government Areas of the State, the office shall be located at the headquarters of each of the Local Government Areas.

[No. 4 of 2006.]

(2) Every divisional committee for Arts and Culture shall consist of not less than five nor more than seven members of whom one shall be the ex officio chairman who shall also be a member of the governing body of the Council.

(3) Members of the Divisional Committee for Arts and Culture shall be appointed by the Governor acting on the recommendation of the Commissioner.

(4) Three members of a divisional committee for Arts and Culture including its Chairman or in his absence the member presiding shall form a quorum.

6. Remuneration of members

There shall be paid to the Chairman and members, including members of a divisional committee for Arts and Culture such salaries, remuneration or allowances, if any, as the Commissioner may from time to time determine.

7. Supplementary provisions

The supplementary provisions contained in the Schedule shall have effect with respect to the Constitution and proceedings of the Council.

[Schedule.]

8. Acts of members

(1) No act or other proceedings of the Council or of a divisional committee for Arts and Culture shall be invalid by reason of any vacancy among its members or by reason of any defect in the appointment of any member.

(2) A member shall not be personally liable for any act, omission or default of the Council or of a divisional committee for Arts and Culture, as the case may be, so long as such act, omission or default is in the course of the operations of the Council or of the Divisional Committee for Arts and Culture and in good faith.

(3) In this section, "**member**" includes members of a divisional committee for Arts and Culture.

9. Objects of the Council

It shall be the duty of the Council to promote, preserve, revive, develop and encourage the arts and culture within and outside the State.

10. Formulation of projects

(1) The Council may formulate proposals for the purpose of effecting the objects of the Council and shall, if so required by the Commissioner, formulate proposals for any purpose, within the objects of the Council, which may be specified by the Commissioner.

(2) Proposals formulated by the Council shall be submitted to the Governor who may approve the proposals with or without modifications and, when so approved, the proposals shall be an approved project for the purposes of this Law.

11. Powers of the Council

(1) Subject to the provisions of the Law the Council shall, for the purpose of effecting the objects of the Council in accordance with section 9, have power to carry on all activities which are necessary, advantageous or expedient.

(2) Without prejudice to the generality of the provisions of subsection (1), the powers of the Council shall include powers—

- (a) to organise exhibitions and festivals of the arts at divisional and State levels;
- (b) to make arrangements for and generally take charge of the State's participation in arts festivals;
- (c) to serve as the cultural centre of the State;
- (d) to organise and conduct lectures, demonstrations and research on matters relating to the arts and culture of the State;
- (e) to publish or sponsor the publication of literature on the arts and culture of the State;
- (f) to select, sponsor and make necessary arrangements for the performance of dancing troupes, theatrical and similar clubs undertaking tours whether within or outside the State;
- (g) to manage the State Arts Theatre and to establish art galleries;
- (h) to make rules and regulations with respect to the holding of competitions in the arts and to award prizes therefor;
- (i) to work in co-operation and enter into arrangement with any other body engaged in or connected with the promotion of the arts and culture of the country or the organisation therefor;
- (j) to accept, hold and administer any subscriptions, gifts, legacies, donations, grants or other such benefits for any purpose which may be advantageously concerned with the

- promotion of arts and culture in the State;
- (k) to make, draw, accept or endorse negotiable instruments; and
- (l) to acquire, hold and dispose of land.

[No. 4 of 2006.]

12. Directions by the Commissioner

The Commissioner may from time to time give to the Council general or specific directions with regard to the exercise of its power and performance of its duties.

13. Appointment of staff and officers of the Council

- (1) There shall be appointed to the Council an officer to be designated the Director of Arts and Culture who shall be the Chief Executive Officer of the Council and who shall be responsible for the implementation of the policy of the Council and for the day to day running of the Council.
- (2) The Director of Arts and Culture shall be appointed by the Governor, acting on the advice of the Commissioner.
- (3) The Director of Arts and Culture shall be responsible to the Council in the discharge and performance of his duties under this Law.
- (4) The other officers and staff of the Council shall be appointed by the Council upon such salaries, terms and conditions as it may consider necessary for the proper and efficient conduct of the operations of the Council.

14. Appointment of committees

- (1) Subject to the provisions of this Law, the Council may by resolution appoint one or more committees for any general or special purpose which in the opinion of the Council would be better regulated and managed by means of a committee and may delegate to any committee so appointed, with or without restrictions or conditions, any function exercisable by the Council.
- (2) A committee may include persons who are not members of the Council—

Provided that at least one-third of the members of every committee shall be members of the Council.

- (3) A committee may regulate its own proceedings and may, with the approval of the Council, make standing orders for this purpose.

15. Funds and other resources of the Council

(1) The funds and resources of the Council shall consist of—

- (a) all such sums as may from time to time be granted to the Council by the Government;
- (b) all such sums as may be borrowed by the Council in accordance with the provisions of section 17 of this Law;
- (c) all sums accruing to the Council by way of endowment, subvention, gift, donation, bequest or otherwise;
- (d) all sums collected or received by the Council in the execution of this Law; and
- (e) all other sums or property of whatever kind which may in any manner become payable to or vested in the Council.

[No. 4 of 2006.]

(2) The Council shall, not later than the 31st of December of every financial year, submit through the Commissioner to the Governor, its estimates of revenue and expenditure for the period commencing on the 1st day of April, next following.

(3) The receipts of the Council on revenue account in any financial year shall be supplied in the payment of the following charges—

- (a) the salaries, remuneration and allowances payable to members of the Council;
- (b) the salaries, remunerations, pensions, superannuation and other allowances and gratuities payable to the Chief Executive Officer and the other officers and employees of the Council;
- (c) expenditure on the acquisition, maintenance and replacement of any property vested in the Council;
- (d) interest due on any monies borrowed by the Council under section 17 of this Law;
- (e) such sums as may be required by the Council to be transferred to a sinking fund;
- (f) such sums as may be allocated to the General Reserve established in accordance with section 16 of this Law;
- (g) grants for purposes conducive to the welfare of the officers and employees of the Council;
- (h) contributions to such charitable objects as the Council may, with the approval of the Commissioner, determine;
- (i) the purchase of books, equipment and other related materials for use by the Council; and
- (j) such other charges as may be reasonably incurred by the Council in the performance of its duties under this Law.

[No. 4 of 2006.]

(4) Subject to the foregoing provisions of this section, the Commissioner may, with the approval of the Governor, issue to the Council directives as to the purposes for which surplus funds may be applied.

16. General reserve

(1) The Council is hereby authorised to establish and maintain a general reserve into which shall be paid such sums of money as the Council may from time to time allocate.

(2) The management of the General Reserve shall be as the Council may, with the approval of the Commissioner, determine—

Provided that no part of the monies comprising the General Reserve shall be applied otherwise than for purposes authorised by this Law.

17. Borrowing powers

(1) The Council may, with the consent of the Commissioner, borrow by way of overdraft or otherwise such sums as the Council may require for meeting its obligations and discharging its functions under this Law and the sums aforesaid may be borrowed from the Government or from such other persons or bodies and upon such terms and conditions as the appropriate authority may approve.

(2) The Council may invest all or any part of its funds in such manner as the Commissioner may approve.

18. Accounts

(1) The Council shall keep proper accounts of its transactions and other records relating thereto and shall prepare in respect of every financial year a statement of account in such form as the Commissioner may determine.

(2) The accounts of the Council shall be audited by auditors appointed by the Commissioner and the professional fees, if any, of such auditor shall be charged on the funds of the Council.

(3) The Council shall soon after its accounts have been audited furnish the Commissioner with a copy of the statement of account together with a copy of the auditor's report.

19. Annual report

(1) The Council shall prepare and submit to the Commissioner not later than the 1st day of October in every financial year an annual report in such form as the Commissioner may direct on the activities of the Council during the last preceding financial year and every such annual report shall have annexed thereto a copy of the auditor's report for that last preceding financial year.

(2) The Commissioner shall cause to be laid before the Governor as soon as may be a copy of every annual report submitted to him in accordance with this section.

(3) Notwithstanding any information which may be contained in the annual report, the Commissioner may by notice in writing served on the Chairman require the Council to furnish the Commissioner with any information relating to such matters within the competence of the Council as may be specified in the notice.

20. Forms of contracts or instruments

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

(2) Any document purporting to be a document duly executed or issued under the seal of the Council shall unless the contrary is proved be deemed to be a document so executed or issued as the case may be.

21. Regulations

The Council may, with the approval of the Governor, make regulations for carrying into effect the provisions of this Law.

SCHEDULE

[Section 7.]

[No. 4 of 2006.]

1. Tenure of office of members

Every member of the Council or every member of a divisional committee for Arts and Culture shall hold office, subject to the provisions of this Schedule, for three years from the date of his appointment, but shall be eligible for re-appointment.

2. Vacation of office

(1) A member may resign his office as a member by notice in writing to the Governor and upon receipt of such resignation by the Governor the appointment of such member shall be terminated.

(2) The seat of a member shall become vacant on the occurrence of any of the following events—

- (a) his death;
- (b) his inability resulting from any cause to discharge the functions of his office;
- (c) his conviction for a criminal offence involving fraud, dishonesty or moral turpitude;
- (d) his resignation;
- (e) the dissolution of the Council or the Divisional Committee for Arts and Culture as the case may be.

(3) Notwithstanding the provisions of subsection (2), the Governor may at any time revoke the appointment of any member, and he need not give any reason therefor.

(4) In this section, the word "member" shall include a member of a Divisional Committee for Arts and Culture.

3. Temporary membership

Where any member of the Council is temporarily incapacitated by illness from performing the functions of his office or is temporarily absent from Nigeria, the Governor may appoint any person to hold temporarily the office held by such incapacitated or absent member during the period of such incapacity or absence and all the functions of such member under this Law shall devolve upon the person so temporarily appointed.

4. Co-option of persons

Whereupon any special occasion the Council desires to obtain the advice of any person on any particular matter, the Council may co-opt such person to be a member for such meeting or meetings as may be required, and such person whilst so co-opted shall have all the rights and privileges of a member save that he shall not be entitled to vote on any question.

5. Meetings and procedure

(1) The Council shall hold such and so many meetings as may be necessary for the due fulfilment of its functions but so however, that it shall hold meetings at least once in every three calendar months.

(2) At a meeting of the Council—

- (a) the Chairman shall, if present, be chairman of the meeting, or in his absence the Vice-Chairman;
- (b) if and so long as the Chairman is not present or if the office of chairman is vacant, or if the Vice-Chairman is absent, the members of the Council who are present shall choose one of their number to be chairman of the meeting.

(3) Every question at a meeting of the Council shall be determined by a majority of the votes of the members present and voting on the question and in the case of any equal division of votes, the chairman of the meeting shall have a second or casting vote.

(4) Any three members of the Council may by notice in writing signed by them request the Chairman to call a special meeting of the Council for the purposes set out in such notice and the Chairman shall thereupon call a special meeting.

5. Quorum

Seven members (including the Chairman or other member presiding) shall form a quorum at any meeting of the Council.

6. Common Seal

(1) The Council shall as soon as may be after its establishment provide itself with a common seal.

(2) The common seal of the Council shall be authenticated by the signature of the Chairman or some other member authorised by the Council to act in that behalf and the signature of the Director of Arts and Culture.

[No. 4 of 2006.]

(3) Judicial notice shall be taken of the common seal of the Council and every document purporting to be an instrument made by the Council and to be sealed with the common seal (purporting to be authenticated in accordance with this paragraph) of the Council shall be received in evidence and be deemed to be such instrument without further proof unless the contrary is shown.

7. Standing orders

Subject to the provisions of this Law, the Council may make standing orders for the purpose of regulating its own proceedings.

CHAPTER C22 COUNCIL FOR ARTS AND CULTURE LAW

SUBSIDIARY LEGISLATION

No Subsidiary Legislation

