

CHAPTER 49

ENUGU STATE COUNCIL FOR ARTS AND CULTURE LAW

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CHAPTER 49

ENUGU STATE COUNCIL FOR ARTS AND CULTURE LAW

A Law for the regulation of arts and culture in the State and for matters connected thereto.

ENSL.1998/
No.5

[27th August 1991)

PART 1 — PRELIMINARY

Short title.

1 This Law may be cited as the Enugu State Council for Arts and Culture Law.

2. In this Law —

Interpretation.

arts" includes drawing, architecture, sculpture, painting, literature, music, dancing, drama, film making, photograph, design and decorations and other forms of arts;

"Chairman" means Chairman of Council;

"Commissioner" means State Commissioner charged with responsibility for Arts and Culture;

"Council" means Council established by section 3;

"culture" means ways and manner of living of the people of the State; "Governor" means Governor of the State;

"member" means member of the Council;

"State" means Enugu State of Nigeria.

PART 11 — ESTABLISHMENT AND CONSTITUTION OF THE COUNCIL

Establishment
of the Council.

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

4. (1) The Council shall consist of the following —

(a) a Chairman and not less than three and not more than five other members appointed on past-time basis by the Governor.

Membership
of the Council

(b) the State Chief Cultural Officer or his representative;

(c) a Chief of Inspector of Education in the Ministry of Education, or his representative.

(2) The persons who are members by virtue of paragraphs (b) and (c) of subsection (1) of this section are *ex officio* members.

(3) The persons who may be appointed members pursuant to paragraph (a) of subsection (1) of this section shall be persons who have wide knowledge or experience

in any of the following items of arts or culture, and who can represent the interest of arts or culture in the Council, namely —

- (a) sculpture and painting;
- (b) music, drama and opera;
- (c) photograph, cinema and film making;
- (d) traditional chancing;
- (e) folklore, oral tradition including history, and literature including poetry;
- (f) architecture and town planning;
- (g) general arts and crafts including, wood-work, embroidery and weaving.

(4) Subject to the pleasure of the Governor, members other than *ex officio* members shall, without prejudice to their eligibility for reappointment hold office for a period of three years.

Regulator of
Member

5. Notwithstanding anything contained in the instrument by which he is appointed, a member, other than an *ex officio* member, may resign his office as member by notice under his hand addressed to the Governor and upon receipt of such notice by the Governor, the appointment of such member shall forthwith determine.

Removal of
Members

6. Notwithstanding anything contained in the instrument by which he is appointed, a member is appointed the Governor may at any time, if he deems it expedient so to do, remove any member from office.

Validity of
Council
proceedings

7. The validity of the proceedings of the Council shall not be affected by any vacancy in the membership of the Council or by any irregularity in the appointment of a member

Power to co-
opt members.

8. Where upon any special occasion the Council desires to obtain the advice of any person on any matter, the Council may co-opt such person to be a member for such meeting as 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 or be counted for a quorum.

9. If at any time a member is temporarily incapacitated by illness from performing the functions of his office, or temporarily absent from Nigeria the Governor may appoint any person in hold the office held by such member and perform all the function of such member under this Law during such incapacity or absence.

10. (1) The Council may, with the approval of the Commissioner, appoint a fit and proper person to be the Secretary to the Council, and the Secretary shall -

- (a) be the Chief Executive of the Council;
- (b) be responsible for the execution of the policy decisions of the Council; and
- (c) be responsible for the management of the day-to-day business of the Council;

Temporary
Vacancy in the
office of a
member

2) In particular and without prejudice to the generality of subsection (1) of this section the Secretary shall —

- (a) conduct the correspondence of the Council and keep records of the proceedings or meetings of the Council;
- (b) take charge of and keep the seal of the Council;
- (c) subject to the overall control and direction of the Council, exercise general disciplinary control over the staff of the Council; and
- (d) perform such other duties of administrative or other character as the Council may assign to him.

Secretary to the
Council.

11 (1) The Council shall hold as many meetings as may be necessary for the due performance of its functions under this law so however that the Council shall hold at least four meetings in any one year

Meetings.

(2) At a meeting of the Council —

- (a) the Chairman shall, if present, preside over the meeting;
- (b) every' matter shall be decided by a majority of votes of the members present and voting, provided that where the votes are equally divided, the person presiding at such meeting shall have a second or casting vote

(3) Subject to subsection (4) of this section, all meetings of the Council shall he summoned at the direction of the Chairman.

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

12. Subject to section 9. if at any time when the Council meets —

- (a) the office of the Chairman is vacant; or
- (b) the Chairman is absent from the country'; or
- (c) the Chairman is incapacitated and cannot exercise his functions under this Law;

the members present at the meeting may choose one of their number to preside at the meeting and the member so chosen shall have all the powers and perform all the duties of the Chairman for that

General
Functions of
Council

Power of Council

meeting.

13. The quorum at any meeting of the Council shall be four members.

14. Members other than *ex officio* members may be paid such allowances or remuneration as may from time to time be approved by the Governor.

PART III—FUNCTIONS OF THE COUNCIL

15. Subject to the provisions of this Law, it shall be the duty of the Council —

- (a) to foster, encourage and promote the appreciation, revival and development of arts and culture in the State;
- (b) to plan, arrange and organize artistic and cultural activities in the State;
- (c) to execute the cultural policy of the State Government as directed by the Commissioner responsible for arts and culture in the State;
- (d) to co-ordinate the activities of any committees established by Local Governments in the State for the promotion of arts or culture and encourage the organization, management and development of artistic and cultural activities in all Local Government areas in the State.

16. In pursuance of the functions of the Council under section 15, the Council shall have power —

- (a) to organize, hold or assist financially or otherwise in the holding of exhibitions, performances of festivals of arts and culture and to admit the public thereto either with or without charge;
- (c) to lay down rules under which competitions in arts and culture may be held and award prizes for the same;
- (c) to award, with the approval of the Commissioner, bursaries or scholarships in relation to arts and culture of any of them;
- (d) to organize or conduct lectures or demonstrations or provide instructions in arts and culture;
- (c) to co-operate with other bodies or persons engaged in or connected with arts and culture in Nigeria;
- (f) to acquire, purchase, hold or maintain any movable or immovable property, required for or in connection with the performance of its functions under this Law and sell, dispose of or otherwise deal with such property or any part thereof;
- (g) with the approval of the Commissioner, to enter into such contract as may be necessary, advantageous or expedient for the performance of its functions under this Law;
- (h) to accept, hold and administer any subscriptions or gifts for any purpose connected with arts and culture;
- (i) to foster appreciation and pride in local tradition and culture in each town and village in the State;

Absence of
Chairman at
meetings

Quorum.

Allowances.

- (j) where it is expedient so to do; to organize corps of trained volunteer guides in cultural centres to conduct visitors from other States of Nigeria and overseas around cultural monuments and other places of interest in the State;
- (k) to carry on activities the undertaking of which is necessary or advantageous for the due performance of the Council's functions under this Law

17. In the exercise of its functions under this Law, the Council shall comply with any general or special directions given to it by the Commissioner

Directions by
Commissioner,

PART IV — STAFF

18.(1) The Council may with the approval of the Commissioner

(a) from time to time upon such salaries, terms and conditions as it may determine appoint such officers and employees as may be necessary for proper and efficient conduct of the operations of the Council;

Power to
engage staff

(b) grant allowances and loans to its officers and employees for such purposes as the Commissioner may approve.

(2) Service under the Council shall be public service for the purposes of the pensions Law,

19 The Council may with the approval of the Commissioner make regulations generally relating to schemes and conditions of service of the officer and employees of the Council and may, in particular but without prejudice to the generality of the foregoing, make regulations relating to —

- (a) the appointment dismissal, salaries or wages and leave of and the security to be given by, such officers and employees, and
- (b) appeals by such officers and employees against dismissal or other disciplinary measures.

PART V — FUNDS AND ACCOUNTS OF COUNCIL

20 The funds of the Council shall consist of—

- (a) such sums as may be provided by the State Government
- (b) all moneys accruing to the Council by way of endowment, grant gift or otherwise;
- (c) all moneys raised for the general purposes of the Council;
- (d) all charges raised from the general purposes of the Council;
- (e) all interest on moneys invested by the Council, and
- (f) all other sums of money or property which in any manner may become payable to or invested in, the Council in respect of any matter incidental to its functions.

21. (1) Subject to the provisions of this section, the Council may borrow money required for meeting its obligations or discharging its functions.

BORROWING
powers.

(2) Except with the prior approval of the Governor as to —
(a) the amount of money sought;
(b) the source of the borrowing; and
(c) the terms on which the borrowing may be effected, the Council shall not borrow money so that as a result of the borrowing the aggregate amount outstanding, at any one time, exceeds two hundred thousand naira.

22 The Council may from time to time, invest its funds not immediately required for the performance of its functions in securities approved whether generally or specifically by the Commissioner and may from time to time sell any of such investments with the approval of the Commissioner

23 The funds of the Council shall be applied by the Council for the purposes of this Law, in accordance with an annual estimate of expenditure presented to and approved by the Commissioner.

24 (1) The Council shall keep proper accounts and other records relating thereto and shall prepare in respect of each financial year a statement of accounts in such form as the Commissioner may direct.

(2) The Council may with the approval of the Government write off bad debts.

25 The accounts of the Council shall be audited annually by the State Auditor-General.

26 (1) As soon as may be after the end of each financial year but not later than 30th day of September next following, the Council shall forward to the Commissioner a full report on the exercise and performance by the Council of its functions during that year together with a certified copy of the audited accounts of the Council,

(2) The Commissioner shall lay or cause a copy of any report made to him under this section to be laid, before the Executive Council of the State

(3) The financial year of the Council shall be the same as that of the State Government.

PART VI —MISCELLANEOUS

27. (1) The affixing of the common seal of the Council shall be authenticated by the signatures of the Chairman and the Secretary or any other members authorized generally or specifically by the Council to act in their stead.

Expenditure

Audit

Account

Annual

Expenditure

Account

Power to invest.

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

(3) Any contract or instrument which it executed .by a person not being a body corporate may not require to be under seal, may on behalf of the Council be made or executed by any person generally or specifically authorized in that behalf by the Council.

28. (1) The Council may appoint a special committee of the Council other than a standing committee to advise it on the exercise and performance of its functions.

(2) Every such special committee shall consist of—

(a) a Chairman who shall be appointed by the Council from among the members of the Council.

(b) not more than four persons who may or may not be members of the Council.

(3) The Council may co-opt any person not being a member of the Council to attend any meeting or meetings of a committee and such person shall have all the rights and privileges of a member of the committee except that he shall not have the right to vote and shall not count for purposes of a quorum.

29. (1) No suit against the Council or any member, or servant of the Council for any act done in pursuance or execution of any law or of any public duty or authority or in respect of any alleged neglect or default in the execution of such law, duty or authority shall lie or be instituted in any court unless it is commenced within twelve months next after the act, neglect or default complained of or, in the case of the continuance of damage or injury, within twelve months next after the ceasing thereof.

(2) No suit shall be commenced against the Council until one month at least after a written notice of intention to commence the same shall have been served upon the Council by the intending plaintiff or his agent and such notice shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.

(3) The notice referred to in subsection (2) may be in any form of summons, notice or other document required or authorized to be served on the Council in connection with any suit

ee

by or against the Council shall be served by delivering the same to. or by sending it by registered post addressed to, the Chairman or Secretary to the Council at the principal office of the Council.

(4) In any suit by or against the Council, the Council may without prejudice or any other form of representation, be represented at any state of the proceedings by —

(a) any member, officer or employee of the Council duly authorized in writing in that behalf by the Council.

(b) a law officer; or

(c) any other legal practitioner.

(5) In any suit against the Council no execution, attachment or other process shall be issued against the Council, but any sum of money which may be awarded against the Council by any court shall, subject to any order made by the court where notice of appeal has been given by the Council in respect of any judgment, decision or order, be paid by the Council from the funds of the Council

(6) In this section “suit” includes action or other civil proceeding commences by writ of summons, or in such manner as may be prescribed by rules of court but does not include criminal proceedings.

30. Where upon the recommendations of the Council it appears to the Commissioner that any land is needed or required for the purposes of this Law. the Commissioner may apply to the Governor or the appropriate Local Government, as the case may be, for the land.

Application
for land

31. Subject to the provisions of this Law. the Council may with the approval of the Commissioner, from time to time make standing orders providing for the proper conduct of its business and for meetings of the Council or of any committee of the Council.

Standing
orders.

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

Disclosure
of interest

Regulations

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