

NATIONAL THEATRE AND THE NATIONAL TROUPE OF NIGERIA BOARD ACT

An Act to establish the National Theatre and National Troupe of Nigeria Board with the objective, among others, to encourage the discovery and development of talents in the performing arts.

[1991 No. 47.]

[29th October, 1991]

[Commencement.]

Establishment of the National Theatre and the National Troupe of Nigeria Board

1. Establishment of the National Theatre and the National Troupe of Nigeria Board, etc.

(1) There is hereby established a body to be known as the National Theatre and National Troupe of Nigeria Board (in this Act referred to as "the Board") which shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(2) There shall be established under the general supervision of the Board-

(a) a National Theatre; and

(b) a troupe to be known as the National Troupe of Nigeria (in this Act referred to as "the Troupe").

2. Objectives - The objectives of the Board shall be to-

(a) encourage the discovery and development of talent in the performing arts;

(b) achieve high artistic productions specifically designed for national and international tours;

(c) ensure that productions of the Troupe are geared towards national aspirations;

(d) encourage the development of children's theatre;

(e) ensure the preservation of the repertoire of the Troupe; and

(f) ensure that the National Theatre is efficiently managed as a commercial concern.

3. Membership of the Board

(1) The Board shall consist of-

(a) a chairman who shall be a well known art patron;

- (b) a representative of the Ministry of Culture and Social Welfare;
- (c) a representative of the National Council for Arts and Culture;
- (d) one representative of the universities;
- (e) the general manager of the National Theatre;
- (f) the Artistic Director, National Troupe of Nigeria; and
- (g) six other persons chosen from persons with adequate qualifications and experience in the fields of arts, music and culture.

(2) The appointment of the chairman and members of the Board shall be by the President on the recommendation of the Minister.

(3) The supplementary provisions contained in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matter mentioned therein. [Schedule.]

4. Functions of the Board

Without prejudice to the generality of section 2 of this Act, it shall be the functions of the Board to be generally responsible for the policies and issue guidelines to the National Theatre and the Troupe and to-

- (a) define and monitor policies relating to the operations of the Troupe;
- (b) establish and maintain the Troupe and direct all such services as in the opinion of the Board are usually provided by national troupes to achieve the highest standard;
- (c) operate and artistically develop the Troupe as a performing body whose repertoire shall embrace drama, dance and music;
- (d) guide and give leadership to local efforts in artistic experimentations and strive to ensure that the Troupe is a centre of excellence;
- (e) impose scale of fees as may be regulated by the Board, from time to time, with the approval of the Minister for services rendered by the Troupe;
- (f) safeguard the property of the Board and specify the category of persons who may be admitted to the premises under the control of the Board;
- (g) offer advice on troupe development or organisation to public institutions or agencies of the Government of the Federation;
- (h) act as liaison between the grant-giving bodies and the Troupe;
- (i) monitor and direct the affairs of the National Theatre;

(j) issue guidelines to both management of the National Theatre and the Troupe; and

(k) do and perform such other things as may satisfactorily improve the artistic standard of the Troupe.

5. Removal from office of members of the Board

(1) The Minister may, at any time, remove any member of the Board from office if the Minister is of the opinion that it is not in the interest of the Board for the member to continue in office and shall notify the member in writing to that effect.

(2) Where the Board is satisfied that the continued presence on the Board of any member is not in the national interest or the interest of the Board, the Board may recommend to the Minister that the member concerned be removed from this office.

6. Tenure of office

(1) Subject to the provisions of this Act, a member of the Board not being a public officer, shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment for one further period of three years; and thereafter he shall no longer be eligible for re-appointment.

(2) Any member of the Board, not being a public officer, may resign his appointment by a notice in writing under his hand addressed to the Minister, and the resignation shall take effect from the date of the receipt of the letter by the Minister.

Appointment of the general manager of the theatre, the Artistic Director and other staff of the Board

7. Appointment of general manager for the National Theatre

(1) There shall be appointed by the President, on the recommendation of the Minister, a general manager of the National Theatre.

(2) The general manager shall be the chief executive of the National Theatre and shall be responsible for the execution of the policy of the Board relating to the National Theatre and the day-to-day running of the affairs of the National Theatre.

(3) Subject to subsection (4) of this section, the general manager shall hold office for a period of four years in the first instance and thereafter for another three years.

(4) The general manager may be removed from his office on the recommendation of the Minister for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or misconduct.

8. Appointment of Artistic Director

(1) There shall be appointed for the Board by the President, on the recommendation of the Minister, an Artistic Director for the Troupe.

(2) The Artistic Director shall be responsible to the Board and shall have responsibility for-

- (a) handling all activities and production matters relating to the Troupe;
- (b) approving productions and artistic programmes of the Troupe; and
- (c) ensuring effective implementation of the policies of the Board on artistic matters.

(3) Subject to subsection (4) of this section, the Artistic Director shall hold office for a period of four years in the first instance and thereafter for another three years.

(4) The Artistic Director may be removed from his office on the recommendation of the Minister if he is deficient in the performance of his duties and his conduct is found to be unsatisfactory.

The National Troupe Fund.

There shall be established by the Board the following funds-
The National Theatre Fund; and

Appointment of other staff of the National Theatre and the Troupe

(1) The Board may appoint such other officers and employees including a deputy general manager and a deputy Artistic Director as it thinks fit to assist the general manager or the Artistic Director in the performance of the functions of the Board and the Troupe under this Act.

(2) The terms and conditions of service of officers and employees of the Board shall be determined by the Board after consultations with the Minister.

Financial provisions

10. Pensions

(1) Service in the Board shall be pensionable under the Pensions Act and, accordingly, officers and employees of the Board shall, in respect of their services in the Board, be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder.

(2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension or gratuity in respect of that office.

(3) For the purposes of the application of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation other than the power to make regulations under section 23 thereof is hereby vested in and shall be exercisable by the Board and not by other person or authority.

(4) Subject to subsection (3) of this section, the Pensions Act shall, in its application by virtue of the subsection (1) of this section to any office, have effect as if the office were in the civil service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria 1999.

11. Establishment of the Funds of the Board

(1)

(a)

(b)

(2) Each of the Funds established by subsection (1) of this section shall be maintained and managed by the Board.

(3) There shall be paid and credited to each Fund established by subsection (1) of this section-

(a) such take-off sums as may be granted by the Government of the Federation to the Board;

(b) all moneys raised for the purposes of the Troupe by way of gifts, grants-in-aid, testamentary disposition and sales from production;

(c) such sums as may, from time to time, be lent to the Board by any person or body;

(d) all subscriptions, fees, and charges for services rendered by the Troupe;

(e) all gate collections and entertainment fees as the Board may, from time to time, prescribe for the National Theatre;

(j) all other sums as may accrue to the Board, the National Theatre or the Troupe from any other sources.

(4) The National Theatre and the Troupe shall operate as profit making commercial ventures and shall not receive, except for the take-off grants given to the Board by the Government of the Federation pursuant to subsection (2) (a) of this section, any subvention from the Government of the Federation.

(5) Notwithstanding the provisions of subsection (3) of this section, the Board may organise fund raising activities in any part of Nigeria and may for this purpose utilise the Troupe for such fund raising.

12. Capital maintenance of the National Theatre

Capital maintenance of the National Theatre shall be the responsibility of the Government of the Federation.

13. Borrowing powers

(1) The Board may, with the consent or in accordance with the general authority given by the President, borrow by way of loan such sums as it may require in the exercise of its functions under this Act.

(2) The Board may, subject to the provisions of this Act and the conditions of any trust created in respect of any property, invest all or any of its funds in securities as may be approved by the Minister.

14. Accounts and audit

The Board shall keep proper accounts in respect of each year and proper records relating thereto and shall cause the accounts to be audited within six months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation; and the fees and expenses of the auditors shall be paid from the funds of the Board.

15. Annual report

The Board shall, within six months after the end of each year, submit through the Minister to the President, a report on the activities of the Board during the last preceding year and shall include in such report the audited accounts of the Board for that year and the auditor's comments thereon.

Miscellaneous

16. Power of the Minister to give directives

The Minister may give to the Board directives of a general nature with respect to any of the functions of the Board and it shall be the duty of the Board to comply with such directives or cause them to be complied with.

17. Regulations

The Minister may make regulations generally for carrying into effect the provisions of this Act and without prejudice to the generality of the foregoing, regulations may provide for-

(a) the functions and responsibilities of the general manager and the deputy general manager of the National Theatre, the Artistic Director and the deputy Artistic Director of the Troupe;

(b) the disciplinary control of all officers and employees of the National Theatre and the Troupe;

(c) such other matters as may appear to the Minister expedient to facilitate the operation of the provisions of this Act.

18. Interpretation

In this Act, unless the context otherwise requires-

"Board" means the National Theatre and the National Troupe of Nigeria Board established by section 1 of this Act;

"chairman" means the chairman of the Board;

"members" includes the chairman;

"Minister" means the Minister charged with responsibility for matters relating to culture;

"Troupe" means the National Troupe of Nigeria.

19. Short title

This Act may be cited as the National Theatre and the National Troupe of Nigeria Board Act.

Supplementary provisions relating to the Board, etc.

1. Subject to this Act and section 27 of the Interpretation Act the Board may make standing orders regulating the proceedings of the Board or any committee thereof.
2. Every meeting of the Board shall be presided over by the chairman and if the chairman is unable to attend any particular meeting, a member may be appointed by the members present to act as chairman for that particular meeting.
3. (1) The Board shall meet for the conduct of business at such times, places and on such dates as the chairman may appoint but shall meet not less than twice in a year.
(2) The chairman may at any time and shall at the request in writing of the Minister or not less than four members, summon a meeting of the Board.
(3) Particulars of the business to be transacted at any meeting shall be circulated to members with the notice of the meeting.
4. (1) Every question put before the Board at a meeting shall be decided by a majority of the votes of the members present and voting.
(2) The Chairman shall at any meeting of the Board have a vote and in case of an equality of votes, may exercise a casting vote.
5. (1) Five members of the Board shall form a quorum at any meeting of the Board.
(2) The quorum of any committee set up by the Board shall be as may be determined by the Board.
6. Where any standing order made by the Board provides for a committee of the Board to consist of co-opted persons who are not members of the Board, the committee may advise the Board on any matter referred to it by the Board.
7. The fixing of the seal of the Board shall be authenticated by the signature of the chairman or of the general manager of the National Theatre or such other member or officer of the Board as the Board may determine.
8. Any contract or instrument which, if made by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Board by the general manager of the National Theatre or by any other person generally or specifically authorised to act for the purpose by the Board.
9. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Board shall be received in evidence and, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.
10. The validity of any proceeding of the Board or committee thereof shall not be adversely affected-

(a) by any vacancy in the membership of the Board or committee; or

(b) by any defect in the appointment of a member of the Board or committee.

11. Any member of the Board or committee thereof who has personal interest in any matter proposed to be considered by the Board or committee thereof shall forthwith disclose his interest to the Board or committee and shall not vote on any question relating to the contract or arrangement.

Miscellaneous

16. Power of the Minister to give directives

The Minister may give to the Board directives of a general nature with respect to any of the functions of the Board and it shall be the duty of the Board to comply with such directives or cause them to be complied with.

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The Minister may make regulations generally for carrying into effect the provisions of this Act and without prejudice to the generality of the foregoing, regulations may provide for-

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(c) such other matters as may appear to the Minister expedient to facilitate the operation of the provisions of this Act.

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SCHEDULE
[Section 3 (3).]

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6. Where any standing order made by the Board provides for a committee of the Board to consist of co-opted persons who are not members of the Board, the committee may advise the Board on any matter referred to it by the Board.
7. The fixing of the seal of the Board shall be authenticated by the signature of the chairman or of the general manager of the National Theatre or such other member or officer of the Board as the Board may determine.
8. Any contract or instrument which, if made by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Board by the general manager of the National Theatre or by any other person generally or specifically authorised to act for the purpose by the Board.
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(b) by any defect in the appointment of a member of the Board or committee.

11. Any member of the Board or committee thereof who has personal interest in any matter proposed to be considered by the Board or committee thereof shall forthwith disclose his interest to the Board or committee and shall not vote on any question relating to the contract or arrangement.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation