

NATIONAL GALLERY OF ART ACT

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Supplementary provisions relating to the Board

NATIONAL GALLERY OF ART ACT

An Act to establish the National Gallery of Arts to serve as a repository for artistic creations and to promote research, education and appreciation in art and works of art and for matters connected therewith.

[I 993 No. 86.]

[25th August, 1993]

[Commencement.]

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1. Establishment of the National Gallery of Art

(I) There is hereby established a body to be known as the National Gallery of Art (in this Act referred to as "the gallery").

(2) The gallery shall be located in the Federal Capital Territory, Abuja with centres in other parts of the Federal Republic of Nigeria.

(3) The objects of the gallery shall be-

(a) to serve as a repository for artistic creations since the birth of Nigeria as a nation;

(b) to promote research, education and appreciation in art and works of art.

(4) The gallery shall be a body corporate and shall have power to sue and be sued in its corporate name.

2. Policy body of the gallery

The policy-making body of the gallery shall be the Board of Management (in this Act referred to as "the Board").

3. Composition of the Board

(I) The Board of Management of the gallery shall consist of-

(a) a chairman;

(b) the Director-General of the Gallery;

[National Gallery of Art (Amendment) Act, 2004.]

(c) one representative of the Federal Ministry of Culture and Tourism;

(d) one representative of the Society of Nigerian Artists;

(e) one representative of the National Commission for Museums and Monuments;

(f) one representative of the National Council for Arts and Culture;

(g) one representative of the Nigerian Institute of Architects;

(h) five others persons, at least one of whom shall be a woman, knowledgeable in the various disciplines of art.

(2) The Chairman and members of the Board shall be appointed by the President.

(3) The provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters contained therein.

[Schedule.]

4. Tenure of office

(I) A member of the Board shall hold office for a period of four years and on the conditions provided in the letter appointing the member, so however that-

(a) a member may be eligible for re-appointment for a further term of four years; and

(b) not more than three members shall be replaced at the end of each term.

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(2) A member of the Board may be removed from office by the President for misconduct or inability to perform the functions of his office due to physical or mental incapacity.

(3) There shall be paid to the members of the Board such remuneration, travelling and subsistence allowances in respect of any period of time spent on the business of the Board of Management as the President may determine.

5. Committees

There shall be established by the Board such working committees as may be necessary for the planning and organisation of the different activities of the gallery and the chairman of any of one such committee shall be a member of the Board.

6. Functions of the gallery

The gallery is charged with the responsibility of-

- (a) acquiring and collecting Nigerian works of art;
- (b) organising permanent and temporary exhibitions;
- (c) organising competitions and talent hunts in fine and applied arts;
- (d) receiving donations and endowments to support the national collection of works of art;
- (e) sponsoring and encouraging research into all aspects of arts;
- (f) organising workshops, lectures, seminars, and conferences on the theory, practice and appreciation of arts;
- (g) establishing and maintaining a documentation centre on arts and artists; and
- (h) promoting excellence in the theory and practice of arts through the award of grants to artists and arts scholars.

7. Power of Minister to give directives

The Minister may give to the Board directives of a general character relating to particular matters with regard to the exercise by the Board of its functions under this Act and it shall be the duty of the Board to comply with the directives.

8. Contents of the gallery

The gallery shall contain examples of the following-

- (a) paintings;
- (b) drawings and prints;
- (c) sculpture;
- (d) pottery and ceramics;

- (e) photography;
- (f) textiles;
- (g) jewellery;
- (h) architectural designs;

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- (i) communication designs; and
- (j) works of art.

9. Powers of the gallery

The gallery shall have power to-

- (a) acquire, hold and manage moveable and immovable property;
- (b) sell, let, lease or otherwise dispose of property vested in the gallery but no work of art in the collection of the gallery shall be sold or disposed of in anyway.

10. Fund of the gallery

(1) The gallery shall establish and maintain a fund which shall be applied towards the promotion of the objectives of the gallery.

(2) The funds of the gallery shall consist of-

- (a) such funds as the Federal Government may, from time to time, provide;
- (b) funds received from the National Endowment for the Art;
- (c) gifts and donations; and
- (d) such funds as may be collected or received by the gallery from other sources and the gallery's own sources of revenue.

11. Power of the Board to accept gifts

(1) The Board shall have power-

(a) to accept gifts of works of art, property, money or other assets from individuals or organisations where-

(i) the conditions attached by the person or organisation making the gift are not inconsistent with the objectives of the gallery; and

(ii) the gift is not made by a non-Nigerian or an organisation established by or pursuant to a law not in force in Nigeria;

(b) to invest the gifts to the gallery in other commercial or industrial activities as the Board may from time to time determine.

(2) For the purpose of the Companies Income Tax Act, a donation of any amount of money or an original work of art by a company shall be a deductible donation within the meaning of that Act.

[Cap. C20.]

(3) A contribution made or raised shall be considered a deductible expense in computing business profit for tax purposes.

12. Director and other staff of the gallery

(I) The President shall appoint a director for the gallery who shall-

- (a) be the chief executive of the gallery;
- (b) be responsible for the day-to-day administration of the gallery;

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(c) keep records and conduct correspondence of the gallery ; and

(d) carry out such other duties as the Board may, from time to time, direct.

(2) The Board may appoint such other staff to assist the gallery in the performance of its functions under this Act.

13. Service in the gallery to be pensionable

(1) Notwithstanding the provisions of the Pensions Act, service in the gallery shall be approved service for the purposes of that Act and accordingly, officers and other persons employed in the gallery shall be entitled to such pensions, gratuities and other retirement benefits as are prescribed under the Pensions Act, so however that nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office.

[Cap. P4.]

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

14. Annual estimates and accounts

(I) The Board shall not, later than 31 October in each year, cause to be prepared and submitted to the President for consideration and approval, an estimate of the income and expenditure of the gallery for the next succeeding year.

(2) The gallery shall cause to be kept proper accounts in respect of each year and proper records in relation to those accounts and when certified by the Board shall be audited as provided in subsection (3) of this section.

(3) The accounts of the gallery shall be audited not later than six months after the end of each year by auditors appointed by the Board from the list of auditors and in accor-

dance with the guidelines supplied by the Auditor-General for the Federation.

15. Annual report

The gallery shall, not later than 30 September in each year, prepare and submit to the President through the Board, a report on the activities of the gallery during the preceding year, in such form as the Minister shall determine.

16. Power of State to establish, etc., gallery

The Government of a State or a local government may establish a gallery for the State or local government area and shall have power to make laws or bye-laws for the-

- (a) acquisition of;
- (b) commissioning of;
- (c) collection of; and
- (d) disbursement of funds raised for works of art.

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17. Regulations

The Minister may make regulations as may be necessary or expedient for giving full effects to the provisions of this Act.

18. Interpretation

In this Act, unless the context otherwise requires-

"gallery" means the National Gallery of Art established under section I of this Act;

"Minister" means the Minister charged with responsibility for art.

19. Short title

This Act may be cited as the National Gallery of Art Act.

SCHEDULE

[Section 3 (3).]

Supplementary provisions relating to the Board and the Agency

Proceedings of the Board

I. Subject to this Act and section 27 of the Interpretation Act, the Board may make standing orders regulating the proceedings of the Board and any committee thereof.

[Cap. [23.]

2. Every meeting of the Board shall be presided over by the chairman and if the chairman is unable to attend a particular meeting, the members present at the meeting shall elect one

of
their number to preside at the meeting.

3. The quorum at a meeting of the Board shall consist of the chairman (or in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and six other members.

4. The Board may, on any special occasion, co-opt any person to be a member for as many meetings as may be necessary, and that person while so co-opted shall have all the rights and privileges of a member, except that he shall not be entitled to vote or count towards a quorum.

Committees

5. (1) Subject to its standing orders, the Board may appoint such number of standing and *ad hoc* committees as it thinks fit to consider and report on any matter with which the gallery is concerned.

(2) Every committee appointed under the provisions of sub-paragraph (1) of this paragraph shall be presided over by a member of the Board and shall be made up of such number of persons, not necessarily members of the Board, as the Board may determine in each case.

6. The decision of a committee shall be of no effect until it is confirmed by the Board.

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Miscellaneous

7. The fixing of the seal of the gallery shall be authenticated by the signature of the Chairman and of the executive Director-General of the Gallery or such other member authorised generally or specially by the Board to act for that purpose.

[National Gallery of Art (Amendment) Act, 2004.]

8. A contract or an 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 gallery by the director or by any other person authorised generally or specifically by the Board to act for that purpose.

9. A document purporting to be a contract, an instrument or other document signed or sealed on behalf of the gallery 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 a proceeding of the Board or of a committee thereof shall not be adversely affected-

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

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

(c) by reason that a person not entitled to do so took part in the proceeding.

11. A member of the Board or committee who has a personal interest in a contract or an arrangement

entered into or proposed to be considered by the Board or committee 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