

**SPECIAL ISSUE**

*Elgeyo/Marakwet County Gazette Supplement No. 9 (Acts No. 3)*



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**ELGEYO/MARAKWET COUNTY  
GAZETTE SUPPLEMENT**

**ACTS, 2014**

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**NAIROBI, 30th June, 2014**

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**THE ELGEYO/MARAKWET COUNTY FLAG,  
EMBLEMS AND NAMES ACT, 2014**

**No. 3 of 2014**

*Date of Assent: 5th June, 2014*

*Date of Commencement: 20th June, 2014*

**ARRANGEMENT OF SECTIONS**

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**THIRD SCHEDULE**

**THE ELGEYO/MARAKWET COUNTY FLAG,  
EMBLEMS AND NAMES ACT, 2014**

**AN ACT of the County Assembly of Elgeyo/Marakwet to declare the County Flag, emblems, names, words, likenesses and to prevent improper use of the same for professional and commercial purposes, and to prohibit the display or use of flags, and for connected purposes**

**ENACTED** by the County Assembly of Elgeyo/Marakwet as follows—

**PART I—PRELIMINARY**

1. This Act may be cited as the Elgeyo/Marakwet County Flag, Emblems and Names Act, 2014 and shall come into operation on such date as the Member of the Executive Committee, responsible for matters related to public service and administration with the concurrence of the Governor, may appoint. Short title and commencement.

2. In this Act, unless the context otherwise requires— Interpretation.

“County Governor” means the Governor of The County government of Elgeyo/Marakwet elected in accordance with Article 180 of the constitution;

“Deputy Governor” means a person nominated by the governor in accordance with Article 180 of the constitution;

“Speaker” means the speaker of a County Assembly elected by the Members of County Assembly;

“Member of County Assembly” means a Member elected or nominated in accordance with Article 177 (1) of the constitution.

“County Secretary” means a person responsible for matters relating to intergovernmental relations.

“Member of the Executive Committee” means the Member of the Executive Committee responsible for matters related to public service and administration;

“specified emblem” means any emblem, seal, flag, pennant, insignia, ensign or coat-of-arms of a kind

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1. This Act may be cited as the Elgeyo/Marakwet County Flag, Emblems and Names Act, 2014 and shall come into operation on such date as the Member of the Executive Committee, responsible for matters related to public service and administration with the concurrence of the Governor, may appoint. Short title and commencement.

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“County Governor” means the Governor of The County government of Elgeyo/Marakwet elected in accordance with Article 180 of the constitution;

“Deputy Governor” means a person nominated by the governor in accordance with Article 180 of the constitution;

“Speaker” means the speaker of a County Assembly elected by the Members of County Assembly;

“Member of County Assembly” means a Member elected or nominated in accordance with Article 177 (1) of the constitution.

“County Secretary” means a person responsible for matters relating to intergovernmental relations.

“Member of the Executive Committee” means the Member of the Executive Committee responsible for matters related to public service and administration;

“specified emblem” means any emblem, seal, flag, pennant, insignia, ensign or coat-of-arms of a kind

specified in Part I of the First Schedule to this Act;

“specified likeness” means any photograph, drawing or other pictorial representation of the person for the time being holding any of the offices or dignities specified in Part III of the First Schedule to this Act;

“specified name” means any of the names and words specified in Part II of the First Schedule to this Act, and includes any abbreviation of any such name.

“County Assembly” means the County Assembly of Elgeyo/Marakwet.

3. The Following state officers shall be entitled to fly the County flag on their official motor vehicles;

State Officers entitled to fly the County flag.

- (a) His Excellency the County Governor.
- (b) His Excellency The Deputy County Governor
- (c) The Speaker of the County Assembly.

4. (i) The persons specified in the first column of the third schedule shall use the official titles specified in the Second column of that schedule.

Use of official Titles.

- (ii) A person who unlawfully uses title provided for under the Third Schedule commits an offence and is liable on conviction to a fine not exceeding 100,000 (One Hundred Thousand Shillings) or to imprisonment for a term not exceeding one (1) year or both.

5. The order of precedence of state officers to be observed for all official functions shall be as follows;

Order of Precedence

- (i) His Excellency The Governor.
- (ii) His Excellency The Deputy Governor.
- (iii) The Honorable Speaker of County Assembly.
- (iv) The Honorable Members of County Assembly
- (v) The County Executive Member.

## **PART II- DECLARATIONS AND PROHIBITIONS**

6. (1) The flag of which the design and description are set out in Part I of the Second Schedule to this Act is hereby declared to be the County Flag of County Government of Elgeyo/Marakwet (in this Act referred to

County Flag, County Public Seal, County Coat of Arms Declared.

as the County Flag).

(2) The seal of which the design is set out in Part II of the Second Schedule to this Act is hereby declared to be the Public Seal of the County Government of Elgeyo/Marakwet.

(3) The Coat of Arms of which the design is set out in Part III of the Second Schedule to this Act is hereby declared to be the Coat of Arms of the County Government of Elgeyo/Marakwet.

7. Any person who shows disrespect, in speech, manner or writing, to a County Government emblem, specified likeness or specified name, or any representation thereof, shall be guilty of an offence and liable to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

Fine for Insulting  
the County  
Emblem.

8. (1) Notwithstanding anything contained in any law for the time being in force, no person shall, except with the written permission of the Member of the Executive Committee and with the approval of the County Assembly—

Prohibition of  
Improper use of  
Emblems, Names  
and Likenesses.

- (a) use any specified emblem, specified name or specified likeness, or any colourable imitation thereof, in furtherance of, or display the same as an advertisement for, any trade, business, calling or profession; or
- (b) use any specified emblem, specified name or specified likeness, or any colourable imitation thereof, in the title of any patent, or in any trade mark or design; or
- (c) manufacture or import any article or goods bearing any specified emblem, specified name or specified likeness, or any article or goods on which any title, trade mark or design is used in contravention of paragraph (b) of this subsection.

(2) Subsection (1) (a) of this section relating to the use of a specified likeness shall not apply to the publication of a bona fide news item (whether in a newspaper or by any other medium) or to the publication in a newspaper of any article connected with any bona fide news item other than a news item in the furtherance of, or



specified in Part I of the First Schedule to this Act;

“specified likeness” means any photograph, drawing or other pictorial representation of the person for the time being holding any of the offices or dignities specified in Part III of the First Schedule to this Act;

“specified name” means any of the names and words specified in Part II of the First Schedule to this Act, and includes any abbreviation of any such name.

“County Assembly” means the County Assembly of Elgeyo/Marakwet.

3. The Following state officers shall be entitled to fly the County flag on their official motor vehicles;

State Officers entitled to fly the County flag.

- (a) His Excellency the County Governor.
- (b) His Excellency The Deputy County Governor
- (c) The Speaker of the County Assembly.

4. (i) The persons specified in the first column of the third schedule shall use the official titles specified in the Second column of that schedule.

Use of official Titles.

- (ii) A person who unlawfully uses title provided for under the Third Schedule commits an offence and is liable on conviction to a fine not exceeding 100,000 (One Hundred Thousand Shillings) or to imprisonment for a term not exceeding one (1) year or both.

5. The order of precedence of state officers to be observed for all official functions shall be as follows;

Order of Precedence

- (i) His Excellency The Governor.
- (ii) His Excellency The Deputy Governor.
- (iii) The Honorable Speaker of County Assembly.
- (iv) The Honorable Members of County Assembly
- (v) The County Executive Member.

## **PART II– DECLARATIONS AND PROHIBITIONS**

6. (1) The flag of which the design and description are set out in Part I of the Second Schedule to this Act is hereby declared to be the County Flag of County Government of Elgeyo/Marakwet (in this Act referred to

County Flag, County Public Seal, County Coat of Arms Declared.

as the County Flag).

(2) The seal of which the design is set out in Part II of the Second Schedule to this Act is hereby declared to be the Public Seal of the County Government of Elgeyo/Marakwet.

(3) The Coat of Arms of which the design is set out in Part III of the Second Schedule to this Act is hereby declared to be the Coat of Arms of the County Government of Elgeyo/Marakwet.

7. Any person who shows disrespect, in speech, manner or writing, to a County Government emblem, specified likeness or specified name, or any representation thereof, shall be guilty of an offence and liable to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

Fine for Insulting  
the County  
Emblem.

8. (1) Notwithstanding anything contained in any law for the time being in force, no person shall, except with the written permission of the Member of the Executive Committee and with the approval of the County Assembly—

Prohibition of  
Improper use of  
Emblems, Names  
and Likenesses.

- (a) use any specified emblem, specified name or specified likeness, or any colourable imitation thereof, in furtherance of, or display the same as an advertisement for, any trade, business, calling or profession; or
- (b) use any specified emblem, specified name or specified likeness, or any colourable imitation thereof, in the title of any patent, or in any trade mark or design; or
- (c) manufacture or import any article or goods bearing any specified emblem, specified name or specified likeness, or any article or goods on which any title, trade mark or design is used in contravention of paragraph (b) of this subsection.

(2) Subsection (1) (a) of this section relating to the use of a specified likeness shall not apply to the publication of a bona fide news item (whether in a newspaper or by any other medium) or to the publication in a newspaper of any article connected with any bona fide news item other than a news item in the furtherance of, or

as advertisement for, any trade, business, calling or profession.

(3) Any permission given under subsection (1) of this section may be given subject to such conditions as the Member of the Executive Committee may deem fit approved by the County Assembly.

(4) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine not exceeding thirty thousand shillings, or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

9. (1) A person shall not display at any place or on any premises any flag or banner or permit any flag or banner to be so displayed, being in either case a flag or banner (other than a specified emblem) which is reputed to belong, or is held out by any authority as belonging, to the territory of the County Government of Elgeyo/Marakwet or of any particular part thereof (other than the ward).

Prohibition of Display of Certain Flags.

(2) Any person who contravenes subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

(3) This section shall bind the County Government of Elgeyo/Marakwet.

10. The Member of the Executive Committee may, by notification in the Kenya and County Gazette, amend the first Schedule to this Act with the approval of the County Assembly.

Power to amend the first schedule.

### PART III— MISCELLANEOUS

11. The Member of the Executive Committee may with the approval of the County Assembly make regulations—

Regulations.

- (a) prescribing the occasions upon which, the persons by whom and the manner in which the County Flag may be flown or displayed, as the case may be;
- (b) prohibiting, controlling or restricting the use of any specified emblem, specified likeness or

specified name;

- (c) regulating the manner in which application may be made to him for his permission under section 5 of this Act, prescribing the form of any license by which such permission may be given and fixing any fee for such application and license;
- (d) generally for carrying this Act into effect.

### **FIRST SCHEDULE**

#### **Part I—Emblems**

Establishment of  
the Sub-County  
committee.

- 1—The County Flag;
- 2—The Public Seal of County Government of Elgeyo/Marakwet;
- 3—The Coat of Arms of the County Government of Elgeyo/Marakwet.

#### **Part II—Names and Words**

Review  
Committee.

- 1—The County Public Seal.
- 2—The County of champions.
- 3—County Government of Elgeyo/Marakwet.

as advertisement for, any trade, business, calling or profession.

(3) Any permission given under subsection (1) of this section may be given subject to such conditions as the Member of the Executive Committee may deem fit approved by the County Assembly.

(4) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine not exceeding thirty thousand shillings, or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

9. (1) A person shall not display at any place or on any premises any flag or banner or permit any flag or banner to be so displayed, being in either case a flag or banner (other than a specified emblem) which is reputed to belong, or is held out by any authority as belonging, to the territory of the County Government of Elgeyo/Marakwet or of any particular part thereof (other than the ward).

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specified name;

- (c) regulating the manner in which application may be made to him for his permission under section 5 of this Act, prescribing the form of any license by which such permission may be given and fixing any fee for such application and license;
- (d) generally for carrying this Act into effect.

### **FIRST SCHEDULE**

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Establishment of  
the Sub-County  
committee.

- 1—The County Flag;
- 2—The Public Seal of County Government of Elgeyo/Marakwet;
- 3—The Coat of Arms of the County Government of Elgeyo/Marakwet.

#### **Part II—Names and Words**

Review  
Committee.

- 1—The County Public Seal.
- 2—The County of champions.
- 3—County Government of Elgeyo/Marakwet.

## SECOND SCHEDULE

### Part I

The County Flag



### Part II

The County Public Seal



**Part III**

## The County Coat of Arms

**THIRD SCHEDULE**

<b>NO</b>	<b>OFFICE</b>	<b>OFFICIAL TITLE</b>
1	The County Governor	His Excellency the Governor.
2	The County Deputy Governor	His Excellency the Deputy Governor.
3	The Speaker of the County Assembly	The Honourable Speaker of the County Assembly.
4	Member of County Assembly	The Honourable Member of the County Assembly.
5	County Secretary	The County Secretary.
6	Executive Committee Member	The County Executive Committee Member.



**SECOND SCHEDULE**

**Part I**

The County Flag



**Part II**

The County Public Seal



**Part III****The County Coat of Arms****THIRD SCHEDULE**

<b>NO</b>	<b>OFFICE</b>	<b>OFFICIAL TITLE</b>
1	The County Governor	His Excellency the Governor.
2	The County Deputy Governor	His Excellency the Deputy Governor.
3	The Speaker of the County Assembly	The Honourable Speaker of the County Assembly.
4	Member of County Assembly	The Honourable Member of the County Assembly.
5	County Secretary	The County Secretary.
6	Executive Committee Member	The County Executive Committee Member.