The Lamu County Flag, Emblems and Names Protection Act, 2015
THE LAMU COUNTY FLAG, EMBLEMS AND NAMES PROTECTION ACTS, 2015

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SCHEDULES
THE LAMU COUNTY FLAG, EMBLEMS AND NAMES PROTECTION ACT, 2015

AN ACT of the County Assembly of Lamu to provide for the use of the County Flag and of certain emblems, names, words and likenesses for professional and commercial purposes, and to prohibit the display of certain flags, to provide for the use of the National Flag to promote National Unity in the County and for connected purposes.

ENACTED by the Lamu County Assembly as follows—

PART I — PRELIMINARY

1. This Act may be cited as the Lamu County Flag, Emblems and Names Protection Act, 2015 and shall come into operation on such date as the Member of the Executive Committee, may with the concurrence of the Governor appoint.

2. The purpose of this Act is—
   (a) to regulate the use of the County Flag, the County Emblem, and title of Governor; and
   (b) to provide for the use of the National Flag in the County to promote National Unity.

3. In this Act, unless the context otherwise requires—
   “Coat-of-arms” means any object or figure, being a symbolic representation displayed in colours on a shield in conformity with the principles and rules of heraldry, with or without any crown, helmet, mantling, supporters, motto, or other accessories;
   “Emblem” means any device, seal, mark, trade mark, badge, symbol, design, logotype, or other distinctive sign of identification; and includes any representation thereof, whether on any flag, banner, sign, or other printed or written material, or by way of any pictorial representation or other visual image, or otherwise;
   “Member of the Executive Committee” means the Member of the Executive Committee responsible for public administration;
   “National flag” means the National flag prescribed in the Constitution of Kenya;
   “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.

PART II — GENERAL PROVISION

4. (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 flag of Lamu County in this Act referred to 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 Lamu County.

(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 Lamu County.

5. Any person who shows disrespect, in speech, manner or writing, to or with reference to the County Flag, or to any specified emblem, specified likeness or specified name, or any representation thereof, commits an offence and is liable on conviction to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

6. (1) Notwithstanding anything contained in any law for the time being in force, a person shall not, except with the written permission of the Member of the Executive Committee—

(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—

(a) of a bona fide news item whether in a newspaper, website, or any other medium; or

(b) 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.

(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.

7. (1) Except for the National Flag and other National symbols as provided in the National Flag, Emblems and Names Act, no person shall display, at any place or on any premises, any flag or banner or permit any flag or banner to be 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 Lamu County Government or any particular part thereof.

(2) Any person who contravenes subsection (1) of this section commits an offence and is liable, on conviction, to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months, or to both the fine and imprisonment.

8. (1) If a police officer has reasonable cause to believe that something is being used, displayed, manufactured or imported contrary to this Act, or is to be found on any premises, he or she may require the person in charge or appearing to be in charge of the premises to allow the officer to enter the premises and to accord that officer all reasonable facilities for a search thereof, and if entry cannot, within a reasonable period, be so obtained, the officer may, using force if necessary and without warrant enter and search therein.

(2) If a police officer finds on any premises anything in respect of which he or she has reasonable cause to believe that an offence under this Act has been committed by any person, he or she may seize that thing, and produce it before a magistrate, who shall order it to be forfeited if satisfied that it has been used, displayed, manufactured or imported contrary to this Act, or order it to be restored to the person from whom it was seized.

9. The flying of the County Flag is hereby reserved for the use by the Governor, the Deputy Governor, the Speaker of the County Assembly and the County Executive Committee Members.

10. (1) Subject to this Act, the County Flag shall be hoisted on the following occasions—

(a) at all official functions that is attended by the Governor, the Deputy Governor or Member of the Executive Committee;

(b) at the Headquarters of the County Government;
(c) at the liaison offices of the County Government;
(d) at sub-counties and ward offices;
(e) at the County Assembly.

(2) The Member of the Executive Committee may prescribe such other places where the County Flag shall be hoisted or displayed.

11. The Member of the Executive Committee shall be the custodian of the County Flag, Emblems, Coat-of-Arms and all other symbols protected by this Act.

PART III — MISCELLANEOUS PROVISIONS

12. The Executive Committee Member may, by notice in the County Gazette, amend the First Schedule to this Act.

13. (1) The Member of the Executive Committee may make regulations—

(a) prescribing the occasions upon which, other persons by whom and manner in which the County Flag may be flown, hoisted or displayed, as the case may be;
(b) prohibiting, controlling or restricting the use of any specified emblem, specified likeness or specified name;
(c) prescribing the manner in which applications may be made to the Executive Committee Member for the permission under section 6 of this Act;
(d) prescribing the fee and form of a licence issued for any permission granted under section 6;
(e) generally for carrying this Act into effect.

(2) The regulations prescribed under subsection (1) shall be approved by the County Executive Committee and the County Assembly before they take effect.
FIRST SCHEDULE

PART I — EMBLEMS
1. The County Flag
2. The Coat-of-Arms of County Government of Lamu
3. The Public Seal of the County Government of Lamu
4. The logo

PART II — NAMES AND WORDS
1. The name of the Governor
2. The name of the Deputy Governor
3. The name of the Speaker
4. The name of the Deputy Speaker

PART III — OFFICES AND DIGNITARIES
1. His or Her Excellency the Governor
2. The Deputy Governor
3. The Speaker
4. The Deputy Speaker

SECOND SCHEDULE

PART I — THE COUNTY FLAG

DESCRIPTION
Yellow: Represents a new beginning for the County.
Brown: Is the colour of the earth and represents stability.
Green: Represents agriculture, pasture and forests.
Red: Represents power belonging to the people of the County.
Grey: Represents security in the County.
Black: Represents the colour of our skin.
White: Represents peace and unity.
Blue: Symbolises the ocean and its collective benefits.
Dhow: Represents the traditional mode of transport and source of livelihood for the people of Lamu.

PART II — THE COUNTY PUBLIC SEAL

Yellow: Represents a new beginning for the County.
Brown: Is the colour of the earth and represents stability.
Green: Represents agriculture, pasture and forests.
Red: Represents power belonging to the people of the County.
Grey: Represents security in the County.
Black: Represents the colour of our skin.
White: Represents peace and unity.
Blue: Symbolises the ocean and its collective benefits.
Gold: Represents the wealth of the County.
Dhow: Represents the traditional mode of transport and source of livelihood for the people of Lamu.
Nichongo: Represents the creative art of the people of Lamu.
PART III — THE COAT-OF-ARMS

Brown: Is the colour of the earth and represents stability.
Green: Represents agriculture, pasture and forests.
Red: Represents power belonging to the people of the County.
Grey: Represents security in the County.
Black: Represents the colour of our skin.
White: Represents peace and unity.
Blue: Symbolises the ocean and its collective benefits.
Dhow: Represents the traditional mode of transport and source of livelihood for the people of Lamu.