



LAWS OF KENYA



## **NATIONAL FLAG, EMBLEMS AND NAMES ACT**

CHAPTER 99

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**CHAPTER 99**

**NATIONAL FLAG, EMBLEMS AND NAMES ACT**

ARRANGEMENT OF SECTIONS

*Section*

1. Short title.
2. Interpretation.
- 2A. National Flag Armorial Ensigns, Public Seal and National Anthem declared.
- 2B. Insulting National Anthem, etc., an offence.
3. Prohibition of improper use of emblems, names and likenesses.
4. Prohibition of registration of certain companies, etc.
5. Prohibition of display of certain flags.
6. Sanction for prosecution.
7. Power of seizure.
8. Power to amend First Schedule.
9. Regulations.

SCHEDULES

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE – THE NATIONAL ANTHEM

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## CHAPTER 99

## NATIONAL FLAG, EMBLEMS AND NAMES ACT

[Date of assent: 9th December, 1963.]

[Date of commencement: 10th December, 1963.]

**An Act of Parliament to prevent the improper use of the National Flag and of certain emblems, names, words and likenesses for professional and commercial purposes, and to prohibit the display of certain flags**

[L.N. 2/1964, Act No. 32 of 1964, Act No. 15 of 1968, L.N. 32/1979, L.N. 74/1985, L.N. 487/1991.]

**1. Short title**

This Act may be cited as the National Flag, Emblems and Names Act.

**2. Interpretation**

In this Act—

“**the National Anthem**” means the national anthem, the words and music of which are set out in the Third Schedule to this Act.

“**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;

[Act No. 32 of 1964, s. 2, Act No. 15 of 1968, s. 2.]

**2A. National Flag Armorial Ensigns, Public Seal and National Anthem declared**

(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 National Flag of Kenya (in this Act referred to as the National Flag).

(2) The heraldic device of which the blazon and description are set out in Part II of the Second Schedule to this Act is hereby declared to be the Armorial Ensigns of Kenya (in this Act referred to as the Armorial Ensigns).

(3) The seal of which the design is set out in Part III of the Second Schedule to this Act is hereby declared to be the Public Seal of Kenya.

(4) The anthem of which the words and music are set out in the Third Schedule of this Act is hereby declared to be the National Anthem of Kenya.

[Act No. 32 of 1964, s. 2, Act No. 15 of 1968, s. 3.]

**2B. Insulting National Anthem, etc., an offence**

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

[Act No. 32 of 1964, s. 2, Act No. 15 of 1968, s. 4.]

**3. Prohibition of improper use of emblems, names and likenesses**

(1) Notwithstanding anything contained in any law for the time being in force, no person shall, except with the written permission of the Minister—

- (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) The provisions of 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 Minister 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 five thousand shillings, or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

[Act No. 32 of 1964, s. 2.]

**4. Prohibition of registration of certain companies, etc.**

Notwithstanding anything contained in any law for the time being in force, no authority empowered or required by law to register any company, firm or other body of persons, or any trade mark or design, or to grant a patent, shall—

- (a) register any company, firm or other body of persons under any name; or
- (b) register a trade mark or design which bears any emblem, name, word or likeness; or
- (c) grant a patent in respect of an invention which bears a title containing any emblem, name or word,

if the use of such name, emblem, word or likeness would be in contravention of section 5 of this Act, and any purported registration or grant made contrary to this section shall be absolutely void and ineffective for all purposes.

[Act No. 32 of 1964, s. 2.]

#### **5. Prohibition of display of certain flags**

(1) No person shall 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 Kenya or of any particular part thereof (other than the area of a local authority).

(2) Any person who contravenes subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding five 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 Government.

#### **6. Sanction for prosecution**

No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction in writing of the Attorney-General.

#### **7. Power of seizure**

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

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

#### **8. Power to amend First Schedule**

The Minister may, by notice in the *Gazette*, amend the First Schedule to this Act.

[Act No. 32 of 1964, s. 2.]

#### **9. Regulations**

The Minister may make regulations—

- (a) prescribing the occasions upon which, the persons by whom and the manner in which the National Flag or the Armorial Ensigns 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 licence by which such permission may be given and fixing any fee for such application and licence;
- (d) generally for carrying this Act into effect.  
[Act No. 32 of 1964, s. 2.]

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### FIRST SCHEDULE

[Section 2, L.N. 32/1979, L.N. 74/1985, L.N. 487/1991.]

#### PART I – EMBLEMS

1. The National Flag, and the Armorial Ensigns of Kenya.
2. The Public Seal of Kenya.
3. The Emblem or Official Seal of the United Nations Organization.
4. Any Orders, Insignias, Medals, Badges and Decorations instituted by Act of Parliament or by Proclamation.
5. The Emblem of the United Nations Decade for Women.  
[L.N. 74/1985.]
6. The Red Cross and the Red Crescent Emblems.  
[L.N. 487/1991.]

#### PART II – NAMES AND WORDS

1. The name of the President.
2. The words “Harambee”, “Jamhuri”, “Madaraka” and “Nyayo”.  
[L.N. 32/1979.]

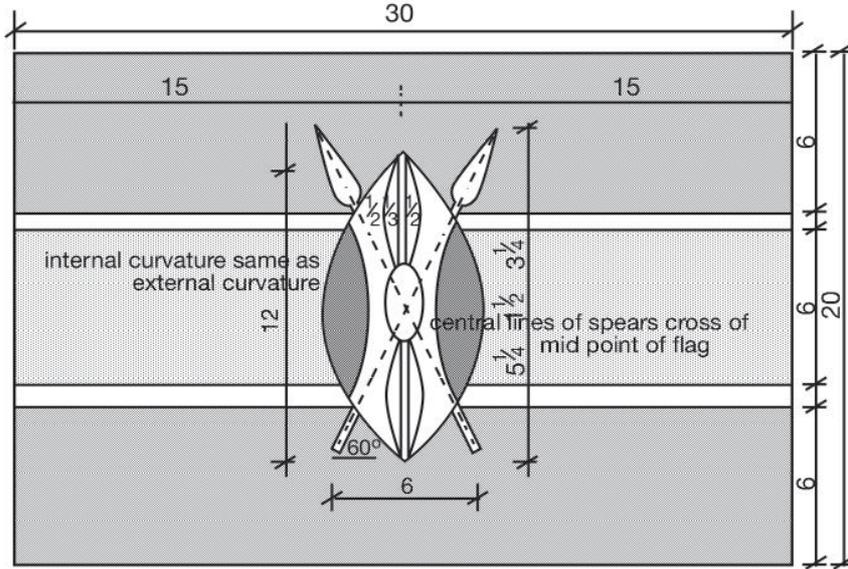
#### PART III – OFFICES AND DIGNITIES

1. The President.
-

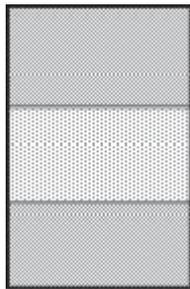
SECOND SCHEDULE

[Section 2A.]

PART I – NATIONAL FLAG



KEY



Black.

Red. B.S.\* shade reference 0-006.

Green. B.S.\* shade reference 0.010.

Note.—All dimensions given do not necessarily represent any particular measurements and are merely proportional.

\*British Standard Specification

DESCRIPTION

Three major strips of equal width coloured from top to bottom, black, red and green and separated by narrow white strips, with a symmetrical shield and white spears superimposed centrally.

PART II – ARMORIAL ENSIGNS

BLAZON:

Arms.—Per fess sable and vert, on a fess gules fimbriated argent a cock grasping in the dexter claw an axe also argent.

SECOND SCHEDULE—*continued*

*Supporters.*—On either side a lion or, grasping in the interior forepaw a spear of estate, the hafts of the spears crossed in saltire behind the shield.

The whole upon a compartment representing Mount Kenya proper.

*Motto.*—Harambee.

## DESCRIPTION:

The shield contains the colours of the National Flag, the middle red strip bearing a cockerel holding an axe; the supporters of the shield are two lions resting on a background silhouette of Mount Kenya containing in the foreground examples of Kenya agricultural produce—coffee, pyrethrum, sisal, tea, maize and pineapples; the scroll containing the motto—Harambee—supports the coat of arms.

## PART III – PUBLIC SEAL



## THIRD SCHEDULE

[Sections 2 and 2A.]

## THE NATIONAL ANTHEM

1

Ee Mungu Nguvu yetu  
Ilete baraka kwetu.  
Haki iwe ngao na mlinzi  
Natukae na udugu  
Amani na uhuru  
Raha tupate na ustawi.

2

Amkeni ndugu zetu  
Tufanye sote bidii  
Nasi tujitoe kwa nguvu  
Nchi yetu ya Kenya,  
Tunayoipenda  
Tuwe tayari kuilinda.

3

Natujenge taifa letu  
Ee, ndio wajibu wetu  
Kenya istahili heshima  
Tuungane mikono  
Pamoja kazini  
Kila siku tuwe na shukrani.

*Note*—The time values of some notes in each verse must be altered to fit the words.

1

O God of all creation  
Bless this our land and nation.  
Justice be our shield and defender  
May we dwell in unity  
Peace and liberty  
Plenty be found within our borders.

2

Let one and all arise  
With hearts both strong and true.  
Service be our earnest endeavour,  
And our Homeland of Kenya,  
Heritage of splendour,  
Firm may we stand to defend.

3

Let all with one accord  
In common bond united,  
Build this our nation together  
And the glory of Kenya  
The fruit of our labour  
Fill every heart with thanksgiving.

THIRD SCHEDULE—continued

**Firmly**  
Lah = A (Doh = C)

Soprano (S): I le-te ba-ra-ka  
Alto (A): I le-te ba-ra-ka  
Tenor (T): Ee Mu- ngu ngu- vu ye- tu I le- te ba- ra- ka  
Bass (B): I le-te ba-ra-ka  
Piano Accomp. (with Ped)

**Second System:**

Soprano (S): kwe-tu Ha-ki i-we ngao na mlin-zi Na-tu-ka-e na u-du-gu-A  
Alto (A): kwe-tu Ha-ki i-we ngao na mlin-zi Na-tu-ka-e na u-du-gu-A  
Tenor (T): kwe-tu Ha-ki i-we ngao na mlin-zi Na-tu-ka-e na u-du-gu-A  
Bass (B): kwe-tu Ha-ki i-we ngao na mlin-zi Na-tu-ka-e na u-du-gu-A  
Piano Accomp.

THIRD SCHEDULE—continued

The musical score is arranged in five staves. The top four staves are for vocal parts: Soprano (S), Alto (A), Tenor (T), and Bass (B). The bottom staff is for Piano Accompaniment (Piano Accomp.).

**Soprano (S):** *ma.ni na u—hu—ru Ra—ha tu—pa.te na u—sta.wi — kra—ni*  
Musical notation includes a treble clef, a key signature of one sharp (F#), and a 4/4 time signature. The melody features eighth and quarter notes.

**Alto (A):** *ma.ni na u—hu—ru Ra—ha tu—pa.te na u—sta.wi — kra—ni*  
Musical notation includes a treble clef, a key signature of one sharp (F#), and a 4/4 time signature. The melody features eighth and quarter notes.

**Tenor (T):** *ma.ni na u—hu—ru Ra—ha tu—pa.te na u—sta.wi A — kra—ni*  
Musical notation includes a treble clef, a key signature of one sharp (F#), and a 4/4 time signature. The melody features quarter and half notes.

**Bass (B):** *ma.ni na u—hu—ru Ra—ha tu—pa.te na u—sta.wi A — kra—ni*  
Musical notation includes a bass clef, a key signature of one sharp (F#), and a 4/4 time signature. The melody features quarter and half notes.

**Piano Accomp.:** *Last Crescendo*  
Musical notation includes a grand staff (treble and bass clefs), a key signature of one sharp (F#), and a 4/4 time signature. The accompaniment features a rhythmic pattern of eighth and quarter notes, with a crescendo leading to a final chord.

Lyrics for all parts: *ma.ni na u—hu—ru Ra—ha tu—pa.te na u—sta.wi A — kra—ni*



**CHAPTER 99**

**NATIONAL FLAG, EMBLEMS AND NAMES ACT**

SUBSIDIARY LEGISLATION

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*List of Subsidiary Legislation*

	<i>Page</i>
1. National Flag, Emblems and Names (Flying of the National Flag and Displaying of Armorial Ensigns) Regulations, 1965 .....	17



**NATIONAL FLAG, EMBLEMS AND NAMES (FLYING OF THE NATIONAL FLAG AND DISPLAYING OF ARMORIAL ENSIGNS) REGULATIONS, 1965**

[L.N. 9/1965, Corr. No. 4/1965.]

REGULATIONS UNDER SECTION 9

1. These Regulations may be cited as the National Flag, Emblems and Names (Flying of the National Flag and Displaying of Armorial Ensigns) Regulations, 1965.

2. (1) Any person who flies or displays the National Flag on any premises, not being Government premises, on any occasion other than a public holiday or such other occasion as may be notified by the President shall be guilty of an offence.

(2) In this regulation, “**Government premises**” means any premises used wholly or partly for Government purposes but does not include any building used primarily for residential purposes.

3. (1) Subject to the provisions of paragraph (3) of this regulation, any person who flies the National Flag on any motor vehicle shall be guilty of an offence.

(2) In this regulation, “**motor vehicle**” has the meaning as in the Traffic Act (Cap. 403).

(3) This regulation shall not apply to the President, the Vice-President, the Chief Justice, the Speaker of the National Assembly, a Minister or the Attorney-General.

4. (1) Any person, not being a member of the National Assembly, who wears on his person a National Assembly badge or any imitation or likeness thereof, shall be guilty of an offence.

(2) In this regulation, “**National Assembly badge**” means a badge representing the Armorial Ensigns of Kenya issued by or under the authority of the Speaker either of House the National Assembly.

5. Any person who is guilty of an offence under these Regulations shall be liable to a fine not exceeding two thousand shillings, or to imprisonment of a term not exceeding two months, or both such fine and imprisonment.

