

SPECIAL ISSUE

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NATIONAL CHIEF JUSTICE
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REPUBLIC OF KENYA

**NYANDARUA COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2014

NAIROBI, 29th September, 2014

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**THE NYANDARUA COUNTY SYMBOLS AND NAMES
PROTECTION ACT, 2014**

No. 4 of 2014

Date of Assent: 26th August, 2014

Date of Commencement: See Section 1

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**THE NYANDARUA COUNTY SYMBOLS AND
NAMES PROTECTION ACT, 2014**

AN ACT of NYANDARUA County Assembly to provide for the use of the County and national flag, emblem, seal, motto and names, to promote cohesion in the county and by extension national unity in the Country and for connected purposes

ENACTED by the County Assembly of Nyandarua as follows—

1. This Act may be cited as the Nyandarua County Symbols and Names Protection Act, 2014 and shall come into operation within thirty (30) days after the bill is assented to.

Short title and commencement

2. The purpose of this Act is—

Purpose of the Act

(a) to regulate the use the County Symbols and title of Governor and other official names.

(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—

Interpretation

“citizen service centres” means citizen service centres envisaged under Section 119 of the County Government Act No. 17 of 2012;

“county “ means Nyandarua County;

“county flag” means the Nyandarua County flag specified

under part I of First Schedule of this Act;

“county symbols” means the County Flag, Emblem, Seal, Motto and Names specified under the First Schedule of this Act;

“Executive Committee Member” means the Executive Committee Member in charge of Legal and Public Service;

“Governor” means the Governor of Nyandarua County;

“National flag” means the National flag prescribed in the Constitution of Kenya;

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

4. (1) The flag of which the design and description are set out in Part I of the First Schedule to this Act is hereby declared to be the county flag.

County symbols declared

(2) The seal of which the design is set out in Part II of the First Schedule to this Act is hereby declared to be the Public Seal of the county.

(3) The emblem of which the design is set out in Part III of the First Schedule to this Act is hereby declared to be the emblem of the county.

(4) The Motto the content of which is embedded in Part IV of the First Schedule of this Act is hereby declared to be the motto of the County.

(5) The County Anthem as envisaged under part IV of the first schedule be declared the Nyandarua County Anthem upon approval by the Assembly.

5. Any person who shows disrespect, in speech, manner, sign or writing, to the County symbols or any representation thereof, shall upon conviction be guilty of an offence and shall be liable to an imposition of a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding six months or both.

Insulting county symbols declared an offence

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 Executive Committee Member—

Prohibition of improper use of county symbols

- (a) use any county symbol, 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 county symbol or any colourable imitation thereof, in the title of any patent, or in any trade mark or design; or
- (c) manufacture, export or import any article or goods bearing any specified county symbol, or any article or goods on which any title, trade mark or design is used in contravention of paragraph (b) of this subsection;

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(2) Subsection (1) (a) of this section relating to the use of a specified county symbols 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 and or in furtherance of any acts of patriotism that will promote county and national cohesion.

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

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

7. (1) A person shall not—

- (a) without lawful authority, alter the County symbols;
- (b) in or within view of any public place, use, display, destroy, or damage the County symbols in any manner with the intention of dishonoring it.

Prohibition of display of county symbols

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

8. (1) For the avoidance of doubt, the following persons shall fly the County Flag—

- (a) the Governor;
- (b) the Deputy Governor;
- (c) the Senator;
- (d) the speaker of county assembly;
- (e) executive Committee Members.

Officials authorized to fly the county flag

(2) The Executive Committee Member shall prescribe who and in which manner in which the County Flag may be flown or displayed.

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

Hoisting the County Flag

- (a) at all official functions attended by the Governor, the Deputy Governor, the Senator the Speaker and Executive Committee Members;
- (b) at the headquarters of the county government;
- (c) at the county assembly;
- (d) at the head offices of sub-counties, wards and villages;
- (e) all educational institutions within the county;
- (f) all citizen service centres.

(2) The Executive Committee Member may prescribe such other place where the County flag shall be hoisted or displayed and by whom.

10. The Executive Committee Member shall be the custodian of the County symbols protected by this Act.

Custodian of the county symbols

11. (1) The County flag, shall be hoisted within the County together with the national flag and shall be used to unite people by creating visual, verbal, or iconic or representations of the national values and goals in the County.

The National Flag as a symbol of unity and patriotism

(2) To promote the objective in subsection (1) the Governor shall fly the national flag in the prescribed official car or automobile within the county.

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

Power to amend First Schedule

13. (1) The Executive Committee Member may make regulations with the approval of the County Assembly—

Regulations

- (a) prescribing other occasions upon which, other persons by whom and the manner in which the County Flag may be flown, lowered or displayed as the case may be;
- (b) the days and the times during which the County flag shall be flown;
- (c) without detracting from the general design depicted in the First Schedule, the standard sizes,

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dimensions, proportions, and colours of the County Flag for all or any purposes or in all or any circumstances;

- (d) the conduct and the etiquette to be followed in the flying or other use of the County Flag;
- (e) provision of funds to conduct of civic education and sensitise persons on use of county symbols and their value to promote county, inter-governmental and national cohesion and patriotism;
- (f) prohibiting, controlling or restricting the use of any specified county symbol;
- (g) regulating the manner in which application may be made to the office of the Executive Committee Member for permission under section 6 of this Act;
- (h) prescribing the form of any license by which such permission may be given and fixing any fee for such application and license.

FIRST SCHEDULE

PART 1

THE COUNTY FLAG



Part II

COUNTY SEAL



PART III

Nyandarua County Emblem



PART IV**MOTTO****PAMOJA TUJIJENGE****PART V****NAMES**

His Excellency to refer to the Governor of the county and the Deputy Governor.

Honourable to refer to the County Speaker, the Executive Committee Members and Members of the County Assembly.



