

THE COMMUNITY EMBLEMS ACT, 2003

ARRANGEMENT OF SECTIONS

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THE EAST AFRICAN COMMUNITY

*Date of assent* 9th October, 2003

*Date of commencement* 31st January, 2004

**An Act of the Community to provide for Emblems of the Community, use and protection against disrespect and misuse.**

ENACTED by the East African Community and assented to by the President of the United Republic of Tanzania, the President of the Republic of Kenya and the President of the Republic of Uganda.

1. This Act may be cited as the Community Emblems Act, 2004 Short Title
2. In this Act, unless the context otherwise provides— Inter-pretation
  - “Community” means the East African Community established by article 2 of the Treaty;
  - “Council of Ministers” means the Council of Ministers of the Community established under article 9 of the Treaty;
  - “Gazette” means the Official Gazette of the Community;
  - “Secretary General” means the Secretary General of the Community provided for under article 67 of the Treaty;
  - “Court” means the East African Court of Justice established by article 9 of the Treaty;

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“Judge” means a Judge of the East African Court of Justice and includes the President and Vice-President of the court;

“Member” means a Member of the East African Legislative Assembly as defined under section 48 of the Treaty;

“Treaty” means the Treaty establishing the East African Community and any annexes and protocols thereto.

Community Flag           **3.** There shall be a flag of the Community the description of which shall be as set out in the First Schedule to this Act.

Community Emblem       **4.** There shall be a Community Emblem whose design and description are as provided for in the Second Schedule to this Act.

Legal Capacity           **5.** The Community shall be a body corporate with perpetual succession with power to acquire, hold and manage property and to sue or to be sued in its name.

Community Seal           **6.** (1) There shall be an Official Seal of the Community whose design is as set out in the Third Schedule to this Act.

(2) The Secretary General shall keep custody of the Official Seal and make arrangement for its use.

Use of Community Emblem   **7.** (1) No person shall without permission of the Council of Ministers notified in the Gazette, use or display the Community Emblem.

(2) No person shall without permission of the Council of Ministers notified in the Gazette fly the Community Flag on motor vehicles except for the following persons—

- (i) Members of the Summit
- (ii) Council of Ministers
- (iii) Members of the Assembly
- (iv) Judges of the Court
- (v) Secretary General

(3) For the avoidance of doubt any institution, private or public, or any person may hoist the Community flag.

(4) Any person who contravenes sub-sections (1) and (2) above, commits an offence and shall on conviction, be liable to a fine not exceeding United States one thousand dollars or for a term of imprisonment not exceeding one year or to both such fine and imprisonment.

8. (1) Any person who without the permission of the Council of Ministers notified in the Gazette—

Offences  
and  
Penalties

- (a) uses or permits to be used in connection with any trade, business, calling or profession the Community Flag, Community Emblem, Official Seal or any imitation thereof;
- (b) uses the Community Flag, Community Emblem or Official Seal or any imitation thereof in the title of any patent or in any trade mark or design;
- (c) manufactures or imports anything bearing the Community Flag, Community Emblem or Official Seal or any imitation thereof,

commits an offence and shall on conviction be liable to a fine not exceeding United States three thousand dollars or a term of imprisonment not exceeding three years or to both such fine and imprisonment:

Provided that a bona fide news item or publication in a news papers of any article connected with any bona fide news item (not being a news item in furtherance of or as advertisement for any trade, business, calling or profession) shall not attract any liability under subsection (1).

(2) Any person who shows disrespect in speech, manner or writing or with reference to the Flag, Emblem or Seal or any representation thereof commits an offence and on conviction shall be liable to fine not exceeding United States one thousand dollars or a term of imprisonment of one year or to both such fine and imprisonment.

9. The Council of Ministers may make regulations for the better carrying out of the provisions of this Act.

Regulations

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SCHEDULE I  
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**THE COMMUNITY FLAG**

1. Description of the Flag.

The Interpretation of its colour format is as follows

- |                                       |   |                                                                                                       |
|---------------------------------------|---|-------------------------------------------------------------------------------------------------------|
| Blue background                       | - | Lake Victoria signifying the unity of the East African Community Partner States                       |
| White, Black, Green<br>Yellow and Red | - | Representing the different colours of the flags of each of the East African Community Partner States. |
| Handshake                             | - | East African Community; and                                                                           |
| Centre                                | - | East African Community logo                                                                           |

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SCHEDULE II  
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COMMUNITY EMBLEM



**Description**

The Emblem consists of a map of the three Partner States with Lake Victoria in prominence in a circle bordered by an industrial wheel. On both sides of the industrial wheel are two arches or leaves ending with the letters EAC at the top and a handshake at the bottom. The lower part of the circle rests on a framework with the words *Jumuiya ya Afrika Mashariki* inscribed in black at the bottom of this framework.

The Emblem contains the same colours as are in the flag.

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SCHEDULE III  
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THE OFFICIAL SEAL OF THE COMMUNITY

