REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

SENATE BILLS, 2013

NAIROBI, 5th July, 2013

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Bill for Introduction into the Senate—

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THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL, 2013

A Bill for

AN ACT of Parliament to amend the National Flag, Emblems and Names Act

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the National Flag, Emblems and Names (Amendment) Act, 2013.

2. The National Flag, Emblems and Names Act, hereinafter referred to as the “principal Act”, is amended in section 2 by inserting the following new definition in the proper alphabetical sequence—

“official title” means any of the titles specified in the Fourth Schedule to this Act, and includes any abbreviation of any such title.

3. The principal Act is amended by inserting the following new sections immediately after section 2A—

2AA. (1) The following state officers shall be entitled to fly the national flag on their respective official motor vehicles—

(a) the President;
(b) the Deputy President;
(c) the Chief Justice;
(d) a Speaker of a House of Parliament;
(e) a Cabinet Secretary;
(f) the Attorney-General; and
(g) subject to sub-section (2), the governor of a county.

(2) The governor of a county shall be entitled to fly the national flag on an official motor vehicle only within the boundaries of
the county in which he or she is the governor.

Use of official titles

2AB(1). The persons specified in the first column of the Fourth Schedule shall use the official titles specified in the second column of that Schedule.

(2) A person who unlawfully uses a title provided for under the Fourth Schedule commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year, or to both.

Order of precedence

2AC. The order of precedence of State officers to be observed for all official purposes and official functions shall be as follows—

(a) the President;
(b) the Deputy President;
(c) the Chief Justice;
(d) a Speaker of a House of Parliament;
(e) a Cabinet Secretary;
(f) the Attorney-General;
(g) a Senator;
(h) a Governor;
(i) a Member of the National Assembly;
(j) a speaker of a county assembly; and
(k) a member of the county assembly.

5. The principal Act is amended by inserting the following new Schedule immediately after the Third Schedule—
FOURTH SCHEDULE

USE OF OFFICIAL TITLES

<table>
<thead>
<tr>
<th>Office</th>
<th>Official title</th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td>His or Her Excellency, the President</td>
</tr>
<tr>
<td>Deputy President</td>
<td>His or Her Excellency, the Deputy President</td>
</tr>
<tr>
<td>Speaker of a House of Parliament</td>
<td>The Right Honourable Speaker</td>
</tr>
<tr>
<td>Senator</td>
<td>Senator</td>
</tr>
<tr>
<td>Governor</td>
<td>Governor</td>
</tr>
<tr>
<td>Member of the National Assembly</td>
<td>Honourable Member, of the National Assembly</td>
</tr>
<tr>
<td>Member of a County Assembly</td>
<td>Honourable Assemblyman, or Honourable Assemblywoman, as the case maybe</td>
</tr>
</tbody>
</table>
MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to amend the National Flag, Emblems and Names Act, Chapter 99 of the Laws of Kenya. The Bill—

(a) entitles various state officers to fly the national flag on their official motor vehicles. At present, Regulation 3(3) of the National Flag, Emblems and Names (Flying of the National Flag and Displaying of Armorial Ensigns) Regulations made under the Act entitles "the President, the Vice-President, the Chief Justice, the Speaker of the National Assembly, a Minister or the Attorney General" to fly the national flag on a motor vehicle. The proposed new section 2AA sets outs the officers who it is proposed would be entitled to fly the national flag on their motor vehicles;

(b) sets out the order of precedence of State officers which is to be observed for all official purposes and official functions. This order of precedence is set out in the proposed new section 2AC; and

(c) sets out, in a proposed new Fourth Schedule, the official titles applicable to certain state officers.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

Statement of how the Bill concerns county governments

The principal object of the Bill is to amend the National Flag, Emblems and Names Act in order to provide for the status and precedence of state officers serving at the county level of government. The Act was enacted prior to the promulgation of the Constitution of Kenya, 2010 and as such the Act does not make provision for the county level of government. The Bill therefore concerns county governments in terms of Article 110(a) of the Constitution as it affects the functions and powers of county governments.

Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution.

This Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 25th June, 2013.

BONI KHALWALE,
Senator.