

**SPECIAL ISSUE**

*Wajir County Gazette Supplement No. 6 (Bills No. 6)*



REPUBLIC OF KENYA

***WAJIR COUNTY GAZETTE  
SUPPLEMENT***

**BILLS, 2014**

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**NAIROBI, 11th July, 2014**

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# **THE WAJIR COUNTY FLAG, EMBLEMS AND NAMES PROTECTION BILL, 2014**

## **A Bill for**

**AN ACT of the County Assembly of Wajir 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 County Assembly of Wajir as follows—

### **Short title and commencement**

1. This Act may be cited as the County Flag, Emblems and Names Protection Act, 2014 and shall come into operation on such date as the Member of the Executive Committee, may with the concurrence of the Governor, appoint.

### **Purpose of the Act**

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 the national flag in the County to promote national unity.

### **Interpretation**

3. In this Act, unless the context otherwise requires—

“Coat of arms” or 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.

### **County Flag, County Public Seal, County Coat of arms declared**

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 County Flag of Wajir (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 the County of Wajir.

(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 the County of Wajir.

### **Insulting a County flag, emblem, name is an offence**

5. Any person who shows disrespect, in speech, manner or writing, to a County Government emblem, specified likeness or specified name, or any representation thereof, 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.

## **Prohibition of improper use of emblems, names and likenesses**

**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 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 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.

## **Prohibition of display of county flags**

7. (1) A person shall not—

- (a) without lawful authority, alter the County Flag by the placement thereon of any letter, emblem, or representation;
- (b) in or within view of any public place, use, display, destroy, or damage the County Flag in any manner with the intention of dishonoring it.

(2) Any person who contravenes subsection (1) 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.

## **Officials authorized to fly the County Flag**

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

- (a) Governor;
- (b) Deputy governor;
- (c) Members of the county executive committee;
- (d) Speaker of the County Assembly; and
- (e) Deputy speakers of the County Assembly

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

## **Hoisting of the County Flag**

9. (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 County Governments
- (d) at the head offices of sub-counties, wards and villages; and
- (e) at the County Assembly.

(2) The Member of the Executive Committee may prescribe such other place where the county flag shall be hoisted or displayed.

### **Custodian of the County flag, etc.**

10. 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.

### **The National Flag as a symbol of unity**

11. (1) The Governor shall hoist the National Flag in the County and shall use it to unite people by creating visual, verbal, or iconic or representations of the national values and goals in the County.

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

### **Power to amend First Schedule**

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

### **Regulations**

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

- (a) prescribing other occasions upon which, other persons by whom and the manner in which the County Flag may be flown 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 Second Schedule, the standard sizes, 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) prohibiting, controlling or restricting the use of any specified emblem, specified likeness or specified name;
- (f) regulating the manner in which application may be made to the office of the Member of the Executive Committee for permission under section 6 of this Act,
- (g) prescribing the form of any license by which such permission may be given and fixing any fee for such application and license;
- (h) the reproduction and production of documents requiring the official use of the protected symbols; and
- (i) 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 Public Seal of County Government of Wajir.
3. The Coat of Arms of the County of Wajir.

### **Part II—Names and Words**

The name of the Governor

The name of the Deputy Governor

The name of the Speaker

The name of the Deputy Speaker

### **Part III –Offices and Dignities**

His/Her Excellency the Governor

The Deputy Governor

The Speaker

The Deputy Speaker

## SECOND SCHEDULE

### Part 1

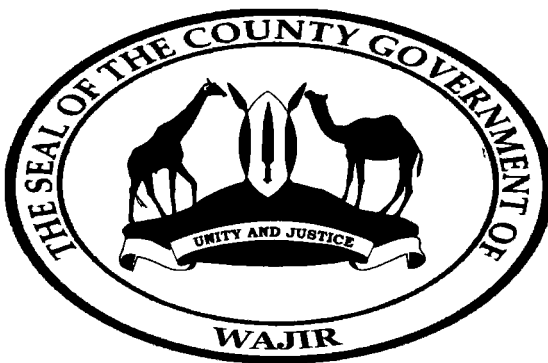
The County Flag

### THE FLAG



### Part II

The County Public Seal



**Part III**

The Coat of Arms

COUNTY GOVERNMENT OF WAJIR



**MEMORANDUM OF REASONS AND OBJECTS**

The Bill has been submitted by the Member of the Executive Committee responsible for Public Service and Administration. The bill prevents the improper 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. The Bill also allows the Governor to fly the national flag in the County for purposes of promoting national unity in the County.

The enactment of the Bill shall not occasion additional expenditure of public funds.

Dated the 24th June, 2014.

MULKI DAUD SHEIKH,  
*Chairperson,*  
*the Delegated Legislation Committee.*