

SPECIAL ISSUE

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REPUBLIC OF KENYA

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KWALE COUNTY ACTS, 2016

NAIROBI, 27th May, 2016

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SCHEDULE

THE KWALE COUNTY FLAG, EMBLEMS AND NAMES PROTECTION BILL, 2016

No. 3 of 2016

Date of Assent: 24th May, 2016

Date of Commencement: 27th May, 2016

AN ACT of County Assembly of Kwale 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 county flag to promote county unity in the County; and for connected purposes.

ENACTED by the County Assembly of Kwale as follows—

PART I—PRELIMINARY

1. This Act may be cited as the County Flag, Emblems and Names Protection Act, 2016. Short title

2. This Act shall come into operation on the date of Publication in the *Kenya Gazette*. Commencement.

3. The purpose of this Act is— Purpose of the Act.

- (a) To regulate the use of the County Flag and the County Emblem;
- (b) To prohibit the display of certain flags; and
- (c) To provide for the use of the County Flag in the County to promote County unity.

4. The Purpose of this Act is— Interpretation.

“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 Executive Committee Member responsible for Decentralized Units;

“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 the 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 VI of the Schedule to this Act;

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

“village” means governance unit as determined in the Kwale County Creation of Village Administrative Units Act, 2014.

PART II—COUNTY FLAG, PUBLIC SEAL, EMBLEM AND COAT OF ARMS

5. (1) The flag of which the design and description are set out in Part I of the Schedule to this Act is hereby declared to be the County Flag of Kwale (in this Act referred to as the County Flag).

County Flag, Public Seal and Coat of Arms declared.

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

(3) The Coat of Arms of which the design is set out in Part III of the Schedule to this Act is hereby declared to be the Coat of Arms of the County Government of Kwale.

6. 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 both.

Insulting a County Flag, Emblem or Name.

7. (1) A person shall not, except with the written permission of the Executive Committee Member of the—

Prohibition of Improper use of Emblems, Names and likeness.

(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 Executive Committee Member of the 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 both.

8. (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 dishonouring it.

Prohibition of display of County Flags.

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

9. (1) The following persons shall fly the County Flag—

Officials
authorized to fly
the County Flag.

- (a) The Governor;
- (b) The Deputy Governor;
- (c) Members of the Executive Committee; and
- (d) Speaker of the County Assembly.

10. (1) The County Flag shall be hoisted on the following occasions—

Hoisting of the
County Flag..

- (a) at all official functions attended by the Governor, the Deputy Governor or Members of the Executive Committee;
- (b) at the headquarters of the County Government;
- (c) at the Liaison offices of County Governments;
- (d) at all County Government offices at the County, Sub-County, Ward and Village levels;
- (e) at all official functions attended by the Speaker and Members of County Assembly;
- (f) at the County Assembly and offices of Members of County Assembly within the County
- (g) at County border points; and
- (h) at Primary Schools, Secondary Schools, Early childhood Development Education Centres, Polytechnics.

(2) 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.

PART III—MISCELLANEOUS PROVISIONS

11. 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.

Custodian of the
County Flag.

12. The Member of the Executive Committee may with the approval of the County Assembly, amend the Schedule to this Act.

Power to amend
First Schedule.

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

Regulations.

- (a) prescribing other occasions upon which, other persons by whom and the manner in which the County Flag may be hoisted, 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 colors 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 7 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.

SCHEDULE I

PART I—EMBLEMS

The County Flag

The Public Seal

The County Coat Of Arms

PART II—NAMES AND WORDS

The name of the County Governor

The County Motto – “UMOJA NI NGUVU”.

Offices and Dignities - The County Governor

SCHEDULE II

PART I—THE COUNTY FLAG



DESCRIPTION

The flag is rectangular in shape consisting of four elements;

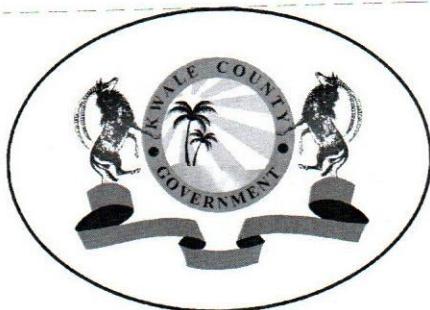
1. Colours: **Red** signifies our link to the National theme; **White** symbolizes peace and tranquility; **Black** symbolizes our skin/our people; **Blue** represents life, it is the colour of the sea and the sea rejuvenates life; **Green** symbolizes our abundance in life and resource base.

2. The Palm Tree: Represents our cash crops

3. The Rising Sun: Signifies a new dawn/new era

4. The Sable Antelope: It is a rare species of antelope which is NOT found anywhere in the world but in Kwale. The antelope thus represents our uniqueness.

PART II—THE COUNTY PUBLIC SEAL



PART III—THE COUNTY COAT OF ARMS

