

SPECIAL ISSUE

Garissa County Gazette Supplement No. 8 (Bills No. 8)

NATIONAL COUNCIL FOR
LAW REPORTING
LIBRARY



REPUBLIC OF KENYA

**GARISSA COUNTY GAZETTE
SUPPLEMENT**

BILLS, 2014

NAIROBI, 28th November, 2014

CONTENT

Bill for Introduction into the Garissa County Assembly—

PAGE

The Garissa County Flag, Emblems and Names Protection Bill, 2014..1

**THE GARISSA COUNTY FLAG, EMBLEMS AND NAMES
PROTECTION BILL, 2014**

ARRANGEMENTS OF CLAUSES

Clause

- 1— Short title and commencement.
- 2— Purpose of the Act.
- 3— Interpretation.
- 4— County Flag, County Public Seal, County Coat of arms declared.
- 5— Insulting a County flag, emblem, name is an offence.
- 6— Prohibition of improper use of emblems, names and likenesses.
- 7— Prohibition of display of county flags.
- 8— Officials authorised to fly the County Flag.
- 9— Hoisting of the County Flag.
- 10— Custodian of the County Flag, etc.
- 11— The National Flag as a symbol of unity.
- 12— Power to amend First Schedule.
- 13— Regulations.

THE GARISSA COUNTY FLAG, EMBLEMS AND NAMES PROTECTION BILL, 2014

A Bill for

AN ACT of the County Assembly of Garissa 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 Garissa as follows—

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 county secretary, may with the concurrence of the Governor, appoint.

Short title and
commencement.

2. The purpose of this Act is—

Purpose of the Act.

- (a) to regulate the use 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.

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

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.

“county secretary” means a county secretary appointed under section 44 of the County Government Act, 2012;

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

The Garissa County Flag, Emblems and Names Protection Bill, 2014

“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.

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 Garissa (in this Act referred to as the County Flag).

County Flag, County
Public Seal, County
Coat of arms
declared.

(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 Garissa.

(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 Garissa.

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.

Insulting a County
flag, emblem, name
is 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 county secretary—

Prohibition of
improper use of
emblems, names and
likenesses.

- (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 county secretary 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.

7. (1) A person shall not—

- (a) without lawful Authority, alters 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.

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 thirty thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

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

- (a) governor;
- (b) deputy governor;
- (c) speaker of the County Assembly.
- (2) The county secretary shall prescribe the manner in

Officials authorized
to fly the County
Flag.

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 of the
County Flag.

- (a) At all official functions that is attended by the Governor, the Deputy Governor or Executive Committee;
- (b) At the headquarters of the County Government;
- (c) At the head offices of sub-counties, wards and villages; and
- (d) at the County Assembly.

(2) The county secretary may prescribe such other place where the county flag shall be hoisted or displayed.

10. The county secretary 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, etc.

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.

The National Flag as
a symbol of unity.

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

12. The county secretary may, by notice in the County Gazette, amend the First Schedule to this Act.

Power to amend First
Schedule.

13. (1) The county secretary may make Regulations—

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) prohibiting, controlling or restricting the use of any specified emblem, specified likeness or specified name;
- (c) regulating the manner in which application may be made to the office of the county secretary for permission under section 6 of this Act,
- (d) prescribing the form of any licence by which such permission may be given and fixing any fee

for such application and licence;

- (e) there production and production of documents requiring the official use of the protected symbols; and
- (f) 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 Garissa;
- and
- 3. The Coat of Arms of the County of Garissa.

PART II—NAMES AND WORDS

The name of the Governor.

The name of the Deputy Governor.

The name of the Speaker.

PART III – OFFICES AND DIGNITIES

His/Her Excellency the Governor.

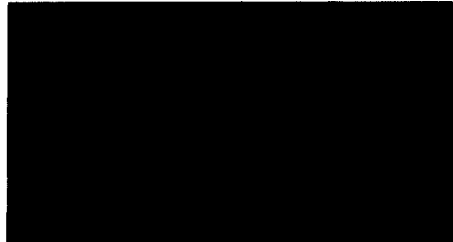
The Deputy Governor.

The Speaker.

SECOND SCHEDULE

PART 1—THE COUNTY FLAG

THE FLAG



COUNTY FLAG

- (i) **The seven stripes of our flag represent the seven sub-counties of our county.**
- (ii) **The colors of blue, yellow, red and white used in the flag symbolize for our county the wisdoms carried in overall color psychology as follows:**
 - (a) **The blue color** symbolizes our trust in God, Loyalty to our national values, the need for peace, order and confidence in ourselves.
 - (b) **The yellow color** symbolizes for us sunshine, hope, intellect, and harmony.
 - (c) **The red color** used to underscore the Hirola symbolizes action, confidence, courage and vitality. It stands for our passion and willpower to pursue real development goals and value for our people.
 - (d) **The white color** used for the words surrounding the Hirola symbolizes a new beginning and the requirement, therefore, for clarity, virtue, openness and truthfulness in all that we do.

PART II—THE COUNTY PUBLIC SEAL



PART III—THE COAT OF ARMS



County Coat of Arms

- (a) Our Coat of Arms symbolizes the following; a) The left hand side antelope is the Somali *Gerenuk* which is an animal of heritage for our county while the right hand side antelope is the *Hirola* which is also an animal of heritage for our county.
- (b) Inside the shield are crucial resources that the county wishes to enhance and protect. These are:
 - (i) The book represents our quest for knowledge and education while the design of sunrays surrounding the book symbolize the brightness that is brought about by education.
 - (ii) The waved white line represents the River Tana and the various seasonal waterways on which our county largely rely on.
 - (iii) The camel represents our traditional livestock wealth.
 - (iv) The cob webs represent the potential of agriculture and food security in our county.
 - (v) The two symbols protruding from the top of the shield represent higher aspirations while the two Somali daggers on which the shield stands represent traditional values and culture.

The tagline in the ribbon carries an important message borrowed from our national anthem.

MEMORANDUM OF REASONS & OBJECTS

The Bill has been submitted by county secretary. 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.

HON. IBRAHIM ABDI ALI,
Majority Leader, Garissa County Assembly.