

SPECIAL ISSUE

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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

KAJIADO COUNTY ACTS, 2018

NAIROBI, 28th December, 2018

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**THE KAJIADO COUNTY EMBLEMS, SYMBOLS AND NAMES
ACT, 2018**

No. 5A of 2018

Date of Assent: 31st May, 2018

Date of Commencement: See Section 1

ARRANGEMENT OF SECTIONS

Section

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FIRST SCHEDULE — COUNTY SYMBOLS

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HOIST THE COUNTY FLAG ON
THEIR OFFICIAL MOTOR-
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THE KAJIADO COUNTY EMBLEMS, SYMBOLS AND NAMES ACT, 2018

AN ACT of the County Assembly of Kajiado to prescribe and provide for the County Flag, the County Coat of Arms, the County Public Seal and the Standard to prevent the improper use of the county symbols for professional or commercial purposes, and for connected purposes.

ENACTED by the County Assembly of Kajiado, as follows—

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Kajiado County Emblems, Symbols and Names Act, 2018 and shall come into force on the fourteenth day after its publication in the Kenya Gazette and/or County Gazette following upon the assent of the Governor.

Application

2. This Act shall apply to Kajiado County as provided in Article 6(1) of the Constitution, and the First Schedule to the Constitution.

Interpretation

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

“county symbol” means the County Flag, the County Coat of Arms, the County Public Seal, the Standard and includes any other county symbol specified in the Schedule to this Act;

“the County Executive” means the County Governor, the Deputy County Governor and the County Executive Committee Members within the meaning of Article 179(2) of the Constitution;

“the County Secretary” means the Kajiado County Secretary appointed in accordance with Section 44 of the County Government Act of 2012;

“Executive Committee Member” means the Member of Executive Committee responsible for ICT, for the time being the relevant ministry;

“Governor” means the Kajiado County Governor elected in accordance with Article 180 of the Constitution;

“specified emblem” means any emblem, seal, flag, pennant, insignia, ensign or coat-of-arms of a kind specified in Part I, II and III 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 V of the First Schedule to this Act;

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

“standard” means the personal flag of the Governor

PART II – DECLARATION OF COUNTY SYMBOLS

Declaration of County symbols

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

(2) The coat of arms device of which the design and description are set out in Part II of the First Schedule to this Act is hereby declared to be the Coat of Arms of Kajiado County (in this Act referred to as the Coat of Arms).

(3) The seal of which the design is set out in Part III of the First Schedule to this Act is hereby declared to be the Public Seal of Kajiado County.

(4) The Standard is hereby declared to be a county symbol, and shall be afforded the same status and protection as other county symbols declared in this Act.

(5) The Governor in consultation with the County Executive Committee may, with the approval of the County Assembly, amend the First Schedule to add any image, object, mark, sign emblem, pennant, insignia or ensign as a county symbol and to which this Act shall apply.

Offence of disrespecting county symbols

5. A person who shows disrespect in speech, manner or writing, to or with reference to the County Flag, or to any County Symbol or any representation thereof, commits an offence and is liable upon conviction, to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

Prohibition of improper use of county symbols

6. (1) Notwithstanding anything contained in any law for the time being in force, no person shall, except with the written permission of the Governor acting with the approval of the County Assembly—

- (a) Use a County Symbol or any specified emblem in furtherance of, or display the same as an advertisement for any trade, business, calling or profession; or
- (b) use any County Symbol, specified name or specified likeness, or any colour able imitation thereof, in the title of any patent, ordinary trademark or design; or
- (c) manufacture or import any article or goods bearing a County Symbol or any specified emblem or any article or goods on which any title, trademark 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 bonafide news item (whether in a newspaper, website or by any other medium) or to the publication in a newspaper of any article connected with any bonafide news site 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 Governor may, with the approval of the County Assembly deem fit.

(4) A person who contravenes the provisions of this section commits an offence and is liable, upon conviction, to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

Prohibition of registration of certain companies, etc (Cap. 99)

7. (1) The prohibition contained in the National Flag, Emblems and Names Act regarding the registration of any company, firm or other body of persons, or any trade mark or design, or to grant patent, if the use of such name, emblem, word or likeness would be in contravention of section 3 of that Act, shall apply as if such prohibition were set out in this Act.

(2) A purported registration or grant made contrary to the provisions of this section shall be absolutely void and ineffective for all purposes.

Sanction for prosecution (Cap. 99)

8. Section 6 of the National Flag, Emblems and Names Act shall apply with respect to prosecution for any offence punishable under this Act.

Powers of seizure

9. Section 7 of the National Flag, Emblems and Names Act shall apply with respect to search and seizure for offences punishable under this Act.

Use of county flag by certain county government officials

10. The County Government officials set out in the Second Schedule to this Act may hoist the County Flag on their official motor vehicles.

Hoisting of the County Flag

11. (1) Subject to this Act, the County flag shall be hoisted on the following occasions and places:-

- (a) at all official functions attended by the Governor, the Deputy Governor or Executive Committee Members;
- (b) at the headquarters of the County Government;
- (c) at the head offices of sub-counties, wards and villages;
- (d) at the County Assembly; and
- (e) at public schools, public hospitals and at any other place that the National Flag is being lawfully hoisted within the County.

(2) The Executive Committee Member may, after consultation with the County Executive and County Assembly and subject to the approval of the County Executive and County Assembly, prescribe such other places where the County Flag shall be hoisted or displayed.

The Standard and use of other Symbols by the Governor

12. (1) The Governor's Standard shall be hoisted at the official residence and office of the Governor.

(2) At all times, and in addition to the county flag, the Governor shall be entitled to hoist the Standard in a vehicle or sea vessel that is carrying him.

(3) No other person shall be entitled to fly the Standard.

(4) During National Public holidays and when the Governor is attending the County Assembly, the County Coat of Arms shall be affixed on the motor vehicle carrying the Governor, at the space ordinarily reserved for the licensed registration number plate of the motor vehicle.

Custodian of the County symbols

13. The County Secretary shall be the custodian of the County Flag, Emblems, Coat of Arms and all other symbols protected by this Act.

Salutations

14. The salutations within the county are as follows—

- (a) the Governor and any visiting Governor shall be referred to as His/Her Excellency the Governor;
- (b) the Deputy Governor and any visiting Deputy Governor shall be referred to as His/Her Excellency the Deputy Governor;
- (c) the Speaker of the Assembly and a visiting Speaker of another county shall be referred to as Honourable Speaker;
- (d) the members of the County Assembly and a visiting member of another county assembly shall be referred to as Honourable Member of the County Assembly; and
- (e) the members of the County Executive Committee and any visiting County Executive Member of another county shall be referred to as Honourable Member of the Executive.
- (f) the wife of the Governor to be referred to as Her Excellency the First Lady

Regulations

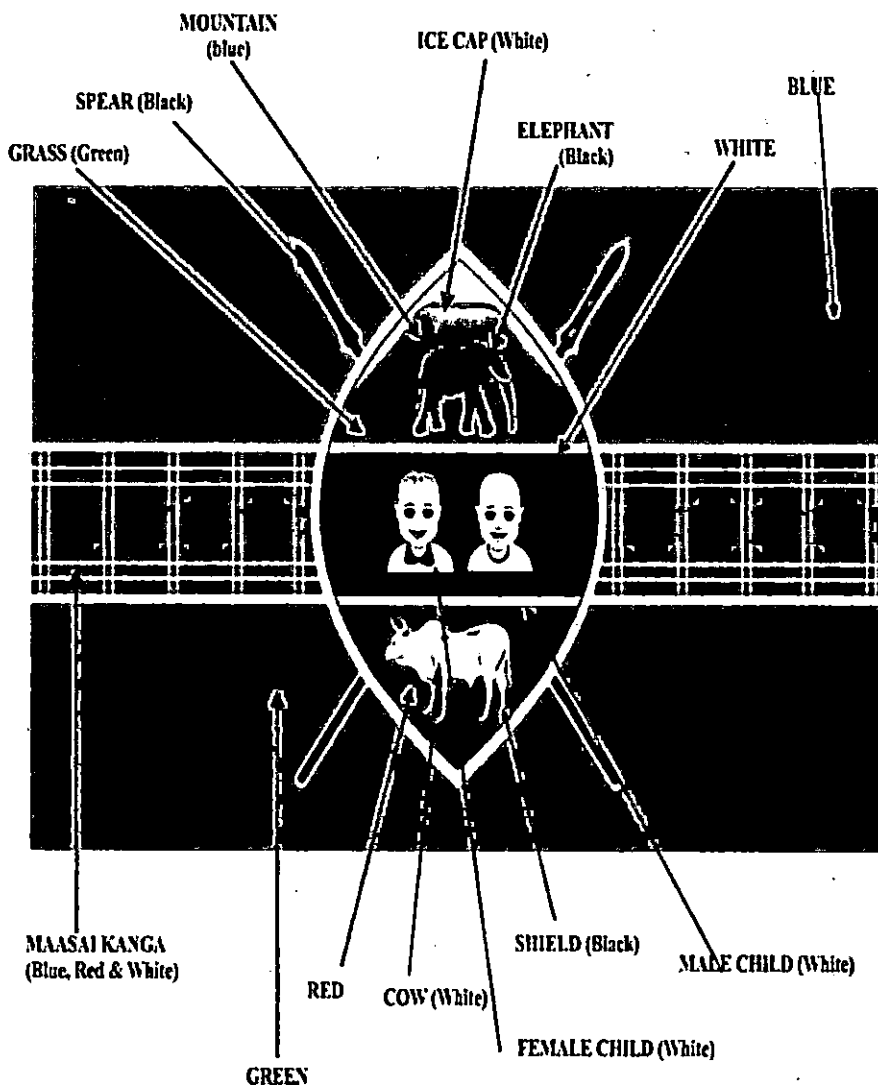
15. The Executive Committee Member may, with the approval of the County Executive, make Regulations—

- (a) prescribing the occasions upon which, the 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 County Symbol, specified likeness or specified name and to illustrate the manner in which a person disrespects any of the county symbols;
- (c) regulating the manner in which an application may be made to him for permission under Section 5 of this Act, prescribing the form of any licence by which such permission may be given and fixing any fee for such application and licence;
- (d) the days and the times during which the County flag shall be flown;
- (e) 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 any or all circumstances;

- (f) the conduct and the etiquette to be followed in the flying or other use of the County Flag;
- (g) prohibiting, controlling or restricting the use of any specified emblem, specified likeness or specified name;
- (h) 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;
- (i) the reproduction and production of documents requiring the official use of the protected symbols;
- (j) providing for the revision of the Standard as provided in Section 4 (4) with the change of office of the Governor; and
- (k) generally for carrying this Act into effect.

FIRST SCHEDULE
COUNTY SYMBOLS
PART I—COUNTY FLAG OF KAJIADO COUNTY

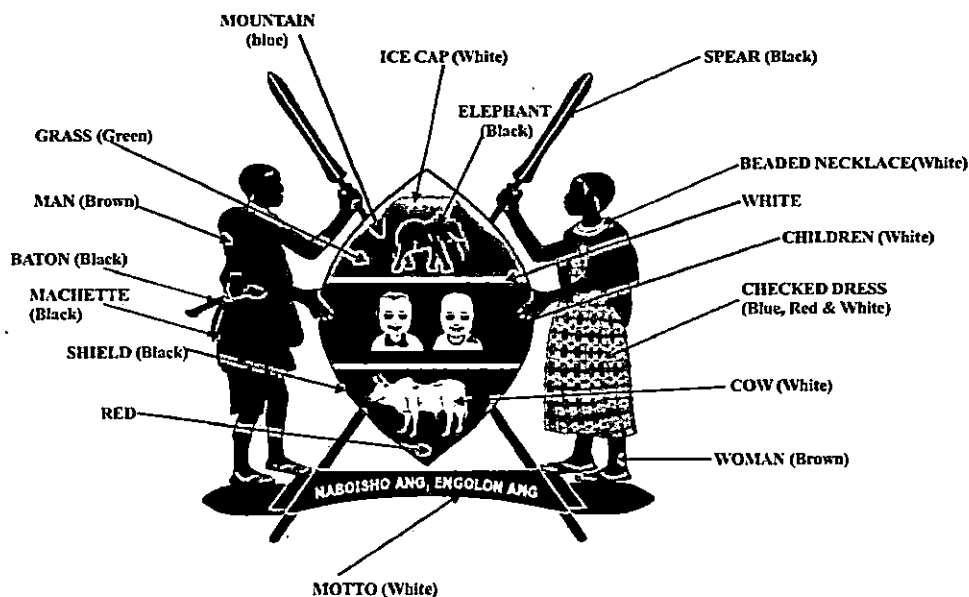


DESCRIPTION

Broadly the Kajiado County Flag bears the colours Red, Black, Blue, White and Green. The dominant red colour symbolizes the customs and traditions of the Maasai people; the blue colour symbolizes the sky and

respect for the deity; the white colour symbolizes peace and harmony and the green colour on the lower part symbolizes the importance of land, nature and a healthy environment as a prerequisite for sustainable life. The boy child and girl child symbolize posterity and emphasize the complementary wholesomeness of both sexes for sustainability of the county; the spears and shield depict the county's defence system and justice for all. The cow symbolizes livestock as a source of income and the Maasai community pastoral way of life. The Maasai *shuka* is the equivalent of the maasai dress code and symbolizes respect for cultural diversity, the community's artefacts as a source of livelihood and the pastoralist's way of life. The elephant, mountain and ice cap symbolize natural resources, the beautiful and unique landscape and the county's richness in fauna and flora.

PART II—KAJIADO COUNTY COAT -OF -ARMS



DESCRIPTION

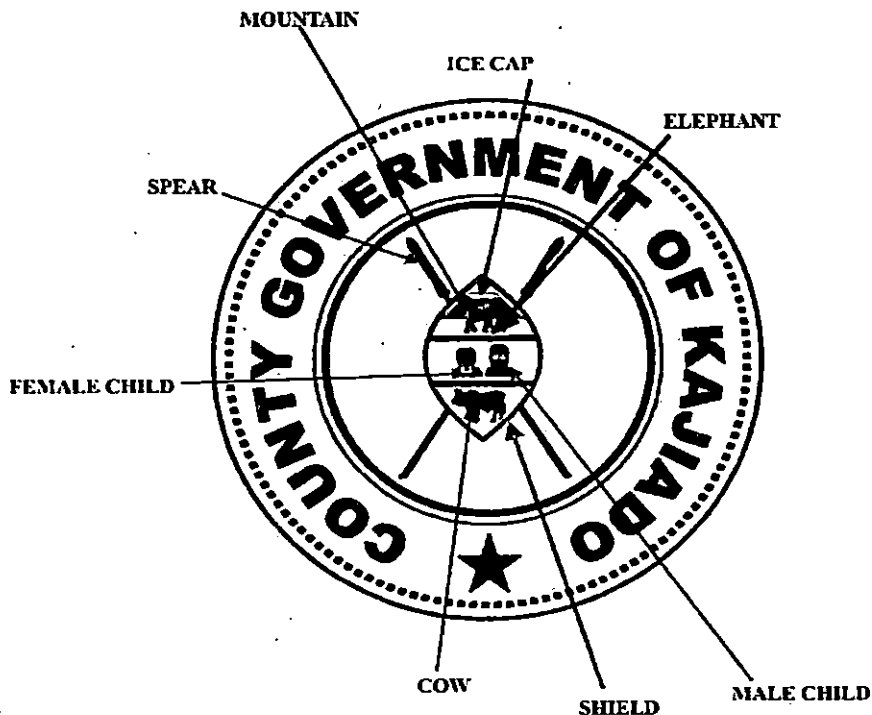
The coat of arms is made up of primarily two spears, a shield, a man, a woman and the Motto. The man and the woman symbolize the Maasai community who are the indigenous inhabitants of the county; the man and woman are dressed in traditional Maasai attire which are a symbol of beauty. The spears, baton, traditional sword and shield depict the county's symbol of justice and defence. The cow symbolizes livestock as a source of income and the Maasai community pastoral way of life. The elephant,

mountain and ice cap symbolize natural resources, a beautiful and unique landscape and the county's riches in fauna and flora. Overall, the Coat of Arms depicts the County's rich cultural heritage and great hope for the future.

The motto "NABOISHO ANG, ENGOLON ANG" means "Our Unity, Our strength." It emphasizes the need for unity across the county.

PART III—KAJIADO COUNTY PUBLIC SEAL





PART IV—NAMES AND WORDS

The name of the Governor

The name of the Deputy Governor

The name of the Speaker

PART V—OFFICES AND DIGNITARIES

His/Her Excellency the Governor

The Deputy Governor

The Speaker

SECOND SCHEDULE

COUNTY OFFICIALS WHO MAY HOIST THE COUNTY FLAG ON OFFICIAL VEHICLES

- (a) The Governor
- (b) The Deputy Governor
- (c) The Speaker of the County Assembly