

SPECIAL ISSUE

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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

KERICHO COUNTY BILLS, 2018

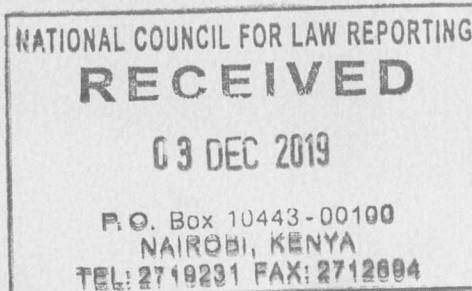
NAIROBI, 20th June, 2018

CONTENT

Bill for Introduction into the County Assembly of Kericho—

PAGE

The Kericho County Flag, Emblems and Names Protection Bill, 2018 1



COUNTY ASSEMBLIES FORUM (CAF)

P. O. Box 73552 - 00200,

NAIROBI, KENYA

**THE KERICHO COUNTY FLAG, EMBLEMS AND NAMES
PROTECTION BILL, 2018**

ARRANGEMENT OF CLAUSES

PART I—PRELIMINARY

Clause

1—Short title and commencement.

2— Purpose of the Act

3—Interpretation.

PART II—COUNTY FLAG AND OTHER SYMBOLS

4—County Flag and other symbols declared.

5—Insulting county symbols an offence.

6—Prohibition of improper use of symbols, names and likenesses.

7—Prohibition of display of county flag.

8- Officials authorized to fly the county flag.

9- Hosting of the county flag.

10- Custodian of the county flag.

11—The national flag as a symbol of national unity.

PART III—MISCELLANEOUS.

12—power to amend First Schedule.

13—Regulations.

FIRST SCHEDULE

SECOND SCHEDULE

THE KERICHO COUNTY FLAG, EMBLEMS AND NAMES PROTECTION BILL, 2018

A Bill for

AN ACT of the County Assembly of Kericho to provide for the county flag and other symbols and to prevent the improper use of the county flag and of certain symbols, names, words and likenesses for professional and commercial purposes, and for connected purposes

ENACTED by the County Assembly of Kericho as follows—

PART I—PRELIMINARY

1. This Act may be cited as the County Flag, Emblems and Names Protection Act, 2018 and shall come into operation upon publication in the Kenya Gazette

Short title and
commencement

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

Interpretation

‘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 Information Communication and E-government;

“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 of 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.

The Kericho County Flag Emblems and Names Protection

3. The purpose of this Act is—

Purpose of the Act

- (a) to regulate the use of the county flag, the county emblem, and title of Governor; and
- (b) to provide for the use of the national flag in the County to promote national unity.

PART II—COUNTY FLAG AND OTHER SYMBOLS

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 Flag of the County Government of Kericho (in this Act referred to as the County Flag).

County flag and other symbols 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 Government of Kericho.

(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 Government of Kericho.

5. Any person who shows disrespect, in speech or in 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 county symbols 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 symbols, names and likenesses.

- (a) use any specified emblem, specified name or specified likeness, or any colorable 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 both.

7. (1) A person shall not—

Prohibition of display of county flag.

- (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 clause 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) For the avoidance of doubt, the following persons shall fly the County Flag—

Officials authorized to fly the county flag.

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

The Kericho County Flag Emblems and Names Protection Bill, 2018

(2) The County Secretary shall prescribe the manner in 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—

Hosting of the county flag.

- (a) at all official functions that is attended by the Governor, the Deputy Governor or Member of the Executive Committee, Speaker, Deputy Speaker and County Secretary;
- (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.
- (e) members of County Assembly's ward offices

(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.

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 representations of the National values and goals in the County.

The national flag as a symbol of national unity

PART III—MISCELLANEOUS.

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

power to amend First Schedule

- (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 shall 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 licence by which such permission may be given and fixing any fee for such application and licence;
- (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— Specified Emblems

1. The County Flag;
2. The Public Seal of County Government of Kericho;
and
3. The Coat of Arms of the County of Kericho.

Part II—Specified 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 – Specified Offices and Dignities

His/Her Excellency the Governor

His/Her Excellency the Deputy Governor

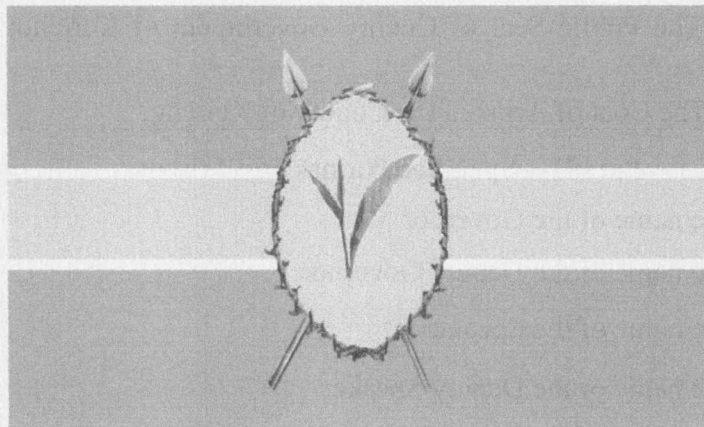
The Honourable Speaker

The Honourable Deputy Speaker

SECOND SCHEDULE

PART I

The County Flag



DESCRIPTION:

The flag is rectangular in shape, consisting of six elements:

1. **Green-** represent the green environment in Kericho
2. **White-** represents peace and unity
3. **Yellow-** represents happiness and warmth of the people of Kericho
4. **Shield** –represents protection and security
5. **Spears** – represents authority
6. **Tea Bud** – represents the landmark identity feature of the county

PART II

The Public Seal of the County Government of Kericho

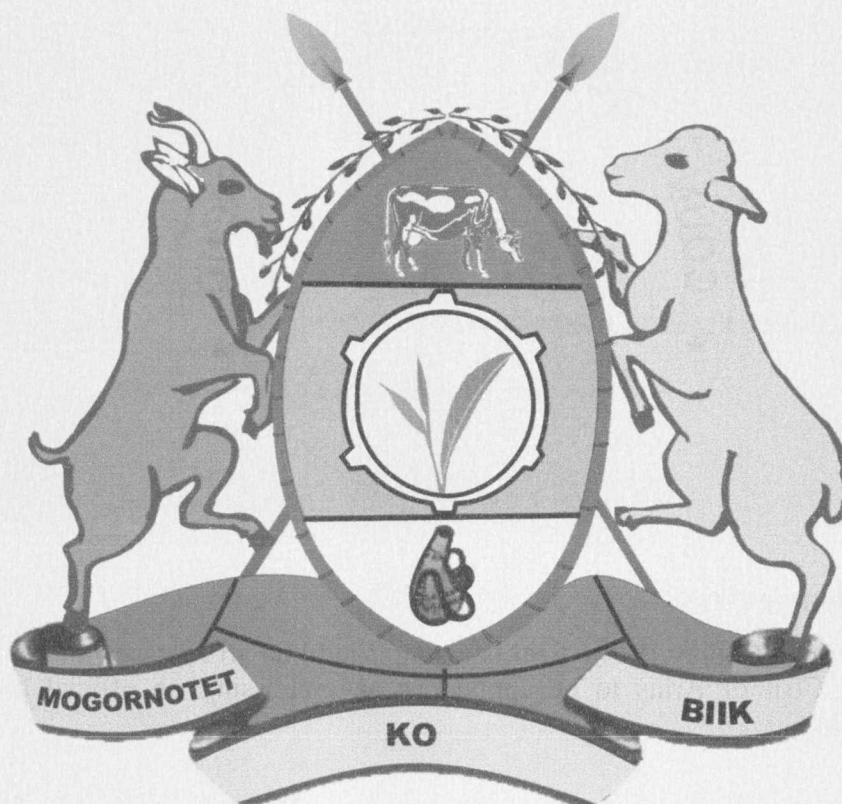


DESCRIPTION:

The Kericho County Public Seal is a simplified line art representation of the County Coat of Arms to be applied as an embossing on official county documents.

PART III

The Coat of Arms of the County Government of Kericho



BLAZON:

The Coat of Arms is the official insignia of Kericho County and is made up of the following:

1. The Shield is a traditional *Kipsigis* shield with a crowning plant (sinendent) with leaves representing the thirty wards.
2. The shield is divided into three fields horizontally.
 - (a) The top field with green background signifies abundance, joy and hope accommodates a grazing pedigree cow which is a sign of social and economic power of its people.
 - (b) The middle field with a yellow background signifies generosity,

The Kericho County Flag Emblems and Names Protection Bill, 2018

constancy and faith accommodates a cog wheel with six levers representing the six subcounties in the county, the diversity of processing industries and technology.

- (c) The lower field of the shield with the white background signifies sincerity, peace and purity accommodates an artifact of ornamented gourd, a traditional technique applied in usable tools.
- 3. The tea bud represents the landmark identity feature of the county
- 4. The crossed traditional spears are symbols of protection and a sign of authority.
- 5. The Supporters of the shield are a rampant sheep and a ram representing good leadership and goodwill bestowed by the people of Kericho.
- 6. The thriving motto on the yellow scroll **“Mogornotet Ko Biik”** is a Kipsigis phrase to mean **human is the greatest resource**.

MEMORANDUM AND REASONS OF OBJECTS

The principal object of this Bill is to provide for the county flag and other symbols and to prevent the improper use of the county flag and certain symbols, names, words and likenesses for professional or commercial purposes, and for matters incidental thereto.

Part I of the Bill provides for preliminary matters including the short title to the Bill and the interpretation of words and expressions used in the Bill.

Part II of the Bill makes general provision for County flag, Coat of Arms, County Public Seal and restricts the flying of the county flag to certain officers and prohibits improper use of symbols, names and likenesses.

Part III of the Bill empowers the executive Committee member to make necessary regulations for the better function of various provisions of the Act.

The Bill is not money within the meaning of Article 114 of the Constitution and its implementation shall not occasion expenditure of public funds.

SAMMY RONO,

Chairman, Committee on Research, ICT and E- Government.

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